

SENATE BILL 742

E3

8lr2343

By: **Senator Zirkin**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Human Services – Residential Child Care Program – Bill of Rights**

3 FOR the purpose of providing that a contract awarded or renewed between a certain
4 agency and a provider of a residential child care program shall require the
5 provider to conspicuously post a “Residents’ Bill of Rights” in the facility of the
6 provider that includes certain rights; requiring a provider of a residential child
7 care program to develop and, on placement, provide to residents and their
8 parents or legal guardians a handbook of the policies of the provider and the
9 contracting agency as they relate to certain issues; providing that nothing in
10 this Act precludes an agency or provider from providing additional rights to a
11 resident; and generally relating to residential child care programs.

12 BY repealing and reenacting, without amendments,
13 Article – Human Services
14 Section 8–701
15 Annotated Code of Maryland
16 (2007 Volume)

17 BY adding to
18 Article – Human Services
19 Section 8–707
20 Annotated Code of Maryland
21 (2007 Volume)

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

24 **Article – Human Services**

25 8–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this part the following words have the meanings indicated.

2 (b) “Agency” means:

3 (1) the Department of Health and Mental Hygiene;

4 (2) the Department of Human Resources; or

5 (3) the Department of Juvenile Services.

6 (c) “Certified program administrator” means an individual who is:

7 (1) certified by the State Board for Certification of Residential Child
8 Care Program Administrators under Title 20 of the Health Occupations Article; and

9 (2) responsible for the day-to-day management and operation of a
10 residential child care program.

11 (d) “Plan” means the State Resource Plan for Residential Child Care
12 Programs.

13 (e) “Provider” means a for profit or not for profit entity licensed by an agency
14 to operate a residential child care program.

15 (f) “Residential child care program” does not include sites licensed by the
16 Developmental Disabilities Administration.

17 **8-707.**

18 (A) **A CONTRACT AWARDED OR RENEWED BETWEEN AN AGENCY AND A
19 PROVIDER SHALL REQUIRE THE PROVIDER TO:**

20 (1) **POST CONSPICUOUSLY A “RESIDENTS’ BILL OF RIGHTS” IN
21 THE FACILITY OF THE PROVIDER STATING THAT A RESIDENT HAS A RIGHT:**

22 (I) **TO BE TREATED WITH FAIRNESS, DIGNITY, AND
23 RESPECT;**

24 (II) **TO RECEIVE APPROPRIATE AND REASONABLE ADULT
25 GUIDANCE, SUPPORT, AND SUPERVISION, CONSISTENT WITH THE RESIDENT’S
26 AGE AND LEVEL OF DEVELOPMENT;**

27 (III) **NOT TO BE ABUSED, MISTREATED, THREATENED,
28 HARASSED, OR SUBJECTED TO CORPORAL PUNISHMENT OR TO OTHER UNUSUAL
29 OR EXTREME METHODS OF DISCIPLINE;**

1 (IV) TO HAVE THE RESIDENT'S OPINION HEARD AND TO BE
2 INCLUDED, TO THE GREATEST EXTENT POSSIBLE AND CONSISTENT WITH THE
3 RESIDENT'S AGE AND LEVEL OF DEVELOPMENT, WHEN MAJOR DECISIONS,
4 INCLUDING REGULAR CASE PLANNING MEETINGS, ARE BEING MADE AFFECTING
5 THE RESIDENT'S LIFE;

6 (V) TO REASONABLE AND CLINICALLY APPROPRIATE
7 VISITATION, MAIL, AND TELEPHONE COMMUNICATION WITH RELATIVES,
8 FRIENDS, ATTORNEYS, SOCIAL WORKERS, THERAPISTS, AND GUARDIANS AD
9 LITEM;

10 (VI) TO HAVE THE RESIDENT'S RELATIVES AND DESIGNATED
11 REPRESENTATIVES, WHO ARE AUTHORIZED IN WRITING BY THE CONTRACTING
12 AGENCY, TO COMMUNICATE WITH THE FACILITY OF THE PROVIDER, ASK
13 QUESTIONS OF THE FACILITY OF THE PROVIDER, AND HAVE QUESTIONS
14 ANSWERED PROMPTLY BY THE FACILITY OF THE PROVIDER;

15 (VII) TO LANGUAGE TRANSLATION, IF NECESSARY;

16 (VIII) NOT TO BE DISCRIMINATED AGAINST ON THE BASIS OF
17 RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS,
18 PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY
19 RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY,
20 SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS; AND

21 (IX) TO AN APPROPRIATE EDUCATION, INCLUDING
22 EDUCATIONAL SUPPORTS SUCH AS HOMEWORK ASSISTANCE, SUMMER
23 ENRICHMENT OPPORTUNITIES, AND EMPLOYMENT SKILLS TRAINING; AND

24 (2) DEVELOP AND, ON PLACEMENT, PROVIDE TO RESIDENTS AND
25 THEIR PARENTS OR LEGAL GUARDIANS A HANDBOOK OF THE POLICIES OF THE
26 PROVIDER AND THE CONTRACTING AGENCY AS THEY RELATE TO:

27 (I) THE MISSION OF THE PROGRAM;

28 (II) PLACEMENT AND DISCHARGE;

29 (III) DAILY ROUTINES;

30 (IV) TREATMENT STRATEGIES;

31 (V) DISCIPLINARY PRACTICES;

32 (VI) VISITING HOURS;

- 1 **(VII) COMMUNICATION PROCEDURES WITH RESIDENTS;**
2 **(VIII) GRIEVANCE PROCEDURES;**
3 **(IX) HEALTH CARE ACCESS;**
4 **(X) RELIGIOUS EXERCISE ACCESS;**
5 **(XI) EMERGENCY TELEPHONE CONTACT INFORMATION;**
6 **(XII) FAMILY INVOLVEMENT;**
7 **(XIII) ATTORNEY ACCESS;**
8 **(XIV) COMMUNITY INTEGRATION;**
9 **(XV) EDUCATION;**
10 **(XVI) MEDICAL AND DENTAL CARE;**
11 **(XVII) RECREATION;**
12 **(XVIII) LIFE SKILLS TRAINING;**
13 **(XIX) CLOTHING;**
14 **(XX) PERSONAL FUNDS;**
15 **(XXI) FOOD AND NUTRITION;**
16 **(XXII) DAY CARE;**
17 **(XXIII) PERSONAL BELONGINGS;**
18 **(XXIV) EXTRACURRICULAR ACTIVITIES; AND**
19 **(XXV) THERAPY.**

20 **(B) NOTHING IN THIS SECTION PRECLUDES A CONTRACTING AGENCY**
21 **OR PROVIDER FROM PROVIDING ADDITIONAL RIGHTS TO A RESIDENT.**

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