

HOUSE BILL 387

J2, O4

11r2454
CF SB 344

By: **Delegates Nathan–Pulliam, Burns, Hubbard, A. Kelly, Oaks, Pena–Melnyk, B. Robinson, and V. Turner**

Introduced and read first time: February 3, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child and Youth Care Practitioners – Definition**

3 FOR the purpose of altering the definition of “residential child and youth care
4 practitioner” as it relates to the certification of certain residential child care
5 program professionals so as to exclude individuals performing certain duties in
6 certain private therapeutic group homes; defining a certain term; and generally
7 relating to residential child and youth care practitioners.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 20–101
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2010 Supplement)

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

15 **Article – Health Occupations**

16 20–101.

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

18 (b) (1) “Agency” means:

19 (i) The Developmental Disabilities Administration in the
20 Department;

21 (ii) The Department;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iii) The Department of Human Resources;
- 2 (iv) The Department of Juvenile Services; and
- 3 (v) The Mental Hygiene Administration in the Department.

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

5 (c) “Board” means the State Board for Certification of Residential Child Care
6 Program Professionals.

7 (d) “Certificate” means, unless the context requires otherwise, a certificate
8 issued by the Board to practice as a program administrator or as a residential child
9 and youth care practitioner.

10 (e) “Certified program administrator” means, unless the context requires
11 otherwise, an individual who is certified by the Board to practice as a program
12 administrator.

13 (f) “Certified residential child and youth care practitioner” means, unless the
14 context requires otherwise, an individual who is certified by the Board to practice as a
15 residential child and youth care practitioner.

16 **(G) “PRIVATE THERAPEUTIC GROUP HOME” HAS THE MEANING STATED**
17 **IN § 10-920 OF THE HEALTH – GENERAL ARTICLE.**

18 **[(g)] (H)** “Program administrator” means the individual responsible for the
19 day-to-day management and operation of a residential child care program and for
20 assuring the care, treatment, safety, and protection of the children in the residential
21 child care program.

22 **[(h)] (I)** (1) “Residential child and youth care practitioner” means an
23 individual assigned to perform direct responsibilities related to activities of daily
24 living, self-help, and socialization skills in a residential child care program under the
25 direction of a certified program administrator.

26 (2) “Residential child and youth care practitioner” does not include
27 **[an]:**

28 **(I)** AN individual assigned to perform direct responsibilities
29 related to activities of daily living, self-help, and socialization skills in a residential
30 child care program licensed by the Developmental Disabilities Administration; **OR**

31 **(II)** AN INDIVIDUAL ASSIGNED TO PERFORM DIRECT
32 RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING, SELF-HELP, AND

1 **SOCIALIZATION SKILLS IN A PRIVATE THERAPEUTIC GROUP HOME LICENSED BY**
2 **THE DEPARTMENT.**

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

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

10 (i) Licensed by:

- 11 1. The Department of Health and Mental Hygiene;
- 12 2. The Department of Human Resources; or
- 13 3. The Department of Juvenile Services; and

14 (ii) That is subject to the licensing regulations of the Governor’s
15 Office for Children governing the operations of residential child care programs.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2011.