

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 940 (Senators Conway and Salling)
Education, Health, and Environmental Affairs Health and Government Operations

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

This emergency bill creates an exception to the process relating to statements of need for residential child care programs by allowing a program to relocate to another site under specified circumstances without a statement of need.

Fiscal Summary

State Effect: The bill does not materially impact the workload of the Department of Human Resources (DHR), the Department of Juvenile Services (DJS), or the Governor's Office for Children (GOC).

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A statement of need is not required before an existing licensed residential child care program is relocated to another site if:

- 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;
- the new site meets the requirements of the residential child care program's license; and

- the new site is located within the same jurisdiction as or within 10 miles of the site being closed.

Current Law/Background: A statement of need is 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. As licensing agencies, DHR and DJS must issue a statement of need before a residential child care program is granted a license, an existing or previously licensed program is relocated, an existing site is expanded, or the number of placements in a program is increased. DHR and DJS must consider the special needs of the affected children and consult with relevant stakeholders when developing a statement of need. DHR and DJS must publish notice of the statement of need in the *Maryland Register*.

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:

- 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;
- the temporary site meets the requirements of the residential child care program's license;
- the temporary site is located within the same jurisdiction as or within 10 miles of the site undergoing rehabilitation; and
- the rehabilitation of the existing site will be completed within 180 days or, 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.

Residential child care programs, also referred to as group homes, represent one form of out-of-home placements. Group homes offer homelike settings that provide structure and 24-hour supervision, basic care, social work, and health care services. GOC provides a single point of entry for persons or organizations interested in establishing a residential child care program by serving as a central point of information and referral.

Small Business Effect: The bill has a potential meaningful impact on residential child care program providers. Under the bill, a residential child care provider may relocate to another location under specified circumstances without a statement of need first being issued. This provides greater flexibility for residential child care programs to respond to circumstances that are beyond the control of the licensee.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office for Children, Department of Juvenile Services,
Department of Legislative Service

Fiscal Note History: First Reader - March 26, 2015
md/lgc

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