

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1747
Appropriations

(Delegate Reznik)

Education, Health, and Environmental Affairs

Residential Child Care Programs - Statement of Need - Exceptions

This bill creates an exception to the process relating to statements of need for residential child care programs by allowing the Department of Human Services (DHS) or the Department of Juvenile Services (DJS) to grant a license without a statement of need if there is no placement available in an existing licensed residential child care program that can provide the services needed for a child. The number of placements in an existing program may also be increased without a statement of need under these circumstances. The bill also creates an exception to allow an existing program to relocate if the existing site of the program is in a state of disrepair that necessitates rehabilitation of the site for the health, safety, and well-being of the residents and the rehabilitation is impractical or infeasible. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: The bill does not materially impact State finances or operations.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law/Background: A statement of need is an official certification of public need for the location and establishment of a residential child care program in a county issued by a licensing agency. As licensing agencies, DHS and DJS must issue a statement of need before a residential child care program is granted a license, an existing or previously licensed program is relocated, an existing site is expanded, or the number of placements in

a program is increased. A statement of need is not required before an existing licensed residential child care program is relocated to another site if (1) the relocation is necessary due to circumstances beyond the control of the licensee, as specified; (2) the new site meets the requirements of the residential child care program's license; and (3) the new site is located within the same jurisdiction as or within 10 miles of the site being closed. Statutory provisions also set forth exceptions to the requirement for a statement of need if an existing licensed residential child care program is relocated to another site on a temporary basis.

DHS and DJS must consider the special needs of the affected children and consult with relevant stakeholders when developing a statement of need. DHS and DJS must publish notice of the statement of need in the *Maryland Register*.

Residential child care programs, also referred to as group homes, represent one form of out-of-home placements. Group homes offer homelike settings that provide structure and 24-hour supervision, basic care, social work, and health care services. The Governor's Office for Children provides a single point of entry for persons or organizations interested in establishing a residential child care program.

Small Business Effect: Residential child care programs may be granted a license or have the ability to increase placements or relocate without a statement of need under the circumstances specified in the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Services; Department of Juvenile Services; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2018
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