

WHEREAS, State law does not contain an adequate or comprehensive definition of developmental disability, and therefore does not clearly delineate the eligibility of developmentally disabled citizens to the assistance and services provided by the State;

WHEREAS, Maryland, as well as several other states of the nation, have been attempting to assess the implications of adopting the federal functional definition of developmental disability as set forth in the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978 (P.L. 95-602);

WHEREAS, The Federal Government's use of different definitions in determining the eligibility of developmentally disabled citizens for Special Education and Medicaid services has further hampered Maryland's effort to clarify eligibility for State assistance and services;

WHEREAS, The Governor appointed a study group to examine these issues;

WHEREAS, The Developmental Disabilities Definition Study Group determined that substituting the federal functional definition for the categorical definitions in existing State law would enable Maryland to serve developmentally disabled citizens on the basis of substantial functional limitations in, at least, three of seven major life activity areas, and not simply by categorical type of disability;

WHEREAS, The study group's recommendations gave rise to a number of significant fiscal, legal, programmatic, and policy questions for which the State lacked adequate information, and therefore was unable to resolve;

WHEREAS, The State has now established a demonstration project at the Walter P. Carter Center which will enable the State to assess the impact of adopting a functional definition of developmental disability;

WHEREAS, This demonstration project will assist the State in identifying the number of developmentally disabled citizens by level and type of disability, and therefore enable the State to plan and develop the most appropriate services to meet the needs of the developmentally disabled citizens;

WHEREAS, The State's ability to assist developmentally disabled citizens necessitates a comprehensive review of the provisions in Title 7 of the Health General Article of the Annotated Code of Maryland;