

# SENATE BILL 782

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By: **Senator Zirkin**

Introduced and read first time: February 5, 2008

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

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## CHAPTER \_\_\_\_\_

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 that, before an application is submitted  
6 or a license is granted, the Department of Human Resources ~~and~~ or the  
7 Department of Juvenile Services ~~to~~ shall issue a statement of need to a  
8 program; requiring the Departments to adopt certain regulations; requiring the  
9 Departments to consider certain needs of certain children and consult with  
10 certain stakeholders in developing certain regulations; requiring the  
11 Departments to provide notification of certain applications in a certain manner;  
12 defining certain terms; requiring a certain report on or before a certain date;  
13 and generally relating to statements of need for residential child care programs.

14 BY adding to

15 Article – Human Services

16 Section 8–703.1

17 Annotated Code of Maryland

18 (2007 Volume)

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

21 **Article – Human Services**

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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 **8-703.1.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "LICENSING AGENCY" MEANS:

5 (I) THE DEPARTMENT OF HUMAN RESOURCES; AND

6 (II) THE DEPARTMENT OF JUVENILE SERVICES.

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

11 (B) THE LICENSING AGENCIES SHALL ADOPT REGULATIONS  
12 GOVERNING THE ISSUANCE OF STATEMENTS OF NEED.

13 (C) IN DEVELOPING THE REGULATIONS REQUIRED UNDER SUBSECTION  
14 (B) OF THIS SECTION, A LICENSING AGENCY SHALL:

15 (1) CONSIDER THE SPECIALIZED MENTAL, PHYSICAL, AND  
16 BEHAVIORAL HEALTH AND DEVELOPMENTAL NEEDS OF CHILDREN IN THE  
17 COUNTY OR REGION AFFECTED BY THE STATEMENT OF NEED; AND

18 (2) CONSULT WITH STAKEHOLDERS IN THE COUNTY OR REGION  
19 AFFECTED BY THE STATEMENT OF NEED, INCLUDING:

20 (I) STATE AND LOCAL CHILD-SERVING AGENCIES;

21 (II) PROVIDERS OF RESIDENTIAL AND COMMUNITY-BASED  
22 SERVICES FOR CHILDREN; AND

23 (III) CHILDREN, PARENTS, AND FOSTER PARENTS.

24 ~~(D)~~ (D) AN APPLICATION MAY NOT BE SUBMITTED TO THE OFFICE  
25 AND A LICENSE MAY NOT BE GRANTED BY A LICENSING AGENCY FOR A  
26 RESIDENTIAL CHILD CARE PROGRAM UNTIL A LICENSING AGENCY ISSUES A  
27 STATEMENT OF NEED FOR A RESIDENTIAL CHILD CARE PROGRAM IN A COUNTY.

28 ~~(E)~~ (E) IN ADDITION TO THE STATEMENT OF NEED REQUIRED UNDER  
29 SUBSECTION ~~(C)~~ (D) OF THIS SECTION, A STATEMENT OF NEED IS REQUIRED  
30 BEFORE:

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

3           (2) THE PHYSICAL SITE OF A RESIDENTIAL CHILD CARE PROGRAM  
4 IS EXPANDED ~~OR RENOVATED~~; OR

5           (3) THE NUMBER OF PLACEMENTS IN A RESIDENTIAL CHILD CARE  
6 PROGRAM IS INCREASED.

7           ~~(E)~~ (F) A LICENSING AGENCY SHALL PUBLISH NOTICE OF THE  
8 ISSUANCE OF A STATEMENT OF NEED IN THE MARYLAND REGISTER.

9           ~~(F) A LICENSING AGENCY SHALL HAVE NONDELEGABLE AUTHORITY TO~~  
10 ~~ISSUE A STATEMENT OF NEED.~~

11           (G) A LICENSING AGENCY MAY NOT DELEGATE ITS AUTHORITY TO ISSUE  
12 A STATEMENT OF NEED.

13           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
14 2008, the Department of Juvenile Services, the Department of Human Resources, and  
15 the Governor's Office for Children shall jointly report to the General Assembly, in  
16 accordance with § 2-1246 of the State Government Article:

17           (1) the processes adopted under this Act for developing a statement of  
18 need and for determining and documenting the needs of the children affected by a  
19 statement of need;

20           (2) ways in which the agencies will coordinate the appropriate  
21 development of placement resources; and

22           (3) actions taken and planned to develop resources in underserved  
23 areas and resources that match the nature and intensity of the documented,  
24 specialized needs of children, including strategies to overcome community resistance.

25           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2008.