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By: **Delegates Barve, Kagan, and Gordon**  
Introduced and read first time: February 13, 1998  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Group Homes - Reporting Incidents**

3 FOR the purpose of requiring certain State agencies that license certain residential  
4 group home facilities to report incidents involving residents to licensing  
5 specialists of the agencies within a certain time period; establishing penalties  
6 for failure to report incidents; requiring certain residential group home facilities  
7 to establish community advisory boards to discuss certain residential group  
8 home facility incidents that impact the community; and generally relating to the  
9 reporting of incidents that involve residents of certain residential group home  
10 facilities.

11 BY adding to  
12 Article 49D - Office for Children, Youth, and Families  
13 Section 12  
14 Annotated Code of Maryland  
15 (1994 Replacement Volume and 1997 Supplement)

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

18 **Article 49D - Office for Children, Youth, and Families**

19 12.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (2) "LICENSING AGENCIES" MEANS THE DEPARTMENTS OF HUMAN  
23 RESOURCES AND JUVENILE JUSTICE AND THE MENTAL HYGIENE ADMINISTRATION  
24 OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, WHICH LICENSES  
25 RESIDENTIAL GROUP HOME FACILITIES.

26 (3) "LICENSING SPECIALISTS" MEANS EMPLOYEES OF THE  
27 DEPARTMENTS OF HUMAN RESOURCES AND JUVENILE JUSTICE AND THE MENTAL  
28 HYGIENE ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL

1 HYGIENE WHO MANAGE OR ASSIST IN OVERSEEING THE LICENSING OF RESIDENTIAL  
2 GROUP HOME FACILITIES.

3 (4) "RESIDENTIAL GROUP HOME FACILITIES" OR "LICENSEES" MEANS  
4 FACILITIES THAT ARE:

5 (I) LICENSED AND MONITORED BY THE DEPARTMENTS OF HUMAN  
6 RESOURCES AND JUVENILE JUSTICE AND THE MENTAL HYGIENE ADMINISTRATION  
7 OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AS DESCRIBED IN § 4.1 OF  
8 THIS ARTICLE; AND

9 (II) OPERATED FOR THE PURPOSE OF CARING FOR CHILDREN ON  
10 THEIR PREMISES, PROVIDING SERVICES, INCLUDING FOOD, SHELTER, HEALTH CARE,  
11 EDUCATION, MENTAL HEALTH CARE, AND OTHER SOCIAL SERVICES.

12 (5) "RESIDENTS" MEANS CHILDREN WHO HAVE BEEN PLACED IN AND  
13 ARE RECEIVING SERVICES AT THE RESIDENTIAL GROUP HOME FACILITIES.

14 (B) IF AN INCIDENT OCCURS AT A RESIDENTIAL GROUP HOME FACILITY THAT  
15 REQUIRES THE INVOLVEMENT OF LAW ENFORCEMENT, THE FIRE DEPARTMENT, OR  
16 OTHER EMERGENCY SERVICES, THE LICENSEE SHALL, WITHIN 48 HOURS OF THE  
17 INCIDENT:

18 (1) SUBMIT AN INCIDENT REPORT TO A LICENSING SPECIALIST AT THE  
19 APPLICABLE LICENSING AGENCY; AND

20 (2) SUBMIT A COPY OF THE INCIDENT REPORT TO THE OFFICE OF  
21 CHILDREN, YOUTH, AND FAMILIES.

22 (C) EACH RESIDENTIAL GROUP HOME FACILITY SHALL ESTABLISH AND  
23 MAINTAIN A COMMUNITY ADVISORY BOARD THAT SHALL:

24 (1) CONSIST OF MEMBERS OF THE COMMUNITY IN WHICH THE  
25 RESIDENTIAL GROUP HOME FACILITY IS LOCATED, AS WELL AS EMPLOYEES OF THE  
26 FACILITY; AND

27 (2) MEET ON A REGULAR BASIS TO DISCUSS INCIDENTS INVOLVING  
28 FACILITY RESIDENTS AND THE IMPACT OF THE INCIDENTS ON THE COMMUNITY.

29 (D) RESIDENTIAL GROUP HOME FACILITIES THAT ARE FOUND IN VIOLATION  
30 OF SUBSECTION (B) OF THIS SECTION SHALL BE SUBJECT TO A FINE OF \$100 FOR THE  
31 FIRST OFFENSE AND \$200 FOR THE SECOND AND SUBSEQUENT OFFENSES.

32 (E) ANY FINES PAID BY RESIDENTIAL GROUP HOME FACILITIES MAY NOT BE  
33 INCLUDED IN COSTS THAT ARE REIMBURSABLE BY THE STATE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 1998.