

Chapter 312

(Senate Bill 868)

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification – Modifications

FOR the purpose of requiring the State Board for Certification of Residential Child Care Program Professionals, in consultation with the Children's Cabinet, to establish a tiered certification structure for residential child and youth care practitioners; requiring the Board to establish training requirements for the residential child and youth care practitioners certified by the Board; requiring, instead of authorizing, the Board to set reasonable fees for certain services; authorizing the Board to waive ~~certain~~ the fees under certain circumstances; prohibiting the Board from requiring fees for the examination of qualified certified residential child and youth care practitioner applicants; establishing certain exceptions to the requirement that residential child and youth care practitioners be certified on or before a certain date; requiring, with certain exceptions, an applicant for a certificate as a residential child and youth care practitioner to have successfully completed a certain training program; requiring the Board to establish requirements and procedures for waiving the training program requirement for applicants with certain degrees under certain circumstances; requiring the Board to waive certain requirements for applicants who apply for certification on or before a certain date and present to the Board evidence of certain experience; requiring the Board to adopt regulations for approved training programs for residential child and youth care practitioners; requiring the regulations to include certain items; requiring the Board to post a list of approved training programs on its Web site; altering and repealing certain provisions of law relating to the age and training of direct care staff of residential child care programs that conflict with certain statutory requirements and requirements of this Act relating to residential child and youth care practitioners; providing for a delayed effective date for certain provisions of this Act; and generally relating to the certification of residential child and youth care practitioners by the State Board for Certification of Residential Child Care Program Professionals.

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

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 20–205, 20–206, 20–301(b), and 20–302.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to

Article – Health Occupations
Section 20–302.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services
Section 8–704(10) and 8–1002
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

BY repealing

Article – Human Services
Section 8–1003
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

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

Article – Health Occupations

20–101.

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

20–205.

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

- (1) Adopt regulations to carry out the provisions of this subtitle;
- (2) Establish standards for the certification of applicants;
- (3) Conduct a continuing study and investigation of program administrators and residential child and youth care practitioners to improve:
 - (i) Certification standards; and

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

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

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

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

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

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

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

- (2) Submit an annual report to the Governor and Children's Cabinet;

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

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

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

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

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

20-206.

- (a) The Board:

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

- (1) THE** issuance and renewal of certificates;

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

(III) ITS other services;

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

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

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

20-301.

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

(2) THIS SUBSECTION DOES NOT APPLY TO:

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

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

20-302.1.

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

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

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

(d) The applicant shall be:

- (1) At least 21 years old; or
- (2) At least 18 years old and have earned at least an associate's or bachelor's degree from an accredited college or university.

(e) The applicant shall have:

- (1) A high school diploma or equivalent and have successfully completed an approved training program;
- (2) At least 2 years experience in the human service field and sponsorship from a certified program administrator; or
- (3) An associate's or bachelor's degree from an accredited college or university.

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

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

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

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

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

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

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

20-302.2.

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

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

(C) THE REGULATIONS SHALL:

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

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

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

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

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

Article – Human Services

8-704.

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

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

8-1002.

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

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

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

[8–1003.

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

(1) be at least 21 years old; and

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

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

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

Approved by the Governor, May 2, 2012.