
By: **Delegate Benson**

Introduced and read first time: January 24, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs - Qualifications of Staff and 24-Hour**
3 **Supervision of Children**

4 FOR the purpose of requiring the Special Secretary of the Office for Children, Youth,
5 and Families to adopt certain regulations relating to the licensing of certain
6 residential child care programs and qualifications for certain direct care staff in
7 the programs, including regulations that require at least one direct care staff
8 member to be on duty at all times; defining certain terms; and generally relating
9 to the Office for Children, Youth, and Families and the regulation of residential
10 child care programs.

11 BY repealing and reenacting, without amendments,
12 Article 49D - Office for Children, Youth, and Families
13 Section 4(b)(2), (5), and (9)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 49D - Office for Children, Youth, and Families
18 Section 4(b)(15)
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2004 Supplement)

21 BY adding to
22 Article 49D - Office for Children, Youth, and Families
23 Section 4.4
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2004 Supplement)

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

1 **Article 49D - Office for Children, Youth, and Families**

2 4.

3 (b) The Special Secretary shall:

4 (2) Examine public and private programs, services, and plans for
5 children, youth, and their families for the purpose of identifying duplications,
6 inefficiencies, and unmet needs and evaluating the effectiveness of those programs,
7 services, and plans;8 (5) In consultation with the Secretaries of Health and Mental Hygiene,
9 Human Resources, and Juvenile Services, and the State Superintendent of Schools,
10 develop an interagency plan that reflects the priorities for children, youth, and family
11 services;12 (9) Promote interagency consensus and, with the concurrence of the
13 Governor, resolve conflicting agency positions on issues relating to children, youth,
14 and family services;15 (15) Adopt rules and regulations necessary to carry out the provisions of
16 this article, INCLUDING:17 (I) REGULATIONS RELATING TO LICENSING RESIDENTIAL CHILD
18 CARE PROGRAMS; AND19 (II) REGULATIONS ESTABLISHING QUALIFICATIONS FOR DIRECT
20 CARE STAFF IN RESIDENTIAL CHILD CARE PROGRAMS IN ACCORDANCE WITH § 4.4 OF
21 THIS ARTICLE;

22 4.4.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
24 INDICATED.25 (2) "DIRECT CARE STAFF" MEANS STAFF ASSIGNED TO PERFORM
26 DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP,
27 AND SOCIALIZATION SKILLS OF THE CHILDREN IN THE PROGRAM.28 (3) (I) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT
29 PROVIDES 24-HOUR PER DAY CARE FOR CHILDREN WITHIN A STRUCTURED SET OF
30 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES
31 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT INCLUDE THE
32 PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH,
33 MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND
34 ACTIVITIES.35 (II) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES, AS THESE
36 TERMS ARE DEFINED BY LAW:

- 1 1. GROUP HOMES;
- 2 2. THERAPEUTIC GROUP HOMES;
- 3 3. SHELTER CARE PROGRAMS; AND
- 4 4. RESIDENTIAL FACILITIES FOR CHILDREN WITH
- 5 DEVELOPMENTAL DISABILITIES.

6 (B) (1) THE SPECIAL SECRETARY SHALL ADOPT REGULATIONS THAT
7 REQUIRE AT LEAST ONE DIRECT CARE STAFF MEMBER OF A RESIDENTIAL CHILD
8 CARE PROGRAM TO BE ON DUTY AT THE FACILITY 24 HOURS PER DAY AND 7 DAYS
9 PER WEEK.

10 (2) AT A MINIMUM, THE REGULATIONS SHALL REQUIRE DIRECT CARE
11 STAFF TO:

12 (I) BE AT LEAST 21 YEARS OLD;

13 (II) 1. HAVE AN ASSOCIATE OF ARTS DEGREE FROM AN
14 ACCREDITED COLLEGE OR UNIVERSITY BASED ON A CURRICULUM APPROVED BY
15 THE MARYLAND HIGHER EDUCATION COMMISSION; OR

16 2. HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED
17 COLLEGE OR UNIVERSITY; AND

18 (III) HAVE COMPLETED A TRAINING PROGRAM APPROVED BY THE
19 AGENCY THAT LICENSED THE RESIDENTIAL CHILD CARE PROGRAM.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.