

Chapter 214

(Senate Bill 940)

AN ACT concerning

Residential Child Care Programs – Statement of Need – Exception for Relocation

FOR the purpose of creating an exception to a certain statement of need requirement for the relocation of an existing licensed residential child care program under certain circumstances; making this Act an emergency measure; 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 2014 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) Except as provided in [paragraph] **PARAGRAPHS (2) AND (3)** of this subsection, in addition to the statement of need required under subsection (d) of this section, a statement of need is required before:

- (i) an existing or previously licensed residential child care program is relocated to another site;
 - (ii) the physical site of a residential child care program is expanded;
- or
- (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 meets the requirements of the residential child care program's license;
- (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
- (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.

(3) A STATEMENT OF NEED IS NOT REQUIRED BEFORE AN EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS RELOCATED TO ANOTHER SITE IF:

(I) THE RELOCATION IS NECESSARY DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE, INCLUDING THE NONRENEWAL OF THE LEASE FOR THE SITE OF THE EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM;

(II) THE NEW SITE MEETS THE REQUIREMENTS OF THE RESIDENTIAL CHILD CARE PROGRAM'S LICENSE; AND

(III) THE NEW SITE IS LOCATED:

1. **WITHIN THE SAME JURISDICTION AS THE SITE BEING CLOSED; OR**
2. **WITHIN 10 MILES OF THE SITE BEING CLOSED.**

(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 is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 12, 2015.