

SENATE BILL 133

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(PRE-FILED)

2lr0728
CF HB 21

By: **Senator Washington**

Requested: October 12, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 8, 2022

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
14 (2021 Replacement Volume)

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

17 **Article – Health Occupations**

18 20–202.

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

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.



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

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

3 1. Two by the Secretary, one each for the Developmental
4 Disabilities Administration and the Behavioral Health Administration;

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

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

7 AND

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

9 [5. One by the Subcabinet; and]

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

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

12 (i) Three shall be program administrators;

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

14 (iii) Two shall be consumer members.

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

17 (c) Each Board member shall:

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

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

21 (d) A consumer member of the Board:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 20–205.

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

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

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

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

1 (4) Establish continuing education requirements for the program
2 administrators certified by the Board;

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

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.