
By: Delegate Holt

Rules suspended

Introduced and read first time: March 30, 1997

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Residential Child Care Facilities**

3 FOR the purpose of requiring applicants for certain residential child care facility licenses
4 to include certain information on the license application; establishing certain
5 requirements for certain notice provided by the Social Services Administration;
6 establishing certain timing requirements for application for certain residential child
7 care facility licenses; requiring the Administration, at certain times, to prepare a
8 tentative determination to issue a license or not; requiring the tentative
9 determination to contain certain information; requiring the Administration, at
10 certain times and under certain circumstances, to prepare a final determination to
11 issue a license or not; requiring certain notice and hearing provisions to accompany
12 the tentative determination and final determination; requiring applicants for certain
13 residential child care facility licenses and certain facility licensees who are making
14 certain changes to a facility to submit an application to make the change; requiring
15 a facility to separate certain services; requiring a facility to have a certain child care
16 worker-child ratio; prohibiting a facility from having certain sleeping arrangements;
17 requiring a facility to have certain admissions provisions; prohibiting on-site
18 outpatient counseling at certain facilities; authorizing certain review boards to
19 inspect facilities; requiring the Department of Human Resources to reimburse
20 certain child care service providers for the cost of services at a rate similar to the
21 rate paid to providers of similar services; defining certain terms; and generally
22 relating to residential child care facilities.

23 BY renumbering

24 Article - Family Law

25 Section 5-521

26 to be Section 5-523

27 Annotated Code of Maryland

28 (1991 Replacement Volume and 1996 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article - Family Law

31 Section 5-501, 5-509, and 5-526

32 Annotated Code of Maryland

2

1 (1991 Replacement Volume and 1996 Supplement)

2 BY adding to

3 Article - Family Law

4 Section 5-510.1 through 5-510.5, 5-521, and 5-522

5 Annotated Code of Maryland

6 (1991 Replacement Volume and 1996 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 5-521 of Article - Family Law of the Annotated Code of
9 Maryland be renumbered to be Section(s) 5-523.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article - Family Law**

13 5-501.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) "Administration" means the Social Services Administration of the
16 Department.

17 (C) "CHILD CARE HOME" MEANS A RESIDENTIAL CHILD CARE FACILITY
18 PROVIDING CHILD CARE FOR AT LEAST 4, BUT NOT MORE THAN 12 CHILDREN.

19 (D) "CHILD CARE RESIDENTIAL INSTITUTION" MEANS A RESIDENTIAL CHILD
20 CARE FACILITY PROVIDING CHILD CARE FOR 13 OR MORE CHILDREN.

21 [(c)] (E) "Day care provider" means the adult who has primary responsibility for
22 the operation of a family day care home.

23 [(d)] (F) "Family day care" means the care given to a child under the age of 13
24 years or to any developmentally disabled person under the age of 21 years of age, in place
25 of parental care for less than 24 hours a day, in a residence other than the child's
26 residence, for which the day care provider is paid.

27 [(e)] (G) "Family day care home" means a residence in which family day care is
28 provided.

29 [(f)] (H) "Foster care" means continuous 24-hour care and supportive services
30 provided for a minor child, in a family home or group facility, while the child needs
31 substitute care.

32 [(g)] (I) (1) "License" means a license issued by the Administration under this
33 subtitle.

34 (2) "License" includes:

35 (i) a child placement agency license;

36 (ii) a child care home license; and

3

1 (iii) a child care RESIDENTIAL institution license.

2 [(h)] (J) "Local board" means a local citizen board of review of foster care for
3 children.

4 [(i)] (K) "Local department" means a local department of social services for a
5 county.

6 (L) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY PROVIDING
7 24-HOUR-PER-DAY CARE FOR FOUR OR MORE CHILDREN WITH A FORMAL
8 PROGRAM OF BASIC CARE, SOCIAL WORK, EDUCATION, OR HEALTH SERVICES.

9 [(j)] (M) "State Board" means the State Citizen Board of Review of Foster Care
10 for Children.

11 [(k)] (N) "Unregistered family day care home" means a residence in which family
12 day care is provided and in which the day care provider:

13 (1) has not obtained a certificate of registration from the Department;

14 (2) is not related by blood or marriage to each child in the provider's care;

15 (3) is not a friend of each child's parents or legal guardian and is providing
16 care on a regular basis; and

17 (4) has not received the care of the child from a child placement agency
18 licensed by the Administration or by a local department.

19 5-509.

20 (a) Except as otherwise provided in this section, a person shall be licensed by the
21 Administration as a child care RESIDENTIAL institution before the person may operate
22 an institution for the care, custody, or control of a minor child.

23 (b) This section does not apply:

24 (1) to an institution or facility that is operated by an agency of this State or
25 any political subdivision of this State;

26 (2) to a child care home that has a license under this subtitle or under
27 Article 83C, § 2-123; or

28 (3) to an institution that accepts only children placed by the Department of
29 Health and Mental Hygiene or the Department of Juvenile Justice.

30 5-510.1.

31 (A) IN THIS SECTION, "FACILITY" MEANS A CHILD CARE HOME OR A CHILD
32 CARE RESIDENTIAL INSTITUTION.

33 (B) AN APPLICATION FOR A LICENSE FOR A FACILITY SHALL INCLUDE:

34 (1) A DESIGNATION OF THE FACILITY AS EITHER A CHILD CARE HOME
35 OR A CHILD CARE RESIDENTIAL INSTITUTION;

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1 (2) A LIST AND DETAILED DESCRIPTION OF THE BASIC CARE, SOCIAL
2 WORK, EDUCATION, OR HEALTH SERVICES THAT WILL BE PROVIDED BY THE
3 FACILITY;

4 (3) THE MAXIMUM NUMBER OF CHILDREN WHO WILL LIVE AT THE
5 FACILITY;

6 (4) THE AGES OF THE CHILDREN WHO WILL LIVE AT THE FACILITY;

7 (5) A DETAILED DESCRIPTION OF EACH BUILDING OR BUILDINGS IN
8 WHICH THE FACILITY WILL BE OPERATED;

9 (6) THE INTAKE POLICY OF THE FACILITY;

10 (7) A LIST OF AGENCIES OR ORGANIZATIONS FROM WHICH THE
11 FACILITY WILL RECEIVE CHILDREN;

12 (8) A LIST OF EACH FEDERAL, STATE, OR LOCAL BUILDING, FIRE,
13 HEALTH, AND ZONING PERMITS THAT THE FACILITY WILL APPLY FOR;

14 (9) THE REIMBURSEMENT RATES, AS DETERMINED BY THE
15 DEPARTMENT UNDER § 5-526 OF THIS SUBTITLE, THAT ARE SOUGHT BY THE
16 FACILITY; AND

17 (10) A LIST OF ALL OTHER CHILD CARE FACILITIES OPERATED BY THE
18 PROVIDER, INCLUDING OUT-OF-STATE FACILITIES.

19 (C) AN APPLICATION FOR A CHILD CARE RESIDENTIAL INSTITUTION LICENSE
20 SHALL INCLUDE A PROPOSAL TO ESTABLISH A COMMUNITY OVERSIGHT BOARD.

21 5-510.2.

22 (A) A COMMUNITY OVERSIGHT BOARD SHALL CONSIST OF THREE MEMBERS
23 APPOINTED BY THE ADMINISTRATION.

24 (B) EACH MEMBER OF A COMMUNITY OVERSIGHT BOARD SHALL:

25 (1) BE A RESIDENT OF THE COMMUNITY OR COMMUNITIES IN WHICH
26 THE CHILD CARE RESIDENTIAL INSTITUTION WILL BE LOCATED; AND

27 (2) BE AN INDIVIDUAL WHO:

28 (I) HAS DEMONSTRATED AN INTEREST IN MINOR CHILDREN
29 THROUGH COMMUNITY SERVICE, PROFESSIONAL EXPERIENCE, OR SIMILAR
30 ACTIVITIES; OR

31 (II) HAS A BACKGROUND IN LAW, SOCIOLOGY, PSYCHOLOGY,
32 PSYCHIATRY, EDUCATION, SOCIAL WORK, OR MEDICINE.

33 (C) (1) THE TERM OF A MEMBER IS 4 YEARS.

34 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
35 TERMS PROVIDED FOR MEMBERS OF THE COMMUNITY OVERSIGHT BOARD ON
36 OCTOBER 1, 1997.

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1 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
2 SUCCESSOR IS APPOINTED AND QUALIFIES.

3 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
5 QUALIFIES.

6 (D) (1) A COMMUNITY OVERSIGHT BOARD, AT LEAST ONCE EVERY 6
7 MONTHS, SHALL INSPECT THE CHILD CARE RESIDENTIAL INSTITUTION THAT THE
8 BOARD OVERSEES FOR COMPLIANCE WITH:

9 (I) THE CHILD CARE RESIDENTIAL INSTITUTION'S LICENSE; AND

10 (II) AGREEMENTS THE CHILD CARE RESIDENTIAL INSTITUTION
11 MADE WITH THE COMMUNITY OVERSIGHT BOARD, A LOCAL BOARD, OR A COUNTY
12 IN WHICH THE FACILITY IS LOCATED.

13 (2) IF THE COMMUNITY OVERSIGHT BOARD FINDS THAT THE CHILD
14 CARE RESIDENTIAL INSTITUTION FACILITY IS IN VIOLATION OF PARAGRAPH (1) OF
15 THIS SUBSECTION, THE COMMUNITY OVERSIGHT BOARD SHALL REPORT EACH
16 VIOLATION TO THE LOCAL DEPARTMENT OR OTHER APPLICABLE AUTHORITY.

17 5-510.3.

18 (A) IN THIS SECTION, "FACILITY" MEANS A CHILD CARE HOME OR A CHILD
19 CARE RESIDENTIAL INSTITUTION.

20 (B) WHENEVER § 5-510.5 OF THIS SUBTITLE REQUIRES THE ADMINISTRATION
21 TO PUBLISH NOTICE, THE NOTICE SHALL BE:

22 (1) PUBLISHED AT LEAST ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN
23 A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN THE
24 GEOGRAPHICAL AREA IN WHICH THE PROPOSED FACILITY IS LOCATED;

25 (2) POSTED AT THE PROPOSED FACILITY OR AT PUBLIC FACILITIES IN
26 THE GEOGRAPHICAL AREA OF THE PROPOSED FACILITY; AND

27 (3) FOR PROPERTY OWNERS LOCATED ADJACENT TO THE PROPOSED
28 FACILITY AND FOR INDIVIDUALS REQUESTING A HEARING IN ACCORDANCE WITH §
29 5-510.5 OF THIS SUBTITLE, MAILED BY CERTIFIED MAIL, RETURN RECEIPT
30 REQUESTED, POSTAGE PREPAID.

31 (C) THE APPLICANT SHALL BEAR ALL COSTS INCURRED BY THE
32 ADMINISTRATION IN PROVIDING NOTICE.

33 (D) THE ADMINISTRATION MAY PUBLISH THE NOTICE OR REQUIRE THE
34 APPLICANT TO PUBLISH THE NOTICE.

35 5-510.4.

36 TO APPLY FOR A LICENSE TO OPERATE A CHILD CARE HOME OR CHILD CARE
37 RESIDENTIAL INSTITUTION, A PERSON, BEFORE APPLYING FOR ANY STATE OR
38 LOCAL BUILDING, FIRE, HEALTH, OR ZONING PERMIT, SHALL COMPLETE AND

6

1 SUBMIT AN APPLICATION TO THE ADMINISTRATION AND SHALL OBTAIN A
2 TENTATIVE DETERMINATION FROM THE ADMINISTRATION.

3 5-510.5.

4 (A) IN THIS SECTION, "FACILITY" MEANS A CHILD CARE HOME OR CHILD
5 CARE RESIDENTIAL INSTITUTION.

6 (B) (1) WITHIN 60 DAYS AFTER THE ADMINISTRATION RECEIVES THE
7 LICENSE APPLICATION FOR A FACILITY, THE ADMINISTRATION SHALL PREPARE A
8 TENTATIVE DETERMINATION, WHICH SHALL INCLUDE THE FOLLOWING
9 INFORMATION:

10 (I) A PROPOSAL TO ISSUE OR TO NOT ISSUE A LICENSE;

11 (II) PROPOSED LICENSE LIMITATIONS AND CONDITIONS;

12 (III) A BRIEF EXPLANATION OF THE ADMINISTRATION'S
13 TENTATIVE DETERMINATION; AND

14 (IV) IF APPLICABLE, A PROPOSED SCHEDULE OF COMPLIANCE.

15 (2) IF THE TENTATIVE DETERMINATION IS TO ISSUE A LICENSE, THE
16 TENTATIVE DETERMINATION SHALL INCLUDE A DRAFT LICENSE, WHICH SHALL BE
17 AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING.

18 (3) THE ADMINISTRATION SHALL PUBLISH NOTICE OF THE TENTATIVE
19 DETERMINATION. THE ADMINISTRATION SHALL ALLOW 30 CALENDAR DAYS AFTER
20 THE DATE OF PUBLICATION FOR PUBLIC COMMENT BEFORE THE ISSUANCE OF THE
21 FINAL DETERMINATION.

22 (4) (I) WHEN A WRITTEN REQUEST FOR A PUBLIC HEARING IS MADE
23 WITHIN 20 CALENDAR DAYS AFTER PUBLICATION OF THE NOTICE OF THE
24 TENTATIVE DETERMINATION, THE ADMINISTRATION SHALL SCHEDULE A PUBLIC
25 HEARING ON THE TENTATIVE DETERMINATION. THE ADMINISTRATION SHALL
26 PUBLISH NOTICE OF THE HEARING.

27 (II) THE PUBLIC HEARING SHALL BE HELD IN THE COUNTY WHERE
28 THE FACILITY IS TO BE OPERATED.

29 (III) IF ALL PERSONS WHO MADE TIMELY WRITTEN REQUESTS
30 WITHDRAW THE REQUESTS PRIOR TO THE MEETING, THE PUBLIC HEARING MAY BE
31 CANCELED.

32 (IV) THE ADMINISTRATION MAY SCHEDULE A PUBLIC HEARING ON
33 A TENTATIVE DETERMINATION AT ITS DISCRETION. IF THE ADMINISTRATION
34 SCHEDULES THE PUBLIC HEARING, THE ADMINISTRATION SHALL PROVIDE NOTICE
35 OF THE HEARING.

36 (C) (1) IF AT LEAST ONE OF THE CONDITIONS LISTED IN PARAGRAPH (2) OF
37 THIS SUBSECTION OCCURS, THE ADMINISTRATION, WITHIN 45 DAYS OF THE
38 PUBLICATION OF THE NOTICE OF THE TENTATIVE DETERMINATION, SHALL
39 PREPARE A FINAL DETERMINATION.

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1 (2) THE ADMINISTRATION SHALL PREPARE A FINAL DETERMINATION
2 IF:

3 (I) WRITTEN COMMENTS ADVERSE TO THE TENTATIVE
4 DETERMINATION WERE RECEIVED BY THE DEPARTMENT WITHIN 30 CALENDAR
5 DAYS AFTER THE PUBLICATION OF THE NOTICE OF TENTATIVE DETERMINATION
6 PURSUANT TO THIS SECTION;

7 (II) COMMENTS ADVERSE TO THE TENTATIVE DETERMINATION
8 WERE RECEIVED IN WRITING AT, OR WITHIN 5 DAYS AFTER, THE PUBLIC HEARING
9 CONDUCTED IN ACCORDANCE WITH THIS SECTION;

10 (III) COMMENTS ADVERSE TO THE TENTATIVE DETERMINATION
11 WERE RECEIVED ORALLY AT THE PUBLIC HEARING CONDUCTED IN ACCORDANCE
12 WITH THIS SECTION; OR

13 (IV) THE FINAL DETERMINATION IS SUBSTANTIVELY DIFFERENT
14 FROM THE TENTATIVE DETERMINATION.

15 (3) IF THE ADMINISTRATION IS REQUIRED TO PREPARE A FINAL
16 DETERMINATION UNDER THIS SECTION, THE ADMINISTRATION SHALL PUBLISH A
17 NOTICE OF THE FINAL DETERMINATION.

18 (4) IF THE ADMINISTRATION IS NOT REQUIRED TO PREPARE A FINAL
19 DETERMINATION UNDER THIS SECTION, THE TENTATIVE DETERMINATION IS A
20 FINAL DECISION BY THE ADMINISTRATION WHEN THE PERMIT IS ISSUED OR
21 DENIED.

22 (D) AN APPLICANT FOR A LICENSE FOR A FACILITY OR A FACILITY LICENSEE
23 WHO WANTS TO MAKE A CHANGE IN THE SERVICES PROVIDED, MAXIMUM AGE OF
24 THE CHILDREN, INTAKE POLICY, OR MAXIMUM NUMBER OF RESIDENTS ALLOWED
25 IN A PROPOSED FACILITY OR AN OPERATING FACILITY SHALL SUBMIT AN
26 APPLICATION TO MAKE THE PROPOSED CHANGE TO THE ADMINISTRATION ON A
27 FORM THAT THE ADMINISTRATION REQUIRES.

28 (E) AFTER THE ADMINISTRATION RECEIVES THE APPLICATION TO MAKE A
29 PROPOSED CHANGE, THE ADMINISTRATION SHALL TREAT THE APPLICATION TO
30 MAKE A PROPOSED CHANGE LIKE AN APPLICATION FOR A LICENSE AND SHALL
31 PROCEED IN THE MANNER SET FORTH IN SUBSECTIONS (B) AND (C) OF THIS
32 SECTION.

33 5-521.

34 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

36 (2) "CHILD CARE WORKER" MEANS AN EMPLOYEE OF A FACILITY WHO
37 PROVIDES BASIC CARE, EDUCATION, OR SOCIAL OR HEALTH SERVICES, OR ANY
38 COMBINATION OF THESE, TO AN INDIVIDUAL UNDER 21 YEARS OLD WHO IS A
39 RESIDENT OF THE FACILITY.

40 (3) "FACILITY" MEANS A CHILD CARE HOME OR CHILD CARE
41 RESIDENTIAL INSTITUTION.

8

1 (B) A FACILITY SHALL SEPARATE:

2 (1) CHILD CARE SERVICES WHICH REQUIRE LICENSURE BY MORE THAN
3 ONE LICENSING AUTHORITY; AND

4 (2) CHILD CARE SERVICES FOR CHILDREN 12 YEARS OLD OR YOUNGER
5 FROM SERVICES FOR CHILDREN BETWEEN THE AGES OF 13 AND 18.

6 (C) A FACILITY MAY NOT:

7 (1) PERMIT ANY CHILD 2 YEARS OLD OR OLDER TO OCCUPY A
8 BEDROOM WITH A MEMBER OF THE OPPOSITE SEX; AND

9 (2) ALLOW MORE THAN FOUR CHILDREN TO SLEEP IN A BEDROOM.

10 (D) (1) A FACILITY SHALL HAVE A CHILD CARE WORKER ROSTER AT A
11 MINIMUM RATIO OF ONE FULL-TIME CHILD CARE WORKER TO EACH THREE
12 CHILDREN.

13 (2) CHILDREN MAY NOT BE PRESENT ON THE PREMISES OF THE
14 FACILITY WITHOUT THE SUPERVISION OF A STAFF MEMBER. AN ADDITIONAL STAFF
15 MEMBER SHALL BE ON CALL AND IMMEDIATELY AVAILABLE WHEN ONLY ONE
16 ADULT IS SUPERVISING A GROUP OF CHILDREN ON OR OFF PREMISES.

17 (3) A MINIMUM RATIO OF ONE STAFF TO FIVE CHILDREN SHALL BE
18 USED IN SUPERVISING GROUP ACTIVITIES OFF PREMISES.

19 (E) (1) THE FACILITY SHALL HAVE AND FOLLOW A WRITTEN DESCRIPTION
20 OF ADMISSIONS POLICIES AND CRITERIA THAT SHALL INCLUDE THE FOLLOWING
21 INFORMATION:

22 (I) POLICIES AND PROCEDURES RELATED TO INTAKE, INCLUDING
23 ANY PREPLACEMENT REQUIREMENTS ON THE CHILD, THE CHILD'S PARENT,
24 GUARDIAN, OR CUSTODIAN, AND THE PLACEMENT AGENCY;

25 (II) AGE AND SEX OF CHILDREN TO WHOM CARE IS TO BE GIVEN;

26 (III) THE NEEDS, PROBLEMS, SITUATIONS, OR PATTERNS OF
27 BEHAVIOR BEST ADDRESSED BY THE FACILITY'S PROGRAM;

28 (IV) OTHER CRITERIA USED BY THE FACILITY FOR ADMISSION;

29 (V) CRITERIA FOR CONTINUATION IN OR DISCHARGE FROM THE
30 PROGRAM;

31 (VI) POLICIES AND PROCEDURES GOVERNING ANY
32 SELF-ADMISSION, INCLUDING PROCEDURES FOR NOTIFICATION OF THE PARENT,
33 GUARDIAN, OR CUSTODIAN;

34 (VII) A DESCRIPTION OF THE METHOD BY WHICH THE CHILD, THE
35 PARENT OR GUARDIAN, THE PLACEMENT AGENCY, AND ANY OTHER APPROPRIATE
36 PERSON IS PROVIDED THE OPPORTUNITY TO PARTICIPATE IN THE ADMISSION
37 PROCESS AND DECISIONS;

9

1 (VIII) THE PROCEDURES FOR DISTRIBUTION OF THESE PROCEDURES
2 TO PLACEMENT AGENCIES AND THE PARENT, GUARDIAN, OR CUSTODIAN OF ANY
3 CHILD REFERRED FOR PLACEMENT; AND

4 (IX) A STATEMENT OF NONDISCRIMINATION CONSISTENT WITH
5 TITLE VII OF THE CIVIL RIGHTS ACT.

6 (2) A FACILITY MAY NOT:

7 (I) ADMIT MORE CHILDREN INTO CARE THAN THE NUMBER
8 SPECIFIED IN THE LICENSE;

9 (II) ACCEPT A CHILD INTO CARE WHOSE NEEDS ARE BEYOND THE
10 SCOPE OF THE CARE PROVIDED IN THE PROGRAM; OR

11 (III) ADMIT A CHILD, IF THE FACILITY DETERMINES THAT THE
12 ADMISSION WILL BE DAMAGING TO THE FUNCTIONING OF THE CHILD CARE GROUP
13 THE CHILD WOULD ENTER.

14 (3) WHEN THE FACILITY REFUSES ADMISSION TO A CHILD, IT SHALL
15 PROVIDE A WRITTEN STATEMENT OF THE REASON FOR THE REFUSAL TO THE
16 PLACEMENT AGENCY OR PERSON WITHIN 10 DAYS OF THE REFUSAL.

17 (4) THE FACILITY MAY ACCEPT ONLY MARYLAND RESIDENTS OR
18 CHILDREN PLACED THROUGH ANY APPLICABLE INTERSTATE COMPACT.

19 (5) (I) THE FACILITY MAY NOT ADMIT A CHILD INTO CARE UNTIL
20 THE FACILITY HAS THE COMPLETE REFERRAL MATERIAL REQUIRED TO ENABLE
21 THE FACILITY TO MAKE THE DECISION ON ADMISSION.

22 (II) THE COMPLETE REFERRAL MATERIAL SHALL INCLUDE:

23 1. A SOCIAL AND FAMILY HISTORY AND EDUCATIONAL AND
24 HEALTH RECORDS COMPLETED WITHIN 6 MONTHS OF THE REFERRAL DATE;

25 2. A PSYCHOLOGICAL, PSYCHIATRIC, OR DEVELOPMENTAL
26 ASSESSMENT CONSIDERED NECESSARY BY THE FACILITY COMPLETED WITHIN 12
27 MONTHS BEFORE THE DATE OF THE REFERRAL;

28 3. A STATEMENT THAT THE PLACEMENT AGENCY, IF ANY,
29 HAS DETERMINED THAT THE CHILD CANNOT BE MAINTAINED IN AN AVAILABLE,
30 LESS RESTRICTIVE ENVIRONMENT; AND

31 4. THE NECESSARY AUTHORIZATIONS FOR PROVIDING
32 CARE AND OBTAINING MEDICAL CARE.

33 (6) (I) WHEN THE CIRCUMSTANCES OF THE CHILD REQUIRE THAT
34 THE CHILD BE IMMEDIATELY ADMITTED INTO CARE THROUGH EMERGENCY
35 ADMISSION, THE COMPREHENSIVE REFERRAL MATERIALS MAY BE PROVIDED
36 AFTER THE ADMISSION.

37 (II) THE FACILITY, HOWEVER, SHALL ATTEMPT TO OBTAIN AND
38 ENTER INTO THE CASE RECORD AS MUCH INFORMATION AS POSSIBLE ABOUT THE

10

1 CHILD WITHIN 2 DAYS OF THE EMERGENCY ADMISSION TO ENABLE THE FACILITY
2 TO DETERMINE WHETHER THE CHILD IS APPROPRIATE FOR THE PROGRAM.

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(III) THE FACILITY SHALL:

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1. REQUEST THE PLACEMENT AGENCY TO SUPPLY THE
5 COMPLETE REFERRAL MATERIAL WITHIN 15 DAYS OF THE EMERGENCY ADMISSION;
6 AND

7

2. COMPLETE THE COMPREHENSIVE INTAKE EVALUATION
8 WITHIN 30 DAYS OF THE EMERGENCY ADMISSION.

9 5-522.

10 A LICENSED CHILD CARE HOME OR CHILD CARE RESIDENTIAL INSTITUTION
11 MAY NOT PERMIT ON-SITE, OUTPATIENT COUNSELING.

12 5-526.

13 (a) (1) The Department shall provide for the care, diagnosis, training,
14 education, and rehabilitation of children by placing them in group homes and institutions
15 that are operated by for-profit or nonprofit charitable corporations.

16 (2) Any group home utilized under the provisions of this section shall
17 comply with the provisions of §§ 5-507 through 5-509 of this subtitle.

18 (b) (1) The Department shall reimburse these corporations for the cost of these
19 services at appropriate monthly rates that the Department determines, as provided in the
20 State budget.

21 (2) THE DEPARTMENT SHALL REIMBURSE THE CORPORATIONS FOR
22 THE COST OF THE SERVICES AT RATES SIMILAR TO THOSE PAID FOR THE PROVISION
23 OF SIMILAR SERVICES.

24 [(2)] (3) The reimbursement rate may differ between homes and
25 institutions that provide intermediate services, as defined by the Department, and homes
26 and institutions that provide full services.

27 (4) THE DEPARTMENT SHALL ESTABLISH SEPARATE REIMBURSEMENT
28 RATE SCHEDULES FOR CHILD CARE HOMES AND CHILD CARE RESIDENTIAL
29 INSTITUTIONS.

30 (c) The Department, or the Department's designee, may not place a child in a
31 residential group home or other facility that is not operating in compliance with
32 applicable State licensing laws.

33 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
34 members of the community oversight board shall expire as follows:

35 (1) One member in 2001;

36 (2) One member in 2000; and

37 (3) One member in 1999.

11

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.