

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 387

(Delegate Nathan-Pulliam, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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Residential Child and Youth Care Practitioners - Certification - Implementation  
Plan

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This bill requires the Governor's Office for Children (GOC) to establish a workgroup comprising specified representatives to determine whether it is feasible to implement the certification of residential child and youth care practitioners in 2015 and develop an implementation plan. By September 1, 2011, GOC must submit the implementation plan to the Governor and specified committees of the General Assembly.

The bill takes effect June 1, 2011.

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Fiscal Summary

**State Effect:** General and federal fund expenditures for purchase of care for the departments of Health and Mental Hygiene, Human Resources, and Juvenile Services may increase beginning in FY 2016 to the extent that residential child care program rates increase under the bill. GOC can establish the workgroup and submit the implementation plan using existing budgeted resources. Federal fund revenues also increase.

**Local Effect:** Local expenditures for purchase of care may increase beginning in FY 2016 to the extent that residential child care program rates increase under the bill.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The workgroup must consider the costs of implementing certification; any savings residential child care programs might realize from certification to help offset their costs; efficient ways to reduce additional costs; the impact of additional costs, net of

any savings and efficiencies, to residential care programs on rates established by the Interagency Rates Committee (IRC); and any additional funding sources, separate from the rates established by IRC, that may be available to support the additional costs.

The implementation plan must specify the adjustment in rates needed to support the additional costs of certification, recommendations for addressing the needed rate increase in the State budget, and a recommendation for an alternate date for implementation of certification if warranted.

Uncodified language states that it is the intent of the General Assembly that the rates established for residential child care programs by IRC reflect any adjustment specified in the plan needed to support the additional costs of certification of residential child and youth care practitioners.

**Current Law/Background:** Chapter 218 of 2008 expanded the purview of the State Board for Certification of Residential Child Care Program Administrators to include the certification of residential child and youth care practitioners and renamed the board accordingly.

Individuals who are 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 must be certified by the board as a residential child and youth care practitioner. This requirement applies to practitioners employed by programs licensed by the departments of Health and Mental Hygiene, Human Resources, and Juvenile Services and subject to GOC licensing regulations. The requirement does not apply to programs licensed by the Developmental Disabilities Administration. Only those certified by the board are permitted to use the title “residential child and youth care practitioner” or otherwise present themselves as authorized to provide these services.

Chapter 583 of 2010 delayed the date by which residential child and youth care practitioners must be certified from October 1, 2013, until October 1, 2015.

To qualify for a certificate, an individual must be of good moral character, complete a criminal history records check, be at least age 21 (or at least age 18 and hold an associate’s or bachelor’s degree), meet specified education and training requirements, and pass an examination given by the board.

The State Board for Certification of Residential Child Care Program Professionals is an 11-member board administratively located in Department of Health and Mental Hygiene. The board’s duties include maintaining a registry of all individuals certified by the board,

submitting an annual report, adopting a code of ethics, and establishing continuing education requirements. All fees collected by the board are paid into the general fund.

IRC develops rates for residential child care and child placement agency programs. IRC comprises representatives from the departments of Budget and Management, Health and Mental Hygiene, Human Resources, and Juvenile Services; GOC; and the Maryland State Department of Education (MSDE). IRC is staffed by MSDE. All State and local agencies purchasing services from private providers pay the rates established by IRC.

**State Fiscal Effect:** Uncodified language in the bill states that it is the intent of the General Assembly that IRC rates reflect any adjustment specified in the workgroup's implementation plan that is needed to support the costs of certification of residential child and youth care practitioners. Such costs may include, among other things, increased salaries for certified employees. To the extent that increased costs are included in IRC rates, purchase of care expenditures will increase for the departments of Health and Mental Hygiene, Human Resources, and Juvenile Services. The exact impact cannot be reliably quantified at this time and will depend on the adjustments specified in the implementation plan required under the bill.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** SB 344 (Senator Middleton, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2011  
mlm/ljm Revised - House Third Reader - April 1, 2011

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