

SENATE BILL 343

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11r2226
CF HB 300

By: **Senators Middleton, Kasemeyer, and Kelley**

Introduced and read first time: February 2, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Supports Intensity Scale – Stakeholder Advisory Group**

3 FOR the purpose of establishing the Supports Intensity Scale Stakeholder Advisory
4 Group; providing for the membership and staffing of the Advisory Group;
5 requiring the Advisory Group to conduct a certain review and make certain
6 recommendations; providing that the Department of Health and Mental
7 Hygiene may not implement the Supports Intensity Scale until the Advisory
8 Group makes certain recommendations; requiring the Department to submit
9 certain reports to the Governor and the General Assembly on or before certain
10 dates; and generally relating to the Supports Intensity Scale.

11 BY adding to

12 Article – Health – General

13 Section 7–408

14 Annotated Code of Maryland

15 (2009 Replacement Volume and 2010 Supplement)

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

18 **Article – Health – General**

19 **7–408.**

20 (A) **THERE IS A SUPPORTS INTENSITY SCALE STAKEHOLDER ADVISORY**
21 **GROUP.**

22 (B) **THE ADVISORY GROUP CONSISTS OF THE FOLLOWING MEMBERS:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**
2 **THE PRESIDENT OF THE SENATE;**

3 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
4 **THE SPEAKER OF THE HOUSE;**

5 **(3) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

6 **(4) TWO REPRESENTATIVES OF THE ADMINISTRATION,**
7 **APPOINTED BY THE SECRETARY;**

8 **(5) ONE REPRESENTATIVE OF THE MEDICAL CARE PROGRAMS**
9 **ADMINISTRATION, APPOINTED BY THE SECRETARY;**

10 **(6) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:**

11 **(I) ONE REPRESENTATIVE OF THE MARYLAND DISABILITY**
12 **LAW CENTER;**

13 **(II) ONE REPRESENTATIVE OF THE ARC OF MARYLAND;**

14 **(III) ONE REPRESENTATIVE OF PEOPLE ON THE GO OF**
15 **MARYLAND;**

16 **(IV) ONE REPRESENTATIVE OF THE MARYLAND**
17 **DEVELOPMENTAL DISABILITIES COUNCIL;**

18 **(V) ONE REPRESENTATIVE OF THE MARYLAND**
19 **ASSOCIATION OF COMMUNITY SERVICES;**

20 **(VI) A PROVIDER LICENSED BY THE ADMINISTRATION WITH**
21 **EXPERIENCE IN SERVING INDIVIDUALS WITH INTENSIVE SUPPORT NEEDS;**

22 **(VII) A FAMILY MEMBER OF AN INDIVIDUAL WITH A**
23 **DEVELOPMENTAL DISABILITY WHO IS RECEIVING SERVICES;**

24 **(VIII) AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY;**
25 **AND**

26 **(IX) ONE REPRESENTATIVE OF AN ORGANIZATION LICENSED**
27 **BY THE ADMINISTRATION TO PROVIDE RESOURCE COORDINATION OR**
28 **TARGETED CASE MANAGEMENT.**

1 **(C) THE MARYLAND ASSOCIATION OF COMMUNITY SERVICES SHALL**
2 **PROVIDE STAFF FOR THE ADVISORY GROUP.**

3 **(D) THE ADVISORY GROUP SHALL REVIEW AND MAKE**
4 **RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE DEVELOPMENT**
5 **AND IMPLEMENTATION OF THE SUPPORTS INTENSITY SCALE, INCLUDING:**

6 **(1) THE FEASIBILITY OF USING THE SUPPORTS INTENSITY SCALE**
7 **AS A NEEDS ASSESSMENT AND FUNDING TOOL;**

8 **(2) THE MEASURES USED TO DETERMINE THE LEVEL OF SUPPORT**
9 **NEEDS OF AN INDIVIDUAL AND THE RESOURCES TO MEET THOSE NEEDS;**

10 **(3) THE RELIABILITY OF THE MEASURES USED IN DETERMINING**
11 **THE RELATIONSHIP BETWEEN IDENTIFIED NEEDS AND FUNDS ALLOCATED;**

12 **(4) DATA SPECIFIC TO THE COSTS TO SUPPORT INDIVIDUALS**
13 **WHO ARE RECEIVING SERVICES BEFORE THE IMPLEMENTATION OF THE**
14 **SUPPORTS INTENSITY SCALE AND SUPPLEMENTARY COST INFORMATION**
15 **NEEDED TO GUIDE THE DEVELOPMENT OF MORE APPROPRIATE PROVIDER**
16 **RATES AFTER THE IMPLEMENTATION OF THE SUPPORTS INTENSITY SCALE;**

17 **(5) MONEY EXPENDED TO SERVICE PROVIDERS ANNUALLY FOR**
18 **EACH INDIVIDUAL, WITH ATTENTION TO NEGOTIATED ADD-ON RATES,**
19 **GEOGRAPHICAL DIFFERENCES, AND EMERGENCY PLACEMENTS;**

20 **(6) SUPPORTS INTENSITY SCALE IMPLEMENTATION PLANS**
21 **INCORPORATING PLANS TO ANALYZE AND ASSESS THE EFFECTS OF PROPOSED**
22 **CHANGES ON THE SERVICES AND SUPPORTS FOR INDIVIDUALS WITH**
23 **DEVELOPMENTAL DISABILITIES;**

24 **(7) THE IDENTIFICATION OF AREAS OF RISK IN IMPLEMENTING**
25 **THE SUPPORTS INTENSITY SCALE AND WAYS TO REDUCE THE VULNERABILITY**
26 **OF INDIVIDUALS WHO ARE RECEIVING SERVICES;**

27 **(8) THE PROCESS FOR APPEALING DETERMINATIONS REGARDING**
28 **SERVICE NEEDS AND FUNDING; AND**

29 **(9) MEDICAID WAIVER REQUIREMENTS.**

30 **(E) THE DEPARTMENT MAY NOT IMPLEMENT THE SUPPORTS**
31 **INTENSITY SCALE UNTIL THE ADVISORY GROUP ESTABLISHED UNDER THIS**
32 **SECTION HAS MADE THE RECOMMENDATIONS REQUIRED BY SUBSECTION (D) OF**

1 THIS SECTION AND HAS PROVIDED THE RECOMMENDATIONS TO THE
2 DEPARTMENT.

3 (F) THE DEPARTMENT SHALL SUBMIT AN INTERIM REPORT ON OR
4 BEFORE DECEMBER 1, 2011, AND A FINAL REPORT ON OR BEFORE DECEMBER
5 1, 2012, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
6 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE
7 DEVELOPMENT AND IMPLEMENTATION OF THE SUPPORTS INTENSITY SCALE TO
8 BE USED BY THE DEVELOPMENTAL DISABILITY COMMUNITY.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2011.