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By: **Delegates Hutchins and Grosfeld**  
Introduced and read first time: February 8, 2002  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Child Care Workers - Special Training Requirements - Caring for Children**  
3                                   **Under the Age of 3 Years**

4 FOR the purpose of requiring the Secretary of Human Resources to adopt regulations  
5 including certain special training requirements for certain family day care  
6 providers and child care center employees; defining certain terms; and generally  
7 relating to special training requirements for child care workers.

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 5-501  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2001 Supplement)

13 BY adding to  
14 Article - Family Law  
15 Section 5-551.1 and 5-573.1  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2001 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article - Family Law  
20 Section 5-551 and 5-573  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2001 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25                                   **Article - Family Law**

26 5-501.

27 (a) In this subtitle the following words have the meanings indicated.

- 1 (b) "Administration" means the Social Services Administration of the  
2 Department.
- 3 (c) "Child placement agency" has the meaning stated in § 5-301 of this title.
- 4 (d) "Day care provider" means the adult who has primary responsibility for  
5 the operation of a family day care home.
- 6 (e) "Family day care" means the care given to a child under the age of 13 years  
7 or to any developmentally disabled person under the age of 21 years of age, in place of  
8 parental care for less than 24 hours a day, in a residence other than the child's  
9 residence, for which the day care provider is paid.
- 10 (f) "Family day care home" means a residence in which family day care is  
11 provided.
- 12 (g) "Foster care" means continuous 24-hour care and supportive services  
13 provided for a minor child placed by a child placement agency in an approved family  
14 home.
- 15 (h) "Group care" means continuous 24-hour care and supportive services  
16 provided for a minor child placed in a licensed group facility.
- 17 (i) "Kinship care" means continuous 24-hour care and supportive services  
18 provided for a minor child placed by a child placement agency in the home of a  
19 relative related by blood or marriage within the 5th degree of consanguinity or  
20 affinity under the civil law rule.
- 21 (j) (1) "License" means a license issued by the Administration under this  
22 subtitle.
- 23 (2) "License" includes:
- 24 (i) a child placement agency license;
- 25 (ii) a child care home license;
- 26 (iii) a child care institution license; and
- 27 (iv) a residential educational facility license.
- 28 (k) "Local board" means a local citizen board of review of foster care for  
29 children.
- 30 (l) "Local department" means a local department of social services for a  
31 county.
- 32 (m) "Out-of-home placement" means placement of a child into foster care,  
33 kinship care, group care, or residential treatment care.
- 34 (n) "Residential educational facility" means:

- 1 (1) a facility that:
- 2 (i) provides special education and related services for students  
3 with disabilities;
- 4 (ii) holds a certificate of approval issued by the State Board of  
5 Education; and
- 6 (iii) provides continuous 24-hour care and supportive services to  
7 children in a residential setting; or

- 8 (2) one of the following schools:
- 9 (i) the Benedictine School;
- 10 (ii) the Linwood School;
- 11 (iii) the Maryland School for the Blind; or
- 12 (iv) the Maryland School for the Deaf.

13 (o) "Residential treatment care" means continuous 24-hour care and  
14 supportive services for a minor child placed in a facility that provides formal  
15 programs of basic care, social work, and health care services.

16 (p) "SHAKEN BABY SYNDROME" MEANS THE ASSEMBLAGE OR  
17 CONFIGURATION OF SIGNS AND SYMPTOMS OF SEVERE HEAD INJURY CAUSED BY  
18 VIGOROUS SHAKING OF AN INFANT OR SMALL CHILD WHICH IS ALSO RECOGNIZED IN  
19 THE MEDICAL AND SCIENTIFIC COMMUNITY AS THE "SHAKEN BABY SYNDROME".

20 (Q) "State Board" means the State Citizen Board of Review of Foster Care for  
21 Children.

22 [(q)] (R) "Unregistered family day care home" means a residence in which  
23 family day care is provided and in which the day care provider:

- 24 (1) has not obtained a certificate of registration from the Department;
- 25 (2) is not related by blood or marriage to each child in the provider's care;
- 26 (3) is not a friend of each child's parents or legal guardian and is  
27 providing care on a regular basis; and
- 28 (4) has not received the care of the child from a child placement agency  
29 licensed by the Administration or by a local department.

30 5-551.

31 (a) The Department shall adopt rules and regulations that relate to the  
32 registration of family day care homes.

1 (b) So far as practicable, the rules and regulations shall be uniform with the  
2 rules and regulations adopted by other State agencies as those rules and regulations  
3 relate to other types of day care.

4 (c) At a minimum, the rules and regulations shall provide for:

5 (1) minimum standards of environmental health and safety, including  
6 provisions for:

7 (i) adequate and safe physical surroundings;

8 (ii) the physical and mental health of day care providers; and

9 (iii) investigation of any criminal record of a day care provider;

10 (2) a thorough evaluation of each prospective family day care home and  
11 day care provider, to be completed before the Department accepts an initial  
12 registration;

13 (3) self-certification by each registered day care provider once every 2  
14 years that all requirements for a family day care home are being met;

15 (4) reporting of any changed circumstances that relate to the  
16 requirements, by the day care provider, at the time the change occurs;

17 (5) an orientation to be provided to prospective day care providers by the  
18 local department before initial registration;

19 (6) inspection by the Department of each registered family day care  
20 home prior to issuance of an initial registration and at least once every 2 years  
21 thereafter prior to issuance of a renewed registration to determine whether the  
22 requirements are being met;

23 (7) unannounced inspection by the Department of each registered family  
24 day care home in any year that an initial or renewal inspection has not taken place;

25 (8) procedures to be followed by the Department in response to a  
26 complaint about a family day care home;

27 (9) a requirement that a person who advertises a family day care home  
28 or family day care service shall:

29 (i) indicate in the advertisement that the family day care home is  
30 registered; and

31 (ii) display in the advertisement the registration number issued to  
32 the family day care home or family day care service by the Department; and

33 (10) a requirement that each registered day care provider shall hold a  
34 current certificate indicating successful completion of approved:

1 (i) basic first aid training through the American Red Cross or  
2 through a program with equivalent standards; and

3 (ii) cardiopulmonary resuscitation (CPR) training through the  
4 American Heart Association or through a program with equivalent standards  
5 appropriate for the ages of children for whom care is provided in the family day care  
6 home.

7 5-551.1.

8 (A) THE RULES AND REGULATIONS ADOPTED BY THE DEPARTMENT UNDER §  
9 5-551(C) OF THIS SUBTITLE SHALL REQUIRE SPECIAL TRAINING FOR DAY CARE  
10 PROVIDERS CARING FOR CHILDREN UNDER THE AGE OF 3 YEARS.

11 (B) THE SPECIAL TRAINING SHALL:

12 (1) BE INCLUDED AS A COMPONENT OF INITIAL TRAINING  
13 REQUIREMENTS AND AS AN ANNUAL 1-HOUR TRAINING REQUIREMENT;

14 (2) CONCENTRATE ON PROPER CARE OF CHILDREN UNDER THE AGE OF  
15 3 YEARS; AND

16 (3) INCLUDE INFORMATION ABOUT:

17 (I) RECOGNIZING AND PREVENTING SHAKEN BABY SYNDROME;

18 (II) PREVENTING SUDDEN INFANT DEATH SYNDROME; AND

19 (III) RECOGNIZING AND PREVENTING CHILD ABUSE AND NEGLECT.

20 5-573.

21 (a) The Secretary shall adopt rules and regulations for licensing and operating  
22 child care centers.

23 (b) These rules and regulations shall:

24 (1) ensure safe and sanitary conditions in child care centers;

25 (2) ensure proper care, protection, and supervision of children in child  
26 care centers;

27 (3) ensure the health of children in child care centers by:

28 (i) monitoring children for signs and symptoms of child abuse;

29 (ii) instructing licensees and staff concerning child abuse detection  
30 and reporting;

31 (iii) monitoring health practices to help prevent the spread of  
32 disease; and

- 1 (iv) monitoring the care of infants and children with special needs;
- 2 (4) promote the sound growth and development of children in child care  
3 centers;
- 4 (5) encourage the care of children in a homelike environment by  
5 reflecting the impracticability of conforming a residence to standards that are  
6 appropriate for institutions and otherwise providing for centers that are in residences  
7 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer  
8 children required to be licensed under § 5-574 of this subtitle;
- 9 (6) carry out otherwise the purposes and requirements of this Part VII of  
10 this subtitle, including imposition of intermediate sanctions to ensure compliance;
- 11 (7) prohibit a child from remaining at a child care center for more than  
12 14 hours in 1 day unless the Department issues an exception for that child based on  
13 guidelines set by the Secretary; and
- 14 (8) (i) require that a child care center have in attendance at all times  
15 at least 1 individual who is responsible for supervision of children, including children  
16 on field trips, and who holds a current certificate indicating successful completion of  
17 approved:
- 18 1. basic first aid training through the American Red Cross or  
19 through a program with equivalent standards; and
- 20 2. cardiopulmonary resuscitation (CPR) training through the  
21 American Heart Association or through a program with equivalent standards  
22 appropriate for the ages of children for whom care is provided in the child care center;  
23 and
- 24 (ii) require that a child care center serving more than 20 children  
25 have in attendance certificate holders described in item (i) of this item in a ratio of at  
26 least 1 certificate holder for every 20 children.
- 27 5-573.1.
- 28 (A) THE RULES AND REGULATIONS ADOPTED BY THE SECRETARY UNDER §  
29 5-573(B) OF THIS SUBTITLE SHALL REQUIRE SPECIAL TRAINING FOR ALL CHILD CARE  
30 CENTER EMPLOYEES CARING FOR CHILDREN UNDER THE AGE OF 3 YEARS.
- 31 (B) THE SPECIAL TRAINING SHALL:
- 32 (1) BE INCLUDED AS A COMPONENT OF INITIAL TRAINING  
33 REQUIREMENTS AND AS AN ANNUAL 1-HOUR TRAINING REQUIREMENT;
- 34 (2) CONCENTRATE ON PROPER CARE OF CHILDREN UNDER THE AGE OF  
35 3 YEARS; AND
- 36 (3) INCLUDE INFORMATION ABOUT:

**HOUSE BILL 1128**

1 (I) RECOGNIZING AND PREVENTING SHAKEN BABY SYNDROME;

2 (II) PREVENTING SUDDEN INFANT DEATH SYNDROME; AND

3 (III) RECOGNIZING AND PREVENTING CHILD ABUSE AND NEGLECT.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2002.