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By: **Delegates Jones, Burns, Cane, Cardin, Howard, Morhaim,  
Nathan-Pulliam, Patterson, and Zirkin**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Residential Care Programs - Certification of Program Administrator**

3 FOR the purpose of renaming the State Board for Certification of Residential Child  
4 Care Program Administrators to be the State Board for Certification of  
5 Residential Care Program Administrators; including an entity that provides  
6 certain care for adults in the definition of a residential care program; specifying  
7 that certain requirements only apply to certain programs; altering the  
8 membership of the Board; specifying the terms of certain members of the Board;  
9 and generally relating to the certification of individuals to administer  
10 residential care programs.

11 BY repealing and reenacting, with amendments,  
12 Article - Health Occupations  
13 Section 20-101(c) through (g); 20-201, 20-202, and 20-206(a) to be under the  
14 amended subtitle "Subtitle 2. State Board for Certification of Residential  
15 Care Program Administrators"; 20-301(b), 20-305(d), 20-402(b), and  
16 20-501 to be under the amended title "Title 20. Residential Care Program  
17 Administrators"  
18 Annotated Code of Maryland  
19 (2000 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article - Health Occupations  
22 Section 20-502  
23 Annotated Code of Maryland  
24 (2000 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article - State Government  
27 Section 8-403(a)  
28 Annotated Code of Maryland  
29 (2004 Replacement Volume)

1 BY repealing and reenacting, with amendments,  
2 Article - State Government  
3 Section 8-403(b)(63)  
4 Annotated Code of Maryland  
5 (2004 Replacement Volume)

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

8 **Article - Health Occupations**

9 Title 20. Residential [Child] Care Program Administrators.

10 20-101.

11 (c) "Board" means the State Board for Certification of Residential [Child]  
12 Care Program Administrators.

13 (d) "Certificate" means, unless the context requires otherwise, a certificate  
14 issued by the Board to administer a residential [child] care program.

15 (e) "Certified program administrator" means, unless the context requires  
16 otherwise, an individual who is:

17 (1) Certified by the Board; and

18 (2) Responsible for the day-to-day management and operation of a  
19 residential [child] care program.

20 (f) (1) "Residential [child] care program" means an entity that provides for  
21 children OR ADULTS 24-hour per day care within a structured set of services and  
22 activities that are designed to achieve specific objectives relative to the needs of the  
23 children OR ADULTS served and that include the provision of food, clothing, shelter,  
24 education, social services, health, mental health, recreation, or any combination of  
25 these services and activities.

26 (2) "Residential [child] care program" includes a program:

27 (i) Licensed by:

28 1. The Department of Health and Mental Hygiene;

29 2. The Department of Human Resources; or

30 3. The Department of Juvenile Services; and

31 (ii) [That] FOR A RESIDENTIAL CHILD CARE PROGRAM, THAT is  
32 subject to the licensing regulations of the Office for Children, Youth, and Families  
33 governing the operations of residential child care programs.

1 (g) "Program administrator" means the individual responsible for the  
2 day-to-day management and operation of a residential [child] care program.

3 Subtitle 2. State Board for Certification of Residential [Child] Care Program  
4 Administrators.

5 20-201.

6 There is a State Board for Certification of Residential [Child] Care Program  
7 Administrators.

8 20-202.

9 (a) (1) The Board consists of [11] 13 members.

10 (2) Of the [11] 13 Board members:

11 (i) Six members shall be appointed as follows:

12 1. Two by the Secretary of Health and Mental Hygiene, one  
13 each for the Developmental Disabilities Administration and the Mental Hygiene  
14 Administration;

15 2. One by the Secretary of Juvenile Services for the agency;

16 3. One by the Secretary of Human Resources for the agency;

17 4. One by the State Superintendent of Schools; and

18 5. One by the Subcabinet; and

19 (ii) [Five] SEVEN shall be appointed by the Governor.

20 (3) Of the [five] SEVEN appointed by the Governor:

21 (i) [Three] TWO shall be program administrators FOR  
22 RESIDENTIAL ADULT CARE PROGRAMS; [and]

23 (II) TWO SHALL BE PROGRAM ADMINISTRATORS FOR RESIDENTIAL  
24 CHILD CARE PROGRAMS; AND

25 [(ii)] (III) [Two] THREE shall be consumer members.

26 (b) The Governor shall appoint members with the advice and consent of the  
27 Senate.

28 (c) Each Board member shall:

29 (1) Be a United States citizen; and

1 (2) Have resided in this State for at least 1 year before appointment to  
2 the Board.

3 (d) A consumer member of the Board:

4 (1) May not be a program administrator;

5 (2) May not have a household member who is a program administrator;

6 (3) May not have a household member who participates in a commercial  
7 or professional field related to administering a program; and

8 (4) May not have had within 2 years before appointment a substantial  
9 financial interest in a program regulated by an agency.

10 (e) While a member of the Board, a consumer member may not have a  
11 substantial financial interest in a program regulated by an agency.

12 (f) Before taking office, each appointee to the Board shall take the oath  
13 required by Article I, § 9 of the State Constitution.

14 (g) (1) The term of a member is 4 years.

15 (2) The terms of members are staggered as required by the terms  
16 provided for members of the Board on October 1, [2004] 2005.

17 (3) At the end of a term, a member continues to serve until a successor is  
18 appointed and qualifies.

19 (4) A member who is appointed after a term has begun serves only for  
20 the rest of the term and until a successor is appointed and qualifies.

21 (5) A member may not serve more than two consecutive full terms.

22 (6) To the extent practicable, the Governor shall fill any vacancy on the  
23 Board within 60 days of the date of the vacancy.

24 (h) (1) The Governor may remove a member for incompetence, misconduct,  
25 incapacity, or neglect of duty.

26 (2) On the recommendation of the Subcabinet, the Governor may remove  
27 a member whom the Subcabinet finds to have been absent from two successive Board  
28 meetings without adequate reason.

29 20-206.

30 (a) There is a State Board for Certification of Residential [Child] Care  
31 Program Administrators Fund.

1 20-301.

2 (b) (1) Except as provided in paragraph (2) of this subsection, if a program  
3 administrator leaves or is removed from a position as program administrator by  
4 death or for any other unexpected cause, the owner of a residential [child] care  
5 program or other appropriate program authority shall immediately designate a  
6 certified program administrator to serve in that capacity.

7 (2) (i) In the event a certified program administrator is not available,  
8 the owner or other appropriate program authority may appoint a noncertified person  
9 to serve in the capacity of acting program administrator for a period not to exceed 180  
10 days.

11 (ii) The owner or other appropriate program authority shall  
12 immediately notify the Board of the appointment and forward the credentials of the  
13 person appointed to the Board for evaluation to assure that the person appointed is  
14 experienced, trained, and competent.

15 (iii) The 180-day period begins on the date that the program  
16 administrator leaves or is removed from the position as a program administrator.

17 (iv) The Board may extend the 180-day period for a further period  
18 of not more than 30 days.

19 20-305.

20 (d) (1) Subject to the provisions of this subsection, the Board shall  
21 determine the subjects, scope, form, and passing score for examinations given under  
22 this subtitle.

23 (2) The subjects of examination shall be related to:

24 (i) Health and safety issues, including:

- 25 1. Nutritional standards;
- 26 2. Water safety;
- 27 3. Preventative and acute health care standards;
- 28 4. Suicide assessment;
- 29 5. Prevention of abuse and neglect; and
- 30 6. Crisis intervention and problem solving;

31 (ii) The importance of staff training in appropriate observation  
32 techniques, including educational and psychological tests and social histories;

33 (iii) [Rights] FOR A RESIDENTIAL CHILD CARE PROGRAM, RIGHTS  
34 of the child, including:

- 1   1.           Educational and recreational needs; and
- 2   2.           Establishment of and compliance with appropriate
- 3 grievance procedures;
- 4   (iv)       Physical plant requirements;
- 5   (v)        Criminal history records checks of personnel;
- 6   (vi)       Fiscal accountability;
- 7   (vii)      Record keeping that complies with federal requirements and
- 8 State regulations;
- 9   (viii)     Emergency planning; and
- 10    (ix)       Other standards established in the regulations.

11                   (3)        Each applicant shall be required to show knowledge of the laws,  
12 rules, and regulations that apply to programs.

13                   (4)        The scope, content, and form of an examination shall be the same for  
14 all certificate applicants who take the examination at the same time.

15 20-402.

16           (b)        Unless authorized to practice under this title, a person may not use the  
17 title "residential child care program administrator", "RESIDENTIAL ADULT CARE  
18 PROGRAM ADMINISTRATOR", or any other designation, title, or abbreviation with the  
19 intent to represent that the person is authorized to perform the duties of a program  
20 administrator.

21 20-501.

22           This title may be cited as the "Maryland Certification of Program  
23 Administrators for Residential [Child] Care Programs Act".

24 20-502.

25           Subject to the evaluation and reestablishment provisions of the Program  
26 Evaluation Act, this title and all regulations adopted under this title shall terminate  
27 and be of no effect after July 1, 2014.

28   **Article - State Government**

29 8-403.

30           (a)        On or before December 15 of the 2nd year before the evaluation date of a  
31 governmental activity or unit, the Legislative Policy Committee, based on a  
32 preliminary evaluation, may waive as unnecessary the evaluation required under this  
33 section.

1 (b) Except as otherwise provided in subsection (a) of this section, on or before  
2 the evaluation date for the following governmental activities or units, an evaluation  
3 shall be made of the following governmental activities or units and the statutes and  
4 regulations that relate to the governmental activities or units:

5 (63) Residential [Child] Care Program Administrators, State Board for  
6 Certification of (§ 20-202 of the Health Occupations Article: July 1, 2013);

7 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members  
8 of the State Board for Certification of Residential Care Program Administrators shall  
9 expire as follows:

- 10 (1) three members in 2005;
- 11 (2) four members in 2006;
- 12 (3) four members in 2007; and
- 13 (4) two members in 2008.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2005.