

SENATE BILL 742

E3

8lr2343

By: **Senator Zirkin**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

CHAPTER _____

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; requiring certain
10 documentation regarding receipt and review of the handbook by certain persons;
11 providing that nothing in this Act precludes an agency or provider from
12 providing additional rights to a resident; ~~altering a certain definition;~~ and
13 generally relating to residential child care programs.

14 BY repealing and reenacting, ~~without~~ with amendments,
15 Article - Human Services
16 Section 8-701
17 Annotated Code of Maryland
18 (2007 Volume)

19 BY adding to
20 Article - Human Services
21 Section 8-707
22 Annotated Code of Maryland
23 (2007 Volume)

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

3 **Article – Human Services**

4 8–701.

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

6 (b) “Agency” means:

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

8 (2) the Department of Human Resources; or

9 (3) the Department of Juvenile Services.

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

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

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

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

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

19 (f) ~~“Residential”~~ **EXCEPT AS PROVIDED IN § 8–707 OF THIS SUBTITLE,**
20 **“RESIDENTIAL”** child care program” does not include sites licensed by the
21 Developmental Disabilities Administration.

22 **8–707.**

23 **(A) IN THIS SECTION, “RESIDENTIAL CHILD CARE PROGRAM” INCLUDES**
24 **SITES LICENSED BY THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.**

25 ~~(A)~~ **(B) A CONTRACT AWARDED OR RENEWED BETWEEN AN AGENCY**
26 **AND A PROVIDER SHALL REQUIRE THE PROVIDER TO:**

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

1 (I) TO BE TREATED WITH FAIRNESS, DIGNITY, AND
2 RESPECT;

3 (II) TO RECEIVE APPROPRIATE AND REASONABLE ADULT
4 GUIDANCE, SUPPORT, AND SUPERVISION, CONSISTENT WITH THE RESIDENT'S
5 AGE AND LEVEL OF DEVELOPMENT;

6 (III) NOT TO BE ABUSED, MISTREATED, THREATENED,
7 HARASSED, OR SUBJECTED TO CORPORAL PUNISHMENT OR TO OTHER UNUSUAL
8 OR EXTREME METHODS OF DISCIPLINE;

9 (IV) TO HAVE THE RESIDENT'S OPINION HEARD AND TO BE
10 INCLUDED, TO THE GREATEST EXTENT POSSIBLE AND CONSISTENT WITH THE
11 RESIDENT'S AGE AND LEVEL OF DEVELOPMENT, WHEN MAJOR DECISIONS,
12 INCLUDING REGULAR CASE PLANNING MEETINGS, ARE BEING MADE AFFECTING
13 THE RESIDENT'S LIFE;

14 (V) TO REASONABLE AND CLINICALLY APPROPRIATE
15 VISITATION, MAIL, AND TELEPHONE COMMUNICATION WITH RELATIVES,
16 FRIENDS, ATTORNEYS, SOCIAL WORKERS, THERAPISTS, AND GUARDIANS AD
17 LITEM;

18 (VI) TO HAVE THE RESIDENT'S RELATIVES AND DESIGNATED
19 REPRESENTATIVES, WHO ARE AUTHORIZED IN WRITING BY THE CONTRACTING
20 AGENCY, TO COMMUNICATE WITH THE FACILITY OF THE PROVIDER, ASK
21 QUESTIONS OF THE FACILITY OF THE PROVIDER, AND HAVE QUESTIONS
22 ANSWERED PROMPTLY BY THE FACILITY OF THE PROVIDER;

23 (VII) TO LANGUAGE TRANSLATION AND INTERPRETATION
24 SERVICES, IF NECESSARY;

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

30 (IX) TO AN APPROPRIATE EDUCATION, INCLUDING
31 EDUCATIONAL SUPPORTS SUCH AS HOMEWORK ASSISTANCE, SUMMER
32 ENRICHMENT OPPORTUNITIES, AND EMPLOYMENT SKILLS TRAINING; ~~AND~~

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

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- 1 (I) THE MISSION OF THE PROGRAM;
- 2 (II) PLACEMENT AND DISCHARGE;
- 3 (III) DAILY ROUTINES;
- 4 (IV) TREATMENT STRATEGIES;
- 5 (V) DISCIPLINARY PRACTICES;
- 6 (VI) VISITING HOURS;
- 7 (VII) COMMUNICATION PROCEDURES WITH RESIDENTS;
- 8 (VIII) GRIEVANCE PROCEDURES;
- 9 (IX) HEALTH CARE ACCESS;
- 10 (X) RELIGIOUS EXERCISE ACCESS;
- 11 (XI) EMERGENCY TELEPHONE CONTACT INFORMATION;
- 12 (XII) FAMILY INVOLVEMENT;
- 13 (XIII) ATTORNEY ACCESS;
- 14 (XIV) COMMUNITY INTEGRATION;
- 15 (XV) EDUCATION;
- 16 (XVI) MEDICAL AND DENTAL CARE;
- 17 (XVII) RECREATION;
- 18 (XVIII) LIFE SKILLS TRAINING;
- 19 (XIX) CLOTHING;
- 20 (XX) PERSONAL FUNDS;
- 21 (XXI) FOOD AND NUTRITION;
- 22 (XXII) DAY CARE;
- 23 (XXIII) PERSONAL BELONGINGS;

1 (XXIV) EXTRACURRICULAR ACTIVITIES; AND

2 (XXV) THERAPY; AND

3 (3) DOCUMENT IN EACH CHILD’S CASE FILE RECEIPT AND REVIEW
4 BY THE CHILD AND THE PARENT OR GUARDIAN OF THE CHILD OF THE
5 HANDBOOK REQUIRED TO BE PROVIDED UNDER ITEM (2) OF THIS SUBSECTION.

6 ~~(B)~~ (C) NOTHING IN THIS SECTION PRECLUDES A CONTRACTING
7 AGENCY OR PROVIDER FROM PROVIDING ADDITIONAL RIGHTS TO A RESIDENT.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.