

SENATE BILL 782

O4

8lr0892

By: **Senator Zirkin**

Introduced and read first time: February 5, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs – Statement of Need**

3 FOR the purpose of requiring a statement of need for developing, operating,
4 establishing, relocating, or expanding a residential child care program;
5 providing certain exceptions; requiring the Department of Human Resources
6 and the Department of Juvenile Services to issue a statement of need to a
7 program; requiring the Departments to adopt certain regulations; requiring the
8 Departments to provide notification of certain applications in a certain manner;
9 defining certain terms; and generally relating to statements of need for
10 residential child care programs.

11 BY adding to

12 Article – Human Services

13 Section 8–703.1

14 Annotated Code of Maryland

15 (2007 Volume)

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

18 **Article – Human Services**

19 **8–703.1.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
21 MEANINGS INDICATED.

22 (2) “LICENSING AGENCY” MEANS:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) THE DEPARTMENT OF HUMAN RESOURCES; AND**

2 **(II) THE DEPARTMENT OF JUVENILE SERVICES.**

3 **(3) "STATEMENT OF NEED" MEANS AN OFFICIAL CERTIFICATION**
4 **OF PUBLIC NEED FOR THE LOCATION AND ESTABLISHMENT OF A RESIDENTIAL**
5 **CHILD CARE PROGRAM IN A COUNTY ISSUED BY A LICENSING AGENCY UNDER**
6 **THIS SECTION.**

7 **(B) THE LICENSING AGENCIES SHALL ADOPT REGULATIONS**
8 **GOVERNING THE ISSUANCE OF STATEMENTS OF NEED.**

9 **(C) AN APPLICATION MAY NOT BE SUBMITTED TO THE OFFICE AND A**
10 **LICENSE MAY NOT GRANTED BY A LICENSING AGENCY FOR A RESIDENTIAL**
11 **CHILD CARE PROGRAM UNTIL A LICENSING AGENCY ISSUES A STATEMENT OF**
12 **NEED FOR A RESIDENTIAL CHILD CARE PROGRAM IN A COUNTY.**

13 **(D) IN ADDITION TO THE STATEMENT OF NEED REQUIRED UNDER**
14 **SUBSECTION (C) OF THIS SECTION, A STATEMENT OF NEED IS REQUIRED**
15 **BEFORE:**

16 **(1) AN EXISTING OR PREVIOUSLY LICENSED RESIDENTIAL CHILD**
17 **CARE PROGRAM IS RELOCATED TO ANOTHER SITE;**

18 **(2) THE PHYSICAL SITE OF A RESIDENTIAL CHILD CARE PROGRAM**
19 **IS EXPANDED OR RENOVATED; OR**

20 **(3) THE NUMBER OF PLACEMENTS IN A RESIDENTIAL CHILD CARE**
21 **PROGRAM IS INCREASED.**

22 **(E) A LICENSING AGENCY SHALL PUBLISH NOTICE OF THE ISSUANCE OF**
23 **A STATEMENT OF NEED IN THE MARYLAND REGISTER.**

24 **(F) A LICENSING AGENCY SHALL HAVE NONDELEGABLE AUTHORITY TO**
25 **ISSUE A STATEMENT OF NEED.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2008.**