

## Chapter 504

(Senate Bill 920)

AN ACT concerning

### Developmental Disabilities Administration – Low Intensity Support Services

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

BY repealing and reenacting, with amendments,

Article – Health – General  
Section 7–403(a)  
Annotated Code of Maryland  
(2009 Replacement Volume)

BY adding to

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

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

#### Article – Health – General

7–403.

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

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

7-715. RESERVED.

7-716. RESERVED.

#### PART V. LOW INTENSITY SUPPORT SERVICES.

7-717.

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

(i) ENABLE A FAMILY TO PROVIDE FOR THE NEEDS OF A CHILD OR AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING IN THE HOME ~~OR~~; OR

(ii) SUPPORT AN ADULT WITH DEVELOPMENTAL DISABILITY LIVING ~~AT HOME OR~~ IN THE COMMUNITY.

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

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

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

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

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

~~(C)~~ (E) (1) AN INDIVIDUAL SEEKING LOW INTENSITY SUPPORT SERVICES IS NOT REQUIRED TO:

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

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

(2) THE DEPARTMENT MAY DEVELOP A SIMPLIFIED APPLICATION PROCESS FOR LOW INTENSITY SUPPORT SERVICES.

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

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

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

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

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

Approved by the Governor, May 20, 2010.