
By: **Delegates Hubbard and Taylor**

Introduced and read first time: February 13, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **New Freedom Initiative**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 develop a New Freedom Initiative Plan, on or before a certain date, to close the
5 Rosewood Center; requiring the Plan to provide for the transition of all
6 Rosewood Center residents to certain community-based services; requiring the
7 Plan to include certain items; requiring the Department to implement the Plan
8 on or before a certain date; requiring the Comptroller to transfer certain
9 amounts in certain fiscal years from the Developmental Disabilities
10 Administration account of the Community Services Trust Fund into the General
11 Fund for a certain purpose; requiring that the amounts transferred from the
12 Community Services Trust Fund be repaid over certain fiscal years; requiring
13 the Department to report, on or before a certain date, to the Governor and the
14 General Assembly on its progress in implementing the Plan; and generally
15 relating to the New Freedom Initiative Plan.

16 BY adding to
17 Article - Health - General
18 Section 7-520 to be under the new part "Part IV. New Freedom Initiative"
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 41 - Governor - Executive and Administrative Departments
23 Section 18-205
24 Annotated Code of Maryland
25 (2003 Replacement Volume)

26 Preamble

27 WHEREAS, Studies overwhelmingly demonstrate that individuals with
28 developmental disabilities thrive and do better living with home- and
29 community-based supports; and

1 WHEREAS, The policy of the State, expressed in § 7-102 of the Developmental
2 Disabilities Law, is to support and provide resources to operate community services to
3 sustain individuals with developmental disabilities in the community, rather than in
4 institutions; and

5 WHEREAS, The U.S. Supreme Court concluded in the 1999 case of Olmstead v.
6 L.C. that individuals with disabilities residing in institutions have the right to the
7 most integrated setting appropriate to each individual's needs; and

8 WHEREAS, Governor Ehrlich's New Freedom Initiative calls for Maryland to be
9 the first state in the nation to comply fully with the U.S. Supreme Court Olmstead
10 ruling, securing the civil rights of people with disabilities; and

11 WHEREAS, Olmstead requires states to develop and implement a plan that
12 ensures that institutionalized individuals receive services in the most integrated
13 setting appropriate to each individual's needs; and

14 WHEREAS, The State developed such a plan in the Final Report of the
15 Community Access Steering Committee, issued in July 2001; and

16 WHEREAS, The Department of Health and Mental Hygiene identified in the
17 Final Report of the Community Access Steering Committee the following numbers of
18 individuals residing in State residential centers to transition to appropriate
19 community supports each year:

20 Fiscal year 2001 - 56 individuals;
21 Fiscal year 2002 - 65 individuals;
22 Fiscal year 2003 - 81 individuals;
23 Fiscal year 2004 - 97 individuals; and

24 WHEREAS, The Department identified a total of 299 individuals to leave State
25 residential centers by the end of fiscal year 2004, yet only 159 individuals will have
26 actually been discharged during this time period, according to current projections;
27 and

28 WHEREAS, 209 individuals currently reside at the Rosewood Center; and

29 WHEREAS, The Department has determined that, if a State residential center
30 were to be closed, the Department would recommend the Rosewood Center; and

31 WHEREAS, Closure of a State residential center generates long-term savings
32 that benefit individuals with developmental disabilities living in the community who
33 are waiting for needed services through the Waiting List Equity Fund and the
34 Community Services Trust Fund; and

35 WHEREAS, The closure of the Great Oaks Center demonstrated that even
36 individuals with profound and multiple disabilities, including medical and behavioral
37 needs, can live in the community with the proper supports; and

1 WHEREAS, An effective use was found for the Great Oaks Center that resulted
2 in positive economic gains for the surrounding community through increased tax
3 revenues for the local jurisdiction and an increased workforce; now, therefore,

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

6 **Article - Health - General**

7 7-517. RESERVED.

8 7-518. RESERVED.

9 7-519. RESERVED.

10 **PART IV. NEW FREEDOM INITIATIVE.**

11 7-520.

12 (A) IN THIS PART IV OF THIS SUBTITLE, "PLAN" MEANS THE NEW FREEDOM
13 INITIATIVE PLAN.

14 (B) ON OR BEFORE OCTOBER 1, 2004, THE DEPARTMENT SHALL DEVELOP A
15 NEW FREEDOM INITIATIVE PLAN TO CLOSE THE ROSEWOOD CENTER.

16 (C) THE PLAN SHALL PROVIDE FOR THE TRANSITION OF ALL RESIDENTS OF
17 THE ROSEWOOD CENTER TO COMMUNITY-BASED SERVICES APPROPRIATE TO THEIR
18 NEEDS AND EXPRESSED WISHES.

19 (D) THE PLAN SHALL INCLUDE:

20 (1) INDIVIDUALIZED PLANNING FOR EACH RESIDENT, INCLUDING THE
21 RESIDENT'S INTERDISCIPLINARY TEAM AND INVOLVED FAMILY MEMBERS, TO
22 ENSURE THAT AN APPROPRIATE TRANSITION PLAN IS DEVELOPED AND
23 IMPLEMENTED FOR EACH INDIVIDUAL TO MOVE TO COMMUNITY SUPPORTS AND
24 SERVICES OF HIGH QUALITY;

25 (2) ASSISTANCE, INCLUDING RETRAINING IF NECESSARY, TO
26 ROSEWOOD EMPLOYEES IN FILLING VACANT POSITIONS WITHIN THE DEPARTMENT
27 OR OTHER STATE AGENCIES; AND

28 (3) CREATION OF A TASK FORCE TO EXAMINE ALTERNATIVE USES FOR
29 THE ROSEWOOD PROPERTY.

30 (E) THE DEPARTMENT SHALL IMPLEMENT THE PLAN ON OR BEFORE JUNE 30,
31 2006.

32 (F) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT SHALL
33 REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §

1 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON ITS PROGRESS IN IMPLEMENTING
2 THE PLAN.

3 **Article 41 - Governor - Executive and Administrative Departments**

4 18-205.

5 (a) In this section, "Trust Fund" means the Community Services Trust Fund.

6 (b) There is a Community Services Trust Fund within the Office of the
7 Treasurer.

8 (c) (1) The purpose of the Trust Fund is to receive and hold the proceeds
9 from the sale or long-term lease of property and equipment of a Developmental
10 Disabilities Administration facility or a Mental Hygiene Administration facility.

11 (2) For purposes of this section, proceeds are the gross proceeds minus
12 the costs associated with the sale, lease, or disposition of property and equipment, as
13 determined by the Department of General Services.

14 (d) (1) The Trust Fund shall consist of two accounts.

15 (2) (i) One account shall hold the proceeds from the sale or long-term
16 lease of property and equipment resulting from the sale or long-term lease of
17 Developmental Disabilities Administration facilities; and

18 (ii) One account shall hold the proceeds from the sale or long-term
19 lease of property and equipment resulting from the sale or long-term lease of Mental
20 Hygiene Administration facilities.

21 (e) (1) The Trust Fund shall be used only as provided in this subsection.

22 (2) The Comptroller shall transfer:

23 (i) Into the Waiting List Equity Fund established under § 7-206 of
24 the Health - General Article the investment earnings that accrue in the
25 Developmental Disabilities Administration account of the Trust Fund; [and]

26 (ii) Into the Mental Hygiene Community-Based Services Fund
27 established under § 10-208 of the Health - General Article investment earnings that
28 accrue in the Mental Hygiene Administration account of the Trust Fund; AND

29 (III) FROM THE DEVELOPMENTAL DISABILITIES ADMINISTRATION
30 ACCOUNT OF THE TRUST FUND INTO THE GENERAL FUND, SOLELY FOR THE
31 PURPOSES PROVIDED UNDER § 7-520 OF THE HEALTH-GENERAL ARTICLE:

32 1. IN FISCAL YEAR 2005, \$1,250,000; AND

33 2. IN FISCAL YEAR 2006, \$1,250,000.

1 (3) Transfers from the Trust Fund under paragraph (2) of this subsection
2 may be made only in accordance with an appropriation approved by the General
3 Assembly in the annual State budget.

4 (4) THE TRANSFERS REQUIRED UNDER PARAGRAPH (2)(III) OF THIS
5 SUBSECTION SHALL BE REPAID FROM GENERAL FUND REVENUES OVER THE PERIOD
6 OF FISCAL YEARS 2007 THROUGH 2008.

7 (f) (1) The State Treasurer shall hold the Trust Fund and the Comptroller
8 shall account for the Trust Fund.

9 (2) The Trust Fund shall be invested and reinvested in the same manner
10 as other State funds and any investment earnings of the Trust Fund shall be paid into
11 the Trust Fund.

12 (3) The State Treasurer shall deposit funds into the two accounts of the
13 Trust Fund in the manner described in subsection (d) of this section.

14 (g) (1) The Trust Fund is a continuing, nonlapsing fund and is not subject to
15 § 7-302 of the State Finance and Procurement Article.

16 (2) [No] SUBJECT TO SUBSECTION (E)(2)(III) OF THIS SECTION, NO part
17 of the Trust Fund may revert or be credited to the General Fund of the State.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2004.