

DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

1002.

(A) NOTWITHSTANDING THE PROVISIONS OF SECTION 37 OF ARTICLE 59A OF THIS CODE, THE ~~DIRECTOR OF THE DIVISION OF PREVENTIVE MEDICINE~~ SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL EVALUATE AND DETERMINE THE NEED, IF ANY, FOR ONE OR MORE GROUP HOMES FOR NONRETARDED DEVELOPMENTALLY DISABLED PERSONS IN EACH COUNTY OR MULTICOUNTY REGION OF THE STATE. THE COMPLETED NEEDS STUDY SHALL BE A PUBLIC DOCUMENT, A COPY OF WHICH SHALL BE SENT TO EACH COUNTY OR MULTICOUNTY REGION AS APPROPRIATE.

(B) IN DETERMINING THE NEED FOR GROUP HOMES FOR NONRETARDED DEVELOPMENTALLY DISABLED PERSONS IN A COUNTY OR MULTICOUNTY REGION, THE FOLLOWING FACTORS SHALL BE CONSIDERED:

(1) INDIVIDUALS PRESENTLY RESIDING INAPPROPRIATELY IN LARGE STATE INSTITUTIONS WHO COULD BEST BE SERVED IN THEIR COUNTY OF ORIGIN;

(2) HISTORIC DATA; AND

(3) REASONABLE PROJECTIONS.

(C) THE ~~DIRECTOR~~ SECRETARY SHALL CONSULT WITH THE GOVERNING BODY OF THE COUNTY OR COUNTIES COMPRISING A REGION, CONSUMER GROUPS, LOCAL AND STATE BOARDS OF EDUCATION, STATE AND LOCAL REPRESENTATIVES OF THE DIVISION OF VOCATIONAL REHABILITATION, THE STATE OFFICE FOR COORDINATION OF SERVICES TO THE HANDICAPPED, THE STATE DEVELOPMENTAL DISABILITIES COUNCIL, AND OTHER PUBLIC OR PRIVATE AGENCIES IN PREPARING AN EVALUATION OF NEED.

1003.

THE ~~DIRECTOR~~ SECRETARY, IN COMPLIANCE WITH THE ADMINISTRATIVE PROCEDURE ACT, SHALL ADOPT APPROPRIATE RULES AND REGULATIONS FOR THE ESTABLISHMENT AND OPERATION OF GROUP HOMES FOR NONRETARDED DEVELOPMENTALLY DISABLED PERSONS. ANY RULES, REGULATIONS, PROCEDURES, OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION OR OTHERWISE MAY NOT PROHIBIT, OR RESULT IN THE PROHIBITION OF, THE ADMISSION OF A NONRETARDED DEVELOPMENTALLY DISABLED PERSON TO A GROUP HOME SOLELY BECAUSE THE PERSON IS PHYSICALLY HANDICAPPED AND REQUIRES A WHEELCHAIR FOR MOBILITY.

1004.

(A) IF THE ~~DIRECTOR~~ SECRETARY DETERMINES AND CERTIFIES THAT THERE IS A PRESENT NEED FOR ONE OR MORE GROUP HOMES FOR NONRETARDED DEVELOPMENTALLY DISABLED PERSONS IN A COUNTY OR MULTICOUNTY REGION, THE COUNTY OR COUNTIES IN THE REGION, IN CONSULTATION WITH LOCAL CONSUMER GROUPS, SHALL PURSUE PROMPTLY APPROPRIATE PROCEDURES TO SELECT A SUITABLE SITE OR SITES FOR SUCH GROUP HOMES. THE ~~DIRECTOR~~ SECRETARY