

HOUSE BILL 1464

J1, O3

9lr3121

By: **Delegates Conway, Eckardt, Elmore, Haddaway, Mathias, Rudolph, and Smigiel**

Introduced and read first time: February 27, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Individuals with Developmental Disabilities – Respite Care**

3 FOR the purpose of extending the termination date on certain provisions of law
4 requiring that State residential centers provide respite care for certain
5 individuals; repealing certain provisions of law relating to the Rosewood Center;
6 requiring the Department of Health and Mental Hygiene to document certain
7 information; expanding the scope of certain information required to be
8 submitted by the Department with its annual budget request; requiring the
9 Department to study and document the demand for certain respite beds;
10 requiring the Department to make a certain report; providing for the
11 termination of this Act; and generally relating to respite care for individuals
12 with developmental disabilities.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 7–509
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article – Health – General**

21 7–509.

22 (a) In this section, “respite care” means care that is made available for an
23 individual with developmental disabilities to provide relief for the person with whom
24 the individual ordinarily lives.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) Each State residential center shall provide respite care for families caring for individuals with developmental disabilities in their home.

(2) Beginning in fiscal year 2006[:

(i) The] **THE** Holly Center, the Potomac Center, and the Brandenburg Center shall each reserve not more than 4 percent of its total beds for respite care]; and

(ii) The Rosewood Center shall reserve at least 2 percent, but not more than 4 percent, of its total beds for respite care].

(c) Respite care for an individual may not exceed 45 days within any 1-year period or 28 consecutive days.

(d) **(1)** Notwithstanding subsection (b) of this section, families caring in their homes for individuals with developmental disabilities, who have been approved to receive respite care by the Developmental Disabilities Administration, shall have a choice of obtaining respite care in a State residential center or a community setting.

(2) THE DEPARTMENT SHALL DOCUMENT ANY DECISION OF THE DEVELOPMENTAL DISABILITIES ADMINISTRATION NOT TO APPROVE RESPITE CARE FOR AN INDIVIDUAL, FAMILY, OR GUARDIAN AND INCLUDE THE DECISION IN THE INFORMATION PROVIDED UNDER SUBSECTION (G)(4) OF THIS SECTION.

(e) (1) The Governor shall include in the annual budget bill a General Fund appropriation for the purpose of providing respite care in a State residential center or a community setting for families caring for individuals with developmental disabilities in their homes.

(2) (i) The General Fund appropriation in paragraph (1) of this subsection shall be in addition to and may not supplant funds already budgeted for respite care.

(ii) No funds may be transferred from community services for individuals with developmental disabilities to pay for respite care provided in a State residential center.

(f) Beginning in fiscal year 2006, the Department shall include in the managing for results indicators submitted with its annual budget request an indicator of the satisfaction families experience with respite services provided in a State residential center.

(G) THE MANAGING FOR RESULTS INDICATORS SUBMITTED BY THE DEPARTMENT UNDER SUBSECTION (F) OF THIS SECTION SHALL INCLUDE:

1 **(1) THE TOTAL NUMBER OF INDIVIDUALS WHO CONTACT THE**
2 **DEPARTMENT INQUIRING ABOUT RESPITE CARE;**

3 **(2) THE TOTAL NUMBER OF INDIVIDUALS WHO RECEIVE RESPITE**
4 **CARE AT A STATE RESIDENTIAL CENTER, INCLUDING THE LENGTH OF STAY AND**
5 **LOCATION;**

6 **(3) THE TOTAL NUMBER OF INDIVIDUALS WHO RECEIVE RESPITE**
7 **CARE IN A COMMUNITY-BASED SETTING, INCLUDING THE LENGTH OF STAY AND**
8 **LOCATION;**

9 **(4) THE TOTAL NUMBER OF INDIVIDUALS WHO REQUEST RESPITE**
10 **CARE AT A STATE RESIDENTIAL CENTER WHO ARE NOT APPROVED TO RECEIVE**
11 **THE RESPITE CARE AND THE REASONS FOR THE DISAPPROVALS;**

12 **(5) THE TOTAL NUMBER OF INDIVIDUALS FROM THE COMMUNITY**
13 **SERVICES WAITING LIST WHO ARE SERVED BY THIS TEMPORARY RESOURCE IN A**
14 **STATE RESIDENTIAL CENTER; AND**

15 **(6) ANY PLANS OR POLICIES DEVELOPED BY THE DEPARTMENT**
16 **THAT WOULD CHANGE, LIMIT, OR CUT THE AVAILABILITY OF ADMISSIONS FOR**
17 **TEMPORARY RESPITE CARE AT A STATE RESIDENTIAL CENTER.**

18 **(H) (1) THE DEPARTMENT SHALL STUDY AND DOCUMENT THE**
19 **DEMAND FOR RESPITE BEDS IN STATE RESIDENTIAL CENTERS AND, AS PART OF**
20 **THE STUDY, DETERMINE HOW MANY BEDS COULD POTENTIALLY BE RESERVED**
21 **FOR RESPITE CARE FOR THOSE INDIVIDUALS ON THE WAITING LIST.**

22 **(2) ON OR BEFORE DECEMBER 31 OF EACH YEAR, FOR A PERIOD**
23 **OF 5 YEARS, THE DEPARTMENT SHALL REPORT, IN ACCORDANCE WITH § 2-1246**
24 **OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE**
25 **AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON**
26 **THE RESULTS OF ITS STUDY.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009. It shall remain effective for a period of 5 years and, at the end of
29 September 30, 2014, with no further action required by the General Assembly, this Act
30 shall be abrogated and of no further force and effect.