

~~[(viii)] (VII) Any other person the Special Secretary deems necessary.~~

[(c)] ~~(G)~~ (B) (1) [Until the plan developed under subsection (b) of this section is fully implemented, a] A local or State agency may approve a new out-of-state placement of any child only if:

(i) The out-of-state placement is closer in distance to the child's home than an alternative in-State placement;

(ii) An equally appropriate individualized in-State program is not available for the child, for up to 100% of the average cost per placement for all appropriate out-of-state programs for which application would be made on behalf of the child; [or]

(iii) The child is currently in detention pursuant to a court order;

(IV) COMPLIANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT REQUIRES OUT-OF-STATE PLACEMENT; OR

(V) THE CHILD IS HOSPITALIZED IN AN ACUTE CARE PSYCHIATRIC HOSPITAL UNDER THE FOLLOWING CIRCUMSTANCES:

1. THE CHILD IS COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE, A LOCAL DEPARTMENT OF SOCIAL SERVICES, OR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

2. THE CHILD'S TREATMENT TEAM HAS DETERMINED THAT THE CHILD IS READY FOR DISCHARGE OR MUST BE DISCHARGED TO A RECOMMENDED PLACEMENT WITHIN 30 DAYS; AND

3. THE ONLY AVAILABLE APPROPRIATE PLACEMENT IS OUT OF STATE.

(2) At the time of application to the State Coordinating Council for an out-of-state placement, the referring agency, in consultation with the local coordinating council as defined in § 13 of this article, shall begin to plan for the child's return.

[(d)] ~~(H)~~ (C) Each department's funds available for out-of-home care may be used flexibly for less restrictive care, in accordance with the plan developed ~~under subsection [(e)] (B) OF THIS SECTION AND THE REQUIREMENTS OF SUBSECTION (G) of this section~~ BY THE SUBCABINET.

[(e)] ~~(I)~~ (D) [(1)] The [Office for Children, Youth, and Families] SUBCABINET shall adopt regulations necessary to carry out the provisions of this section, INCLUDING REGULATIONS ESTABLISHING:

(1) ELIGIBILITY REQUIREMENTS;

(2) SERVICE PRIORITIES;

(3) PROCEDURES FOR FAMILIES TO ACCESS SERVICES;