

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1464 (Delegate Conway, *et al.*)  
Health and Government Operations

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**Individuals with Developmental Disabilities - Respite Care**

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This bill extends the termination date on the requirement for State residential centers to provide respite care to certain individuals and for the annual budget to include a general fund appropriation for the purpose of providing respite care, from September 30, 2009 to September 30, 2014. The bill requires the Department of Health and Mental Hygiene (DHMH) to document any decision of the Developmental Disabilities Administration (DDA) not to approve respite care for an individual, family, or guardian. The bill also requires DHMH's managing for results indicators that it submits with its annual budget request to include specified information regarding respite care. Finally, the bill requires DHMH to study and document the demand for respite beds in State residential centers and determine how many beds could be reserved for respite care for those individuals on the community services waiting list. By December 31 of each year, for a period of five years, DHMH must report its study results to specified legislative committees.

The bill terminates September 30, 2014.

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**Fiscal Summary**

**State Effect:** Given the State's fiscal difficulties, agency budgets have been constrained, making the requirement to study and document the demand for respite beds in State residential centers and determine how many beds could be reserved for respite care for those individuals on the community services waiting list not absorbable within the existing budgeted resources of DHMH. Instead, general fund expenditures increase minimally beginning in FY 2010 for contractual staff to conduct the study with data collected by DDA and submit the annual report. Provision of respite care would continue absent the bill; thus, no further impact on general fund expenditures is assumed. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Potential minimal operational impact.

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## Analysis

**Current Law:** Chapter 178 of 2004 (as amended by Chapter 477 of 2007) requires State residential centers to provide respite care to individuals with developmental disabilities whose families are caring for those individuals in their home.

Beginning in fiscal 2006, the Holly Center, the Potomac Center, and the Brandenburg Center are required to each reserve up to 4% of their total beds for respite care; and the Rosewood Center is required to reserve between 2% and 4% of its total beds for respite care. Families caring for individuals with developmental disabilities in their homes must have a choice of obtaining respite care in a State residential center or a community setting. These respite care requirements are scheduled to terminate September 30, 2009.

The annual budget must include a general fund appropriation for the purpose of providing respite care in a State residential center or community setting. Any appropriation may not supplant funds already budgeted for respite care, and no funds may be transferred from community services to pay for respite care provided in a State residential center.

DDA must include in the managing for results indicators submitted with its annual budget request an indicator of family satisfaction regarding respite services provided in a State residential center.

Proceeds from the sale or long-term lease of property and equipment of a DDA facility or an MHA facility are deposited into the Community Services Trust Fund. There are two accounts in the trust fund, one pertaining to proceeds from DDA facilities, and the other pertaining to proceeds from MHA facilities. Investment earnings from the DDA account are transferred into the Waiting List Equity Fund within the Department of Health and Mental Hygiene and are generally used to provide community-based services to individuals eligible for but not receiving DDA services.

**Background:** There are 10 respite beds reserved at three State residential facilities for individuals with developmental disabilities (see **Exhibit 1**). Since Rosewood is scheduled to close on June 30, 2009, respite beds are no longer reserved at that facility.

According to DDA's managing for results indicator, 100% of families and individuals surveyed who use respite services at State residential centers expressed satisfaction with respite services received in 2008.

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**Exhibit 1**  
**DDA Respite Bed Availability**

	<b><u>Reserved Respite Beds</u></b>	<b><u>Licensed Beds</u></b>	<b><u>Percentage of Respite Beds</u></b>
Holly	4	150	3%
Potomac	4	63	6%
Brandenburg	2	25	8%
All Centers	10	238	4%

*Source: Developmental Disabilities Administration*

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DDA advises that, as of February 27, 2009, there were 18,898 individuals on the community services waiting list for one or more service. Of the total, 5,745 are already receiving at least one service funded by DDA. DDA advises that a person on the waiting list does not receive respite care while he or she is on the list. Rather, when a person moves to the front of the list and is able to receive DDA services, the person may also receive respite care as part of his or her plan of care. DDA advises that, for those individuals receiving DDA services, there is no waiting list for respite care.

Currently, the account balance of the Community Services Trust Fund is \$17,688,850. The majority of account holdings is for DDA (\$14,897,967), while the remainder of holdings (\$2,790,883) is for MHA.

DDA advises that, as of December 31, 2008, 454 respite days have been provided at three State residential centers in 2009 at a cost of \$211,802. In addition, DDA advises that it will spend \$657,833 for community respite, and \$1 million for behavioral respite in fiscal 2009.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Budget and Management, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 23, 2009  
ncs/mwc

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