

SENATE BILL 338

Unofficial Copy  
J1

2004 Regular Session  
4r2646  
CF 4r1336

---

By: **Senator Stoltzfus**

Introduced and read first time: February 3, 2004

Assigned to: Finance

---

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]:

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

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

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

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

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