

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 478

(Senator Kelley, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

Residential Child Care Facilities - Incident Reporting - Interagency Workgroup

This bill requires the Department of Health and Mental Hygiene (DHMH), the Department of Juvenile Services (DJS), and the Department of Human Resources (DHR), in conjunction with licensed providers of residential child care services, to establish an interagency workgroup to develop a uniform reporting system to be used by any State agency that licenses or purchases care and services for children who are placed in State-licensed residential facilities. The workgroup must also recommend regulations that require the interagency sharing of certain incident reports and that require any department that licenses or monitors residential child care facilities to adhere to specific incident reporting policies and practices.

The workgroup must report its findings and recommendations to the Governor, the Governor's Office for Children, and the General Assembly by September 1, 2011.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Residential child care programs (RCCPs), often referred to as group homes, represent one form of out-of-home placements. RCCPs offer homelike settings that provide structure and 24-hour supervision, basic care, social work, and health care

services. RCCPs include: (1) facilities for children with developmental disabilities; (2) child care homes; (3) child care institutions; (4) therapeutic group homes; and (5) group homes. The majority of children in RCCPs are in regular group homes. DHR, DJS, and DHMH license, monitor, and place children in RCCPs according to individual agency standards. These departments monitor RCCPs through review of records, inspection of facilities, and staff and resident interviews. There is no current uniform reporting system.

Background: The bill's preamble indicates that because DHR, DJS, and DHMH have varying systems for incident reporting, the best interest of children in out-of-home placements is not being met because placement or treatment decisions are sometimes being made without knowledge of all of the relevant incident reports that have been generated on a particular child.

DHR is currently in the process of drafting residential child care regulations and has indicated that there have been ongoing discussions with the Resource Development and Licensing Committee (a standing committee of the Children's Cabinet that focuses on the coordination of the licensing and monitoring process for group homes) for a number of years as to whether a uniform incident reporting tool was appropriate. A workgroup similar to the one proposed in the bill has already been identified and its first meeting has been scheduled. DHR notes that the workgroup plans to incorporate incident reports for youth in RCCPs as well as for youth served in private provider programs, specifically those in child placement agencies.

State Fiscal Effect: DHR, DJS, and DHMH can use existing resources to develop a uniform reporting system, adopt appropriate regulations, and submit the required report. Although DHR advises that there may be costs associated with the development of a database that each agency can access as well as costs to train staff on the new reporting requirements, these expenditures will be a result of the specific regulations that are implemented and not from the bill itself.

Additional Information

Prior Introductions: None.

Cross File: HB 554 (Delegate Jones, *et al.*) – Health and Government Operations.

Information Source(s): Department of Human Resources, Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Juvenile Services, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2010
mpc/hlb Revised - Senate Third Reader - March 27, 2010

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