
By: **Senators Astle, Britt, Brochin, DeGrange, Dyson, Exum, Forehand,
Giannetti, Greenip, Hafer, Harris, Hughes, Pipkin, and Stone**

Introduced and read first time: February 4, 2005

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Division of Services for the Blind - Establishment**

3 FOR the purpose of establishing a Division of Services for the Blind; requiring the
4 Department of Disabilities to oversee and administer the Division; establishing
5 a Board of Services for the Blind; specifying the membership and terms of the
6 Board; specifying the terms of the initial members of the Board; requiring the
7 Board to elect a chair; requiring the Board to appoint an Executive Director with
8 certain qualifications; authorizing certain compensation and assigning certain
9 duties to the Executive Director; specifying that a majority of the voting
10 members is a quorum; specifying the meeting times and places of the Board;
11 authorizing certain compensation and reimbursement of expenses for members
12 of the Board; requiring the Division to perform certain tasks, subject to policies
13 established by the Board; requiring the Board to publish an annual report that
14 includes certain information; establishing a procedure to resolve disputes
15 concerning certain applicants or recipients who are dissatisfied with an action
16 or decision of the Board; providing for the transfer of certain property used to
17 assist blind individuals from the Division of Rehabilitation Services to the
18 Division of Services for the Blind; providing for certain existing contracts
19 binding on the Division of Rehabilitation Services to be binding on the Division
20 of Services for the Blind; providing for the assignment of certain
21 reimbursements from the Social Security Administration; and generally relating
22 to the Division of Services for the Blind.

23 BY repealing and reenacting, with amendments,
24 Article - State Government
25 Section 9-1118
26 Annotated Code of Maryland
27 (2004 Replacement Volume)

28 BY adding to
29 Article 30 - Deaf, Mute or Blind
30 Section 35 through 40, inclusive, to be under the new subtitle "Division of
31 Services for the Blind"

1 Annotated Code of Maryland
2 (2003 Replacement Volume and 2004 Supplement)

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

5 **Article - State Government**

6 9-1118.

7 The Department shall oversee and administer the following programs:

8 (1) constituent services and ombudsmen programs; [and]

9 (2) the Assistive Technology Guaranteed Loan Program under Article 41,
10 Title 14, Subtitle 9 of the Code; AND

11 (3) THE DIVISION OF SERVICES FOR THE BLIND UNDER ARTICLE 30 OF
12 THE CODE.

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

14 DIVISION OF SERVICES FOR THE BLIND

15 35.

16 (A) THERE IS A DIVISION OF SERVICES FOR THE BLIND IN THE DEPARTMENT
17 OF DISABILITIES.

18 (B) THERE IS A BOARD OF SERVICES FOR THE BLIND IN THE DIVISION.

19 (C) (1) THE BOARD SHALL CONSIST OF FIVE MEMBERS WHO ARE
20 APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.

21 (2) THE MEMBERS OF THE BOARD SHALL BE RECOMMENDED BY
22 ORGANIZATIONS IN MARYLAND PRIMARILY COMPOSED OF INDIVIDUALS WHO ARE
23 BLIND AND THAT HAVE A MAJORITY OF OFFICERS AND MEMBERS WHO ARE BLIND.

24 (3) THE MEMBERS MUST BE KNOWLEDGEABLE AND EXPERIENCED IN
25 REHABILITATION AND RELATED SERVICES FOR THE BLIND.

26 (4) A MAJORITY OF THE MEMBERS MUST BE BLIND.

27 (D) WHILE A MEMBER OF THE BOARD, THE MEMBER MAY NOT BE EMPLOYED
28 BY THE DIVISION.

29 (E) (1) THE TERM OF A MEMBER IS 3 YEARS.

30 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
31 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2005.

1 (3) A VACANCY SHALL BE FILLED FOR AN UNEXPIRED TERM IN THE
2 SAME MANNER AS AN ORIGINAL APPOINTMENT.

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

5 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
6 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
7 QUALIFIES.

8 36.

9 (A) THE BOARD SHALL ANNUALLY ELECT A CHAIR FROM ONE OF THE
10 MEMBERS WHO ARE BLIND.

11 (B) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE BOARD.

12 (C) THE EXECUTIVE DIRECTOR MUST BE KNOWLEDGEABLE AND
13 EXPERIENCED IN REHABILITATION AND RELATED SERVICES FOR THE BLIND.

14 (D) THE BOARD SHALL GIVE PREFERENCE TO BLIND INDIVIDUALS WHO MEET
15 THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION.

16 (E) THE EXECUTIVE DIRECTOR SHALL:

17 (1) SERVE AS THE SECRETARY TO THE BOARD;

18 (2) SERVE AS THE CHIEF ADMINISTRATIVE OFFICER OF THE DIVISION;

19 (3) SERVE AT THE PLEASURE OF THE BOARD;

20 (4) EARN THE COMPENSATION PROVIDED IN THE STATE BUDGET; AND

21 (5) EMPLOY A STAFF AS NEEDED IN ACCORDANCE WITH THE STATE
22 BUDGET.

23 37.

24 (A) A MAJORITY OF THE VOTING MEMBERS SHALL CONSTITUTE A QUORUM.

25 (B) THE BOARD SHALL MEET AT LEAST FOUR TIMES A YEAR, AT THE TIMES
26 AND PLACES THAT IT DETERMINES.

27 (C) A MEMBER OF THE BOARD IS ENTITLED TO:

28 (1) RECEIVE PER DIEM COMPENSATION FOR EACH BOARD OR
29 COMMITTEE MEETING ATTENDED, IN THE AMOUNT PROVIDED IN THE STATE
30 BUDGET; AND

1 (2) REIMBURSEMENT FOR EXPENSES INCURRED IN THE PERFORMANCE
2 OF DUTIES OF THE BOARD IN ACCORDANCE WITH THE STANDARD STATE TRAVEL
3 REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

4 38.

5 (A) THE BOARD SHALL DIRECT THE DIVISION.

6 (B) SUBJECT TO POLICIES ESTABLISHED BY THE BOARD, THE DIVISION
7 SHALL:

8 (1) DEVELOP AND CARRY OUT A STATE PLAN FOR VOCATIONAL
9 REHABILITATION SERVICES FOR BLIND INDIVIDUALS, AS REQUIRED BY TITLE 1 OF
10 THE FEDERAL REHABILITATION ACT OF 1973;

11 (2) PROVIDE INDEPENDENT LIVING AND SOCIAL SERVICES FOR BLIND
12 INDIVIDUALS;

13 (3) PROVIDE ORIENTATION AND ADJUSTMENT SERVICES, INCLUDING
14 TRAINING IN:

15 (I) UNDERSTANDING THE SOCIAL AND PHYSICAL IMPLICATIONS
16 OF BLINDNESS;

17 (II) READING AND WRITING BRAILLE;

18 (III) USING THE LONG WHITE CANE;

19 (IV) USING COMPUTERS AND ADAPTIVE TECHNOLOGY; AND

20 (V) USING OTHER APPROPRIATE SERVICES TO FACILITATE
21 EMPLOYMENT, EDUCATION, AND INDEPENDENT LIVING;

22 (4) ESTABLISH AND MAINTAIN A SMALL BUSINESS ENTERPRISES
23 PROGRAM FOR BLIND INDIVIDUALS;

24 (5) SERVE AS THE STATE LICENSING AGENCY FOR BLIND INDIVIDUALS
25 UNDER THE RANDOLPH-SHEPPARD ACT;

26 (6) ASSIST IN THE PURCHASE OF ADAPTIVE TECHNOLOGY EQUIPMENT,
27 AIDS, AND APPLIANCES FOR USE BY BLIND INDIVIDUALS;

28 (7) PROVIDE TECHNICAL ASSISTANCE TO THE DEPARTMENT OF
29 EDUCATION AND LOCAL EDUCATION AGENCIES IN PROVIDING AUXILIARY AIDS AND
30 SERVICES TO BLIND STUDENTS TO ENSURE COMPLIANCE WITH THE INDIVIDUALS
31 WITH DISABILITIES EDUCATION ACT;

32 (8) PROVIDE TECHNICAL ASSISTANCE TO AGENCIES IN THE STATE TO
33 ENSURE THAT INFORMATION TECHNOLOGY PURCHASED OR USED BY THE AGENCIES
34 IS ACCESSIBLE TO BLIND INDIVIDUALS;

1 (9) CONDUCT REVIEWS OF CONSUMER SATISFACTION WITH DIVISION
2 PROGRAMS;

3 (10) PERFORM OTHER FUNCTIONS OF THE STATEWIDE REHABILITATION
4 COUNCIL;

5 (11) APPLY FOR FUNDS FROM EACH GOVERNMENT UNIT TO SUPPORT
6 THE PROGRAMS OF THE DIVISION;

7 (12) RECEIVE, ON BEHALF OF THE STATE, ANY GIFTS, DONATIONS, OR
8 REQUESTS FROM ANY SOURCE FOR USE IN CARRYING OUT THE DUTIES OF THE
9 DIVISION;

10 (13) DEVELOP AND ADMINISTER INNOVATIVE PROGRAMS TO IMPROVE
11 SERVICES;

12 (14) RECEIVE, DISBURSE, AND ACCOUNT FOR FUNDS APPROPRIATED IN
13 THE STATE BUDGET FOR USE BY THE BOARD OF TRUSTEES OF BLIND INDUSTRIES
14 AND SERVICES OF MARYLAND; AND

15 (15) ADOPT REGULATIONS TO CARRY OUT ITS PROGRAMS.

16 39.

17 (A) THE BOARD SHALL PUBLISH AN ANNUAL REPORT THAT INCLUDES A LIST
18 OF ACCOMPLISHMENTS, FINDINGS, AND RECOMMENDATIONS FOR IMPROVEMENT
19 BASED ON THE PERFORMANCE OF THE DIVISION DURING THE YEAR.

20 (B) THE REPORT SHALL CONTAIN INFORMATION NEEDED TO EVALUATE THE
21 PROGRESS OF THE DIVISION IN MEETING THE NEEDS OF BLIND INDIVIDUALS IN THE
22 STATE.

23 40.

24 (A) ANY APPLICANT FOR OR RECIPIENT OF SERVICES FROM THE DIVISION
25 WHO IS DISSATISFIED WITH ANY ACTION TAKEN OR DECISION MADE REGARDING
26 SERVICES, MAY FILE A COMPLAINT SETTING FORTH THE BASIS FOR THE
27 DISSATISFACTION AND THE REMEDY SOUGHT.

28 (B) ON RECEIPT OF THE COMPLAINT, THE EXECUTIVE DIRECTOR OF THE
29 DIVISION SHALL INFORM THE INDIVIDUAL OF A VOLUNTARY MEDIATION PROCESS
30 THAT IS AVAILABLE.

31 (C) (1) THE MEDIATION SHALL BE CONDUCTED BY A QUALIFIED AND
32 IMPARTIAL MEDIATOR; AND

33 (2) THE COST OF THE MEDIATION SHALL BE PAID BY THE DIVISION.

34 (D) IF THE DISPUTE CANNOT BE RESOLVED BY MEDIATION, THE EXECUTIVE
35 DIRECTOR OF THE DIVISION SHALL, AT THE REQUEST OF THE INDIVIDUAL, CONVENE
36 AN ARBITRATION PANEL.

1 (E) THE ARBITRATION PANEL SHALL:

2 (1) GIVE NOTICE;

3 (2) CONDUCT A HEARING; AND

4 (3) RENDER A DECISION.

5 (F) THE ARBITRATION PANEL CONSISTS OF THE FOLLOWING THREE
6 MEMBERS:

7 (1) ONE INDIVIDUAL, DESIGNATED BY THE EXECUTIVE DIRECTOR OF
8 THE DIVISION;

9 (2) ONE INDIVIDUAL, DESIGNATED BY THE INDIVIDUAL FILING THE
10 COMPLAINT; AND

11 (3) ONE INDIVIDUAL, DESIGNATED BY THE OTHER TWO PANEL
12 MEMBERS, WHO IS AN IMPARTIAL HEARING OFFICER AND WHO SHALL SERVE AS
13 CHAIR OF THE ARBITRATION PANEL AND SHALL ISSUE THE DECISION.

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

15 (a) All appropriations, real and personal property, equipment, supplies,
16 personnel, and funds that, prior to the effective date of this Act, were owned or
17 controlled by the Division of Rehabilitation Services of the Department of Education
18 for purposes of providing services to blind individuals shall be transferred to the
19 Division of Services for the Blind.

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

24 (c) On or after the effective date of this Act, all reimbursements from the
25 Social Security Administration for the successful rehabilitation of blind recipients of
26 Supplemental Security Income or disability insurance, that are either received or
27 claimed, shall be assigned to the Division of Services for the Blind.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
29 members of the Board of Services for the Blind shall expire as follows:

30 (a) two members in 2006;

31 (b) two members in 2007; and

32 (c) one member in 2008.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2005.