

HOUSE BILL 969

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2004 Regular Session
4r2877
CF 4r1110

By: **Delegates Boutin, Bromwell, Brown, and Jennings**

Introduced and read first time: February 11, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Commission for the Blind - Establishment**

3 FOR the purpose of establishing a Commission for the Blind; specifying the
4 membership of the Commission and terms of the members; specifying the terms
5 of the initial members of the Commission; providing for an Executive Director
6 and staff of the Commission; establishing the powers and duties of the
7 Commission; requiring the Commission to publish an annual report including
8 certain information; establishing a procedure to resolve disputes concerning an
9 applicant for or recipient of services from the Commission who is dissatisfied
10 with an action or decision of the Commission; providing for the transfer of
11 certain property, used to assist blind individuals, from the Division of
12 Rehabilitation Services to the Commission; providing for the effect of certain
13 contracts; providing for the assignment of certain reimbursements from the
14 Social Security Administration; and generally relating to the Commission for the
15 Blind.

16 BY adding to
17 Article 30 - Deaf, Mute or Blind
18 Section 35 to be under the new subheading "Commission for the Blind"
19 Annotated Code of Maryland
20 (2003 Replacement Volume)

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

23 **Article 30 - Deaf, Mute or Blind**

24 **COMMISSION FOR THE BLIND**

25 35.

26 (A) IN THIS SECTION, "COMMISSION" MEANS THE COMMISSION FOR THE
27 BLIND.

1 (B) (1) THERE IS A COMMISSION FOR THE BLIND IN THE DEPARTMENT OF
2 HUMAN RESOURCES.

3 (2) THE COMMISSION CONSISTS OF FIVE MEMBERS WHO ARE:

4 (I) APPOINTED BY THE GOVERNOR; AND

5 (II) KNOWLEDGEABLE AND EXPERIENCED IN REHABILITATION
6 AND RELATED SERVICES FOR THE BLIND.

7 (3) A MAJORITY OF THE COMMISSION MEMBERS SHALL BE BLIND.

8 (4) THE GOVERNOR SHALL OBTAIN RECOMMENDATIONS FOR
9 APPOINTMENTS TO THE COMMISSION BY CONSULTING CONSUMER GROUPS SERVING
10 BLIND INDIVIDUALS IN MARYLAND.

11 (5) A MEMBER OF THE COMMISSION MAY NOT BE EMPLOYED BY THE
12 COMMISSION DURING THE MEMBER'S TERM.

13 (C) (1) THE TERM OF A MEMBER IS 3 YEARS.

14 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
15 TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY 1, 2004.

16 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
17 SUCCESSOR IS APPOINTED AND QUALIFIES.

18 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
19 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
20 QUALIFIES.

21 (D) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A
22 CHAIRMAN.

23 (E) (1) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE
24 COMMISSION IS A QUORUM.

25 (2) THE COMMISSION SHALL MEET AT LEAST QUARTERLY AT THE TIMES
26 AND PLACES THAT THE COMMISSION DETERMINES.

27 (3) A MEMBER OF THE COMMISSION:

28 (I) MAY NOT RECEIVE COMPENSATION; BUT

29 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
30 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

31 (F) (1) (I) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR
32 WHO IS KNOWLEDGEABLE AND EXPERIENCED IN REHABILITATION AND RELATED
33 SERVICES FOR THE BLIND.

1 (II) PREFERENCE SHALL BE GIVEN TO BLIND INDIVIDUALS.

2 (2) THE EXECUTIVE DIRECTOR SHALL:

3 (I) SERVE AS THE SECRETARY TO THE COMMISSION; AND

4 (II) BE THE CHIEF ADMINISTRATIVE OFFICER OF THE
5 COMMISSION.

6 (3) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
7 COMMISSION.

8 (4) THE EXECUTIVE DIRECTOR IS ENTITLED TO THE COMPENSATION
9 PROVIDED IN THE STATE BUDGET.

10 (5) THE EXECUTIVE DIRECTOR MAY EMPLOY A STAFF AS NEEDED, IN
11 ACCORDANCE WITH THE STATE BUDGET.

12 (G) THE COMMISSION SHALL:

13 (1) DEVELOP AND CARRY OUT A STATE PLAN FOR VOCATIONAL
14 REHABILITATION SERVICES FOR BLIND INDIVIDUALS;

15 (2) PROVIDE INDEPENDENT LIVING AND SOCIAL SERVICES FOR BLIND
16 AND VISUALLY IMPAIRED INDIVIDUALS;

17 (3) ESTABLISH AND MAINTAIN AN ORIENTATION AND ADJUSTMENT
18 CENTER OR CENTERS TO PROVIDE TRAINING, INCLUDING BRAILLE, USE OF THE
19 LONG WHITE CANE, USE OF COMPUTERS, AND ADAPTIVE TECHNOLOGY TO
20 FACILITATE EMPLOYMENT, EDUCATION, AND INDEPENDENT LIVING;

21 (4) ESTABLISH AND MAINTAIN A SMALL BUSINESS ENTERPRISES
22 PROGRAM FOR BLIND INDIVIDUALS AND SERVE AS THE LICENSING AGENCY FOR
23 BLIND INDIVIDUALS;

24 (5) ESTABLISH AND ADMINISTER A STATEWIDE PROGRAM FOR THE
25 CERTIFICATION OF INDIVIDUALS WHO ARE QUALIFIED TO TEACH BRAILLE TO BLIND
26 INDIVIDUALS, INCLUDING STUDENTS ATTENDING ELEMENTARY AND SECONDARY
27 SCHOOLS, USING PERFORMANCE CRITERIA BASED ON THE NATIONAL LITERARY
28 BRAILLE COMPETENCY EXAMINATION ADMINISTERED BY THE LIBRARY OF
29 CONGRESS;

30 (6) ASSIST IN THE PURCHASE OF ADAPTIVE TECHNOLOGY EQUIPMENT
31 AIDS AND APPLIANCES FROM SPECIALTY VENDORS FOR USE BY BLIND OR VISUALLY
32 IMPAIRED INDIVIDUALS;

33 (7) PROVIDE TECHNICAL ASSISTANCE TO THE STATE DEPARTMENT OF
34 EDUCATION AND LOCAL EDUCATION SYSTEMS IN PROVIDING AUXILIARY AIDS AND
35 SERVICES TO BLIND STUDENTS TO ENSURE COMPLIANCE WITH THE INDIVIDUALS
36 WITH DISABILITIES EDUCATION ACT;

1 (8) PROVIDE TECHNICAL ASSISTANCE TO AGENCIES IN THE STATE TO
2 ENSURE THAT INFORMATION TECHNOLOGY PURCHASED OR USED BY THOSE
3 AGENCIES IS ACCESSIBLE TO BLIND OR VISUALLY IMPAIRED INDIVIDUALS;

4 (9) CONDUCT REVIEWS OF CONSUMER SATISFACTION WITH
5 COMMISSION PROGRAMS AND PERFORM OTHER FUNCTIONS OF THE STATEWIDE
6 REHABILITATION COUNCIL;

7 (10) APPLY FOR AND RECEIVE MONEY FROM ANY GOVERNMENTAL UNIT
8 TO SUPPORT THE PROGRAMS OF THE COMMISSION AND RECEIVE ON BEHALF OF THE
9 STATE ANY GIFTS, DONATIONS, OR BEQUESTS FROM ANY SOURCE FOR USE IN
10 CARRYING OUT THE COMMISSION'S DUTIES;

11 (11) DEVELOP AND ADMINISTER PROGRAMS THAT WILL AID IN
12 PROVIDING SERVICES TO BLIND INDIVIDUALS AND ARE DETERMINED BY THE
13 COMMISSION TO FALL WITHIN ITS SCOPE OF AUTHORITY; AND

14 (12) ADOPT REGULATIONS TO CARRY OUT PROGRAMS OF THE
15 COMMISSION.

16 (H) (1) THE COMMISSION SHALL PUBLISH AN ANNUAL REPORT, INCLUDING
17 A LIST OF ACCOMPLISHMENTS, FINDINGS, AND RECOMMENDATIONS FOR
18 IMPROVEMENT BASED ON THE COMMISSION'S PERFORMANCE DURING THE YEAR.

19 (2) THE REPORT SHALL CONTAIN INFORMATION NEEDED TO EVALUATE
20 THE PROGRESS OF THE COMMISSION IN MEETING THE NEEDS OF BLIND
21 INDIVIDUALS IN THE STATE.

22 (I) (1) ANY APPLICANT FOR OR RECIPIENT OF SERVICES FROM THE
23 COMMISSION WHO IS DISSATISFIED WITH ANY ACTION TAKEN OR DECISION MADE
24 REGARDING THOSE SERVICES MAY FILE A COMPLAINT SETTING FORTH THE BASIS
25 FOR THE DISSATISFACTION AND THE REMEDY SOUGHT.

26 (2) ON RECEIPT OF THE COMPLAINT, THE EXECUTIVE DIRECTOR SHALL
27 INFORM THE INDIVIDUAL OF THE VOLUNTARY PROCESS AVAILABLE FOR MEDIATION
28 OF THE DISPUTE.

29 (3) (I) THE MEDIATION SHALL BE CONDUCTED BY A QUALIFIED AND
30 IMPARTIAL MEDIATOR.

31 (II) THE COST OF THE MEDIATION SHALL BE PAID BY THE
32 COMMISSION.

33 (4) IF THE DISPUTE CANNOT BE RESOLVED BY MEDIATION, THE
34 EXECUTIVE DIRECTOR SHALL, ON THE REQUEST OF THE INDIVIDUAL, CONVENE AN
35 ARBITRATION PANEL.

36 (5) THE ARBITRATION PANEL SHALL:

37 (I) GIVE NOTICE;

1 (II) CONDUCT A HEARING; AND

2 (III) RENDER A DECISION.

3 (6) THE ARBITRATION PANEL SHALL CONSIST OF THREE MEMBERS
4 APPOINTED AS FOLLOWS:

5 (I) ONE INDIVIDUAL SHALL BE DESIGNATED BY THE EXECUTIVE
6 DIRECTOR;

7 (II) ONE INDIVIDUAL SHALL BE DESIGNATED BY THE INDIVIDUAL
8 FILING THE COMPLAINT; AND

9 (III) ONE INDIVIDUAL DESIGNATED BY THE OTHER DESIGNEES,
10 WHO IS AN IMPARTIAL HEARING OFFICER AND SHALL SERVE AS CHAIR OF THE
11 ARBITRATION PANEL AND ISSUE THE DECISION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That:

13 (1) All appropriations, real and personal property, equipment, supplies,
14 personnel, and funds that, prior to the effective date of this Act, were owned or
15 controlled by the Division of Rehabilitation Services of the State Department of
16 Education for purposes of providing services to blind individuals are hereby
17 transferred to the Commission for the Blind.

18 (2) All existing contracts and agreements in effect relating to the provision of
19 services for blind individuals shall be binding on the Commission for the Blind to the
20 same extent that the contracts or agreements were binding on the Division of
21 Rehabilitation Services.

22 (3) All reimbursements from the Social Security Administration for the
23 successful rehabilitation of blind recipients of Supplemental Security Income or
24 Disability Insurance, that are either received or claimed, after the effective date of
25 this Act shall be assigned to the Commission for the Blind.

26 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the Commission for the Blind shall expire as follows:

28 (1) two members in 2005;

29 (2) two members in 2006;

30 (3) one member in 2007.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect July 1, 2004.