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By: **Senator Grosfeld**

Introduced and read first time: February 4, 2005

Assigned to: Finance

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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:

24 **Article - Health - General**

25 7-1001.

26 In this subtitle, "licensee" means:

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

1 (2) A State residential center.

2 7-1002.

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

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

8 (2) The right to receive treatment, services, and habilitation in the least  
9 restrictive environment that is available, adequate, appropriate, and in compliance  
10 with relevant laws and regulations;

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

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

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

19 (6) The right to privacy;

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

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

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

24 7-1006.

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

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

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

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

4 (III) THE INFORMATION PROVIDED UNDER SUBPARAGRAPH (II) OF  
5 THIS PARAGRAPH SHALL BE GIVEN IN A MANNER APPROVED BY THE  
6 ADMINISTRATION.

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

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