

# SENATE BILL 1185

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By: **Senator Simonaire**

Introduced and read first time: February 21, 2018

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Waiver for Children With Autism**  
3 **Spectrum Disorder – Waiting List**

4 FOR the purpose of requiring the Maryland Department of Health and the State  
5 Department of Education jointly to develop a process to review each year the waiting  
6 list for children to receive services through the Home– and Community–Based  
7 Services Waiver for Children with Autism Spectrum Disorder; requiring the review  
8 process to include a requirement that an individual be a resident of the State to be  
9 added to or remain on the waiting list; requiring the review process to require the  
10 removal of an individual from the waiting list under certain circumstances; requiring  
11 the Maryland Department of Health and the State Department of Education jointly  
12 to adopt certain regulations; defining a certain term; and generally relating to the  
13 waiting list for children to receive services through the Home– and  
14 Community–Based Services Waiver for Children with Autism Spectrum Disorder.

15 BY adding to

16 Article – Health – General

17 Section 15–149

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2017 Supplement)

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

22 **Article – Health – General**

23 **15–149.**

24 **(A) IN THIS SECTION, “RESIDENT OF THE STATE” INCLUDES AN INDIVIDUAL**  
25 **ON ACTIVE DUTY WITH THE UNITED STATES MILITARY WHO IS DOMICILED IN THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 STATE.

2 (B) THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION  
3 JOINTLY SHALL DEVELOP A PROCESS TO REVIEW EACH YEAR THE WAITING LIST FOR  
4 INDIVIDUALS TO RECEIVE SERVICES THROUGH THE HOME- AND  
5 COMMUNITY-BASED SERVICES WAIVER FOR CHILDREN WITH AUTISM SPECTRUM  
6 DISORDER.

7 (C) THE PROCESS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION  
8 SHALL INCLUDE A REQUIREMENT THAT AN INDIVIDUAL BE A RESIDENT OF THE  
9 STATE TO BE ADDED TO OR REMAIN ON THE WAITING LIST.

10 (D) THE PROCESS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION  
11 SHALL REQUIRE THE REMOVAL OF ANY INDIVIDUAL FROM THE WAITING LIST WHO  
12 THE DEPARTMENT OR THE STATE DEPARTMENT OF EDUCATION DETERMINES:

13 (1) IS NO LONGER ELIGIBLE TO RECEIVE SERVICES THROUGH THE  
14 HOME- AND COMMUNITY-BASED SERVICES WAIVER FOR CHILDREN WITH AUTISM  
15 SPECTRUM DISORDER;

16 (2) IS NO LONGER A RESIDENT OF THE STATE;

17 (3) NO LONGER INTENDS TO PARTICIPATE IN THE HOME- AND  
18 COMMUNITY-BASED SERVICES WAIVER FOR CHILDREN WITH AUTISM SPECTRUM  
19 DISORDER SERVICES; OR

20 (4) HAS NOT RESPONDED AFTER REASONABLE ATTEMPTS BY THE  
21 DEPARTMENT OR THE STATE DEPARTMENT OF EDUCATION TO CONTACT THE  
22 INDIVIDUAL.

23 (E) THE DEPARTMENT AND THE STATE DEPARTMENT OF EDUCATION  
24 JOINTLY SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2018.