

SENATE BILL 783

J2, O4

8lr2791

By: **Senator Zirkin**

Introduced and read first time: February 5, 2008

Rules suspended

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 **Residential Child Care Programs – Certification of ~~Direct Care Workers~~**
3 **Residential Child Care Program Professionals**

4 FOR the purpose of renaming the State Board for Certification of Residential Child
5 Care Program Administrators to be the State Board for Certification of
6 Residential Child Care Program ~~Administrators and Direct Care Workers~~
7 Professionals; altering the membership of the Board; requiring an individual to
8 be certified before the individual may operate as a ~~direct care worker~~ residential
9 child and youth care practitioner in a residential child care program; specifying
10 the qualifications of certain certificates; specifying procedures for certain
11 applications; establishing a certain date by which all residential child care
12 programs shall have certified ~~direct care workers~~ residential child and youth
13 care practitioners; altering certain definitions; defining certain terms; correcting
14 certain obsolete references; and generally relating to the certification of
15 individuals to operate residential child care programs.

16 BY repealing and reenacting, with amendments,

17 Article – Health Occupations

18 Section 20–101, 20–201, 20–202, 20–205, 20–301, 20–302, 20–303, 20–305,
19 ~~20–306~~, 20–309, 20–310, 20–311, 20–312, 20–313, 20–401, 20–402,
20 20–403, and 20–501 to be under the amended title “Title 20. Residential
21 Child Care Program ~~Administrators and Direct Care Workers~~
22 Professionals”

23 Annotated Code of Maryland

24 (2005 Replacement Volume and 2007 Supplement)

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 BY repealing and reenacting, without amendments,
 2 Article – Health Occupations
 3 Section ~~20–303~~, 20–304, 20–306, 20–307, 20–308, and 20–502
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2007 Supplement)

6 BY adding to
 7 Article – Health Occupations
 8 Section 20–302.1
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2007 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Human Services
 13 Section 8–701(c)
 14 Annotated Code of Maryland
 15 (2007 Volume)

16 BY repealing and reenacting, with amendments,
 17 Article – State Government
 18 Section 8–403(b)(61)
 19 Annotated Code of Maryland
 20 (2004 Replacement Volume and 2007 Supplement)

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

23 **Article – Health Occupations**

24 Title 20. Residential Child Care Program ~~Administrators AND DIRECT CARE~~
 25 ~~WORKERS~~ **PROFESSIONALS.**

26 20–101.

27 (a) In this title the following words have the meanings indicated.

28 (b) (1) “Agency” means:

29 (i) The Developmental Disabilities Administration in the
 30 Department;

31 (ii) The Department;

32 (iii) The Department of Human Resources;

33 (iv) The Department of Juvenile Services; and

1 (v) The Mental Hygiene Administration in the Department.

2 (2) “Agency” includes the State Superintendent of Schools.

3 (c) “Board” means the State Board for Certification of Residential Child Care
 4 Program ~~Administrators AND DIRECT CARE WORKERS~~ PROFESSIONALS.

5 (d) “Certificate” means, unless the context requires otherwise, a certificate
 6 issued by the Board to ~~administer OR OPERATE a residential child care program~~
 7 PRACTICE AS A PROGRAM ADMINISTRATOR OR AS A RESIDENTIAL CHILD AND
 8 YOUTH CARE PRACTITIONER.

9 (E) ~~“CERTIFIED DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND
 10 YOUTH CARE PRACTITIONER” MEANS, UNLESS THE CONTEXT REQUIRES
 11 OTHERWISE, AN INDIVIDUAL WHO IS: CERTIFIED BY THE BOARD TO PRACTICE
 12 AS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.

13 (1) ~~CERTIFIED BY THE BOARD; AND~~

14 (2) ~~RESPONSIBLE FOR THE DAY TO DAY OPERATION OF A~~
 15 ~~RESIDENTIAL CHILD CARE PROGRAM.~~

16 [(e)] (F) “Certified program administrator” means, unless the context
 17 requires otherwise, an individual who is: CERTIFIED BY THE BOARD TO PRACTICE
 18 AS A PROGRAM ADMINISTRATOR.

19 (1) ~~Certified by the Board; and~~

20 (2) ~~Responsible for the day to day management and operation of a~~
 21 ~~residential child care program.~~

22 (G) ~~“DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE
 23 PRACTITIONER” MEANS AN INDIVIDUAL ~~RESPONSIBLE FOR THE DAY TO DAY~~
 24 ~~OPERATION OF A RESIDENTIAL CHILD CARE PROGRAM~~ ASSIGNED TO PERFORM
 25 DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF DAILY LIVING,
 26 SELF-HELP, AND SOCIALIZATION SKILLS IN A RESIDENTIAL CHILD CARE
 27 PROGRAM UNDER THE DIRECTION OF A CERTIFIED PROGRAM ADMINISTRATOR.

28 [(f)] (H) (1) “Residential child care program” means an entity that
 29 provides for children 24-hour per day care within a structured set of services and
 30 activities that are designed to achieve specific objectives relative to the needs of the
 31 children served and that include the provision of food, clothing, shelter, education,
 32 social services, health, mental health, recreation, or any combination of these services
 33 and activities.

1 (2) “Residential child care program” includes a program:

2 (i) Licensed by:

3 1. The Department of Health and Mental Hygiene;

4 2. The Department of Human Resources; or

5 3. The Department of Juvenile Services; and

6 (ii) That is subject to the licensing regulations of the
7 **GOVERNOR’S** Office for Children[, Youth, and Families] governing the operations of
8 residential child care programs.

9 (3) **“RESIDENTIAL CHILD CARE PROGRAM” DOES NOT INCLUDE A**
10 **PROGRAM LICENSED BY THE DEVELOPMENTAL DISABILITIES**
11 **ADMINISTRATION.**

12 [(g)] (I) “Program administrator” means the individual responsible for the
13 day-to-day management and operation of a residential child care program **AND FOR**
14 **ASSURING THE CARE, TREATMENT, SAFETY, AND PROTECTION OF THE**
15 **CHILDREN IN THE RESIDENTIAL CHILD CARE PROGRAM.**

16 [(h) “Subcabinet” means the Subcabinet for Children, Youth, and Families
17 established under Article 49D, § 4.1 of the Code.]

18 20–201.

19 There is a State Board for Certification of Residential Child Care Program
20 ~~Administrators AND DIRECT CARE WORKERS~~ **PROFESSIONALS** in the Department.

21 20–202.

22 (a) (1) The Board consists of [11] **12** members.

23 (2) Of the [11] **12** Board members:

24 (i) Six members shall be appointed as follows:

25 1. Two by the Secretary of Health and Mental Hygiene,
26 one each for the Developmental Disabilities Administration and the Mental Hygiene
27 Administration;

28 2. One by the Secretary of Juvenile Services for the
29 agency;

1 3. One by the Secretary of Human Resources for the
2 agency;

3 4. One by the State Superintendent of Schools; and

4 5. One by the Subcabinet; and

5 (ii) [Five] **SIX** shall be appointed by the Governor.

6 (3) Of the [five] **SIX** appointed by the Governor:

7 (i) Three shall be program administrators; [and]

8 **(II) ONE SHALL BE A ~~DIRECT CARE WORKER~~ RESIDENTIAL**
9 **CHILD AND YOUTH CARE PRACTITIONER; AND**

10 [(ii)] **(III)** Two shall be consumer members.

11 (b) The Governor shall appoint members with the advice and consent of the
12 Senate.

13 (c) Each Board member shall:

14 (1) Be a United States citizen; and

15 (2) Have resided in this State for at least 1 year before appointment to
16 the Board.

17 (d) A consumer member of the Board:

18 (1) May not be a program administrator **OR A ~~DIRECT CARE~~**
19 **WORKER RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER;**

20 (2) May not have a household member who is a program administrator
21 **OR A ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE**
22 **PRACTITIONER;**

23 (3) May not have a household member who participates in a
24 commercial or professional field related to administering a program; and

25 (4) May not have had within 2 years before appointment a substantial
26 financial interest in a program regulated by an agency.

27 (e) While a member of the Board, a consumer member may not have a
28 substantial financial interest in a program regulated by an agency.

1 (f) Before taking office, each appointee to the Board shall take the oath
2 required by Article I, § 9 of the State Constitution.

3 (g) (1) The term of a member is 4 years.

4 (2) The terms of members are staggered as required by the terms
5 provided for members of the Board on October 1, 2004.

6 (3) At the end of a term, a member continues to serve until a successor
7 is appointed and qualifies.

8 (4) A member who is appointed after a term has begun serves only for
9 the rest of the term and until a successor is appointed and qualifies.

10 (5) A member may not serve more than two consecutive full terms.

11 (6) To the extent practicable, the Governor shall fill any vacancy on
12 the Board within 60 days of the date of the vacancy.

13 (h) (1) The Governor may remove a member for incompetence,
14 misconduct, incapacity, or neglect of duty.

15 (2) On the recommendation of the [Subcabinet] **CHILDREN'S**
16 **CABINET**, the Governor may remove a member whom the [Subcabinet] **CHILDREN'S**
17 **CABINET** finds to have been absent from two successive Board meetings without
18 adequate reason.

19 20–205.

20 (a) In addition to the powers and duties set forth elsewhere in this title, the
21 Board in consultation with the [Subcabinet] **CHILDREN'S CABINET** shall:

22 (1) Adopt regulations to carry out the provisions of this subtitle;

23 (2) Establish standards for the certification of applicants;

24 (3) Conduct a continuing study and investigation of program
25 administrators ~~AND DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH
26 CARE PRACTITIONERS to improve:

27 (i) Certification standards; and

28 (ii) Procedures for enforcing these standards; and

29 (4) Devise examinations and adopt investigative procedures to:

1 (i) Determine whether program administrators ~~AND DIRECT~~
 2 ~~CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS meet
 3 the standards adopted by the Board; and

4 (ii) Assure that program administrators ~~AND DIRECT CARE~~
 5 ~~WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS continue to
 6 meet these standards.

7 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

8 (1) Maintain a registry of all program administrators ~~AND DIRECT~~
 9 ~~CARE WORKERS~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS certified
 10 by the Board;

11 (2) Submit an annual report to the Governor and ~~Subcabinet~~
 12 CHILDREN'S CABINET;

13 (3) Adopt a code of ethics that the Board considers appropriate and
 14 applicable to the program administrators ~~AND DIRECT CARE WORKERS~~
 15 RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS certified by the Board;

16 (4) Establish continuing education requirements for the program
 17 administrators ~~AND THE DIRECT CARE WORKERS~~ RESIDENTIAL CHILD AND
 18 YOUTH CARE PRACTITIONERS certified by the Board;

19 (5) Adopt an official seal; and

20 (6) Create committees as it deems appropriate to advise the Board on
 21 special issues.

22 20-301.

23 (a) (1) Except as otherwise provided in this [section] **SUBSECTION**, on or
 24 after October 1, 2007, an individual shall receive a certificate from the Board before
 25 the individual may be a program administrator in this State.

26 [(b) (1)] (2) (I) Except as provided in [paragraph] **SUBPARAGRAPH**
 27 [(2)] (II) of this [subsection] **PARAGRAPH**, if a program administrator leaves or is
 28 removed from a position as program administrator by death or for any other
 29 unexpected cause, the owner of a residential child care program or other appropriate
 30 program authority shall immediately designate a certified program administrator to
 31 serve in that capacity.

32 [(2) (i)] (II) 1. In the event a certified program administrator
 33 is not available, the owner or other appropriate program authority may appoint a

1 noncertified person to serve in the capacity of acting program administrator for a
2 period not to exceed 180 days.

3 [(ii)] **2.** The owner or other appropriate program authority
4 shall immediately notify the Board of the appointment and forward the credentials of
5 the person appointed to the Board for evaluation to assure that the person appointed
6 is experienced, trained, and competent.

7 [(iii)] **3.** The 180-day period begins on the date that the
8 program administrator leaves or is removed from the position as a program
9 administrator.

10 [(iv)] **4.** The Board may extend the 180-day period for a
11 further period of not more than 30 days.

12 **(B) ON OR BEFORE OCTOBER 1, 2013, AN INDIVIDUAL SHALL RECEIVE A**
13 **CERTIFICATE FROM THE BOARD BEFORE THE INDIVIDUAL MAY BE A ~~DIRECT~~**
14 **~~CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER IN THIS**
15 **STATE.**

16 20-302.

17 (a) To qualify for a certificate AS A PROGRAM ADMINISTRATOR, an
18 applicant shall be an individual who meets the requirements of this section.

19 (b) The applicant shall be of good moral character.

20 (c) The applicant shall have completed a State AND NATIONAL criminal
21 history records check.

22 (d) The applicant shall be at least 21 years old.

23 (e) ~~{The} TO BE A CERTIFIED PROGRAM ADMINISTRATOR, THE~~ applicant
24 shall have:

25 (1) (i) A bachelor's degree from an accredited college or university;
26 and

27 (ii) At least 4 years experience in the human service field with
28 at least 3 years in a supervisory or administrative capacity; or

29 (2) (i) A master's degree from an accredited college or university;
30 and

31 (ii) At least 2 years experience in the human service field with
32 at least 1 year in a supervisory or administrative capacity.

1 (f) ~~TO BE A CERTIFIED DIRECT CARE WORKER, THE APPLICANT SHALL~~
2 ~~HAVE:~~

3 ~~(1) A BOARD APPROVED EDUCATIONAL DEGREE; OR~~

4 ~~(2) A CHILD AND YOUTH CARE PRACTITIONER CERTIFICATE~~
5 ~~FROM AN ACCREDITED INSTITUTION APPROVED BY THE BOARD.~~

6 ~~(G)~~ Except as otherwise provided in this title, the applicant shall pass an
7 examination given by the Board under this subtitle.

8 **20-302.1.**

9 **(A) TO QUALIFY FOR A CERTIFICATE AS A RESIDENTIAL CHILD AND**
10 **YOUTH CARE PRACTITIONER, AN APPLICANT SHALL BE AN INDIVIDUAL WHO**
11 **MEETS THE REQUIREMENTS OF THIS SECTION.**

12 **(B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.**

13 **(C) THE APPLICANT SHALL HAVE COMPLETED A STATE AND NATIONAL**
14 **CRIMINAL HISTORY RECORDS CHECK.**

15 **(D) THE APPLICANT SHALL BE:**

16 **(1) AT LEAST 21 YEARS OLD; OR**

17 **(2) AT LEAST 18 YEARS OLD AND HAVE EARNED AT LEAST AN**
18 **ASSOCIATE'S OR BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR**
19 **UNIVERSITY.**

20 **(E) THE APPLICANT SHALL HAVE:**

21 **(1) A HIGH SCHOOL DIPLOMA OR EQUIVALENT AND HAVE**
22 **SUCCESSFULLY COMPLETED AN APPROVED TRAINING PROGRAM;**

23 **(2) AT LEAST 2 YEARS EXPERIENCE IN THE HUMAN SERVICE**
24 **FIELD AND SPONSORSHIP FROM A CERTIFIED PROGRAM ADMINISTRATOR; OR**

25 **(3) AN ASSOCIATE'S OR BACHELOR'S DEGREE FROM AN**
26 **ACCREDITED COLLEGE OR UNIVERSITY.**

27 **(F) THE APPLICANT SHALL PASS AN EXAMINATION GIVEN BY THE**
28 **BOARD UNDER THIS SUBTITLE.**

29 20-303.

1 (a) To apply for a certificate, an applicant shall:

2 (1) Submit an application to the Board on the form that the Board
3 requires;

4 (2) Pay to the Board the application fee set by the Board; and

5 (3) Provide fingerprints for use by the Criminal Justice Information
6 System Central Repository of the Department of Public Safety and Correctional
7 Services to conduct a State AND NATIONAL criminal history records check.

8 (b) (1) An applicant required to provide fingerprints under subsection
9 (a)(3) of this section shall pay any processing or other fees required by the Criminal
10 Justice Information System Central Repository of the Department of Public Safety and
11 Correctional Services.

12 (2) The results of the criminal history records check shall be provided
13 to the Board and the applicant.

14 20–304.

15 (a) The Board shall keep a file of each certificate application made under this
16 subtitle.

17 (b) The file shall contain:

18 (1) The name, address, and age of the applicant;

19 (2) The date of the application;

20 (3) Complete and current information on the educational, training,
21 and experience qualifications of the applicant;

22 (4) The date the Board reviewed and acted on the application;

23 (5) The action taken by the Board on the application;

24 (6) The identifying numbers of any certificate or renewal certificate
25 issued to the applicant; and

26 (7) Any other information that the Board considers necessary.

27 (c) The application files shall be open to public inspection.

28 20–305.

1 (a) An applicant who otherwise qualifies for a certificate is entitled to be
2 examined as provided in this section.

3 (b) The Board shall give examinations to applicants at least four times a
4 year, at the times and places that the Board determines.

5 (c) The Board shall notify each qualified applicant of the time and place of
6 examination.

7 (d) (1) Subject to the provisions of this subsection, **FOR QUALIFIED**
8 **CERTIFIED PROGRAM ADMINISTRATOR APPLICANTS**, the Board shall determine
9 the subjects, scope, form, and passing score for examinations given under this subtitle.

10 (2) The subjects of examination shall be related to:

11 (i) Health and safety issues, including:

- 12 1. Nutritional standards;
- 13 2. Water safety;
- 14 3. Preventative and acute health care standards;
- 15 4. Suicide assessment;
- 16 5. Prevention of abuse and neglect; and
- 17 6. Crisis intervention and problem solving;

18 (ii) The importance of staff training in appropriate observation
19 techniques, including educational and psychological tests and social histories;

20 (iii) Rights of the child, including:

- 21 1. Educational and recreational needs; and
- 22 2. Establishment of and compliance with appropriate
23 grievance procedures;

24 (iv) Physical plant requirements;

25 (v) Criminal history records checks of personnel;

26 (vi) Fiscal accountability;

27 (vii) Record keeping that complies with federal requirements and
28 State regulations;

1 (viii) Emergency planning; and

2 (ix) Other standards established in the regulations.

3 (3) Each applicant shall be required to show knowledge of the laws,
4 rules, and regulations that apply to programs.

5 (4) The scope, content, and form of an examination shall be the same
6 for all certificate applicants who take the examination at the same time.

7 (e) **FOR QUALIFIED CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL**
8 **CHILD AND YOUTH CARE PRACTITIONER APPLICANTS, THE BOARD SHALL**
9 **DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR**
10 **EXAMINATIONS GIVEN UNDER THIS SUBTITLE.**

11 (F) (1) The Board may limit the number of times an applicant may take
12 an examination required under this subtitle.

13 (2) To qualify for a certificate, an applicant shall pass the examination
14 within 3 years of the first time the applicant takes the examination.

15 20–306.

16 (a) Subject to the provisions of this section, the Board may waive any
17 examination requirement of this title for an individual who is certified as a program
18 administrator ~~OR DIRECT CARE WORKER~~ in any other state that the Board
19 determines has a comparable certification process to the one established in this title.

20 (b) The Board may grant a waiver under this section only if the applicant:

21 (1) Is of good moral character;

22 (2) Pays the application fee required by the Board under § 20–303 of
23 this subtitle; and

24 (3) Provides adequate evidence that:

25 (i) At the time the applicant was certified in the other state, the
26 applicant was qualified to take the examination that then was required by the laws of
27 this State;

28 (ii) The applicant qualified for a certificate in the other state by
29 passing an examination given in that or any other state; and

30 (iii) The applicant has completed a State criminal history records
31 check.

1 (c) ~~(1)~~ The Board shall waive the requirements for certification as a
 2 certified program administrator under § 20-302 of this subtitle for any person who:

3 ~~[(1)] (I)~~ Has filed a letter of intent with the Board by October 1,
 4 2007;

5 ~~[(2)] (II)~~ Has completed not less than 8 years' experience in the
 6 human service field with at least 4 years in a supervisory or administrative capacity;
 7 and

8 ~~[(3)] (III)~~ Has by October 1, 2007, successfully passed an examination
 9 approved by the Board.

10 ~~(2) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR~~
 11 ~~CERTIFICATION AS A CERTIFIED DIRECT CARE WORKER UNDER § 20-302 OF~~
 12 ~~THIS SUBTITLE FOR ANY PERSON WHO:~~

13 ~~(I) HAS FILED A LETTER OF INTENT WITH THE BOARD BY~~
 14 ~~OCTOBER 1, 2013;~~

15 ~~(II) HAS COMPLETED A BOARD APPROVED TRAINING~~
 16 ~~PROGRAM THAT INCLUDES CORE COMPETENCIES OR HOLDS A BOARD~~
 17 ~~APPROVED DEGREE IN A HUMAN SERVICES FIELD; AND~~

18 ~~(III) HAS BY OCTOBER 1, 2013, SUCCESSFULLY PASSED AN~~
 19 ~~EXAMINATION APPROVED BY THE BOARD.~~

20 20-307.

21 (a) The Board shall issue a certificate to any applicant who meets the
 22 requirements of this title.

23 (b) The Board shall include on each certificate that the Board issues:

24 (1) The full name of the certificate holder;

25 (2) A serial number; and

26 (3) The seal of the Board.

27 (c) The Board may issue a certificate to replace a lost, destroyed, or
 28 mutilated certificate if the certificate holder pays the certificate replacement fee set by
 29 the Board.

30 20-308.

1 The applicant may appeal a decision of the Board that relates to issuing or
2 renewing a certificate to the Board of Review as provided in § 20-315(a) of this
3 subtitle.

4 20-309.

5 A certificate authorizes:

6 (1) [the] **AN individual WHO IS A PROGRAM ADMINISTRATOR** to
7 administer a program while the certificate is effective; **OR**

8 (2) **AN INDIVIDUAL WHO IS A ~~DIRECT CARE WORKER~~**
9 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER TO OPERATE A PROGRAM**
10 **WHILE THE CERTIFICATE IS EFFECTIVE.**

11 20-310.

12 (a) (1) A certificate expires on a date set by the Board, unless the
13 certificate is renewed for an additional term as provided in this section.

14 (2) A certificate may not be renewed for a term longer than 2 years.

15 (b) At least 1 month before the certificate expires, the Board shall send to the
16 certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~**
17 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**, by
18 first-class mail to the last known address of the certified program administrator **OR**
19 **CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE**
20 **PRACTITIONER**, a renewal notice that states:

21 (1) The date on which the current certificate expires;

22 (2) The date by which the renewal application must be received by the
23 Board for the renewal to be issued and mailed before the certificate expires; and

24 (3) The amount of the renewal fee.

25 (c) Before the certificate expires, the certified program administrator **OR**
26 **CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE**
27 **PRACTITIONER** periodically may renew it for an additional
28 2-year term, if the certified program administrator **OR CERTIFIED ~~DIRECT CARE~~**
29 **WORKER RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**:

30 (1) Otherwise is entitled to obtain a certificate;

31 (2) Pays to the Board a renewal fee set by the Board; and

1 (3) Submits to the Board:

2 (i) A renewal application on the form that the Board requires;
3 and

4 (ii) Satisfactory evidence of compliance with any continuing
5 education and other qualifications and requirements set under this section for
6 certificate renewal.

7 (d) In addition to any other qualifications and requirements established in
8 consultation with the [Subcabinet]**CHILDREN'S CABINET**, the Board may set
9 continuing education requirements as a condition for the renewal of certificates under
10 this section.

11 (e) The Board shall renew the certificate of each certified program
12 administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND**
13 **YOUTH CARE PRACTITIONER** who meets the requirements of this section.

14 20–311.

15 (a) The Board shall reinstate the certificate of a program administrator **OR**
16 **~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**
17 who has failed to renew the certificate for any reason, if the individual:

18 (1) Has not had the certificate suspended or revoked;

19 (2) Meets the renewal requirements of § 20–310 of this subtitle;

20 (3) Pays to the Board the reinstatement fee set by the Board;

21 (4) Submits to the Board satisfactory evidence of compliance with the
22 qualifications and requirements established under this title for certificate
23 reinstatements; and

24 (5) Applies to the Board for reinstatement of the certificate within 5
25 years after the certificate expires.

26 (b) (1) The Board may not reinstate the certificate of a program
27 administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE**
28 **PRACTITIONER** who fails to apply for reinstatement of the certificate within 5 years
29 after the certificate expires.

30 (2) However, the program administrator **OR ~~DIRECT CARE WORKER~~**
31 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** may be certified by
32 meeting the current requirements for obtaining a new certificate under this title.

1 20–312.

2 (a) Unless the Board agrees to accept the surrender of a certificate, a
3 certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~**
4 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER** may not surrender the
5 certificate nor may the certificate lapse by operation of law while the certified program
6 administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND**
7 **YOUTH CARE PRACTITIONER** is under investigation or while charges are pending
8 against the certified program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~**
9 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.**

10 (b) The Board may set conditions on its agreement with the certified
11 program administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL**
12 **CHILD AND YOUTH CARE PRACTITIONER** under investigation or against whom
13 charges are pending to accept surrender of the certified program administrator's
14 certificate **OR THE CERTIFIED ~~DIRECT CARE WORKER'S~~ RESIDENTIAL CHILD AND**
15 **YOUTH CARE PRACTITIONER'S CERTIFICATE.**

16 20–313.

17 (a) The Board shall investigate and take appropriate action as to any
18 complaint filed with the Board that alleges that a certified program administrator **OR**
19 **CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE**
20 **PRACTITIONER** has failed to meet any standard of the Board.

21 (b) Subject to the hearing provisions of § 20–314 of this subtitle, the Board
22 may deny a certificate to any applicant, reprimand any certified program
23 administrator **OR CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND**
24 **YOUTH CARE PRACTITIONER**, place any certified program administrator **OR**
25 **CERTIFIED ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE**
26 **PRACTITIONER** on probation, or suspend or revoke a certificate if the applicant [or],
27 certified program administrator, **OR CERTIFIED ~~DIRECT CARE WORKER~~**
28 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER:**

29 (1) Fraudulently or deceptively obtains or attempts to obtain a
30 certificate for a program administrator **OR ~~DIRECT CARE WORKER~~ RESIDENTIAL**
31 **CHILD AND YOUTH CARE PRACTITIONER**, or for another;

32 (2) Fraudulently or deceptively uses a certificate;

33 (3) Otherwise fails to meet substantially the standards for certification
34 adopted by the Board under § 20–205 of this title;

35 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
36 crime involving moral turpitude, whether or not any appeal or other proceeding is
37 pending to have the conviction or plea set aside;

1 (5) Performs the duties of a program administrator ~~OR DIRECT CARE~~
2 ~~WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER while:

3 (i) Under the influence of alcohol; or

4 (ii) Using any narcotic or controlled dangerous substance, as
5 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
6 therapeutic amounts or without valid medical indication;

7 (6) Is disciplined by a licensing or disciplinary authority of any other
8 state or country or convicted or disciplined by a court of any state or country for an act
9 that would be grounds for disciplinary action under the Board's disciplinary statutes;

10 (7) Performs the duties of a program administrator ~~OR DIRECT CARE~~
11 ~~WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER with an
12 unauthorized person or supervises or aids an unauthorized person in performing the
13 duties of a program administrator ~~OR DIRECT CARE WORKER~~ RESIDENTIAL CHILD
14 AND YOUTH CARE PRACTITIONER;

15 (8) Willfully makes or files a false report or record while performing
16 the duties of a program administrator ~~OR DIRECT CARE WORKER~~ RESIDENTIAL
17 CHILD AND YOUTH CARE PRACTITIONER;

18 (9) Willfully fails to file or record any report as required under law,
19 willfully impedes or obstructs the filing or recording of the report, or induces another
20 to fail to file or record the report;

21 (10) Commits an act of unprofessional conduct in performing the duties
22 of a program administrator ~~OR DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND
23 YOUTH CARE PRACTITIONER; or

24 (11) Refuses, withholds from, denies, or discriminates against an
25 individual with regard to the provision of professional services for which the individual
26 is certified and qualified to render because the individual is HIV positive.

27 20-401.

28 Except as otherwise provided in this title, an individual may not:

29 (1) Perform the duties of, attempt to perform the duties of, or offer to
30 perform the duties of a program administrator ~~OR DIRECT CARE WORKER~~
31 RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER in this State unless
32 certified by the Board; or

1 (2) Supervise, direct, induce, or aid an uncertified individual to
2 perform the duties of a program administrator ~~OR DIRECT CARE WORKER~~
3 RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.

4 20-402.

5 (a) Unless authorized to perform the duties of a program administrator ~~OR~~
6 ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER
7 under this title, a person may not represent to the public by title, by description of
8 services, methods, or procedures, or otherwise, that the person is a program
9 administrator ~~OR DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE
10 PRACTITIONER in this State.

11 (b) Unless authorized to practice under this title, a person may not use the
12 title “residential child care program administrator”, “~~RESIDENTIAL CHILD CARE~~
13 ~~DIRECT CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER”,
14 or any other designation, title, or abbreviation with the intent to represent that the
15 person is authorized to perform the duties of a program administrator ~~OR DIRECT~~
16 ~~CARE WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER.

17 20-403.

18 A person may not:

19 (1) Sell or fraudulently obtain or furnish or aid in selling or
20 fraudulently obtaining or furnishing a certificate issued under this title; or

21 (2) Perform the duties of a program administrator ~~OR DIRECT CARE~~
22 ~~WORKER~~ RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER under any
23 certificate unlawfully or fraudulently obtained or issued.

24 20-501.

25 This title may be cited as the “Maryland Certification of ~~Program~~
26 ~~Administrators AND DIRECT CARE WORKERS~~ for Residential Child Care ~~Programs~~
27 PROGRAM PROFESSIONALS Act”.

28 20-502.

29 Subject to the evaluation and reestablishment provisions of the Program
30 Evaluation Act, this title and all regulations adopted under this title shall terminate
31 and be of no effect after July 1, 2014.

32 **Article – Human Services**

33 8-701.

1 (c) "Certified program administrator" means an individual who is:

2 (1) certified by the State Board for Certification of Residential Child
3 Care Program ~~Administrators AND DIRECT CARE WORKERS~~ **PROFESSIONALS**
4 under Title 20 of the Health Occupations Article; and

5 (2) responsible for the day-to-day management and operation of a
6 residential child care program **AND FOR ASSURING THE CARE, TREATMENT,**
7 **SAFETY, AND PROTECTION OF THE CHILDREN IN THE RESIDENTIAL CHILD CARE**
8 **PROGRAM.**

9 **Article - State Government**

10 8-403.

11 (b) Except as otherwise provided in subsection (a) of this section, on or before
12 the evaluation date for the following governmental activities or units, an evaluation
13 shall be made of the following governmental activities or units and the statutes and
14 regulations that relate to the governmental activities or units:

15 (61) Residential Child Care Program ~~Administrators AND DIRECT~~
16 ~~CARE WORKERS~~ **PROFESSIONALS**, State Board for Certification of (§ 20-202 of the
17 Health Occupations Article: July 1, 2013);

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.