
By: Senators Kelley, Blount, Collins, Sfikas, Teitelbaum, and Della

Introduced and read first time: January 17, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Community-Based Residential Programs - Group Homes - Minimum Staff Requirements**

3 FOR the purpose of requiring certain persons, in order to obtain and maintain a
4 certificate of approval or a license to provide certain community-based residential
5 services in a group home or alternative living unit to individuals with developmental
6 disabilities, to employ staff in the group home or alternative living unit that are of a
7 certain minimum age and have a certain minimum level of education; requiring the
8 Secretary of Health and Mental Hygiene to adopt certain regulations related to
9 minimum requirements for staff employed by certain persons applying for a license
10 to provide certain residential services in a group home to individuals with a mental
11 disorder; and generally relating to establishing certain minimum age and level of
12 education requirements for certain individuals who will be providing certain
13 residential services in a licensed group home or alternative living unit to individuals
14 with developmental disability or a mental disorder.

15 BY adding to

16 Article - Health - General
17 Section 7-608.1
18 Annotated Code of Maryland
19 (1994 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Health - General
22 Section 7-606, 7-609, 7-904, and 10-516
23 Annotated Code of Maryland
24 (1994 Replacement Volume and 1996 Supplement)

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

27 **Article - Health - General**

28 7-606.

29 (a) (1) If the Board of Public Works approves the site that has been chosen by
30 the Secretary, on a default by a county or counties, this State may:

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1 (i) Acquire the site by lease or purchase, condemnation, or otherwise;

2 (ii) Renovate a building or build a public group home that meets the
3 requirements of:

4 1. The State plan;

5 2. The regulations issued under § 7-904 of this title relating to
6 community-based residential services; and

7 3. The program accessibility requirements of the federal
8 regulations (45 C.F.R. §§ 84.21 through 84.23).

9 (2) Before acquiring the site, the Secretary shall give the governing body for
10 the county where the site is located and the community around the site notice of the
11 intention of this State to acquire and improve the site.

12 (b) Each public group home that is acquired under this section shall be operated
13 by:

14 (1) A private, nonprofit person, on terms and conditions as the Secretary
15 approves; or

16 (2) This State as a provider of last resort on an interim basis until a suitable
17 private operator can be found.

18 (C) AS PART OF THE TERMS AND CONDITIONS TO BE APPROVED BY THE
19 SECRETARY UNDER SUBSECTION (B) OF THIS SECTION FOR A PRIVATE, NONPROFIT
20 PERSON TO OPERATE A PUBLIC GROUP HOME ACQUIRED UNDER THIS SECTION, THE
21 SECRETARY SHALL REQUIRE THE PRIVATE, NONPROFIT PERSON TO EMPLOY STAFF
22 THAT, AT A MINIMUM, ARE AT LEAST 21 YEARS OLD AND HAVE AN ASSOCIATE OF
23 ARTS DEGREE THAT INCLUDES 18 OR MORE CREDIT HOURS IN A SOCIAL SCIENCE
24 OR EDUCATION.

25 7-608.1.

26 TO OBTAIN AND MAINTAIN A CERTIFICATE OF APPROVAL UNDER THIS
27 SUBTITLE AND A LICENSE UNDER SUBTITLE 9 OF THIS TITLE OR ANY OTHER
28 LICENSE REQUIRED BY LAW, A PERSON PROPOSING TO ESTABLISH AND OPERATE A
29 PRIVATE GROUP HOME OR ALTERNATIVE LIVING UNIT TO PROVIDE RESIDENTIAL
30 SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITY THROUGH A
31 COMMUNITY-BASED RESIDENTIAL PROGRAM UNDER THIS SUBTITLE SHALL
32 EMPLOY STAFF THAT ARE, AT A MINIMUM, AT LEAST 21 YEARS OLD AND HAVE AN
33 ASSOCIATE OF ARTS DEGREE THAT INCLUDES 18 OR MORE CREDIT HOURS IN A
34 SOCIAL SCIENCE OR EDUCATION.

35 7-609.

36 To qualify for a certificate of approval, an applicant shall satisfy the Secretary that:

37 (1) The proposed private group home is consistent with the State plan;

38 (2) The applicant is a proper person to receive a certificate of approval;

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1 (3) The proposed private group home is appropriate for the stated purpose;

2 (4) The proposed private group home meets or, on completion, will meet
3 the licensing requirements of Subtitle 9 of this title, INCLUDING THE REQUIREMENT
4 THAT STAFF TO BE EMPLOYED BY THE PERSON TO PROVIDE RESIDENTIAL SERVICES
5 TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN THE PROPOSED PRIVATE
6 GROUP HOME, AT A MINIMUM, WILL BE AT LEAST 21 YEARS OLD AND HAVE AN
7 ASSOCIATE OF ARTS DEGREE THAT INCLUDES 18 OR MORE CREDIT HOURS IN A
8 SOCIAL SCIENCE OR EDUCATION;

9 (5) The proposed private group home meets or, on completion, will meet all
10 of the general zoning requirements that apply to the site and that relate to:

11 (i) The height and size of any buildings that are involved;

12 (ii) The land that may be covered or occupied;

13 (iii) The open space requirements;

14 (iv) The density requirements; and

15 (v) The use of any land or buildings; and

16 (6) The applicant's facilities meet the federal regulation requirements on
17 program accessibility (45 C.F.R. §§ 84.21 through 84.23).

18 7-904.

19 (a) The Secretary shall adopt rules and regulations for the licensing of services for
20 an individual with developmental disability or a recipient of individual support services.

21 (b) The rules and regulations shall ensure that services to an individual with
22 developmental disability or a recipient of individual support services are provided in
23 accordance with the policy stated in Subtitle 1 of this title.

24 (C) IN ADDITION TO SUBSECTION (B) OF THIS SECTION, THE REGULATIONS
25 ADOPTED BY THE SECRETARY UNDER THIS SECTION FOR THE LICENSING OF A
26 PERSON TO PROVIDE RESIDENTIAL SERVICES TO INDIVIDUALS WITH
27 DEVELOPMENTAL DISABILITY UNDER SUBTITLE 6 OF THIS TITLE SHALL INCLUDE A
28 REQUIREMENT THAT STAFF EMPLOYED BY THE PERSON TO PROVIDE THE
29 RESIDENTIAL SERVICES, AT A MINIMUM, SHALL BE AT LEAST 21 YEARS OLD AND
30 HAVE AN ASSOCIATE OF ARTS DEGREE THAT INCLUDES 18 OR MORE CREDIT HOURS
31 IN A SOCIAL SCIENCE OR EDUCATION.

32 10-516.

33 (a) The Secretary shall adopt rules and regulations for establishing, licensing, and
34 operating private group homes.

35 (b) These rules and regulations shall ensure at least:

36 (1) That the proposed staff will be adequate to supervise properly the
37 individuals in the private group home;

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1 (2) THAT THE PROPOSED STAFF, AT A MINIMUM, ARE ALL AT LEAST 21
2 YEARS OLD AND HAVE AN ASSOCIATE OF ARTS DEGREE THAT INCLUDES 18 OR
3 MORE CREDIT HOURS IN A SOCIAL SCIENCE OR EDUCATION;

4 [(2)] (3) That the procedure under which the proposed private group home
5 will receive, investigate, document, and dispose of written complaints from neighborhood
6 residents is acceptable; and

7 [(3)] (4) That the proposed care or treatment:

8 (i) Reasonably can be expected to benefit the individuals in the
9 private group home; and

10 (ii) Will be provided by an adequate staff or, under agreement, by a
11 provider of mental health services.

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