

Chapter 281

(House Bill 870)

AN ACT concerning

**Division of Rehabilitation Services and Developmental Disabilities
Administration – Memorandum of Understanding**

FOR the purpose of requiring the Division of Rehabilitation Services in the State Department of Education and the Developmental Disabilities Administration in the Maryland Department of Health to enter into a certain memorandum of understanding relating to the sharing of certain data of mutual clients; and generally relating to data sharing between the Division of Rehabilitation Services and the Developmental Disabilities Administration.

BY repealing and reenacting, with amendments,

Article – Education
Section 21–301 and 21–304
Annotated Code of Maryland
(2022 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General
Section 7–201
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY adding to

Article – Health – General
Section 7–208
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 – Education

21–301.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Disability” means any defect or infirmity that may incapacitate an individual totally or partially for gainful employment or independent living.

(c) **“DIVISION” MEANS THE DIVISION OF REHABILITATION SERVICES IN**

THE STATE DEPARTMENT OF EDUCATION.

[(c)] (D) “Federal acts” means the rehabilitation acts of the United States Congress.

[(d)] (E) “Rehabilitation” means the process of enabling a disabled individual to become gainfully employed and to function more independently.

21–304.

(a) There is a Division of Rehabilitation Services in the State Department of Education.

(b) The State Board of Education shall:

(1) Disburse all funds provided, and administer all programs established under this subtitle, for the rehabilitation of disabled individuals;

(2) Appoint and fix the compensation of the personnel necessary to administer this subtitle;

(3) Rehabilitate and place in gainful occupations individuals eligible for the benefits of this subtitle;

(4) Rehabilitate eligible individuals to function more independently;

(5) Adopt rules and regulations necessary to administer this subtitle;

(6) Report annually to the Governor on the administration of this subtitle;

and

(7) Cooperate with other public and private departments, agencies, and institutions to:

(i) Provide for the rehabilitation of disabled individuals;

(ii) Provide for the independent living rehabilitation of severely disabled individuals;

(iii) Study the problems of rehabilitation; and

(iv) Develop and provide programs, facilities, and services necessary or desirable to implement this subtitle.

(c) **(1)** The State Department of Education shall, in addition to licensing vending facility managers in federal buildings in this State under § 21–302(c) of this

subtitle pursuant to the federal acts, license blind persons to manage vending facilities in all State, county, and municipal buildings and in all privately owned buildings and premises in this State in the event of contract with such person.

(2) The Division [of Rehabilitation Services in the State Department of Education] shall be the licensing agency for all vending facilities within this State licensed under this subtitle.

(D) (1) IN THIS SUBSECTION, “MEDICAL AND PSYCHOLOGICAL RECORDS” INCLUDES:

- (I) MEDICAL DOCUMENTATION;**
- (II) PSYCHOLOGICAL INFORMATION;**
- (III) SCHOOL DOCUMENTATION; AND**
- (IV) ANY OTHER RELEVANT INFORMATION.**

(2) THE DIVISION AND THE DEVELOPMENTAL DISABILITIES ADMINISTRATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE TERMS OF WHICH SHALL INCLUDE A DATA SHARING AGREEMENT FOR THE MEDICAL AND PSYCHOLOGICAL RECORDS OF MUTUAL CLIENTS IN ORDER TO EXPEDITE DECISIONS REGARDING ELIGIBILITY FOR SERVICES.

Article – Health – General

7–201.

There is a Developmental Disabilities Administration in the Department.

7–208.

(A) IN THIS SECTION, “MEDICAL AND PSYCHOLOGICAL RECORDS” INCLUDES:

- (1) MEDICAL DOCUMENTATION;**
- (2) PSYCHOLOGICAL INFORMATION;**
- (3) SCHOOL DOCUMENTATION; AND**
- (4) ANY OTHER RELEVANT INFORMATION.**

(B) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION AND THE DIVISION OF REHABILITATION SERVICES SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE TERMS OF WHICH SHALL INCLUDE A DATA SHARING AGREEMENT FOR THE MEDICAL AND PSYCHOLOGICAL RECORDS OF MUTUAL CLIENTS IN ORDER TO EXPEDITE DECISIONS REGARDING ELIGIBILITY FOR SERVICES.

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

Approved by the Governor, May 3, 2023.