

# SENATE BILL 703

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SB 809/06 – FIN

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By: **Senator Dyson**

Introduced and read first time: February 2, 2007

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Partnership for Innovation and Quality in Family Child Care Act**

3 FOR the purpose of authorizing family child care providers to designate which  
4 provider organizations, if any, shall be the joint negotiating representative of all  
5 Purchase of Child Care Subsidy Program (POC) providers and the joint  
6 rulemaking representative of all registered providers; establishing certain  
7 procedures for petitioning of a provider organization for recognition as  
8 representative of providers; establishing certain procedures for the election of  
9 provider organizations; establishing a certain minimum period of representation  
10 for the initial designation of a provider organization; requiring that a certain  
11 percentage of providers petition to request an election after the initial  
12 designation period of a provider organization; requiring provider organizations  
13 designated as representative to represent all providers in the State fairly,  
14 without regard to whether or not the provider is a member of the provider  
15 organization; requiring the State Department of Education to negotiate with the  
16 representative of POC providers on certain matters; authorizing the  
17 Department to negotiate with the joint negotiating representative of POC  
18 providers on certain matters; limiting the service or representation fee of the  
19 POC providers; authorizing a certain deduction in the membership dues of POC  
20 providers; requiring the Department to meet and confer with the joint  
21 rulemaking representative of registered providers on certain matters;  
22 authorizing the Department to meet and confer with the joint rulemaking  
23 representative of registered providers on certain matters; establishing certain  
24 procedures for the appointment of a third party when there is an impasse;  
25 specifying that if certain issues agreed on by certain parties would require  
26 modifications of existing regulations, the issues may not become effective until

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the modifications to the regulations have been made in a certain manner;  
2 specifying that the designation of certain State representatives under this Act  
3 does not prevent provider organizations from appearing before or making  
4 proposals to certain State agencies at a public meeting or hearing; prohibiting  
5 the State and provider organizations from certain actions against providers  
6 because of the exercise of the providers' rights to join or refuse to join a provider  
7 organization; prohibiting a provider organization from calling or directing a  
8 strike; declaring the legislative intent of the General Assembly as it relates to  
9 the application of a certain exemption to State and federal antitrust laws;  
10 providing for the application and construction of this Act; defining certain  
11 terms; providing for the short title of this Act; declaring that the provisions of  
12 this Act are severable; providing for the effective date of this Act; and generally  
13 relating to the organization of family child care providers.

14 BY adding to  
15 Article – Education  
16 Section 27–101 through 27–114 to be under the new title “Title 27. Organization  
17 of Family Child Care Providers”  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume)

20 BY repealing and reenacting, without amendments,  
21 Article – Family Law  
22 Section 5–550(d) and 5–552(b)  
23 Annotated Code of Maryland  
24 (2006 Replacement Volume)

25 Preamble

26 WHEREAS, Quality child care is a fundamental need for Maryland families  
27 with the majority of children under 6 years of age having both parents, or their sole  
28 parent, in the workforce; and

29 WHEREAS, Family child care providers play a crucial role in providing quality  
30 and affordable child care for young children and working parents; and

31 WHEREAS, Wages and training opportunities need to be increased in order to  
32 attract a sufficient number of providers to meet statewide demand for family child  
33 care services; and

34 WHEREAS, Families receiving assistance through the State's Purchase of Child  
35 Care Subsidy Program do not control the economic and other terms of delivery of

1 services, and therefore cannot effectively address concerns common to family child  
 2 care providers throughout the State; and

3 WHEREAS, Empowering family child care providers to negotiate jointly with  
 4 the State will improve the efficiency and effectiveness of communication between  
 5 family child care providers and the State and help restore the competitive balance in  
 6 the market for family child care services, thereby providing benefits for parents and  
 7 the community; now, therefore,

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

10 **Article - Education**

11 **TITLE 27. ORGANIZATION OF FAMILY CHILD CARE PROVIDERS.**

12 **27-101.**

13 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 14 INDICATED.

15 (B) “FAMILY CHILD CARE PROVIDER” MEANS:

16 (1) A REGISTERED PROVIDER; OR

17 (2) AN INDIVIDUAL WHO:

18 (I) PROVIDES CARE IN A FAMILY DAY CARE HOME THAT IS  
 19 EXEMPT FROM THE REGISTRATION REQUIREMENTS UNDER § 5-552(B) OF THE  
 20 FAMILY LAW ARTICLE; AND

21 (II) PARTICIPATES IN THE POC PROGRAM.

22 (C) “POC PROGRAM” MEANS THE STATE PURCHASE OF CHILD CARE  
 23 SUBSIDY PROGRAM.

24 (D) “POC PROVIDER” MEANS A FAMILY CHILD CARE PROVIDER WHO  
 25 PARTICIPATES IN THE POC PROGRAM.

26 (E) “PROVIDER ORGANIZATION” MEANS AN ORGANIZATION THAT:

1           (1)    **INCLUDES FAMILY CHILD CARE PROVIDERS; AND**

2           (2)    **HAS AS ONE OF ITS MAIN PURPOSES THE REPRESENTATION**  
3 **OF FAMILY CHILD CARE PROVIDERS IN THEIR RELATIONS WITH THE STATE.**

4           (F)    **“REGISTERED PROVIDER” MEANS A FAMILY DAY CARE PROVIDER AS**  
5 **DEFINED IN § 5-550 OF THE FAMILY LAW ARTICLE.**

6   **27-102.**

7           **IN ACCORDING FAMILY CHILD CARE PROVIDERS AND THEIR**  
8 **REPRESENTATIVES RIGHTS UNDER THIS TITLE, IT IS THE LEGISLATIVE INTENT**  
9 **OF THE GENERAL ASSEMBLY THAT THE STATE ACTION EXEMPTION TO THE**  
10 **APPLICATION OF FEDERAL AND STATE ANTITRUST LAWS BE FULLY AVAILABLE**  
11 **TO THE EXTENT THAT THE ACTIVITIES OF THE FAMILY CHILD CARE PROVIDERS**  
12 **AND THEIR REPRESENTATIVES ARE AUTHORIZED UNDER THIS TITLE.**

13   **27-103.**

14           **FAMILY CHILD CARE PROVIDERS MAY DESIGNATE, IN ACCORDANCE WITH**  
15 **THE PROVISIONS OF THIS TITLE, WHICH PROVIDER ORGANIZATION, IF ANY,**  
16 **SHALL BE:**

17           (1)    **THE JOINT NEGOTIATING REPRESENTATIVE OF ALL POC**  
18 **PROVIDERS IN THE STATE; AND**

19           (2)    **THE JOINT RULEMAKING REPRESENTATIVE OF ALL**  
20 **REGISTERED PROVIDERS IN THE STATE.**

21   **27-104.**

22           (A)    (1)   **IF A PROVIDER ORGANIZATION PETITIONS THE DEPARTMENT**  
23 **ON OR BEFORE AUGUST 1 OF THE YEAR IN WHICH THE PETITION IS MADE WITH**  
24 **WRITTEN AUTHORIZATION TO SERVE AS JOINT NEGOTIATING REPRESENTATIVE**  
25 **FROM AT LEAST 30% OF THE TOTAL NUMBER OF POC PROVIDERS IN THE STATE**  
26 **AS OF JUNE 1 OF THE YEAR IN WHICH THE PETITION IS MADE, THIS PETITION IS**  
27 **A REQUEST FOR RECOGNITION AS REPRESENTATIVE OF ALL POC PROVIDERS IN**  
28 **THE STATE.**

1           **(2) IF A PROVIDER ORGANIZATION PETITIONS THE DEPARTMENT**  
2 **ON OR BEFORE AUGUST 1 OF THE YEAR IN WHICH THE PETITION IS MADE WITH**  
3 **WRITTEN AUTHORIZATION TO SERVE AS JOINT RULEMAKING REPRESENTATIVE**  
4 **FROM AT LEAST 30% OF THE TOTAL NUMBER OF REGISTERED PROVIDERS IN**  
5 **THE STATE AS OF JUNE 1 OF THE YEAR IN WHICH THE PETITION IS MADE, THIS**  
6 **PETITION IS A REQUEST FOR RECOGNITION AS REPRESENTATIVE OF ALL**  
7 **REGISTERED PROVIDERS IN THE STATE.**

8           **(B) (1) IF MORE THAN ONE PROVIDER ORGANIZATION PETITIONS THE**  
9 **DEPARTMENT IN ACCORDANCE WITH SUBSECTION (A)(1) OF THIS SECTION, AN**  
10 **ELECTION SHALL BE HELD IN WHICH THE POC PROVIDERS IN THE STATE**  
11 **SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:**

12                   **(I) ONE OF THE PROVIDER ORGANIZATIONS AS THE JOINT**  
13 **NEGOTIATING REPRESENTATIVE OF ALL POC PROVIDERS IN THE STATE; OR**

14                   **(II) NOT TO HAVE REPRESENTATION.**

15           **(2) IF MORE THAN ONE PROVIDER ORGANIZATION PETITIONS THE**  
16 **DEPARTMENT IN ACCORDANCE WITH SUBSECTION (A)(2) OF THIS SECTION, AN**  
17 **ELECTION SHALL BE HELD IN WHICH THE REGISTERED PROVIDERS IN THE**  
18 **STATE SHALL BE OFFERED THE OPPORTUNITY TO CHOOSE:**

19                   **(I) ONE OF THE PROVIDER ORGANIZATIONS AS THE JOINT**  
20 **RULEMAKING REPRESENTATIVE OF ALL REGISTERED PROVIDERS IN THE**  
21 **STATE; OR**

22                   **(II) NOT TO HAVE REPRESENTATION.**

23           **(C) IF ONLY ONE PROVIDER ORGANIZATION PETITIONS THE**  
24 **DEPARTMENT IN ACCORDANCE WITH SUBSECTION (A)(1) OR (2) OF THIS**  
25 **SECTION, AN ELECTION SHALL BE HELD AND THE BALLOT SHALL OFFER A**  
26 **CHOICE BETWEEN:**

27                   **(1) REPRESENTATION BY THE PROVIDER ORGANIZATION; AND**

28                   **(2) NOT TO HAVE REPRESENTATION.**

1           **(D) (1) ON RECEIPT OF ANY PETITIONS REQUESTING RECOGNITION**  
2 **UNDER THIS SECTION, THE DEPARTMENT SHALL REQUEST THE AMERICAN**  
3 **ARBITRATION ASSOCIATION TO:**

4                   **(I) VERIFY THE NUMBER OF FAMILY CHILD CARE**  
5 **PROVIDERS THAT HAVE AUTHORIZED A PROVIDER ORGANIZATION ON THE DATE**  
6 **OF THE PETITION REQUESTING RECOGNITION; AND**

7                   **(II) AFTER VERIFYING PROVIDER AUTHORIZATION OF THE**  
8 **PETITIONING PROVIDER ORGANIZATION, HOLD ELECTIONS UNDER THIS**  
9 **SECTION AND CERTIFY THEIR RESULTS ON OR BEFORE OCTOBER 1 OF THE**  
10 **YEAR IN WHICH THE PETITION IS MADE.**

11           **(2) IF THE AMERICAN ARBITRATION ASSOCIATION IS UNABLE OR**  
12 **UNWILLING TO VERIFY PROVIDER AUTHORIZATION OR HOLD ELECTIONS UNDER**  
13 **PARAGRAPH (1) OF THIS SUBSECTION:**

14                   **(I) THE AMERICAN ARBITRATION ASSOCIATION SHALL**  
15 **NOTIFY THE DEPARTMENT NO LATER THAN 15 DAYS AFTER RECEIVING A**  
16 **REQUEST FROM THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS**  
17 **SUBSECTION; AND**

18                   **(II) ON RECEIPT OF NOTICE FROM THE AMERICAN**  
19 **ARBITRATION ASSOCIATION UNDER ITEM (I) OF THIS PARAGRAPH, THE**  
20 **DEPARTMENT SHALL APPOINT A NEUTRAL THIRD PARTY TO CARRY OUT THE**  
21 **ELECTION AND VERIFICATION PROCESS.**

22           **(3) THE ELECTIONS SHALL BE HELD IN A MANNER ASSURING THE**  
23 **SECURITY OF THE BALLOT.**

24                   **(4) (I) THE COSTS OF THE ELECTION SHALL BE EQUALLY**  
25 **SHARED BY EACH PROVIDER ORGANIZATION PLACED ON THE BALLOT.**

26                   **(II) IF ONLY ONE PROVIDER ORGANIZATION IS PLACED ON**  
27 **THE BALLOT, THAT PROVIDER ORGANIZATION SHALL PAY ALL COSTS OF THE**  
28 **ELECTION.**

29           **(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**  
30 **IN ANY ELECTION HELD UNDER THIS SECTION, THE PROVIDER ORGANIZATION**

1 THAT RECEIVES THE LARGEST NUMBER OF VOTES CAST SHALL BE DESIGNATED  
2 TO BE THE REPRESENTATIVE OF ALL FAMILY CHILD CARE PROVIDERS IN THE  
3 PETITIONED-FOR GROUP.

4 (II) IF THE LARGEST NUMBER OF VOTES IN THE ELECTION  
5 IS CAST NOT TO HAVE REPRESENTATION, A REPRESENTATIVE MAY NOT BE  
6 DESIGNATED FOR THE PETITIONED-FOR GROUP.

7 **27-105.**

8 (A) (1) THE INITIAL DESIGNATION OF A REPRESENTATIVE SHALL BE  
9 FOR 2 OR MORE YEARS.

10 (2) AFTER THIS INITIAL PERIOD, THE DESIGNATED PROVIDER  
11 ORGANIZATION SHALL BE THE REPRESENTATIVE UNTIL ANOTHER ELECTION IS  
12 HELD.

13 (B) (1) AFTER THE INITIAL PERIOD OF REPRESENTATION IS  
14 CONCLUDED, AN ELECTION CHALLENGING THE DESIGNATION OF THE JOINT  
15 NEGOTIATING REPRESENTATIVE MAY BE HELD ONLY ON PETITION SIGNED BY  
16 MORE THAN 30% OF POC PROVIDERS IN THE STATE.

17 (2) IF THERE IS AN AGREEMENT IN EFFECT BETWEEN THE  
18 DEPARTMENT AND THE PROVIDER ORGANIZATION DESIGNATED AS THE JOINT  
19 NEGOTIATING REPRESENTATIVE, A PETITION MAY NOT BE FILED EXCEPT  
20 DURING THE PERIOD NOT LESS THAN 60 AND NOT MORE THAN 90 DAYS BEFORE  
21 THE EXPIRATION OF THE AGREEMENT.

22 (C) (1) AFTER THE INITIAL PERIOD OF REPRESENTATION IS  
23 CONCLUDED, AN ELECTION CHALLENGING THE DESIGNATION OF THE JOINT  
24 RULEMAKING REPRESENTATIVE MAY BE HELD ONLY ON PETITION SIGNED BY  
25 MORE THAN 30% OF REGISTERED PROVIDERS IN THE STATE.

26 (2) IF THERE IS AN AGREEMENT IN EFFECT BETWEEN THE  
27 DEPARTMENT AND THE PROVIDER ORGANIZATION DESIGNATED AS THE JOINT  
28 RULEMAKING REPRESENTATIVE, A PETITION MAY NOT BE FILED EXCEPT  
29 DURING THE PERIOD NOT LESS THAN 60 AND NOT MORE THAN 90 DAYS BEFORE  
30 THE EXPIRATION OF THE AGREEMENT.

1           **(D) PROVIDER AUTHORIZATION SHALL BE VERIFIED AND ANY**  
2 **ELECTION UNDER THIS SECTION SHALL:**

3                   **(1) BE HELD IN THE SAME MANNER AS PROVIDED IN § 27-104 OF**  
4 **THIS TITLE; AND**

5                   **(2) BE COMPLETED WITHIN 60 DAYS OF A QUALIFYING PETITION.**

6           **(E) ALL SIGNATURES ON A PETITION REQUESTING AN ELECTION AFTER**  
7 **THE INITIAL PERIOD SHALL BE OBTAINED WITHIN 90 DAYS BEFORE THE DATE**  
8 **THE PETITION IS FILED.**

9 **27-106.**

10           **(A) A PROVIDER ORGANIZATION DESIGNATED AS THE REPRESENTATIVE**  
11 **OF THE POC PROVIDERS SHALL BE THE JOINT NEGOTIATING REPRESENTATIVE**  
12 **OF ALL POC PROVIDERS.**

13           **(B) A PROVIDER ORGANIZATION DESIGNATED AS THE JOINT**  
14 **NEGOTIATING REPRESENTATIVE SHALL REPRESENT ALL POC PROVIDERS IN**  
15 **THE STATE FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE**  
16 **POC PROVIDERS ARE MEMBERS OF THE PROVIDER ORGANIZATION.**

17           **(C) (1) THE DEPARTMENT SHALL NEGOTIATE WITH THE PROVIDER**  
18 **ORGANIZATION DESIGNATED AS THE REPRESENTATIVE OF POC PROVIDERS A**  
19 **REASONABLE SERVICE OR REPRESENTATION FEE TO BE CHARGED**  
20 **NONMEMBERS FOR REPRESENTING THEM IN NEGOTIATIONS, CONTRACT**  
21 **ADMINISTRATION, INCLUDING GRIEVANCES AND OTHER ACTIVITIES AS ARE**  
22 **REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.**

23                   **(2) THE SERVICE OR REPRESENTATION FEE MUST BE LESS THAN**  
24 **THE ANNUAL DUES OF THE MEMBERS OF THE PROVIDER ORGANIZATION.**

25                   **(3) THE DEPARTMENT MAY DEDUCT MEMBERSHIP DUES AND ANY**  
26 **SERVICE FEES FROM THE PAYMENTS TO POC PROVIDERS AND REMIT THE FEES**  
27 **MONTHLY TO THE PROVIDER ORGANIZATION.**

28 **27-107.**



1           (A)    **IN THIS SECTION, “NEGOTIATE” INCLUDES THE DUTY TO:**

2                   (1)    **CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES, WITH**  
3 **THE INTENTION OF REACHING AGREEMENT ON RATES OF PAY AND OTHER**  
4 **TERMS AND CONDITIONS OF POC PROVIDER PARTICIPATION IN THE POC**  
5 **PROGRAM; AND**

6                   (2)    **REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT**  
7 **OF THE NEGOTIATIONS.**

8           (B)    **THE AGREEMENTS MADE UNDER THIS SECTION MAY PROVIDE FOR**  
9 **BINDING ARBITRATION OF THE GRIEVANCES ARISING UNDER THE AGREEMENT**  
10 **THAT THE PARTIES HAVE AGREED TO BE SUBJECT TO ARBITRATION.**

11           (C)    **SUBJECT TO THE AVAILABILITY OF FUNDING NECESSARY TO FUND**  
12 **THE AGREEMENT, PARTIES THAT NEGOTIATE UNDER THE TERMS OF THIS**  
13 **SECTION SHALL BE BOUND BY THE TERMS AND CONDITIONS AGREED ON**  
14 **THROUGH THE NEGOTIATION PROCESS.**

15           (D)    (1)    **ON REQUEST, REPRESENTATIVES OF THE DEPARTMENT**  
16 **SHALL MEET AND NEGOTIATE WITH REPRESENTATIVES OF THE PROVIDER**  
17 **ORGANIZATION THAT IS DESIGNATED AS THE JOINT NEGOTIATING**  
18 **REPRESENTATIVE OF POC PROVIDERS ON ALL MATTERS THAT RELATE TO POC**  
19 **REIMBURSEMENT RATES, RULES AND REGULATIONS GOVERNING THE POC**  
20 **PROGRAM, AND OTHER TERMS AND CONDITIONS OF PARTICIPATION IN THE**  
21 **POC PROGRAM.**

22                   (2)    **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
23 **SUBSECTION, REPRESENTATIVES OF THE DEPARTMENT MAY NEGOTIATE WITH**  
24 **REPRESENTATIVES OF THE PROVIDER ORGANIZATION THAT IS DESIGNATED AS**  
25 **THE JOINT NEGOTIATING REPRESENTATIVE OF POC PROVIDERS ON OTHER**  
26 **MATTERS THAT ARE MUTUALLY AGREED TO BY THE DEPARTMENT AND THE**  
27 **PROVIDER ORGANIZATION.**

28                   (3)    **THE DEPARTMENT MAY NOT NEGOTIATE ANY MATTER THAT**  
29 **IS PRECLUDED BY APPLICABLE STATUTORY LAW.**

30                   (4)    **IF THE TERMS OR CONDITIONS AGREED ON BY THE PARTIES**  
31 **TO THE NEGOTIATIONS WOULD REQUIRE MODIFICATION OF EXISTING**

1 REGULATIONS, THE TERMS MAY NOT BECOME EFFECTIVE UNTIL THE  
2 MODIFICATIONS HAVE BEEN MADE BY THE DEPARTMENT AND HAVE TAKEN  
3 EFFECT IN ACCORDANCE WITH TITLE 10 OF THE STATE GOVERNMENT  
4 ARTICLE.

5 (E) (1) REPRESENTATIVES OF THE DEPARTMENT OR THE PROVIDER  
6 ORGANIZATION MAY REQUEST THE CREATION OF A PANEL TO AID IN RESOLVING  
7 AN IMPASSE IF:

8 (I) NEGOTIATIONS HAVE NOT COMMENCED 90 DAYS AFTER  
9 CERTIFICATION OF THE JOINT NEGOTIATING REPRESENTATIVE; OR

10 (II) NO AGREEMENT HAS BEEN SIGNED AFTER 90 DAYS OF  
11 GOOD-FAITH NEGOTIATIONS OVER THE TERMS OF AN AGREEMENT.

12 (2) THE PANEL SHALL CONTAIN THREE INDIVIDUALS CHOSEN AS  
13 FOLLOWS:

14 (I) ONE MEMBER IS TO BE NAMED BY THE DEPARTMENT  
15 WITHIN 3 DAYS AFTER THE REQUEST;

16 (II) ONE MEMBER IS TO BE NAMED BY THE PROVIDER  
17 ORGANIZATION WITHIN 3 DAYS AFTER THE REQUEST; AND

18 (III) ONE MEMBER IS TO BE CHOSEN BY THE OTHER TWO  
19 MEMBERS WITHIN 10 DAYS AFTER THE REQUEST.

20 (3) THE PANEL SELECTED SHALL MEET WITH THE PARTIES TO  
21 AID IN RESOLVING THE IMPASSE AND, IF THE MATTER IS NOT RESOLVED, SHALL  
22 MAKE A WRITTEN REPORT AND RECOMMENDATION WITHIN 30 DAYS AFTER THE  
23 REQUEST.

24 (4) A COPY OF THE REPORT SHALL BE SENT TO THE  
25 REPRESENTATIVES OF THE DEPARTMENT AND THE PROVIDER ORGANIZATION.

26 (5) ALL COSTS OF MEDIATION SHALL BE SHARED EQUALLY BY  
27 THE DEPARTMENT AND THE PROVIDER ORGANIZATION.

28 27-108.

1           **(A) THE PROVIDER ORGANIZATION DESIGNATED AS THE**  
2 **REPRESENTATIVE OF THE REGISTERED PROVIDERS SHALL BE THE JOINT**  
3 **RULEMAKING REPRESENTATIVE OF ALL REGISTERED PROVIDERS.**

4           **(B) THE PROVIDER ORGANIZATION DESIGNATED AS THE JOINT**  
5 **RULEMAKING REPRESENTATIVE SHALL REPRESENT ALL PROVIDERS IN THE**  
6 **STATE FAIRLY AND WITHOUT DISCRIMINATION, WHETHER OR NOT THE**  
7 **REGISTERED PROVIDERS ARE MEMBERS OF THE PROVIDER ORGANIZATION.**

8 **27-109.**

9           **(A) IN THIS SECTION, “MEET AND CONFER” INCLUDES THE DUTY TO:**

10                   **(1) CONFER IN GOOD FAITH, AT ALL REASONABLE TIMES; AND**

11                   **(2) REDUCE TO WRITING THE MATTERS AGREED ON AS A RESULT**  
12 **OF THE CONFERENCES.**

13           **(B) (1) ON REQUEST, THE REPRESENTATIVES OF THE DEPARTMENT**  
14 **SHALL MEET AND CONFER WITH REPRESENTATIVES OF THE PROVIDER**  
15 **ORGANIZATION THAT IS DESIGNATED AS THE JOINT RULEMAKING**  
16 **REPRESENTATIVE OF REGISTERED PROVIDERS FOR THE PURPOSE OF**  
17 **ENGAGING IN JOINT DISCUSSION OF PROPOSED RULES, REGULATIONS, AND**  
18 **PROGRAMS GOVERNING LICENSING, REGISTRATION, AND FAMILY CHILD CARE**  
19 **HOMES.**

20                   **(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS**  
21 **SUBSECTION, THE REPRESENTATIVES OF THE DEPARTMENT MAY MEET AND**  
22 **CONFER WITH REPRESENTATIVES OF THE PROVIDER ORGANIZATION THAT IS**  
23 **DESIGNATED AS THE JOINT RULEMAKING REPRESENTATIVE OF REGISTERED**  
24 **PROVIDERS ON OTHER MATTERS THAT ARE AGREED TO BY THE DEPARTMENT**  
25 **AND THE PROVIDER ORGANIZATION.**

26                   **(3) THE REPRESENTATIVES OF THE DEPARTMENT MAY NOT MEET**  
27 **AND CONFER WITH REPRESENTATIVES OF THE PROVIDER ORGANIZATION THAT**  
28 **IS DESIGNATED AS THE JOINT RULEMAKING REPRESENTATIVE OF REGISTERED**  
29 **PROVIDERS ON MATTERS CONCERNING THE RIGHT OF THE PROVIDER**

1 ORGANIZATION TO RECEIVE SERVICE OR REPRESENTATION FEES FROM  
2 NONMEMBERS.

3 (4) IF THE MATTERS AGREED ON AS A RESULT OF THE  
4 CONFERENCES WOULD REQUIRE MODIFICATION OF EXISTING REGULATIONS,  
5 THE MATTERS AGREED ON MAY NOT BECOME EFFECTIVE UNTIL THE  
6 MODIFICATIONS HAVE BEEN MADE BY THE DEPARTMENT AND HAVE TAKEN  
7 EFFECT IN ACCORDANCE WITH TITLE 10 OF THE STATE GOVERNMENT  
8 ARTICLE.

9 (C) THIS SECTION MAY NOT BE CONSTRUED TO:

10 (1) VIOLATE ANY PROVISION OF THE MARYLAND  
11 ADMINISTRATIVE PROCEDURE ACT; OR

12 (2) ENTITLE REGISTERED PROVIDERS TO JOINTLY NEGOTIATE  
13 RATES CHARGED TO PRIVATE PARTIES FOR THE PROVISION OF CHILD CARE  
14 SERVICES.

15 **27-110.**

16 (A) IN THIS SECTION, "STATE" INCLUDES:

17 (1) A UNIT OF THE STATE;

18 (2) AN EMPLOYEE OF THE STATE; AND

19 (3) A CONTRACTOR OR SUBCONTRACTOR EMPLOYED BY THE  
20 STATE.

21 (B) THE STATE AND PROVIDER ORGANIZATIONS MAY NOT INTERFERE  
22 WITH, INTIMIDATE, RESTRAIN, COERCE, OR DISCRIMINATE AGAINST ANY  
23 FAMILY CHILD CARE PROVIDER BECAUSE OF THE EXERCISE OF THE FAMILY  
24 CHILD CARE PROVIDER'S RIGHTS TO JOIN OR REFUSE TO JOIN A PROVIDER  
25 ORGANIZATION.

26 **27-111.**



1           SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
2 Act or the application thereof to any person or circumstance is held invalid for any  
3 reason in a court of competent jurisdiction, the invalidity does not affect other  
4 provisions or any other application of this Act which can be given effect without the  
5 invalid provision or application, and for this purpose the provisions of this Act are  
6 declared severable.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 June 1, 2007.