

MARYLAND REGISTER

Proposed Action on Regulations

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| Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations | Date Filed with AELR Committee | TO BE COMPLETED BY DSD |
| | 05/27/2015 | Date Filed with Division of State Documents |
| | | Document Number |
| | | Date of Publication in MD Register |
| | | |

1. Desired date of publication in Maryland Register: 7/10/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

| | | | |
|----|----|----|--------|
| 10 | 57 | 01 | 01 |
| 10 | 57 | 03 | 02-.10 |
| 10 | 57 | 07 | 01 |

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

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

Kristen Neville

Telephone No.

410-764-5978

Email Address

kristen.neville@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: April 22, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Anthony DeFranco, Assistant Attorney General, (telephone #410-767-6935) on May 5, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

May 27, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 57 BOARD FOR THE CERTIFICATION OF RESIDENTIAL CHILD
CARE PROGRAM PROFESSIONALS

10.57.01 Definitions

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

10.57.03 Certification – Residential Child and Youth Care Practitioners

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

10.57.07 Fees

Authority: See attached.

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to :

- 1) Amend Regulation .01 under COMAR 10.57.01 Definitions;
- 2) Amend Regulations .02 and .03; repeal Regulations .04—.06; amend and recodify existing Regulation .07 to be Regulation .04, existing Regulations .09 and .10 to be Regulations .06 and .07, and existing Regulation .13 to be Regulation .10; and recodify existing Regulation .08 as Regulation .05 and recodify existing Regulations .11 and .12 to be Regulations .08 and .09 under COMAR 10.57.03 Certification – Residential Child and Youth Care Practitioners; and
- 3) Amend Regulation .01 under COMAR 10.57.07 Fees.

This action was considered at a public meeting on April 10, 2015, notice of which was given by publication on the Board's website at <http://dhmh.maryland.gov/crcp/SitePages/Home.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- 1) Repeal obsolete provisions;
- 2) Increase the minimum number of credit hours required to be obtained in an approved residential child care program training (which is free to take, resulting in no additional cost to applicants) for residential child care program practitioners and repeal the specified number of credit hours and contact hours to be obtained in specific subject

areas;

- 3) Repeal a requirement that a residential child and youth care practitioner shall meet the requirements for renewal of a certificate in order to reinstate an expired certificate;
- 4) Provide that an individual who fails a required examination for certification may retake the examination the next time it is offered by the Board;
- 5) Clarify that Tier 1 certification for a residential child care program provider may be obtained by an individual who has obtained a certain degree or a high school diploma and been employed by a program for at least a certain period of time prior to October 1, 2015; and
- 6) Repeal certain fees.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Phinney, Director, Office of Regulation and Policy Office, 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 10, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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

Yes

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

General funds.

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:

The exam fee is being repealed due the requirement of a grant received by the Board which prohibits the charging of a fee for an exam of which the grant will fund the development. The other fees being repealed were never paid because no individual was ever provisionally certified or served as a practitioner-in-training.

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 an individual applicant for certification to follow the requirements to become certified and to pay the correct 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

10.57.01 Definitions

Authority: Health Occupations Article, §§20-101 and 20-205, Annotated Code of Maryland

10.57.01.01 (4/22/15)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(32) (text unchanged)

(33) *“Tiered certification” means the Board’s process and the requirements that provide for an individual to become certified as a residential child and youth care practitioner.*

[(33)] (34) (text unchanged)

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

10.57.03.02 (4/22/2015)

.02 Academic and Experience.

A. (text unchanged)

[B. An individual applying for certification by sponsorship from a certified program administrator, provisional certification, or practitioner-in-training authorization does not have to provide the documentation required by §A(2) of this regulation.

C. Approved Residential Child and Youth Care Practitioner Training Program Required in §A(1) of this Regulation. A residential child and youth care practitioner training program required in §A(1) of this regulation shall be approved by:

(1) The Maryland Higher Education Commission;

(2) The higher education commission or comparable authority of the state in which in the applicant's school is located; or

(3) An accrediting agency recognized by the United States Department of Education.]

[D.] B.—[E.] C. (text unchanged)

.03 Certification by Completion of an Approved Residential Child and Youth Care Practitioner Training Program.

A. In order to obtain a certification certificate as a residential child and youth care practitioner by completion of an approved residential child and youth care training program, the applicant shall:

(1) Submit to the Board the documentation required in Regulations .01 and .02 of this chapter; and

(2) Demonstrate at least [25 credit] 30 hours [or 375 contact hours of training in] *including, but not limited to*, the following subject areas:

(a) Introduction to the field of *residential* child and youth care [for 3 credit hours or 45 contact hours of training];

(b) Life skills development [for 3 credit hours or 45 contact hours of training];

(c) Child [and youth growth] and *adolescent* development [for 3 credit hours or 45 contact hours of training];

(d) Standards of health and safety in child and youth care services [for 3 credit hours or 45 contact hours of training];

(e) [Interviewing and counseling techniques for child and youth services for 3 credit hours or 45 contact hours of training] *Trauma*;

(f) [Behavior management and crisis intervention in youth for 3 credit hours or 45 contact hours of training] *Communication skills*; and

(g) Legal and ethical issues in child and youth care [for 3 credit hours or 45 contact hours of training; and

(h) An internship for 4 credit hours or 60 contact hours].

B. (text unchanged)

[.07].04 Examination Procedures.

A. An applicant shall pass a Board-approved [written] examination before certification.

B. (text unchanged)

C. An applicant shall pass the examination within [3 years of the first time the applicant takes the examination] 180 days of hire.

D. Reexamination.

[(1) An applicant who fails the examination:

(a) May retake the examination three times within the 12-month period after a failed examination; and

(b) May not retake the examination within 6-months of failing the examination for the third time.

(2) Before or on the day of the repeat examination, the applicant shall pay to the Board the examination fee as established in COMAR 10.57.07.

(3) An applicant may request and be granted or denied a waiver of the 6-month waiting period after failure of the third examination upon proof of exceptional circumstances.]

An applicant who fails an examination may take the next examination given the by the Board.

E. (text unchanged)

[.08].05 Action on Application.

A.—F. (text unchanged)

[.09].06 Expiration and Renewal.

A. Unless the Board suspends or revokes the certificate, the certification:

(1) Is effective for [at least] 2 years from the date issued; and

(2) (text unchanged)

B. At least 3 months before the certificate expires, the Board shall send to the certified residential child and youth care practitioner[, by first class mail to the last known address,] a renewal notice that states:

(1)—(3) (text unchanged)

C. (text unchanged)

[.10].07 Reinstatement.

A. The Board shall reinstate the certificate of a residential child and youth care practitioner who has failed to renew the certificate for any reason, if the individual:

(1) (text unchanged)

[(2) Meets the renewal requirements established in Regulation .05 of this chapter;]

[(3)] (2) —[(5)] (4) (text unchanged)

B. (text unchanged)

[.11].08 Duplicate Certificate.

The Board shall issue a duplicate certificate to the certificate holder if:

A.—C. (text unchanged)

[.12].09 Display of Certificate and Renewal Certificates.

A.—B. (text unchanged)

[.13].10 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 *before October 1, 2015*; 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 *before October 1, 2015*.

(2) (text unchanged)

B. (text unchanged)

C. Tier 3.

(1) (text unchanged)

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

(a) (text unchanged)

(b) Submit to the Board:

(i)—(ii) (text unchanged)

(iii) Evidence of completion of [an approved private] *a Board-approved* provider residential child and youth care training program [or of online training]; and

(c) (text unchanged)

[(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.—F. (text unchanged)

10.57.07 Fees

Authority: Health Occupations Article, §20–206, Annotated Code of Maryland

10.57.07.01 (4/27/2015)

.01 Fee Schedule.

The following fees are established by the Board:

A. Residential Child Care Program Administrators:

(1) (text unchanged)

(2) State [Standards] *Comprehensive* Examination (charged each time an applicant takes the examination) . . . \$125;

(3)—(8) (text unchanged)

B. Residential Child and Youth Care Practitioner:

(1) (text unchanged)

[(2) State Standards Examination (charged each time an applicant takes the examination) . . . \$50;]

[(3)] (2) (text unchanged)

[(4)] (3) Reinstatement Fee . . . \$50; *and*

[(5)] (4) Late Renewal Fee (in addition to renewal fee) . . . \$25; *and*

[(6) Provisional Certification . . . \$25; and

(7) Practitioner-in-Training . . . \$50; and]

C. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene