
By: **Delegates Morhaim, Zirkin, Brown, Jones, Cardin, Nathan-Pulliam,
Burns, Malone, DeBoy, Bromwell, Minnick, and Hammen**

Introduced and read first time: February 8, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Contracts for Residential Child Care Programs**

3 FOR the purpose of requiring the Governor's Office for Children to develop the State
4 Resource Plan for Residential Child Care Programs in consultation with certain
5 agencies, providers, and local jurisdictions; declaring the intent of the General
6 Assembly; establishing the content of the Plan; requiring that the Plan be issued
7 and updated on or before a certain date; requiring the Governor's Office for
8 Children to issue a certain report on or before a certain date; establishing
9 certain requirements for certain contracts between certain agencies and
10 providers; requiring a single point of entry to provide certain sample contracts to
11 potential providers; requiring the Governor's Office for Children to adopt certain
12 regulations; defining certain terms; and generally relating to procurement for
13 residential child care programs.

14 BY adding to

15 Article - State Finance and Procurement

16 Section 13-501 through 13-506, inclusive, to be under the new subtitle "Subtitle

17 5. Contracts for Residential Child Care Programs"

18 Annotated Code of Maryland

19 (2001 Replacement Volume and 2005 Supplement)

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

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

22 **Article - State Finance and Procurement**

23 **SUBTITLE 5. CONTRACTS FOR RESIDENTIAL CHILD CARE PROGRAMS.**

24 13-501.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) "AGENCIES" MEANS:

1 (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

2 (2) THE DEPARTMENT OF HUMAN RESOURCES; AND

3 (3) THE DEPARTMENT OF JUVENILE SERVICES.

4 (C) "CERTIFIED PROGRAM ADMINISTRATOR" MEANS AN INDIVIDUAL WHO IS:

5 (1) CERTIFIED BY THE STATE BOARD FOR CERTIFICATION OF
6 RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS UNDER TITLE 20 OF THE
7 HEALTH OCCUPATIONS ARTICLE; AND

8 (2) RESPONSIBLE FOR THE DAY-TO-DAY MANAGEMENT AND
9 OPERATION OF A RESIDENTIAL CHILD CARE PROGRAM.

10 (D) "LOCAL JURISDICTION" MEANS ANY COUNTY IN THE STATE OR
11 BALTIMORE CITY.

12 (E) "PLAN" MEANS THE STATE RESOURCE PLAN FOR RESIDENTIAL CHILD
13 CARE PROGRAMS.

14 (F) "PROVIDER" MEANS A FOR PROFIT OR NOT FOR PROFIT ENTITY LICENSED
15 BY AN AGENCY TO OPERATE A RESIDENTIAL CHILD CARE PROGRAM.

16 (G) (1) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT
17 PROVIDES 24-HOUR PER DAY CARE FOR CHILDREN WITHIN A STRUCTURED SET OF
18 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES
19 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED.

20 (2) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES A PROGRAM:

21 (I) LICENSED BY:

22 1. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

23 2. THE DEPARTMENT OF HUMAN RESOURCES; OR

24 3. THE DEPARTMENT OF JUVENILE SERVICES; AND

25 (II) THAT IS SUBJECT TO THE LICENSING REGULATIONS OF THE
26 GOVERNOR'S OFFICE FOR CHILDREN GOVERNING THE OPERATIONS OF RESIDENTIAL
27 CHILD CARE PROGRAMS.

28 (3) "RESIDENTIAL CHILD CARE PROGRAM" DOES NOT INCLUDE
29 ALTERNATIVE LIVING UNITS FOR ADULTS WITH DEVELOPMENTAL DISABILITIES.

30 (H) "SERVICES" INCLUDES:

31 (1) PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL
32 SERVICES, HEALTH CARE, MENTAL HEALTH CARE, REHABILITATION SERVICES, AND
33 RECREATION;

- 1 (2) IN-HOME AND COMMUNITY SUPERVISION;
- 2 (3) CASE MANAGEMENT BY A LICENSED SOCIAL WORKER; AND
- 3 (4) OTHER SERVICES PROVIDED BY A RESIDENTIAL CHILD CARE
- 4 PROGRAM.

5 (I) "SINGLE POINT OF ENTRY" MEANS THE INTERACTION BETWEEN THE
6 GOVERNOR'S OFFICE FOR CHILDREN AND A POTENTIAL PROVIDER THAT OCCURS
7 BEFORE THE PROCESS OF LICENSING WITH AN AGENCY BEGINS.

8 13-502.

9 THE GENERAL ASSEMBLY INTENDS TO:

10 (1) IMPROVE THE QUALITY OF CARE PROVIDED BY RESIDENTIAL CHILD
11 CARE PROGRAMS;

12 (2) PROVIDE THE SAME QUALITY OF CARE TO ALL CHILDREN PLACED IN
13 A RESIDENTIAL CHILD CARE PROGRAM; AND

14 (3) DEVELOP A SYSTEM THAT EXPANDS SERVICES PROVIDED BY
15 RESIDENTIAL CHILD CARE PROGRAMS TO LOCAL JURISDICTIONS THAT ARE
16 UNDERSERVED.

17 13-503.

18 (A) (1) THERE IS A STATE RESOURCE PLAN FOR RESIDENTIAL CHILD CARE
19 PROGRAMS.

20 (2) THE GOVERNOR'S OFFICE FOR CHILDREN SHALL DEVELOP THE
21 PLAN TO ENHANCE ACCESS TO SERVICES PROVIDED BY RESIDENTIAL CHILD CARE
22 PROGRAMS.

23 (3) THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH THE
24 AGENCIES, PROVIDERS, LOCAL JURISDICTIONS, AND ANY OTHER STATE
25 DEPARTMENT, AGENCY, OR PERSON THAT THE OFFICE IDENTIFIES AS HAVING
26 RELEVANT INFORMATION OR THAT IS INTERESTED IN THE DEVELOPMENT OF THE
27 PLAN.

28 (B) THE PLAN SHALL:

29 (1) PROVIDE A FRAMEWORK FOR THE GOVERNOR'S OFFICE FOR
30 CHILDREN AND AGENCIES TO PROCURE RESIDENTIAL CHILD CARE PROGRAM
31 SERVICES THAT MEET THE NEEDS IDENTIFIED IN THE PLAN;

32 (2) PROVIDE THE FOLLOWING INFORMATION ON RESIDENTIAL CHILD
33 CARE PROGRAMS:

34 (I) THE LOCAL JURISDICTION WHERE EACH PROGRAM IS
35 OPERATED;

- 1 (II) THE PROVIDER FOR EACH PROGRAM;
- 2 (III) THE ACTUAL CAPACITY AND UTILIZATION RATE FOR EACH
- 3 PROGRAM;
- 4 (IV) THE AGES OF THE CHILDREN IN THE PROGRAM;
- 5 (V) THE LOCAL JURISDICTION OF EACH CHILD IN THE PROGRAM;
- 6 (VI) THE SERVICES EACH CHILD REQUIRES AND A DESCRIPTION OF
- 7 HOW THOSE SERVICES ARE BEING PROVIDED;
- 8 (VII) THE AGENCY THAT PLACED EACH CHILD IN THE PROGRAM;
- 9 AND
- 10 (VIII) ANY OTHER INFORMATION THE GOVERNOR'S OFFICE FOR
- 11 CHILDREN OR THE AGENCIES, PROVIDERS, OR LOCAL JURISDICTIONS CONSIDER
- 12 RELEVANT;

13 (3) IDENTIFY THE TYPES OF SERVICES NEEDED IN RESIDENTIAL CHILD

14 CARE PROGRAMS AND THE ESTIMATED NUMBER OF CHILDREN REQUIRING THOSE

15 SERVICES IN EACH LOCAL JURISDICTION;

16 (4) IDENTIFY THE LOCAL JURISDICTIONS WHERE THE SERVICES

17 IDENTIFIED IN ITEM (3) OF THIS SUBSECTION ARE INSUFFICIENTLY SUPPLIED;

18 (5) ESTABLISH AN INCENTIVE FUND FOR RESIDENTIAL CHILD CARE

19 PROGRAM DEVELOPMENT IN THE LOCAL JURISDICTIONS IDENTIFIED IN ITEM (4) OF

20 THIS SUBSECTION; AND

21 (6) IDENTIFY THE REASONS CHILDREN ARE PLACED IN RESIDENTIAL

22 CHILD CARE PROGRAMS OUTSIDE OF THEIR LOCAL JURISDICTION IN ACCORDANCE

23 WITH § 5-525 OF THE FAMILY LAW ARTICLE.

24 (C) (1) THE PLAN SHALL BE ISSUED ON OR BEFORE JULY 1, 2006 AND

25 UPDATED ON OR BEFORE JULY 1 OF EACH YEAR.

26 (2) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE GOVERNOR'S OFFICE

27 FOR CHILDREN SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT

28 ARTICLE, REPORT TO THE GOVERNOR, THE SENATE EDUCATION, HEALTH, AND

29 ENVIRONMENTAL AFFAIRS COMMITTEE, THE SENATE FINANCE COMMITTEE, AND

30 THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON THE

31 FINDINGS OF THE PLAN.

32 13-504.

33 (A) A CONTRACT AWARDED OR RENEWED BETWEEN AN AGENCY AND A

34 PROVIDER FOR A RESIDENTIAL CHILD CARE PROGRAM SHALL:

35 (1) REQUIRE A PROVIDER TO FULFILL THE LICENSING REQUIREMENTS

36 UNDER §§ 5-507 THROUGH 5-509 OF THE FAMILY LAW ARTICLE, TITLE 7, SUBTITLE 9,

1 OF THE HEALTH - GENERAL ARTICLE, OR §§ 2-123 THROUGH 2-125 OF ARTICLE 83C OF
2 THE CODE;

3 (2) INCLUDE THE FOLLOWING STATEMENTS:

4 (I) THE SERVICES A PROVIDER IS REQUIRED TO PROVIDE IN A
5 RESIDENTIAL CHILD CARE PROGRAM;

6 (II) AN EXPLANATION FROM THE PROVIDER ON HOW THE
7 PROGRAM WILL FURTHER THE OBJECTIVES OF THE PLAN UNDER § 13-503(B) OF THIS
8 SUBTITLE; AND

9 (III) ANY OTHER STATEMENT AN AGENCY CONSIDERS NECESSARY;

10 (3) REQUIRE THE PROVIDER TO REPORT TO THE CONTRACTING AGENCY
11 WITHIN 10 DAYS AFTER A CRITICAL INCIDENT INVOLVING A CHILD IN THEIR CARE,
12 INCLUDING:

13 (I) COMMUNITY COMPLAINTS THAT THE RESIDENTIAL CHILD
14 CARE PROGRAM RECEIVES AND THE RESOLUTION OF THE COMPLAINT; AND

15 (II) ANY OTHER CRITICAL INCIDENT IDENTIFIED BY THE
16 GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES;

17 (4) REQUIRE THAT THE RESIDENTIAL CHILD CARE PROGRAM PROVIDE
18 HEALTH CARE SERVICES UNDER § 5-533 OF THE FAMILY LAW ARTICLE;

19 (5) REQUIRE THE PROVIDER TO MAINTAIN HEALTH CARE RECORDS
20 DURING THE PLACEMENT OF A CHILD IN THEIR RESIDENTIAL CHILD CARE
21 PROGRAM, INCLUDING:

22 (I) HEALTH INSURANCE INFORMATION;

23 (II) POWERS OF ATTORNEY, IF APPLICABLE;

24 (III) A HISTORY OF PRIMARY AND PREVENTIVE CARE AND ANY
25 ARRANGEMENTS MADE FOR CONTINUING CARE;

26 (IV) A HISTORY OF THE HEALTH CARE PROVIDED FOR BEHAVIORAL,
27 MENTAL, OR SUBSTANCE ABUSE DISORDERS AND ANY ARRANGEMENTS MADE FOR
28 CONTINUING CARE; AND

29 (V) DOCUMENTATION OF DOCTOR AND DENTIST VISITS;

30 (6) REQUIRE A PROVIDER TO COMPLY WITH § 7-309 OF THE EDUCATION
31 ARTICLE;

32 (7) INCLUDE A PLAN FOR THE RESIDENTIAL CHILD CARE PROGRAM'S
33 INTERACTION WITH THE SURROUNDING COMMUNITY, INCLUDING A MECHANISM
34 FOR RESPONDING TO COMPLAINTS;

1 (8) REQUIRE AN ANNUAL FINANCIAL DISCLOSURE, INCLUDING:

2 (I) A CERTIFIED FINANCIAL AUDIT OF REVENUES AND
3 EXPENDITURES PREPARED BY A LICENSED ACCOUNTANT;

4 (II) A CERTIFIED FINANCIAL AUDIT PREPARED BY A LICENSED
5 ACCOUNTANT THAT COMPARES ACTUAL REVENUES AND EXPENDITURES TO THE
6 BUDGET SUBMITTED TO THE INTERAGENCY RATE COMMITTEE FOR THE PURPOSE OF
7 GENERATING THE PROGRAM'S RATE; AND

8 (III) A STATEMENT IDENTIFYING ANY INTEREST THAT THE
9 PROVIDER OR AN EMPLOYEE OF THE PROVIDER HAS WITH A BUSINESS OR ENTITY
10 THAT ACCOUNTS FOR 5% OR MORE OF THE PROGRAM'S EXPENDITURES;

11 (9) REQUIRE A PROVIDER AND THE EMPLOYEES OF THE PROVIDER
12 HAVING DIRECT CONTACT WITH CHILDREN IN A RESIDENTIAL CHILD CARE
13 PROGRAM TO BE AT LEAST 21 YEARS OF AGE; AND

14 (10) REQUIRE THE RESIDENTIAL CHILD CARE PROGRAM TO HAVE A
15 CERTIFIED PROGRAM ADMINISTRATOR AS REQUIRED UNDER § 20-301 OF THE
16 HEALTH OCCUPATIONS ARTICLE.

17 13-505.

18 THE SINGLE POINT OF ENTRY SHALL PROVIDE A SAMPLE CONTRACT THAT
19 INCLUDES AN EXAMPLE OF THE PROVISIONS REQUIRED UNDER § 13-503 OF THIS
20 SUBTITLE TO EACH POTENTIAL PROVIDER INTERESTED IN BECOMING LICENSED TO
21 OPERATE A RESIDENTIAL CHILD CARE PROGRAM.

22 13-506.

23 THE GOVERNOR'S OFFICE FOR CHILDREN SHALL ADOPT REGULATIONS TO
24 CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2006.