

HOUSE BILL 475

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2004 Regular Session
4r1336
CF 4r2646

By: **Delegates Conway, Aumann, Barkley, Bohanan, Bozman, Cadden, Cane,
Donoghue, Eckardt, Edwards, Frank, Kach, Love, Mitchell, Owings,
Rudolph, and Wood**

Introduced and read first time: January 30, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Individuals with Developmental Disabilities and Mental Retardation -**
3 **Respite Care**

4 FOR the purpose of requiring State residential facilities for the developmentally
5 disabled to provide a certain service; requiring State residential facilities for the
6 developmentally disabled to reserve a certain number of beds for a certain
7 service; requiring the Governor to provide a certain appropriation in the State
8 budget bill; altering a certain definition; and generally relating to respite care
9 for individuals with developmental disabilities and mental retardation.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 7-509
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 7-509.

19 (a) In this section, "respite care" means care that is made available for an
20 individual with mental retardation [in a State residential center] OR
21 DEVELOPMENTAL DISABILITIES to provide relief for the person with whom the
22 individual ordinarily lives.

23 (b) [Under regulations that the Department adopts, each] EACH State
24 residential center shall [reserve at least 2 percent, but not more than 4 percent, of its
25 total beds for respite care]:

1 (1) PROVIDE RESPITE CARE FOR FAMILIES CARING FOR INDIVIDUALS
2 WITH MENTAL RETARDATION OR DEVELOPMENTAL DISABILITIES IN THEIR HOME;
3 AND

4 (2) BEGINNING IN FISCAL YEAR 2006, RESERVE AT LEAST 4 PERCENT OF
5 ITS TOTAL BEDS FOR RESPITE CARE.

6 (c) Respite care for an individual may not exceed 45 days within any 1-year
7 period or 28 consecutive days.

8 (D) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A
9 GENERAL FUND APPROPRIATION FOR THE PURPOSE OF PROVIDING RESPITE CARE
10 FOR FAMILIES CARING FOR INDIVIDUALS WITH MENTAL RETARDATION AND
11 DEVELOPMENTAL DISABILITIES IN THEIR HOMES.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2004.