

SENATE BILL 133

J2

(2lr0728)

ENROLLED BILL

— Education, Health, and Environmental Affairs / Health and Government Operations —

Introduced by **Senator Washington**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Board for the Certification of Residential Child Care Program**
3 **Professionals – Membership and Official Seal**

4 FOR the purpose of repealing the requirement that the Subcabinet for Children, Youth,
5 and Families appoint a member to the State Board for the Certification of Residential
6 Child Care Program Professionals; ~~repealing the requirement that a member of the~~
7 ~~Board be a United States citizen;~~ repealing the requirement that the Board adopt an
8 official seal; and generally relating to the State Board for the Certification of
9 Residential Child Care Program Professionals.

10 BY repealing and reenacting, with amendments,
11 Article – Health Occupations
12 Section 20–202 and 20–205(b)
13 Annotated Code of Maryland

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.

Italics indicate opposite chamber/conference committee amendments.



1 (2021 Replacement Volume)

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

3 That the Laws of Maryland read as follows:

4 **Article – Health Occupations**

5 20–202.

6 (a) (1) The Board consists of [12] **11** members.

7 (2) Of the [12] **11** Board members:

8 (i) [Six] **FIVE** members shall be appointed as follows:

9 1. Two by the Secretary, one each for the Developmental

10 Disabilities Administration and the Behavioral Health Administration;

11 2. One by the Secretary of Juvenile Services for the agency;

12 3. One by the Secretary of Human Services for the agency;

13 AND

14 4. One by the State Superintendent of Schools; and

15 [5. One by the Subcabinet; and]

16 (ii) Six shall be appointed by the Governor.

17 (3) Of the six appointed by the Governor:

18 (i) Three shall be program administrators;

19 (ii) One shall be a residential child and youth care practitioner; and

20 (iii) Two shall be consumer members.

21 (b) The Governor shall appoint members with the advice and consent of the
22 Senate.

23 (c) Each Board member ~~shall~~ shall:

24 (1) Be a United States citizen; and

25 (2) Have:

1 (1) ~~Be a United States citizen; and~~

2 (2) ~~Have HAVE~~ resided in this State for at least 1 year before appointment
3 to the Board.

4 (d) A consumer member of the Board:

5 (1) May not be a program administrator or a residential child and youth
6 care practitioner;

7 (2) May not have a household member who is a program administrator or
8 a residential child and youth care practitioner;

9 (3) May not have a household member who participates in a commercial or
10 professional field related to administering a program; and

11 (4) May not have had within 2 years before appointment a substantial
12 financial interest in a program regulated by an agency.

13 (e) While a member of the Board, a consumer member may not have a substantial
14 financial interest in a program regulated by an agency.

15 (f) Before taking office, each appointee to the Board shall take the oath required
16 by Article I, § 9 of the Maryland Constitution.

17 (g) (1) The term of a member is 4 years.

18 (2) The terms of members are staggered as required by the terms provided
19 for members of the Board on October 1, 2004.

20 (3) At the end of a term, a member continues to serve until a successor is
21 appointed and qualifies.

22 (4) A member who is appointed after a term has begun serves only for the
23 rest of the term and until a successor is appointed and qualifies.

24 (5) A member may not serve more than two consecutive full terms.

25 (6) To the extent practicable, the Governor shall fill any vacancy on the
26 Board within 60 days of the date of the vacancy.

27 (h) (1) The Governor may remove a member for incompetence, misconduct,
28 incapacity, or neglect of duty.

29 (2) On the recommendation of the Children's Cabinet, the Governor may
30 remove a member whom the Children's Cabinet finds to have been absent from two
31 successive Board meetings without adequate reason.

1 20–205.

2 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

3 (1) Maintain a registry of all program administrators and residential child
4 and youth care practitioners certified by the Board;

5 (2) Submit an annual report to the Governor and Children's Cabinet;

6 (3) Adopt a code of ethics that the Board considers appropriate and
7 applicable to the program administrators and residential child and youth care practitioners
8 certified by the Board;

9 (4) Establish continuing education requirements for the program
10 administrators certified by the Board;

11 (5) Establish training and continuing education requirements for the
12 residential child and youth care practitioners certified by the Board; **AND**

13 [(6) Adopt an official seal; and]

14 [(7)] (6) Create committees as it deems appropriate to advise the Board
15 on special issues.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.