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By: **Delegates Hubbard, Conroy, Costa, Kullen, Madaleno, Mandel, Oaks,  
and Taylor**

Introduced and read first time: February 10, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Individuals with Developmental Disabilities - Additional Rights and**  
3 **Services**

4 FOR the purpose of adding the right to be informed of certain less restrictive service  
5 options to the list of basic rights to which an individual who receives services  
6 provided by the Developmental Disabilities Administration is entitled; requiring  
7 the staff of an Administration licensee, at a certain time, to assess whether the  
8 needs of an individual with developmental disability could be met through less  
9 restrictive services and to provide certain service options to the individual in a  
10 certain manner; making technical changes; and generally relating to rights and  
11 services provided to individuals with developmental disabilities.

12 BY repealing and reenacting, without amendments,  
13 Article - Health - General  
14 Section 7-1001  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Health - General  
19 Section 7-1002(b) and 7-1006(a)  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2004 Supplement)

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

1 **Article - Health - General**

2 7-1001.

3 In this subtitle, "licensee" means:

4 (1) A person who is licensed by the Administration to provide services;  
5 and

6 (2) A State residential center.

7 7-1002.

8 (b) It is the policy of this State that, in addition to any other rights, each  
9 individual who receives any services provided by the Administration or by a licensee  
10 has the following basic rights:11 (1) The right to be treated with courtesy, respect, and full recognition of  
12 human dignity and individuality;13 (2) The right to receive treatment, services, and habilitation in the least  
14 restrictive environment that is available, adequate, appropriate, and in compliance  
15 with relevant laws and regulations;

16 (3) The right to be free from mental and physical abuse;

17 (4) The right to be free from chemical restraints, except for minimal  
18 restraints that a physician authorizes, in writing, for a clearly indicated medical need  
19 and makes a permanent part of the individual's record;20 (5) The right to be free from physical restraints except for minimal  
21 restraints that are authorized in writing and made a permanent part of the record by  
22 a physician or qualified developmental disability professional and which are clearly  
23 indicated for the protection of the individual with developmental disability or others;

24 (6) The right to privacy;

25 (7) The right to worship as the individual chooses; [and]

26 (8) The right to an accounting of any funds of the individual; AND

27 (9) THE RIGHT TO BE INFORMED OF ALL LESS RESTRICTIVE SERVICE  
28 OPTIONS LICENSED THROUGH THE ADMINISTRATION.

29 7-1006.

30 (a) (1) The professional and supportive staff of a licensee who provides  
31 residential or day habilitation services shall make a written plan of habilitation for  
32 each individual with developmental disability who has been accepted for service by  
33 the licensee. The plan shall meet applicable federal standards.

1                   (2)       At least once a year, the staff shall reevaluate the effectiveness and  
2 adequacy of each plan in consultation with the individual with developmental  
3 disability and any person authorized to act on behalf of the individual, and shall  
4 revise the plan as needed.

5                   (3)       (I)       THE REEVALUATION REQUIRED BY PARAGRAPH (2) OF THIS  
6 SECTION SHALL INCLUDE A DETERMINATION OF WHETHER THE NEEDS OF THE  
7 INDIVIDUAL COULD BE MET THROUGH LESS RESTRICTIVE SERVICES.

8                               (II)       AT THE TIME OF THE REEVALUATION, EACH INDIVIDUAL WITH  
9 A DEVELOPMENTAL DISABILITY SHALL BE PROVIDED A RANGE OF LESS RESTRICTIVE  
10 SERVICE OPTIONS THAT MAY BE APPROPRIATE.

11                               (III)       THE INFORMATION PROVIDED UNDER SUBPARAGRAPH (II) OF  
12 THIS PARAGRAPH SHALL BE GIVEN IN A MANNER APPROVED BY THE  
13 ADMINISTRATION.

14                   (4)       At least once a year, the Administration shall review the licensee's  
15 execution of the plan of habilitation, and compliance with the rules, regulations, and  
16 standards which the Secretary adopts.

17       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2005.