

for the termination of this Act; and generally relating to respite care for individuals with developmental disabilities ~~and mental retardation.~~

BY repealing and reenacting, with amendments,

Article - Health - General

Section 7-509

Annotated Code of Maryland

(2000 Replacement Volume and 2003 Supplement)

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

Article - Health - General

7-509.

(a) In this section, "respite care" means care that is made available for an individual with ~~mental retardation~~ [in a State residential center] ~~OR~~ DEVELOPMENTAL DISABILITIES to provide relief for the person with whom the individual ordinarily lives.

(b) (1) [Under regulations that the Department adopts, each] EACH State residential center shall [reserve at least 2 percent, but not more than 4 percent, of its total beds for respite care];

(4) PROVIDE RESPITE CARE FOR FAMILIES CARING FOR INDIVIDUALS WITH ~~MENTAL RETARDATION OR~~ DEVELOPMENTAL DISABILITIES IN THEIR HOME; ~~AND.~~

(2) BEGINNING IN FISCAL YEAR 2006;

(I) THE HOLLY CENTER, THE POTOMAC CENTER, AND THE BRANDENBURG CENTER SHALL EACH RESERVE AT LEAST NOT MORE THAN 4 PERCENT OF ITS TOTAL BEDS FOR RESPITE CARE; AND

(II) THE ROSEWOOD CENTER SHALL RESERVE AT LEAST 2 PERCENT, BUT NOT MORE THAN 4 PERCENT, OF ITS TOTAL BEDS FOR RESPITE CARE.

(c) Respite care for an individual may not exceed 45 days within any 1-year period or 28 consecutive days.

(D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, FAMILIES CARING IN THEIR HOMES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN THEIR HOMES, WHO HAVE BEEN APPROVED TO RECEIVE RESPITE CARE BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION, SHALL HAVE A CHOICE OF OBTAINING RESPITE CARE IN A STATE RESIDENTIAL CENTER OR A COMMUNITY SETTING.

(E) (1) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION FOR THE PURPOSE OF PROVIDING RESPITE CARE