

Chapter 799

(House Bill 1747)

AN ACT concerning

Residential Child Care Programs – Statement of Need – Exceptions

FOR the purpose of providing that the Department of Human Services and the Department of Juvenile Services are not required to issue a statement of need before granting a license to a residential child care program if there is no placement available in an existing licensed program that can provide certain services; providing that a statement of need is not required before the number of placements in an existing licensed residential child care program is increased if there is no placement available in an existing licensed program that can provide certain services; providing that a statement of need is not required before an existing licensed residential child care program is relocated if the existing site of the program necessitates certain rehabilitation that is impractical or infeasible and certain other requirements are met; and generally relating to statements of need for residential child care programs.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 8–703.1(a)

Annotated Code of Maryland

(2007 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 8–703.1(d) and (e)

Annotated Code of Maryland

(2007 Volume and 2017 Supplement)

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

Article – Human Services

8–703.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Licensing agency” means:
- (i) the Department of Human Services; and
 - (ii) the Department of Juvenile Services.

(3) “Statement of need” means 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 under this section.

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

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

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

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

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

or

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

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

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

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

(iii) the temporary site is located:

1. within the same jurisdiction as the site undergoing rehabilitation; or

2. within 10 miles of the site undergoing rehabilitation; and

(iv) the rehabilitation of the existing site:

- 1. will be completed within 180 days; or
- 2. if not completed within 180 days, will be completed within a period of time determined by the licensing agency, on request of the licensee, not to exceed an additional 180 days.

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

(i) the relocation is necessary:

1. due to circumstances beyond the control of the licensee, including the nonrenewal of the lease for the site of the existing licensed residential child care program; **OR**

2. BECAUSE THE SITE OF THE EXISTING LICENSED RESIDENTIAL CHILD CARE PROGRAM IS IN A STATE OF DISREPAIR THAT:

A. NECESSITATES REHABILITATION OF THE SITE FOR THE HEALTH, SAFETY, AND WELL-BEING OF THE RESIDENTS; AND

B. THE REHABILITATION IS IMPRACTICAL OR INFEASIBLE;

(ii) the new site meets the requirements of the residential child care program’s license; and

(iii) the new site is located:

- 1. within the same jurisdiction as the site being closed; or
- 2. within 10 miles of the site being closed.

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

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

Approved by the Governor, May 15, 2018.