

SENATE BILL 963

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9lr3291
CF HB 503

By: **Senators Klausmeier, Currie, Garagiola, ~~and King~~ King, Middleton, Astle, Della, Exum, Glassman, Kittleman, Pugh, and Forehand**

Introduced and read first time: February 20, 2009

Assigned to: Rules

Re-referred to: Finance, February 26, 2009

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 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 Maryland State Department of Education to provide certain staff for the
14 Commission; requiring the Commission to make certain recommendations;
15 requiring the Commission to make a certain evaluation; requiring the
16 Commission to carry out certain tasks in preparing a certain plan; authorizing
17 the Commission to undertake certain responsibilities; requiring the Commission
18 to report to the General Assembly on or before certain dates; defining a certain
19 term; providing for the termination of this Act; and generally relating to autism
20 awareness.

21 BY adding to

22 Article – Health – General

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

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

7 **Article – Health – General**

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

9 **13–2801.**

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

11 **13–2802.**

12 **IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND COMMISSION**
13 **ON AUTISM.**

14 **13–2803.**

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

16 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**
17 **THE PRESIDENT OF THE SENATE;**

18 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
19 **THE SPEAKER OF THE HOUSE;**

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

22 **(4) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE**
23 **SUPERINTENDENT’S DESIGNEE;**

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

26 **(6) THE SECRETARY OF DISABILITIES, OR THE SECRETARY’S**
27 **DESIGNEE;**

28 **(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL’S**
29 **DESIGNEE; AND**

1 ~~(6)~~ (8) THE FOLLOWING ~~17~~ MEMBERS, TO BE APPOINTED BY
2 THE GOVERNOR:

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

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

9 ~~(III)~~ ~~A SPEECH LANGUAGE PATHOLOGIST;~~

10 ~~(IV)~~ (III) A DIAGNOSTICIAN;

11 ~~(V)~~ ~~A MENTAL HEALTH PROVIDER;~~

12 (IV) A SCHOOL PSYCHOLOGIST;

13 ~~(VI)~~ (V) A ~~PRIMARY CARE PHYSICIAN~~ PHYSICIAN
14 SPECIALIZING IN PEDIATRICS WHO PRACTICES IN THE STATE;

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

19 ~~(VIII)~~ (VII) TWO ~~INDIVIDUALS~~ ADULTS WITH AUTISM
20 SPECTRUM DISORDERS;

21 ~~(IX)~~ ~~A REPRESENTATIVE FROM AN INDEPENDENT PRIVATE~~
22 ~~PROVIDER OR NONPROFIT PROVIDER;~~

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

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

30 ~~(XI)~~ ~~A REPRESENTATIVE FROM THE MARYLAND HOSPITAL~~
31 ~~ASSOCIATION.~~

1 (X) A REPRESENTATIVE OF THE MARYLAND
2 DEVELOPMENTAL DISABILITIES COUNCIL;

3 (XI) A PHYSICAL THERAPIST LICENSED BY THE STATE
4 BOARD OF PHYSICAL THERAPY EXAMINERS;

5 (XII) AN OCCUPATIONAL THERAPIST LICENSED BY THE
6 STATE BOARD OF OCCUPATIONAL THERAPY PRACTICE;

7 (XIII) A REPRESENTATIVE OF A NONPROFIT HEALTH SERVICE
8 PLAN THAT DOES BUSINESS IN THE STATE; AND

9 (XIV) A REPRESENTATIVE OF A FOR PROFIT HEALTH INSURER
10 THAT DOES BUSINESS IN THE STATE.

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

15 (2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO
16 THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC,
17 CULTURAL, AND GENDER DIVERSITY OF THE STATE.

18 (C) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND
19 DISABILITIES OR THE DEPUTY SECRETARY'S DESIGNEE SHALL BE THE CHAIR
20 OF THE COMMISSION.

21 13-2804.

22 (A) A MAJORITY OF THE MEMBERS SERVING ON THE COMMISSION IS A
23 QUORUM.

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

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

28 (D) A MEMBER OF THE COMMISSION:

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

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

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

8 **13-2805.**

9 (A) THE COMMISSION SHALL:

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

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

18 (3) EVALUATE WAYS TO PROMOTE AUTISM SPECTRUM DISORDER
19 AWARENESS; AND

20 (4) DEVELOP A RECOMMENDATION REGARDING THE
21 DESIRABILITY OF AMENDING STATE LAW TO REQUIRE MORE EXTENSIVE
22 INSURANCE COVERAGE OF AUTISM DIAGNOSIS AND TREATMENT SERVICES,
23 INCLUDING APPLIED BEHAVIOR ANALYSIS.

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;

32 (3) PLAN FOR EFFECTIVELY EVALUATING REGIONAL SERVICE
33 AREAS THROUGHOUT THE STATE AND THE CAPACITY OF THE AREAS,
34 INCLUDING OUTLINING PERSONNEL AND SKILLS THAT EXIST WITHIN THE

1 SERVICE AREA, OTHER CAPABILITIES THAT EXIST, AND RESOURCE NEEDS THAT
2 MAY BE UNMET;

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

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

10 (5) DEVELOP RECOMMENDATIONS TO ADDRESS THE TRANSITION
11 OF CHILDREN AGING OUT OF THE AUTISM MEDICAID WAIVER;

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

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

19 (8) EVALUATE PROGRAMS THAT CURRENTLY EXIST IN OTHER
20 STATES TO DETERMINE HOW SIMILAR PROGRAMS IN THE STATE COULD
21 BENEFIT INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND

22 (9) DEVELOP RECOMMENDATIONS FOR FACILITATING THE
23 COORDINATION OF RESEARCH OPPORTUNITIES BETWEEN INSTITUTIONS AND
24 EDUCATION AND HEALTH AGENCIES TO SUPPORT RESEARCH IN ALL AREAS OF
25 AUTISM.

26 (c) THE COMMISSION MAY:

27 (1) PROVIDE RECOMMENDATIONS REGARDING TRAINING
28 PROGRAMS AND THE CONTENT OF TRAINING PROGRAMS BEING DEVELOPED;

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

33 ~~(2)~~ (3) RECOMMEND INDIVIDUALS TO PARTICIPATE IN A
34 COMMITTEE OF MAJOR STAKEHOLDERS CHARGED WITH DEVELOPING

1 **SCREENING, DIAGNOSTIC, ASSESSMENT, ~~AND TREATMENT~~ TREATMENT, AND**
2 **SERVICE STANDARDS FOR THE STATE;**

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

7 ~~(4)~~ **(5) EXAMINE THE BARRIERS TO ACCURATE INFORMATION**
8 **OF THE PREVALENCE OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS**
9 **ACROSS THE STATE AND RECOMMEND A PROCESS FOR ACCURATE REPORTING**
10 **OF DEMOGRAPHIC DATA.**

11 **13-2806.**

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

14 **(1) ON OR BEFORE JANUARY 1, 2010, ON THE COMMISSION'S**
15 **RECOMMENDATION REGARDING THE DESIRABILITY OF AMENDING STATE LAW**
16 **TO REQUIRE MORE EXTENSIVE INSURANCE COVERAGE OF AUTISM DIAGNOSIS**
17 **AND TREATMENT SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS;**

18 ~~(1)~~ **(2) ON OR BEFORE JUNE 1, 2011, ON THE COMMISSION'S**
19 **PRELIMINARY FINDINGS AND RECOMMENDATIONS REGARDING THE**
20 **DEVELOPMENT OF A COMPREHENSIVE STATEWIDE PLAN UNDER § 13-2805 OF**
21 **THIS SUBTITLE; AND**

22 ~~(2)~~ **(3) ON OR BEFORE SEPTEMBER 30, 2012, ON THE**
23 **COMMISSION'S FINAL FINDINGS AND RECOMMENDATIONS REGARDING THE**
24 **DEVELOPMENT OF A COMPREHENSIVE STATEWIDE PLAN UNDER § 13-2805 OF**
25 **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.