
By: **Delegates Hubbard, Conroy, Costa, Kullen, Madaleno, Mandel, Oaks,
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Committee Report: Favorable with amendments
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CHAPTER _____

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 a developmental disability could be met ~~through less~~
9 ~~restrictive services in more integrated settings~~ and to provide certain service
10 options to the individual in a certain manner; making technical and conforming
11 changes; and generally relating to rights and services provided to individuals
12 with developmental disabilities.

13 BY repealing and reenacting, without amendments,
14 Article - Health - General
15 Section 7-1001
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Health - General
20 Section 7-1002(b) and 7-1006(a)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Health - General**

4 7-1001.

5 In this subtitle, "licensee" means:

6 (1) A person who is licensed by the Administration to provide services;

7 and

8 (2) A State residential center.

9 7-1002.

10 (b) It is the policy of this State that, in addition to any other rights, each
11 individual who receives any services provided by the Administration or by a licensee
12 has the following basic rights:

13 (1) The right to be treated with courtesy, respect, and full recognition of
14 human dignity and individuality;

15 (2) The right to receive treatment, services, and habilitation in the ~~least~~
16 ~~restrictive environment~~ MOST INTEGRATED SETTING that is available, adequate,
17 appropriate, and in compliance with relevant laws and regulations;

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

19 (4) The right to be free from chemical restraints, except for minimal
20 restraints that a physician authorizes, in writing, for a clearly indicated medical need
21 and makes a permanent part of the individual's record;

22 (5) The right to be free from physical restraints except for minimal
23 restraints that are authorized in writing and made a permanent part of the record by
24 a physician or qualified developmental disability professional and which are clearly
25 indicated for the protection of the individual with developmental disability or others;

26 (6) The right to privacy;

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

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

29 (9) THE RIGHT TO BE INFORMED OF ALL ~~LESS RESTRICTIVE OF THE~~
30 MOST INTEGRATED SETTING SERVICE OPTIONS LICENSED THROUGH THE
31 ADMINISTRATION.

1 7-1006.

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

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

10 (3) (I) THE REEVALUATION REQUIRED BY PARAGRAPH (2) OF THIS
11 SECTION SHALL INCLUDE A DETERMINATION OF WHETHER THE NEEDS OF THE
12 INDIVIDUAL COULD BE MET ~~THROUGH LESS RESTRICTIVE SERVICES~~ IN MORE
13 INTEGRATED SETTINGS.

14 (II) AT THE TIME OF THE REEVALUATION, EACH INDIVIDUAL WITH
15 A DEVELOPMENTAL DISABILITY SHALL BE PROVIDED A RANGE OF ~~LESS RESTRICTIVE~~
16 THE MOST INTEGRATED SETTING SERVICE OPTIONS THAT MAY BE APPROPRIATE.

17 (III) THE INFORMATION PROVIDED UNDER SUBPARAGRAPH (II) OF
18 THIS PARAGRAPH SHALL BE GIVEN IN A MANNER APPROVED BY THE
19 ADMINISTRATION.

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

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