

SENATE BILL 184

D4

8lr0138

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)**

Introduced and read first time: January 18, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 13, 2008

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Child Care Centers – Emergency Suspensions**

3 FOR the purpose of requiring the licensee or holder of a letter of compliance to cease
4 operation of a child care center immediately upon delivery of an emergency
5 suspension notice; repealing a provision requiring a stay of an emergency
6 suspension under certain circumstances; authorizing the licensee or letter
7 holder to request a certain hearing; making a conforming change; and generally
8 relating to the regulation of child care centers by the Maryland State
9 Department of Education.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 5–580
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2007 Supplement)

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

17 **Article – Family Law**

18 5–580.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) Subject to the hearing requirements of this section, the Department may
2 deny a license or letter of compliance to any applicant or deny approval for a change
3 under § 5–577 of this subtitle if the applicant or proposed change does not meet the
4 requirements of this subtitle.

5 (b) Subject to the hearing requirements of this section and § 5–581 of this
6 subtitle, the State Superintendent may suspend or revoke a license or letter of
7 compliance if the licensee:

8 (1) violates a provision of this Part VII of this subtitle or any rule or
9 regulation adopted under it; or

10 (2) does not meet the current requirements for a new license or letter
11 of compliance.

12 (c) (1) Except as otherwise provided in subsection (d) of this section,
13 before any action is taken under this section, the State Superintendent shall give the
14 individual against whom the action is contemplated an opportunity for a public
15 hearing before the State Superintendent.

16 (2) The hearing notice to be given to the individual shall be sent at
17 least 10 days before the hearing.

18 (3) The individual may be represented at the hearing by counsel.

19 (d) (1) (i) The State Superintendent may suspend the license or letter
20 of compliance to operate a child care center on an emergency basis when the State
21 Superintendent determines that this action is required to protect the health, safety, or
22 welfare of a child in the child care center.

23 (ii) When the State Superintendent suspends a license or letter
24 of compliance on an emergency basis, the State Superintendent shall deliver written
25 notice of the suspension to the licensee stating the regulatory basis for the suspension.

26 (2) (i) Upon delivery of the emergency suspension notice, the
27 licensee or letter holder shall cease **IMMEDIATELY** operation of the child care center
28 [within 72 hours].

29 (ii) [The emergency suspension shall be stayed if the licensee or
30 letter holder requests in writing, and within 72 hours of delivery of the notice,] **THE**
31 **LICENSEE OR LETTER HOLDER MAY REQUEST** a hearing before the State
32 Superintendent.

33 (3) (i) If a hearing is requested by the licensee or letter holder, the
34 State Superintendent shall hold a hearing within 7 calendar days of the request for a
35 hearing. The hearing shall be held in accordance with the Administrative Procedure
36 Act.

1 (ii) Within 7 calendar days of the hearing a decision concerning
2 the emergency suspension shall be made by the State Superintendent.

3 (4) If the emergency suspension order is upheld by the State
4 Superintendent, the licensee or letter holder shall **CONTINUE TO** cease operations
5 until it is determined that the health, safety, or welfare of a child in the child care
6 center is no longer threatened.

7 (5) Any person aggrieved by a decision of the State Superintendent to
8 uphold an emergency suspension may appeal that decision directly to the circuit court
9 in the county in which the child care center is located.

10 (e) The State Superintendent may petition the circuit court in the county in
11 which the child care center is located to enjoin the activities and operations of a person
12 who operates a child care center without a license or letter of compliance as required
13 by this Part VII, including when a license or letter of compliance has been denied,
14 revoked, or suspended in accordance with this Part VII.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.