

HOUSE BILL 271

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1999 Regular Session  
9r1821  
CF 9r0404

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By: **Delegate Hubbard**

Introduced and read first time: February 3, 1999

Assigned to: Ways and Means

Reassigned: Environmental Matters, February 10, 1999

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Residential Educational Facilities - Licensing**

3 FOR the purpose of requiring a person to be licensed by the Social Services  
4 Administration of the Department of Human Resources before the person may  
5 operate a residential educational facility on or after a certain date; authorizing  
6 the Department of Human Resources to adopt regulations relating to the  
7 licensing of residential educational facilities; providing that a residential  
8 educational facility may not be required to obtain a license from more than one  
9 State agency; authorizing any State agency authorized to license residential  
10 educational facilities to make certain cooperative arrangements with any other  
11 State agency; providing for the construction and application of this Act; defining  
12 a certain term; altering a certain term; and generally relating to licensing of  
13 residential educational facilities.

14 BY repealing and reenacting, with amendments,  
15 Article - Family Law  
16 Section 5-501 and 5-506  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume)

19 BY adding to  
20 Article - Family Law  
21 Section 5-509.1  
22 Annotated Code of Maryland  
23 (1999 Replacement Volume)

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

3 **Article - Family Law**

4 5-501.

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

6 (b) "Administration" means the Social Services Administration of the  
7 Department.

8 (c) "Child placement agency" has the meaning stated in § 5-301 of this title.

9 (d) "Day care provider" means the adult who has primary responsibility for  
10 the operation of a family day care home.

11 (e) "Family day care" means the care given to a child under the age of 13 years  
12 or to any developmentally disabled person under the age of 21 years of age, in place of  
13 parental care for less than 24 hours a day, in a residence other than the child's  
14 residence, for which the day care provider is paid.

15 (f) "Family day care home" means a residence in which family day care is  
16 provided.

17 (g) "Foster care" means continuous 24-hour care and supportive services  
18 provided for a minor child placed by a child placement agency in an approved family  
19 home.

20 (h) "Group care" means continuous 24-hour care and supportive services  
21 provided for a minor child placed in a licensed group facility.

22 (i) "Kinship care" means continuous 24-hour care and supportive services  
23 provided for a minor child placed by a child placement agency in the home of a  
24 relative related by blood or marriage within the 5th degree of consanguinity or  
25 affinity under the civil law rule.

26 (j) (1) "License" means a license issued by the Administration under this  
27 subtitle.

28 (2) "License" includes:

29 (i) a child placement agency license;

30 (ii) a child care home license; [and]

31 (iii) a child care institution license; AND

32 (IV) A RESIDENTIAL EDUCATIONAL FACILITY LICENSE.

1 (k) "Local board" means a local citizen board of review of foster care for  
2 children.

3 (l) "Local department" means a local department of social services for a  
4 county.

5 (m) "Out-of-home placement" means placement of a child into foster care,  
6 kinship care, group care, or residential treatment care.

7 (N) ~~(+)~~ "RESIDENTIAL EDUCATIONAL FACILITY" MEANS:

8 (1) A FACILITY THAT:

9 (I) PROVIDES SPECIAL EDUCATION AND RELATED SERVICES FOR  
10 STUDENTS WITH DISABILITIES;

11 (II) HOLDS A CERTIFICATE OF APPROVAL ISSUED BY THE STATE  
12 BOARD OF EDUCATION; AND

13 (III) PROVIDES CONTINUOUS 24-HOUR CARE AND SUPPORTIVE  
14 SERVICES TO CHILDREN IN A RESIDENTIAL SETTING; OR

15 ~~(2) "RESIDENTIAL EDUCATIONAL FACILITY" INCLUDES:~~

16 (2) IS ONE OF THE FOLLOWING SCHOOLS:

17 (I) THE BENEDICTINE SCHOOL;

18 (II) THE LINWOOD SCHOOL;

19 (III) THE MARYLAND SCHOOL FOR THE BLIND; AND

20 (IV) THE MARYLAND SCHOOL FOR THE DEAF.

21 [(n)] (O) "Residential treatment care" means continuous 24-hour care and  
22 supportive services for a minor child placed in a facility that provides formal  
23 programs of basic care, social work, and health care services.

24 [(o)] (P) "State Board" means the State Citizen Board of Review of Foster  
25 Care for Children.

26 [(p)] (Q) "Unregistered family day care home" means a residence in which  
27 family day care is provided and in which the day care provider:

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

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

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

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

3 5-506.

4 (a) The General Assembly intends that:

5 (1) all children whose care is the responsibility of this State shall have  
6 similar protection in terms of health, safety, and quality of care; and

7 (2) the rules and regulations of agencies that are charged with child care  
8 shall be comparable.

9 (b) In addition to other rules and regulations adopted under this title, the  
10 Department may adopt rules and regulations to carry out §§ 5-507, 5-508, [and  
11 5-509] 5-509, AND 5-509.1 of this subtitle, which relate to the licensing of child  
12 placement agencies, child care homes, [and] child care institutions, AND  
13 RESIDENTIAL EDUCATIONAL FACILITIES.

14 (c) (1) By rule or regulation, the Department may delegate authority to local  
15 departments and licensed child placement agencies to issue licenses or approve  
16 applicants for licenses under this subtitle.

17 (2) Any rule or regulation adopted by the Department under this  
18 subsection shall provide for an appeal to an administrative appellate authority from a  
19 decision of a local department or licensed child placement agency.

20 (d) (1) A child placement agency, child care home, [or] child care institution,  
21 OR RESIDENTIAL EDUCATIONAL FACILITY may not be required to obtain a license  
22 from more than 1 State agency.

23 (2) Any State agency authorized to license child placement agencies,  
24 child care homes, [or] child care institutions, OR RESIDENTIAL EDUCATIONAL  
25 FACILITIES may make cooperative arrangements with any other State agency to give  
26 effect to paragraph (1) of this subsection.

27 5-509.1.

28 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION  
29 AND SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON OR AFTER JANUARY 1, 2000,  
30 A PERSON SHALL BE LICENSED BY THE ADMINISTRATION BEFORE THE PERSON MAY  
31 OPERATE A RESIDENTIAL EDUCATIONAL FACILITY.

32 (B) THIS SECTION DOES NOT APPLY:

33 (1) TO A CHILD CARE HOME THAT HAS A LICENSE UNDER THIS  
34 SUBTITLE OR UNDER ARTICLE 83C, § 2-123 OF THE CODE;

35 (2) TO A CHILD CARE INSTITUTION THAT HAS A LICENSE UNDER THIS  
36 SUBTITLE OR UNDER ARTICLE 83C, § 2-124 OF THE CODE; OR

1           (3)     TO AN INSTITUTION THAT ACCEPTS ONLY CHILDREN PLACED BY  
2 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE DEPARTMENT OF  
3 JUVENILE JUSTICE.

4     (C)     THIS SECTION DOES NOT AFFECT ANY REQUIREMENT THAT A  
5 RESIDENTIAL EDUCATIONAL FACILITY OBTAIN A CERTIFICATE OF APPROVAL FROM  
6 THE STATE BOARD OF EDUCATION FOR ITS EDUCATIONAL PROGRAM.

7     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 1999.