



# MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

## **SB223- State Government- State Facilities and Closures- Procedures House Health and Government Operations Committee**

**March 29, 2023**

**Position: Support**



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The Maryland Developmental Disabilities Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD).

When a facility is owned leased or operated by the state for the purpose of providing health, juvenile, or correctional services to people, current law requires a principal department of the Executive Branch to provide notice and hold a public hearing prior to enacting a material change in the use, purpose, or function of a facility or a facility closure however specific timelines, notices and reports for these actions are not codified in state law.

We believe transparency in state government is important as is providing information, time, and the opportunity for people to advocate. Over time, in Maryland, state institutions for people with intellectual and developmental disabilities have closed with success and transparency, a communicated timeline, and planning, and we know how important it is for these elements of transition to be in place.

We worked with the bill sponsors on amendments that were incorporated into the bill, as passed by the Senate. The amendments appear on pages 2, 3, 4 and 5 to ensure there are appropriate provisions of law to account for emergency changes or closures, ensure plans will be developed for people who receive services within the facilities prior to material changes or closures, and to clarify that closures of certain facilities need to be described, but may not need justification or defending; people, regardless of ability or disability, should have the opportunity live in communities they choose with supports they need. The thoughtful and planful deinstitutionalization of people with IDD is important to all members of the DD Coalition.

The amendments state that before a principal department closes a state facility, the principal department shall take certain steps to include (page 4, line 11):

(III) SUBMIT A REPORT ~~JUSTIFYING~~ **EXPLAINING** THE CLOSURE TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

Additional amendments create procedures for emergent state facility changes or closures (page 3, lines 21-28 and page 5, lines 7-14):

IF A GOVERNMENT AGENCY OR JUDICIAL BODY DETERMINES THAT THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR SAFETY OF PATIENTS, INMATES, RESIDENTS, OR EMPLOYEES OF A STATE FACILITY, THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMELINES REQUIRED BY THIS SUBSECTION, PROVIDED THAT ANY MODIFICATIONS MADE BY THE PRINCIPAL DEPARTMENT SHALL PROVIDE THE NOTICE, HEARING, AND OPPORTUNITY FOR COMMENT REQUIRED BY THIS SUBSECTION AT THE EARLIEST POSSIBLE DATE, UNLESS ORDERED OTHERWISE BY THE GOVERNMENT AGENCY OR JUDICIAL BODY.

For the record, the DD Coalition is hopeful that any report required for State Facility closure, under this bill, shall contain plans for how the state intends to maximize on the proceeds from the sale of property and buildings, ensuring proceeds are disbursed to the Community Services Trust Fund to be used for community-based services in accordance with Article-Health-General 7-205 and 10-208.

We appreciate the opportunity to provide this testimony in support of SB223 as passed by the Senate with amendments.

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