

HOUSE BILL 503

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9lr1123
CF SB 963

By: **Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena-Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdales, Taylor, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Tarrant, V. Turner, and Manno**

Introduced and read first time: February 4, 2009
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: April 3, 2009

CHAPTER _____

1 AN ACT concerning

2 **Health – Maryland Commission on Autism**

3 FOR the purpose of establishing the Maryland Commission on Autism; providing for
4 the membership of the Commission; requiring the membership of the
5 Commission to consist of broad representation of the State's citizens;
6 designating the chair of the Commission; establishing a quorum requirement;
7 requiring the Commission to meet a certain number of times per year; requiring
8 the Commission to meet a certain number of times before a certain date;
9 authorizing the Commission to hold meetings in a certain manner; prohibiting a
10 member of the Commission from receiving compensation; authorizing a member
11 of the Commission to receive certain reimbursement; ~~requiring a certain person~~
12 ~~to designate~~ requiring the Department of Health and Mental Hygiene and the
13 State Department of Education to provide certain staff for the Commission;
14 requiring the Commission to make certain recommendations; requiring the
15 Commission to make a certain evaluation; requiring the Commission to carry
16 out certain tasks in preparing a certain plan; authorizing the Commission to
17 undertake certain responsibilities; requiring the Commission to report to the
18 General Assembly on or before certain dates; defining a certain term; providing
19 for the termination of this Act; and generally relating to autism awareness.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Health – General
3 Section 13–2801 through 13–2806 to be under the new subtitle “Subtitle 28.
4 Maryland Commission on Autism”
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2008 Supplement)

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

9 **Article – Health – General**

10 **SUBTITLE 28. MARYLAND COMMISSION ON AUTISM.**

11 **13–2801.**

12 **THERE IS A MARYLAND COMMISSION ON AUTISM.**

13 **13–2802.**

14 **IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND COMMISSION**
15 **ON AUTISM.**

16 **13–2803.**

17 **(A) THE COMMISSION CONSISTS OF:**

18 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**
19 **THE PRESIDENT OF THE SENATE;**

20 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
21 **THE SPEAKER OF THE HOUSE;**

22 **(3) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND**
23 **DISABILITIES, OR THE DEPUTY SECRETARY’S DESIGNEE;**

24 **(4) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE**
25 **SUPERINTENDENT’S DESIGNEE;**

26 **(5) THE SECRETARY OF HUMAN RESOURCES, OR THE**
27 **SECRETARY’S DESIGNEE; ~~AND~~**

28 **(6) THE SECRETARY OF DISABILITIES, OR THE SECRETARY’S**
29 **DESIGNEE;**

1 **(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL’S**
2 **DESIGNEE; AND**

3 ~~**(6)**~~ **(8)** **THE FOLLOWING ~~17~~ MEMBERS, TO BE APPOINTED BY**
4 **THE GOVERNOR:**

5 **(I) TWO REPRESENTATIVES FROM DIFFERENT**
6 **INSTITUTIONS OF HIGHER LEARNING LOCATED IN THE STATE WHO HAVE**
7 **CLINICAL AND RESEARCH EXPERTISE RELATING TO BOTH CHILDREN AND**
8 **ADULTS WITH AUTISM;**

9 **(II) AN INDIVIDUAL EMPLOYED AS A DIRECTOR OF SPECIAL**
10 **EDUCATION AT A SCHOOL DISTRICT LOCATED IN THE STATE;**

11 ~~**(III) A SPEECH LANGUAGE PATHOLOGIST;**~~

12 ~~**(IV)**~~ **(III) A DIAGNOSTICIAN;**

13 ~~**(V) A MENTAL HEALTH PROVIDER;**~~

14 **(IV) A SCHOOL PSYCHOLOGIST;**

15 ~~**(VI)**~~ **(V) A ~~PRIMARY CARE PHYSICIAN~~ PHYSICIAN**
16 **SPECIALIZING IN PEDIATRICS WHO PRACTICES IN THE STATE;**

17 ~~**(VII)**~~ **(VI) THREE PARENTS OF INDIVIDUALS WITH AUTISM**
18 **SPECTRUM DISORDERS, INCLUDING TWO PARENTS OF AN INDIVIDUAL UNDER**
19 **THE AGE OF ~~18~~ 21 YEARS AND ONE PARENT OF ~~AN INDIVIDUAL AT LEAST 18~~**
20 **YEARS OLD A TRANSITIONING YOUTH WITH AUTISM;**

21 ~~**(VIII)**~~ **(VII) TWO ~~INDIVIDUALS~~ ADULTS WITH AUTISM**
22 **SPECTRUM DISORDERS;**

23 ~~**(IX) A REPRESENTATIVE FROM AN INDEPENDENT PRIVATE**~~
24 **PROVIDER OR NONPROFIT PROVIDER;**

25 **(VIII) A REPRESENTATIVE FROM AN ASSOCIATION OF**
26 **PROVIDERS OF SERVICES TO INDIVIDUALS WITH AUTISM AND OTHER**
27 **DEVELOPMENTAL DISABILITIES;**

28 ~~**(X)**~~ **(IX) ~~THREE~~ TWO MEMBERS OF NONPROFIT**
29 **ORGANIZATIONS IN THE STATE WHO PROVIDE SERVICES TO INDIVIDUALS OR**
30 **FAMILIES LIVING WITH AUTISM SPECTRUM DISORDERS AND WHO TOGETHER**
31 **REPRESENT THE PROVISION OF LIFESPAN SERVICES; ~~AND~~**

1 ~~(XI) A REPRESENTATIVE FROM THE MARYLAND HOSPITAL~~
2 ~~ASSOCIATION.~~

3 (X) A REPRESENTATIVE OF THE MARYLAND
4 DEVELOPMENTAL DISABILITIES COUNCIL;

5 (XI) A PHYSICAL THERAPIST LICENSED BY THE STATE
6 BOARD OF PHYSICAL THERAPY EXAMINERS;

7 (XII) AN OCCUPATIONAL THERAPIST LICENSED BY THE
8 STATE BOARD OF OCCUPATIONAL THERAPY PRACTICE;

9 (XIII) A REPRESENTATIVE OF A LABOR ORGANIZATION THAT
10 REPRESENTS EMPLOYEES WHO PROVIDE SERVICES TO INDIVIDUALS WITH
11 AUTISM SPECTRUM DISORDERS; AND

12 (XIV) A REPRESENTATIVE OF A HEALTH INSURER,
13 NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION
14 THAT DOES BUSINESS IN THE STATE.

15 (B) (1) MEMBERS OF THE COMMISSION SHALL CONSIST OF A BROAD
16 REPRESENTATION OF MARYLAND CITIZENS, BOTH URBAN AND RURAL, WHO ARE
17 CONCERNED WITH THE HEALTH AND QUALITY OF LIFE FOR INDIVIDUALS WITH
18 AUTISM SPECTRUM DISORDERS.

19 (2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO
20 THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC,
21 CULTURAL, AND GENDER DIVERSITY OF THE STATE.

22 (C) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND
23 DISABILITIES OR THE DEPUTY SECRETARY'S DESIGNEE SHALL BE THE CHAIR
24 OF THE COMMISSION.

25 13-2804.

26 (A) A MAJORITY OF THE MEMBERS SERVING ON THE COMMISSION IS A
27 QUORUM.

28 (B) THE COMMISSION SHALL MEET AT LEAST FOUR TIMES A YEAR,
29 INCLUDING AT LEAST TWO TIMES BEFORE JUNE 1, 2010.

30 (C) THE COMMISSION MAY HOLD MEETINGS IN PERSON OR BY
31 TELEPHONE OR VIDEO CONFERENCE.

32 (D) A MEMBER OF THE COMMISSION:

1 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
2 COMMISSION; BUT

3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
5 BUDGET.

6 (E) ~~THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND~~
7 ~~DISABILITIES SHALL DESIGNATE~~ THE DEPARTMENT AND THE STATE
8 DEPARTMENT OF EDUCATION SHALL PROVIDE THE STAFF NECESSARY TO
9 CARRY OUT THIS SUBTITLE.

10 13-2805.

11 (A) THE COMMISSION SHALL:

12 (1) ADVISE AND MAKE RECOMMENDATIONS TO THE GOVERNOR,
13 GENERAL ASSEMBLY, AND RELEVANT STATE AGENCIES REGARDING MATTERS
14 CONCERNING SERVICES FOR INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS
15 AT ALL STATE LEVELS, INCLUDING HEALTH CARE, EDUCATION, AND OTHER
16 ADULT AND ADOLESCENT SERVICES;

17 (2) DEVELOP A COMPREHENSIVE STATEWIDE PLAN FOR AN
18 INTEGRATED SYSTEM OF TRAINING, TREATMENT, AND SERVICES FOR
19 INDIVIDUALS OF ALL AGES WITH AUTISM SPECTRUM DISORDERS; ~~AND~~

20 (3) EVALUATE WAYS TO PROMOTE AUTISM SPECTRUM DISORDER
21 AWARENESS; AND

22 (4) REVIEW THE FINDINGS OF ANY SUMMIT OR CONFERENCE
23 CONVENED BY THE STATE REGARDING AUTISM SPECTRUM DISORDERS.

24 (B) IN DEVELOPING THE STATEWIDE PLAN UNDER SUBSECTION (A)(2)
25 OF THIS SECTION, THE COMMISSION SHALL:

26 (1) STUDY AND REPORT ON THE MEANS FOR DEVELOPING A
27 COMPREHENSIVE, COORDINATED SYSTEM OF CARE DELIVERY ACROSS THE
28 STATE AND ENSURING THAT RESOURCES ARE CREATED, WELL-UTILIZED, AND
29 APPROPRIATELY DISTRIBUTED ACROSS THE STATE;

30 (2) DETERMINE THE NEED FOR THE CREATION OF SERVICES IN
31 DESIGNATED AREAS OF THE STATE;

1 (3) **PLAN FOR EFFECTIVELY EVALUATING REGIONAL SERVICE**
2 **AREAS THROUGHOUT THE STATE AND THE CAPACITY OF THE AREAS,**
3 **INCLUDING OUTLINING PERSONNEL AND SKILLS THAT EXIST WITHIN THE**
4 **SERVICE AREA, OTHER CAPABILITIES THAT EXIST, AND RESOURCE NEEDS THAT**
5 **MAY BE UNMET;**

6 (4) **ASSESS THE NEED FOR ADDITIONAL BEHAVIORAL**
7 **INTERVENTION CAPABILITIES AND, AS NECESSARY, THE MEANS FOR EXPANDING**
8 **THOSE CAPABILITIES IN A REGIONAL SERVICE AREA;**

9 ~~(5) **DEVELOP RECOMMENDATIONS FOR EXPANDING SERVICES IN**~~
10 ~~**CONJUNCTION WITH HOSPITALS AFTER CONSIDERING THE RESOURCES THAT**~~
11 ~~**EXIST IN TERMS OF SPECIALTY CLINICS, HOSPITALS, AND HOSPITAL INPATIENT**~~
12 ~~**CARE;**~~

13 (5) **DEVELOP RECOMMENDATIONS TO ADDRESS THE TRANSITION**
14 **OF CHILDREN AGING OUT OF THE AUTISM MEDICAID WAIVER;**

15 (6) **CONDUCT AN ASSESSMENT OF THE NEED FOR COORDINATED,**
16 **ENHANCED, AND TARGETED SPECIAL EDUCATION TAILORED TOWARD AUTISM**
17 **SPECTRUM DISORDERS WITHIN EACH REGION OF THE STATE; ~~AND~~**

18 (7) **DEVELOP A RECOMMENDATION FOR ENLISTING**
19 **APPROPRIATE UNIVERSITIES AND COLLEGES TO ENSURE SUPPORT AND**
20 **COLLABORATION IN DEVELOPING CERTIFICATION OR DEGREE PROGRAMS FOR**
21 **STUDENTS SPECIALIZING IN AUTISM SPECTRUM DISORDER INTERVENTION;**

22 (8) **EVALUATE PROGRAMS THAT CURRENTLY EXIST IN OTHER**
23 **STATES TO DETERMINE HOW SIMILAR PROGRAMS IN THE STATE COULD**
24 **BENEFIT INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND**

25 (9) **DEVELOP RECOMMENDATIONS FOR FACILITATING THE**
26 **COORDINATION OF RESEARCH OPPORTUNITIES BETWEEN INSTITUTIONS AND**
27 **EDUCATION AND HEALTH AGENCIES TO SUPPORT RESEARCH IN ALL AREAS OF**
28 **AUTISM.**

29 (c) **THE COMMISSION MAY:**

30 (1) **PROVIDE RECOMMENDATIONS REGARDING TRAINING**
31 **PROGRAMS AND THE CONTENT OF TRAINING PROGRAMS BEING DEVELOPED;**

32 (2) **EVALUATE THE PILOT PROGRAM TO STUDY AND IMPROVE**
33 **SCREENING PRACTICES FOR AUTISM DISORDERS AND MAKE**
34 **RECOMMENDATIONS ON WHETHER A SIMILAR PROGRAM SHOULD BE**
35 **IMPLEMENTED STATEWIDE;**

1 ~~(2)~~ **(3)** RECOMMEND INDIVIDUALS TO PARTICIPATE IN A
2 COMMITTEE OF MAJOR STAKEHOLDERS CHARGED WITH DEVELOPING
3 SCREENING, DIAGNOSTIC, ASSESSMENT, ~~AND TREATMENT~~ TREATMENT, AND
4 SERVICE STANDARDS FOR THE STATE;

5 ~~(3)~~ **(4)** PARTICIPATE IN RECOMMENDING A PANEL OF
6 QUALIFIED PROFESSIONALS AND EXPERTS TO REVIEW EXISTING MODELS OF
7 EVIDENCE-BASED EDUCATIONAL PRACTICES FOR ADAPTATION SPECIFIC TO
8 THE ~~STATE~~ STATE'S PUBLIC, AND PRIVATE SERVICE PROVIDERS; ~~AND~~

9 ~~(4)~~ **(5)** EXAMINE THE BARRIERS TO ACCURATE INFORMATION
10 OF THE PREVALENCE OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS
11 ACROSS THE STATE AND RECOMMEND A PROCESS FOR ACCURATE REPORTING
12 OF DEMOGRAPHIC DATA; AND

13 **(6)** STUDY AND MAKE RECOMMENDATIONS RELATED TO ANY
14 ISSUE RELATED TO AUTISM SPECTRUM DISORDERS THAT IS CONSIDERED
15 NECESSARY BY THE COMMISSION.

16 **13-2806.**

17 **THE COMMISSION SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY**
18 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE:**

19 **(1) ON OR BEFORE JUNE 1, 2011, ON THE COMMISSION'S**
20 **PRELIMINARY FINDINGS AND RECOMMENDATIONS REGARDING THE**
21 **DEVELOPMENT OF A COMPREHENSIVE STATEWIDE PLAN UNDER § 13-2805 OF**
22 **THIS SUBTITLE; AND**

23 **(2) ON OR BEFORE SEPTEMBER 30, 2012, ON THE COMMISSION'S**
24 **FINAL FINDINGS AND RECOMMENDATIONS REGARDING THE DEVELOPMENT OF**
25 **A COMPREHENSIVE STATEWIDE PLAN UNDER § 13-2805 OF THIS SUBTITLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2009. It shall remain effective for a period of 3 years and, at the end of
28 September 30, 2012, with no further action required by the General Assembly, this Act
29 shall be abrogated and of no further force and effect.