

SENATE BILL 959

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CF HB 1171

By: **Senators Lee, Feldman, Hester, and Lam**
Introduced and read first time: February 3, 2020
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Demonstration Program and Developmental Disabilities**

3 FOR the purpose of establishing the State Advisory Council on Self-Directed Services;
4 providing for the purposes of the Advisory Council; providing for the composition,
5 officers, and staffing of the Advisory Council; providing for the term of an appointed
6 member of the Advisory Council; prohibiting a certain member from being
7 reappointed to the Advisory Council under certain circumstances; requiring the
8 Governor to appoint a successor in a certain manner and under certain
9 circumstances; requiring the Advisory Council to adopt certain rules; providing that
10 the members present at a meeting are a quorum; requiring the Advisory Council to
11 meet with certain frequencies at the times and places that it determines; requiring
12 the Developmental Disabilities Administration to assist the Advisory Council in
13 notifying certain stakeholders of certain opportunities; prohibiting a member of the
14 Advisory Council from receiving certain compensation, but authorizing the
15 reimbursement of certain expenses; requiring the Advisory Council to take certain
16 actions regarding certain matters; requiring the Advisory Council to submit a certain
17 report to the Governor and the General Assembly on or before a certain date each
18 year; requiring that certain waiver services include support broker services and an
19 option for a certain family member or legal guardian to provide certain waiver
20 services to a certain individual under certain circumstances; providing that a certain
21 support broker has a fiduciary duty to a certain individual; altering the health care
22 services required to be provided under a certain demonstration program; altering the
23 date by which a certain report is required to be submitted; altering the termination
24 date for certain provisions of law; defining certain terms; specifying the terms of the
25 initial appointed members of the Advisory Council; and generally relating to
26 self-directed services for people with developmental disabilities.

27 BY adding to
28 Article – Health – General
29 Section 7-408
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2019 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article – Health – General
4 Section 15–132
5 Annotated Code of Maryland
6 (2019 Replacement Volume)

7 BY repealing and reenacting, with amendments,
8 Chapter 446 of the Acts of the General Assembly of 2018
9 Section 1 and 2

10 BY repealing and reenacting, with amendments,
11 Chapter 447 of the Acts of the General Assembly of 2018
12 Section 1 and 2

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

15 **Article – Health – General**

16 **7–408.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) “ADVISORY COUNCIL” MEANS THE STATE ADVISORY COUNCIL ON**
20 **SELF–DIRECTED SERVICES.**

21 **(3) “SELF–DIRECTED SERVICES” MEANS SERVICES THAT AN**
22 **INDIVIDUAL PLANS AND PURCHASES UNDER THE INDIVIDUAL’S OWN DIRECTION**
23 **AND CONTROL OR UNDER THE CONTROL OF THE INDIVIDUAL’S DESIGNATED**
24 **REPRESENTATIVE WHEN PARTICIPATING IN THE FOLLOWING PROGRAMS:**

25 **(I) THE FAMILY SUPPORT SERVICES PROGRAM ESTABLISHED**
26 **UNDER § 7–703 OF THIS TITLE;**

27 **(II) THE COMMUNITY SUPPORTED LIVING ARRANGEMENTS**
28 **SERVICES PROGRAM ESTABLISHED UNDER §§ 7–709 THROUGH 7–714 OF THIS**
29 **TITLE; OR**

30 **(III) THE HOME– AND COMMUNITY–BASED SERVICES WAIVER**
31 **UNDER § 15–132 OF THIS ARTICLE.**

32 **(B) THERE IS A STATE ADVISORY COUNCIL ON SELF–DIRECTED SERVICES.**

1 (C) THE PURPOSES OF THE STATE ADVISORY COUNCIL ON
2 SELF-DIRECTED SERVICES ARE TO:

3 (1) PROVIDE THE DEPUTY SECRETARY, THE REGIONAL DIRECTORS
4 OF THE ADMINISTRATION'S REGIONAL OFFICES, AND OTHER STAKEHOLDERS IN THE
5 STATE WITH INFORMATION REGARDING THE NEEDS OF ADULTS WITH
6 DEVELOPMENTAL DISABILITIES;

7 (2) ADVOCATE FOR POSITIVE SYSTEMS CHANGE RELATED TO THE
8 SERVICES PROVIDED TO ADULTS WITH DEVELOPMENTAL DISABILITIES;

9 (3) ADVOCATE FOR A POSITIVE RELATIONSHIP BETWEEN ADULTS
10 WITH DEVELOPMENTAL DISABILITIES AND THE ADMINISTRATION AND OTHER
11 STATE AND LOCAL ORGANIZATIONS;

12 (4) PROVIDE A FORUM FOR INFORMATION SHARING AND SUPPORT
13 AMONG ADULTS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES;

14 (5) ADVOCATE FOR BEST PRACTICES IN PROVIDING SERVICES TO
15 ADULTS WITH DEVELOPMENTAL DISABILITIES;

16 (6) SEEK INPUT FROM INDIVIDUALS WITH DEVELOPMENTAL
17 DISABILITIES, ADVOCATES, FAMILY MEMBERS, COMMUNITY PARTNERS, SERVICE
18 PROVIDERS, EDUCATORS, AND ADMINISTRATORS ON ISSUES RELATED TO:

19 (I) EMPLOYMENT, SERVICES, AND CONTINUING EDUCATION
20 FOR ADULTS WITH DEVELOPMENTAL DISABILITIES; AND

21 (II) THE INCLUSION OF ADULTS WITH DEVELOPMENTAL
22 DISABILITIES IN THE COMMUNITY; AND

23 (7) INFORM THE GENERAL ASSEMBLY OF PROGRESS TOWARD THESE
24 GOALS ANNUALLY.

25 (D) THE ADVISORY COUNCIL CONSISTS OF:

26 (1) ONE REPRESENTATIVE OF THE DEVELOPMENTAL DISABILITIES
27 ADMINISTRATION WHO DOES NOT WORK IN A REGIONAL OFFICE, DESIGNATED BY
28 THE SECRETARY OF THE ADMINISTRATION;

29 (2) ONE REPRESENTATIVE FROM EACH OF THE ADMINISTRATION'S
30 FOUR REGIONAL OFFICES, DESIGNATED BY THE REGIONAL DIRECTOR OF EACH

1 OFFICE;

2 (3) ONE REPRESENTATIVE FROM THE DEPARTMENT OF
3 DISABILITIES, DESIGNATED BY THE SECRETARY OF DISABILITIES;

4 (4) ONE REPRESENTATIVE FROM THE MARYLAND STATE
5 DEPARTMENT OF EDUCATION, DESIGNATED BY THE STATE SUPERINTENDENT;

6 (5) ONE REPRESENTATIVE FROM THE DIVISION OF REHABILITATIVE
7 SERVICES IN THE STATE DEPARTMENT OF EDUCATION, DESIGNATED BY THE
8 ASSISTANT STATE SUPERINTENDENT;

9 (6) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR FROM
10 LISTS OF THREE NOMINEES FOR EACH POSITION PROVIDED BY THE
11 SELF-DIRECTED ADVOCACY NETWORK OF MARYLAND, INC.:

12 (I) FOUR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES
13 WHO USE SELF-DIRECTED SERVICES, INCLUDING ONE INDIVIDUAL FROM EACH
14 REGION OF THE ADMINISTRATION'S REGIONAL OFFICES, IF POSSIBLE;

15 (II) FOUR FAMILY MEMBERS OF CHILDREN OR ADULTS WITH
16 DEVELOPMENTAL DISABILITIES, NOT RELATED TO THE FOUR INDIVIDUALS
17 APPOINTED UNDER ITEM (I) OF THIS ITEM, INCLUDING ONE INDIVIDUAL FROM EACH
18 REGION OF THE ADMINISTRATION'S REGIONAL OFFICES, IF POSSIBLE;

19 (III) TWO INDIVIDUALS WHO PROVIDE SUPPORT BROKER
20 SERVICES;

21 (IV) TWO REPRESENTATIVES OF COORDINATION OF
22 COMMUNITY SERVICES AGENCIES; AND

23 (V) TWO DELEGATING OR CASE MANAGEMENT NURSES WHO
24 PROVIDE SERVICES TO INDIVIDUALS WHO USE SELF-DIRECTED SERVICES;

25 (7) ONE REPRESENTATIVE OF THE MARYLAND DEVELOPMENTAL
26 DISABILITY COUNCIL, DESIGNATED BY THE EXECUTIVE DIRECTOR OF THE
27 COUNCIL;

28 (8) ONE REPRESENTATIVE OF DISABILITY RIGHTS MARYLAND,
29 DESIGNATED BY THE EXECUTIVE DIRECTOR OF DISABILITY RIGHTS MARYLAND;

30 (9) ONE REPRESENTATIVE OF PEOPLE ON THE GO MARYLAND,
31 DESIGNATED BY THE PUBLIC POLICY DIRECTOR OF PEOPLE ON THE GO

1 MARYLAND;

2 (10) ONE REPRESENTATIVE OF THE ARC MARYLAND, DESIGNATED BY
3 THE CHIEF EXECUTIVE OFFICER OF THE ARC MARYLAND;

4 (11) ONE REPRESENTATIVE OF THE MARYLAND STATEWIDE
5 INDEPENDENT LIVING COUNCIL, DESIGNATED BY THE CHAIR OF THE COUNCIL;
6 AND

7 (12) ONE REPRESENTATIVE FROM MARYLAND WORKS, DESIGNATED
8 BY THE PRESIDENT OF MARYLAND WORKS.

9 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

10 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
11 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON
12 JULY 1, 2020.

13 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
14 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

15 (4) AN APPOINTED MEMBER WHO IS DESIGNATED AFTER A TERM HAS
16 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
17 APPOINTED AND QUALIFIES.

18 (5) AN APPOINTED MEMBER WHO SERVES TWO CONSECUTIVE FULL
19 TERMS MAY NOT BE REAPPOINTED WITHIN 4 YEARS AFTER THE END OF THE SECOND
20 TERM.

21 (6) (I) IF A VACANCY OCCURS, THE GOVERNOR PROMPTLY SHALL
22 APPOINT A SUCCESSOR.

23 (II) IF THE VACATING MEMBER WAS NOMINATED FROM A LIST
24 OF NOMINEES PROVIDED BY AN ORGANIZATION, THE GOVERNOR SHALL APPOINT
25 THE SUCCESSOR FROM A LIST OF NOMINEES SUBMITTED BY THE ORGANIZATION.

26 (7) THE ADVISORY COUNCIL SHALL ADOPT RULES FOR THE
27 REMOVAL OF ITS MEMBERS.

28 (F) (1) THE ADVISORY COUNCIL SHALL ELECT A CHAIR AND OTHER
29 OFFICERS FROM AMONG ITS MEMBERS.

30 (2) THE MEMBERS PRESENT AT A MEETING ARE A QUORUM.

1 **(G) THE ADVISORY COUNCIL SHALL MEET AT LEAST QUARTERLY AT THE**
2 **TIMES AND PLACES THAT IT DETERMINES.**

3 **(H) THE ADMINISTRATION SHALL ASSIST THE ADVISORY COUNCIL IN**
4 **NOTIFYING STAKEHOLDERS, INCLUDING CONSUMERS OF ADMINISTRATION**
5 **SERVICES, THEIR FAMILY MEMBERS, AND HEALTH CARE PROVIDERS, OF MEETINGS**
6 **AND OTHER OPPORTUNITIES TO PROVIDE INPUT TO THE ADVISORY COUNCIL.**

7 **(I) A MEMBER OF THE ADVISORY COUNCIL:**

8 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
9 **ADVISORY COUNCIL; BUT**

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

12 **(J) THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE ADVISORY**
13 **COUNCIL, IN CONSULTATION WITH THE SELF-DIRECTED ADVOCACY NETWORK OF**
14 **MARYLAND, INC. AND ANY OTHER ADVOCACY ORGANIZATION WITH A MEMBER ON**
15 **THE ADVISORY COUNCIL.**

16 **(K) THE ADVISORY COUNCIL SHALL:**

17 **(1) EXAMINE POLICIES, PROCEDURES, AND PROPOSALS RELATED TO**
18 **SELF-DIRECTED SERVICES;**

19 **(2) ANNUALLY CONDUCT A STATE SURVEY OF THE SELF-DIRECTED**
20 **SERVICES PROCESS AS IMPLEMENTED BY THE ADMINISTRATION;**

21 **(3) MAKE RECOMMENDATIONS TO THE DEPUTY SECRETARY**
22 **REGARDING HOW TO IMPROVE THE SELF-DIRECTED SERVICES PROCESS;**

23 **(4) PROVIDE A FORUM FOR INPUT FROM THE RESIDENTS OF THE**
24 **STATE RELATED TO SELF-DIRECTED SERVICES;**

25 **(5) REVIEW AND MAKE RECOMMENDATIONS REGARDING WHETHER**
26 **INDIVIDUALS WHO USE SELF-DIRECTED SERVICES AND QUALIFY TO RECEIVE A**
27 **CERTAIN TYPE OF CARE EXCLUDES THE INDIVIDUAL FROM RECEIVING OTHER TYPES**
28 **OF CARE;**

29 **(6) ADVISE THE GENERAL ASSEMBLY ON ISSUES RELATING TO**
30 **SELF-DIRECTED SERVICES, INCLUDING:**

1 (I) COMMUNICATIONS BETWEEN THE ADMINISTRATION AND
2 SELF-DIRECTED SERVICES PARTICIPANTS AND THEIR FAMILIES;

3 (II) THE ADMINISTRATION'S EFFORTS TO WORK IN
4 PARTNERSHIP WITH SELF-DIRECTED SERVICES PARTICIPANTS AND THEIR
5 FAMILIES TO IMPROVE THE SELF-DIRECTED SERVICES PROCESS; AND

6 (III) ANY LEGISLATION THAT SHOULD BE ENACTED TO
7 IMPLEMENT THE RECOMMENDATIONS MADE BY THE ADVISORY COUNCIL UNDER
8 ITEM (3) OF THIS SUBSECTION;

9 (7) REVIEW AND MAKE RECOMMENDATIONS REGARDING THE
10 FOLLOWING ISSUES RELATED TO THE HOME- AND COMMUNITY-BASED SERVICES
11 WAIVER UNDER § 15-132 OF THIS ARTICLE:

12 (I) REQUIRING A SUPPORT BROKER TO CARRY OUT CERTAIN
13 DUTIES AND RESPONSIBILITIES WHEN PROVIDING SERVICES TO A WAIVER
14 PARTICIPANT, INCLUDING REQUIRING SUPPORT BROKERS TO TAKE TRAINING AND
15 TO COORDINATE WITH COORDINATORS OF COMMUNITY SERVICE;

16 (II) REQUIRING THAT THE COSTS TO A PARTICIPANT IN THE
17 WAIVER PROGRAM FOR SELF-DIRECTION BE BASED ON THE COSTS THAT THE
18 PARTICIPANT WOULD PAY IF THE PARTICIPANT RECEIVED SERVICES FROM A
19 TRADITIONAL PROVIDER;

20 (III) TREATING TRANSPORTATION SERVICES PROVIDED UNDER
21 THE WAIVER AS A STAND-ALONE SERVICE RATHER THAN BEING TIED TO A SPECIFIC
22 SUPPORT SERVICE;

23 (IV) REMOVING LIMITS ON THE NUMBER OF PERSONAL
24 SUPPORT HOURS TO WHICH A WAIVER PARTICIPANT IS ENTITLED PER WEEK;

25 (V) PROVIDING A WAIVER PARTICIPANT WITH ACCESS TO
26 COMMUNITY DEVELOPMENT SERVICES;

27 (VI) REQUIRING THE INDIVIDUAL SERVICE BUDGETS
28 ALLOCATED TO INDIVIDUALS WHO USE SELF-DIRECTED SERVICES TO BE SUBJECT
29 TO A COST-OF-LIVING ALLOWANCE;

30 (VII) AUTHORIZING ANYONE WITH A DISABILITY TO USE
31 SELF-DIRECTED SERVICES, REGARDLESS OF THE DISABILITY;

1 (VIII) REMOVING ANY ADDITIONAL DOCUMENTATION
2 REQUIREMENTS FOR A PARTICIPANT TO RECEIVE SERVICES FROM A VENDOR THAT
3 IS ALREADY LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY THE STATE TO
4 PROVIDE THE SERVICES; AND

5 (IX) INCLUDING FISCAL MANAGEMENT SERVICES AS A WAIVER
6 SERVICE; AND

7 (8) PERFORM ANY OTHER DUTIES THE ADVISORY COUNCIL
8 CONSIDERS APPROPRIATE.

9 (L) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADVISORY
10 COUNCIL SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH
11 § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

12 (2) THE ADVISORY COUNCIL'S SHALL INCLUDE:

13 (I) INFORMATION ON HOW WELL THE SELF-DIRECTED
14 SERVICES PROCESS IS MEETING THE NEEDS OF THE SELF-DIRECTED SERVICES
15 PARTICIPANTS;

16 (II) THE RESULTS OF THE SURVEY CONDUCTED UNDER
17 SUBSECTION (K)(2) OF THIS SECTION; AND

18 (III) RECOMMENDATIONS FOR THE IMPROVEMENT OF
19 SELF-DIRECTED SERVICES.

20 15-132.

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

22 (2) "Assisted living program" has the meaning stated in § 19-1801 of this
23 article.

24 (3) "Assisted living services" means services provided by an assisted living
25 program as defined in regulations adopted by the Department.

26 (4) "Case management services" means services that assist waiver eligible
27 individuals in gaining access to needed waiver services and other needed medical, social,
28 housing, and other supportive services.

29 (5) "Health related care and services" includes:

30 (i) 24-hour supervision and observation by a licensed care provider;

- 1 (ii) Medication administration;
- 2 (iii) Inhalation therapy;
- 3 (iv) Bladder and catheter management;
- 4 (v) Assistance with suctioning; or
- 5 (vi) Assistance with treatment of skin disorders and dressings.

6 (6) "Home health care services" means those services defined in § 19–401
7 of this article and in 42 C.F.R. 440.70.

8 (7) "Medically and functionally impaired" means an individual who is
9 assessed by the Department to require services provided by a nursing facility as defined in
10 this section, and who, but for the receipt of these services, would require admission to a
11 nursing facility within 30 days.

12 (8) "Nursing facility" means a facility that provides skilled nursing care
13 and related services, rehabilitation services, and health related care and services above the
14 level of room and board needed on a regular basis in accordance with § 1919 of the federal
15 Social Security Act.

16 (9) "SUPPORT BROKER" MEANS A PERSON PROVIDING SERVICES TO
17 ASSIST AN INDIVIDUAL WHO PARTICIPATES IN A WAIVER UNDER THIS SECTION WITH:

18 (I) DECIDING WHAT SERVICES AND SUPPORTS ARE BEST FOR
19 THE INDIVIDUAL; AND

20 (II) ACCESSING AND MANAGING THE CHOSEN SERVICES AND
21 SUPPORTS.

22 [(9)] (10) "Waiver" means a home– and community–based services waiver
23 under § 1915(c) of the federal Social Security Act, submitted by the Department to the
24 Centers for Medicare and Medicaid Services.

25 [(10)] (11) "Waiver services" means the services covered under an approved
26 waiver that:

27 (i) Are needed and chosen by an eligible waiver participant as an
28 alternative to admission to or continued stay in a nursing facility;

29 (ii) Are part of a plan of service approved by the program;

30 (iii) Assure the waiver participant's health and safety in the
31 community; and

1 (iv) Cost no more per capita to receive services in the community
2 than in a nursing facility.

3 (b) (1) If permitted by the Centers for Medicare and Medicaid Services, an
4 individual shall be determined medically eligible to receive services if the individual
5 requires:

6 (i) Skilled nursing care or other related services;

7 (ii) Rehabilitation services; or

8 (iii) Health-related services above the level of room and board that
9 are available only through nursing facilities, including individuals who because of severe
10 cognitive impairments or other conditions:

11 1. A. Are currently unable to perform at least two
12 activities of daily living without hands-on assistance or standby assistance from another
13 individual; and

14 B. Have been or will be unable to perform at least two
15 activities of daily living for a period of at least 90 days due to a loss of functional capacity;
16 or

17 2. Need substantial supervision for protection against
18 threats to health and safety due to severe cognitive impairment.

19 (2) The Department shall adopt regulations to carry out the provisions of
20 this subsection.

21 (c) The Department's waiver shall include the following:

22 (1) An initial cap on waiver participation at 7,500 individuals;

23 (2) A limit on annual waiver participation based on State General Fund
24 support as provided in the budget bill;

25 (3) Financial eligibility criteria which include:

26 (i) The current federal and State medical assistance long-term care
27 rules for using services provided by a nursing facility, per §§ 1902, 1919, and 1924 of the
28 federal Social Security Act, and applicable regulations adopted by the Department;

29 (ii) Medically needy individuals using services provided by a nursing
30 facility under the current federal and State medical assistance eligibility criteria governed
31 by regulations adopted by the Department and § 1919 of the federal Social Security Act;
32 and

1 (iii) Categorically needy individuals with income up to 300% of the
2 applicable payment rate for supplemental security income;

3 (4) Waiver services that include at least the following:

4 (i) Assisted living services;

5 (ii) Case management services;

6 (iii) Family training;

7 (iv) Dietitian and nutritionist services;

8 (v) Medical day care services; [and]

9 (vi) Senior center plus services; AND

10 **(VII) SUPPORT BROKER SERVICES;**

11 (5) The opportunity to provide eligible individuals with waiver services
12 under this section as soon as they are available without waiting for placement slots to open
13 in the next fiscal year;

14 (6) An increase in participant satisfaction;

15 (7) The forestalling of functional decline;

16 (8) A reduction in Medicaid expenditures by reducing utilization of
17 services; [and]

18 (9) The enhancement of compliance with the decision of the United States
19 Supreme Court in the case of *Olmstead v. L.C.* (1999) by offering
20 cost-effective community-based services in the most appropriate setting; AND

21 **(10) THE OPTION FOR A FAMILY MEMBER, INCLUDING A**
22 **STEP-PARENT, A FOSTER PARENT, OR AN ADOPTIVE PARENT, OR A SIBLING, OR**
23 **LEGAL GUARDIAN OF AN INDIVIDUAL WHO PARTICIPATES IN A WAIVER UNDER THIS**
24 **SECTION TO PROVIDE WAIVER SERVICES FOR THE INDIVIDUAL, REGARDLESS OF**
25 **WHETHER THE FAMILY MEMBER, LEGAL GUARDIAN, OR ANOTHER FAMILY MEMBER,**
26 **OR LEGAL GUARDIAN HAS A FIDUCIARY DUTY TO THE INDIVIDUAL, IF:**

27 **(I) THE INDIVIDUAL OR AN INDIVIDUAL AUTHORIZED TO MAKE**
28 **CARE DECISIONS ON BEHALF OF THE INDIVIDUAL CHOOSES THE PARENT OR SIBLING**
29 **TO PROVIDE THE SERVICES; AND**

1 **(II) THE OPTION IS IN THE BEST INTERESTS OF THE**
2 **INDIVIDUAL.**

3 **(D) A SUPPORT BROKER WHO PROVIDES SERVICES UNDER THIS SECTION TO**
4 **AN INDIVIDUAL WHO PARTICIPATES IN A WAIVER UNDER THIS SECTION HAS A**
5 **FIDUCIARY DUTY TO THE INDIVIDUAL.**

6 **[(d)] (E)** This section may not be construed to affect, interfere with, or interrupt
7 any services reimbursed through the Program under this title.

8 **[(e)] (F)** If a person determined to be eligible to receive waiver services under
9 this section desires to receive waiver services and an appropriate placement is available,
10 the Department shall authorize the placement.

11 **[(f)] (G)** The Department, in consultation with representatives of the affected
12 industry and advocates for waiver candidates, and with the approval of the Department of
13 Aging, shall adopt regulations to implement this section.

14 **Chapter 446 of the Acts of 2018**

15 **SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,**
16 **That:**

17 (a) The Maryland Department of Health shall establish a demonstration program
18 supported by State general funds to cover health care services that are[:

19 (1)] provided to individuals who[:

20 (i) are at least 21 years old and under the age of 65 years[;

21 (ii) are enrolled in the Employed Individuals with Disabilities
22 Program operated under the Maryland Medical Assistance Program; and

23 (iii) have a qualifying condition as determined by the Secretary of
24 Health; and

25 (2) not covered under the Maryland Medical Assistance Program].

26 (b) The Department may establish:

27 (1) eligibility criteria for enrollment in the demonstration program;

28 (2) criteria for services to be covered under the demonstration program;

29 (3) a cap on the number of individuals enrolled in the demonstration
30 program; and

1 (4) criteria for administration of the demonstration program.

2 (c) (1) On or before December 1, [2020] **2022**, the Department shall submit to
3 the Governor and, in accordance with § 2-1246 of the State Government Article, to the
4 Senate Finance Committee and the House Health and Government Operations Committee
5 a report on the demonstration program established under this section.

6 (2) The report required under paragraph (1) of this subsection shall include
7 the findings and recommendations of the Department relating to the demonstration
8 program, including:

9 (i) the number and characteristics of individuals enrolled in the
10 demonstration program;

11 (ii) the health care services covered under the demonstration
12 program;

13 (iii) the impact of the demonstration program on individuals enrolled
14 in the demonstration program; and

15 (iv) whether to extend the demonstration program.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2018. It shall remain effective for a period of [3] 5 years and, at the end of May 31, [2021]
18 **2023**, this Act, with no further action required by the General Assembly, shall be abrogated
19 and of no further force and effect.

20 Chapter 447 of the Acts of 2018

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That:

23 (a) The Maryland Department of Health shall establish a demonstration program
24 supported by State general funds to cover health care services that are[:

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28 Program operated under the Maryland Medical Assistance Program; and

29 (iii) have a qualifying condition as determined by the Secretary of
30 Health; and

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6 program; and

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9 the Governor and, in accordance with § 2–1246 of the State Government Article, to the
10 Senate Finance Committee and the House Health and Government Operations Committee
11 a report on the demonstration program established under this section.

12 (2) The report required under paragraph (1) of this subsection shall include
13 the findings and recommendations of the Department relating to the demonstration
14 program, including:

15 (i) the number and characteristics of individuals enrolled in the
16 demonstration program;

17 (ii) the health care services covered under the demonstration
18 program;

19 (iii) the impact of the demonstration program on individuals enrolled
20 in the demonstration program; and

21 (iv) whether to extend the demonstration program.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
23 1, 2018. It shall remain effective for a period of [3] **5** years and, at the end of May 31, [2021]
24 **2023**, this Act, with no further action required by the General Assembly, shall be abrogated
25 and of no further force and effect.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
27 appointed members of the State Advisory Council on Self-Directed Services shall expire as
28 follows:

29 (1) five members in 2021;

30 (2) five members in 2022; and

31 (3) four members in 2023.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2020.