

CHAPTER 207

(Senate Bill 742)

AN ACT concerning

Human Services – Residential Child Care Program – Bill of Rights

FOR the purpose of providing that a contract awarded or renewed between a certain agency and a provider of a residential child care program shall require the provider to conspicuously post a “Residents’ Bill of Rights” in the facility of the provider that includes certain rights; requiring a provider of a residential child care program to develop and, on placement, provide to residents and their parents or legal guardians a handbook of the policies of the provider and the contracting agency as they relate to certain issues; requiring certain documentation regarding receipt and review of the handbook by certain persons; providing that nothing in this Act precludes an agency or provider from providing additional rights to a resident; altering a certain definition; and generally relating to residential child care programs.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Human Services
Section 8–701
Annotated Code of Maryland
(2007 Volume)

BY adding to
Article – Human Services
Section 8–707
Annotated Code of Maryland
(2007 Volume)

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

Article – Human Services

8–701.

- (a) In this part the following words have the meanings indicated.
- (b) “Agency” means:
 - (1) the Department of Health and Mental Hygiene;

- (2) the Department of Human Resources; or
 - (3) the Department of Juvenile Services.
- (c) “Certified program administrator” means an individual who is:
- (1) certified by the State Board for Certification of Residential Child Care Program Administrators under Title 20 of the Health Occupations Article; and
 - (2) responsible for the day-to-day management and operation of a residential child care program.
- (d) “Plan” means the State Resource Plan for Residential Child Care Programs.
- (e) “Provider” means a for profit or not for profit entity licensed by an agency to operate a residential child care program.
- (f) ~~“Residential~~ **EXCEPT AS PROVIDED IN § 8-707 OF THIS SUBTITLE, “RESIDENTIAL** child care program” does not include sites licensed by the Developmental Disabilities Administration.

8-707.

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) THE MISSION OF THE PROGRAM;

(II) PLACEMENT AND DISCHARGE;

(III) DAILY ROUTINES;

(IV) TREATMENT STRATEGIES;

(V) DISCIPLINARY PRACTICES;

- (VI) VISITING HOURS;**
- (VII) COMMUNICATION PROCEDURES WITH RESIDENTS;**
- (VIII) GRIEVANCE PROCEDURES;**
- (IX) HEALTH CARE ACCESS;**
- (X) RELIGIOUS EXERCISE ACCESS;**
- (XI) EMERGENCY TELEPHONE CONTACT INFORMATION;**
- (XII) FAMILY INVOLVEMENT;**
- (XIII) ATTORNEY ACCESS;**
- (XIV) COMMUNITY INTEGRATION;**
- (XV) EDUCATION;**
- (XVI) MEDICAL AND DENTAL CARE;**
- (XVII) RECREATION;**
- (XVIII) LIFE SKILLS TRAINING;**
- (XIX) CLOTHING;**
- (XX) PERSONAL FUNDS;**
- (XXI) FOOD AND NUTRITION;**
- (XXII) DAY CARE;**
- (XXIII) PERSONAL BELONGINGS;**
- (XXIV) EXTRACURRICULAR ACTIVITIES; AND**
- (XXV) THERAPY; AND**

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

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

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

Approved by the Governor, April 24, 2008.