

HOUSE BILL 1747

O4

8lr3481

By: **Delegate Reznik**

Introduced and read first time: February 21, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs – Statement of Need – Exceptions**

3 FOR the purpose of providing that the Department of Human Services and the Department
4 of Juvenile Services are not required to issue a statement of need before granting a
5 license to a residential child care program if there is no placement available in an
6 existing licensed program that can provide certain services; providing that a
7 statement of need is not required before the number of placements in an existing
8 licensed residential child care program is increased if there is no placement available
9 in an existing licensed program that can provide certain services; and generally
10 relating to statements of need for residential child care programs.

11 BY repealing and reenacting, without amendments,
12 Article – Human Services
13 Section 8–703.1(a)
14 Annotated Code of Maryland
15 (2007 Volume and 2017 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Human Services
18 Section 8–703.1(d) and (e)
19 Annotated Code of Maryland
20 (2007 Volume and 2017 Supplement)

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

23 **Article – Human Services**

24 8–703.1.

25 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Licensing agency” means:

2 (i) the Department of Human Services; and

3 (ii) the Department of Juvenile Services.

4 (3) “Statement of need” means an official certification of public need for the
5 location and establishment of a residential child care program in a county issued by a
6 licensing agency under this section.

7 (d) **(1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, AN** application may not be submitted to the office and a license may not be
9 granted by a licensing agency for a residential child care program until a licensing agency
10 issues a statement of need for a residential child care program in a county.

11 **(2) A STATEMENT OF NEED IS NOT REQUIRED BEFORE A LICENSE MAY**
12 **BE GRANTED BY A LICENSING AGENCY FOR A RESIDENTIAL CHILD CARE PROGRAM**
13 **IF THERE IS NO PLACEMENT AVAILABLE IN AN EXISTING LICENSED RESIDENTIAL**
14 **CHILD CARE PROGRAM THAT CAN PROVIDE THE SERVICES NEEDED FOR A CHILD.**

15 (e) (1) Except as provided in paragraphs (2) [and (3)] **THROUGH (4)** of this
16 subsection, in addition to the statement of need required under subsection (d) of this
17 section, a statement of need is required before:

18 (i) an existing or previously licensed residential child care program
19 is relocated to another site;

20 (ii) the physical site of a residential child care program is expanded;
21 or

22 (iii) the number of placements in a residential child care program is
23 increased.

24 (2) A statement of need is not required before an existing licensed
25 residential child care program is relocated to another site on a temporary basis if:

26 (i) the site of the existing licensed residential child care program is
27 in a state of disrepair that necessitates rehabilitation for the health, safety, and well-being
28 of the residents;

29 (ii) the temporary site meets the requirements of the residential
30 child care program’s license;

31 (iii) the temporary site is located:

- 1 1. within the same jurisdiction as the site undergoing
2 rehabilitation; or
- 3 2. within 10 miles of the site undergoing rehabilitation; and
- 4 (iv) the rehabilitation of the existing site:
 - 5 1. will be completed within 180 days; or
 - 6 2. if not completed within 180 days, will be completed within
7 a period of time determined by the licensing agency, on request of the licensee, not to exceed
8 an additional 180 days.

9 (3) A statement of need is not required before an existing licensed
10 residential child care program is relocated to another site if:

- 11 (i) the relocation is necessary due to circumstances beyond the
12 control of the licensee, including the nonrenewal of the lease for the site of the existing
13 licensed residential child care program;
- 14 (ii) the new site meets the requirements of the residential child care
15 program’s license; and
- 16 (iii) the new site is located:
 - 17 1. within the same jurisdiction as the site being closed; or
 - 18 2. within 10 miles of the site being closed.

19 **(4) A STATEMENT OF NEED IS NOT REQUIRED BEFORE THE NUMBER**
20 **OF PLACEMENTS IN AN EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS**
21 **INCREASED IF THERE IS NO PLACEMENT AVAILABLE IN AN EXISTING LICENSED**
22 **RESIDENTIAL CHILD CARE PROGRAM THAT CAN PROVIDE THE SERVICES NEEDED**
23 **FOR A CHILD.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2018.