

3. LOCAL HEALTH DEPARTMENTS;

(III) PARENTS OF CHILDREN WITH SPECIAL NEEDS;

(IV) PRIVATE RESIDENTIAL AND DAY SERVICES PROVIDERS;

(V) CHILD ADVOCACY ORGANIZATIONS;

(VI) FORMER CONSUMERS OF SPECIAL NEEDS SERVICES WHO ARE AT LEAST 18 YEARS OF AGE;

(VII) A REPRESENTATIVE OF THE HEALTH RESOURCES PLANNING COMMISSION; AND

(VIII) ANY OTHER PERSON THE SPECIAL SECRETARY DEEMS NECESSARY.

~~(D) (C) (1) UNTIL THE PLAN TO DEVELOP ADEQUATE IN STATE RESOURCES FOR CHILDREN WITH DISABILITIES AND TO PHASE OUT THE STATE'S USE OF OUT OF STATE INSTITUTIONS DEVELOPED UNDER SUBSECTION (C) (B) OF THIS SECTION IS FULLY IMPLEMENTED, THE COUNCIL AS DEFINED IN § 13 OF THIS TITLE AND THE LOCAL COORDINATING COUNCILS A LOCAL OR STATE AGENCY MAY NOT APPROVE A NEW OUT OF STATE PLACEMENT OF ANY CHILD UNLESS ONLY IF:~~

~~(I) THE OUT-OF-STATE PLACEMENT IS CLOSER IN DISTANCE TO THE CHILD'S HOME THAN AN ALTERNATIVE IN-STATE PLACEMENT;~~

~~(II) A SPECIFIC OUT OF STATE PLACEMENT IS ORDERED BY A COURT OF COMPETENT JURISDICTION; OR~~

~~(III) AN IN STATE PROVIDER HAS NOT AGREED TO PROVIDE:~~

~~1. AN EQUALLY APPROPRIATE INDIVIDUALIZED PROGRAM;~~

~~2. IN A TIMELY MANNER; AND~~

~~3. FOR A COST OF UP TO 100% OF THE AVERAGE OF THE ANNUALIZED COSTS OF ALL OUT OF STATE PROGRAMS TO WHICH APPLICATION HAS BEEN MADE ON BEHALF OF THE CHILD.~~

~~(2) ON APPROVAL OF ANY OUT OF STATE PLACEMENT APPROVED IN ACCORDANCE WITH THIS SECTION, THE COUNCIL AND THE LOCAL COORDINATING COUNCILS SHALL DEVELOP A PLAN FOR THAT CHILD'S RETURN TO AN APPROPRIATE PLACEMENT WITHIN THE STATE.~~