

SENATE BILL 963

J1

(9lr3291)

ENROLLED BILL

—Finance/Health and Government Operations—

Introduced by **Senators Klausmeier, Currie, Garagiola, ~~and King King,~~
Middleton, Astle, Della, Exum, Glassman, Kittleman, Pugh, and
Forehand**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Health - Maryland Commission on Autism**

3 FOR the purpose of establishing the Maryland Commission on Autism; providing for
4 the membership of the Commission; requiring the membership of the
5 Commission to consist of broad representation of the State's citizens;
6 designating the chair of the Commission; establishing a quorum requirement;
7 requiring the Commission to meet a certain number of times per year; requiring
8 the Commission to meet a certain number of times before a certain date;
9 authorizing the Commission to hold meetings in a certain manner; prohibiting a
10 member of the Commission from receiving compensation; authorizing a member
11 of the Commission to receive certain reimbursement; ~~requiring a certain person~~
12 ~~to designate~~ requiring the Department of Health and Mental Hygiene and the
13 Maryland State Department of Education to provide certain staff for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Commission; requiring the Commission to make certain recommendations;
2 requiring the Commission to make a certain evaluation; requiring the
3 Commission to carry out certain tasks in preparing a certain plan; authorizing
4 the Commission to undertake certain responsibilities; requiring the Commission
5 to report to the General Assembly on or before certain dates; defining a certain
6 term; providing for the termination of this Act; and generally relating to autism
7 awareness.

8 BY adding to
9 Article – Health – General
10 Section 13–2801 through 13–2806 to be under the new subtitle “Subtitle 28.
11 Maryland Commission on Autism”
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2008 Supplement)

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

16 **Article – Health – General**

17 **SUBTITLE 28. MARYLAND COMMISSION ON AUTISM.**

18 **13–2801.**

19 **THERE IS A MARYLAND COMMISSION ON AUTISM.**

20 **13–2802.**

21 **IN THIS SUBTITLE, “COMMISSION” MEANS THE MARYLAND COMMISSION**
22 **ON AUTISM.**

23 **13–2803.**

24 **(A) THE COMMISSION CONSISTS OF:**

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

27 **(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
28 **THE SPEAKER OF THE HOUSE;**

29 **(3) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND**
30 **DISABILITIES, OR THE DEPUTY SECRETARY’S DESIGNEE;**

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

3 (5) THE SECRETARY OF HUMAN RESOURCES, OR THE
4 SECRETARY'S DESIGNEE; ~~AND~~

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

7 (7) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
8 DESIGNEE; AND

9 ~~(6)~~ (8) THE FOLLOWING ~~17~~ MEMBERS, TO BE APPOINTED BY
10 THE GOVERNOR:

11 (I) TWO REPRESENTATIVES FROM DIFFERENT
12 INSTITUTIONS OF HIGHER LEARNING LOCATED IN THE STATE WHO HAVE
13 CLINICAL AND RESEARCH EXPERTISE RELATING TO BOTH CHILDREN AND
14 ADULTS WITH AUTISM;

15 (II) AN INDIVIDUAL EMPLOYED AS A DIRECTOR OF SPECIAL
16 EDUCATION AT A SCHOOL DISTRICT LOCATED IN THE STATE;

17 ~~(III)~~ ~~A SPEECH LANGUAGE PATHOLOGIST;~~

18 ~~(IV)~~ (III) A DIAGNOSTICIAN;

19 ~~(V)~~ ~~A MENTAL HEALTH PROVIDER;~~

20 (IV) A SCHOOL PSYCHOLOGIST;

21 ~~(VI)~~ (V) A ~~PRIMARY CARE PHYSICIAN~~ PHYSICIAN
22 SPECIALIZING IN PEDIATRICS WHO PRACTICES IN THE STATE;

23 ~~(VII)~~ (VI) ~~THREE TWO~~ THREE PARENTS OF INDIVIDUALS
24 WITH AUTISM SPECTRUM DISORDERS, INCLUDING ~~TWO PARENTS A PARENT~~ TWO
25 PARENTS OF AN INDIVIDUAL UNDER THE AGE OF ~~18~~ 21 YEARS AND ~~ONE A ONE~~
26 PARENT OF AN INDIVIDUAL AT LEAST 18 YEARS OLD A TRANSITIONING YOUTH
27 WITH AUTISM;

28 ~~(VIII)~~ (VII) TWO ~~INDIVIDUALS~~ ADULTS WITH AUTISM
29 SPECTRUM DISORDERS;

1 ~~(IX) A REPRESENTATIVE FROM AN INDEPENDENT PRIVATE~~
 2 ~~PROVIDER OR NONPROFIT PROVIDER;~~

3 (VIII) A REPRESENTATIVE FROM AN ASSOCIATION OF
 4 PROVIDERS OF SERVICES TO INDIVIDUALS WITH AUTISM AND OTHER
 5 DEVELOPMENTAL DISABILITIES;

6 ~~(X) (IX) THREE TWO MEMBERS OF NONPROFIT~~
 7 ~~ORGANIZATIONS IN THE STATE WHO PROVIDE SERVICES TO INDIVIDUALS OR~~
 8 ~~FAMILIES LIVING WITH AUTISM SPECTRUM DISORDERS AND WHO TOGETHER~~
 9 ~~REPRESENT THE PROVISION OF LIFESPAN SERVICES; AND~~

10 ~~(XI) A REPRESENTATIVE FROM THE MARYLAND HOSPITAL~~
 11 ~~ASSOCIATION;~~

12 (X) A REPRESENTATIVE OF THE MARYLAND
 13 DEVELOPMENTAL DISABILITIES COUNCIL;

14 (XI) A PHYSICAL THERAPIST LICENSED BY THE STATE
 15 BOARD OF PHYSICAL THERAPY EXAMINERS;

16 (XII) AN OCCUPATIONAL THERAPIST LICENSED BY THE
 17 STATE BOARD OF OCCUPATIONAL THERAPY PRACTICE;

18 ~~(XIII) A REPRESENTATIVE OF A NONPROFIT HEALTH SERVICE~~
 19 ~~PLAN THAT DOES BUSINESS IN THE STATE; AND~~

20 ~~(XIV) A REPRESENTATIVE OF A FOR PROFIT HEALTH INSURER~~
 21 ~~THAT DOES BUSINESS IN THE STATE.~~

22 (XIII) A REPRESENTATIVE OF A LABOR ORGANIZATION THAT
 23 REPRESENTS EMPLOYEES WHO PROVIDE SERVICES TO INDIVIDUALS WITH
 24 AUTISM SPECTRUM DISORDERS; AND

25 (XIV) A REPRESENTATIVE OF A HEALTH INSURER, NONPROFIT
 26 HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION THAT DOES
 27 BUSINESS IN THE STATE.

28 (B) (1) MEMBERS OF THE COMMISSION SHALL CONSIST OF A BROAD
 29 REPRESENTATION OF MARYLAND CITIZENS, BOTH URBAN AND RURAL, WHO ARE
 30 CONCERNED WITH THE HEALTH AND QUALITY OF LIFE FOR INDIVIDUALS WITH
 31 AUTISM SPECTRUM DISORDERS.

1 **(2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO**
2 **THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC,**
3 **CULTURAL, AND GENDER DIVERSITY OF THE STATE.**

4 **(C) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND**
5 **DISABILITIES OR THE DEPUTY SECRETARY'S DESIGNEE SHALL BE THE CHAIR**
6 **OF THE COMMISSION.**

7 **13-2804.**

8 **(A) A MAJORITY OF THE MEMBERS SERVING ON THE COMMISSION IS A**
9 **QUORUM.**

10 **(B) THE COMMISSION SHALL MEET AT LEAST FOUR TIMES A YEAR,**
11 **INCLUDING AT LEAST TWO TIMES BEFORE JUNE 1, 2010.**

12 **(C) THE COMMISSION MAY HOLD MEETINGS IN PERSON OR BY**
13 **TELEPHONE OR VIDEO CONFERENCE.**

14 **(D) A MEMBER OF THE COMMISSION:**

15 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
16 **COMMISSION; BUT**

17 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
18 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
19 **BUDGET.**

20 **~~(E) THE DEPUTY SECRETARY OF BEHAVIORAL HEALTH AND~~**
21 **~~DISABILITIES SHALL DESIGNATE~~ THE DEPARTMENT AND THE MARYLAND**
22 **STATE DEPARTMENT OF EDUCATION SHALL PROVIDE THE STAFF NECESSARY**
23 **TO CARRY OUT THIS SUBTITLE.**

24 **13-2805.**

25 **(A) THE COMMISSION SHALL:**

26 **(1) ADVISE AND MAKE RECOMMENDATIONS TO THE GOVERNOR,**
27 **GENERAL ASSEMBLY, AND RELEVANT STATE AGENCIES REGARDING MATTERS**
28 **CONCERNING SERVICES FOR INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS**
29 **AT ALL STATE LEVELS, INCLUDING HEALTH CARE, EDUCATION, AND OTHER**
30 **ADULT AND ADOLESCENT SERVICES;**

1 (2) DEVELOP A COMPREHENSIVE STATEWIDE PLAN FOR AN
2 INTEGRATED SYSTEM OF TRAINING, TREATMENT, AND SERVICES FOR
3 INDIVIDUALS OF ALL AGES WITH AUTISM SPECTRUM DISORDERS; ~~AND~~

4 (3) EVALUATE WAYS TO PROMOTE AUTISM SPECTRUM DISORDER
5 AWARENESS; AND

6 (4) ~~DEVELOP A RECOMMENDATION REGARDING THE~~
7 ~~DESIRABILITY OF AMENDING STATE LAW TO REQUIRE MORE EXTENSIVE~~
8 ~~INSURANCE COVERAGE OF AUTISM DIAGNOSIS AND TREATMENT SERVICES,~~
9 ~~INCLUDING APPLIED BEHAVIOR ANALYSIS~~ REVIEW THE FINDINGS OF ANY
10 SUMMIT OR CONFERENCE CONVENED BY THE STATE REGARDING AUTISM
11 SPECTRUM DISORDERS.

12 (B) IN DEVELOPING THE STATEWIDE PLAN UNDER SUBSECTION (A)(2)
13 OF THIS SECTION, THE COMMISSION SHALL:

14 (1) STUDY AND REPORT ON THE MEANS FOR DEVELOPING A
15 COMPREHENSIVE, COORDINATED SYSTEM OF CARE DELIVERY ACROSS THE
16 STATE AND ENSURING THAT RESOURCES ARE CREATED, WELL-UTILIZED, AND
17 APPROPRIATELY DISTRIBUTED ACROSS THE STATE;

18 (2) DETERMINE THE NEED FOR THE CREATION OF SERVICES IN
19 DESIGNATED AREAS OF THE STATE;

20 (3) PLAN FOR EFFECTIVELY EVALUATING REGIONAL SERVICE
21 AREAS THROUGHOUT THE STATE AND THE CAPACITY OF THE AREAS,
22 INCLUDING OUTLINING PERSONNEL AND SKILLS THAT EXIST WITHIN THE
23 SERVICE AREA, OTHER CAPABILITIES THAT EXIST, AND RESOURCE NEEDS THAT
24 MAY BE UNMET;

25 (4) ASSESS THE NEED FOR ADDITIONAL BEHAVIORAL
26 INTERVENTION CAPABILITIES AND, AS NECESSARY, THE MEANS FOR EXPANDING
27 THOSE CAPABILITIES IN A REGIONAL SERVICE AREA;

28 ~~(5) DEVELOP RECOMMENDATIONS FOR EXPANDING SERVICES IN~~
29 ~~CONJUNCTION WITH HOSPITALS AFTER CONSIDERING THE RESOURCES THAT~~
30 ~~EXIST IN TERMS OF SPECIALTY CLINICS, HOSPITALS, AND HOSPITAL INPATIENT~~
31 ~~CARE;~~

32 (5) DEVELOP RECOMMENDATIONS TO ADDRESS THE TRANSITION
33 OF CHILDREN AGING OUT OF THE AUTISM MEDICAID WAIVER;

1 (6) CONDUCT AN ASSESSMENT OF THE NEED FOR COORDINATED,
2 ENHANCED, AND TARGETED SPECIAL EDUCATION TAILORED TOWARD AUTISM
3 SPECTRUM DISORDERS WITHIN EACH REGION OF THE STATE; ~~AND~~

4 (7) DEVELOP A RECOMMENDATION FOR ENLISTING
5 APPROPRIATE UNIVERSITIES AND COLLEGES TO ENSURE SUPPORT AND
6 COLLABORATION IN DEVELOPING CERTIFICATION OR DEGREE PROGRAMS FOR
7 STUDENTS SPECIALIZING IN AUTISM SPECTRUM DISORDER INTERVENTION;

8 (8) EVALUATE PROGRAMS THAT CURRENTLY EXIST IN OTHER
9 STATES TO DETERMINE HOW SIMILAR PROGRAMS IN THE STATE COULD
10 BENEFIT INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND

11 (9) DEVELOP RECOMMENDATIONS FOR FACILITATING THE
12 COORDINATION OF RESEARCH OPPORTUNITIES BETWEEN INSTITUTIONS AND
13 EDUCATION AND HEALTH AGENCIES TO SUPPORT RESEARCH IN ALL AREAS OF
14 AUTISM.

15 (c) THE COMMISSION MAY:

16 (1) PROVIDE RECOMMENDATIONS REGARDING TRAINING
17 PROGRAMS AND THE CONTENT OF TRAINING PROGRAMS BEING DEVELOPED;

18 (2) EVALUATE THE PILOT PROGRAM TO STUDY AND IMPROVE
19 SCREENING PRACTICES FOR AUTISM DISORDERS AND MAKE
20 RECOMMENDATIONS ON WHETHER A SIMILAR PROGRAM SHOULD BE
21 IMPLEMENTED STATEWIDE;

22 ~~(2)~~ (3) RECOMMEND INDIVIDUALS TO PARTICIPATE IN A
23 COMMITTEE OF MAJOR STAKEHOLDERS CHARGED WITH DEVELOPING
24 SCREENING, DIAGNOSTIC, ASSESSMENT, ~~AND TREATMENT~~ TREATMENT, AND
25 SERVICE STANDARDS FOR THE STATE;

26 ~~(3)~~ (4) PARTICIPATE IN RECOMMENDING A PANEL OF
27 QUALIFIED PROFESSIONALS AND EXPERTS TO REVIEW EXISTING MODELS OF
28 EVIDENCE-BASED EDUCATIONAL PRACTICES FOR ADAPTATION SPECIFIC TO
29 THE STATE PUBLIC, AND PRIVATE SERVICE PROVIDERS; ~~AND~~

30 (4) (5) EXAMINE THE BARRIERS TO ACCURATE INFORMATION
31 OF THE PREVALENCE OF INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS
32 ACROSS THE STATE AND RECOMMEND A PROCESS FOR ACCURATE REPORTING
33 OF DEMOGRAPHIC DATA; AND

1 **(6) STUDY AND MAKE RECOMMENDATIONS RELATED TO ANY**
 2 **ISSUE RELATED TO AUTISM SPECTRUM DISORDERS THAT IS CONSIDERED**
 3 **NECESSARY BY THE COMMISSION.**

4 **13-2806.**

5 **THE COMMISSION SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY**
 6 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE:**

7 ~~**(1) ON OR BEFORE JANUARY 1, 2010, ON THE COMMISSION'S**~~
 8 ~~**RECOMMENDATION REGARDING THE DESIRABILITY OF AMENDING STATE LAW**~~
 9 ~~**TO REQUIRE MORE EXTENSIVE INSURANCE COVERAGE OF AUTISM DIAGNOSIS**~~
 10 ~~**AND TREATMENT SERVICES, INCLUDING APPLIED BEHAVIOR ANALYSIS;**~~

11 **~~(1)~~ ~~(2)~~ (1) ON OR BEFORE JUNE 1, 2011, ON THE COMMISSION'S**
 12 **PRELIMINARY FINDINGS AND RECOMMENDATIONS REGARDING THE**
 13 **DEVELOPMENT OF A COMPREHENSIVE STATEWIDE PLAN UNDER § 13-2805 OF**
 14 **THIS SUBTITLE; AND**

15 **~~(2)~~ ~~(3)~~ (2) ON OR BEFORE SEPTEMBER 30, 2012, ON THE**
 16 **COMMISSION'S FINAL FINDINGS AND RECOMMENDATIONS REGARDING THE**
 17 **DEVELOPMENT OF A COMPREHENSIVE STATEWIDE PLAN UNDER § 13-2805 OF**
 18 **THIS SUBTITLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2009. It shall remain effective for a period of 3 years and, at the end of
 21 September 30, 2012, with no further action required by the General Assembly, this Act
 22 shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.