

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 201 (Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

**State Board for the Certification of Residential Child Care Program
Professionals - Revisions**

This bill expands background clearance requirements for certified program administrators and certified residential child and youth care practitioners as a condition for obtaining and renewing a certificate from the State Board for the Certification of Residential Child Care Program Professionals. The bill also requires the governing body of each residential child care program to appoint a chief administrator and establishes certain duties for the chief administrator. The bill makes several procedural changes to management requirements for residential child care programs, updates outdated language, and makes other clarifying revisions to the board's statute.

Fiscal Summary

State Effect: None. The changes are procedural in nature and do not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill establishes new requirements for program administrators, residential child and youth care practitioners, and certificate applicants to submit to a "child protective services background clearance" to qualify for a certificate, renewal, or reinstatement, unless waived by the board for an out-of-state applicant under specified circumstances. A "child protective services background clearance" means a search by a local department of social services of a central registry for information about child abuse

and neglect investigations relating to an individual. A certified program administrator or residential child and youth care practitioner must report to the board any arrests or investigations that would appear on a child protective services background clearance that occurred between the issuance and renewal of a certificate.

The bill also requires program administrators and residential child and youth care practitioners to submit to a State and national criminal history records check (CHRC) as a condition of renewal or reinstatement of a certificate. The bill includes standardized language regarding requirements for State and national CHRCs for certificate *applicants*; however, there are no material changes to these provisions.

The bill adds a requirement that the board must now include resident address and employment address information in required files for each certificate application. An applicant must update the board whenever a change in residency or employment occurs. Failure to maintain a current resident or employment address with the board is grounds for disciplinary action.

The bill defines a “chief administrator” as an individual, regardless of the title, who is appointed by the governing body of a residential child care program as having responsibility for the overall administration of the program. A chief administrator (rather than an owner) must immediately designate a certified program administrator if the current administrator is removed from the position unexpectedly. However, if a certified program administrator is unavailable, the *chief administrator* (rather than the owner) may appoint a noncertified person for up to 90 days. The chief administrator must forward the credentials and CHRC of the person appointed to the board for evaluation. If the chief administrator leaves or is removed, the governing body of the program must immediately designate an individual to serve as the acting chief administrator for up to 180 days.

The bill makes several housekeeping changes to clarify and update the board’s statute. The bill removes the requirement that an applicant for a residential child and youth care practitioner certificate have sponsorship from a certified program administrator. The bill also repeals outdated language regarding the board waiving requirements for certification as a program administrator. Additionally, the board no longer needs to include the seal of the board on each certificate issued.

Current Law:

Criminal History Records Check

The Criminal Justice Information System (CJIS) Central Repository is established by the Criminal Procedure Article, §§ 10-213 *et seq.*, within the Department of Public Safety and Correctional Services to collect, manage, and disseminate Maryland Criminal History

Record Information for criminal justice and noncriminal justice (e.g., employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification. Applicants for a certificate from the board must submit to State and national CHRCs to qualify for certification. However, there is no requirement that certificate holders submit to a CHRC as a qualification for renewal or reinstatement of a certificate.

Child Protective Services Background Clearance

Neither applicants nor certificate holders currently need to obtain a child protective services background clearance.

The Social Services Administration in the Department of Human Resources (DHR) and each local department of social services are authorized to maintain a “central registry” of reported child abuse and neglect cases. Accordingly, DHR maintains a central registry that contains information regarding child abuse and neglect investigations. Local departments provide information for the registry. Registry information is available to the protective staff of DHR, local departments, and law enforcement personnel who are investigating a report of suspected abuse or neglect.

A central registry may contain identifying information relating to an investigation of abuse and neglect. However, it may not contain identifying information if abuse or neglect has been ruled out or the finding has been expunged in accordance with statutory procedures.

Except as otherwise provided, a person may not disclose a report or record concerning child abuse or neglect. However, the law requires disclosure of such reports under specified circumstances (for example under a court order) and authorizes disclosure to specified individuals. A person may disclose a report or record of child abuse or neglect to other government officials, as specified in statute, and under the appropriate circumstances. DHR is also authorized to disclose such a report to the operator of a licensed child care center, a child care center that holds a letter of compliance, or a registered family day care provider to determine the suitability of an individual for employment in the center or home. DHR provides such reports without charge, as there is no statutory authority to assess a fee for providing this information.

Small Business Effect: Although small businesses incur additional expenditures for child protective services background clearances for all employees, and new CHRC expenditures for employees who must now submit to these checks for renewal or reinstatement, the overall impact is expected to be minimal.

Additional Comments: Each individual subject to a CHRC for certificate renewal under the bill will be required to pay \$52.75 for a State and national CHRC including a \$20 fingerprinting fee, a \$14.75 FBI fee, an \$18 fee to CJIS.

Additional Information

Prior Introductions: None.

Cross File: HB 742 (Delegate Hayes, *et al.*) - Health and Government Operations.

Information Source(s): Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Juvenile Services, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2015
mar/jc Revised - Senate Third Reader - March 23, 2015
Revised - Enrolled Bill - May 8, 2015

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