

Chapter 16

(Senate Bill 168)

AN ACT concerning

Maryland Developmental Disabilities Council – Establishment

FOR the purpose of establishing the Maryland Developmental Disabilities Council as an independent unit of State government; and generally relating to the Maryland Developmental Disabilities Council.

BY adding to

Article – Health – General

Section 7–12A–01 through 7–12A–04 to be under the new subtitle “Subtitle 12A.
Maryland Developmental Disabilities Council”

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

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

Article – Health – General**SUBTITLE 12A. MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL.****7–12A–01.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ACT” MEANS THE FEDERAL DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000.

(C) “COUNCIL” MEANS THE MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL.

(D) “STATE PLAN” MEANS THE STRATEGIC PLAN DEVELOPED UNDER § 7–12A–02(E) OF THIS SUBTITLE.

7–12A–02.

(A) THERE IS A MARYLAND DEVELOPMENTAL DISABILITIES COUNCIL.

(B) THE COUNCIL IS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

(C) THE COUNCIL OPERATES AND RECEIVES FUNDING IN ACCORDANCE WITH THE ACT.

(D) THE COUNCIL HAS THE AUTHORITY TO:

(1) CONDUCT AND SUPPORT ADVOCACY, SYSTEMS CHANGE, AND CAPACITY-BUILDING EFFORTS TO PROMOTE INCLUSIVE COMMUNITIES AND EQUITY IN SERVICES FOR INDIVIDUALS WITH DISABILITIES IN THE STATE;

(2) RESEARCH BEST PRACTICES AND PROVIDE RELATED TRAINING AND TECHNICAL ASSISTANCE TO COMMUNITIES IN THE STATE; AND

(3) INFORM STATE AND LOCAL LEADERS ABOUT DISABILITY ISSUES.

(E) THE COUNCIL SHALL:

(1) DEVELOP AND IMPLEMENT A 5-YEAR STRATEGIC PLAN IN ACCORDANCE WITH THE ACT;

(2) MONITOR, REVIEW, AND ANNUALLY EVALUATE THE IMPLEMENTATION OF THE STATE PLAN;

(3) TO THE EXTENT PRACTICABLE, REVIEW ANY PLAN IN THE STATE THAT RELATES TO PROGRAMS AFFECTING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;

(4) ON REQUEST, SUBMIT TO THE SECRETARY OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PERIODIC REPORTS ON ITS ACTIVITIES;

(5) SERVE AS AN ADVOCATE FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;

(6) CONDUCT OR SUPPORT PROGRAMS, PROJECTS, AND ACTIVITIES THAT CARRY OUT THE PURPOSE OF THE ACT;

(7) ADVISE THE GOVERNOR, THE GENERAL ASSEMBLY, STATE AGENCIES, AND OTHER RELEVANT ORGANIZATIONS ON POLICIES, PROGRAMS, AND ISSUES RELATED TO THE NEEDS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES; AND

(8) REVIEW AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING PROGRAMS RELATED TO THE SUPPORT AND SERVICES PROVIDED TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

(F) A STATE ENTITY MAY NOT INTERFERE WITH THE COUNCIL'S ADVOCACY, CAPACITY BUILDING, SYSTEMIC CHANGE ACTIVITIES, BUDGET, PERSONNEL, OR STATE PLAN DEVELOPMENT OR IMPLEMENTATION.

7-12A-03.

(A) THE COUNCIL SHALL HIRE AN EXECUTIVE DIRECTOR.

(B) THE EXECUTIVE DIRECTOR MAY EMPLOY ADDITIONAL STAFF NECESSARY TO CARRY OUT THE COUNCIL'S FUNCTIONS.

(C) THE EXECUTIVE DIRECTOR SHALL DETERMINE THE ORGANIZATIONAL STRUCTURE AND PHYSICAL LOCATION OF COUNCIL STAFF.

7-12A-04.

(A) MEMBERS OF THE COUNCIL SHALL COMPLY WITH THE REQUIREMENTS OF THE ACT.

(B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(1) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;

(2) THE ASSISTANT STATE SUPERINTENDENT OF THE DIVISION OF REHABILITATION SERVICES, OR THE ASSISTANT STATE SUPERINTENDENT'S DESIGNEE;

(3) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(4) THE DEPUTY SECRETARY OF THE DEVELOPMENTAL DISABILITIES ADMINISTRATION, OR THE DEPUTY SECRETARY'S DESIGNEE;

(5) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;

(6) ONE REPRESENTATIVE OF THE MARYLAND CENTER FOR DEVELOPMENTAL DISABILITIES;

(7) ONE REPRESENTATIVE OF DISABILITY RIGHTS MARYLAND;

(8) ONE REPRESENTATIVE OF THE PREVENTION AND HEALTH PROMOTION ADMINISTRATION OR ANY OTHER STATE ENTITY AUTHORIZED TO ADMINISTER FUNDS PROVIDED UNDER TITLE V OF THE FEDERAL SOCIAL SECURITY ACT;

(9) ONE REPRESENTATIVE OF THE MARYLAND MEDICAL ASSISTANCE PROGRAM OR ANY OTHER STATE ENTITY AUTHORIZED TO ADMINISTER FUNDS PROVIDED UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT;

(10) ONE REPRESENTATIVE OF A LOCAL NONGOVERNMENTAL AGENCY;

(11) ONE REPRESENTATIVE OF A PRIVATE NONPROFIT ORGANIZATION THAT PROVIDES SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN THE STATE; AND

(12) ANY ADDITIONAL INDIVIDUALS NECESSARY TO MEET THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION AND THE ACT.

(c) (1) AT LEAST 60% OF THE MEMBERS OF THE COUNCIL MUST BE:

(i) INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;

(ii) PARENTS OR GUARDIANS OF CHILDREN WITH DEVELOPMENTAL DISABILITIES; OR

(iii) IMMEDIATE RELATIVES OR GUARDIANS OF ADULTS WITH DEVELOPMENTAL DISABILITIES WHO CANNOT ADVOCATE FOR THEMSELVES.

(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(i) AT LEAST ONE-THIRD OF THE MEMBERS MUST BE INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES;

(ii) AT LEAST ONE-THIRD OF THE MEMBERS MUST BE PARENTS OR GUARDIANS OF CHILDREN WITH DEVELOPMENTAL DISABILITIES OR GUARDIANS OR IMMEDIATE RELATIVES OF ADULTS WITH DEVELOPMENTAL DISABILITIES WHO CANNOT ADVOCATE FOR THEMSELVES; AND

(III) AT LEAST ONE MEMBER MUST BE:

1. AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY WHO RESIDES OR PREVIOUSLY RESIDED IN AN INSTITUTION; OR

2. AN IMMEDIATE RELATIVE OR GUARDIAN OF AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY WHO RESIDES OR PREVIOUSLY RESIDED IN AN INSTITUTION.

(D) THE MEMBERSHIP OF THE COUNCIL SHALL BE GEOGRAPHICALLY REPRESENTATIVE OF THE STATE AND REFLECT THE DIVERSITY OF THE STATE WITH RESPECT TO RACE AND ETHNICITY.

(E) THE COUNCIL SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG ITS MEMBERS.

(F) THE COUNCIL SHALL ADOPT BYLAWS, POLICIES, AND OPERATING PROCEDURES THAT ARE IN COMPLIANCE WITH THE ACT AND WITH STATE LAW.

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

Approved by the Governor, April 11, 2023.