
By: **Delegates Conway, ~~Aumann~~, Barkley, Bohanan, Bozman, Cadden, Cane, Donoghue, Eckardt, Edwards, Frank, Kach, Love, Mitchell, Owings, Rudolph, ~~and Wood~~ Wood, Boteler, Boutin, Elliott, Hurson, McDonough, and Smigiel**

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2004

CHAPTER _____

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~~ centers operated by the Department of
6 Health and Mental Hygiene to provide respite care; requiring State residential
7 facilities for the developmentally disabled centers to reserve a certain number
8 percentage of beds for a certain service respite care; providing that families
9 caring for individuals with developmental disabilities in their homes shall have
10 a certain choice of respite care; requiring the Governor to provide a certain
11 appropriation in the State budget bill; providing that a certain appropriation
12 shall be in addition to and may not supplant certain other funds; providing that
13 certain funds may not be transferred for certain purposes; altering a certain
14 definition; requiring the Department to include a certain indicator in its annual
15 budget submission; requiring the Department to include certain contact
16 information on the Developmental Disabilities Administration website;
17 requiring the Department to conduct a certain study and report, on or before a
18 certain date, on the results of its study in a certain manner; providing for the
19 termination of this Act; and generally relating to respite care for individuals
20 with developmental disabilities and mental retardation.

21 BY repealing and reenacting, with amendments,
22 Article - Health - General
23 Section 7-509
24 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

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

4 **Article - Health - General**

5 7-509.

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

10 (b) (1) [Under regulations that the Department adopts, each] EACH State
11 residential center shall [reserve at least 2 percent, but not more than 4 percent, of its
12 total beds for respite care];

13 ~~(A) PROVIDE RESPITE CARE FOR FAMILIES CARING FOR INDIVIDUALS~~
14 ~~WITH MENTAL RETARDATION OR DEVELOPMENTAL DISABILITIES IN THEIR HOME;~~
15 ~~AND.~~

16 (2) BEGINNING IN FISCAL YEAR 2006;

17 (I) THE HOLLY CENTER, THE POTOMAC CENTER, AND THE
18 BRANDENBURG CENTER SHALL EACH RESERVE AT LEAST NOT MORE THAN 4
19 PERCENT OF ITS TOTAL BEDS FOR RESPITE CARE; AND

20 (II) THE ROSEWOOD CENTER SHALL RESERVE AT LEAST 2
21 PERCENT, BUT NOT MORE THAN 4 PERCENT, OF ITS TOTAL BEDS FOR RESPITE CARE.

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

24 (D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, FAMILIES CARING
25 FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN THEIR HOMES SHALL
26 HAVE A CHOICE OF OBTAINING RESPITE CARE IN A STATE RESIDENTIAL CENTER OR
27 A COMMUNITY SETTING.

28 ~~(E) (1) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL~~
29 ~~A GENERAL FUND APPROPRIATION FOR THE PURPOSE OF PROVIDING RESPITE CARE~~
30 ~~IN A STATE RESIDENTIAL CENTER OR A COMMUNITY SETTING FOR FAMILIES CARING~~
31 ~~FOR INDIVIDUALS WITH MENTAL RETARDATION AND DEVELOPMENTAL~~
32 ~~DISABILITIES IN THEIR HOMES.~~

33 (2) (I) THE GENERAL FUND APPROPRIATION IN PARAGRAPH (1) OF
34 THIS SUBSECTION SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT FUNDS
35 ALREADY BUDGETED FOR RESPITE CARE.

1 (II) NO FUNDS MAY BE TRANSFERRED FROM COMMUNITY
2 SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES TO PAY FOR
3 RESPITE CARE PROVIDED IN A STATE RESIDENTIAL CENTER.

4 (F) BEGINNING IN FISCAL YEAR 2006, THE DEPARTMENT SHALL INCLUDE IN
5 THE MANAGING FOR RESULTS INDICATORS SUBMITTED WITH ITS ANNUAL BUDGET
6 REQUEST AN INDICATOR OF THE SATISFACTION FAMILIES EXPERIENCE WITH
7 RESPITE SERVICES PROVIDED IN A STATE RESIDENTIAL CENTER.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
9 Health and Mental Hygiene shall include contact information for each of the four
10 State residential centers on the Developmental Disabilities Administration website
11 under the list of providers in each region of the State, in order for families and
12 individuals to contact the State residential centers to inquire about respite care.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
14 Health and Mental Hygiene shall study the demand for respite beds in the State
15 residential centers and, as part of the study, determine how many beds could
16 potentially be reserved for respite care. On or before January 1, 2007, the Department
17 shall report, in accordance with § 2-1246 of the State Government Article, to the
18 Senate Finance Committee and House Health and Government Operations
19 Committee on the results of its study.

20 SECTION 2. 4. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2004. It shall remain effective for a period of 3 years and, at the end
22 of September 30, 2007, with no further action required by the General Assembly, this
23 Act shall be abrogated and of no further force and effect.