

HIGHLIGHTS OF THE 2016 GENERAL ASSEMBLY SESSION

Legislation that Passed

SB 765: Child Custody – DRM was pleased to work with Senator Jamie Raskin on this groundbreaking legislation, and with the House bill (HB 976) sponsor, Delegate Sandy Rosenberg, as well as other members of the General Assembly; the National Federation of the Blind, People on the Go, The Arc Maryland, Maryland Association of Centers for Independent Living, and other members of the Maryland Disability Rights Coalition; the National Council on Disability; and other stakeholders. The bill protects people with disabilities and their families from discrimination in private custody, visitation, adoption and guardianship proceedings by requiring any findings that a person’s disability affects the best interest of a child to be recorded in writing; allowing the party with a disability to show that supportive parenting services would prevent such finding; placing the burden of proof on the party alleging that the disability affects the child’s best interest; and conforming the Family Code definition of “disability” to federal law. When signed into law, this bill will serve as a model for other states.

HB 420/SB 417: Ken Capone Equal Employment Act (EEA) – DRM Board member Ken Capone, People on the Go, DRM, and other advocates and coalition partners led this strong and successful effort to abolish the payment of subminimum wages to people with disabilities in Maryland. Like SB 765, the bill will become a national model when signed into law and make Maryland the second U.S. state to eliminate this discriminatory exception to Section 14(c) of the Fair Labor Standards Act of 1938. The EEA will phase out “sheltered workshops” that pay people as little as pennies per hour and require the Maryland Department of Disabilities and the Developmental Disabilities Administration to implement a 4-year transition plan to move individuals from segregated day programs to competitive integrated employment. MDLC participates on the Employment First Steering Committee that is developing the policies and infrastructure to support transition to competitive integrated employment.

HB 86/SB 421: IEP Translations – DRM spearheaded this successful effort to require that an IEP or IFSP be translated into a parent’s native language, upon request, if the language is spoken by more than 1% of the local student population. The translated document must be provided within 30 days.

SB 950/HB 778: Parental Consent for IEPs – DRM and the Education Advocacy Coalition led this effort to require parental consent before a school system may take certain actions (placing restraint or seclusion on an IEP, moving a child to alternate assessment/off diploma track, reducing or terminating instructional or related services, or changing school placement). Senate bill amendments turned the substance of the bill into tasks for a workgroup and also merged the bill with parts of a special education “scholarship” (voucher) bill.

HB 431/SB 355: ABLE Act – Federal law enacted in December 2014 authorized states to establish tax-advantaged savings program to help people with disabilities save limited amounts for disability-related expenses (such as health care, assistive technology, education, employment supports and housing) without losing eligibility for certain public benefits. Maryland legislation enacted in 2015 established the ABLE Task Force to make recommendations for an ABLE Program, resulting in this year’s bill. College Savings Plans of Maryland and the Maryland Department of Disabilities and will co-manage the program. Governor Hogan committed \$745,000 for program start-up costs and signed the legislation into law on April 12, 2016.

HB682/SB551: Crisis Walk-in Services & Mobile Crisis Teams – This legislation requires the Maryland Behavioral Health Advisory Council (on which DRM serves) to develop a strategic plan for ensuring that clinical crisis walk-in services and mobile crisis teams are available 24/7 statewide. The plan design must address the need for both mental health and substance use disorder services; include measures to monitor outcomes and to recover payment for services provided to individuals with commercial insurance; and regional models must also be considered.

HB 1180/SB 946: Solitary Confinement – DRM participated in this coalition effort led by ACLU Maryland to require the Department of Public

Safety and Correctional Services to collect and make available data on the use of administrative segregation/solitary confinement, disaggregated by various factors including “serious mental illness,” and to include such information as length of stay and attempts at self-harm.

HB 1007: Freedom to Vote Act – This bill requires the State and local boards of elections, specified State agencies, and public institutions of higher education to take various actions aimed at increasing voter registration in Maryland and keeping voter registration records current, including a one-time automatic registration of certain individuals in 2017 (with an opt-out provision) and increased access to voter registration through electronic or online voter registration systems.

SB 1005/HB 1312: Justice Reinvestment Act – This bill was introduced to implement recommendations from the Justice Reinvestment Coordinating Council designed to reduce the incarcerated population and spending on corrections, and to reinvest in strategies that increase public safety and reduce recidivism. The bill included several behavioral health-specific provisions.

Legislation that Did Not Pass

HB 393/SB 362: Attorney’s Fees for Maryland Constitutional Rights Violations – DRM participated in a coalition led by the Public Justice Center for legislation authorizing an award of reasonable attorney’s fees and expenses to a prevailing plaintiff in claims against a state or local government for violations the Maryland Constitution or Declaration of Rights. As with last session, the House bill cleared that chamber while the Senate bill languished in committee.

HB 683/SB 448: Child in Need of Assistance Proceedings, Juvenile Court Jurisdiction & Authority (“Dustin’s Bill”) – DRM worked with Advocates for Children and Youth and others on legislation to codify a December 2015 court decision granting a juvenile court continuing jurisdiction in guardianship and CINA cases involving foster youth with developmental disabilities who are transitioning to adult services, to ensure continuity of supports for these vulnerable youth. The bills passed both chambers but failed in conference committee on Sine Die.

SB 497/HB 595: Keep the Door Open Act – The Behavioral Health Coalition supported these bills that would have indexed reimbursement rates for community mental health service providers to medical inflation, to stabilize funding for the public mental health system. Both bills passed their respective chambers but bill amendments could not be reconciled before the end of session.

HB 1499/SB 413: DD Crisis Resolution – The DD Coalition supported these bill that would have required ongoing annual appropriations to serve individuals in “Crisis Resolution,” the highest priority category on the Developmental Disabilities Administration’s Waiting List, to provide supports to people with developmental disabilities most urgently in need of help. SB 413 passed the Senate but the House bill died in committee without a vote.

HB 1269/SB 223: Discrimination in Public Accommodations – These bills would have expanded the remedies available for discrimination by a place of public accommodation.

HB 579/SB 858: Mental Health Wraparound for Children – These bills would have required the Governor to restore funding for evidence-based Wraparound services to children and youth with intensive behavioral health needs. The bills were withdrawn after the sponsors received written assurance that the Department of Health and Mental Hygiene will continue to make these services available to Maryland families.

HB 371/SB 819: Independent Living Tax Credit – This legislation would have allowed a State income tax credit for individuals or corporations that incur certain home renovation or construction costs for accessibility and universal design features.