

## **Chapter 461**

### **(House Bill 1522)**

AN ACT concerning

#### **Residential Child Care Programs – Statement of Need – Exception for Temporary Relocation**

FOR the purpose of creating an exception to a certain statement of need requirement for the temporary relocation of an existing licensed residential child care program under certain circumstances; and generally relating to statements of need for residential child care programs in the State.

BY repealing and reenacting, with amendments,  
Article – Human Services  
Section 8–703.1  
Annotated Code of Maryland  
(2007 Volume and 2013 Supplement)

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

#### **Article – Human Services**

8–703.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Licensing agency” means:

- (i) the Department of Human Resources; and
- (ii) the Department of Juvenile Services.

(3) “Statement of need” means an official certification of public need for the location and establishment of a residential child care program in a county issued by a licensing agency under this section.

(b) The licensing agencies shall adopt regulations governing the issuance of statements of need.

(c) In developing the regulations required under subsection (b) of this section, a licensing agency shall:

(1) consider the specialized mental, physical, and behavioral health and developmental needs of children in the county or region affected by the statement of need; and

(2) consult with stakeholders in the county or region affected by the statement of need, including:

- (i) State and local child-serving agencies;
- (ii) providers of residential and community-based services for children; and
- (iii) children, parents, and foster parents.

(d) An application may not be submitted to the office and a license may not be granted by a licensing agency for a residential child care program until a licensing agency issues a statement of need for a residential child care program in a county.

(e) **(1) [In] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN** addition to the statement of need required under subsection (d) of this section, a statement of need is required before:

**[(1)] (I)** an existing or previously licensed residential child care program is relocated to another site;

**[(2)] (II)** the physical site of a residential child care program is expanded; or

**[(3)] (III)** the number of placements in a residential child care program is increased.

**(2) A STATEMENT OF NEED IS NOT REQUIRED BEFORE AN EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS RELOCATED TO ANOTHER SITE ON A TEMPORARY BASIS IF:**

**(I) THE SITE OF THE EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS IN A STATE OF DISREPAIR THAT NECESSITATES REHABILITATION FOR THE HEALTH, SAFETY, AND WELL-BEING OF THE RESIDENTS;**

**(II) THE TEMPORARY SITE IS SIMILAR IN SIZE TO THE SITE UNDERGOING REHABILITATION;**

**(III) THE LICENSING AGENCY DETERMINES THAT THE NUMBER OF PLACEMENTS AT THE TEMPORARY SITE IS NO GREATER THAN THE**

**NUMBER OF PLACEMENTS AT THE SITE UNDERGOING REHABILITATION MEETS THE REQUIREMENTS OF THE RESIDENTIAL CHILD CARE PROGRAM'S LICENSE;**

**~~(IV)~~ (III) THE TEMPORARY SITE IS LOCATED:**

**1. WITHIN THE SAME JURISDICTION AS THE SITE UNDERGOING REHABILITATION; OR**

**2. WITHIN 10 MILES OF THE SITE UNDERGOING REHABILITATION; AND**

**~~(V)~~ (IV) THE REHABILITATION OF THE EXISTING SITE:**

**1. WILL BE COMPLETED WITHIN 180 DAYS; OR**

**2. IF NOT COMPLETED WITHIN 180 DAYS, WILL BE COMPLETED WITHIN A PERIOD OF TIME DETERMINED BY THE LICENSING AGENCY, ON REQUEST OF THE LICENSEE, NOT TO EXCEED AN ADDITIONAL 180 DAYS.**

(f) A licensing agency shall publish notice of the issuance of a statement of need in the Maryland Register.

(g) A licensing agency may not delegate its authority to issue a statement of need.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, May 5, 2014.**