
By: **Senator Stone (Baltimore County Administration)**
 Introduced and read first time: February 3, 2006
 Assigned to: Education, Health, and Environmental Affairs
 Reassigned: Finance, February 9, 2006

Committee Report: Favorable with amendments
 Senate action: Adopted
 Read second time: March 22, 2006

CHAPTER _____

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~~ counties, child advocates, and
 6 consumers; declaring the intent of the General Assembly; establishing the
 7 content of the Plan; requiring that the Plan be issued and updated on or before
 8 a certain date; requiring the Governor's Office for Children to issue a certain
 9 report on or before a certain date; establishing certain requirements for certain
 10 contracts between certain agencies and providers; requiring a single point of
 11 entry to provide certain sample contracts to potential providers; requiring the
 12 ~~Governor's Office for Children~~ members of the Children's Cabinet to adopt
 13 certain regulations; defining certain terms; and generally relating to
 14 procurement for residential child care programs.

15 BY adding

16 ~~Article—State Finance and Procurement~~
 17 ~~Section 13 501 through 13 506, inclusive, to be under the new subtitle "Subtitle~~
 18 ~~5. Contracts for Residential Child Care Programs"~~
 19 New Article 49D - Children, Youth and Family Services
 20 Section 1-101 through 1-106, inclusive, to be under the new title "Title 1.
 21 Contracts for Residential Child Care Programs"
 22 Annotated Code of Maryland
 23 (~~2004~~ 2003 Replacement Volume and 2005 Supplement)

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

3 ~~Article—State Finance and Procurement~~

4 ARTICLE 49D - CHILDREN, YOUTH AND FAMILY SERVICES

5 ~~SUBTITLE 5. TITLE 1.~~ CONTRACTS FOR RESIDENTIAL CHILD CARE PROGRAMS.

6 ~~43-504 1-101.~~

7 (A) IN THIS ~~SUBTITLE~~ TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "AGENCIES" MEANS:

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

11 (2) THE DEPARTMENT OF HUMAN RESOURCES; AND

12 (3) THE DEPARTMENT OF JUVENILE SERVICES.

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

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

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

19 (D) ~~"LOCAL JURISDICTION" MEANS ANY COUNTY IN THE STATE OR~~
20 ~~BALTIMORE CITY~~ "OFFICE" MEANS THE GOVERNOR'S OFFICE FOR CHILDREN.

21 (E) "PLAN" MEANS THE STATE RESOURCE PLAN FOR RESIDENTIAL CHILD
22 CARE PROGRAMS.

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

25 (G) (1) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT
26 PROVIDES 24-HOUR PER DAY CARE FOR CHILDREN WITHIN A STRUCTURED SET OF
27 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES
28 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT INCLUDE THE
29 PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH,
30 MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND
31 ACTIVITIES.

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

1 (I) LICENSED BY:

- 2 1. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
- 3 2. THE DEPARTMENT OF HUMAN RESOURCES; OR
- 4 3. THE DEPARTMENT OF JUVENILE SERVICES; AND

5 (II) THAT IS SUBJECT TO THE LICENSING REGULATIONS OF THE
 6 ~~GOVERNOR'S OFFICE FOR CHILDREN~~ MEMBERS OF THE CHILDREN'S CABINET
 7 GOVERNING THE OPERATIONS OF RESIDENTIAL CHILD CARE PROGRAMS.

8 (3) "RESIDENTIAL CHILD CARE PROGRAM" DOES NOT INCLUDE
 9 ~~ALTERNATIVE LIVING UNITS FOR ADULTS WITH DEVELOPMENTAL DISABILITIES~~
 10 SITES LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.

11 (H) "SERVICES" INCLUDES:

12 (1) ~~PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL~~
 13 ~~SERVICES, HEALTH CARE, MENTAL HEALTH CARE, REHABILITATION SERVICES, AND~~
 14 ~~RECREATION;~~

15 (2) ~~IN HOME AND COMMUNITY SUPERVISION;~~

16 (3) ~~CASE MANAGEMENT BY A LICENSED SOCIAL WORKER; AND~~

17 (4) ~~OTHER SERVICES PROVIDED BY A RESIDENTIAL CHILD CARE~~
 18 ~~PROGRAM.~~

19 (H) "SINGLE POINT OF ENTRY" MEANS THE INTERACTION BETWEEN THE
 20 ~~GOVERNOR'S OFFICE FOR CHILDREN~~ OFFICE AND A POTENTIAL PROVIDER THAT
 21 OCCURS BEFORE THE PROCESS OF LICENSING WITH AN AGENCY BEGINS.

22 ~~43-502~~ 1-102.

23 THE GENERAL ASSEMBLY INTENDS TO:

24 (1) IMPROVE THE QUALITY OF CARE PROVIDED BY RESIDENTIAL CHILD
 25 CARE PROGRAMS;

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

28 (3) DEVELOP A SYSTEM THAT EXPANDS SERVICES PROVIDED BY
 29 RESIDENTIAL CHILD CARE PROGRAMS TO ~~LOCAL JURISDICTIONS~~ COUNTIES THAT
 30 ARE UNDERSERVED.

31 ~~43-503~~ 1-103.

32 (A) (1) THERE IS A STATE RESOURCE PLAN FOR RESIDENTIAL CHILD CARE
 33 PROGRAMS.

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

4 (3) THE PLAN SHALL BE DEVELOPED IN CONSULTATION WITH THE
5 AGENCIES, PROVIDERS, ~~LOCAL JURISDICTIONS~~ COUNTIES, CHILD ADVOCATES,
6 CONSUMERS, AND ANY OTHER STATE DEPARTMENT, AGENCY, OR PERSON THAT THE
7 OFFICE IDENTIFIES AS HAVING RELEVANT INFORMATION OR THAT IS INTERESTED
8 IN THE DEVELOPMENT OF THE PLAN.

9 (B) THE PLAN SHALL:

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

13 (2) PROVIDE THE FOLLOWING INFORMATION ON RESIDENTIAL CHILD
14 CARE PROGRAMS:

15 (I) THE ~~LOCAL JURISDICTION~~ COUNTY WHERE EACH PROGRAM IS
16 OPERATED;

17 (II) THE PROVIDER FOR EACH PROGRAM;

18 (III) THE ACTUAL CAPACITY AND UTILIZATION RATE FOR EACH
19 PROGRAM;

20 (IV) THE AGES OF THE CHILDREN IN THE PROGRAM;

21 (V) THE ~~LOCAL JURISDICTION~~ COUNTY OF EACH CHILD IN THE
22 PROGRAM;

23 (VI) THE SERVICES ~~EACH CHILD REQUIRES~~ CHILDREN REQUIRE
24 AND A DESCRIPTION OF HOW THOSE SERVICES ARE BEING PROVIDED;

25 (VII) THE AGENCY THAT PLACED EACH CHILD IN THE PROGRAM;
26 AND

27 (VIII) ANY OTHER INFORMATION THE ~~GOVERNOR'S OFFICE FOR~~
28 ~~CHILDREN~~ OFFICE OR THE AGENCIES, PROVIDERS, OR ~~LOCAL JURISDICTIONS~~
29 COUNTIES CONSIDER RELEVANT;

30 (3) IDENTIFY THE TYPES OF SERVICES NEEDED IN RESIDENTIAL CHILD
31 CARE PROGRAMS AND THE ESTIMATED NUMBER OF CHILDREN REQUIRING THOSE
32 SERVICES IN EACH ~~LOCAL JURISDICTION~~ COUNTY;

33 (4) IDENTIFY THE ~~LOCAL JURISDICTIONS~~ COUNTIES WHERE THE
34 SERVICES IDENTIFIED IN ITEM (3) OF THIS SUBSECTION ARE INSUFFICIENTLY
35 SUPPLIED;

1 (5) ESTABLISH AN INCENTIVE FUND FOR RESIDENTIAL CHILD CARE
 2 PROGRAM DEVELOPMENT IN THE ~~LOCAL JURISDICTIONS~~ COUNTIES IDENTIFIED IN
 3 ITEM (4) OF THIS SUBSECTION; AND

4 (6) IDENTIFY THE REASONS CHILDREN ARE PLACED IN RESIDENTIAL
 5 CHILD CARE PROGRAMS OUTSIDE OF THEIR ~~LOCAL JURISDICTION~~ COUNTY IN
 6 ACCORDANCE WITH § 5-525 OF THE FAMILY LAW ARTICLE.

7 (C) (1) THE PLAN SHALL BE ISSUED ON OR BEFORE JULY 1, 2006 AND
 8 UPDATED ON OR BEFORE JULY 1 OF EACH YEAR.

9 (2) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ~~GOVERNOR'S OFFICE~~
 10 ~~FOR CHILDREN~~ OFFICE SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE
 11 GOVERNMENT ARTICLE, REPORT TO THE GOVERNOR, ~~THE SENATE EDUCATION,~~
 12 ~~HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE,~~ THE SENATE FINANCE
 13 COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
 14 ON THE FINDINGS OF THE PLAN.

15 ~~43-504~~ 1-104.

16 (A) A CONTRACT AWARDED OR RENEWED BETWEEN AN AGENCY AND A
 17 PROVIDER FOR A RESIDENTIAL CHILD CARE PROGRAM SHALL:

18 (1) REQUIRE A PROVIDER TO FULFILL THE LICENSING REQUIREMENTS
 19 UNDER §§ 5-507 THROUGH 5-509 OF THE FAMILY LAW ARTICLE, TITLE 7, SUBTITLE 9,
 20 OF THE HEALTH - GENERAL ARTICLE, OR §§ 2-123 THROUGH 2-125 OF ARTICLE 83C OF
 21 THE CODE;

22 (2) INCLUDE THE FOLLOWING STATEMENTS:

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

25 (II) AN EXPLANATION FROM THE PROVIDER ON HOW THE
 26 PROGRAM WILL FURTHER THE OBJECTIVES OF THE PLAN UNDER § ~~43-503(B)~~ 1-103(B)
 27 OF THIS ~~SUBTITLE~~ TITLE; AND

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

29 (3) REQUIRE THE PROVIDER TO REPORT TO THE CONTRACTING AGENCY
 30 ~~WITHIN 10 DAYS IN WRITING WITHIN 24 HOURS AFTER A CRITICAL INCIDENT, AS~~
 31 DEFINED IN REGULATION, INVOLVING A CHILD IN THEIR CARE, INCLUDING:

32 ~~(4)~~;

33 (4) REQUIRE THE PROVIDER TO REPORT COMMUNITY COMPLAINTS
 34 THAT THE RESIDENTIAL CHILD CARE PROGRAM RECEIVES AND THE RESOLUTION OF
 35 THE COMPLAINT WITHIN 10 DAYS; AND

1 ~~(H)~~ ANY OTHER CRITICAL INCIDENT IDENTIFIED BY THE
2 GOVERNOR'S OFFICE FOR CHILDREN AND THE AGENCIES;

3 ~~(4)~~ (5) REQUIRE THAT THE RESIDENTIAL CHILD CARE PROGRAM
4 PROVIDE HEALTH CARE SERVICES UNDER § 5-533 OF THE FAMILY LAW ARTICLE;

5 ~~(5)~~ (6) REQUIRE THE PROVIDER TO MAINTAIN HEALTH CARE
6 RECORDS DURING THE PLACEMENT OF A CHILD IN THEIR RESIDENTIAL CHILD CARE
7 PROGRAM, INCLUDING:

8 (I) HEALTH INSURANCE INFORMATION;

9 (II) POWERS OF ATTORNEY, IF APPLICABLE;

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

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

15 (V) DOCUMENTATION OF DOCTOR AND DENTIST VISITS;

16 ~~(6)~~ (7) REQUIRE A PROVIDER TO COMPLY WITH § 7-309 OF THE
17 EDUCATION ARTICLE;

18 ~~(7)~~ (8) INCLUDE A PLAN FOR THE RESIDENTIAL CHILD CARE
19 PROGRAM'S INTERACTION WITH THE SURROUNDING COMMUNITY, INCLUDING A
20 MECHANISM FOR RESPONDING TO COMPLAINTS;

21 ~~(8)~~ (9) REQUIRE AN ANNUAL FINANCIAL DISCLOSURE, INCLUDING:

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

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

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

31 ~~(9)~~ (10) REQUIRE A PROVIDER AND THE EMPLOYEES OF THE PROVIDER
32 HAVING DIRECT CONTACT WITH CHILDREN IN A RESIDENTIAL CHILD CARE
33 PROGRAM TO BE AT LEAST 21 YEARS OF AGE; AND

34 ~~(10)~~ (11) REQUIRE THE RESIDENTIAL CHILD CARE PROGRAM TO HAVE A
35 CERTIFIED PROGRAM ADMINISTRATOR AS REQUIRED UNDER § 20-301 OF THE
36 HEALTH OCCUPATIONS ARTICLE.

1 ~~43-505~~ 1-105.

2 THE SINGLE POINT OF ENTRY SHALL PROVIDE A SAMPLE CONTRACT THAT
3 INCLUDES AN EXAMPLE OF THE PROVISIONS REQUIRED UNDER § ~~43-503~~ 1-103 OF
4 THIS ~~SUBTITLE~~ TITLE TO EACH POTENTIAL PROVIDER INTERESTED IN BECOMING
5 LICENSED TO OPERATE A RESIDENTIAL CHILD CARE PROGRAM.

6 ~~43-506~~ 1-106.

7 THE ~~GOVERNOR'S OFFICE FOR CHILDREN~~ MEMBERS OF THE CHILDREN'S
8 CABINET SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS
9 ~~SUBTITLE~~ TITLE.

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