

# HOUSE BILL 862

J2, O4

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CF SB 868

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By: **Delegate Hammen**

Introduced and read first time: February 9, 2012

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Residential Child and Youth Care Practitioners – Certification**  
3 **– Modifications**

4 FOR the purpose of requiring the State Board for Certification of Residential Child  
5 Care Program Professionals, in consultation with the Children’s Cabinet, to  
6 establish a tiered certification structure for residential child and youth care  
7 practitioners; requiring the Board to establish training requirements for the  
8 residential child and youth care practitioners certified by the Board; requiring,  
9 instead of authorizing, the Board to set reasonable fees for certain services;  
10 authorizing the Board to waive ~~certain~~ the fees under certain circumstances;  
11 prohibiting the Board from requiring fees for the examination of qualified  
12 certified residential child and youth care practitioner applicants; establishing  
13 certain exceptions to the requirement that residential child and youth care  
14 practitioners be certified on or before a certain date; requiring, with certain  
15 exceptions, an applicant for a certificate as a residential child and youth care  
16 practitioner to have successfully completed a certain training program;  
17 requiring the Board to establish requirements and procedures for waiving the  
18 training program requirement for applicants with certain degrees under certain  
19 circumstances; requiring the Board to waive certain requirements for applicants  
20 who apply for certification on or before a certain date and present to the Board  
21 evidence of certain experience; requiring the Board to adopt regulations for  
22 approved training programs for residential child and youth care practitioners;  
23 requiring the regulations to include certain items; requiring the Board to post a  
24 list of approved training programs on its Web site; altering and repealing  
25 certain provisions of law relating to the age and training of direct care staff of

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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 residential child care programs that conflict with certain statutory  
2 requirements and requirements of this Act relating to residential child and  
3 youth care practitioners; providing for a delayed effective date for certain  
4 provisions of this Act; and generally relating to the certification of residential  
5 child and youth care practitioners by the State Board for Certification of  
6 Residential Child Care Program Professionals.

7 BY repealing and reenacting, without amendments,  
8 Article – Health Occupations  
9 Section 20–101(c)  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 20–205, 20–206, 20–301(b), and 20–302.1  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2011 Supplement)

17 BY adding to  
18 Article – Health Occupations  
19 Section 20–302.2  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Human Services  
24 Section 8–704(10) and 8–1002  
25 Annotated Code of Maryland  
26 (2007 Volume and 2011 Supplement)

27 BY repealing  
28 Article – Human Services  
29 Section 8–1003  
30 Annotated Code of Maryland  
31 (2007 Volume and 2011 Supplement)

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

34 **Article – Health Occupations**

35 20–101.

36 (c) “Board” means the State Board for Certification of Residential Child Care  
37 Program Professionals.

1 20–205.

2 (a) In addition to the powers and duties set forth elsewhere in this title, the  
3 Board in consultation with the Children’s Cabinet shall:

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

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

6 (3) Conduct a continuing study and investigation of program  
7 administrators and residential child and youth care practitioners to improve:

8 (i) Certification standards; and

9 (ii) Procedures for enforcing these standards; [and]

10 **(4) ESTABLISH A TIERED CERTIFICATION STRUCTURE FOR**  
11 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS; AND**

12 **[(4)] (5)** Devise examinations and adopt investigative procedures to:

13 (i) Determine whether program administrators and residential  
14 child and youth care practitioners meet the standards adopted by the Board; and

15 (ii) Assure that program administrators and residential child  
16 and youth care practitioners continue to meet these standards.

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

18 (1) Maintain a registry of all program administrators and residential  
19 child and youth care practitioners certified by the Board;

20 (2) Submit an annual report to the Governor and Children’s Cabinet;

21 (3) Adopt a code of ethics that the Board considers appropriate and  
22 applicable to the program administrators and residential child and youth care  
23 practitioners certified by the Board;

24 (4) Establish continuing education requirements for the program  
25 administrators [and the residential child and youth care practitioners] certified by the  
26 Board;

27 **(5) ESTABLISH TRAINING AND CONTINUING EDUCATION**  
28 **REQUIREMENTS FOR THE RESIDENTIAL CHILD AND YOUTH CARE**  
29 **PRACTITIONERS CERTIFIED BY THE BOARD;**

1                   **[(5)] (6)**     Adopt an official seal; and

2                   **[(6)] (7)**     Create committees as it deems appropriate to advise the  
3 Board on special issues.

4 20–206.

5           (a)     The Board:

6                   **(1)**     [~~may~~] ~~MAY~~ **SHALL** set reasonable fees for: ~~the~~

7                           **(I)**     **THE** issuance and renewal of certificates;

8                                   **(II)**    **APPROVING TRAINING PROGRAMS FOR RESIDENTIAL**  
9 **CHILD AND YOUTH CARE PRACTITIONERS;** and ~~its~~

10                           **(III)**    **ITS** other services;

11                           **(2)**     **MAY WAIVE THE FEES, BASED ON DEMONSTRATED NEED, AS**  
12 **DETERMINED BY THE BOARD; AND**

13                           **(3)**     **MAY NOT REQUIRE FEES FOR THE EXAMINATION OF**  
14 **QUALIFIED CERTIFIED RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**  
15 **APPLICANTS UNDER THIS TITLE.**

16           (b)     The Board shall pay all money collected under this title into the General  
17 Fund of the State.

18 20–301.

19           (b)     **(1)**    **[On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
20 **SECTION, ON** or before October 1, 2015, an individual shall receive a certificate from  
21 the Board before the individual may be a residential child and youth care practitioner  
22 in this State.

23                   **(2)**     **THIS SUBSECTION DOES NOT APPLY TO:**

24                           **(I)**     **AN EMPLOYEE OF THE MARYLAND SCHOOL FOR THE**  
25 **BLIND WHO IS A RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER AND**  
26 **HOLDS A CURRENT PARAPROFESSIONAL CERTIFICATE; OR**

27                           **(II)**    **FOR UP TO 180 DAYS, AN INDIVIDUAL PARTICIPATING**  
28 **IN A BOARD-APPROVED TRAINING PROGRAM.**

29 20–302.1.

1 (a) To qualify for a certificate as a residential child and youth care  
2 practitioner, an applicant shall be an individual who meets the requirements of this  
3 section.

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

5 (c) The applicant shall have completed a State and national criminal history  
6 records check.

7 (d) The applicant shall be:

8 (1) At least 21 years old; or

9 (2) At least 18 years old and have earned at least an associate's or  
10 bachelor's degree from an accredited college or university.

11 (e) The applicant shall have:

12 (1) A high school diploma or equivalent and have successfully  
13 completed an approved training program;

14 (2) At least 2 years experience in the human service field and  
15 sponsorship from a certified program administrator; or

16 (3) An associate's or bachelor's degree from an accredited college or  
17 university.

18 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
19 **SUBSECTION, THE APPLICANT SHALL HAVE SUCCESSFULLY COMPLETED A**  
20 **TRAINING PROGRAM APPROVED UNDER § 20-302.2 OF THIS SUBTITLE.**

21 **(2) (I) AN APPLICANT WHO HAS AN ASSOCIATE'S OR**  
22 **BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY MAY BE**  
23 **WAIVED FROM THE TRAINING PROGRAM REQUIREMENT, IF THE APPLICANT**  
24 **PASSES AN EXAMINATION AND MEETS OTHER REQUIREMENTS ESTABLISHED BY**  
25 **THE BOARD UNDER THIS SUBTITLE.**

26 **(II) THE BOARD SHALL ESTABLISH REQUIREMENTS AND**  
27 **PROCEDURES FOR WAIVING THE TRAINING PROGRAM REQUIREMENT FOR AN**  
28 **APPLICANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

29 **[(f)] (G)** The applicant shall pass an examination given by the Board under  
30 this subtitle.

1           **(H) THE BOARD SHALL WAIVE THE EDUCATION, EXPERIENCE,**  
 2 **TRAINING, AND EXAMINATION REQUIREMENTS OF THIS SECTION FOR AN**  
 3 **APPLICANT WHO:**

4               **(1) APPLIES FOR CERTIFICATION ON OR BEFORE OCTOBER 1,**  
 5 **2015; AND**

6               **(2) PRESENTS TO THE BOARD SATISFACTORY EVIDENCE THAT**  
 7 **THE APPLICANT WORKED AS A RESIDENTIAL CHILD AND YOUTH CARE**  
 8 **PRACTITIONER IN THE STATE FOR AT LEAST 2 YEARS BEFORE OCTOBER 1,**  
 9 **2015.**

10 **20-302.2.**

11           **(A) THE BOARD SHALL ADOPT REGULATIONS FOR APPROVED TRAINING**  
 12 **PROGRAMS FOR RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS.**

13           **(B) SUCCESSFUL COMPLETION OF AN APPROVED TRAINING PROGRAM**  
 14 **SHALL PREPARE AN INDIVIDUAL FOR CERTIFICATION AS A RESIDENTIAL CHILD**  
 15 **AND YOUTH CARE PRACTITIONER.**

16           **(C) THE REGULATIONS SHALL:**

17               **(1) REQUIRE AN APPROVED TRAINING PROGRAM TO PROVIDE A**  
 18 **FUNDAMENTAL WORKING KNOWLEDGE OF THE VARIED ASPECTS OF**  
 19 **PERFORMING THE DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF**  
 20 **DAILY LIVING, SELF-HELP, AND SOCIALIZATION TO CHILDREN AND YOUTH IN**  
 21 **RESIDENTIAL CHILD CARE PROGRAMS;**

22               **(2) ESTABLISH A PROCESS FOR APPROVING RESIDENTIAL CHILD**  
 23 **AND YOUTH CARE PRACTITIONER TRAINING PROGRAMS; AND**

24               **(3) ESTABLISH THE CONTACT HOURS, CURRICULUM, FORMAT,**  
 25 **AND FEES FOR APPROVED TRAINING PROGRAMS.**

26           **(C) THE BOARD SHALL POST A LIST OF APPROVED TRAINING**  
 27 **PROGRAMS ON ITS WEB SITE.**

28           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 29 read as follows:

30   **Article – Human Services**

31           8-704.

1 A contract awarded or renewed between an agency and a provider for a  
2 residential child care program shall:

3 (10) require [the provider and the employees of the provider who have  
4 direct contact with children in the residential child care program to be at least 21  
5 years of age] **THE RESIDENTIAL CHILD CARE PROGRAM TO HAVE CERTIFIED  
6 RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS, AS REQUIRED UNDER §  
7 20-301 OF THE HEALTH OCCUPATIONS ARTICLE;** and

8 8-1002.

9 [Except for provisions relating to direct care staff under § 8-1003 of this  
10 subtitle, this] **THIS** subtitle does not apply to:

11 (1) a shelter care facility or residential respite program licensed by the  
12 Department of Human Resources; or

13 (2) a detention center or shelter care facility operated by or under  
14 contract with the Department of Juvenile Services.

15 [8-1003.

16 The Department of Juvenile Services, the Department of Human Resources, the  
17 Department of Health and Mental Hygiene, and the Governor's Office for Children  
18 shall jointly adopt regulations requiring each member of a direct care staff to:

19 (1) be at least 21 years old; and

20 (2) complete a training program that is approved by the agency that  
21 licensed the residential child care program.]

22 **SECTION 3. AND BE IT FURTHER ENACTED,** That Section 2 of this Act shall  
23 take effect October 1, 2015.

24 **SECTION 4. AND BE IT FURTHER ENACTED,** That, except as provided in  
25 Section 3 of this Act, this Act shall take effect October 1, 2012.