
By: **Senators Kelley, Britt, Della, Exum, Garagiola, Gladden, Grosfeld,
Hollinger, Hooper, Hughes, Jones, Kasemeyer, Lawlah, McFadden,
Middleton, Stone, and Teitelbaum**

Introduced and read first time: January 17, 2005

Assigned to: Education, Health, and Environmental Affairs

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

1 (2004 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article - State Government

4 Section 8-403(b)(63)

5 Annotated Code of Maryland

6 (2004 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Health Occupations**

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

11 20-101.

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

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

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

18 (1) Certified by the Board; and

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

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

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

28 (i) Licensed by:

29 1. The Department of Health and Mental Hygiene;

30 2. The Department of Human Resources; or

31 3. The Department of Juvenile Services; and

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

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

6 Subtitle 2. State Board for Certification of Residential [Child] Care Program
7 Administrators.

8 20-201.

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

11 20-202.

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

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

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

15 1. Two by the Secretary of Health and Mental Hygiene, one
16 each for the Developmental Disabilities Administration and the Mental Hygiene
17 Administration;

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

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

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

21 5. One by the Subcabinet; and

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

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

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

26 (II) TWO SHALL BE PROGRAM ADMINISTRATORS FOR RESIDENTIAL
27 CHILD CARE PROGRAMS; AND

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

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

31 (c) Each Board member shall:

- 1 (1) Be a United States citizen; and
- 2 (2) Have resided in this State for at least 1 year before appointment to
3 the Board.
- 4 (d) A consumer member of the Board:
- 5 (1) May not be a program administrator;
- 6 (2) May not have a household member who is a program administrator;
- 7 (3) May not have a household member who participates in a commercial
8 or professional field related to administering a program; and
- 9 (4) May not have had within 2 years before appointment a substantial
10 financial interest in a program regulated by an agency.
- 11 (e) While a member of the Board, a consumer member may not have a
12 substantial financial interest in a program regulated by an agency.
- 13 (f) Before taking office, each appointee to the Board shall take the oath
14 required by Article I, § 9 of the State Constitution.
- 15 (g) (1) The term of a member is 4 years.
- 16 (2) The terms of members are staggered as required by the terms
17 provided for members of the Board on October 1, [2004] 2005.
- 18 (3) At the end of a term, a member continues to serve until a successor is
19 appointed and qualifies.
- 20 (4) A member who is appointed after a term has begun serves only for
21 the rest of the term and until a successor is appointed and qualifies.
- 22 (5) A member may not serve more than two consecutive full terms.
- 23 (6) To the extent practicable, the Governor shall fill any vacancy on the
24 Board within 60 days of the date of the vacancy.
- 25 (h) (1) The Governor may remove a member for incompetence, misconduct,
26 incapacity, or neglect of duty.
- 27 (2) On the recommendation of the Subcabinet, the Governor may remove
28 a member whom the Subcabinet finds to have been absent from two successive Board
29 meetings without adequate reason.
- 30 20-206.
- 31 (a) There is a State Board for Certification of Residential [Child] Care
32 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 (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.