

SENATE BILL 475

J1, B1
SB 413/16 – FIN

7lr0485
CF 7lr2122

By: **Senators Guzzone, Benson, Feldman, Ferguson, Kagan, Kasemeyer, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Nathan–Pulliam, Peters, Pinsky, Robinson, Rosapepe, Serafini, Smith, Young, and Zucker**

Introduced and read first time: January 30, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration – Crisis Resolution and Crisis**
3 **Prevention Services – Funding and Reporting**

4 FOR the purpose of requiring a certain report on the Waiting List Equity Fund to include
5 certain information regarding individuals in the crisis resolution category of the
6 waiting list for developmental disabilities services; establishing mandated
7 appropriations for developmental disabilities community services; requiring the
8 mandated appropriations to be used to provide services to individuals in the crisis
9 resolution category on the waiting list for developmental disabilities services;
10 authorizing unspent funds to be used to provide services to individuals in the crisis
11 prevention category on the waiting list for developmental disabilities services;
12 declaring the intent of the General Assembly regarding certain individuals who are
13 receiving certain services provided with certain funds; making stylistic changes; and
14 generally relating to reports about and funding for developmental disabilities
15 services.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 7–101 and 7–205(f)
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2016 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 7–205.1
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Health – General

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;

(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 HAS A CAREGIVER WHO IS 65 YEARS OLD OR OLDER.

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

3 **(1) (I) IS HOMELESS; OR**

4 **(II) IS LIVING IN TEMPORARY HOUSING AT WHICH THE**
5 **INDIVIDUAL’S STAY IS TIME LIMITED AND NO ADMINISTRATION–FUNDED**
6 **ALTERNATIVE IS AVAILABLE;**

7 **(2) IS AT SERIOUS RISK OF PHYSICAL HARM IN THE INDIVIDUAL’S**
8 **CURRENT ENVIRONMENT;**

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

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

14 **[(e)] (G)** “Deputy Secretary” means the Deputy Secretary for Developmental
15 Disabilities.

16 **[(f)] (H)** “Developmental disability” means a severe chronic disability of an
17 individual that:

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

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

21 (3) Is likely to continue indefinitely;

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

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

27 **[(g)] (I)** “External support” means:

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

30 (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

(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.

[(q)] (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.

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

4 **(1) HAS APPLIED TO THE ADMINISTRATION FOR DEVELOPMENTAL**
5 **DISABILITIES SERVICES;**

6 **(2) HAS BEEN DETERMINED TO BE ELIGIBLE FOR DEVELOPMENTAL**
7 **DISABILITIES SERVICES BY THE ADMINISTRATION; AND**

8 **(3) HAS NOT RECEIVED THE DEVELOPMENTAL DISABILITIES**
9 **SERVICES FOR WHICH THE INDIVIDUAL HAS APPLIED.**

10 7–205.

11 (f) (1) On or before January 1 of each year, the Secretary shall prepare a
12 report to be submitted to the General Assembly and the Department of Legislative Services,
13 **IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE**, on the
14 Waiting List Equity Fund.

15 (2) The report shall include:

16 (i) An accounting of all receipts and expenditures to and from the
17 Fund;

18 (ii) The number of individuals who left and entered State residential
19 centers during the previous year;

20 (iii) The number of additional persons who were on the waiting list
21 [for developmental disabilities services] during the previous year; [and]

22 (iv) An accounting of each of the factors used in determining the cost
23 of providing services to an individual in a State residential center in accordance with the
24 provisions of subsection (d)(2) of this section;

25 **(V) THE NUMBER OF INDIVIDUALS ADDED TO THE CRISIS**
26 **RESOLUTION CATEGORY DURING THE PREVIOUS YEAR;**

27 **(VI) THE NUMBER OF INDIVIDUALS ESTIMATED TO BE ADDED TO**
28 **THE CRISIS RESOLUTION CATEGORY DURING THE NEXT YEAR; AND**

29 **(VII) THE COST TO PROVIDE SERVICES TO ALL INDIVIDUALS IN**
30 **THE CRISIS RESOLUTION CATEGORY.**

1 **7-205.1.**

2 **(A) (1) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2019**
3 **SHALL INCLUDE FOR PROGRAM M00M01.02 COMMUNITY SERVICES A GENERAL**
4 **FUND APPROPRIATION OF \$3,500,000 OVER THE GENERAL FUND APPROPRIATION**
5 **PROVIDED IN THE LEGISLATIVE APPROPRIATION IN FISCAL YEAR 2018.**

6 **(2) FOR FISCAL YEAR 2020, AND FOR EACH FISCAL YEAR**
7 **THEREAFTER, THE GOVERNOR'S PROPOSED BUDGET FOR PROGRAM M00M01.02**
8 **COMMUNITY SERVICES SHALL INCLUDE A GENERAL FUND APPROPRIATION OF AT**
9 **LEAST \$3,500,000 MORE THAN THE LEGISLATIVE APPROPRIATION IN THE PRIOR**
10 **FISCAL YEAR.**

11 **(B) (1) FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION**
12 **SHALL BE USED TO PROVIDE ONGOING SERVICES TO INDIVIDUALS IN THE CRISIS**
13 **RESOLUTION CATEGORY.**

14 **(2) IF, AFTER PROVIDING SERVICES TO ALL INDIVIDUALS IN THE**
15 **CRISIS RESOLUTION CATEGORY, FUNDING APPROPRIATED UNDER SUBSECTION (A)**
16 **IS AVAILABLE, THE FUNDING MAY BE USED TO PROVIDE SERVICES TO INDIVIDUALS**
17 **IN THE CRISIS PREVENTION CATEGORY.**

18 **(C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN INDIVIDUAL,**
19 **AFTER RECEIVING SERVICES PROVIDED WITH FUNDS APPROPRIATED UNDER**
20 **SUBSECTION (A) OF THIS SECTION, CONTINUE TO RECEIVE UNINTERRUPTED**
21 **DEVELOPMENTAL DISABILITIES SERVICES IN ACCORDANCE WITH THE INDIVIDUAL'S**
22 **NEEDS.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
24 **1, 2017.**