

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Human Resources**
(DLS Control No. 15-324)

Overview and Legal and Fiscal Impact

These regulations clarify eligibility for county specific Adult Foster Care programs, allow for a slight expansion of services, create consistency in program procedures, and increase opportunities for additional referrals.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Human Resources:

Social Services Administration: Adult Foster Care: COMAR 07.02.17.01-.09

Legal Analysis

Background

Adult Foster Care is a small residential program that exists in four counties in Maryland. The program provides supervised housing and assistance to elderly and disabled adults living in family homes and small assisted living homes in the community. Case management is provided, as well as subsidy when funds are available.

An Adult Foster Care program is supported entirely by the county offering the program. Clients primarily pay for the program with their own resources, though in some cases the county also provides a subsidy when funds are available.

Summary of Regulations

In addition to certain clarifying changes, these regulations increase from 60 to 90 days the time that a local department has to review and approve or disapprove an application to become an adult foster care provider. The regulations also increase from 3 to 4 the number of foster adults who may be in an adult foster home at one time.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The department cites §§ 4-205 and 4-207 of the Human Services Article as statutory authority for the regulations and also references 45 C.F.R. 229.

More specifically, § 4-205(a)(1) of the Human Services Article requires the Social Services Administration within the department to be the “central coordinating and directing agency of all social service activities in the State”, and § 4-205(b) requires the administration to control the activities of local departments that it finances in any way. Section 4-207(a) authorizes the executive director of the administration, subject to review and approval by the Secretary of the Human Resources, to adopt regulations necessary to carry out duties imposed on the executive director by law. Section 4-207(c)(1) requires that administration regulations based on federal law reference the federal material in the text of the State material or permanently attached to the State material.

Although the administration cites 42 C.F.R. 229, that provision no longer exists. The Department of Legislative Services has informed the administration of this fact, and the administration indicates that it will remove the erroneous citation and update the reference as applicable.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Jennifer L. Young – (410) 946/(301) 970-5350

Fiscal Analysis: Jennifer K. Botts – (410) 946/(301) 970-5510