

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/22/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/11/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

10 57 03 01 and .13

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator Telephone Number
Michele Phinney 410-767-5623

Mailing Address

201 W. Preston Street

City State Zip Code
Baltimore MD 21201

Email
michele.phinney@maryland.gov

5. Name of Person to Call About this Document Telephone No.
Kristen Neville 410-764-5978

Email Address
kristen.neville@maryland.gov

6. Check applicable items:
X- New Regulations

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 57 BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD
CARE PROGRAM PROFESSIONALS

10.57.03 Certification — Residential Child and Youth Care Practitioners

Authority: Health Occupations Article, §§20-205, 20-301, 20-302.1, 20-303, and 20-305, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .01 and adopt new Regulation .13 under COMAR 10.57.03 Certification — Residential Child and Youth Care Practitioners.

This action was considered by the Board for the Certification of Residential Child Care Program Professionals at a public meeting on December 13, 2013, notice of which was given by publication in 40:21 Md.R. 1847 (October 18, 2013), pursuant to State Government Article §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- 1) Establish a tiered certification structure for residential child care program practitioners in accordance with state statute;
- 2) Require the Board to notify applicants who have been approved to take the required comprehensive examination of testing dates and locations;
- 3) Authorize the Board to waive a certain training requirement for certain applicants; and
- 4) Establish a process for certification for applicants for whom the required education, experience, training, and examination are waived.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

This action proposes to charge the residential child and youth care practitioners an initial licensing fee currently in regulation before they can become certified. The funds from this fee would support additional Board staff.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:	(R+)	\$75,000

- B. On other State agencies: NONE
 C. On local governments: NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$75,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The Board estimates that approximately 1,500 individuals will apply for certification as a residential child and youth care practitioner in the first year. This figure could increase in subsequent years. The Board is also authorized in statute to waive fees if the applicant can show economic hardship. However, the Board cannot determine how many applicants will have their fees waived.

1,500 X \$50 initial certification fee = \$75,000.

D. See II.A. above

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through August 11, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is incumbent upon the applicant for certification to pay any required fees, not upon a small business.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 57 BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

10.57.03 Certification — Residential Child and Youth Care Practitioners

Authority: Health Occupations Article, §§20-205, 20-301, 20-302.1, 20-303, and 20-305, Annotated Code of Maryland

10.57.03.01 (December 13, 2013)

.01 Application Procedures.

A. In order to obtain a certificate as a residential child and youth care practitioner, the applicant shall submit to the Board:

- (1)—(2) (text unchanged)
- (3) Evidence the applicant:
 - (a) (text unchanged)
 - (b) Is of good moral character; [and]
 - (c) Has completed a State and national criminal history records check; *and*
 - (d) *Has completed the process for certification under one of the tiers outlined in Regulation .13 of this*

chapter.

B.—D. (text unchanged)

.13 Tiered Certification.

A. Tier 1.

(1) *Tier 1 certification may be obtained by an individual who:*

- (a) *Has obtained an Associate's or Bachelor's degree and has been continuously employed as a residential child and youth care practitioner for at least 2 years; or*
- (b) *Has obtained a high school diploma or GED and has been continuously employed as a residential child and youth care practitioner for at least 2 years.*

(2) *To obtain Tier 1 certification, an individual shall:*

- (a) *Meet the age requirement set forth in Health Occupations Article §20-302.1, Annotated Code of Maryland; and*
- (b) *Submit to the Board:*
 - (i) *The application, fee, and criminal background check as required by COMAR 10.57.03.01;*
 - (ii) *Evidence, in accordance with COMAR 10.57.03.02, of completion of the appropriate academic experience; and*

(iii) Evidence of completion of a minimum of 10 hours of an on-site program orientation at a private provider site.

B. Tier 2.

(1) Tier 2 certification may be obtained by an individual who:

(a) Has obtained an Associate's or Bachelor's degree; or

(b) Provides evidence of completion of the Community College of Baltimore County training program.

(2) To obtain Tier 2 certification, an individual shall:

(a) Meet the age requirement set forth in Health Occupations Article §20–302.1, Annotated Code of Maryland;

(b) Submit to the Board:

(i) The application, fee, and criminal background check as required by COMAR 10.57.03.01; and

(ii) Evidence of completion of a minimum of 10 hours of an on-site program orientation at a private provider site; and

(c) Pass a comprehensive examination.

C. Tier 3.

(1) Tier 3 certification may be obtained by an individual who does not hold a degree.

(2) To obtain Tier 3 certification, an individual shall:

(a) Meet the age requirement set forth in Health Occupations Article §20–302.1, Annotated Code of Maryland;

(b) Submit to the Board:

(i) The application, fee, and criminal background check as required by COMAR 10.57.03.01;

(ii) Evidence of completion of a minimum of 10 hours of an on-site program orientation at a private provider site; and

(iii) Evidence of completion of an approved private provider residential child and youth care training program or of online training; and

(c) Pass a comprehensive examination.

(3) For individuals seeking to take the online training, the Board shall:

(a) Approve the applicant to begin the online training once a completed application package is received;

(b) Set up access for the applicant to begin the online training; and

(c) Be notified of the applicant's completion of the online training.

D. The Board shall notify applicants who have been approved to take the required comprehensive examination of:

(1) The applicant's approval to sit for the examination; and

(2) All testing dates and locations.

E. The Board may waive the training program requirement set forth in Health Occupations Article, §20–302.1(f), Annotated Code of Maryland for an applicant holding an Associate's or Bachelor's degree if the applicant:

(1) Passes an examination; and

(2) Meets other requirements established by the Board.

F. An applicant for whom the required education, experience, training, and examination is waived in accordance with Health Occupations Article §20–302.1(h), Annotated Code of Maryland, shall submit the following to the Board to become certified:

(1) The application, fee, and criminal background check as required by COMAR 10.57.03.01; and

(2) Before October 1, 2015, satisfactory evidence that the applicant has worked in the State as a residential child and youth care practitioner for at least the last 2 years.

JOSHUA M. SHARFSTEIN, M.D.

Secretary of Health and Mental Hygiene

FEE JUSTIFICATION FOR PROPOSED COMAR 10.57.03.01 and .13

(1) Explain/justify why an increase or decrease is necessary:

Health Occupations Article §20–205(a)(4), Annotated Code of Maryland, requires the Board to establish a “tiered certification structure for residential child and youth care practitioners”. As part of this requirement, the Board will impose a fee to applicants for certification as a residential child care program practitioner in the same amount as for residential child care program administrators.

(2) How much money is needed to operate effectively or to eliminate an operating fund deficit?

The increase in workload resulting from the legislation requiring the Board to license Youth Care Practitioners will require additional staff. At this time the actual number of new licensees is unknown, however it is anticipated that at least one new employee will be needed. Estimated cost is \$45,000.00 (12/3).

(3) In what year was the most recent fee increase?

2008

(4) Is the fee revenue retained by the Proposing Unit or passed through to a national organization that administers a uniform licensing exam?

The fees will be passed to the State General Fund.

(5) Describe any measures taken to mitigate the need for increased revenue:

The Board recognizes the fact that the fee will be costly to some applicants and therefore, in accordance with statute, will waive the fee for applicants who show hardship.

(6) Describe any special circumstances that have had an adverse impact on the Proposing Unit's operating expenses.

State law requires the Board to certify residential child care program practitioners by 2015. The increase in workload resulting from the legislation requiring the Board to license Youth Care Practitioners will require additional staff. At this time the actual number of new licensees is unknown, however it is anticipated that at least one new employee will be needed.

(7) Describe any consideration given by the Proposing Unit as to the hardship a fee increase may have on the regulated profession.

The Board recognizes the fact that the fee will be costly to some applicants and therefore, in accordance with statute, will waive the fee for applicants who show hardship.

(8) Describe any efforts to solicit the opinions of licensees regarding the Proposing Unit's effectiveness and performance.

These regulations were discussed at the Board's open Board meetings.