

CHAPTER 218

(Senate Bill 783)

AN ACT concerning

Residential Child Care Programs – Certification of ~~Direct Care Workers~~ Residential Child Care Program Professionals

FOR the purpose of renaming the State Board for Certification of Residential Child Care Program Administrators to be the State Board for Certification of Residential Child Care Program ~~Administrators and Direct Care Workers~~ Professionals; altering the membership of the Board; requiring an individual to be certified before the individual may ~~operate~~ *perform certain responsibilities* as a ~~direct care worker~~ residential child and youth care practitioner in a *certain* residential child care ~~program~~ programs; specifying the qualifications of certain certificates; specifying procedures for certain applications; establishing a certain date by which all residential child care programs shall have certified ~~direct care workers~~ residential child and youth care practitioners; altering certain definitions; defining certain terms; correcting certain obsolete references; and generally relating to the certification of individuals to operate residential child care programs.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 20–101, 20–201, 20–202, 20–205, 20–301, 20–302, 20–303, 20–305, ~~20–306~~, 20–309, 20–310, 20–311, 20–312, 20–313, 20–401, 20–402, 20–403, and 20–501 to be under the amended title “Title 20. Residential Child Care Program ~~Administrators and Direct Care Workers~~ Professionals”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section ~~20–303~~, 20–304, 20–306, 20–307, 20–308, and 20–502

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations

Section 20–302.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–701(c)
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(61)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – Health Occupations

Title 20. Residential Child Care Program ~~Administrators AND DIRECT CARE WORKERS~~ **PROFESSIONALS.**

20–101.

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

(b) (1) “Agency” means:

- (i) The Developmental Disabilities Administration in the Department;
- (ii) The Department;
- (iii) The Department of Human Resources;
- (iv) The Department of Juvenile Services; and
- (v) The Mental Hygiene Administration in the Department.

(2) “Agency” includes the State Superintendent of Schools.

(c) “Board” means the State Board for Certification of Residential Child Care Program ~~Administrators AND DIRECT CARE WORKERS~~ **PROFESSIONALS.**

(d) “Certificate” means, unless the context requires otherwise, a certificate issued by the Board to ~~administer OR OPERATE a residential child care program~~ **PRACTICE AS A PROGRAM ADMINISTRATOR OR AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.**

(E) **“CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER”** MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS: **CERTIFIED BY THE BOARD TO PRACTICE AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.**

~~(1) CERTIFIED BY THE BOARD; AND~~

~~(2) RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF A RESIDENTIAL CHILD CARE PROGRAM.~~

[(e)] (F) “Certified program administrator” means, unless the context requires otherwise, an individual who is: **CERTIFIED BY THE BOARD TO PRACTICE AS A PROGRAM ADMINISTRATOR.**

~~(1) Certified by the Board; and~~

~~(2) Responsible for the day to day management and operation of a residential child care program.~~

(G) (1) **“~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER”** MEANS AN INDIVIDUAL ~~RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF A RESIDENTIAL CHILD CARE PROGRAM~~ **ASSIGNED TO PERFORM DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP, AND SOCIALIZATION SKILLS IN A RESIDENTIAL CHILD CARE PROGRAM UNDER THE DIRECTION OF A CERTIFIED PROGRAM ADMINISTRATOR.**

(2) **“RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER” DOES NOT INCLUDE AN INDIVIDUAL ASSIGNED TO PERFORM DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP, AND SOCIALIZATION SKILLS IN A RESIDENTIAL CHILD CARE PROGRAM LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.**

[(f)] (H) (1) “Residential child care program” means an entity that provides for children 24-hour per day care within a structured set of services and activities that are designed to achieve specific objectives relative to the needs of the children served and that include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of these services and activities.

(2) “Residential child care program” includes a program:

(i) Licensed by:

1. The Department of Health and Mental Hygiene;

2. The Department of Human Resources; or
3. The Department of Juvenile Services; and

(ii) That is subject to the licensing regulations of the GOVERNOR'S Office for Children[, Youth, and Families] governing the operations of residential child care programs.

~~(3) "RESIDENTIAL CHILD CARE PROGRAM" DOES NOT INCLUDE A PROGRAM LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.~~

[(g)] (I) "Program administrator" means the individual responsible for the day-to-day management and operation of a residential child care program AND FOR ASSURING THE CARE, TREATMENT, SAFETY, AND PROTECTION OF THE CHILDREN IN THE RESIDENTIAL CHILD CARE PROGRAM.

[(h)] "Subcabinet" means the Subcabinet for Children, Youth, and Families established under Article 49D, § 4.1 of the Code.]

20-201.

There is a State Board for Certification of Residential Child Care Program Administrators AND DIRECT CARE WORKERS PROFESSIONALS in the Department.

20-202.

- (a) (1) The Board consists of [11] **12** members.
 - (2) Of the [11] **12** Board members:
 - (i) Six members shall be appointed as follows:
 1. Two by the Secretary of Health and Mental Hygiene, one each for the Developmental Disabilities Administration and the Mental Hygiene Administration;
 2. One by the Secretary of Juvenile Services for the agency;
 3. One by the Secretary of Human Resources for the agency;
 4. One by the State Superintendent of Schools; and

5. One by the Subcabinet; and

(ii) [Five] **SIX** shall be appointed by the Governor.

(3) Of the [five] **SIX** appointed by the Governor:

(i) Three shall be program administrators; [and]

(II) ONE SHALL BE A ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER; AND

[(ii)] **(III)** Two shall be consumer members.

(b) The Governor shall appoint members with the advice and consent of the Senate.

(c) Each Board member shall:

(1) Be a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) A consumer member of the Board:

(1) May not be a program administrator **OR A ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER;**

(2) May not have a household member who is a program administrator **OR A ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER;**

(3) May not have a household member who participates in a commercial or professional field related to administering a program; and

(4) May not have had within 2 years before appointment a substantial financial interest in a program regulated by an agency.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a program regulated by an agency.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the State Constitution.

(g) (1) The term of a member is 4 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2004.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve more than two consecutive full terms.

(6) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) On the recommendation of the [Subcabinet] **CHILDREN'S CABINET**, the Governor may remove a member whom the [Subcabinet] **CHILDREN'S CABINET** finds to have been absent from two successive Board meetings without adequate reason.

20-205.

(a) In addition to the powers and duties set forth elsewhere in this title, the Board in consultation with the [Subcabinet] **CHILDREN'S CABINET** shall:

(1) Adopt regulations to carry out the provisions of this subtitle;

(2) Establish standards for the certification of applicants;

(3) Conduct a continuing study and investigation of program administrators ~~AND DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS to improve:

(i) Certification standards; and

(ii) Procedures for enforcing these standards; and

(4) Devise examinations and adopt investigative procedures to:

(i) Determine whether program administrators ~~AND DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS meet the standards adopted by the Board; and

(ii) Assure that program administrators ~~AND DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS continue to meet these standards.

(b) In addition to the duties set forth elsewhere in this title, the Board shall:

(1) Maintain a registry of all program administrators ~~AND DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS certified by the Board;

(2) Submit an annual report to the Governor and ~~Subcabinet~~ CHILDREN'S CABINET;

(3) Adopt a code of ethics that the Board considers appropriate and applicable to the program administrators ~~AND DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS certified by the Board;

(4) Establish continuing education requirements for the program administrators ~~AND THE DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS certified by the Board;

(5) Adopt an official seal; and

(6) Create committees as it deems appropriate to advise the Board on special issues.

20-301.

(a) (1) Except as otherwise provided in this [section] **SUBSECTION**, on or after October 1, 2007, an individual shall receive a certificate from the Board before the individual may be a program administrator in this State.

[(b) (1)] (2) (I) Except as provided in [paragraph] **SUBPARAGRAPH** [(2)] (II) of this [subsection] **PARAGRAPH**, if a program administrator leaves or is removed from a position as program administrator by death or for any other unexpected cause, the owner of a residential child care program or other appropriate program authority shall immediately designate a certified program administrator to serve in that capacity.

[(2) (i)] (II) 1. In the event a certified program administrator is not available, the owner or other appropriate program authority may appoint a noncertified person to serve in the capacity of acting program administrator for a period not to exceed 180 days.

[(ii)] **2.** The owner or other appropriate program authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

[(iii)] **3.** The 180-day period begins on the date that the program administrator leaves or is removed from the position as a program administrator.

[(iv)] **4.** The Board may extend the 180-day period for a further period of not more than 30 days.

(B) ON OR BEFORE OCTOBER 1, 2013, AN INDIVIDUAL SHALL RECEIVE A CERTIFICATE FROM THE BOARD BEFORE THE INDIVIDUAL MAY BE A ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER IN THIS STATE.

20-302.

(a) To qualify for a certificate **AS A PROGRAM ADMINISTRATOR**, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall have completed a State **AND NATIONAL** criminal history records check.

(d) The applicant shall be at least 21 years old.

(e) ~~[(The)] **TO BE A CERTIFIED PROGRAM ADMINISTRATOR, THE**~~ applicant shall have:

(1) (i) A bachelor's degree from an accredited college or university;
and

(ii) At least 4 years experience in the human service field with at least 3 years in a supervisory or administrative capacity; or

(2) (i) A master's degree from an accredited college or university;
and

(ii) At least 2 years experience in the human service field with at least 1 year in a supervisory or administrative capacity.

~~(f) TO BE A CERTIFIED DIRECT CARE WORKER, THE APPLICANT SHALL HAVE:~~

~~(1) A BOARD APPROVED EDUCATIONAL DEGREE; OR~~

~~(2) A CHILD AND YOUTH CARE PRACTITIONER CERTIFICATE FROM AN ACCREDITED INSTITUTION APPROVED BY THE BOARD.~~

~~(g)~~ Except as otherwise provided in this title, the applicant shall pass an examination given by the Board under this subtitle.

20-302.1.

(A) TO QUALIFY FOR A CERTIFICATE AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

(C) THE APPLICANT SHALL HAVE COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) THE APPLICANT SHALL BE:

(1) AT LEAST 21 YEARS OLD; OR

(2) AT LEAST 18 YEARS OLD AND HAVE EARNED AT LEAST AN ASSOCIATE'S OR BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY.

(E) THE APPLICANT SHALL HAVE:

(1) A HIGH SCHOOL DIPLOMA OR EQUIVALENT AND HAVE SUCCESSFULLY COMPLETED AN APPROVED TRAINING PROGRAM;

(2) AT LEAST 2 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD AND SPONSORSHIP FROM A CERTIFIED PROGRAM ADMINISTRATOR; OR

(3) AN ASSOCIATE'S OR BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY.

(F) THE APPLICANT SHALL PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

20-303.

- (a) To apply for a certificate, an applicant shall:
 - (1) Submit an application to the Board on the form that the Board requires;
 - (2) Pay to the Board the application fee set by the Board; and
 - (3) Provide fingerprints for use by the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services to conduct a State AND NATIONAL criminal history records check.
- (b) (1) An applicant required to provide fingerprints under subsection (a)(3) of this section shall pay any processing or other fees required by the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
 - (2) The results of the criminal history records check shall be provided to the Board and the applicant.

20-304.

- (a) The Board shall keep a file of each certificate application made under this subtitle.
- (b) The file shall contain:
 - (1) The name, address, and age of the applicant;
 - (2) The date of the application;
 - (3) Complete and current information on the educational, training, and experience qualifications of the applicant;
 - (4) The date the Board reviewed and acted on the application;
 - (5) The action taken by the Board on the application;
 - (6) The identifying numbers of any certificate or renewal certificate issued to the applicant; and
 - (7) Any other information that the Board considers necessary.
- (c) The application files shall be open to public inspection.

20–305.

(a) An applicant who otherwise qualifies for a certificate is entitled to be examined as provided in this section.

(b) The Board shall give examinations to applicants at least four times a year, at the times and places that the Board determines.

(c) The Board shall notify each qualified applicant of the time and place of examination.

(d) (1) Subject to the provisions of this subsection, **FOR QUALIFIED CERTIFIED PROGRAM ADMINISTRATOR APPLICANTS**, the Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

(2) The subjects of examination shall be related to:

(i) Health and safety issues, including:

1. Nutritional standards;
2. Water safety;
3. Preventative and acute health care standards;
4. Suicide assessment;
5. Prevention of abuse and neglect; and
6. Crisis intervention and problem solving;

(ii) The importance of staff training in appropriate observation techniques, including educational and psychological tests and social histories;

(iii) Rights of the child, including:

1. Educational and recreational needs; and
2. Establishment of and compliance with appropriate grievance procedures;

(iv) Physical plant requirements;

(v) Criminal history records checks of personnel;

(vi) Fiscal accountability;

(vii) Record keeping that complies with federal requirements and State regulations;

(viii) Emergency planning; and

(ix) Other standards established in the regulations.

(3) Each applicant shall be required to show knowledge of the laws, rules, and regulations that apply to programs.

(4) The scope, content, and form of an examination shall be the same for all certificate applicants who take the examination at the same time.

(e) **FOR QUALIFIED CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER APPLICANTS, THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR EXAMINATIONS GIVEN UNDER THIS SUBTITLE.**

(F) (1) The Board may limit the number of times an applicant may take an examination required under this subtitle.

(2) To qualify for a certificate, an applicant shall pass the examination within 3 years of the first time the applicant takes the examination.

20-306.

(a) Subject to the provisions of this section, the Board may waive any examination requirement of this title for an individual who is certified as a program administrator ~~OR DIRECT CARE WORKER~~ in any other state that the Board determines has a comparable certification process to the one established in this title.

(b) The Board may grant a waiver under this section only if the applicant:

(1) Is of good moral character;

(2) Pays the application fee required by the Board under § 20-303 of this subtitle; and

(3) Provides adequate evidence that:

(i) At the time the applicant was certified in the other state, the applicant was qualified to take the examination that then was required by the laws of this State;

(ii) The applicant qualified for a certificate in the other state by passing an examination given in that or any other state; and

(iii) The applicant has completed a State criminal history records check.

(c) ~~(1)~~ The Board shall waive the requirements for certification as a certified program administrator under § 20-302 of this subtitle for any person who:

~~{(1)}~~ ~~(I)~~ Has filed a letter of intent with the Board by October 1, 2007;

~~{(2)}~~ ~~(II)~~ Has completed not less than 8 years' experience in the human service field with at least 4 years in a supervisory or administrative capacity; and

~~{(3)}~~ ~~(III)~~ Has by October 1, 2007, successfully passed an examination approved by the Board.

~~(2) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR CERTIFICATION AS A CERTIFIED DIRECT CARE WORKER UNDER § 20-302 OF THIS SUBTITLE FOR ANY PERSON WHO:~~

~~(I) HAS FILED A LETTER OF INTENT WITH THE BOARD BY OCTOBER 1, 2013;~~

~~(II) HAS COMPLETED A BOARD APPROVED TRAINING PROGRAM THAT INCLUDES CORE COMPETENCIES OR HOLDS A BOARD APPROVED DEGREE IN A HUMAN SERVICES FIELD; AND~~

~~(III) HAS BY OCTOBER 1, 2013, SUCCESSFULLY PASSED AN EXAMINATION APPROVED BY THE BOARD.~~

20-307.

(a) The Board shall issue a certificate to any applicant who meets the requirements of this title.

(b) The Board shall include on each certificate that the Board issues:

(1) The full name of the certificate holder;

(2) A serial number; and

(3) The seal of the Board.

(c) The Board may issue a certificate to replace a lost, destroyed, or mutilated certificate if the certificate holder pays the certificate replacement fee set by the Board.

20-308.

The applicant may appeal a decision of the Board that relates to issuing or renewing a certificate to the Board of Review as provided in § 20-315(a) of this subtitle.

20-309.

A certificate authorizes:

(1) [the] **AN individual WHO IS A PROGRAM ADMINISTRATOR** to administer a **RESIDENTIAL CHILD CARE** program while the certificate is effective; **OR**

(2) **AN INDIVIDUAL WHO IS A ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER TO OPERATE A PERFORM DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP, AND SOCIALIZATION SKILLS IN A RESIDENTIAL CHILD CARE PROGRAM WHILE THE CERTIFICATE IS EFFECTIVE.**

20-310.

(a) (1) A certificate expires on a date set by the Board, unless the certificate is renewed for an additional term as provided in this section.

(2) A certificate may not be renewed for a term longer than 2 years.

(b) At least 1 month before the certificate expires, the Board shall send to the certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER,** by first-class mail to the last known address of the certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER,** a renewal notice that states:

(1) The date on which the current certificate expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the certificate expires; and

(3) The amount of the renewal fee.

(c) Before the certificate expires, the certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** periodically may renew it for an additional 2-year term, if the certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**:

- (1) Otherwise is entitled to obtain a certificate;
- (2) Pays to the Board a renewal fee set by the Board; and
- (3) Submits to the Board:
 - (i) A renewal application on the form that the Board requires;

and

(ii) Satisfactory evidence of compliance with any continuing education and other qualifications and requirements set under this section for certificate renewal.

(d) In addition to any other qualifications and requirements established in consultation with the [Subcabinet] **CHILDREN'S CABINET**, the Board may set continuing education requirements as a condition for the renewal of certificates under this section.

(e) The Board shall renew the certificate of each certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** who meets the requirements of this section.

20-311.

(a) The Board shall reinstate the certificate of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** who has failed to renew the certificate for any reason, if the individual:

- (1) Has not had the certificate suspended or revoked;
- (2) Meets the renewal requirements of § 20-310 of this subtitle;
- (3) Pays to the Board the reinstatement fee set by the Board;

(4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for certificate reinstatements; and

(5) Applies to the Board for reinstatement of the certificate within 5 years after the certificate expires.

(b) (1) The Board may not reinstate the certificate of a program administrator ~~OR DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER who fails to apply for reinstatement of the certificate within 5 years after the certificate expires.

(2) However, the program administrator ~~OR DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER may be certified by meeting the current requirements for obtaining a new certificate under this title.

20-312.

(a) Unless the Board agrees to accept the surrender of a certificate, a certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER may not surrender the certificate nor may the certificate lapse by operation of law while the certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER is under investigation or while charges are pending against the certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.

(b) The Board may set conditions on its agreement with the certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER under investigation or against whom charges are pending to accept surrender of the certified program administrator's certificate ~~OR THE CERTIFIED DIRECT CARE WORKER'S~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER'S CERTIFICATE.

20-313.

(a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER has failed to meet any standard of the Board.

(b) Subject to the hearing provisions of § 20-314 of this subtitle, the Board may deny a certificate to any applicant, reprimand any certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER, place any certified program administrator ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER on probation, or suspend or revoke a certificate if the applicant [or], certified program administrator, ~~OR CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**, or for another;
- (2) Fraudulently or deceptively uses a certificate;
- (3) Otherwise fails to meet substantially the standards for certification adopted by the Board under § 20–205 of this title;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (5) Performs the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** while:
 - (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes;
- (7) Performs the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** with an unauthorized person or supervises or aids an unauthorized person in performing the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**;
- (8) Willfully makes or files a false report or record while performing the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**;
- (9) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (10) Commits an act of unprofessional conduct in performing the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**; or

(11) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the individual is certified and qualified to render because the individual is HIV positive.

20-401.

Except as otherwise provided in this title, an individual may not:

(1) Perform the duties of, attempt to perform the duties of, or offer to perform the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** in this State unless certified by the Board; or

(2) Supervise, direct, induce, or aid an uncertified individual to perform the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**.

20-402.

(a) Unless authorized to perform the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** in this State.

(b) Unless authorized to practice under this title, a person may not use the title "residential child care program administrator", "~~RESIDENTIAL CHILD CARE DIRECT CARE WORKER~~ **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**", or any other designation, title, or abbreviation with the intent to represent that the person is authorized to perform the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**.

20-403.

A person may not:

(1) Sell or fraudulently obtain or furnish or aid in selling or fraudulently obtaining or furnishing a certificate issued under this title; or

(2) Perform the duties of a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** under any certificate unlawfully or fraudulently obtained or issued.

20-501.

This title may be cited as the “Maryland Certification of ~~Program Administrators AND DIRECT CARE WORKERS~~ for Residential Child Care ~~Programs~~ **PROGRAM PROFESSIONALS** Act”.

20–502.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no effect after July 1, 2014.

Article – Human Services

8–701.

(c) “Certified program administrator” means an individual who is:

(1) certified by the State Board for Certification of Residential Child Care Program ~~Administrators AND DIRECT CARE WORKERS~~ **PROFESSIONALS** under Title 20 of the Health Occupations Article; and

(2) responsible for the day-to-day management and operation of a residential child care program **AND FOR ASSURING THE CARE, TREATMENT, SAFETY, AND PROTECTION OF THE CHILDREN IN THE RESIDENTIAL CHILD CARE PROGRAM.**

Article – State Government

8–403.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(61) Residential Child Care Program ~~Administrators AND DIRECT CARE WORKERS~~ **PROFESSIONALS**, State Board for Certification of (§ 20–202 of the Health Occupations Article: July 1, 2013);

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.