

(3) RESULTS IN SUBSTANTIAL FUNCTIONAL LIMITATIONS IN AT LEAST THREE OF THE FOLLOWING AREAS OF MAJOR LIFE ACTIVITY:

- (I) SELF-CARE;
- (II) RECEPTIVE AND EXPRESSIVE LANGUAGE;
- (III) LEARNING;
- (IV) MOBILITY;
- (V) SELF-DIRECTION;
- (VI) CAPACITY FOR INDEPENDENT LIVING; AND
- (VII) ECONOMIC SELF-SUFFICIENCY; AND

(4) REFLECTS THE INDIVIDUAL'S NEED FOR A COMBINATION AND SEQUENCE OF SPECIAL INTERDISCIPLINARY OR GENERIC CARE, TREATMENT, OR OTHER SERVICES THAT ARE:

- (I) LIFELONG OR OF EXTENDED DURATION; AND
- (II) INDIVIDUALLY PLANNED AND COORDINATED.

(B) DEVELOPMENTAL DISABILITY.

AN INDIVIDUAL HAS A DEVELOPMENTAL DISABILITY IF THE INDIVIDUAL HAS A FUNCTIONAL DISABILITY THAT IS MANIFESTED BEFORE THE INDIVIDUAL ATTAINS THE AGE OF 22 YEARS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 88A, § 128(c), (d), and, as it related to an individual with a head injury, (a). It is revised as a substantive provision, rather than as a definition provision, to avoid defining terms that are used only once in this subtitle.

Throughout this section, the references to an "individual" are substituted for the former references to a "person" for consistency throughout this subtitle and because only a human being, and not the other entities included in the defined term "person", may qualify for respite care under this part. See § 1-101 of this article.

In the introductory language of subsection (a) of this section, the former reference to "an individual with a head injury who, notwithstanding age, meets the definition of developmentally disabled" is deleted as unnecessary in light of the inclusion of a head injury in the description of a functional disability.

In subsection (a)(1) of this section, the phrase "including a head injury" is added for brevity and clarity.

Subsection (b) of this section is revised to combine the repetitive language of former Art. 88A, § 128(c) and (d) for brevity and clarity.