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By: **Senators Kelley and Teitelbaum**

Introduced and read first time: February 4, 2005

Assigned to: Finance

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A BILL ENTITLED

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  
18 to the Developmental Disabilities Administration and the Department of  
19 Disabilities by a certain date; requiring the Developmental Disabilities  
20 Administration and the Department of Disabilities to report to the General  
21 Assembly by a certain date; defining a certain term; and generally relating to a  
22 written plan of habilitation for individuals in State residential centers.

23 BY repealing and reenacting, with amendments,  
24 Article - Health - General  
25 Section 7-1006  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2004 Supplement)

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

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**Article - Health - General**

2 7-1006.

3 (A) IN THIS SECTION, "RESOURCE COORDINATOR" MEANS A PROFESSIONAL  
4 STAFF PERSON RESPONSIBLE FOR ASSISTING IN THE DEVELOPMENT AND REVIEW  
5 OF AN INDIVIDUAL PLAN OF HABILITATION DESIGNED TO MEET THE INDIVIDUAL'S  
6 NEEDS, PREFERENCES, DESIRES, GOALS, AND OUTCOMES IN THE LEAST  
7 RESTRICTIVE ENVIRONMENT.

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

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

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

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

27 (IV) ON AN ANNUAL BASIS AND ANY OTHER TIME REQUESTED BY  
28 THE INDIVIDUAL, THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR  
29 SHALL DISCUSS WITH THE INDIVIDUAL THE SERVICE NEEDS OF THE INDIVIDUAL,  
30 INCLUDING IDENTIFYING COMMUNITY-BASED MEDICAID WAIVER SERVICES  
31 DEFINED IN § 15-132 OF THIS ARTICLE AND ANY OTHER SERVICES THAT MAY BE  
32 APPROPRIATE.

33 (V) THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR  
34 SHALL USE COMMUNICATION DEVICES AND TECHNIQUES, INCLUDING THE USE OF  
35 SIGN LANGUAGE, AS APPROPRIATE, TO FACILITATE THE INVOLVEMENT OF THE  
36 INDIVIDUAL IN THE DEVELOPMENT OF THE WRITTEN PLAN OF HABILITATION.

37 (VI) SUBSEQUENT TO THE INITIAL WRITTEN PLAN OF  
38 HABILITATION FOR INDIVIDUALS IN STATE RESIDENTIAL CENTERS, THE WRITTEN  
39 PLAN OF HABILITATION SHALL INCLUDE AN ANNUAL UPDATE ON THE STATUS AND  
40 PROGRESS TOWARD ADDRESSING AND RESOLVING THE BARRIERS IDENTIFIED IN  
41 SUBPARAGRAPH (VII)4 OF THIS SUBSECTION.

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

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

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

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

11 4. A LISTING OF BARRIERS THAT PREVENT AN INDIVIDUAL  
12 FROM RECEIVING THE SUPPORTS AND SERVICES REQUIRED FOR THE INDIVIDUAL TO  
13 LIVE IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S  
14 NEEDS, INCLUDING COMMUNITY CAPACITY OR SYSTEMS, IF COMMUNITY SERVICES  
15 ARE DETERMINED TO BE THE MOST INTEGRATED SETTING APPROPRIATE TO MEET  
16 THE INDIVIDUAL'S NEEDS.

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

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

24 (4) (I) ON OR BEFORE JULY 1 OF EACH YEAR, THE DEVELOPMENTAL  
25 DISABILITIES ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL  
26 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE  
27 GOVERNMENT ARTICLE, SUMMARIZING THE STATEWIDE AND REGIONAL  
28 INFORMATION PROVIDED BY THE STATE RESIDENTIAL CENTERS IN PARAGRAPH (3)  
29 OF THIS SUBSECTION.

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

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

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

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

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

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

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

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

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

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