

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 868

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

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**Residential Child and Youth Care Practitioners - Certification - Modifications**

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This bill requires the State Board for Certification of Residential Child Care Program Professionals to establish a tiered certification structure for residential child and youth care practitioners and establish training and continuing education requirements for the residential child and youth care practitioners certified by the board. The board must set reasonable fees for the issuance and renewal of certificates, including approving training programs but may waive the fees, based on demonstrated need as determined by the board. The board may not require applicants for certification as a residential child and youth care practitioner to pay an examination fee. Specified employees of the Maryland School for the Blind or individuals, for up to 180 days, participating in a board-approved training program are exempt from the certification requirement.

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**Fiscal Summary**

**State Effect:** General fund revenues decline beginning in FY 2016 due to the board's ability to waive fees, expansion of exemptions from the certification requirement, and the prohibition on an examination fee for residential child and youth care practitioners. The exact amount of any revenue decline cannot be reliably estimated at this time. The State Board for Certification of Residential Child Care Program Professionals can develop a tiered certification structure and adopt regulations within existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Meaningful for residential child and youth care practitioners.

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## Analysis

**Bill Summary:** The board must adopt regulations for approved training programs for residential child and youth care practitioners. The regulations must require an approved training program to provide specified knowledge; establish a process for approving programs; and establish the contact hours, curriculum, format, and fees for approved programs. The board must post a list of approved training programs on its website. An applicant for certification as a residential child and youth care practitioner must complete an approved training program. Applicants who have an associate's or bachelor's degree may be waived from this requirement if they pass an examination and meet other specified requirements.

The board must waive the education, experience, training, and examination requirements for an applicant for certification as a residential child and youth care practitioner who applies by October 1, 2015, and presents satisfactory evidence that the applicant worked as a residential child and youth care practitioner in Maryland for at least two years.

The bill also specifies that contracts awarded or renewed between an agency and a provider for a residential child care program must require the residential child care program to have certified residential child and youth care practitioners. An obsolete requirement to adopt regulations is also repealed. These two provisions take effect October 1, 2015.

**Current Law:** Chapter 218 of 2008 expanded the purview of the State Board for Certification of Residential Child Care Program Administrators to include the certification of residential child and youth care practitioners and renamed the board accordingly.

Individuals who are assigned to perform direct responsibilities related to activities of daily living, self-help, and socialization skills in a residential child care program under the direction of a certified program administrator must be certified by the board as a residential child and youth care practitioner. This requirement applies to practitioners employed by programs licensed by the departments of Health and Mental Hygiene, Human Resources, and Juvenile Services and subject to the Governor's Office for Children licensing regulations. The requirement does not apply to programs licensed by the Developmental Disabilities Administration. Only those certified by the board are permitted to use the title "residential child and youth care practitioner" or otherwise present themselves as authorized to provide these services.

Chapter 583 of 2010 delayed the date by which residential child and youth care practitioners must be certified from October 1, 2013, until October 1, 2015.

To qualify for a certificate, an individual must be of good moral character, complete a criminal history records check, be at least age 21 (or at least age 18 and hold an associate's or bachelor's degree), meet specified education and training requirements, and pass an examination given by the board.

The State Board for Certification of Residential Child Care Program Professionals, 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.

**Background:** Chapters 219 and 220 of 2011 required a summer study to examine the certification process for residential child and youth care practitioners. The summer study workgroup submitted its report on September 9, 2011. The report's recommendations align with actions recommended by the board. These recommendations are:

- the board should have the authority to waive fees;
- the Maryland School for the Blind should be waived from the certification requirement as workers at the school have a paraprofessional certification;
- a minimum salary structure based on the increased requirements of certification should be developed;
- changes should be made to the common regulations for initial and annual training requirements;
- the purpose of the practitioner training program should be identified;
- a uniform framework for practitioner training programs should be developed to include at least 30 contact hours which cover six modules and require passage of a post-test with a score of at least 70%;
- the training program should be available through a free online webinar format, but programs should be allowed to customize training programs;
- protocol for board approval of training programs should be identified;
- a training program approval fee should be established;
- a process for qualification of trainers should be established;

- the educational and training requirements for certification should be simplified;
- a trainee provision with set timeframes to achieve certification should be established;
- certain workers should be grandfathered into certification under certain conditions;
- the standards examination should be modified to a series of post-tests linked to training modules; and
- the fee for the standards examination should be eliminated.

The board has also expressed its support for a tiered certification system proposed by providers as part of the summer study. Provider recommendations are:

- a State commitment to fund reimbursements at a level to support a competitive salary structure;
- a three-tier certification structure including an initial tier for grandfathered employees and new employees completing the approved training and higher tiers based on experience and education level; and
- a commitment from the State to fund a reimbursement rate that supports the development of individualized program training.

The bill implements many of these recommendations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 862 (Delegate Hammen) - Health and Government Operations.

**Information Source(s):** Governor's Office for Children, Department of Human Resources, Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Juvenile Services, Department of Legislative Services

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