

SENATE BILL 62

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2004 Regular Session  
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By: **Chairman, Education, Health, and Environmental Affairs Committee**  
**(By Request - Departmental - Human Resources)**

Introduced and read first time: January 15, 2004  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 13, 2004

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CHAPTER 436

1 AN ACT concerning

2                                   **Child Care - Family Day Care Home Registrations and Child Care Center**  
3                                   **Licenses**

4 FOR the purpose of authorizing family day care home registrations and child care  
5 center licenses and letters of compliance to continue in effect without renewal  
6 under certain circumstances; establishing the expiration date of initial family  
7 day care home registrations and child care center licenses and letters of  
8 compliance; altering the agency responsible for the orientation of prospective  
9 family day care providers; altering certain inspection requirements for family  
10 day care homes and child care centers; providing for a delayed effective date;  
11 and generally relating to the registration and licensing requirements of family  
12 day care homes and child care centers.

13 BY repealing and reenacting, with amendments,  
14 Article - Family Law  
15 Section 5-551 and 5-578  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2003 Supplement)

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

1

**Article - Family Law**

2 5-551.

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

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

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

9 (1) minimum standards of environmental health and safety, including  
10 provisions for:

11 (i) adequate and safe physical surroundings;

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

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

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

17 (3) [self-certification by each registered day care provider once every 2  
18 years that all requirements for a family day care home are being met] AN INITIAL  
19 FAMILY DAY CARE REGISTRATION THAT EXPIRES 2 YEARS AFTER ITS EFFECTIVE  
20 DATE;

21 (4) A CONTINUING FAMILY DAY CARE REGISTRATION THAT:

22 (I) UPON APPLICATION BY THE DAY CARE PROVIDER THAT MEETS  
23 THE REQUIREMENTS SET BY THE DEPARTMENT, IS ISSUED TO THE PROVIDER  
24 BEFORE THE END OF THE INITIAL REGISTRATION PERIOD; AND

25 (II) ONCE ISSUED, REMAINS IN EFFECT UNTIL SURRENDERED,  
26 SUSPENDED, ~~OR REVOKED~~ REVOKED, OR REPLACED BY A CONDITIONAL  
27 REGISTRATION;

28 [(4)] (5) reporting of any changed circumstances that relate to the  
29 requirements, by the day care provider, at the time the change occurs;

30 [(5)] (6) an orientation to be provided to prospective day care providers  
31 by the [local department] DEPARTMENT before initial registration;

32 [(6)] (7) ANNOUNCED inspection by the Department of each registered  
33 family day care home prior to issuance of an initial registration and at least once  
34 every 2 years thereafter [prior to issuance of a renewed registration] to determine

1 whether [the] APPLICABLE requirements, INCLUDING RECORD-KEEPING  
2 REQUIREMENTS, are being met;

3 [(7)] (8) unannounced inspection by the Department of each registered  
4 family day care home [in any year that an initial or renewal inspection has not taken  
5 place] AT LEAST ONCE DURING EACH 12-MONTH PERIOD THAT AN INITIAL OR  
6 CONTINUING REGISTRATION IS IN EFFECT TO DETERMINE WHETHER SAFE AND  
7 APPROPRIATE CHILD CARE IS BEING PROVIDED;

8 [(8)] (9) procedures to be followed by the Department in response to a  
9 complaint about a family day care home;

10 [(9)] (10) a requirement that a person who advertises a family day care  
11 home or family day care service shall:

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

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

16 [(10)] (11) a requirement that each registered day care provider shall  
17 hold a current certificate indicating successful completion of approved:

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

20 (ii) 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 family day care  
23 home.

24 5-578.

25 (a) Each INITIAL license and letter of compliance expires on the [first]  
26 SECOND anniversary of its effective date[, unless the license or letter of compliance is  
27 renewed for a 1-year term as provided in this section].

28 (b) [Before the license or letter of compliance expires, the licensee or letter  
29 holder periodically may renew it for an additional 1-year term, if the licensee or letter  
30 holder meets the current requirements for a new license or letter of compliance.]  
31 PRIOR TO EXPIRATION OF AN INITIAL LICENSE OR LETTER OF COMPLIANCE, AND ON  
32 APPLICATION BY THE LICENSEE OR LETTER OF COMPLIANCE HOLDER THAT MEETS  
33 THE REQUIREMENTS SET BY THE DEPARTMENT, A CONTINUING LICENSE OR LETTER  
34 OF COMPLIANCE MAY BE ISSUED THAT REMAINS IN EFFECT UNTIL SURRENDERED,  
35 SUSPENDED, ~~OR REVOKED~~ REVOKED, OR REPLACED BY A CONDITIONAL LICENSE OR  
36 LETTER OF COMPLIANCE.

37 (C) THE DEPARTMENT SHALL INSPECT EACH CHILD CARE CENTER  
38 OPERATING UNDER A LICENSE OR A LETTER OF COMPLIANCE:

1           (1)     ON AN ANNOUNCED BASIS PRIOR TO ISSUING THE LICENSE OR  
2 LETTER OF COMPLIANCE AND AT LEAST EVERY 2 YEARS THEREAFTER TO  
3 DETERMINE WHETHER APPLICABLE REQUIREMENTS, INCLUDING RECORD KEEPING  
4 REQUIREMENTS, ARE BEING MET; AND

5           (2)     ON AN UNANNOUNCED BASIS AT LEAST ONCE DURING EACH  
6 12-MONTH PERIOD THAT THE LICENSE OR LETTER OF COMPLIANCE IS IN EFFECT TO  
7 DETERMINE WHETHER SAFE AND APPROPRIATE CHILD CARE IS BEING PROVIDED.

8     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 January 1, 2005.