

SENATE BILL 868

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By: **Senator Conway**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child and Youth Care Practitioners – Certification**
3 **– Modifications**

4 FOR the purpose of requiring the State Board for Certification of Residential Child
5 Care Program Professionals, in consultation with the Children’s Cabinet, to
6 establish a tiered certification structure for residential child and youth care
7 practitioners; requiring the Board to establish training requirements for the
8 residential child and youth care practitioners certified by the Board; authorizing
9 the Board to waive certain fees under certain circumstances; prohibiting the
10 Board from requiring fees for the examination of qualified certified residential
11 child and youth care practitioner applicants; establishing certain exceptions to
12 the requirement that residential child and youth care practitioners be certified
13 on or before a certain date; requiring, with certain exceptions, an applicant for a
14 certificate as a residential child and youth care practitioner to have successfully
15 completed a certain training program; requiring the Board to establish
16 requirements and procedures for waiving the training program requirement for
17 applicants with certain degrees under certain circumstances; requiring the
18 Board to waive certain requirements for applicants who apply for certification
19 on or before a certain date and present to the Board evidence of certain
20 experience; requiring the Board to adopt regulations for approved training
21 programs for residential child and youth care practitioners; requiring the
22 regulations to include certain items; requiring the Board to post a list of
23 approved training programs on its Web site; altering and repealing certain
24 provisions of law relating to the age and training of direct care staff of
25 residential child care programs that conflict with certain statutory
26 requirements and requirements of this Act relating to residential child and
27 youth care practitioners; providing for a delayed effective date for certain
28 provisions of this Act; and generally relating to the certification of residential
29 child and youth care practitioners by the State Board for Certification of
30 Residential Child Care Program Professionals.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Health Occupations
3 Section 20–101(c)
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Health Occupations
8 Section 20–205, 20–206, 20–301(b), and 20–302.1
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2011 Supplement)

11 BY adding to
12 Article – Health Occupations
13 Section 20–302.2
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Human Services
18 Section 8–704(10) and 8–1002
19 Annotated Code of Maryland
20 (2007 Volume and 2011 Supplement)

21 BY repealing
22 Article – Human Services
23 Section 8–1003
24 Annotated Code of Maryland
25 (2007 Volume and 2011 Supplement)

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

28 **Article – Health Occupations**

29 20–101.

30 (c) “Board” means the State Board for Certification of Residential Child Care
31 Program Professionals.

32 20–205.

33 (a) In addition to the powers and duties set forth elsewhere in this title, the
34 Board in consultation with the Children’s Cabinet shall:

35 (1) Adopt regulations to carry out the provisions of this subtitle;

1 (2) Establish standards for the certification of applicants;

2 (3) Conduct a continuing study and investigation of program
3 administrators and residential child and youth care practitioners to improve:

4 (i) Certification standards; and

5 (ii) Procedures for enforcing these standards; [and]

6 **(4) ESTABLISH A TIERED CERTIFICATION STRUCTURE FOR**
7 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS; AND**

8 **[(4)] (5)** Devise examinations and adopt investigative procedures to:

9 (i) Determine whether program administrators and residential
10 child and youth care practitioners meet the standards adopted by the Board; and

11 (ii) Assure that program administrators and residential child
12 and youth care practitioners continue to meet these standards.

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

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

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

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

20 (4) Establish continuing education requirements for the program
21 administrators [and the residential child and youth care practitioners] certified by the
22 Board;

23 **(5) ESTABLISH TRAINING AND CONTINUING EDUCATION**
24 **REQUIREMENTS FOR THE RESIDENTIAL CHILD AND YOUTH CARE**
25 **PRACTITIONERS CERTIFIED BY THE BOARD;**

26 **[(5)] (6)** Adopt an official seal; and

27 **[(6)] (7)** Create committees as it deems appropriate to advise the
28 Board on special issues.

29 20–206.

1 (a) The Board:

2 (1) [may] **MAY** set reasonable fees for the issuance and renewal of
3 certificates and its other services;

4 (2) **MAY WAIVE THE FEES, BASED ON DEMONSTRATED NEED, AS**
5 **DETERMINED BY THE BOARD; AND**

6 (3) **MAY NOT REQUIRE FEES FOR THE EXAMINATION OF**
7 **QUALIFIED CERTIFIED RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONER**
8 **APPLICANTS UNDER THIS TITLE.**

9 (b) The Board shall pay all money collected under this title into the General
10 Fund of the State.

11 20–301.

12 (b) (1) [On] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SECTION, ON** or before October 1, 2015, an individual shall receive a certificate from
14 the Board before the individual may be a residential child and youth care practitioner
15 in this State.

16 (2) **THIS SUBSECTION DOES NOT APPLY TO:**

17 (I) **AN EMPLOYEE OF THE MARYLAND SCHOOL FOR THE**
18 **BLIND; OR**

19 (II) **FOR UP TO 180 DAYS, AN INDIVIDUAL PARTICIPATING**
20 **IN A BOARD-APPROVED TRAINING PROGRAM.**

21 20–302.1.

22 (a) To qualify for a certificate as a residential child and youth care
23 practitioner, an applicant shall be an individual who meets the requirements of this
24 section.

25 (b) The applicant shall be of good moral character.

26 (c) The applicant shall have completed a State and national criminal history
27 records check.

28 (d) The applicant shall be:

29 (1) At least 21 years old; or

1 (2) At least 18 years old and have earned at least an associate's or
2 bachelor's degree from an accredited college or university.

3 (e) The applicant shall have:

4 (1) A high school diploma or equivalent and have successfully
5 completed an approved training program;

6 (2) At least 2 years experience in the human service field and
7 sponsorship from a certified program administrator; or

8 (3) An associate's or bachelor's degree from an accredited college or
9 university.

10 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
11 **SUBSECTION, THE APPLICANT SHALL HAVE SUCCESSFULLY COMPLETED A**
12 **TRAINING PROGRAM APPROVED UNDER § 20-302.2 OF THIS SUBTITLE.**

13 **(2) (I) AN APPLICANT WHO HAS AN ASSOCIATE'S OR**
14 **BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR UNIVERSITY MAY BE**
15 **WAIVED FROM THE TRAINING PROGRAM REQUIREMENT, IF THE APPLICANT**
16 **PASSES AN EXAMINATION AND MEETS OTHER REQUIREMENTS ESTABLISHED BY**
17 **THE BOARD UNDER THIS SUBTITLE.**

18 **(II) THE BOARD SHALL ESTABLISH REQUIREMENTS AND**
19 **PROCEDURES FOR WAIVING THE TRAINING PROGRAM REQUIREMENT FOR AN**
20 **APPLICANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

21 **[(f)] (G)** The applicant shall pass an examination given by the Board under
22 this subtitle.

23 **(H) THE BOARD SHALL WAIVE THE EDUCATION, EXPERIENCE, AND**
24 **EXAMINATION REQUIREMENTS OF THIS SECTION FOR AN APPLICANT WHO:**

25 **(1) APPLIES FOR CERTIFICATION ON OR BEFORE OCTOBER 1,**
26 **2015; AND**

27 **(2) PRESENTS TO THE BOARD SATISFACTORY EVIDENCE THAT**
28 **THE APPLICANT WORKED AS A RESIDENTIAL CHILD AND YOUTH CARE**
29 **PRACTITIONER IN THE STATE FOR AT LEAST 2 YEARS BEFORE OCTOBER 1,**
30 **2015.**

31 **20-302.2.**

1 **(A) THE BOARD SHALL ADOPT REGULATIONS FOR APPROVED TRAINING**
2 **PROGRAMS FOR RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS.**

3 **(B) SUCCESSFUL COMPLETION OF AN APPROVED TRAINING PROGRAM**
4 **SHALL PREPARE AN INDIVIDUAL FOR CERTIFICATION AS A RESIDENTIAL CHILD**
5 **AND YOUTH CARE PRACTITIONER.**

6 **(C) THE REGULATIONS SHALL:**

7 **(1) REQUIRE AN APPROVED TRAINING PROGRAM TO PROVIDE A**
8 **FUNDAMENTAL WORKING KNOWLEDGE OF THE VARIED ASPECTS OF**
9 **PERFORMING THE DIRECT RESPONSIBILITIES RELATED TO ACTIVITIES OF**
10 **DAILY LIVING, SELF-HELP, AND SOCIALIZATION TO CHILDREN AND YOUTH IN**
11 **RESIDENTIAL CHILD CARE PROGRAMS;**

12 **(2) ESTABLISH A PROCESS FOR APPROVING RESIDENTIAL CHILD**
13 **AND YOUTH CARE PRACTITIONER TRAINING PROGRAMS; AND**

14 **(3) ESTABLISH THE CONTACT HOURS, CURRICULUM, FORMAT,**
15 **AND FEES FOR APPROVED TRAINING PROGRAMS.**

16 **(C) THE BOARD SHALL POST A LIST OF APPROVED TRAINING**
17 **PROGRAMS ON ITS WEB SITE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
19 read as follows:

20 **Article – Human Services**

21 8–704.

22 A contract awarded or renewed between an agency and a provider for a
23 residential child care program shall:

24 (10) require [the provider and the employees of the provider who have
25 direct contact with children in the residential child care program to be at least 21
26 years of age] **THE RESIDENTIAL CHILD CARE PROGRAM TO HAVE CERTIFIED**
27 **RESIDENTIAL CHILD AND YOUTH CARE PRACTITIONERS, AS REQUIRED UNDER §**
28 **20–301 OF THE HEALTH OCCUPATIONS ARTICLE;** and

29 8–1002.

30 [Except for provisions relating to direct care staff under § 8–1003 of this
31 subtitle, this] **THIS** subtitle does not apply to:

1 (1) a shelter care facility or residential respite program licensed by the
2 Department of Human Resources; or

3 (2) a detention center or shelter care facility operated by or under
4 contract with the Department of Juvenile Services.

5 [8-1003.

6 The Department of Juvenile Services, the Department of Human Resources, the
7 Department of Health and Mental Hygiene, and the Governor's Office for Children
8 shall jointly adopt regulations requiring each member of a direct care staff to:

9 (1) be at least 21 years old; and

10 (2) complete a training program that is approved by the agency that
11 licensed the residential child care program.]

12 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
13 take effect October 1, 2015.

14 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
15 Section 3 of this Act, this Act shall take effect October 1, 2012.