

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 72 (The Speaker)(By Request - Department of Legislative Services)
Health and Government Operations Education, Health, and Environmental Affairs

**State Board for Certification of Residential Child Care Program Professionals -
Sunset Extension and Program Evaluation**

This bill extends the termination date for the State Board for Certification of Residential Child Care Program Professionals by 10 years to July 1, 2024, and requires an evaluation of the board by July 1, 2023. The bill includes related reporting requirements.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: General fund revenues and expenditures for the State Board for Certification of Residential Child Care Program Professionals are maintained beyond FY 2014. The Governor’s proposed FY 2013 budget includes \$204,866 for board operations. The bill’s reporting requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Uncodified language requires the board, by October 1, 2013, and annually thereafter, to submit a report to specified committees of the General Assembly on the progress of implementing certification of residential child and youth care practitioners. Within 90 days after the certification of such practitioners has been

implemented for a full biennial certification cycle, the board must submit a final report to the committees that addresses the need, if any, for changes to board membership and the outlook for the board to become self-supporting (special-funded) in the future.

Current Law/Background:

Maryland Program Evaluation Act

The State Board for Certification of Residential Child Care Program Professionals is 1 of approximately 70 regulatory entities and activities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most agencies evaluated are also subject to termination, including the State Board for Certification of Residential Child Care Program Professionals, which is scheduled to terminate July 1, 2014. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

A copy of the DLS sunset report on the State Board for Certification of Residential Child Care Program Professionals can be found at <http://dls.state.md.us/Content.aspx?page=104>.

The State Board for Certification of Residential Child Care Program Professionals

The board, housed in the Department of Health and Mental Hygiene, was first appointed and began meeting in the fall of 2005. The primary purpose of the 12-member board is to protect children served in residential child care programs by certifying residential child care program administrators and residential child and youth care practitioners, investigating complaints, and disciplining individuals. The board is one of two health occupations boards that are general rather than special-funded.

The board currently offers three types of certification for administrators: residential child care program administrator, acting capacity residential child care program administrator, and designation as a certified administrator at two individually licensed programs. Certification of residential child and youth care practitioners has not yet begun; however, upon implementation of the certification requirement (statute requires certification by October 1, 2015), all practitioners working in residential child care programs licensed by the Department of Human Resources, the Department of Juvenile Services, and the Office of Health Care Quality will be required to be certified.

Sunset Evaluation Findings and Recommendations

DLS found that the board appears to function well, is aware of and responds to legislative changes in a timely fashion, works well with industry associations, and addresses questions from program administrators. Board membership currently represents relevant parties. Thus, DLS recommended that LPC waive the board from full evaluation and that legislation be enacted to extend the board's termination date by 10 years to July 1, 2024. This bill implements DLS' recommendations stemming from the preliminary sunset evaluation report, as adopted by LPC at its December 13, 2011 meeting.

A few issues were raised in the evaluation. Of potential concern was whether residential child and youth care practitioners will be underrepresented on the board once their certification process is implemented, given that there will be only one practitioner member for an estimated 2,350 certificate holders. Furthermore, the certification process for practitioners is in a state of flux. Chapters 219 and 220 of 2011 required a summer study to examine the process. The summer study workgroup recommended several changes to the certification process, including allowing the board to waive fees; developing a minimum salary structure based on the increased requirements of certification; altering initial and annual training requirements; and developing a uniform framework for practitioner training programs to be made available through a free online webinar format. If and how the recommendations of the summer study workgroup will be implemented and how they may impact the regulation of residential child and youth care practitioners remains unclear.

Additional Information

Prior Introductions: None.

Cross File: SB 94 (The President)(By Request - Department of Legislative Services) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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