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By: **Delegates Boutin and Pendergrass**  
Introduced and read first time: February 20, 2003  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Care - Regulations - Continuing Child Care Licenses**

3 FOR the purpose of authorizing a family day care home registration and child care  
4 license and letter of compliance to continue in effect under certain conditions  
5 without renewal until surrendered, suspended, or revoked; designating the  
6 agency responsibility for orientation of a prospective day care provider;  
7 requiring a certain minimum number of inspections, including inspections of  
8 record keeping and unannounced inspections on a yearly basis of each registered  
9 family day care home and child care center; providing for a delayed effective  
10 date; and generally relating to inspection of family day care homes and child  
11 care centers.

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 5-551 and 5-578  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - Family Law  
19 Section 5-570(d) and (g)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2002 Supplement)

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

24 **Article - Family Law**

25 5-551.

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

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

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

5 (1) minimum standards of environmental health and safety, including  
6 provisions for:

7 (i) adequate and safe physical surroundings;

8 (ii) the physical and mental health of day care providers; and

9 (iii) investigation of any criminal record of a day care provider;

10 (2) a thorough evaluation of each prospective family day care home and  
11 day care provider, to be completed before the Department accepts an initial  
12 registration;

13 (3) [self-certification by each registered day care provider once every 2  
14 years that all requirements for a family day care home are being met] AN INITIAL  
15 FAMILY DAY CARE REGISTRATION THAT EXPIRES 2 YEARS AFTER ITS EFFECTIVE  
16 DATE;

17 (4) A CONTINUING FAMILY DAY CARE REGISTRATION THAT:

18 (I) ON APPLICATION BY THE DAY CARE PROVIDER THAT MEETS  
19 THE REQUIREMENTS SET BY THE DEPARTMENT, IS ISSUED TO THE PROVIDER BY THE  
20 END OF THE INITIAL REGISTRATION PERIOD; AND

21 (II) ONCE ISSUED, REMAINS IN EFFECT UNTIL SURRENDERED,  
22 SUSPENDED, OR REVOKED;

23 [(4)] (5) reporting of any changed circumstances that relate to the  
24 requirements, by the day care provider, at the time the change occurs;

25 [(5)] (6) [an] orientation to be provided to prospective day care  
26 providers by the [local department] DEPARTMENT before initial registration;

27 [(6)] (7) inspection by the Department of each registered family day care  
28 home prior to issuance of an initial registration and at least once every 2 years  
29 thereafter [prior to issuance of a renewed registration] to determine whether [the]  
30 APPLICABLE requirements, INCLUDING RECORD KEEPING REQUIREMENTS, are being  
31 met;

32 [(7)] (8) unannounced inspection by the Department of each registered  
33 family day care home [in any year that an initial or renewal inspection has not taken  
34 place] AT LEAST ONCE DURING EACH 12-MONTH PERIOD THAT AN INITIAL OR  
35 CONTINUING REGISTRATION IS IN EFFECT TO DETERMINE WHETHER SAFE AND  
36 APPROPRIATE CHILD CARE IS BEING PROVIDED;

1            [(8)]    (9)    procedures to be followed by the Department in response to a  
2 complaint about a family day care home;

3            [(9)]    (10)    a requirement that a person who advertises a family day care  
4 home or family day care service shall:

5                    (i)        indicate in the advertisement that the family day care home is  
6 registered; and

7                    (ii)        display in the advertisement the registration number issued to  
8 the family day care home or family day care service by the Department; and

9            [(10)]    (11)    a requirement that each registered day care provider shall  
10 hold a current certificate indicating successful completion of approved:

11                    (i)        basic first aid training through the American Red Cross or  
12 through a program with equivalent standards; and

13                    (ii)        cardiopulmonary resuscitation (CPR) training through the  
14 American Heart Association or through a program with equivalent standards  
15 appropriate for the ages of children for whom care is provided in the family day care  
16 home.

17 5-570.

18    (d)        "License" means a license issued by the Department of Human Resources  
19 to operate a child care center.

20    (g)        "Letter of compliance" means a letter issued by the Department of Human  
21 Resources to a religious organization that meets the requirements under § 5-573 of  
22 this subtitle.

23 5-578.

24    (a)        Each INITIAL license and letter of compliance expires on the [first]  
25 SECOND anniversary of its effective date[, unless the license or letter of compliance is  
26 renewed for a 1-year term as provided in this section].

27    (b)        [Before the license or letter of compliance expires, the licensee or letter  
28 holder periodically may renew it for an additional 1-year term, if the licensee or letter  
29 holder meets the current requirements for a new license or letter of compliance]  
30 BEFORE THE EXPIRATION OF AN INITIAL LICENSE OR LETTER OF COMPLIANCE, AND  
31 ON APPLICATION BY THE LICENSEE OR THE LETTER HOLDER THAT MEETS THE  
32 REQUIREMENTS OF THE DEPARTMENT, A CONTINUING LICENSE OR LETTER OF  
33 COMPLIANCE MAY BE ISSUED THAT REMAINS IN EFFECT UNTIL SURRENDERED,  
34 SUSPENDED, OR REVOKED.

35    (C)        THE DEPARTMENT SHALL INSPECT EACH CHILD CARE CENTER  
36 OPERATING UNDER A LICENSE OR LETTER OF COMPLIANCE:

1           (1)       BEFORE ISSUING THE LICENSE OR LETTER OF COMPLIANCE AND AT  
2 LEAST EVERY 2 YEARS THEREAFTER TO DETERMINE WHETHER APPLICABLE  
3 REQUIREMENTS, INCLUDING RECORD KEEPING REQUIREMENTS, ARE BEING MET;  
4 AND

5           (2)       ON AN UNANNOUNCED BASIS AT LEAST ONCE DURING EACH  
6 12-MONTH PERIOD THAT THE LICENSE OR LETTER OF COMPLIANCE IS IN EFFECT TO  
7 DETERMINE WHETHER SAFE AND APPROPRIATE CHILD CARE IS BEING PROVIDED.

8       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 January 1, 2004.