

HOUSE BILL 20

J1

9lr0553

(PRE-FILED)

By: **Delegate Sophocleus**

Requested: September 2, 2008

Introduced and read first time: January 14, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Intellectual Disability (Rosa's Law)**

3 FOR the purpose of changing references to mental retardation to an intellectual
4 disability; changing references to a mentally retarded individual to an
5 individual with an intellectual disability; renaming State residential centers for
6 the mentally retarded to be State residential centers for individuals with an
7 intellectual disability; renaming an intermediate care facility for the mentally
8 retarded (ICF-MR) to be an intermediate care facility for individuals with an
9 intellectual disability (ICF-ID); altering certain definitions; defining certain
10 terms; deleting certain obsolete references; making certain stylistic changes;
11 requiring the publisher of the Annotated Code to make certain corrective
12 changes; providing that certain documents may not be used until the use of
13 certain other documents; providing for the intent of this Act; and generally
14 relating to changing references to mental retardation to an intellectual
15 disability.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 8-401(a)(2) and 13-303(l)
19 Annotated Code of Maryland
20 (2008 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – Estates and Trusts
23 Section 13-101(l)
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2008 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Family Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–101(f) and 14–103
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2008 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Health – General
6 Section 7–101(c)(1), (k), and (p), 7–204(a) and (c), 7–501, 7–502,
7 7–503(e)(1), 7–505, 7–507(f), (g), and (j), 7–508, 7–512(a), 7–515, 7–516,
8 7–517, 7–803, 7–909(d), 10–101(f), 10–514(d), 10–620(e), 15–805(b),
9 16–101(b), 16–201(a), 16–402, 16–404, 16–405, 16–407, and 19–201(e)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2008 Supplement)

12 BY adding to
13 Article – Health – General
14 Section 7–101(k)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2008 Supplement)

17 BY repealing
18 Article – Health – General
19 Section 7–101(l)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Labor and Employment
24 Section 3–420(d)
25 Annotated Code of Maryland
26 (2008 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article – State Finance and Procurement
29 Section 10–309(a)
30 Annotated Code of Maryland
31 (2006 Replacement Volume and 2008 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article – Transportation
34 Section 11–117 and 22–412.1
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2008 Supplement)

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

39 **Article – Education**

1 8-401.

2 (a) (2) “Child with a disability” means a child who has been determined
3 through appropriate assessment as having autism, deaf-blindness, hearing
4 impairment, including deafness, emotional disturbance, [mental retardation]
5 **INTELLECTUAL DISABILITY**, multiple disabilities, orthopedic impairment, other
6 health impairment, specific learning disability, speech or language impairment,
7 traumatic brain injury, visual impairment, including blindness, and who because of
8 that impairment needs special education and related services.

9 13-303.

10 (1) The Board of Directors shall insure that the medical system shall
11 continue to make available medical services to residents of various State institutions
12 whose residents prior to the effective date of this legislation were served by the
13 Hospital, including State residential centers for [the mentally retarded] **INDIVIDUALS**
14 **WITH AN INTELLECTUAL DISABILITY**, State mental hygiene facilities and facilities
15 run by the State Division of Correction, as long as the administrators of those
16 institutions continue to seek care from the Hospital for their residents in accordance
17 with policies and legislative intent incorporated in the State budget. The Hospital is to
18 be compensated by the institutions or other payors for this care in accordance with
19 policies of the State Health Services Cost Review Commission or other relevant
20 authority.

21 **Article – Estates and Trusts**

22 13-101.

23 (1) “Mental facility” means any place providing a clinic, hospital, day
24 residential or other programs, public or private, other than a veterans’ hospital, which
25 purports to or does provide treatment for persons suffering from mental disorders as
26 defined in § 10-101(f) or § 3-101(g) of the Criminal Procedure Article, [mental
27 retardation] **INTELLECTUAL DISABILITY** as defined in § 7-101(l) of the Health –
28 General Article, or drug addiction or for chronic alcoholics.

29 **Article – Family Law**

30 5-101.

31 (f) “Disability” means:

32 (1) alcohol dependence, as defined in § 8-101 of the Health – General
33 Article;

34 (2) drug dependence, as defined in § 8-101 of the Health – General
35 Article;

1 (3) a mental disorder, as defined in § 10–101 of the Health – General
2 Article; or

3 (4) [mental retardation] **INTELLECTUAL DISABILITY**, as defined in §
4 7–101 of the Health – General Article.

5 14–103.

6 This title does not apply to:

7 (1) the abuse of a patient in a mental health facility, under Title 10 of
8 the Health – General Article;

9 (2) the abuse of a patient in a facility for [mentally retarded]
10 individuals **WITH AN INTELLECTUAL DISABILITY** under Title 7 of the Health –
11 General Article;

12 (3) the abuse of a patient in a nursing home under Title 19 of the
13 Health – General Article; or

14 (4) the abuse of a patient in a hospital under Title 19 of the Health –
15 General Article.

16 **Article – Health – General**

17 7–101.

18 (c) (1) “Admission” means the process by which an individual with
19 [mental retardation] **AN INTELLECTUAL DISABILITY** is accepted as a resident in a
20 State residential center.

21 **(K) “INTELLECTUAL DISABILITY” MEANS A DEVELOPMENTAL**
22 **DISABILITY THAT IS EVIDENCED BY SIGNIFICANTLY SUBAVERAGE**
23 **INTELLECTUAL FUNCTIONING AND IMPAIRMENT IN THE ADAPTIVE BEHAVIOR**
24 **OF AN INDIVIDUAL.**

25 [(k)] (L) “Live independently” means:

26 (1) For adults:

27 (i) Managing personal care, such as clothing and medication;

28 (ii) Managing a household, such as menu planning, food
29 preparation and shopping, essential care of the premises, and budgeting; and

30 (iii) Using community resources, such as commercial
31 establishments, transportation, and services of public agencies; or

1 (2) For minors, functioning in normal settings without the need for
2 supervision or assistance other than supervision or assistance that is age appropriate.

3 [(1) “Mental retardation” means a developmental disability that is evidenced
4 by significantly subaverage intellectual functioning and impairment in the adaptive
5 behavior of an individual.]

6 (p) “State residential center” means a place that:

7 (1) Is owned and operated by this State;

8 (2) Provides residential services for individuals with [mental
9 retardation] **AN INTELLECTUAL DISABILITY** and who, because of [mental
10 retardation] **THAT INTELLECTUAL DISABILITY**, require specialized living
11 arrangements; and

12 (3) Admits 9 or more individuals with [mental retardation] **AN**
13 **INTELLECTUAL DISABILITY**.

14 7–204.

15 (a) To advance the public interest, it is the policy of this State:

16 (1) To eliminate over a 5–year period the number of [mentally
17 retarded] **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** and [nonretarded]
18 developmentally disabled individuals **WHO DO NOT HAVE AN INTELLECTUAL**
19 **DISABILITY** who are on the waiting list for appropriate community services and
20 programs; and

21 (2) To develop alternative ways and means to finance and expand
22 existing services and programs within this time period.

23 (c) The Commission shall:

24 (1) Develop a systematic 5–year plan for:

25 (i) Identifying alternative funding mechanisms, including uses
26 of State excess properties and proceeds derived from any sales or leases of the
27 properties, which enable community programs to serve all eligible [mentally retarded]
28 **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** and [nonretarded]
29 developmentally disabled individuals **WHO DO NOT HAVE AN INTELLECTUAL**
30 **DISABILITY**;

31 (ii) Providing incentives to facilitate the establishment of new
32 service providers for purposes consistent with this title;

1 (iii) Assuring appropriate levels of program accountability,
2 monitoring, and quality control;

3 (iv) Evaluating appropriate personnel-related issues including
4 compensation, recruitment, retention, professional training, and development; and

5 (v) Determining the effectiveness of any cost reimbursement
6 system implemented by the Department and evaluating the need to maintain or
7 modify the funding level in subsequent years;

8 (2) Monitor any implementation of the 5-year plan and make
9 recommendations on how to facilitate further implementation; and

10 (3) Review Administration activities related to its services and
11 programs.

12 7-501.

13 (a) There are State residential centers for individuals with [mental
14 retardation] **AN INTELLECTUAL DISABILITY** in the Developmental Disabilities
15 Administration.

16 (b) The Director shall appoint an administrative head for each State
17 residential center.

18 7-502.

19 (a) The Secretary shall approve the admission of an individual to a State
20 residential center only if:

21 (1) The findings of the evaluation are that the individual:

22 (i) Has [mental retardation] **AN INTELLECTUAL DISABILITY**;
23 and

24 (ii) For adequate habilitation, needs residential services; and

25 (2) There is no less restrictive setting in which the needed services can
26 be provided and that is available to the individual or will be available to the individual
27 within a reasonable time.

28 (b) The Secretary may not approve the admission of an individual to a State
29 residential center if:

30 (1) The findings of the evaluation are that the individual:

1 (i) Does not have [mental retardation] **AN INTELLECTUAL**
2 **DISABILITY**; or

3 (ii) Has [mental retardation] **AN INTELLECTUAL DISABILITY**
4 but does not need residential services for adequate habilitation; or

5 (2) There is a less restrictive setting in which the needed services can
6 be provided that is available to the individual or will be available to the individual
7 within a reasonable time.

8 (c) The Secretary shall provide an individual with the appropriate least
9 restrictive service consistent with the individual's welfare, safety, and plan of
10 habilitation, if the individual:

11 (1) Has an application for services that has been approved under §
12 7-404(c) of this title; or

13 (2) Is considered eligible for transfer under Subtitle 8 of this title by
14 the Director or the Director's designee.

15 7-503.

16 (e) (1) At the hearing, in order to certify the admission of the individual,
17 it must be affirmatively shown by clear and convincing evidence that the conclusions
18 leading to the decision to admit the individual are supported by the following findings:

19 (i) The individual has [mental retardation] **AN INTELLECTUAL**
20 **DISABILITY**;

21 (ii) The individual needs residential services for the individual's
22 adequate habilitation; and

23 (iii) There is no less restrictive setting in which the needed
24 services can be provided that is available to the individual or will be available to the
25 individual within a reasonable time after the hearing.

26 7-505.

27 (a) At least once a year, each individual with [mental retardation] **AN**
28 **INTELLECTUAL DISABILITY** who is admitted to a State residential center shall be
29 reevaluated to determine:

30 (1) Whether the individual continues to meet the requirements of this
31 subtitle for admission to a State residential center;

32 (2) Whether the services which the individual requires can be
33 provided in a less restrictive setting;

1 (3) Whether the individual's plan of habilitation as required by §
2 7-1006 of this title is adequate and suitable; and

3 (4) Whether the State residential center has complied with and
4 executed the individual's plan of habilitation in accordance with the rules, regulations,
5 and standards that the Secretary adopts.

6 (b) If the Secretary finds that any individual no longer meets the admission
7 requirements of this subtitle, the Secretary shall begin appropriate proceedings for
8 release or transfer of that individual.

9 7-507.

10 (f) The trier of fact shall determine:

11 (1) Whether the individual has [mental retardation] **AN**
12 **INTELLECTUAL DISABILITY;**

13 (2) Whether for adequate habilitation, the individual needs residential
14 services; and

15 (3) Whether there is a less restrictive setting in which the needed
16 services can be provided that is available to the individual or will be available to the
17 individual within a reasonable time.

18 (g) (1) The court shall remand the individual to the custody of the State
19 residential center, if the trier of fact determines that:

20 (i) The individual has [mental retardation] **AN INTELLECTUAL**
21 **DISABILITY;**

22 (ii) For adequate habilitation the individual needs residential
23 services; and

24 (iii) There is no less restrictive setting in which those services
25 needed can be provided and which is available to the individual or will be available to
26 the individual within a reasonable time.

27 (2) The court shall order that appropriate less restrictive services be
28 offered to an individual, if the trier of fact determines that:

29 (i) The individual has [mental retardation] **AN INTELLECTUAL**
30 **DISABILITY;**

31 (ii) For adequate habilitation the individual needs residential
32 services; and

1 (iii) There is a less restrictive setting in which the service can be
2 provided, and which from evidence submitted by the Director is available or will be
3 available to the individual within a reasonable time.

4 (3) The individual shall be released from the State residential center,
5 if the trier of fact determines that:

6 (i) The individual does not have [mental retardation] **AN**
7 **INTELLECTUAL DISABILITY**;

8 (ii) For adequate habilitation the individual does not need
9 residential services; or

10 (iii) There is a less restrictive setting in which the needed
11 services can be provided that is available to the individual or will be available to the
12 individual within a reasonable time.

13 (j) (1) After a determination on the merits of a petition under this
14 section, a court may not hear a later petition for the individual within 1 year after that
15 determination, unless:

16 (i) The petition is verified, and alleges an improvement in the
17 condition of the individual with [mental retardation] **AN INTELLECTUAL DISABILITY**
18 after the determination; and

19 (ii) The court, after review of the verified petition, determines
20 that the matter should be reopened.

21 (2) If the matter is reopened, the petition shall be heard as provided in
22 this section.

23 7-508.

24 (a) At the direction of the Secretary, an individual who has been admitted
25 under this subtitle shall be released from a State residential center if:

26 (1) The individual is not an individual with [mental retardation] **AN**
27 **INTELLECTUAL DISABILITY**;

28 (2) The individual is an individual with [mental retardation] **AN**
29 **INTELLECTUAL DISABILITY** but does not need residential services; or

30 (3) There is an available, less restrictive kind of service that is
31 consistent with the welfare and safety of the individual.

1 (b) (1) At the direction of the Secretary, any individual who has been
2 admitted under this subtitle may be released conditionally from a State residential
3 center for individuals with [mental retardation] **AN INTELLECTUAL DISABILITY**, if,
4 in the judgment of the Secretary, the individual:

5 (i) Would be cared for properly by the individual or another
6 person; and

7 (ii) Would not endanger the individual or the person or property
8 of another.

9 (2) The Secretary may set the conditions for release that the Secretary
10 considers reasonable. The conditions may relate to:

11 (i) The duration of the release;

12 (ii) Treatment during release; or

13 (iii) Placement under supervised care in an approved setting.

14 (3) An individual with [mental retardation] **AN INTELLECTUAL**
15 **DISABILITY** released conditionally is considered to be held by the State residential
16 center from which the individual was released.

17 (c) Each determination of any release of an individual, whether full or
18 conditional, including a summary of the reasons for the determination, shall be made
19 a permanent part of the individual's record.

20 7-512.

21 (a) (1) Each board consists of 7 members appointed by the Governor.

22 (2) The board for each State residential center shall reflect adequately
23 the composition of the community that the State residential center serves.

24 (3) Of the 7 members of the board for a State residential center:

25 (i) At least 2 shall be parents or other relatives or guardians of
26 residents of that State residential center; and

27 (ii) Each of the others shall be individuals who:

28 1. Are known for their interest in civic and public
29 affairs; and

1 2. Have expressed an active interest in the care of
2 individuals with [mental retardation] **AN INTELLECTUAL DISABILITY**, or generally
3 in [mental retardation] **INTELLECTUAL DISABILITY** endeavors.

4 (4) The Governor shall appoint the members from a list of qualified
5 individuals submitted to the Governor by the Secretary. The number of names on the
6 list shall be at least twice the number of vacancies.

7 7-515.

8 (a) Each board may adopt regulations for the conduct of its meetings.

9 (b) (1) Each board serves in an advisory capacity.

10 (2) Each board shall:

11 (i) Submit to the Secretary an annual report on:

12 1. The needs of individuals with [mental retardation]
13 **AN INTELLECTUAL DISABILITY**; and

14 2. The extent to which its State residential center meets
15 these needs;

16 (ii) Advise the administrative head of the State residential
17 center on its goals, programs, and policies;

18 (iii) Help in evaluating the degree to which these goals are
19 achieved;

20 (iv) Review and make recommendations about the annual
21 budget of the State residential center;

22 (v) Assume leadership in developing community understanding
23 of the needs of individuals with [mental retardation] **AN INTELLECTUAL**
24 **DISABILITY**; and

25 (vi) Carry out any other responsibility that the administrative
26 head of the State residential center requests.

27 7-516.

28 The administrative head for each State residential center may appoint any
29 employee as a law-enforcement officer and, while the employee holds a special police
30 commission issued by the Governor, the employee may:

1 (1) Return an individual with [mental retardation] **AN**
2 **INTELLECTUAL DISABILITY** to the State residential center from which the individual
3 has left without approved leave; and

4 (2) Be used to protect individuals or property at the State residential
5 center.

6 7-517.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) “Intermediate care facility for [the mentally retarded (“ICF-MR”)]
9 **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY (ICF-ID)”** means a State
10 residential center for individuals with [mental retardation] **AN INTELLECTUAL**
11 **DISABILITY**.

12 (3) [“ICF-MR income”] **“ICF-ID INCOME”** means all revenues
13 received by an [ICF-MR] **ICF-ID** from any source providing [ICF-MR] **ICF-ID**
14 services to residents of the facility.

15 (b) (1) Each [ICF-MR] **ICF-ID** operating in Maryland is subject to an
16 assessment of 6% of all [ICF-MR] **ICF-ID** income.

17 (2) The assessment required by this section shall:

18 (i) Be paid by each [ICF-MR] **ICF-ID** in accordance with this
19 section; or

20 (ii) Terminate if the assessment is not permissible under
21 Section 1903(w) of the Social Security Act.

22 (c) On or before the 15th day of each quarter of the State fiscal year, each
23 [ICF-MR] **ICF-ID** shall pay to the Department 6% of the [ICF-MR] **ICF-ID** income
24 received during the previous fiscal quarter.

25 (d) For fiscal year 2004, the assessment required by this section shall be paid
26 on or before June 20, 2004, based on the [ICF-MR] **ICF-ID** income received during
27 the period from April 1, 2003 through March 31, 2004.

28 (e) The Department may adopt regulations to implement this section.

29 7-803.

30 (a) In this section, the term “facility” means an intermediate care
31 [facility-mental retardation] **FACILITY - INTELLECTUAL DISABILITY CONSISTENT**
32 **WITH § 1905(D) OF THE SOCIAL SECURITY ACT**.

1 (b) A resident of a facility may not be transferred or discharged from the
2 facility involuntarily except for the following reasons:

3 (1) A medical reason;

4 (2) The welfare of the resident or other residents;

5 (3) Knowingly transferring personal assets in violation of a contract
6 provision and only to become eligible for Medicaid benefits;

7 (4) A nonpayment for a stay; or

8 (5) The planned closing of the facility.

9 7-909.

10 (d) The Administration shall bring any deficiencies to the attention of:

11 (1) The executive officer of the licensee; or

12 (2) In the case of an intermediate care [~~facility-mental retardation~~]
13 **FACILITY - INTELLECTUAL DISABILITY**, the State Planning Council and the
14 State-designated protection and advocacy agency.

15 10-101.

16 (f) (1) "Mental disorder" means a behavioral or emotional illness that
17 results from a psychiatric or neurological disorder.

18 (2) "Mental disorder" includes a mental illness that so substantially
19 impairs the mental or emotional functioning of an individual as to make care or
20 treatment necessary or advisable for the welfare of the individual or for the safety of
21 the person or property of another.

22 (3) "Mental disorder" does not include [~~mental retardation~~] **AN**
23 **INTELLECTUAL DISABILITY**.

24 10-514.

25 (d) (1) "Private group home" means a residence in which individuals who
26 have been or are under treatment for a mental disorder may be provided care or
27 treatment in a homelike environment.

28 (2) "Private group home" does not include:

- 1 (i) Any facility that is owned by or leased to this State or any
2 public agency;
- 3 (ii) Any facility that is regulated by the Department of Juvenile
4 Services;
- 5 (iii) Any facility that is regulated by the [Mental Retardation
6 and] Developmental Disabilities Administration;
- 7 (iv) Any facility that is organized wholly or partly to make a
8 profit; or
- 9 (v) A foster home that is the domicile of the foster parent.

10 10–620.

11 (e) (1) “Mental disorder” means the behavioral or other symptoms that
12 indicate:

13 (i) To a lay petitioner who is submitting an emergency petition,
14 a clear disturbance in the mental functioning of another individual; and

15 (ii) To the following health professionals doing an examination,
16 at least one mental disorder that is described in the version of the American
17 Psychiatric Association’s “Diagnostic and Statistical Manual – Mental Disorders” that
18 is current at the time of the examination:

- 19 1. Physician;
- 20 2. Psychologist;
- 21 3. Clinical social worker;
- 22 4. Licensed clinical professional counselor;
- 23 5. Clinical nurse specialist in psychiatric and mental
24 health nursing (APRN/PMH);
- 25 6. Psychiatric nurse practitioner (CRNP–PMH); or
- 26 7. Licensed clinical marriage and family therapist.

27 (2) “Mental disorder” does not include [mental retardation]
28 **INTELLECTUAL DISABILITY.**

29 15–805.

1 (b) (1) Attendant services and supports shall be designed to assist a
2 consumer in accomplishing activities of daily living and health-related functions
3 through:

4 (i) Hands-on assistance;

5 (ii) Supervision; or

6 (iii) Cueing, prompting, or reminding the consumer about an
7 activity.

8 (2) Attendant services and supports shall be provided in a consumer's
9 home or other independent or supported living environment, including school, work,
10 recreational, and religious settings.

11 (3) Attendant services and supports may not be provided in:

12 (i) A nursing facility;

13 (ii) An intermediate care facility for [the mentally retarded]
14 **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY**; or

15 (iii) A facility that provides food, shelter, and treatment services
16 to four or more individuals unrelated to the proprietor.

17 16-101.

18 (b) (1) As to a recipient of services under the Maryland [Mental
19 Retardation and] Developmental Disabilities Law, a word used in this title has the
20 same meaning as is indicated by a definition of the word in § 7-101 of this article.

21 (2) As to a recipient of services under the Maryland Mental Hygiene
22 Law, a word used in this title has the same meaning as is indicated by a definition of
23 the word in § 10-101 of this article.

24 16-201.

25 (a) The Secretary shall adopt rules and regulations that set charges for
26 services that the Department provides for the physically ill, aged, mentally disordered,
27 [mentally retarded] **INTELLECTUALLY DISABLED**, and developmentally disabled and
28 other recipients of services in or through State-operated:

29 (1) Clinics;

30 (2) Day care, day treatment, and day hospital care;

31 (3) Group homes and small residential homes;

1 (4) Inpatient care in regional and State hospitals and centers; and

2 (5) Inpatient and outpatient care of any other kind.

3 16-402.

4 When an individual enters a facility for comprehensive evaluation and when [a
5 mentally retarded individual] **AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY**
6 is admitted to a public facility, each proponent of the admission shall be advised in
7 writing, in clear and simple terms, of those provisions of this title that apply to that
8 individual.

9 16-404.

10 (a) If there is any insurance, group health plan, or prepaid medical care
11 coverage for part or all of the cost of the care provided, the Department shall seek to
12 collect the proceeds of the insurance, plan, or coverage to the full extent required to
13 pay for the charges for services set under § 16-201 of this title. The insured or
14 policyholder may not withhold the payment and shall assign to the Department any
15 benefits available under the policy for services rendered by the Department to any
16 insured covered by the policy.

17 (b) The liability of a chargeable person for services provided to [a mentally
18 retarded individual] **AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY** may not
19 exceed the greater of:

20 (1) The sum of any proceeds of insurance, group health plan, or
21 prepaid medical care that the insurer or plan pays because of liability for the payment
22 of or repayment for the cost of care provided to the individual; or

23 (2) The lesser of:

24 (i) The amount determined under § 16-405 of this subtitle; or

25 (ii) The amount set by the Department under § 16-203(b) of this
26 title.

27 (c) The liability of responsible relatives for the cost of care of [a mentally
28 retarded individual] **AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY** in a
29 residential, State facility ceases when the cost of care of the [mentally retarded
30 individual] **INDIVIDUAL WITH AN INTELLECTUAL DISABILITY** has been charged for
31 a period or periods that total 16 years.

32 16-405.

1 (a) In this section, “taxable income” has the meaning that federal law gives
 2 to it for purposes of the Internal Revenue Code.

3 (b) For purposes of § 16–404(b)(2) of this subtitle, the liability of a chargeable
 4 person for the cost of care of [a mentally retarded individual] **AN INDIVIDUAL WITH**
 5 **AN INTELLECTUAL DISABILITY** shall be determined in accordance with either of the
 6 following schedules, at the option of the chargeable person.

Schedule A									
Schedule Based on Gross Monthly Income									
Gross Mo. Income of Person Liable for Support		Monthly Rate of Contribution							
At Least	Less Than	2 Dep.	3 Dep.	4 Dep.	5 Dep.	6 Dep.	7 Dep.	8 Dep.	8 Dep.
\$500—	575	\$16.00	\$	\$	\$	\$	\$	\$	\$
575—	650	22.40	16.00	.....	.....	.....	.....	.....	.....
650—	725	25.60	22.40	19.20	16.00	.....	.....	.....	.....
725—	800	32.00	28.80	22.40	19.20	16.00	.....	.....	.....
800—	875	35.20	32.00	28.80	25.60	22.40	16.00	.....	.....
875—	950	43.20	39.20	35.20	32.00	25.60	22.40	19.20	.....
950—	1025	56.00	49.60	43.20	35.20	32.00	28.80	25.60	.....
1025—	1100	72.00	64.00	49.60	43.20	39.20	35.20	32.00	.....
1100—	1175	88.00	72.00	64.00	56.00	49.60	43.20	35.20	.....
1175—	1250	91.00	88.00	80.00	72.00	64.00	49.60	43.20	.....
1250—	1325	94.00	94.00	91.00	88.00	72.00	64.00	56.00	.....
1325—	1400	94.00	94.00	94.00	91.00	88.00	80.00	72.00	.....
1400—	1475	94.00	94.00	94.00	94.00	94.00	91.00	88.00	.....
1475—	1550	94.00	94.00	94.00	94.00	94.00	94.00	91.00	.....
1550	and up	94.00	94.00	94.00	94.00	94.00	94.00	94.00	.....

Schedule B	
Schedule Based on Taxable Income Under Federal Internal Revenue Code	
Annual Taxable Income of Person Liable for Support	Monthly Rate of Contribution
At least \$4,000 but less than \$5,000	\$16.00
At least \$5,000 but less than \$6,000	22.40
At least \$6,000 but less than \$7,000	28.80
At least \$7,000 but less than \$8,000	35.20
At least \$8,000 but less than \$9,000	43.20
At least \$9,000 but less than \$10,000	56.00
At least \$10,000 but less than \$11,000	72.00
At least \$11,000 but less than \$12,000	88.00
At least \$12,000	94.00

1 (c) To establish the taxable income, the chargeable person shall provide
2 either a copy of a federal income tax return or an affidavit as to the taxable income
3 reported on that federal income tax return.

4 (d) Any modification of liability for charges based on a federal income tax
5 return shall become effective as of July 1 in each calendar year.

6 (e) (1) Within the time that the Secretary sets and on the forms that the
7 Secretary provides, each chargeable person shall elect the schedule under which the
8 chargeable person is to be billed.

9 (2) The election is effective as of the day that the [mentally retarded
10 individual] **INDIVIDUAL WITH AN INTELLECTUAL DISABILITY** first is admitted for
11 service and remains in force until changed by the chargeable person.

12 (3) A change in the election is effective on July 1 after the date on
13 which the Department is notified of the change.

14 (4) If a person fails to elect within the time that the Secretary sets, the
15 Secretary shall determine which schedule is to apply.

16 (f) A person whose taxable income is less than \$4,000 a year may not be
17 charged any amount under this section.

18 (g) For purposes of this section, both parents of [a mentally retarded
19 individual] **AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY** shall be
20 considered a single responsible relative.

21 16-407.

22 (a) This section does not apply to funds that are derived from benefits
23 payable under laws administered by the Veterans' Administration.

24 (b) (1) If any property of [a mentally retarded] **AN individual WITH AN**
25 **INTELLECTUAL DISABILITY** remains in the custody of a public facility for 1 year after
26 the death or release of the [mentally retarded] individual **WITH AN INTELLECTUAL**
27 **DISABILITY**, the Department shall investigate to locate the individual or to determine
28 if any other person legally is entitled to that property.

29 (2) If such a person is not found:

30 (i) As much as possible of the account of the [mentally
31 retarded] individual **WITH AN INTELLECTUAL DISABILITY** at the facility shall be
32 paid from the property; and

1 (ii) Any balance becomes the property of this State and shall be
2 paid into the General Fund of this State.

3 (c) (1) An action may not be brought more than 3 years after the death or
4 release of [a mentally retarded] **AN individual WITH AN INTELLECTUAL DISABILITY**
5 to recover any of this property left at or in the custody of the facility.

6 (2) This subsection does not waive any defense, including the defense
7 of governmental immunity, available to any facility or other State agency in an action
8 brought against it, even if the action is brought within 3 years after the death or
9 release of the [mentally retarded] individual **WITH AN INTELLECTUAL DISABILITY.**

10 19–201.

11 (e) (1) “Related institution” means an institution that is licensed by the
12 Department as:

13 (i) A comprehensive care facility that is currently regulated by
14 the Commission; or

15 (ii) An intermediate care facility – [mental retardation]
16 **INTELLECTUAL DISABILITY.**

17 (2) “Related institution” includes any institution in paragraph (1) of
18 this subsection, as reclassified from time to time by law.

19 **Article – Labor and Employment**

20 3–420.

21 (d) The wage for overtime may be computed on the basis of each hour over 48
22 hours that an employee works during 1 workweek:

23 (1) for an employee of a bowling establishment; and

24 (2) for an employee of an institution that:

25 (i) is not a hospital; but

26 (ii) is engaged primarily in the care of individuals who:

27 1. are aged, [mentally retarded] **INTELLECTUALLY**
28 **DISABLED**, or sick or have a mental disorder; and

29 2. reside at the institution.

30 **Article – State Finance and Procurement**

1 10-309.

2 (a) In this section, "State facility" means:

3 (1) a facility maintained by the Mental Hygiene Administration of the
4 Department of Health and Mental Hygiene and listed in § 10-406 of the Health –
5 General Article; or

6 (2) a State residential center for individuals with [mental retardation]
7 **AN INTELLECTUAL DISABILITY** in the Developmental Disabilities Administration of
8 the Department of Health and Mental Hygiene.

9 **Article – Transportation**

10 11-117.

11 (a) "Educational purposes" includes those activities of schools certified by the
12 Department of Education, activities of centers for [the mentally retarded]
13 **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** and physically handicapped
14 **INDIVIDUALS**, church schools, Sunday schools and church related functions, day care
15 centers, day camps, or summer camps, or any other activity that provides some
16 educational experience for its participants.

17 (b) This definition shall be liberally construed.

18 22-412.1.

19 Every motor vehicle that is used by nursery schools, camps, day nurseries, or
20 day care centers for [retarded] children **WITH AN INTELLECTUAL DISABILITY** to
21 transport children and that is not regulated as a "school bus" under this article, shall
22 be equipped with seat belts for each seat and shall be subject to [such] **ANY** other
23 regulations [as may be prescribed] **ADOPTED** by the Administration.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
25 Annotated Code of Maryland, in consultation with and subject to the approval of the
26 Department of Legislative Services, shall correct, with no further action required by
27 the General Assembly, cross-references and terminology rendered incorrect by this
28 Act or by any other Act of the General Assembly of 2009 that affects provisions
29 enacted by this Act. The publisher shall adequately describe any such correction in an
30 editor's note following the section affected.

31 SECTION 3. AND BE IT FURTHER ENACTED, That documents reflecting the
32 renaming of mental retardation to be an intellectual disability may not be used until
33 all documents already in print and reflecting the terminology in use prior to the
34 effective date of this Act have been used.

1 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act is
2 intended to result in a reduction of federal funds available to the State.

3 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2009.