
By: **Delegate Owings**

Introduced and read first time: January 20, 2000

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Family Day Care Homes and Child Care Centers - Liability Insurance**
3 **Required**

4 FOR the purpose of requiring the Department of Human Resources to adopt
5 regulations that require registered family day care homes and licensed child
6 care centers to purchase and maintain certain liability insurance; requiring
7 family day care homes and licensed child care centers to maintain a copy of a
8 certain liability insurance policy on certain premises; and generally relating to
9 requirements for a registered family day care home and a licensed child care
10 center.

11 BY repealing and reenacting, with amendments,
12 Article - Family Law
13 Section 5-551 and 5-573
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 1999 Supplement)
16 (As enacted by Chapter 68 of the Acts of the General Assembly of 1999)

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

19 **Article - Family Law**

20 5-551.

21 (a) The Department shall adopt rules and regulations that relate to the
22 registration of family day care homes.

23 (b) So far as practicable, the rules and regulations shall be uniform with the
24 rules and regulations adopted by other State agencies as those rules and regulations
25 relate to other types of day care.

26 (c) At a minimum, the rules and regulations shall provide for:

- 1 (1) minimum standards of environmental health and safety, including
2 provisions for:
- 3 (i) adequate and safe physical surroundings;
- 4 (ii) the physical and mental health of day care providers; and
- 5 (iii) investigation of any criminal record of a day care provider;
- 6 (2) a thorough evaluation of each prospective family day care home and
7 day care provider, to be completed before the Department accepts an initial
8 registration;
- 9 (3) self-certification by each registered day care provider once every 2
10 years that all requirements for a family day care home are being met;
- 11 (4) reporting of any changed circumstances that relate to the
12 requirements, by the day care provider, at the time the change occurs;
- 13 (5) an orientation to be provided to prospective day care providers by the
14 local department before initial registration;
- 15 (6) inspection by the Department of each registered family day care
16 home prior to issuance of an initial registration and at least once every 2 years
17 thereafter prior to issuance of a renewed registration to determine whether the
18 requirements are being met;
- 19 (7) unannounced inspection by the Department of each registered family
20 day care home in any year that an initial or renewal inspection has not taken place;
- 21 (8) procedures to be followed by the Department in response to a
22 complaint about a family day care home;
- 23 (9) a requirement that a person who advertises a family day care home
24 or family day care service shall:
- 25 (i) indicate in the advertisement that the family day care home is
26 registered; and
- 27 (ii) display in the advertisement the registration number issued to
28 the family day care home or family day care service by the Department; [and]
- 29 (10) a requirement that each registered day care provider shall hold a
30 current certificate indicating successful completion of approved:
- 31 (i) basic first aid training through the American Red Cross or
32 through a program with equivalent standards; and
- 33 (ii) cardiopulmonary resuscitation (CPR) training through the
34 American Heart Association or through a program with equivalent standards

1 appropriate for the ages of children for whom care is provided in the family day care
2 home; AND

3 (11) A REQUIREMENT THAT EACH REGISTERED DAY CARE PROVIDER
4 SHALL:

5 (I) PURCHASE AND MAINTAIN LIABILITY INSURANCE COVERAGE
6 OF AT LEAST \$300,000 FOR LIABILITY THAT RESULTS FROM BODILY INJURY,
7 PROPERTY DAMAGE, OR PERSONAL INJURY ARISING OUT OF AN INSURED'S
8 ACTIVITIES AS A FAMILY DAY CARE PROVIDER; AND

9 (II) MAINTAIN A CURRENT COPY OF THE INSURANCE POLICY AT
10 THE FAMILY DAY CARE HOME.

11 5-573.

12 (a) The Secretary shall adopt rules and regulations for licensing and operating
13 child care centers.

14 (b) These rules and regulations shall:

15 (1) ensure safe and sanitary conditions in child care centers;

16 (2) ensure proper care, protection, and supervision of children in child
17 care centers;

18 (3) ensure the health of children in child care centers by:

19 (i) monitoring children for signs and symptoms of child abuse;

20 (ii) instructing licensees and staff concerning child abuse detection
21 and reporting;

22 (iii) monitoring health practices to help prevent the spread of
23 disease; and

24 (iv) monitoring the care of infants and children with special needs;

25 (4) promote the sound growth and development of children in child care
26 centers;

27 (5) encourage the care of children in a homelike environment by
28 reflecting the impracticability of conforming a residence to standards that are
29 appropriate for institutions and otherwise providing for centers that are in residences
30 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer
31 children required to be licensed under § 5-574 of this subtitle;

32 (6) carry out otherwise the purposes and requirements of this Part VII of
33 this subtitle, including imposition of intermediate sanctions to ensure compliance;

1 (7) prohibit a child from remaining at a child care center for more than
2 14 hours in 1 day unless the Department issues an exception for that child based on
3 guidelines set by the Secretary; [and]

4 (8) (i) require that a child care center have in attendance at all times
5 at least 1 individual who is responsible for supervision of children, including children
6 on field trips, and who holds a current certificate indicating successful completion of
7 approved:

8 1. basic first aid training through the American Red Cross or
9 through a program with equivalent standards; and

10 2. cardiopulmonary resuscitation (CPR) training through the
11 American Heart Association or through a program with equivalent standards
12 appropriate for the ages of children for whom care is provided in the child care center;
13 and

14 (ii) require that a child care center serving more than 20 children
15 have in attendance certificate holders described in item (i) of this item in a ratio of at
16 least 1 certificate holder for every 20 children; AND

17 (9) INCLUDE A REQUIREMENT THAT A PERSON THAT OPERATES A CHILD
18 CARE CENTER SHALL:

19 (I) PURCHASE AND MAINTAIN ADEQUATE LIABILITY INSURANCE
20 COVERAGE FOR LIABILITY THAT RESULTS FROM BODILY INJURY, PROPERTY
21 DAMAGE, OR PERSONAL INJURY ARISING OUT OF AN INSURED'S ACTIVITIES AS THE
22 OPERATOR OF A CHILD CARE CENTER; AND

23 (II) MAINTAIN A CURRENT COPY OF THE INSURANCE POLICY AT
24 THE CHILD CARE CENTER.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.