

# HOUSE BILL 725

O4, F5

2lr1345  
CF SB 506

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By: **Delegates Luedtke, Ebersole, Griffith, Guyton, and Solomon**

Introduced and read first time: February 3, 2022

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Children – Therapeutic Child Care Program – Funding**

3 FOR the purpose of establishing the Therapeutic Child Care Program to provide ~~specialized~~  
4 ~~child care and early childhood education by~~ funding to educators, early intervention  
5 providers, mental health providers, and health care providers to provide specialized  
6 child care and early education to children under a certain age who have delays in  
7 development, physical disabilities, or delays in social, emotional, or behavioral  
8 functioning; and generally relating to the Therapeutic Child Care Program.

9 BY adding to

10 Article – Education

11 Section 8–420

12 Annotated Code of Maryland

13 (2018 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Education**

17 **8–420.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2) “DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING” MEANS~~

(2) “ELIGIBLE CHILD” MEANS A CHILD UNDER THE AGE OF 6 YEARS WITH DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING THAT NECESSITATE SPECIALIZED CHILD CARE AND EARLY EDUCATION SERVICES INCLUDING:

(I) A SIGNIFICANT DEVELOPMENTAL DELAY OR ATYPICAL DEVELOPMENT, AS IDENTIFIED BY A HEALTH PROFESSIONAL, IN:

1. COGNITIVE DEVELOPMENT;
2. PHYSICAL DEVELOPMENT;
3. LANGUAGE AND SPEECH DEVELOPMENT;
4. PSYCHOSOCIAL DEVELOPMENT; OR
5. SELF-HELP SKILLS;

(II) PSYCHOLOGICAL TRAUMA, AS IDENTIFIED THROUGH AN EVALUATION BY A MENTAL HEALTH PROFESSIONAL; OR

(III) A DIAGNOSED PHYSICAL, DEVELOPMENTAL, OR MENTAL HEALTH CONDITION THAT IMPACTS DAILY LIVING AND LIMITS PARTICIPATION IN TYPICAL EARLY CHILDHOOD EDUCATION OR CHILD CARE SETTINGS.

(3) “ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER” MEANS A THERAPEUTIC CHILD CARE PROVIDER DESIGNATED BY THE DEPARTMENT FOR PARTICIPATION IN THE PROGRAM UNDER SUBSECTION (C)(3) OF THIS SECTION.

(4) “PROGRAM” MEANS THE THERAPEUTIC CHILD CARE PROGRAM.

(5) “THERAPEUTIC CHILD CARE PROVIDER” INCLUDES EDUCATORS, EARLY INTERVENTION PROVIDERS, MENTAL HEALTH PROVIDERS, AND HEALTH CARE PROVIDERS WHOSE MISSION IS TO PROVIDE SPECIALIZED CHILD CARE AND EARLY EDUCATION SERVICES TO ELIGIBLE CHILDREN.

(B) THERE IS A THERAPEUTIC CHILD CARE PROGRAM IN THE STATE.

~~(C) (1) THE PURPOSE OF THE PROGRAM IS TO PROVIDE SPECIALIZED CHILD CARE AND EARLY CHILDHOOD EDUCATION BY EDUCATORS, EARLY~~

~~INTERVENTION PROVIDERS, MENTAL HEALTH PROVIDERS, AND HEALTH CARE PROVIDERS TO CHILDREN UNDER THE AGE OF 6 YEARS WHO HAVE:~~

~~(1) DEVELOPMENTAL DELAYS;~~

~~(2) PHYSICAL DISABILITIES; OR~~

~~(3) DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING FUNDING TO ELIGIBLE THERAPEUTIC CHILD CARE PROVIDERS FOR THE TREATMENT OF ELIGIBLE CHILDREN.~~

~~(2) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.~~

~~(3) ON MAY 1 EACH YEAR, THE DEPARTMENT SHALL DESIGNATE THERAPEUTIC CHILD CARE PROVIDERS FOR PARTICIPATION IN THE PROGRAM.~~

~~(4) ON MAY 1 EACH YEAR, THE DEPARTMENT SHALL COUNT ALL ELIGIBLE CHILDREN AT EACH ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER.~~

~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR FISCAL YEAR 2024, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE PROGRAM IN AN AMOUNT NOT LESS THAN THE PER PUPIL FUNDING AMOUNT OF \$45,000 FOR EACH CHILD SERVED WHO HAS DEVELOPMENTAL DELAYS, PHYSICAL DISABILITIES, OR DELAYS IN SOCIAL, EMOTIONAL, OR BEHAVIORAL FUNCTIONING.~~

~~(2) (I) FOR FISCAL YEAR 2024, FOR PROVIDERS IN THE PROGRAM THAT BEGAN PROVIDING CARE TO CHILDREN ON OR BEFORE MARCH 5, 2020, THE PER PUPIL FUNDING AMOUNT SHALL BE CALCULATED USING THE HIGHER OF:~~

~~1. THE JANUARY 1, 2019, ENROLLMENT; OR~~

~~2. THE JANUARY 1, 2023, ENROLLMENT.~~

~~(II) FOR FISCAL YEAR 2024, FOR PROVIDERS IN THE PROGRAM THAT BEGAN PROVIDING CARE TO CHILDREN AFTER MARCH 5, 2020, THE PER PUPIL FUNDING AMOUNT SHALL BE CALCULATED USING THE JANUARY 1, 2023, ENROLLMENT.~~

~~(3) BEGINNING IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCREASE THE PER PUPIL FUNDING AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY THE LESSER OF:~~

~~(I) THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON METROPOLITAN AREA, OR ANY SUCCESSOR INDEX; OR~~

~~(II) 1.5%.~~

~~(4) THE PROGRAM MAY BE FUNDED FROM:~~

~~(I) THE GENERAL FUND OF THE STATE; AND~~

~~(II) ANY OTHER SOURCES.~~

**(D) (1) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$3,750,000 TO THE PROGRAM.**

**(2) USING THE COUNT OF ELIGIBLE CHILDREN AT EACH ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER ON MAY 1 OF THE PREVIOUS FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE THE FULL APPROPRIATION LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO EACH ELIGIBLE THERAPEUTIC CHILD CARE PROVIDER IN AN AMOUNT PROPORTIONATE TO THE NUMBER OF ELIGIBLE CHILDREN SERVED BY THE ELIGIBLE PROVIDER OUT OF THE TOTAL NUMBER OF ELIGIBLE CHILDREN SERVED BY ALL ELIGIBLE THERAPEUTIC CHILD CARE PROVIDERS.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.