

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

Senate Bill 184 (Chair, Education, Health, and Environmental Affairs Committee)  
(By Request – Departmental – Education)

Education, Health, and Environmental Affairs

Ways and Means

---

**Family Law - Child Care Centers - Emergency Suspensions**

---

This departmental bill requires a licensee or holder of a letter of compliance to immediately cease operation of a child care center upon delivery of an emergency suspension notice. A request for a hearing by the licensee or letter holder does not stay the emergency suspension, which remains in effect until the order is reversed or until the State Superintendent determines that the health, safety, or welfare of children is no longer threatened.

---

**Fiscal Summary**

**State Effect:** None. The change would not materially affect government finances or operations.

**Local Effect:** None.

**Small Business Effect:** The Maryland State Department of Education has determined that the bill has a meaningful impact on small business (attached). Legislative Services concurs with this assessment.

---

**Analysis**

**Current Law:** A person must be licensed by MSDE before operating a child care center in the State; centers operated by a religious organization are generally exempt from licensing requirements but may be required to obtain a letter of compliance. The State Superintendent is charged with adopting rules and regulations for child care centers that

ensure the safety, proper care, health, and sound development of the children in their care.

The State Superintendent may suspend the license or letter of compliance for a child care center on an emergency basis as required to protect the health or safety of a child. Upon delivery of the notice, the licensee or letter holder is required to cease operation of the center within 72 hours. The State Superintendent must stay the emergency suspension if the licensee or letter holder requests a hearing within 72 hours of receipt of the order. If requested, a hearing must be held within seven days of the request, with a final order issued within seven days of the hearing. If the emergency order is upheld, the licensee or letter holder is required to cease operations until a determination is made that the center no longer threatens children's welfare.

**Background:** There were 5 emergency suspensions of child care centers in calendar 2005, 8 emergency suspensions in 2006, and 18 emergency suspensions in 2007. The increase reflects, in part, a greater number of unannounced inspections by the Office of Child Care. Emergency suspensions arose from abuse allegations, lack of appropriate supervision, and other health or safety violations.

In the event of an emergency suspension, MSDE and the Child Care Resource and Referral Network work with parents to help them in locating other providers and making alternate arrangements for child care services.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2008  
ncs/hlb

---

Analysis by: Suzanne O. Potts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510