

CHAPTER 454

(Senate Bill 782)

AN ACT concerning

Residential Child Care Programs – Statement of Need

FOR the purpose of requiring a statement of need for developing, operating, establishing, relocating, or expanding a residential child care program; providing certain exceptions; requiring that, before an application is submitted or a license is granted, the Department of Human Resources ~~and~~ or the Department of Juvenile Services ~~to~~ shall issue a statement of need to a program; requiring the Departments to adopt certain regulations; requiring the Departments to consider certain needs of certain children and consult with certain stakeholders in developing certain regulations; requiring the Departments to provide notification of certain applications in a certain manner; defining certain terms; requiring a certain report on or before a certain date; and generally relating to statements of need for residential child care programs.

BY adding to

Article – Human Services
Section 8–703.1
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

8–703.1.

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

(2) “LICENSING AGENCY” MEANS:

(I) THE DEPARTMENT OF HUMAN RESOURCES; AND

(II) THE DEPARTMENT OF JUVENILE SERVICES.

(3) “STATEMENT OF NEED” MEANS AN OFFICIAL CERTIFICATION OF PUBLIC NEED FOR THE LOCATION AND ESTABLISHMENT OF A RESIDENTIAL

CHILD CARE PROGRAM IN A COUNTY ISSUED BY A LICENSING AGENCY UNDER THIS SECTION.

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

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

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

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

(i) STATE AND LOCAL CHILD-SERVING AGENCIES;

(ii) PROVIDERS OF RESIDENTIAL AND COMMUNITY-BASED SERVICES FOR CHILDREN; AND

(iii) CHILDREN, PARENTS, AND FOSTER PARENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.