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Senate Finance Committee
SB 003: Facilities - Disabilities, Juveniles, Behavioral Health, and Health Care - Safety Plans
Position: Support With Amendment
February 3, 2022

The Arc Maryland is the largest statewide advocacy organization dedicated to protecting and advancing the rights and quality of life of people with intellectual and developmental disabilities.

Health and safety are critical components of a person's ability to live a meaningful and inclusive life in the community. Many of our family members rely on DDA-licensed community service providers (IDD providers) for community services and supports for their loved ones. These organizations are regulated with oversight from the Office of Health Care Quality and they are currently required to have up-to-date Emergency Plans as a condition of licensure.

COMAR 10.22.02.10(A)(1) and (B) require IDD providers to document how the health and safety needs of every individual they support are being met. The regulations require that licensees have a detailed plan in place that would ensure safety of individuals in the event of an emergency and disaster. Segments of the current regulation are here:

10.22.02.10

.10 Policies and Procedures.

A. A licensee shall **develop and adopt written policies and procedures for ensuring:**

(1) **That each individual's health and safety needs, as identified in the individual plan (IP), are being met;**

(2) Fundamental rights in accordance with Health-General Article, §7-1002, Annotated Code of Maryland;

...

B. A licensed community residential service provider offering services in alternative living units or group homes **shall develop an emergency plan for all types of emergencies and disasters** that shall include:

(1) Procedures that will be followed before, during, and after an emergency to address the following:

(a) The evacuation, transportation, or 72 hour shelter-in-place of individuals and staff served;

(b) Holding an annual practice drill coordinated with local emergency planners for sheltering in place or evacuating;

(c) Preparing an after action report and improvement plan after drills that evaluates the plan and takes corrective actions;

(d) Ensuring that individuals served and staff have identification with current health, contact, and other important information that is immediately accessible in the event of evacuation;

(e) The role of the resident, family member, or legal representative in the event of evacuation;



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- (f) Arranging for medical needs and other accommodations for individuals served and staff at alternative facilities or shelters; and
 - (g) Establishing a communication protocol among all appropriate parties that includes redundant communication means;
- (2) The notification to families, staff, and the respective DDA regional office (licensing authority) regarding the action that will be taken concerning the safety and well-being of the individuals served;
- (3) The staff coverage, organization, and assignment of responsibilities that includes:
- (a) Planning staff coverage needs for ongoing shelter in place or evacuations;
 - (b) Identifying staff members available to report for work or remain during extended periods; and
 - (c) Establishing staff notification and recall contingency plans and procedures;
- (4) The continuity of operations, including, but not limited to, redundant communications systems, preservation of records and electronic data, the procurement of essential goods, equipment, and services, plans to secure vacated facilities, and the relocation to alternate facilities;
- (5) Procedures to:
- (a) Backup and electronically store off-site, appropriate records and data of consumers and staff and facility documents, for access under emergency conditions;
 - (b) Ensure access to an electronic copy of the emergency plans when requested by local, State, or federal emergency management organizations;
- (6) Provisions to ensure that the facility's emergency and disaster plans are shared with local emergency management organizations for the purpose of coordinating local emergency planning; and
- (7) An executive summary of the evacuation procedures that shall be provided to the family member of a resident on request.

As we believe the intent of the bill is already met through current regulation for IDD providers, we respectfully request that section §7-610 on pages 2-3 of the bill be amended to reflect this. Possible amendment language could be:

“The Department may authorize a private group home to satisfy the safety plan requirement under subsection (a)(1) of this section by implementing a safety or emergency plan established for another purpose.”

Thank you for considering this request for friendly amendment of SB003 (and its companion bill in the House.)

For more information, please contact: Ande Kolp, Executive Director of The Arc Maryland
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