

HOUSE BILL 870

O3, F5

3lr2286

By: **Delegate Guyton**

Introduced and read first time: February 9, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Division of Rehabilitation Services and Developmental Disabilities**
3 **Administration – Memorandum of Understanding**

4 FOR the purpose of requiring the Division of Rehabilitation Services in the State
5 Department of Education and the Developmental Disabilities Administration in the
6 Maryland Department of Health to enter into a certain memorandum of
7 understanding relating to the sharing of certain data of mutual clients; and generally
8 relating to data sharing between the Division of Rehabilitation Services and the
9 Developmental Disabilities Administration.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 21–301 and 21–304
13 Annotated Code of Maryland
14 (2022 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 7–201
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

20 BY adding to
21 Article – Health – General
22 Section 7–208

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2022 Supplement)

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

5 **Article – Education**

6 21–301.

7 (a) In this subtitle the following words have the meanings indicated.

8 (b) “Disability” means any defect or infirmity that may incapacitate an individual
9 totally or partially for gainful employment or independent living.

10 (c) **“DIVISION” MEANS THE DIVISION OF REHABILITATION SERVICES IN**
11 **THE STATE DEPARTMENT OF EDUCATION.**

12 [(c)] (D) “Federal acts” means the rehabilitation acts of the United States
13 Congress.

14 [(d)] (E) “Rehabilitation” means the process of enabling a disabled individual to
15 become gainfully employed and to function more independently.

16 21–304.

17 (a) There is a Division of Rehabilitation Services in the State Department of
18 Education.

19 (b) The State Board of Education shall:

20 (1) Disburse all funds provided, and administer all programs established
21 under this subtitle, for the rehabilitation of disabled individuals;

22 (2) Appoint and fix the compensation of the personnel necessary to
23 administer this subtitle;

24 (3) Rehabilitate and place in gainful occupations individuals eligible for the
25 benefits of this subtitle;

26 (4) Rehabilitate eligible individuals to function more independently;

27 (5) Adopt rules and regulations necessary to administer this subtitle;

28 (6) Report annually to the Governor on the administration of this subtitle;

29 and

1 (7) Cooperate with other public and private departments, agencies, and
2 institutions to:

- 3 (i) Provide for the rehabilitation of disabled individuals;
- 4 (ii) Provide for the independent living rehabilitation of severely
5 disabled individuals;
- 6 (iii) Study the problems of rehabilitation; and
- 7 (iv) Develop and provide programs, facilities, and services necessary
8 or desirable to implement this subtitle.

9 (c) **(1)** The State Department of Education shall, in addition to licensing
10 vending facility managers in federal buildings in this State under § 21–302(c) of this
11 subtitle pursuant to the federal acts, license blind persons to manage vending facilities in
12 all State, county, and municipal buildings and in all privately owned buildings and
13 premises in this State in the event of contract with such person.

14 **(2)** The Division [of Rehabilitation Services in the State Department of
15 Education] shall be the licensing agency for all vending facilities within this State licensed
16 under this subtitle.

17 **(D) (1) IN THIS SUBSECTION, “MEDICAL AND PSYCHOLOGICAL RECORDS”**
18 **INCLUDES:**

- 19 **(I) MEDICAL DOCUMENTATION;**
- 20 **(II) PSYCHOLOGICAL INFORMATION;**
- 21 **(III) SCHOOL DOCUMENTATION; AND**
- 22 **(IV) ANY OTHER RELEVANT INFORMATION.**

23 **(2) THE DIVISION AND THE DEVELOPMENTAL DISABILITIES**
24 **ADMINISTRATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE**
25 **TERMS OF WHICH SHALL INCLUDE A DATA SHARING AGREEMENT FOR THE MEDICAL**
26 **AND PSYCHOLOGICAL RECORDS OF MUTUAL CLIENTS IN ORDER TO EXPEDITE**
27 **DECISIONS REGARDING ELIGIBILITY FOR SERVICES.**

28 **Article – Health – General**

29 7–201.

30 There is a Developmental Disabilities Administration in the Department.

1 **7-208.**

2 (A) IN THIS SECTION, "MEDICAL AND PSYCHOLOGICAL RECORDS"
3 INCLUDES:

- 4 (1) MEDICAL DOCUMENTATION;
- 5 (2) PSYCHOLOGICAL INFORMATION;
- 6 (3) SCHOOL DOCUMENTATION; AND
- 7 (4) ANY OTHER RELEVANT INFORMATION.

8 (B) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION AND THE
9 DIVISION OF REHABILITATION SERVICES SHALL ENTER INTO A MEMORANDUM OF
10 UNDERSTANDING, THE TERMS OF WHICH SHALL INCLUDE A DATA SHARING
11 AGREEMENT FOR THE MEDICAL AND PSYCHOLOGICAL RECORDS OF MUTUAL
12 CLIENTS IN ORDER TO EXPEDITE DECISIONS REGARDING ELIGIBILITY FOR
13 SERVICES.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.