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By: **Delegates Zirkin, Amedori, Morhaim, and O'Donnell**

Introduced and read first time: February 6, 2003

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Private Residential Child Care Programs - Community Advisory Boards**

3 FOR the purpose of requiring a licensed private residential child care program to  
4 establish a community advisory board; establishing the membership and size of  
5 the board; requiring the board to meet a certain number of times annually with  
6 the licensee and administrator of the program; establishing the purpose of the  
7 board; requiring the Office for Children, Youth, and Families, in consultation  
8 with certain agencies, to adopt regulations that establish standards and  
9 procedures for community advisory boards; setting a certain period of time by  
10 which all private residential child care programs licensed after a certain date  
11 shall establish community advisory boards; establishing a certain date for all  
12 private residential child care programs licensed before a certain date to  
13 establish community advisory boards; requiring a private residential child care  
14 program to register its community advisory board with the Office for Children,  
15 Youth, and Families; requiring a group home or other residential facility  
16 licensed by the Department of Juvenile Justice to establish a community  
17 advisory board; requiring a group home licensed by the Department of Human  
18 Resources to establish a community advisory board; requiring a group home  
19 licensed by the Developmental Disabilities Administration to establish a  
20 community advisory board; requiring a private therapeutic group home licensed  
21 by the Department of Health and Mental Hygiene to establish a community  
22 advisory board; providing certain definitions; and generally relating to  
23 establishing community advisory boards for private residential child care  
24 programs.

25 BY adding to  
26 Article 49D - Office for Children, Youth, and Families  
27 Section 4.4  
28 Annotated Code of Maryland  
29 (1998 Replacement Volume and 2002 Supplement)

30 BY repealing and reenacting, without amendments,  
31 Article 83C - Juvenile Justice  
32 Section 1-101(a) and (b), 2-123, and 2-124

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article 83C - Juvenile Justice  
5 Section 2-120  
6 Annotated Code of Maryland  
7 (1998 Replacement Volume and 2002 Supplement)

8 BY adding to  
9 Article 83C - Juvenile Justice  
10 Section 2-124.1  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Family Law  
15 Section 5-501  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - Family Law  
20 Section 5-526  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2002 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - Health - General  
25 Section 1-101(a), (c), and (j), 7-101(a), (b), and (f), and 10-920  
26 Annotated Code of Maryland  
27 (2000 Replacement Volume and 2002 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article - Health - General  
30 Section 7-903 and 10-922  
31 Annotated Code of Maryland  
32 (2000 Replacement Volume and 2002 Supplement)

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

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

2 4.4.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) (I) "AGENCY" MEANS THE DEPARTMENT DESIGNATED BY THE  
6 OFFICE TO BE RESPONSIBLE FOR LICENSING A PARTICULAR PRIVATE RESIDENTIAL  
7 CHILD CARE PROGRAM.

8 (II) "AGENCY" INCLUDES THE DEPARTMENT OF HEALTH AND  
9 MENTAL HYGIENE, THE DEPARTMENT OF HUMAN RESOURCES, OR THE  
10 DEPARTMENT OF JUVENILE JUSTICE.

11 (3) "COMMUNITY ADVISORY BOARD" MEANS AN ORGANIZED GROUP OF  
12 AT LEAST 10 ADULTS FROM THE COMMUNITY WHERE A PROGRAM IS LOCATED WHO  
13 SERVE AS COMMUNITY ADVISORS TO THE PROGRAM.

14 (4) "LICENSE" MEANS THE APPROVAL GRANTED BY THE AGENCY TO  
15 OPERATE A PRIVATE RESIDENTIAL CHILD CARE PROGRAM.

16 (5) "OFFICE" MEANS THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES  
17 IN THE EXECUTIVE DEPARTMENT.

18 (6) (I) "PRIVATE RESIDENTIAL CHILD CARE PROGRAM" MEANS AN  
19 ENTITY THAT PROVIDES FOR CHILDREN 24-HOUR CARE WITHIN A STRUCTURED SET  
20 OF SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC  
21 OBJECTIVES RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT  
22 INCLUDES THE PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL  
23 SERVICES, HEALTH, MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF  
24 THESE SERVICES AND ACTIVITIES.

25 (II) "PRIVATE RESIDENTIAL CHILD CARE PROGRAM" INCLUDES  
26 RESIDENTIAL SERVICES FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES,  
27 CHILD CARE HOMES, CHILD CARE INSTITUTIONS, PRIVATE THERAPEUTIC GROUP  
28 HOMES, AND PRIVATE GROUP HOMES, AS THOSE TERMS ARE DEFINED BY STATE  
29 LAW.

30 (7) "PROGRAM" MEANS A PRIVATE RESIDENTIAL CHILD CARE PROGRAM.

31 (8) "PROGRAM ADMINISTRATOR" MEANS THE INDIVIDUAL RESPONSIBLE  
32 FOR THE DAY-TO-DAY OPERATION OF A PROGRAM.

33 (B) (1) ALL PRIVATE RESIDENTIAL CHILD CARE PROGRAMS THAT ARE  
34 LICENSED AFTER OCTOBER 1, 2003 SHALL ESTABLISH A COMMUNITY ADVISORY  
35 BOARD WITHIN 6 MONTHS OF LICENSURE.

1 (2) PROGRAMS LICENSED BEFORE OCTOBER 1, 2003 SHALL HAVE UNTIL  
2 OCTOBER 1, 2004 TO ESTABLISH A COMMUNITY ADVISORY BOARD AS REQUIRED BY  
3 THIS SECTION.

4 (C) A COMMUNITY ADVISORY BOARD TO A PRIVATE RESIDENTIAL CHILD CARE  
5 PROGRAM SHALL:

6 (1) CONSIST OF AT LEAST 10 ADULTS FROM THE SURROUNDING  
7 COMMUNITY WHO HAVE AN INTEREST IN OR KNOWLEDGE OF THE NEEDS OF  
8 CHILDREN;

9 (2) MEET AS A GROUP AT LEAST THREE TIMES YEARLY WITH THE  
10 LICENSEE AND PROGRAM ADMINISTRATOR;

11 (3) PROVIDE THE LICENSEE WITH ADVICE AND INPUT FROM THE  
12 COMMUNITY REGARDING THE OPERATION OF THE PROGRAM;

13 (4) ASSIST THE LICENSEE IN ITS RELATIONS WITH THE SURROUNDING  
14 COMMUNITY; AND

15 (5) PERFORM OTHER DUTIES AND FUNCTIONS THAT THE LICENSEE  
16 REQUESTS THAT AID THE LICENSEE IN INTEGRATING WITH THE COMMUNITY SO  
17 THAT, AS APPROPRIATE, THE CHILDREN HAVE OPPORTUNITIES TO PARTICIPATE IN  
18 COMMUNITY ACTIVITIES, RESOURCES, AND SERVICES.

19 (D) THE OFFICE, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND  
20 MENTAL HYGIENE, THE DEPARTMENT OF HUMAN RESOURCES, AND THE  
21 DEPARTMENT OF JUVENILE JUSTICE, SHALL ADOPT REGULATIONS TO ESTABLISH  
22 STANDARDS AND PROCEDURES FOR COMMUNITY ADVISORY BOARDS.

23 (E) THE PROGRAM SHALL REGISTER ITS COMMUNITY ADVISORY BOARD WITH  
24 THE AGENCY THAT LICENSES THE PROGRAM.

25 **Article 83C - Juvenile Justice**

26 1-101.

27 (a) In this article the following words have the meanings indicated.

28 (b) "Department" means the Department of Juvenile Justice.

29 2-120.

30 (a) The Department shall provide for care, diagnosis, training, education, and  
31 rehabilitation of children by placing them in group homes and institutions that are  
32 operated by any nonprofit or for-profit entity.

33 (b) (1) The Department shall reimburse these entities for the cost of these  
34 services at appropriate monthly rates that the Department determines, as provided in  
35 the State budget.

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

4     (c)     (1)     The Department may not place a child in a group home or other  
5 residential facility that is not operating in compliance with applicable State licensing  
6 laws.

7           (2)     THE DEPARTMENT MAY NOT PLACE A CHILD IN A GROUP HOME OR  
8 OTHER RESIDENTIAL FACILITY THAT HAS NOT ESTABLISHED A COMMUNITY  
9 ADVISORY BOARD IN ACCORDANCE WITH ARTICLE 49D, § 4.4 OF THE CODE.

10 2-123.

11     (a)     Except as otherwise provided in this section, a person shall be licensed by  
12 the Department as a child care home before the person may exercise care, custody, or  
13 control over a child who is alleged or adjudicated as delinquent or in need of  
14 supervision.

15     (b)     This section does not apply:

16           (1)     To a parent of the child;

17           (2)     To an individual related to the child by blood or marriage within 4  
18 degrees of consanguinity under the civil law rule;

19           (3)     To a guardian of the child;

20           (4)     To a person who exercises temporary custody or control over the child  
21 at the request of a parent or guardian of the child and who is not required otherwise  
22 to be licensed;

23           (5)     To an individual with whom the child is placed in foster care by:

24                   (i)     A licensed placement agency;

25                   (ii)    A local department of social services;

26                   (iii)   The Secretary of Health and Mental Hygiene;

27                   (iv)   The Department; or

28                   (v)    A court of competent jurisdiction;

29           (6)     To a person who has the care, custody, or control of the child through  
30 placement by a parent or grandparent of the child in contemplation of adoption, if the  
31 requirements of § 5-507(b)(2) and (c) of the Family Law Article are met;

32           (7)     To an institution that has a child care institution license under this  
33 title or § 5-509 of the Family Law Article; or

1 (8) To an institution operated by an agency of this State or any political  
2 subdivision.

3 2-124.

4 (a) Except as otherwise provided in this section, a person shall be licensed by  
5 the Department as a child care institution before the person may operate an  
6 institution for the care, custody, or control of a child alleged or adjudicated as  
7 delinquent or in need of supervision.

8 (b) This section does not apply:

9 (1) To an institution or facility operated by an agency of this State or any  
10 political subdivision; or

11 (2) To a child care home that has a license under this title or § 5-508 of  
12 the Family Law Article.

13 2-124.1.

14 A CHILD CARE HOME OR INSTITUTION LICENSED UNDER § 2-123 OR § 2-124 OF  
15 THIS ARTICLE SHALL ESTABLISH A COMMUNITY ADVISORY BOARD IN ACCORDANCE  
16 WITH ARTICLE 49D, § 4.4 OF THE CODE.

17 **Article - Family Law**

18 5-101.

19 In this title, "Department" means the Department of Human Resources.

20 5-526.

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

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

26 (3) ANY GROUP HOME UTILIZED UNDER THE PROVISIONS OF THIS  
27 SECTION SHALL ESTABLISH A COMMUNITY ADVISORY BOARD IN ACCORDANCE WITH  
28 ARTICLE 49D, § 4.4 OF THE CODE.

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

32 (2) The reimbursement rate may differ between homes and institutions  
33 that provide intermediate services, as defined by the Department, and homes and  
34 institutions that provide full services.

1 (c) (1) The Department, or the Department's designee, may not place a child  
 2 in a residential group home or other facility that is not operating in compliance with  
 3 applicable State licensing laws.

4 (2) THE DEPARTMENT, OR THE DEPARTMENT'S DESIGNEE, MAY NOT  
 5 PLACE A CHILD IN A GROUP HOME OR OTHER RESIDENTIAL FACILITY THAT HAS NOT  
 6 ESTABLISHED A COMMUNITY ADVISORY BOARD IN ACCORDANCE WITH ARTICLE 49D,  
 7 § 4.4 OF THE CODE.

8 **Article - Health - General**

9 1-101.

10 (a) In this article the following words have the meanings indicated.

11 (c) "Department" means the Department of Health and Mental Hygiene.

12 (j) "Secretary" means the Secretary of Health and Mental Hygiene.

13 7-101.

14 (a) In this title the following words have the meanings indicated.

15 (b) "Administration" means the Developmental Disabilities Administration.

16 (f) "Director" means the Director of the Developmental Disabilities  
 17 Administration.

18 7-903.

19 (a) In addition to any other license required by law, a person shall be licensed  
 20 by the Administration before the person may provide the following services to an  
 21 individual with developmental disability or a recipient of individual support services:

22 (1) Day habilitation services;

23 (2) Residential services;

24 (3) Services coordination;

25 (4) Vocational services;

26 (5) More than 1 family support service, as defined under § 7-701 of this  
 27 title;

28 (6) More than 1 individual support service; and

29 (7) More than 1 community supported living arrangements service.

30 (b) (1) If a person is licensed or certified by another State agency or  
 31 accredited by a national accreditation agency such as the Accreditation Council for

1 Persons with Developmental Disabilities (ACDD) or the Council for Accreditation for  
2 Rehabilitation Facilities (CARF) to provide services to an individual with a  
3 developmental disability or a recipient of individual support services, the Director  
4 may waive the requirement for a license by the Administration.

5 (2) Upon a showing by the Director that the licensed, certified, or  
6 accredited person is out of compliance with licensing regulations adopted by the  
7 Secretary the Director may revoke the waiver.

8 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF  
9 THIS SECTION, A PERSON WHO PROVIDES RESIDENTIAL SERVICES TO A CHILD WITH  
10 A DEVELOPMENTAL DISABILITY OR A RECIPIENT OF INDIVIDUAL SUPPORT SERVICES  
11 SHALL ESTABLISH A COMMUNITY ADVISORY BOARD IN ACCORDANCE WITH ARTICLE  
12 49D, § 4.4 OF THE CODE.

13 10-920.

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

19 10-922.

20 The Secretary shall adopt rules and regulations that:

21 (1) Ensure that a private therapeutic group home provides mental  
22 health care and treatment in accordance with Part IV of this subtitle; [and]

23 (2) Require a private therapeutic group home:

24 (i) To provide treatment for each child and adolescent in the home;

25 (ii) To coordinate the treatment in the home with the appropriate  
26 public or nonpublic educational program conducted outside of the home; and

27 (iii) To provide 24-hour supervision for each child and adolescent for  
28 the time that the child and adolescent are not participating in a program conducted  
29 outside of the home; AND

30 (3) REQUIRE A PRIVATE THERAPEUTIC GROUP HOME TO ESTABLISH A  
31 COMMUNITY ADVISORY BOARD IN ACCORDANCE WITH ARTICLE 49D, § 4.4 OF THE  
32 CODE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2003.