

HOUSE BILL 11

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HB 1470/97 - JUD

1998 Regular Session
8r0005

(PRE-FILED)

By: **Delegate Holt**

Requested: July 14, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judiciary

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

24 BY renumbering

25 Article - Family Law

26 Section 5-521

27 to be Section 5-523

28 Annotated Code of Maryland

29 (1991 Replacement Volume and 1997 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article - Family Law

1 Section 5-501, 5-509, and 5-526
2 Annotated Code of Maryland
3 (1991 Replacement Volume and 1997 Supplement)

4 BY adding to
5 Article - Family Law
6 Section 5-510.1 through 5-510.6, 5-521, and 5-522
7 Annotated Code of Maryland
8 (1991 Replacement Volume and 1997 Supplement)

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

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

14 **Article - Family Law**

15 5-501.

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

17 (b) "Administration" means the Social Services Administration of the
18 Department.

19 (C) "CHILD CARE HOME" MEANS A RESIDENTIAL CHILD CARE FACILITY
20 PROVIDING CHILD CARE FOR AT LEAST FOUR, BUT NOT MORE THAN 12 CHILDREN.

21 (D) "CHILD CARE RESIDENTIAL INSTITUTION" MEANS A RESIDENTIAL CHILD
22 CARE FACILITY PROVIDING CHILD CARE FOR AT LEAST 13 CHILDREN.

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

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

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

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

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

1 (2) "License" includes:

2 (i) a child placement agency license;

3 (ii) a child care home license; and

4 (iii) a child care RESIDENTIAL institution license.

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

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

9 (L) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY PROVIDING
10 24-HOUR-PER-DAY CARE FOR AT LEAST FOUR CHILDREN WITH A FORMAL PROGRAM
11 OF BASIC CARE, SOCIAL WORK, EDUCATION, OR HEALTH SERVICES.

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

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

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

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

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

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

22 5-509.

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

26 (b) This section does not apply:

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

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

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

1 5-510.1.

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

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

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

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

10 (3) THE MAXIMUM NUMBER OF CHILDREN WHO WILL LIVE AT THE
11 FACILITY;

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

13 (5) A DETAILED DESCRIPTION OF EACH BUILDING IN WHICH THE
14 FACILITY WILL BE OPERATED;

15 (6) THE INTAKE POLICY OF THE FACILITY;

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

18 (8) A LIST OF EACH FEDERAL, STATE, OR LOCAL BUILDING, FIRE,
19 HEALTH, AND ZONING PERMIT FOR WHICH THE FACILITY WILL APPLY;

20 (9) THE PROPOSED REIMBURSEMENT RATE SOUGHT BY THE FACILITY
21 UNDER § 5-526 OF THIS SUBTITLE; AND

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

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

26 (D) AN APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL OBTAIN A
27 TENTATIVE DETERMINATION FROM THE ADMINISTRATION AS PROVIDED IN § 5-510.4
28 OF THIS SUBTITLE BEFORE THE APPLICANT APPLIES FOR A STATE OR LOCAL
29 BUILDING, FIRE, HEALTH, OR ZONING PERMIT.

30 5-510.2.

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

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

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

3 (2) BE AN INDIVIDUAL WHO:

4 (I) HAS DEMONSTRATED AN INTEREST IN MINOR CHILDREN
5 THROUGH COMMUNITY SERVICE, PROFESSIONAL EXPERIENCE, OR SIMILAR
6 ACTIVITIES; OR

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

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

10 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
11 TERMS PROVIDED FOR MEMBERS OF THE COMMUNITY OVERSIGHT BOARD ON
12 OCTOBER 1, 1998.

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

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

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

21 (I) THE LICENSE OF THE CHILD CARE RESIDENTIAL INSTITUTION;
22 AND

23 (II) ANY AGREEMENT BETWEEN THE CHILD CARE RESIDENTIAL
24 INSTITUTION AND THE COMMUNITY OVERSIGHT BOARD, A LOCAL BOARD, OR A
25 COUNTY IN WHICH THE CHILD CARE RESIDENTIAL INSTITUTION IS LOCATED.

26 (2) IF THE COMMUNITY OVERSIGHT BOARD FINDS THAT THE CHILD
27 CARE RESIDENTIAL INSTITUTION IS IN VIOLATION OF PARAGRAPH (1) OF THIS
28 SUBSECTION, THE COMMUNITY OVERSIGHT BOARD SHALL REPORT THE VIOLATION
29 TO THE LOCAL DEPARTMENT OR OTHER APPLICABLE AUTHORITY.

30 5-510.3.

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

33 (B) WHENEVER § 5-510.4 OR § 5-510.5 OF THIS SUBTITLE REQUIRES THE
34 ADMINISTRATION TO PUBLISH NOTICE, THE NOTICE SHALL BE:

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

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

6 (3) FOR PROPERTY OWNERS LOCATED ADJACENT TO THE PROPOSED
7 FACILITY AND FOR INDIVIDUALS REQUESTING A HEARING IN ACCORDANCE WITH §
8 5-510.4 OF THIS SUBTITLE, MAILED BY CERTIFIED MAIL, RETURN RECEIPT
9 REQUESTED, POSTAGE PREPAID.

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

12 (D) THE ADMINISTRATION MAY PUBLISH THE NOTICE OR REQUIRE THE
13 APPLICANT TO PUBLISH THE NOTICE.

14 5-510.4.

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

17 (B) (1) WITHIN 60 DAYS AFTER THE ADMINISTRATION RECEIVES THE
18 LICENSE APPLICATION FOR A FACILITY, THE ADMINISTRATION SHALL PREPARE A
19 TENTATIVE DETERMINATION.

20 (2) THE TENTATIVE DETERMINATION SHALL INCLUDE THE FOLLOWING
21 INFORMATION:

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

23 (II) PROPOSED LICENSE LIMITATIONS AND CONDITIONS;

24 (III) A BRIEF EXPLANATION OF THE TENTATIVE DETERMINATION;
25 AND

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

27 (3) IF THE TENTATIVE DETERMINATION IS TO ISSUE A LICENSE, THE
28 TENTATIVE DETERMINATION SHALL INCLUDE A DRAFT LICENSE.

29 (4) A DRAFT LICENSE SHALL BE AVAILABLE TO THE PUBLIC FOR
30 INSPECTION AND COPYING.

31 (C) (1) THE ADMINISTRATION SHALL PUBLISH NOTICE OF THE TENTATIVE
32 DETERMINATION IN ACCORDANCE WITH § 5-510.3 OF THIS SUBTITLE.

33 (2) THE ADMINISTRATION SHALL ALLOW 30 CALENDAR DAYS AFTER THE
34 DATE OF PUBLICATION FOR PUBLIC COMMENT BEFORE THE ISSUANCE OF A FINAL
35 DETERMINATION.

1 (D) (1) IF A PERSON REQUESTS A PUBLIC HEARING WITHIN 20 CALENDAR
2 DAYS AFTER PUBLICATION OF THE NOTICE OF THE TENTATIVE DETERMINATION,
3 THE ADMINISTRATION SHALL SCHEDULE A PUBLIC HEARING ON THE TENTATIVE
4 DETERMINATION.

5 (2) THE ADMINISTRATION SHALL PUBLISH NOTICE OF THE HEARING IN
6 ACCORDANCE WITH § 5-510.3 OF THIS SUBTITLE.

7 (3) THE PUBLIC HEARING SHALL BE HELD IN THE COUNTY WHERE THE
8 FACILITY IS TO BE OPERATED.

9 (4) IF EACH PERSON WHO MADE A TIMELY WRITTEN REQUEST FOR A
10 PUBLIC HEARING WITHDRAWS THE REQUEST PRIOR TO THE HEARING, THE
11 ADMINISTRATION MAY CANCEL THE PUBLIC HEARING.

12 (5) (I) THE ADMINISTRATION MAY SCHEDULE A PUBLIC HEARING ON
13 A TENTATIVE DETERMINATION AT ITS DISCRETION.

14 (II) IF THE ADMINISTRATION SCHEDULES A PUBLIC HEARING, THE
15 ADMINISTRATION SHALL PROVIDE NOTICE OF THE HEARING IN ACCORDANCE WITH §
16 5-510.3 OF THIS SUBTITLE.

17 5-510.5.

18 (A) THE ADMINISTRATION SHALL PREPARE A FINAL DETERMINATION WITHIN
19 45 DAYS AFTER PUBLICATION OF THE NOTICE OF THE TENTATIVE DETERMINATION
20 IF AT LEAST ONE OF THE FOLLOWING CONDITIONS OCCURS:

21 (1) THE DEPARTMENT RECEIVES WRITTEN COMMENTS ADVERSE TO
22 THE TENTATIVE DETERMINATION WITHIN 30 CALENDAR DAYS AFTER THE
23 PUBLICATION OF THE NOTICE OF THE TENTATIVE DETERMINATION;

24 (2) THE DEPARTMENT RECEIVES WRITTEN COMMENTS ADVERSE TO
25 THE TENTATIVE DETERMINATION AT, OR WITHIN 5 DAYS AFTER, THE PUBLIC
26 HEARING CONDUCTED IN ACCORDANCE WITH § 5-510.4 OF THIS SUBTITLE;

27 (3) THE DEPARTMENT RECEIVES ORAL COMMENTS ADVERSE TO THE
28 TENTATIVE DETERMINATION AT THE PUBLIC HEARING CONDUCTED IN
29 ACCORDANCE WITH § 5-510.4 OF THIS SUBTITLE; OR

30 (4) THE FINAL DETERMINATION IS SUBSTANTIVELY DIFFERENT FROM
31 THE TENTATIVE DETERMINATION.

32 (B) IF THE ADMINISTRATION IS REQUIRED TO PREPARE A FINAL
33 DETERMINATION UNDER THIS SECTION, THE ADMINISTRATION SHALL PUBLISH A
34 NOTICE OF THE FINAL DETERMINATION IN ACCORDANCE WITH § 5-510.3 OF THIS
35 SUBTITLE.

36 (C) IF THE ADMINISTRATION IS NOT REQUIRED TO PREPARE A FINAL
37 DETERMINATION UNDER THIS SECTION, THE TENTATIVE DETERMINATION BECOMES

1 A FINAL DECISION BY THE ADMINISTRATION WHEN THE PERMIT IS ISSUED OR
2 DENIED.

3 5-510.6.

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

6 (B) AN APPLICANT FOR A LICENSE FOR A FACILITY OR A FACILITY LICENSEE
7 WHO WANTS TO MAKE A CHANGE IN THE SERVICES PROVIDED, MAXIMUM AGE OF
8 THE CHILDREN, INTAKE POLICY, OR MAXIMUM NUMBER OF RESIDENTS ALLOWED IN
9 A PROPOSED FACILITY OR AN OPERATING FACILITY SHALL SUBMIT AN APPLICATION
10 TO MAKE THE PROPOSED CHANGE TO THE ADMINISTRATION ON A FORM THAT THE
11 ADMINISTRATION REQUIRES.

12 (C) THE ADMINISTRATION SHALL TREAT AN APPLICATION UNDER THIS
13 SECTION AS AN APPLICATION FOR A LICENSE FOR A FACILITY AND SHALL PROCEED
14 IN THE MANNER SET FORTH IN §§ 5-510.4 AND 5-510.5 OF THIS SUBTITLE.

15 5-521.

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

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

22 (3) "FACILITY" MEANS A CHILD CARE HOME OR CHILD CARE
23 RESIDENTIAL INSTITUTION.

24 (B) A FACILITY SHALL SEPARATE:

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

27 (2) CHILD CARE SERVICES FOR CHILDREN UNDER THE AGE OF 13 YEARS
28 FROM SERVICES FOR CHILDREN WHO ARE AT LEAST 13 YEARS OLD BUT UNDER THE
29 AGE OF 18.

30 (C) A FACILITY MAY NOT:

31 (1) PERMIT A CHILD AT LEAST 2 YEARS OLD TO OCCUPY A BEDROOM
32 WITH A MEMBER OF THE OPPOSITE SEX; AND

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

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

1 (2) (I) CHILDREN MAY NOT BE PRESENT ON THE PREMISES OF THE
2 FACILITY WITHOUT THE SUPERVISION OF A STAFF MEMBER.

3 (II) AN ADDITIONAL STAFF MEMBER SHALL BE ON CALL AND
4 IMMEDIATELY AVAILABLE WHEN ONLY ONE ADULT IS SUPERVISING A GROUP OF
5 CHILDREN ON OR OFF PREMISES.

6 (3) A FACILITY SHALL HAVE A MINIMUM RATIO OF ONE STAFF TO FIVE
7 CHILDREN FOR SUPERVISING GROUP ACTIVITIES OFF PREMISES.

8 (E) (1) THE FACILITY SHALL HAVE AND FOLLOW A WRITTEN DESCRIPTION
9 OF ADMISSIONS POLICIES THAT SHALL INCLUDE THE FOLLOWING INFORMATION:

10 (I) POLICIES AND PROCEDURES RELATED TO INTAKE, INCLUDING
11 ANY PREPLACEMENT REQUIREMENTS FOR THE CHILD, THE CHILD'S PARENT,
12 GUARDIAN, OR CUSTODIAN, OR THE PLACEMENT AGENCY;

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

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

16 (IV) CRITERIA USED BY THE FACILITY FOR ADMISSION;

17 (V) CRITERIA FOR CONTINUATION IN OR DISCHARGE FROM THE
18 PROGRAM;

19 (VI) POLICIES AND PROCEDURES GOVERNING ANY
20 SELF-ADMISSION, INCLUDING PROCEDURES FOR NOTIFICATION OF THE PARENT,
21 GUARDIAN, OR CUSTODIAN;

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

26 (VIII) THE PROCEDURES FOR DISTRIBUTION OF ADMISSIONS
27 PROCEDURES TO PLACEMENT AGENCIES AND THE PARENT, GUARDIAN, OR
28 CUSTODIAN OF ANY CHILD REFERRED FOR PLACEMENT; AND

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

31 (2) A FACILITY MAY NOT:

32 (I) ADMIT MORE CHILDREN THAN THE NUMBER SPECIFIED IN THE
33 LICENSE;

34 (II) ACCEPT A CHILD WHOSE NEEDS ARE BEYOND THE SCOPE OF
35 THE CARE PROVIDED IN THE PROGRAM; OR

1 (III) ADMIT A CHILD IF THE FACILITY DETERMINES THAT THE
2 ADMISSION WILL BE DAMAGING TO THE FUNCTIONING OF THE CHILD CARE GROUP
3 THAT THE CHILD WOULD ENTER.

4 (3) IF THE FACILITY REFUSES ADMISSION TO A CHILD, THE FACILITY
5 SHALL PROVIDE A WRITTEN STATEMENT OF THE REASON FOR THE REFUSAL TO THE
6 PLACEMENT AGENCY OR PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD WITHIN
7 10 DAYS OF THE REFUSAL.

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

10 (5) (I) THE FACILITY MAY NOT ADMIT A CHILD UNTIL THE FACILITY
11 HAS THE COMPLETE REFERRAL MATERIAL REQUIRED UNDER SUBITEM (II) OF THIS
12 PARAGRAPH TO ENABLE THE FACILITY TO MAKE THE DECISION ON ADMISSION.

13 (II) THE COMPLETE REFERRAL MATERIAL SHALL INCLUDE:

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

16 2. A PSYCHOLOGICAL, PSYCHIATRIC, OR DEVELOPMENTAL
17 ASSESSMENT CONSIDERED NECESSARY BY THE FACILITY COMPLETED WITHIN 12
18 MONTHS BEFORE THE DATE OF THE REFERRAL;

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

22 4. THE NECESSARY AUTHORIZATIONS FOR PROVIDING CARE
23 AND OBTAINING MEDICAL CARE.

24 (6) (I) IF THE CIRCUMSTANCES REQUIRE THAT THE CHILD BE
25 IMMEDIATELY ADMITTED INTO CARE BY EMERGENCY ADMISSION, THE
26 COMPREHENSIVE REFERRAL MATERIALS MAY BE PROVIDED AFTER THE ADMISSION.

27 (II) THE FACILITY SHALL ATTEMPT TO OBTAIN AND ENTER INTO
28 THE CASE RECORD AS MUCH INFORMATION AS POSSIBLE ABOUT THE CHILD WITHIN
29 2 DAYS OF THE EMERGENCY ADMISSION TO ENABLE THE FACILITY TO DETERMINE
30 WHETHER THE CHILD IS APPROPRIATE FOR THE PROGRAM.

31 (III) THE FACILITY SHALL:

32 1. REQUEST THE PLACEMENT AGENCY, IF ANY, TO SUPPLY
33 THE COMPLETE REFERRAL MATERIAL WITHIN 15 DAYS OF THE EMERGENCY
34 ADMISSION; AND

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

1 5-522.

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

4 5-526.

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

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

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

13 (2) THE DEPARTMENT SHALL REIMBURSE THE CORPORATIONS FOR THE
14 COST OF THE SERVICES AT RATES SIMILAR TO RATES PAID FOR THE PROVISION OF
15 SIMILAR SERVICES.

16 [(2)] (3) The reimbursement rate may differ between homes and
17 institutions that provide intermediate services, as defined by the Department, and
18 homes and institutions that provide full services.

19 (4) THE DEPARTMENT SHALL ESTABLISH SEPARATE REIMBURSEMENT
20 RATE SCHEDULES FOR CHILD CARE HOMES AND CHILD CARE RESIDENTIAL
21 INSTITUTIONS.

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

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

27 (1) One member in 2002;

28 (2) One member in 2001; and

29 (3) One member in 2000.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.