



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: July 15, 2008
SUBJECT: COMAR 13A.11.01.13 & .15 (AMEND)
COMAR 13A.11.02.06 (AMEND)
COMAR 13A.11.08.02, .05, .07 & .19(AMEND)
Programs for Adults with Disabilities
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to request permission to publish amendments to COMAR 13A.11.01, .02, and .08, Programs for Adults with Disabilities.

HISTORICAL BACKGROUND:

Amendments in Chapter .01, Vocational Rehabilitation Services have been proposed to: 1) update the Financial Participation Schedule used to determine financial participation of eligible individuals in cost of services, 2) extend the effective date of the Maryland Disability Employment Tax Credit, and 3) update the programs and services offered by the Workforce and Technology Center (WTC).

DORS has a financial need policy which requires that consumers who have the ability to pay contribute to the cost of certain rehabilitation services, unless the consumer is a recipient of Social Security disability benefits. The consumer’s contribution is based on the Financial Participation Schedule, which is a sliding scale which takes into account family income and the number of dependents. It is based on the Poverty Guidelines published annually by the United States Department of Health and Human Services.

Amendments in Chapter .02, Maryland Disability Employment Tax Credit have been proposed consistent with legislation passed by the Maryland General Assembly in 2008 regarding extension of this tax credit for an additional year.

Amendments in Chapter 08, Workforce and Technology Center, reflect restructuring of the Center and resulting modifications in programs and services, as well as streamlining of processes to enhance access.



EXECUTIVE SUMMARY:

To comply with the Federal Regulations and the Rehabilitation Act Amendments of 1998 and to implement other technical changes and clarifications, revisions are being proposed in the following chapters:

Changes in Chapter 01, Vocational Rehabilitation Services

Regulation .13 Order of Selection

- A correction has been made to the references to the definitions of significant disability and most significant disability in Regulation .03B(16) and (17) respectively..

Regulation .15 Financial Participation Schedule.

- The Financial Participation Schedule has been updated based on 2008 Poverty Guidelines of the US Department of Health and Human Services. The update has a very minor impact, affecting only DORS consumers with a family size of 5 with annual income of \$45,001 or more.

Changes in Chapter 02, Maryland Disability Employment Tax Credit

Regulation .06 Limitations on Claim of Credit by Employers

- Revisions have been made consistent with the 2008 Maryland General Assembly's extension of the Maryland Disability Employment Tax Credit until June 30, 2009.

Changes in Chapter 08, Workforce and Technology Center

Regulations .02 Definitions, .08 Service Plan, .09 Discharge Planning, .15 Medical Services, .16 Records

- Updates reflect closure of the Assisted Living Unit and establishment of the Supported Residence Dormitory, which is more in keeping with the focus of the Center on employment services and provision of a less restrictive environment and necessary supports for individuals with disabilities.

Regulations .05 Admission Decision and Appeal Process, .09 Discharge Planning

- Minor updates reflect streamlining of procedures at and access to the Workforce and Technology Center.

Regulation .07 Services

- Updates include the main program and service areas at the Workforce & Technology Center.

Regulation .19 Administrative Operations

- Updates clarify that staff may, in the presence of a third party, undertake a search of the physical plant without advance authorization if imminent danger to the health, welfare, or safety to the consumer or others exists.

There will be a modest impact on individuals with disabilities. The small minority of individuals who are required to contribute financially to the cost of services may see a small reduction in that amount. Certain individuals may be able to achieve employment with employers interested in hiring them and taking advantage of the Maryland Disability Employment Tax Credit. Consumers at the Workforce & Technology Center will be served in a less restrictive, more employment-focused environment.

ACTION:

I request permission to publish the proposed amendments following the TENTATIVE timelines below:

MARYLAND REGISTER ISSUE DATE: 9/12/08
HEARING: N/A
30 DAY OPEN COMMENT PERIOD ENDS: 10/13/08
ADOPTION: 10/28-29/08

NSG:ph
Attachments

Proposed changes in 13A.11.08

COMAR sections downloaded from COMAR online on May 23, 2008

.02 Definitions.

A. In these regulations, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Admission" means the date a person is formally admitted to the Center.

(2) "Admission committee" means the management team delegated final responsibility to review and approve or deny applications for admission to the Center.

(3) "Admission criteria" means the standards applied by the Center to determine its capacity and capability to provide the services requested by an applicant and the applicant's capability to benefit from services.

(4) "Appeal hearing" has the same meaning as defined in COMAR 13A.11.07.02.

[(5) (5) "Assisted Living Unit" means the residential area of the Center, licensed as an assisted living unit, for individuals admitted for Center services who require assistance with activities of daily living.]

[(6) (5) "Assistive technology" means the application of technological methods and principles and the provision of devices and aids to meet the needs of and address the barriers confronted by individuals with disabilities.

[(7) (6) "Career assessment" means a systematic, organized study of a consumer that is made to identify vocational options, assets, limitations, and behaviors, considering the interests, capabilities, and priorities of the individual, in the context of work environments in which the individual might function.

[(8) (7) "Case manager" means the staff person assigned primary responsibility for planning, initiating, coordinating, and monitoring a program of services in conjunction with the individual client.

[(9) (8) "Center" means the Workforce and Technology Center, a facility operated by the Maryland State Department of Education, Division of Rehabilitation Services, for the purpose of providing vocational rehabilitation [and independent living] services to individuals with disabilities.

[(10) (9) "Client" means an individual who is accepted for services and admitted to the Center.

[(11) (10) "Client Assistance Program" has the same meaning as defined in COMAR 13A.11.01.03.

[(12) (11) "Client's representative" has the same meaning as "individual's representative" as defined in COMAR 13A.11.01.03.

[(13) (12) "Commission on Accreditation of Rehabilitation Facilities (CARF)" means the private, nonprofit organization formed in 1966 which has established standards of quality for rehabilitation services and which accredits those who provide these services.

[(14) (13) "Department" means the Maryland State Department of Education.

[(15)] (14) "Director" means the chief administrator who is responsible for the operation of the Center.

[(16)] (15) "Discharge" means termination of a program of services being provided for a client of the Center.

[(17)] (16) "Division" has the same meaning as defined in COMAR 13A.11.01.03.

[(18)] (17) "Employer advisory board" means a group of citizens who voluntarily provide advice, consultation, and recommendations associated with vocational courses offered at the Center.

[(19)] (18) "Employment skills training" means a program offered by the Center designed to provide a client with these skills necessary to achieve employment in a specific occupation.

[(20)] (19) "Functional limitations" means conditions resulting from a disability which prevent or impair an individual's ability to perform independent living or vocationally related activities.

[(21)] "License" means a license issued by the Secretary of the Maryland Department of Health and Mental Hygiene to operate an assisted living unit.]

[(22)] (20) "Medical director" means the licensed physician who directs, manages, and coordinates medical services provided at the Center.

[(23)] (2.) "Medical functional evaluation" means a systematic study of a person to assess and identify the need for physical restoration services, functional assets and limitations, and readiness for vocational rehabilitation or independent living services.

[(24)] (22) "Medical rehabilitation services" means the provision of one or more of the following services to clients:

- (a) Physical therapy;
- (b) Occupational therapy;
- (c) Audiology;
- (d) Speech-language therapy;
- (e) Rehabilitation nursing;
- (f) Medical management;
- (g) Psychiatric or psychological evaluation, or both, and psychiatric or psychological treatment, or both;
- (h) Therapeutic recreation; and
- (i) Related services.

[(25)] (23) "Medical staff" means those persons appointed to professional positions within the medical department of the Center in accordance with the credentialing process required by COMAR 10.07.01.24.

[(26)] (24) "Physiatrist" means an individual licensed to practice medicine in Maryland who, by virtue of training and experience, specializes in physical medicine and rehabilitation.

[(27)] (25) "Physician" means an individual licensed to practice medicine in Maryland who has been appointed to the medical staff of the Center.

[(28)] "Primary nurse" means an individual licensed to practice as a registered nurse in Maryland who plans, initiates, and monitors, in conjunction with the client, the nursing program for clients served in the Assisted Living Unit.]

[(29)] (26) "Program" means a structured set of activities designed to achieve specific objectives established for the client.

[(30)] (27) "Record" means the official repository of electronic and hard copy documentation concerning an individual served by the Center.

[(31)] (28) "Residential services" means the provision of room, board, recreation, and other support services either in the dormitory of the Center or [in the Assisted Living Unit] the Supported Residence dormitory or the Community Living Skills Training program dormitory.

[(32)] (29) "Restriction" means a procedure designed to reduce or eliminate maladaptive or inappropriate behavior as part of a progressive disciplinary action program.

[(33)] (30) "Risk management" means a program developed to identify, evaluate, and reduce the risks to clients in the provision of services at the Center.

[(34)] (31) "Vocational rehabilitation services" has the same meaning as defined in COMAR 13A.11.01.08.

.04 Admission Criteria.

A. A person may not be denied admission to the Center solely on the basis of the person's race, creed, religion, color, national origin, age, sex, disabling condition, residence, or political affiliation.

B. The admission committee shall comply with the Division's Order of Selection for Services policy set forth at COMAR 13A.11.01.13.

C. The assigned case manager shall review the application and supporting documentation and, based upon the criteria set forth in this regulation, make a decision to admit the applicant or to recommend to the admission committee denial of the applicant.

D. The admission committee and case manager shall make the final decision to admit or deny an applicant to the Center based upon the following criteria:

(1) The person is an applicant for or recipient of vocational rehabilitation services provided by the Division or by a public or private organization or agency with an established direct referral agreement with the Center;

(2) The services and resources needed to address the functional limitations presented by the applicant are available at the Center;

(3) There is evidence that the:

(a) Applicant has the developmental, personal, and social skills necessary for self-directed activity and participation in a program of rehabilitation conducted in group settings;

(b) Admission request is voluntary on the part of the applicant; and

(c) Current health status of the applicant permits participation in a program of rehabilitation services; and

(4) The applicant to an employment skills training program meets standards for admission and has a reasonable expectation of successfully completing the program and being employed in the field.

E. An applicant may be admitted for residential services in the:

(1) [Assisted Living Unit of the Center, upon approval of the Center's nursing director] Supported Residence Dormitory (SRD) of the Center, if the admission committee, case manager, or residential supervisor determines that the applicant needs assistance with activities of daily living and/or requires supervision to be able to function in a residential setting; or

(2) Dormitory of the Center, if the admission committee or case manager determines that the applicant is independent in the applicant's activities of daily living and will be able to function in a residential setting with minimal supervision[.]; or

(3) Community Living Skills Training (CLST) Dormitory of the Center, if the admission committee or case manager determines that the applicant meets the standards for admission into the CLST program.

F. Referral information confirms that the applicant who seeks admission for assessment or training services meets criteria specific to the service or program.

G. An applicant who has been determined to have a communicable disease may not be admitted unless the Center's medical director approves admission on the grounds that the communicable disease is not transmissible through casual contact and the applicant's behavioral characteristics and history indicate that the applicant would not present a risk of transmitting the disease to other clients and staff of the Center.

H. The admission committee may deny admission to an applicant who, in its determination, presents a danger to the health and safety of other clients and staff at the Center or presents a condition that the Center does not have adequate resources to care for appropriately, including, but not limited to, an applicant:

(1) Who is behaviorally or psychiatrically unstable or dangerous to a degree which requires intensive supervision or a restrictive therapeutic environment as documented by a licensed physician or psychologist;

(2) Who is acutely ill or medically unstable, as documented by a licensed physician, and requires medical, surgical, or nursing care beyond the resources of the Center;

(3) Who is currently using or abusing illegal drugs or alcohol;

(4) Who is a minor and who requires, in order to participate in a program of services, separate residential facilities for care or treatment as may be required by State law or regulation;

(5) Who is incarcerated or required to be under the strict supervision of law enforcement officers; or

(6) Who does not have established housing:

(a) For weekends;

(b) For other times when the Center is closed; or

(c) Upon completion of the applicant's service or program.

.05 Admission Decision and Appeal Process.

A. The admission office shall notify the applicant and referral source in writing of the admission decision [when an admission committee meeting has been held as a result of a case manager's recommendation to deny admission]. If the applicant is being denied admission, the admission committee shall:

- (1) State its reasons for denial;
- (2) Inform the applicant and referral source of the Client Assistance Program and appeal process; and
- (3) When appropriate, provide alternative recommendations for addressing the functional limitations presented by the applicant.

B. The referral source, the applicant for services, or the applicant's representative may request reconsideration of a decision denying admission within 30 days of receipt of the admission committee's decision by requesting, in writing, an opportunity to appear before the admission committee.

C. If the admission committee, after reconsidering, confirms the decision to deny admission, the applicant may request an appeal hearing in accordance with COMAR 13A.11.07.03.

.07 Services.

The Center shall provide the following services, depending on the needs of the client and the individualized program of services developed with the client:

A. Case management;

B. Career assessment[, including:

- (1) Comprehensive assessment;
- (2) Consultation;
- (3) Exploratory assessment;
- (4) Focused assessment;
- (5) Itemized assessment; and
- (6) Job analysis];

C. Outpatient medical rehabilitation[, including:

- (1) Audiology services;
- (2) Medical functional evaluation;
- (3) Occupational therapy;

(4) Physical therapy; and

(5) Speech-language therapy];

D. Assistive technology (AT)[, including:

(1) Adaptive driving and vehicle modification assessment;

(2) AT services;

(3) AT worksite services;

(4) AT training

(5) Environmental control unit services;

(6) Fabrication services; and

(7) Residential modification services];

E. Employment skills training[, including:

(1) Auto mechanics;

(2) Bicycle maintenance;

(3) Computer-assisted design and drafting;

(4) Computer technology;

(5) Cosmetology;

(6) Customized training;

(7) Environmental services;

(8) Food service;

(9) Office technology;

(10) Partnership training; or

(11) Placement assistance];

F. Prevocational Services[, including:

(1) Community living skills training;

(2) Academic assessment and instruction:

(3) Pre-employment preparation; and

(4) Deaf and hard of hearing services];

G. Worksite Services:

[(G.)] (H.) Room, board, and therapeutic recreation;

[H.] (I.) Addiction assessment and addiction counseling for clients who are enrolled in other Center programs;

[I.] (J.) Other services which may reasonably be expected to benefit the client and which may be needed to address the client's individualized rehabilitation needs or functional limitations; and

[J.] (K.) Special programs for clients [related to] including:

(1) Blindness and vision services;

(2) Cognitive skills; and

(3) Services for transitioning youth.

.08 Service Plan.

A. Center services are provided consistent with the client's individualized plan for employment (IPE) developed in accordance with COMAR 13A.11.01.07. The case manager and the client may also develop and update, as necessary, an individualized, written service plan based on the request of the referral source. The service plan shall be developed upon the client's admission to the Center and shall include the following:

(1) Rehabilitation goal established for the client;

(2) Specific service or program goals;

(3) Services to be provided or arranged for the client and the Center department responsible for delivering those services;

(4) Evaluation criteria used to assess the client's progress during the program of services;

(5) Client's stated goals, views, and comments regarding the plan of services;

(6) Documentation that the client's rights with respect to any service or program offered within the Division have been explained and that the means by which the client may express and seek remedy for any dissatisfaction, including access to the Client Assistance Program and the opportunity for an appeal hearing in accordance with COMAR 13A.11.07.03 have been explained; and

(7) Projected completion date and discharge planning information in accordance with the requirements of Regulation .09.

C. The requirements in this regulation may not be construed to hold the Division, the Center, or a program or service provider accountable if a client does not achieve the goals projected in the service plan.

D. The service plan and any amendments shall be signed by the client or the client's representative indicating that the:

- (1) Service plan was jointly developed;
- (2) Client agrees to the terms of the plan; and
- (3) Client has been advised of rights and responsibilities associated with the provision or denial of services.

E. The case manager shall provide the client, the referral source, and, as appropriate, the client's representative with a copy of the service plan and any amendments made to it, in the format requested by the client.

F. The service plan shall be reviewed by the case manager periodically and documented in the client's record.

[G. A client who is admitted to the Assisted Living Unit shall, in addition to the above, have a service plan which shall be developed by the interdisciplinary team.]

.09 Discharge Planning.

A. For clients receiving medical functional evaluations, comprehensive assessments, and employment skills training, the case manager and the client shall initiate a discharge plan upon the client's admission to the Center and document the discharge plan in the record. The case manager shall include in the discharge planning process:

- (1) The client;
- (2) Family members or others who can provide support and assistance to the client;
- (3) Members of the interdisciplinary team who may be involved in the delivery of services to the client; and
- (4) The referral source.

B. The case manager shall notify the client, the client's family, representative, the referral source, and rehabilitation team members of the proposed discharge date.

C. The case manager for clients receiving medical functional evaluations, comprehensive assessments, and employment skills training shall hold a discharge conference with the client on or shortly before the day of discharge to summarize services, discuss issues, and outline the steps needed to facilitate transition to the next phase of the client's rehabilitation program. [The client shall be provided with a written summary of the discharge conference at the time of discharge.] The client shall be informed that a written report will be submitted to the referral source in a timely fashion after the conclusion of the service.

[D. On or shortly before the day of discharge, the physician of a client who is a resident of the Assisted Living Unit shall also provide written discharge information to the client.]

.15 Medical Services.

As provided in COMAR 10.07.14, the Medical Director shall be responsible for planning and managing the clinical [and Assisted Living Unit] services provided by the Center in accordance with appropriate federal

and State law, and regulations and standards established by accrediting organizations, including the Commission on Accreditation of Rehabilitation Facilities.

.16 Records.

A. The Director shall assure that policies and procedures are developed and maintained to ensure that a confidential record, including electronic and hard copy, is established and maintained for each client admitted to the Center.

B. The record for each client shall include:

- (1) Case identification data;
- (2) Pertinent history, diagnosis of disability, functional limitation or limitations, and goals[, and prognosis];
- (3) Reports of assessment and individual program planning;
- (4) Reports from referring sources;
- (5) Evaluation and progress reports from each Center department providing service;
- (6) Reports of staff conferences;
- (7) The individual service plans;
- (8) Signed and dated service and progress reports from each Center department providing service;
- (9) Release forms;
- (10) Reports from outside consultation including laboratory, radiology, medical, or related services;
- (11) Designation of the case manager for the client[and, as appropriate, the physician and primary nurse];
- (12) Evidence of the client's, and when appropriate, the family's participation in the decision-making process of the client's program;
- (13) Discharge information; and
- (14) Other information relating to the planning, provision, and management of services to the client.

C. The Center record shall be retained for a minimum of 5 years from the time the client is discharged from the Center.

D. The record shall be maintained in a secure area and may be disclosed to the client, the client's representative, or others only in accordance with the standards set forth in COMAR 13A.11.06.

E. The record may not be removed from the Center unless by court order or with the permission of the Director or Director's designee.

F. Staff members of the Center or the Division who are involved in providing rehabilitation services to a client may maintain a working file relating to the client for their own use in planning, implementing, and

managing the services, provided that these files are maintained in a secure place and are not accessible to or revealed to any other person, except in accordance with the standards of COMAR 13A.11.06.

.19 Administrative Operations.

A. The Director shall assure that policies and procedures are established and maintained in compliance with applicable federal, State, and local ordinances, laws, regulations, and orders as they apply to the use of facilities including, but not limited to, standards associated with health, welfare, sanitation, and safety.

B. The Center shall be maintained in accordance with applicable fire code requirements set forth in State laws, regulations, and local ordinances. The premises shall be inspected annually and approved by the local fire authority.

C. The Center shall maintain a fire and disaster plan in accordance with applicable State and local ordinances and shall regularly conduct fire drills during all shifts. A record of each fire drill shall be prepared and maintained.

D. [Center security personnel] DORS Police may stop and conduct a frisk of a client, employee, visitor, or any other person on the premises if there is reasonable belief that the person possesses a weapon which presents an imminent danger to the safety of that person or other persons in the Center.

E. The Director or the Director's designee may authorize searches of the physical plant including lockers and residential areas assigned to individual clients when there is a reasonable belief that the search is essential to prevent imminent danger to the safety or welfare of a client, an employee, or other persons on Center property, or that the search will produce evidence that the client has violated or is violating either the law or rules of the Center. A search of the physical plant may be undertaken without advance authorization if imminent danger to the health, welfare, or safety to the consumer or others exists. The Director or designee will be immediately notified of any search that was conducted without advance authorization. [These} All searches shall be made in the presence of a third [person] party.

G. The Director shall ensure that the Center is accessible to individuals with disabilities in accordance with the requirements of the:

(1) Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq.; and

(2) Uniform Federal Accessibility Standards, 41 CFR Subpart 101-19.6.

Proposed changes in 13A.11.01

COMAR sections downloaded from COMAR online on June 13, 2008

.13 Order of Selection

A. Vocational rehabilitation services shall be provided based upon the availability of funds.

B. If sufficient funds are not available to provide vocational rehabilitation services to all eligible individuals, the Division shall:

(1) Institute an order of selection for services providing services on a priority basis to individuals in Category I, then Category II, then Category III, as follows:

(a) Category I: Individuals with most significant disabilities, in accordance with Regulation .03B[(17)] (16) of this chapter,

(b) Category II: Individuals with significant disabilities, in accordance with Regulation .03B[(18)] (17) of this chapter, and

(c) Category III: Individuals with non-severe disabilities, who are eligible for services in accordance with Regulation .05, but do not meet the criteria in Regulation .03B[(17)] (16) or [(18)] (17) of this chapter; and

(2) Hold the names of eligible individuals who cannot be served on a waiting list; and

(3) Provide eligible individuals who cannot be served with information and referral to other federal and State programs which would meet their employment needs.

.15 Financial Participation Schedule.

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------------|--|-------|-------|------|--------------|------|------|------|
| Available Income | Annual Amount of Individual/Family Financial Participation Number of Dependents | | | | | | | |
| \$21,000 and below | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| \$21,001—\$25,000 | 201 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| \$25,001—\$29,000 | 338 | 236 | 0 | 0 | 0 | 0 | 0 | 0 |
| \$29,001—\$33,000 | 504 | 388 | 0 | 0 | 0 | 0 | 0 | 0 |
| \$33,001—\$37,000 | 700 | 569 | 306 | 0 | 0 | 0 | 0 | 0 |
| \$37,001—\$41,000 | 926 | 780 | 488 | 0 | 0 | 0 | 0 | 0 |
| \$41,001—\$45,000 | 1,183 | 1,021 | 699 | 376 | 0 | 0 | 0 | 0 |
| \$45,001—\$49,000 | 1,469 | 1,293 | 940 | 588 | [411] 0 | 0 | 0 | 0 |
| \$49,001—\$53,000 | 1,785 | 1,594 | 1,211 | 829 | [638] 446 | 0 | 0 | 0 |

| | | | | | | | | |
|-------------------|-------|--------|--------|--------|---------------------------------|-------|-------|-------|
| \$53,001—\$57,000 | 2,131 | 1,925 | 1,513 | 1,100 | <u>[894]</u> <u>688</u> | 481 | 0 | 0 |
| \$57,001—\$61,000 | 2,508 | 2,286 | 1,844 | 1,401 | <u>[1,180]</u> <u>959</u> | 738 | 0 | 0 |
| \$61,001—\$65,000 | 2,914 | 2,678 | 2,205 | 1,733 | <u>[1,496]</u> <u>1,260</u> | 1,024 | 551 | 0 |
| \$65,001—\$69,000 | 3,350 | 3,099 | 2,596 | 2,094 | <u>[1,843]</u> <u>1,591</u> | 1,340 | 838 | 0 |
| \$69,001—\$73,000 | 3,816 | 3,550 | 3,018 | 2,485 | <u>[2,219]</u> <u>1,953</u> | 1,686 | 1,154 | 621 |
| \$73,001—\$77,000 | 4,313 | 4,031 | 3,469 | 2,906 | <u>[2,625]</u> <u>2,344</u> | 2,063 | 1,500 | 938 |
| \$77,001—\$81,000 | 4,839 | 4,543 | 3,950 | 3,358 | <u>[3,061]</u> <u>2,765</u> | 2,469 | 1,876 | 1,284 |
| \$81,001—\$85,000 | 5,395 | 5,084 | 4,461 | 3,839 | <u>[3,528]</u> <u>3,216</u> | 2,905 | 2,283 | 1,660 |
| \$85,001+ * | 6.5% | 6.125% | 5.375% | 4.625% | <u>[4.25%]</u> <u>3.875%</u> | 3.5% | 2.75% | 2% |

* To determine amount of individual/family participation when the available income is above \$85,000, multiply the individual/family income times the percentage. The Financial Participation Scale is based on [2007] 2008 Poverty Guidelines of the U.S. Department of Health and Human Services.

Proposed changes in 13A.11.02

COMAR sections downloaded from COMAR online on June 13, 2008.

.06 Limitations on Claim of Credit by Employers.

A. The Maryland disability employment tax credit shall be applicable to all taxable years beginning after December 31, 1996, but before January 1, [2011] 2012.

B. An employer may claim the credit only for employees hired on or after October 1, 1997, but before July 1, [2008] 2009.

C. A business entity may not claim the credit for an employee:

- (1) Who is hired to replace a laid-off employee or to replace an employee who is on strike; or
- (2) For whom the business entity simultaneously receives federal or State employment training benefits.

D. A business entity may not claim the credit until it has received a certificate in accordance with Regulation .03C of this chapter.

E. A business entity may claim the credit as follows even if an employee's employment lasts less than 1 year:

- (1) The business entity may claim a tax credit of 20 percent of up to the first \$6,000 of wages paid to the employee in the course of employment if the employee voluntarily terminates employment with the employer, if employment began prior to July 1, 2000;
- (2) If employment began on or after July 1, 2000, the business entity may claim a tax credit of 30 percent of up to the first \$6,000 of wages paid to the employee in the course of employment if the employee voluntarily terminates employment with the employer.
- (3) The business entity may claim a tax credit in proportion to the amount of time worked if the employee works less than a full year because of an inability to continue employment due to a further disability or death, or if the employee is terminated for cause.

F. A business entity may not claim the credit if the business entity is claiming a tax credit for the same employee under Article 88A, §54, Annotated Code of Maryland.

G. The same tax credit may not be applied more than once against different taxes by the same taxpayer.