

HOUSE BILL 1226

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CF SB 920

By: ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

Introduced and read first time: February 18, 2010
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2010

CHAPTER _____

1 AN ACT concerning

2 **Developmental Disabilities Administration – Low Intensity Support Services**

3 FOR the purpose of establishing a Low Intensity Support Services Program in the
4 Developmental Disabilities Administration; requiring low intensity support
5 services to be flexible to meet the needs of individuals or families; requiring the
6 ~~Developmental Disabilities~~ Administration to provide a certain level of funding
7 for low intensity support services for certain individuals on a certain basis;
8 authorizing the Administration to waive the cap on funding for low intensity
9 support services; providing that ~~an individual~~ certain individuals seeking low
10 intensity support services ~~is~~ are not required to submit or complete certain
11 applications; authorizing the Department of Health and Mental Hygiene to
12 develop a simplified application process for low intensity support services and to
13 adopt certain regulations; requiring the Administration to deliver low intensity
14 support services in a certain manner; defining a certain term; and generally
15 relating to the Developmental Disabilities Administration and low intensity
16 support services.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 7-403(a)
20 Annotated Code of Maryland
21 (2009 Replacement Volume)

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 BY adding to
 2 Article – Health – General
 3 Section 7–717 to be under the new part “Part V. Low Intensity Support
 4 Services”
 5 Annotated Code of Maryland
 6 (2009 Replacement Volume)

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

9 **Article – Health – General**

10 7–403.

11 (a) (1) [An] **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN**
 12 applicant for services provided or funded, wholly or partly, by this State shall submit
 13 an application to the Department in writing.

14 (2) The application shall contain the information that the Department
 15 requires.

16 **7–715. RESERVED.**

17 **7–716. RESERVED.**

18 **PART V. LOW INTENSITY SUPPORT SERVICES.**

19 **7–717.**

20 (A) (1) **IN THIS PART, “LOW INTENSITY SUPPORT SERVICES” MEANS A**
 21 **PROGRAM DESIGNED TO ~~ENABLE~~;**

22 (I) **ENABLE A FAMILY TO PROVIDE FOR THE NEEDS OF A**
 23 **CHILD OR AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING IN THE HOME**
 24 **~~OR~~; OR**

25 (II) **SUPPORT AN ADULT WITH DEVELOPMENTAL**
 26 **DISABILITY LIVING ~~AT HOME OR~~ IN THE COMMUNITY.**

27 (2) **“LOW INTENSITY SUPPORT SERVICES” INCLUDES THE**
 28 **SERVICES AND ITEMS LISTED IN § 7–701(D) AND § 7–706(C) OF THIS SUBTITLE.**

29 (B) **THERE IS A LOW INTENSITY SUPPORT SERVICES PROGRAM IN THE**
 30 **ADMINISTRATION.**

1 **(C) LOW INTENSITY SUPPORT SERVICES SHALL BE FLEXIBLE TO MEET**
 2 **THE NEEDS OF INDIVIDUALS OR FAMILIES.**

3 ~~**(D)**~~ **(1) THE ADMINISTRATION SHALL ~~PROVIDE UP TO~~**
 4 **ESTABLISH A CAP OF NO LESS THAN \$3,000 OF LOW INTENSITY SUPPORT**
 5 **SERVICES PER INDIVIDUAL PER FISCAL YEAR TO A QUALIFYING INDIVIDUAL.**

6 **(2) THE ADMINISTRATION MAY WAIVE THE ~~\$3,000~~ CAP ON LOW**
 7 **INTENSITY SUPPORT SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS**
 8 **SUBSECTION.**

9 ~~**(E)**~~ **(E) AN INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES**
 10 **IS NOT REQUIRED TO:**

11 **(1) SUBMIT AN APPLICATION TO THE DEPARTMENT AS PROVIDED**
 12 **IN § 7-403 OF THIS TITLE; OR**

13 **(2) COMPLETE AN APPLICATION FOR THE MEDICAL ASSISTANCE**
 14 **PROGRAM OR OTHER ALTERNATIVE FUNDING IF THE LOW INTENSITY SUPPORT**
 15 **SERVICES WILL BE PROVIDED TO A MINOR.**

16 **(3) THE DEPARTMENT MAY DEVELOP A SIMPLIFIED APPLICATION**
 17 **PROCESS FOR LOW INTENSITY SUPPORT SERVICES.**

18 ~~**(F)**~~ **(F) THE ADMINISTRATION SHALL DELIVER SERVICES TO AN**
 19 **ELIGIBLE INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES:**

20 ~~**(1) ON A FIRST-COME, FIRST-SERVED BASIS; AND**~~

21 ~~**(2) DEPENDENT**~~ **DEPENDENT ON THE AVAILABILITY AND**
 22 **ALLOCATION OF FUNDS PROVIDED BY THE ADMINISTRATION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
 24 Health and Mental Hygiene may adopt regulations to implement the Low Intensity
 25 Support Services Program established under this Act, including regulations
 26 establishing the circumstances under which recipients of low intensity support
 27 services will be required to apply for other alternative funding.

28 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 29 effect June 1, 2010.