

## Chapter 207

(Senate Bill 52)

AN ACT concerning

### **Department of Disabilities – Maryland Commission on Disabilities – Duties and Responsibilities**

FOR the purpose of requiring the Secretary of Disabilities to request that the Interagency Disabilities Board revise the State Disabilities Plan at least once every certain number of years; altering the required membership of the Maryland Commission on Disabilities; clarifying the duties of the members of the Commission; eliminating the Personal Assistance Services Advisory Committee; ~~requiring the Commission to report certain findings to the Governor and the General Assembly on or before a certain date;~~ and generally relating to the duties of the Secretary of Disabilities and the Maryland Commission on Disabilities.

BY repealing and reenacting, with amendments,

Article – Human Services

Section 7–113, 7–120, and 7–123

Annotated Code of Maryland

(2007 Volume and 2009 Supplement)

BY repealing

Article – Human Services

Section 7–135 through 7–140 and the part “Part VI. Personal Assistance Services Advisory Committee”

Annotated Code of Maryland

(2007 Volume and 2009 Supplement)

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

#### **Article – Human Services**

7–113.

(a) The Secretary is responsible for the budget of the Department.

(b) Except as otherwise provided by law, the Secretary shall pay all money collected by the Department under this subtitle into the General Fund of the State.

(c) (1) (i) Before publication in the Maryland Register, the Secretary shall review new or proposed changes to regulations submitted by a unit of State government that relate to the provision of resources and services to individuals with disabilities.

(ii) The regulations shall include an assessment that describes the impact of the proposed regulations on individuals with disabilities.

(2) Before implementation, the Secretary shall review new or proposed changes to policies, programs, or services submitted by a unit of State government that relate to the provision of resources and services to individuals with disabilities.

(d) (1) The Secretary shall review, coordinate, and concur with any application for federal aid, waivers, or grants that is:

(i) specific to services for individuals with disabilities; and

(ii) submitted by or through any unit of State government.

(2) Except as otherwise prohibited by law, the Secretary may apply for, receive, and use grants-in-aid, funds, or services from the federal government or any of its units, or any public or private source made available to the Department for use in carrying out the powers and duties of the Secretary or the Department.

(e) (1) The Secretary shall review the State Disabilities Plan developed by the Board in accordance with § 7-132 of this subtitle.

(2) The Secretary may approve the State Disabilities Plan or amend the Plan if the Secretary determines that the Plan developed by the Board is not in accordance with § 7-132 of this subtitle.

**(3) THE SECRETARY SHALL REQUEST THAT THE BOARD REVISE THE STATE DISABILITIES PLAN AT LEAST ONCE EVERY 4 YEARS.**

**[(3)] (4)** The Secretary shall adopt regulations to implement the State Disabilities Plan as approved or as amended in accordance with paragraph (2) of this subsection.

(f) The Secretary shall submit an annual analysis of the State's progress in implementing the State Disabilities Plan and related performance objectives to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on or before October 1 of each year.

(g) The Secretary may create citizens' advisory bodies that the Secretary considers necessary for the effective operation of the Department.

7-120.

(a) The Commission consists of:

(1) the following members, appointed by the Governor:

(i) one individual with a physical disability;

(ii) one individual who has experienced mental illness;

(iii) ~~one individual~~ **TWO INDIVIDUALS** with **[an intellectual] A DEVELOPMENTAL disability, INCLUDING ONE WITH AN INTELLECTUAL DISABILITY;**

(iv) one individual who is blind;

(v) one individual who is deaf or hard of hearing;

(vi) one parent or foster parent of a child with a disability;

(vii) four members of the general public who have disabilities;

(viii) three representatives from statewide disability advocacy organizations;

(ix) one representative from the home health care industry;

(x) one representative from a statewide organization of providers of services and support for individuals with disabilities;

(xi) one representative from the Alliance of Local Commissions on Disability; and

(xii) two representatives from the Board, one of whom shall be selected by the Secretary and one of whom shall be the Secretary of Budget and Management or the designee of the Secretary of Budget and Management;

(2) one representative from the Senate of Maryland, appointed by the President of the Senate; and

(3) one representative from the Maryland House of Delegates, appointed by the Speaker of the House.

(b) In making the appointments required under subsection (a)(1) of this section, the Governor shall appoint members from among:

- (1) the geographic regions of the State; and
  - (2) diverse backgrounds.
- (c) A majority of the members shall be individuals with disabilities.
- (d) (1) The term of a member is 3 years.
- (2) The terms of the members are staggered as required by the terms provided for the members of the Commission on October 1, 2007.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member may not serve more than two consecutive 3-year terms.
- (e) A member who fails to attend at least 50% of the regularly scheduled meetings of the Commission during any 12-month period shall be considered to have resigned.

7-123.

Members of the Commission shall:

- (1) advise the Department in carrying out its duties;
- (2) meet at least twice a year in meetings open to the public; and
- (3) serve on **ONE OR MORE** subcommittees established by the Secretary to [carry out the mission of] **PROVIDE GUIDANCE TO the Department ON MATTERS AFFECTING INDIVIDUALS WITH DISABILITIES, INCLUDING PUBLIC POLICY, OUTREACH, AND PERSONAL ASSISTANCE SERVICES.**

[Part VI. Personal Assistance Services Advisory Committee.]

[7-135.

In this part, “Advisory Committee” means the Personal Assistance Services Advisory Committee.]

[7-136.

(a) There is a Personal Assistance Services Advisory Committee in the Office of Personal Assistance Services in the Department.

(b) The purpose of the Advisory Committee is to provide guidance to the Department on personal care, attendant care, and home care services, including:

(1) the development of standards for the training of personal care workers;

(2) the feasibility of establishing a referral system of individual providers;

(3) the feasibility of establishing a registry for personal care workers; and

(4) the compensation levels provided to personal care workers for personal assistance services.]

[7-137.

(a) The Advisory Committee consists of the following members, appointed by the Governor:

(1) 11 individuals with disabilities who are current or former consumers of personal home or attendant care services; and

(2) one representative each from:

(i) the Maryland Medical Assistance Program;

(ii) the Maryland Department of Aging;

(iii) the State Department of Education, Division of Rehabilitative Services;

(iv) the Maryland Association of Community Colleges or its designee;

(v) a local office on aging;

(vi) the Maryland State Independent Living Council;

(vii) an advocacy organization representing senior citizens;

(viii) an advocacy organization representing individuals with disabilities;

(ix) a provider of home care or personal attendant care services;  
and

(x) a home health worker.

(b) (1) The term of a member is 3 years.

(2) The terms of the members are staggered as required by the terms provided for members of the Advisory Committee on October 1, 2007.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive terms.]

[7-138.

From among the members of the Advisory Committee, the Secretary shall select a chair.]

[7-139.

(a) The Office of Personal Assistance Services shall provide staff to the Advisory Committee.

(b) The Advisory Committee shall meet at least four times a year, in meetings open to the public.]

[7-140.

The Advisory Committee shall report its recommendations on personal care assistance services to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on or before October 1 of each year.]

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2010, the Maryland Commission on Disabilities shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on:~~

~~(a) The financial status of community providers funded by the Developmental Disabilities Administration and the Mental Hygiene Administration; and~~

~~(b) The efforts by the Department of Health and Mental Hygiene to develop and implement a rate setting process for community providers that would:~~

~~(1) Allow community providers to operate in a financially sound manner;~~

~~(2) Encourage efficiencies; and~~

~~(3) Provide for the highest level of quality care for individuals with developmental disabilities and mental illness.~~

SECTION ~~2~~ ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 4, 2010.**