

ENROLLED BILL
-- Finance/Health and Government Operations --

Introduced by **Senators Kelley and Teitelbaum**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Developmental Disability - Written Plan of Habilitation - State Residential**
3 **Centers**

4 FOR the purpose of requiring certain individuals to develop a written plan of
5 habilitation for individuals in State residential centers; requiring the
6 Developmental Disabilities Administration to develop a certain protocol and
7 format for the written plan of habilitation to be used by each State residential
8 center; requiring treating professionals and resource coordinators to discuss
9 service needs with individuals in a State residential center on an annual basis
10 and on request of the individual; requiring the use of communication devices
11 and certain techniques to facilitate the involvement of certain individuals in the
12 development of the written plan of habilitation; requiring the written plan of
13 habilitation to include certain recommendations, descriptions of services and
14 supports, barriers to community services, and an annual update on the status
15 and progress toward addressing and resolving barriers; requiring the treating
16 professional and resource coordinator to identify and report certain rights
17 violations; requiring each State residential center to provide certain information

1 to the Developmental Disabilities Administration and the Department of
2 Disabilities by a certain date; requiring the Developmental Disabilities
3 Administration and the Department of Disabilities to report to the General
4 Assembly by a certain date; defining a certain term; and generally relating to a
5 written plan of habilitation for individuals in State residential centers.

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 7-1006
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2004 Supplement)

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

13 **Article - Health - General**

14 7-1006.

15 (A) IN THIS SECTION, "RESOURCE COORDINATOR" MEANS ~~A~~ AN INDEPENDENT
16 PROFESSIONAL STAFF PERSON RESPONSIBLE FOR ASSISTING IN THE DEVELOPMENT
17 AND REVIEW OF AN INDIVIDUAL PLAN OF HABILITATION DESIGNED TO MEET THE
18 INDIVIDUAL'S NEEDS, PREFERENCES, DESIRES, GOALS, AND OUTCOMES IN THE
19 ~~LEAST RESTRICTIVE ENVIRONMENT~~ MOST INTEGRATED SETTING.

20 [(a)] (B) The professional and supportive staff of a licensee who provides
21 residential or day habilitation services shall make a written plan of habilitation for
22 each individual with developmental disability who has been accepted for service by
23 the licensee. The plan shall meet applicable federal standards. At least once a year,
24 the staff shall reevaluate the effectiveness and adequacy of each plan in consultation
25 with the individual with developmental disability and any person authorized to act on
26 behalf of the individual, and shall revise the plan as needed. At least once a year, the
27 Administration shall review the licensee's execution of the plan of habilitation, and
28 compliance with the rules, regulations, and standards which the Secretary adopts.

29 (C) (1) (I) THE WRITTEN PLAN OF HABILITATION FOR INDIVIDUALS IN
30 STATE RESIDENTIAL CENTERS UNDER THIS SECTION IS SUBJECT TO THE
31 REQUIREMENTS DESCRIBED IN THIS SUBSECTION.

32 (II) THE WRITTEN PLAN OF HABILITATION SHALL BE DEVELOPED
33 BY THE INDIVIDUAL, A TREATING PROFESSIONAL, AND A RESOURCE COORDINATOR
34 WHO IS NOT EMPLOYED BY OR UNDER CONTRACT WITH THE STATE RESIDENTIAL
35 CENTER.

36 (III) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION SHALL
37 DEVELOP THE PLANNING PROTOCOL AND FORMAT FOR THE WRITTEN PLAN OF
38 HABILITATION TO BE USED BY EACH STATE RESIDENTIAL CENTER.

1 (IV) ON AN ANNUAL BASIS AND ANY OTHER TIME REQUESTED BY
2 THE INDIVIDUAL, THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR
3 SHALL DISCUSS WITH THE INDIVIDUAL THE SERVICE NEEDS OF THE INDIVIDUAL,
4 INCLUDING IDENTIFYING COMMUNITY-BASED MEDICAID WAIVER SERVICES
5 DEFINED IN § 15-132 OF THIS ARTICLE AND ANY OTHER SERVICES THAT MAY BE
6 APPROPRIATE.

7 (V) THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR
8 SHALL USE COMMUNICATION DEVICES AND TECHNIQUES, INCLUDING THE USE OF
9 SIGN LANGUAGE, AS APPROPRIATE, TO FACILITATE THE INVOLVEMENT OF THE
10 INDIVIDUAL IN THE DEVELOPMENT OF THE WRITTEN PLAN OF HABILITATION.

11 (VI) SUBSEQUENT TO THE INITIAL WRITTEN PLAN OF
12 HABILITATION FOR INDIVIDUALS IN STATE RESIDENTIAL CENTERS, THE WRITTEN
13 PLAN OF HABILITATION SHALL INCLUDE AN ANNUAL UPDATE ON THE STATUS AND
14 PROGRESS TOWARD ADDRESSING AND RESOLVING THE BARRIERS IDENTIFIED IN
15 SUBPARAGRAPH (VII)4 OF THIS SUBSECTION.

16 (VII) THE WRITTEN PLAN OF HABILITATION FOR INDIVIDUALS IN
17 STATE RESIDENTIAL CENTERS SHALL INCLUDE:

18 1. THE TREATING PROFESSIONAL'S RECOMMENDATION ON
19 THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

20 2. THE RESOURCE COORDINATOR'S RECOMMENDATION ON
21 THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

22 3. A DESCRIPTION OF THE SERVICES AND SUPPORTS,
23 INCLUDING RESIDENTIAL, DAY, EMPLOYMENT, AND TECHNOLOGY, THAT ARE
24 REQUIRED FOR THE INDIVIDUAL TO RECEIVE SERVICES IN THE MOST INTEGRATED
25 SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS; AND

26 4. A LISTING OF BARRIERS THAT PREVENT AN INDIVIDUAL
27 FROM RECEIVING THE SUPPORTS AND SERVICES REQUIRED FOR THE INDIVIDUAL TO
28 LIVE IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S
29 NEEDS, INCLUDING COMMUNITY CAPACITY OR SYSTEMS, IF COMMUNITY SERVICES
30 ARE DETERMINED TO BE THE MOST INTEGRATED SETTING APPROPRIATE TO MEET
31 THE INDIVIDUAL'S NEEDS.

32 (2) THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR
33 SHALL IDENTIFY AND REPORT ANY RIGHTS VIOLATIONS AS PROVIDED IN §§ 7-1002(B)
34 AND 7-1003(M) OF THIS SUBTITLE.

35 (3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, EACH STATE
36 RESIDENTIAL CENTER SHALL PROVIDE THE INFORMATION REQUIRED UNDER
37 PARAGRAPH (1)(VI) AND (VII) OF THIS SUBSECTION TO THE DEVELOPMENTAL
38 DISABILITIES ADMINISTRATION AND TO THE DEPARTMENT OF DISABILITIES.

39 (4) (I) ON OR BEFORE JULY 1 OF EACH YEAR, THE DEVELOPMENTAL
40 DISABILITIES ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL

1 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE
2 GOVERNMENT ARTICLE, SUMMARIZING THE STATEWIDE AND REGIONAL
3 INFORMATION PROVIDED BY THE STATE RESIDENTIAL CENTERS IN PARAGRAPH (3)
4 OF THIS SUBSECTION.

5 (II) THE DATA SHALL BE INCORPORATED IN THE STATE'S
6 OLMSTEAD PLAN, WITH RECOMMENDATIONS TO ADDRESS THE BARRIERS THAT
7 PREVENT INDIVIDUALS FROM LIVING IN THE MOST INTEGRATED SETTING
8 APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS.

9 [(b)] (D) Each individual plan of habilitation shall be reviewed and approved,
10 disapproved, or modified by:

11 (1) The executive officer or administrative head of the licensee or a
12 qualified developmental disability professional, as defined in § 7-1002(a) of this
13 subtitle, whom the executive officer or administrative head designates; and

14 (2) One other professional individual who is responsible for carrying out
15 a major program but does not participate in the individual plan of habilitation.

16 [(c)] (E) Approval of a plan of habilitation shall be based on the current needs
17 of the individual with developmental disability.

18 [(d)] (F) The Secretary shall:

19 (1) Adopt rules and regulations to carry out the intent of this section;

20 (2) Provide appropriate support and technical assistance to the licensee
21 in developing a plan of habilitation required by this section; and

22 (3) With respect to State residential centers, provide the professional
23 and supportive staff and equipment that are necessary to carry out the plans of
24 habilitation required by this section.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect July 1, 2005.