

HOUSE BILL 65

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1999 Regular Session
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By: **Chairman, Environmental Matters Committee (Departmental - Health
and Mental Hygiene)**

Introduced and read first time: January 20, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mental Hygiene - Private Therapeutic Group Homes**

3 FOR the purpose of repealing the requirement that an applicant for placement of a
4 child or adolescent in a private therapeutic group home submit a certain
5 application to the Director of the Mental Hygiene Administration; repealing the
6 authority of the Director or the county health officer to make certain decisions
7 regarding placements in private therapeutic group homes; repealing the
8 requirement that the Director prepare and submit a certain plan; repealing the
9 requirement that the Director or the county health officer conduct certain
10 evaluations of private therapeutic group homes; and generally relating to
11 private therapeutic group homes.

12 BY repealing and reenacting, without amendments,
13 Article - Health - General
14 Section 10-920
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1998 Supplement)

17 BY repealing
18 Article - Health - General
19 Section 10-921, 10-925, and 10-926
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1998 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Health - General
24 Section 10-923
25 Annotated Code of Maryland
26 (1994 Replacement Volume and 1998 Supplement)

27 BY renumbering
28 Article - Health - General

1 Section 10-922, 10-923, and 10-924, respectively
2 to be Section 10-921, 10-922, and 10-923, respectively
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1998 Supplement)

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

7 **Article - Health - General**

8 10-920.

9 In Part IV of this subtitle "private therapeutic group home" means a small
10 private group home as defined in § 10-514(e) of this title that provides residential
11 child care, as well as access to a range of diagnostic and therapeutic mental health
12 services, to be identified under the requirements of § 10-924 of this article, for
13 children and adolescents who are in need of such treatments.

14 [10-921.

15 The Director shall:

16 (1) Supervise the care and residential treatment of and the programs for
17 children and adolescents that have mental disorders; and

18 (2) Provide or encourage, by consultation, cooperation, or contract, all
19 programs needed to ensure that children and adolescents are evaluated appropriately
20 and provided community-based residential care.]

21 10-923.

22 (a) Application for placement of a child or adolescent in a private therapeutic
23 group home may be made under this section by:

24 (1) An individual who is 16 years old or older;

25 (2) A parent or guardian on behalf of the child or adolescent;

26 (3) With the consent of the parent or guardian of the child or adolescent,
27 a psychiatrist or psychologist who treats the child or adolescent;

28 (4) On behalf of a child or adolescent, a local department of social
29 services when the local department has custody or guardianship of the child or
30 adolescent under § 3-820 of the Courts and Judicial Proceedings Article;

31 (5) The Department of Education or the local education agency with the
32 consent of a parent or guardian;

1 (6) On behalf of a child or adolescent, the Department of Juvenile Justice
2 when the Department has custody or guardianship of the child or adolescent under §
3 3-820 of the Courts and Judicial Proceedings Article; or

4 (7) The circuit court of a county, Baltimore City sitting as the juvenile
5 court, and in Montgomery County, the District Court sitting as juvenile court.

6 (b) [The applicant shall submit a formal, written application to the Director
7 that contains the personal information and is on the form required by the
8 Administration.

9 (c)] A private therapeutic group home may not accept an individual under this
10 section unless:

11 (1) The individual is under the age of 18 years;

12 (2) The individual has a mental disorder;

13 (3) The individual, because of the mental disorder, requires residential
14 services not available in the home;

15 (4) The individual needs 24-hour supervision in a structured private
16 therapeutic group home;

17 (5) The individual is or should be receiving treatment for the mental
18 disorder; and

19 (6) There is no less restrictive form of treatment that is consistent with
20 the welfare and safety of the child or adolescent.

21 [(d) Within 60 days after the Director receives an application for placement of
22 a child or adolescent in a private therapeutic group home, the Director or the county
23 health officer shall:

24 (1) Determine whether the child or adolescent meets the requirements
25 for placement under this section; and

26 (2) If so:

27 (i) Approve the application for placement in a private therapeutic
28 group home; and

29 (ii) Determine the date of placement in a private therapeutic group
30 home in accordance with the report submitted under § 10-925 of this subtitle.]

31 [10-925.

32 (a) On or before January 1, 1985, the Director shall prepare and submit a plan
33 to the Governor, the President of the Senate, and the Speaker of the House.

34 (b) The plan shall include:

- 1 (1) The number of children and adolescents in need of placement in
2 private therapeutic group homes;
- 3 (2) The number, type, and location of private therapeutic group homes
4 that are needed in the community for the treatment of these children and adolescents;
- 5 (3) The resources and procedures that are necessary to establish the
6 private therapeutic group homes;
- 7 (4) The feasibility of transferring any resources of a State facility to any
8 private therapeutic group home;
- 9 (5) The summaries of the individual plans of treatment;
- 10 (6) The schedule for the relocation of children and adolescents where
11 plans indicate that a less restrictive placement is appropriate;
- 12 (7) A plan for establishing, developing, and maintaining a system for
13 monitoring community services; and
- 14 (8) An evaluation by the Secretary of the feasibility of obtaining
15 reimbursement, under Title XIX of the Social Security Act, for services to be provided
16 to children and adolescents with mental disorders.

17 (c) The Director shall:

- 18 (1) Implement §§ 10-920 through 10-924 and 10-926 of this subtitle
19 upon completion of the plan to be submitted under this section;
- 20 (2) Review and revise periodically the plan submitted under this section;
21 and
- 22 (3) Submit an annual report to the Governor and, subject to § 2-1246 of
23 the State Government Article, the President of the Senate and the Speaker of the
24 House on the activities of the Administration to implement the plan, including any
25 revision of the plan.]

26 [10-926.

27 (a) At least once a year, the Director, in conjunction with a county health
28 officer, shall evaluate each private therapeutic group home.

29 (b) (1) The Director, in conjunction with a county health officer shall:

- 30 (i) Prepare a written report of each evaluation; and
- 31 (ii) Distribute a copy of this report to each private therapeutic
32 group home.

33 (2) The Director shall keep at least 1 copy of the report.

1 (3) The Secretary shall consider the report when renewing a license of
2 any private therapeutic group home.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10-922,
4 10-923, and 10-924, respectively, of Article - Health - General of the Annotated Code
5 of Maryland be renumbered to be Section(s) 10-921, 10-922, and 10-923,
6 respectively.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 1999.