

SB0413/777576/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, and Benson”; in line 2, after “Resolution” insert “and Prevention Resolution Services -”; in the same line, after “Funding” insert “and Reporting”; in line 12, strike “removed from a certain waiting list under certain circumstances” and substitute “receiving certain services provided with certain funds; making stylistic changes”; in line 13, after “to” insert “reports about and”; and in line 16, after “Section” insert “7-101 and”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“7-101.

- (a) In this title the following words have the meanings indicated.
- (b) “Administration” means the Developmental Disabilities Administration.
- (c) (1) “Admission” means the process by which an individual with an intellectual disability is accepted as a resident in a State residential center.
- (2) “Admission” includes the physical act of the individual entering the facility.
- (d) (1) “Alternative living unit” means a residence that:
 - (i) Provides residential services for individuals who, because of developmental disability, require specialized living arrangements;

(Over)

(ii) Admits not more than 3 individuals; and

(iii) Provides 10 or more hours of supervision per unit, per week.

(2) “Alternative living unit” does not include a residence that is owned or rented by:

(i) 1 or more of its residents; or

(ii) A person who:

1. Is an agent for any of the residents; but

2. Is not a provider of residential supervision.

(E) “CRISIS PREVENTION CATEGORY” MEANS THE CATEGORY FOR THE WAITING LIST FOR WHICH AN INDIVIDUAL QUALIFIES IF THE INDIVIDUAL:

(1) IS DETERMINED BY THE ADMINISTRATION TO HAVE AN URGENT NEED FOR SERVICES; AND

(2) IS AT A SUBSTANTIAL RISK FOR MEETING ONE OR MORE OF THE CRITERIA FOR THE CRISIS RESOLUTION CATEGORY WITHIN 1 YEAR OR HAVE A CAREGIVER WHO IS 65 YEARS OLD OR OLDER.

(F) “CRISIS RESOLUTION CATEGORY” MEANS THE CATEGORY FOR THE WAITING LIST FOR WHICH AN INDIVIDUAL QUALIFIES IF THE INDIVIDUAL:

(1) (I) IS HOMELESS; OR

(II) IS LIVING IN TEMPORARY HOUSING AT WHICH THE INDIVIDUAL'S STAY IS TIME-LIMITED AND NO ADMINISTRATION-FUNDED ALTERNATIVE IS AVAILABLE;

(2) IS AT SERIOUS RISK OF PHYSICAL HARM IN THE INDIVIDUAL'S CURRENT ENVIRONMENT;

(3) IS AT SERIOUS RISK OF CAUSING PHYSICAL HARM TO OTHERS IN THE INDIVIDUAL'S CURRENT ENVIRONMENT; OR

(4) IS LIVING WITH A CAREGIVER WHOSE INABILITY TO PROVIDE THE INDIVIDUAL WITH ADEQUATE CARE, DUE TO THE IMPAIRED HEALTH OF THE CAREGIVER, MAY PLACE THE APPLICANT AT RISK OF SERIOUS PHYSICAL HARM.

[(e)] (G) "Deputy Secretary" means the Deputy Secretary for Developmental Disabilities.

[(f)] (H) "Developmental disability" means a severe chronic disability of an individual that:

(1) Is attributable to a physical or mental impairment, other than the sole diagnosis of mental illness, or to a combination of mental and physical impairments;

(2) Is manifested before the individual attains the age of 22;

(3) Is likely to continue indefinitely;

(4) Results in an inability to live independently without external support or continuing and regular assistance; and

(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

[(g)] (I) “External support” means:

(1) Periodic monitoring of the circumstances of an individual with respect to:

(i) Personal management;

(ii) Household management; and

(iii) The use of community resources; and

(2) Rendering appropriate advice or assistance that may be needed.

[(h)] (J) “Group home” means a residence that:

(1) Provides residential services for individuals who, because of developmental disability, require specialized living arrangements;

(2) Admits at least 4 but not more than 8 individuals; and

(3) Provides 10 or more hours of supervision per home, per week.

[(i)] (K) “Habilitation” means a process by which a provider of services enables an individual to acquire and maintain life skills to cope more effectively with the demands of the individual’s own person and environment and to raise the level of the individual’s mental, physical, social, and vocational functioning.

[(j)] (L) (1) “Individual support services” means an array of services that are designed to increase or maintain an individual’s ability to live alone or in a family setting.

(2) “Individual support services” include:

(i) In-home assistance with meals and personal care;

(ii) Counseling;

(iii) Physical, occupational, or other therapies;

(iv) Architectural modification; and

(v) Any other services that the Administration considers appropriate to meet the individual’s needs.

(3) “Individual support services” does not include full day or residential services.

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

[(l)] (N) “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

(Over)

(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.

[(m)] (O) “Release” means a permanent, temporary, absolute, or conditional release of an individual from a State residential center.

[(n)] (P) “Services” means residential, day, or other services that provide for evaluation, diagnosis, treatment, care, supervision, assistance, or attention to individuals with developmental disability and that promote habilitation of these individuals.

[(o)] (Q) “Services coordination” means a service that consists of the following 3 major functions that are designed to assist an individual in obtaining the needed services and programs that the individual desires in order to gain as much control over the individual’s own life as possible:

- (1) Planning services;
- (2) Coordinating services; and
- (3) Monitoring service delivery to the individual.

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

- (1) Is owned and operated by this State;

(2) Provides residential services for individuals with an intellectual disability and who, because of that intellectual disability, require specialized living arrangements; and

(3) Admits 9 or more individuals with an intellectual disability.

[(g)] (S) “Treatment” means any education, training, professional care or attention, or other program that is given to an individual with developmental disability.

[(r)] (T) “Vocational services” means a service that provides job training and placement, supported employment and training in acceptable work behaviors, and vocationally–related social and other skills.

(U) “WAITING LIST” MEANS THE LIST FOR DEVELOPMENTAL DISABILITIES SERVICES ON WHICH THE ADMINISTRATION PLACES THE NAME OF AN INDIVIDUAL WHO:

(1) HAS APPLIED TO THE ADMINISTRATION FOR DEVELOPMENTAL DISABILITY SERVICES;

(2) HAS BEEN DETERMINED ELIGIBLE FOR DEVELOPMENTAL DISABILITY SERVICES BY THE ADMINISTRATION; AND

(3) HAS NOT RECEIVED THE DEVELOPMENTAL DISABILITY SERVICES FOR WHICH THE INDIVIDUAL HAS APPLIED.”.

AMENDMENT NO. 3

On page 2, in line 3, after “year” insert a comma; in line 4, after “Services” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”; in line 12, strike “for developmental disabilities services”; strike beginning with “OF” in line 17 down through “SERVICES” in line 18; strike beginning with “OF” in line 20 down

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through “SERVICES” in line 21; and strike beginning with “OF” in line 23 down through “SERVICES” in line 24.

On page 3, strike beginning with “OF” in line 5 down through “SERVICES” in line 6; in line 8, strike “OF THE WAITING LIST”; strike beginning with “OF” in line 10 down through “SERVICES” in line 11; strike beginning with “IS” in line 14 down through “CONTINUE” in line 17 and substitute “CONTINUE”; and in line 18, after “SERVICES” insert “IN ACCORDANCE WITH THE INDIVIDUAL’S NEEDS”.