

## CHAPTER 119

(House Bill 20)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Education

Section 8-401(a)(2) and 13-303(l)

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 13-101(l)

Annotated Code of Maryland

(2001 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5-101(f) and 14-103

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 7-101(c)(1), (k), and (p), 7-204(a) and (c), 7-501, 7-502, 7-503(e)(1), 7-505, 7-507(f), (g), and (j), 7-508, 7-512(a), 7-515, 7-516,

7-517, 7-803, 7-909(d), 10-101(f), 10-514(d), 10-620(e), 15-805(b),  
16-101(b), 16-201(a), 16-402, 16-404, 16-405, 16-407, and 19-201(e)

Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

BY adding to

Article – Health – General  
Section 7-101(k)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

BY repealing

Article – Health – General  
Section 7-101(l)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment  
Section 3-420(d)  
Annotated Code of Maryland  
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement  
Section 10-309(a)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation  
Section 11-117 and 22-412.1  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

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

**Article – Education**

8-401.

(a) (2) “Child with a disability” means a child who has been determined through appropriate assessment as having autism, deaf-blindness, hearing impairment, including deafness, emotional disturbance, [mental retardation] **INTELLECTUAL DISABILITY**, multiple disabilities, orthopedic impairment, other

health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment, including blindness, and who because of that impairment needs special education and related services.

13-303.

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

#### **Article - Estates and Trusts**

13-101.

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

#### **Article - Family Law**

5-101.

(f) "Disability" means:

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

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

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

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

14-103.

This title does not apply to:

- (1) the abuse of a patient in a mental health facility, under Title 10 of the Health – General Article;
- (2) the abuse of a patient in a facility for [mentally retarded] individuals **WITH AN INTELLECTUAL DISABILITY** under Title 7 of the Health – General Article;
- (3) the abuse of a patient in a nursing home under Title 19 of the Health – General Article; or
- (4) the abuse of a patient in a hospital under Title 19 of the Health – General Article.

**Article – Health – General**

7-101.

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

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

[(k)] (L) “Live independently” means:

- (1) For adults:
  - (i) Managing personal care, such as clothing and medication;
  - (ii) Managing a household, such as menu planning, food preparation and shopping, essential care of the premises, and budgeting; and
  - (iii) Using community resources, such as commercial establishments, transportation, and services of public agencies; or
- (2) For minors, functioning in normal settings without the need for supervision or assistance other than supervision or assistance that is age appropriate.

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

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

(1) Is owned and operated by this State;

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

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

7-204.

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

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

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

(c) The Commission shall:

(1) Develop a systematic 5-year plan for:

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

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

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

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

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

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

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

7-501.

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

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

7-502.

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

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

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

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

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

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

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

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

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

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

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

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

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

7-503.

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

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

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

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

7-505.

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

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

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

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

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

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

7-507.

(f) The trier of fact shall determine:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

7-508.

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

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

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

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

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

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

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

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

(i) The duration of the release;

(ii) Treatment during release; or

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

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

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

7-512.

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

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

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

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

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

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

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

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

7-515.

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

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

(2) Each board shall:

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

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

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

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

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

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

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

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

7-516.

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

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

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

7-517.

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

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

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

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

(2) The assessment required by this section shall:

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

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

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

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

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

7-803.

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

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

- (1) A medical reason;
- (2) The welfare of the resident or other residents;
- (3) Knowingly transferring personal assets in violation of a contract provision and only to become eligible for Medicaid benefits;
- (4) A nonpayment for a stay; or
- (5) The planned closing of the facility.

7-909.

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

- (1) The executive officer of the licensee; or
- (2) In the case of an intermediate care [facility-mental retardation] **FACILITY – INTELLECTUAL DISABILITY**, the State Planning Council and the State-designated protection and advocacy agency.

10-101.

(f) (1) “Mental disorder” means a behavioral or emotional illness that results from a psychiatric or neurological disorder.

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

(3) “Mental disorder” does not include [mental retardation] **AN INTELLECTUAL DISABILITY.**

10-514.

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

(2) “Private group home” does not include:

(i) Any facility that is owned by or leased to this State or any public agency;

(ii) Any facility that is regulated by the Department of Juvenile Services;

(iii) Any facility that is regulated by the [Mental Retardation and] Developmental Disabilities Administration;

(iv) Any facility that is organized wholly or partly to make a profit; or

(v) A foster home that is the domicile of the foster parent.

10–620.

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

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

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

1. Physician;
2. Psychologist;
3. Clinical social worker;
4. Licensed clinical professional counselor;
5. Clinical nurse specialist in psychiatric and mental health nursing (APRN/PMH);
6. Psychiatric nurse practitioner (CRNP–PMH); or

7. Licensed clinical marriage and family therapist.

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

15–805.

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

- (i) Hands–on assistance;
- (ii) Supervision; or
- (iii) Cueing, prompting, or reminding the consumer about an activity.

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

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

- (i) A nursing facility;
- (ii) An intermediate care facility for [the mentally retarded] **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY;** or
- (iii) A facility that provides food, shelter, and treatment services to four or more individuals unrelated to the proprietor.

16–101.

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

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

16–201.

(a) The Secretary shall adopt rules and regulations that set charges for services that the Department provides for the physically ill, aged, mentally disordered,

[mentally retarded] **INTELLECTUALLY DISABLED**, and developmentally disabled and other recipients of services in or through State-operated:

- (1) Clinics;
- (2) Day care, day treatment, and day hospital care;
- (3) Group homes and small residential homes;
- (4) Inpatient care in regional and State hospitals and centers; and
- (5) Inpatient and outpatient care of any other kind.

16-402.

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

16-404.

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

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

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

(2) The lesser of:

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

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

title.



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

16-405.

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

(b) For purposes of § 16-404(b)(2) of this subtitle, the liability of a chargeable person for the cost of care of [a mentally retarded individual] **AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY** shall be determined in accordance with either of the 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.
\$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

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

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

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

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

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

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

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

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

16-407.

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

(b) (1) If any property of [a mentally retarded] **AN individual WITH AN INTELLECTUAL DISABILITY** remains in the custody of a public facility for 1 year after

the death or release of the [mentally retarded] individual **WITH AN INTELLECTUAL DISABILITY**, the Department shall investigate to locate the individual or to determine if any other person legally is entitled to that property.

(2) If such a person is not found:

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

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

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

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

19–201.

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

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

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

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

### **Article – Labor and Employment**

3–420.

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

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

(2) for an employee of an institution that:

- (i) is not a hospital; but
- (ii) is engaged primarily in the care of individuals who:
  - 1. are aged, [mentally retarded] **INTELLECTUALLY DISABLED**, or sick or have a mental disorder; and
  - 2. reside at the institution.

### **Article – State Finance and Procurement**

10–309.

- (a) In this section, “State facility” means:
  - (1) a facility maintained by the Mental Hygiene Administration of the Department of Health and Mental Hygiene and listed in § 10–406 of the Health – General Article; or
  - (2) a State residential center for individuals with [mental retardation] **AN INTELLECTUAL DISABILITY** in the Developmental Disabilities Administration of the Department of Health and Mental Hygiene.

### **Article – Transportation**

11–117.

- (a) “Educational purposes” includes those activities of schools certified by the Department of Education, activities of centers for [the mentally retarded] **INDIVIDUALS WITH AN INTELLECTUAL DISABILITY** and physically handicapped **INDIVIDUALS**, church schools, Sunday schools and church related functions, day care centers, day camps, or summer camps, or any other activity that provides some educational experience for its participants.
- (b) This definition shall be liberally construed.

22–412.1.

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

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

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

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

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

**Approved by the Governor, April 14, 2009.**