

10.57.02.00

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS

Chapter 02 Certification — Residential Child Care Program Administrators

Authority: Health Occupations Article, §§20-205, 20-301, and 20-302, Annotated Code of Maryland

10.57.02.01

.01 Application Procedures.

A. In order to obtain a certificate as a residential child care program administrator, the applicant shall submit to the Board:

- (1) An application on the form provided by the Board;
- (2) The application fee set forth in COMAR 10.57.07;
- (3) Three professional references from individuals attesting to the applicant's work experience and competence as a program administrator;
- (4) A certified copy of a transcript with a school seal from an accredited college or university to document the receipt of a baccalaureate or master's degree; and
- (5) Evidence that the applicant:
 - (a) Is of good moral character;
 - (b) Has completed a State criminal history records check;
 - (c) Meets the requirements of Regulations .02 and .03 of this chapter;
 - (d) Is 21 years old or older; and
 - (e) Is responsible for the day-to-day management and operation of a residential child care program.

B. Professional References Required in §A(2) of this Regulation.

(1) At least one professional reference under §A(2) of this regulation shall be provided by a present or former supervisor.

(2) For individuals who are in a leadership role of a residential child care program and do not have a supervisor, a professional reference from the program's Board of Directors is sufficient to meet this requirement.

(3) Professional references shall be submitted to the Board:

(a) On the form provided by the Board; and

(b) In a sealed envelope that is signed by the writer on the back of the envelope over the seal.

C. Day-to-day management and operation of a residential child care program required in §A(3)(e) of this regulation includes, but is not limited to:

(1) Administering, directing, or managing the residential child care program to ensure that the basic needs of the child are met;

(2) Recruiting, hiring, training, and supervising staff;

(3) Developing and implementing an appropriate staffing plan based upon the needs of the children in the residential child care program and in accordance with applicable laws and regulations;

(4) Coordinating, supervising, and implementing the services provided to ensure the child has access to appropriate medical, psychosocial and educational services as established in the child's service plan;

(5) Maintaining records in a manner that conforms to the requirements of this chapter and other applicable laws and regulations;

(6) Monitoring the quality of services provided by the residential child care program; and

(7) Ensuring that all requirements of this chapter and other applicable laws and regulations are met.

D. The Board may not consider an application completed until it has received all required materials.

E. Incomplete Applications.

(1) If an incomplete application is submitted to the Board, the Board shall notify the applicant within 30 days after the receipt of an incomplete application of the materials that are required.

(2) If the applicant fails to provide the required documentation within 120 days, the Board may:

(a) Administratively close the application; or

(b) Deny the application, pursuant to Regulation .04E of this chapter.

(3) An applicant whose application is administratively closed or denied may reapply and submit with the new application proof of compliance with:

(a) This subtitle; and

(b) Health Occupations Article, Title 20, Annotated Code of Maryland.

(4) An applicant whose application has been denied shall disclose on future applications that the applicant had been denied certification.

10.57.02.02

.02 Academic and Experience Requirements.

A. Degrees and Experience. For certification as a certified program administrator, an applicant shall submit proof of one of the following to the Board:

(1) Receipt of a baccalaureate degree from an accredited college or university and 4 years experience in the human service field with at least 3 years in a supervisory or administrative capacity; or

(2) Receipt of a master's degree from an accredited college or university and 2 years experience in the human service field with at least 1 year in a supervisory or administrative capacity.

B. Supervisory or Administrative Capacity Required in §A of this regulation.

(1) Supervisory or administrative capacity required under §A of this regulation includes the responsibility for hiring, assigning duties, disciplining and rewarding, approving leave requests, and formally evaluating.

(2) Experience within the following settings may not be considered supervisory or administrative capacity experience:

(a) Child placing agency;

(b) Child placing institutional experience;

(c) Foster parenting; and

(d) Serving as a caregiver in a foster home.

(3) Experience shall be obtained within the last 10 years and substantiated by a professional reference.

C. English-Language Proficiency. An applicant shall demonstrate proof of proficiency in the written and oral communication of the English language providing documentary evidence that:

(1) The applicant has completed at least 60 classroom credits from an English-speaking undergraduate school or English-speaking graduate school; or

(2) The applicant has achieved a passing score on the Test of English as a Foreign Language (TOEFL).

D. Proof of proficiency in English language does not apply to an individual who was in possession of a valid Maryland residential child care program administrator certificate by July 1, 2009, or had applied by that date and subsequently met all requirements for certification.

E. Review of Foreign Credentials. An applicant shall:

(1) Provide proof of equivalency of the applicant's educational credentials to a baccalaureate degree or master's degree awarded from an accredited college or university in the United States; and

(2) Submit their educational credentials at the applicant's expense to an educational evaluation agency approved by the Board with the request that the evaluation report be sent directly to the Board.

10.57.02.03

.03 Examination Procedures.

A. Unless waived by the Board as provided in §D of this regulation, an applicant shall pass a Board-approved written examination before certification.

B. A minimum passing score of 75 percent is required on the examination.

C. In order to qualify for certification, an applicant shall pass the examination within 3 years of the first time the applicant takes the examination.

D. Waiver of Examination. The Board may waive the examination requirement for an applicant who:

(1) Pays the application fee as provided in COMAR 10.57.07;

(2) Is certified as a program administrator in any other state that the Board determines has a comparable certification process; and

(3) Provides adequate evidence that:

(a) At the time the applicant was certified in the other state, the applicant was qualified to take the examination that then was required by the laws of this State;

(b) The applicant qualified for a certificate in the other state by passing an examination given in that or any other state; and

(c) The applicant has completed a State and national criminal history records check.

E. Reexamination.

(1) An applicant who fails the examination:

(a) May retake the examination three times within the 12-month period after a failed examination; and

(b) May not retake the examination within 6-months of failing the examination for the third time.

(2) Before or on the day of the repeat examination, the applicant shall pay to the Board the examination fee as established in COMAR 10.57.07.

(3) An applicant may request and be granted or denied a waiver of the 6-month waiting period after failure of the third examination upon proof of exceptional circumstances.

F. Applicants Requiring Special Accommodation.

(1) An applicant with a disability may request modifications in examination materials or procedures.

(2) The applicant shall make the request for modification in writing and include in the request the following:

(a) The applicant's name;

(b) The date of the examination to be modified; and

(c) A letter from the appropriate licensed professional which:

(i) Confirms the disability; and

(ii) Provides information describing the accommodations required.

(3) Requests for modification and supporting documentation shall be received by the application deadline.

10.57.02.04

.04 Action on Application.

A. The Board shall review all completed applications to the extent practicable within 120 days of receipt of the completed application.

B. The Board may delegate the initial review of applications to a committee of the Board.

C. At the next regular meeting of the Board, the Board may approve or deny an application reviewed by the Board or its designee.

D. Upon review of an application, the Board shall do one of the following:

(1) Approve the applicant for certification;

(2) Deny certification; or

(3) Notify the applicant that the applicant is qualified to take the examination and require the applicant to take an examination.

E. Denial of Applications.

(1) The Board may deny certification if the applicant has:

(a) Not completed the academic and experience requirements in Regulation .02 of this chapter;

(b) Failed the examination requirements in Regulation .03 of this chapter;

(c) Failed to remit a fee;

(d) Failed to properly complete the application form;

(e) Violated Health Occupations Article, Title 20, Annotated Code of Maryland, or any provision of this subtitle; or

(f) Been shown to have a lack of good moral character.

(2) If the Board denies certification under §E(1)(e) or (f) of this regulation, the Board or the Board's designee shall:

(a) Provide the applicant written notification of the Board's intent to deny and the basis for that denial; and

(b) Notify the applicant of the applicant's right to request a formal hearing to appeal the denial.

(3) An applicant whose certification has been denied may reapply and shall submit with the new application proof of compliance with:

- (a) This subtitle; and
- (b) Health Occupations Article, Title 20, Annotated Code of Maryland.

F. Issuance of Certificate.

(1) If the Board approves an applicant for certification and the applicant passes the State Standards Examination, the Board shall:

- (a) Send the applicant a notice specifying that the applicant has qualified for a certificate; and
- (b) Issue a certificate to the applicant.

(2) The Board shall include on each certificate the:

- (a) Full name of the certificate holder;
- (b) Serial number assigned by the Board; and
- (c) Signature of the Chairman of the Board, under the seal of the Board.

10.57.02.05

.05 Expiration and Renewal.

A. Unless the Board suspends or revokes the certificate, the certification is effective for at least 2 years from the date issued and authorizes the individual to administer a residential child care program.

B. At least 3 months before the certificate expires, the Board shall send to the certified program administrator, by first class mail to the last known address, a renewal notice that states:

- (1) The date on which the current certificate expires;
- (2) The date by which the renewal application shall be received by the Board for the renewal to be issued; and
- (3) The amount of the renewal fee.

C. The Board shall renew the certificate of a certified program administrator who:

- (1) Otherwise is entitled to obtain a certificate;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(a) A renewal application on a form that the Board requires: and

(b) Satisfactory evidence of compliance with any continuing education and other qualifications and requirements set by the Board.

10.57.02.06

.06 Reinstatement.

A. The Board shall reinstate the certificate of a program administrator who has failed to renew the certificate for any reason, if the individual:

(1) Has not had the certificate suspended or revoked;

(2) Meets the renewal requirements in Regulation .05 of this chapter;

(3) Pays to the Board the reinstatement fee set by the Board;

(4) Submits to the Board:

(a) 40 continuing education units taken within the last 2 years;

(b) Adequate evidence that the applicant has completed a State and national criminal background check; and

(5) Applies to the Board for reinstatement of the certificate within 5 years after the certificate expires.

B. The Board may not reinstate the certificate of a program administrator who fails to apply for reinstatement of the certificate within 5 years after the certificate expires. However, the program administrator may be certified by meeting the current requirements for obtaining a new certificate under this subtitle.

10.57.02.07

.07 Duplicate Certificate.

The Board shall issue a duplicate certificate to the certificate holder if:

A. The certificate holder has a change of name and does the following:

(1) Makes the request to the Board in writing on the form provided by the Board;

(2) Provides appropriate legal documentation of the change;

(3) Pays the fee as specified in COMAR 10.57.07; and

(4) Surrenders the current certificate; or

B. The Board, as a result of its error, issues an incorrect certificate and the certificate holder:

(1) Does both of the following:

(a) Notifies the Board in writing within 6 weeks of receipt of the incorrect certificate; and

(b) Surrenders the incorrect certificate; or

(2) Does not receive the certificate within 6 weeks of issuance and provides a statement to the Board attesting to the nonreceipt of the certificate within 4 months of the date the certificate was issued by the Board.

10.57.02.08

.08 Resignation, Removal, or Death of a Program Administrator.

A. If a program administrator resigns or is removed from a position as a program administrator by death or for any other unexpected cause, the residential child care program's Board of Directors shall immediately designate a certified program administrator to serve in that capacity.

B. In the event a certified program administrator is not available, the residential child care program's Board of Directors may appoint a noncertified individual to serve in the capacity of acting program administrator for a period not exceeding 180 days if the individual:

(1) Is approved from the Board; and

(2) Meets the minimum qualifications for a program administrator as set forth in COMAR 10.57.02.

C. Approval of Noncertified Individual to Serve as Acting Program Administrator.

(1) In order to obtain approval from the Board for the approval of a noncertified individual to serve as the acting program administrator, the residential child care program's Board of Directors shall immediately submit to the Board:

(a) An application on the form provided by the Board;

(b) The application fee set forth in COMAR 10.57.07;

(c) Written justification clarifying the reason why acting capacity is necessary, that includes:

- (i) The name and title of the individual requesting approval of a non-certified individual, including mailing address, phone, and email address;
 - (ii) The qualifications and credentials of the individual selected for acting capacity; and
 - (iii) A summary of the efforts made by the residential child care program to recruit a certified program administrator; and
 - (d) A copy of the individual's resume or curriculum vitae.
- (2) The Board shall review all of the documentation provided to verify that individual appointed meets the minimum qualifications of a program administrator as set forth in COMAR 10.57.02.
- (3) Upon review of the request, the Board may:
- (a) Approve the request for acting capacity;
 - (b) Approve the request for acting capacity with conditions; or
 - (c) Deny request for acting capacity.
- (4) The 180 day period begins on the date that the program administrator leaves or is removed from the position as a program administrator.
- (5) The Board may extend the 180 day period for a further period of not more than 30 days.
- (6) The Board shall review all requests for the appointment of non-certified program administrators to the extent practicable at the next regularly scheduled Board meeting.

10.57.02.09

.09 Designation as a Certified Residential Child Care Program Administrator for Two Individually Licensed Organizations.

A. A certified residential child care program administrator may serve as the program administrator of two residential child care programs, with the approval of the licensing authority of the residential child care program and the Board.

B. In order to obtain approval to serve as the residential child care program administrator of two different residential child care programs, the certified program administrator shall:

- (1) Submit an application on the form provided by the Board;
- (2) Pay to the board the application fee set forth in COMAR 10.57.07; and

(3) Provide a written statement of approval from the residential child care program's licensing authority or authorities.

C. The following factors shall be considered when granting or denying a petition to serve as a program administrator of more than one residential child care program:

- (1) Geographical location of the program;
- (2) Needs of the children and youth being served by the program;
- (3) Organizational structure of the program;
- (4) Licensed capacity of the program;
- (5) Background and experience of the administrator;
- (6) Compliance history of the program;
- (7) Employment hours, including:
 - (a) Hours identified as on-site, on-duty and engaged in the day-to-day management and operation of the program; and
 - (b) Hours available and on-call when not on-site at the program;
- (8) Certification status of the program administrator;
- (9) Licensure status of the residential child care program as evidenced by a written license verification from the residential child care program's licensing authority; and
- (10) Any other information that the Board may require.

D. Restrictions. A certified residential child care program administrator may not:

- (1) Be approved to serve as the program administrator of two residential child care programs, if the programs are:
 - (a) Located more than 50 miles from each other; and
 - (b) Under sanction; or
- (2) Serve as the full-time program administrator, as defined in COMAR 14.31.06.03B, of two residential child care programs concurrently.

E. Waiver.

- (1) A certified program administrator may request in writing to the Board a waiver to the restrictions noted in §D of this regulation.
- (2) The certified program administrator shall submit to the Board, along with the request for waiver:
 - (a) A letter of approval of the request for waiver from the residential child care program's licensing authority or authorities; and
 - (b) A letter of approval from the both of the organizations' boards of directors.
- (3) The Board may grant or deny a request for waiver.

10.57.02.10

.10 Display of Certificate and Renewal Certificates.

An individual certified as a residential child care program administrator shall display an original certificate and certificate card, or certificate renewal card in a conspicuous place in the office or place of business or employment of the program administrator.

10.57.02.9999

Administrative History

Effective date:

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