

CHAPTER 337

(Senate Bill 963)

AN ACT concerning

Health – Maryland Commission on Autism

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

BY adding to

Article – Health – General

Section 13–2801 through 13–2806 to be under the new subtitle “Subtitle 28.

Maryland Commission on Autism”

Annotated Code of Maryland

(2005 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 – Health – General

SUBTITLE 28. MARYLAND COMMISSION ON AUTISM.

13–2801.

THERE IS A MARYLAND COMMISSION ON AUTISM.

13-2802.

IN THIS SUBTITLE, "COMMISSION" MEANS THE MARYLAND COMMISSION ON AUTISM.

13-2803.

(A) THE COMMISSION CONSISTS OF:

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

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

(3) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND DISABILITIES, OR THE DEPUTY SECRETARY'S DESIGNEE;

(4) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;

(5) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S DESIGNEE; ~~AND~~

(6) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE; AND

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

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

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

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

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

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

~~(IV) A SCHOOL PSYCHOLOGIST;~~

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

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

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

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

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

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

~~(XI) A REPRESENTATIVE FROM THE MARYLAND HOSPITAL ASSOCIATION;~~

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

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

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

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

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

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

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

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

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

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

13-2804.

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

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

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

(D) A MEMBER OF THE COMMISSION:

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

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

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

13-2805.

(A) THE COMMISSION SHALL:

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

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

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

~~(4) DEVELOP A RECOMMENDATION REGARDING THE DESIRABILITY OF AMENDING STATE LAW TO REQUIRE MORE EXTENSIVE INSURANCE COVERAGE OF AUTISM DIAGNOSIS AND TREATMENT SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS~~ REVIEW THE FINDINGS OF ANY SUMMIT OR CONFERENCE CONVENED BY THE STATE REGARDING AUTISM SPECTRUM DISORDERS.

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

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

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

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

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

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

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

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

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

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

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

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

(c) THE COMMISSION MAY:

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

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

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

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

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

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

13-2806.

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

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

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

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

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

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MARTIN O'MALLEY, Governor

Approved by the Governor, May 7, 2009.