

~~(D) (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 IS FULLY IMPLEMENTED, THE COUNCIL AS DEFINED IN § 13 OF THIS TITLE AND THE LOCAL COORDINATING COUNCILS MAY NOT APPROVE A NEW OUT OF STATE PLACEMENT OF ANY CHILD UNLESS:~~

~~(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.~~

~~(3) A CHILD WITH DISABILITIES SERVED WITHIN THE STATE UNDER THIS SUBTITLE MAY NOT BE PLACED IN A STATE RESIDENTIAL CENTER FOR THE DEVELOPMENTALLY DISABLED.~~

~~(4) (I) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES, THROUGH THE SUBCABINET, SHALL APPOINT A COMMITTEE TO DEVELOP THE PLAN REQUIRED UNDER THIS SUBSECTION.~~

~~(II) THE COMMITTEE SHALL INCLUDE:~~

~~1. THE SECRETARIES OF THE DEPARTMENTS OF HEALTH AND MENTAL HYGIENE, HUMAN RESOURCES, JUVENILE SERVICES, AND SECRETARY OF HEALTH AND MENTAL HYGIENE;~~

~~2. THE SECRETARY OF HUMAN RESOURCES;~~

~~3. THE SECRETARY OF JUVENILE SERVICES;~~

~~4. THE SECRETARY OF BUDGET AND FISCAL PLANNING;~~