

HOUSE BILL 1747

O4

8lr3481

By: **Delegate Reznik**

Introduced and read first time: February 21, 2018

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, March 5, 2018

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Residential Child Care Programs – Statement of Need – Exceptions**

3 FOR the purpose of providing that the Department of Human Services and the Department
4 of Juvenile Services are not required to issue a statement of need before granting a
5 license to a residential child care program if there is no placement available in an
6 existing licensed program that can provide certain services; providing that a
7 statement of need is not required before the number of placements in an existing
8 licensed residential child care program is increased if there is no placement available
9 in an existing licensed program that can provide certain services; providing that a
10 statement of need is not required before an existing licensed residential child care
11 program is relocated if the existing site of the program necessitates certain
12 rehabilitation that is impractical or infeasible and certain other requirements are
13 met; and generally relating to statements of need for residential child care programs.

14 BY repealing and reenacting, without amendments,

15 Article – Human Services

16 Section 8–703.1(a)

17 Annotated Code of Maryland

18 (2007 Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Human Services

21 Section 8–703.1(d) and (e)

22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2007 Volume and 2017 Supplement)

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

4 **Article – Human Services**

5 8–703.1.

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

7 (2) “Licensing agency” means:

8 (i) the Department of Human Services; and

9 (ii) the Department of Juvenile Services.

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

13 (d) **(1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
14 **SUBSECTION, AN** application may not be submitted to the office and a license may not be
15 granted by a licensing agency for a residential child care program until a licensing agency
16 issues a statement of need for a residential child care program in a county.

17 **(2) A STATEMENT OF NEED IS NOT REQUIRED BEFORE A LICENSE MAY**
18 **BE GRANTED BY A LICENSING AGENCY FOR A RESIDENTIAL CHILD CARE PROGRAM**
19 **IF THERE IS NO PLACEMENT AVAILABLE IN AN EXISTING LICENSED RESIDENTIAL**
20 **CHILD CARE PROGRAM THAT CAN PROVIDE THE SERVICES NEEDED FOR A CHILD.**

21 (e) (1) Except as provided in paragraphs (2) [and (3)] **THROUGH (4)** of this
22 subsection, in addition to the statement of need required under subsection (d) of this
23 section, a statement of need is required before:

24 (i) an existing or previously licensed residential child care program
25 is relocated to another site;

26 (ii) the physical site of a residential child care program is expanded;
27 or

28 (iii) the number of placements in a residential child care program is
29 increased.

30 (2) A statement of need is not required before an existing licensed
31 residential child care program is relocated to another site on a temporary basis if:

1 (i) the site of the existing licensed residential child care program is
2 in a state of disrepair that necessitates rehabilitation for the health, safety, and well-being
3 of the residents;

4 (ii) the temporary site meets the requirements of the residential
5 child care program's license;

6 (iii) the temporary site is located:

7 1. within the same jurisdiction as the site undergoing
8 rehabilitation; or

9 2. within 10 miles of the site undergoing rehabilitation; and

10 (iv) the rehabilitation of the existing site:

11 1. will be completed within 180 days; or

12 2. if not completed within 180 days, will be completed within
13 a period of time determined by the licensing agency, on request of the licensee, not to exceed
14 an additional 180 days.

15 (3) A statement of need is not required before an existing licensed
16 residential child care program is relocated to another site if:

17 (i) the relocation is necessary:

18 1. due to circumstances beyond the control of the licensee,
19 including the nonrenewal of the lease for the site of the existing licensed residential child
20 care program; OR

21 2. BECAUSE THE SITE OF THE EXISTING LICENSED
22 RESIDENTIAL CHILD CARE PROGRAM IS IN A STATE OF DISREPAIR THAT:

23 A. NECESSITATES REHABILITATION OF THE SITE FOR
24 THE HEALTH, SAFETY, AND WELL-BEING OF THE RESIDENTS; AND

25 B. THE REHABILITATION IS IMPRACTICAL OR
26 INFEASIBLE;

27 (ii) the new site meets the requirements of the residential child care
28 program's license; and

29 (iii) the new site is located:

- 1 1. within the same jurisdiction as the site being closed; or
- 2 2. within 10 miles of the site being closed.

3 **(4) A STATEMENT OF NEED IS NOT REQUIRED BEFORE THE NUMBER**
 4 **OF PLACEMENTS IN AN EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS**
 5 **INCREASED IF THERE IS NO PLACEMENT AVAILABLE IN AN EXISTING LICENSED**
 6 **RESIDENTIAL CHILD CARE PROGRAM THAT CAN PROVIDE THE SERVICES NEEDED**
 7 **FOR A CHILD.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 9 ~~October~~ July 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.