

14.31.02.00

Title 14 INDEPENDENT AGENCIES

Subtitle 31 OFFICE FOR CHILDREN

Chapter 02 Interagency Coordination

Authority: Article 41, §§6-101 and 6-104; Article 83C, §§2-102, 2-104, and 2-113; Article 88A, §3; Education Article, < Maryland of Code Annotated 15-102.1; and 10-1203, 10-712, 10-516, 10-207, 10-204, 7-1007, 4-305—4-307, 2-105, 2-104, §§2-102, Article, General Health>

14.31.02.01

.01 Purpose.

The purpose of these regulations is to establish a single point of entry for the licensing of residential child care programs with the Department of Human Resources, the Department of Juvenile Services, and the Department of Health and Mental Hygiene, and to coordinate the licensing process for residential child care facilities and the approval of education programs in such facilities with the Department of Human Resources, the Department of Juvenile Services, the Department of Health and Mental Hygiene, and the Department of Education.

14.31.02.02

.02 Scope.

These regulations apply to the licensing of the residential child care programs licensed by the Department of Human Resources, the Department of Juvenile Services, or the Department of Health and Mental Hygiene.

14.31.02.03

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Agencies" means the Department of Human Resources, the Department of Juvenile Services, the Department of Health and Mental Hygiene, and the Department of Education.

(2) "Care" means food, clothing, education, shelter, social or health services, or any combination of these rendered in a residential setting.

- (3) "Child" means an individual younger than 21 years old, unless otherwise provided by State law.
- (4) "Children's Cabinet" means those agencies directed by Executive Order:
- (a) To examine Maryland's system of services to children and their families; and
 - (b) To facilitate ongoing improvements to this service delivery system.
- (5) "Expansion request" means the materials required by the Office, from an established provider who wishes to expand a residential child care program to an additional location.
- (6) "Facility" means the physical premises where a residential child care program is operated.
- (7) "Licensing" means the process undertaken by an agency to issue, suspend, or deny a license.
- (8) "Monitoring" means the process of assessing continuing compliance with agency licensing requirements and applicable statutes and regulations.
- (9) "Office" means the Governor's Office for Children.
- (10) "Program administrator" means the individual designated by the licensee's governing body as having day-to-day responsibility for the administration and operation of a program, including ensuring the care, treatment, safety, and protection of the children residing in the program.
- (11) "Proposal" means the materials required by the Office from a potential new provider or an established provider to develop a new residential child care facility or program.
- (12) "Provider" means the operator of a program.
- (13) "Residential child care program" means a program of care provided in a residential setting by a provider on a 24-hour basis for longer than 24 hours to a child or children unless otherwise provided by State law.
- (14) "Sanctions" means all or any part of the penalties agencies impose on facilities or providers for failure to comply with the applicable licensing laws and regulations.
- (15) "Single point of entry review panel" means an interagency panel convened as needed at the request of the Office for Children to review proposals and expansion requests.

14.31.02.04

.04 Single Point of Entry.

A. The Office shall serve as a single point of entry for a:

- (1) Prospective provider that wishes to establish a residential child care program; and
- (2) Current provider that wishes to expand an existing residential child care program.

B. Duties of the Single Point of Entry. As the single point of entry, the Office shall:

- (1) Provide information to persons interested in operating a residential child care program on the process for the licensing, rate setting, contracting, and purchase of beds;
- (2) Accept proposals from persons interested in developing a residential child care program;
- (3) Serve as the point of registration for established providers interested in expanding their residential child care programs;
- (4) Coordinate the review of proposals and requests for registration among the agencies; and
- (5) Designate a licensing agency to process each completed proposal or request for registration received by the Office.

C. Related Duties. The Office shall disseminate the following information regarding the monitoring of residential child care programs from agencies that license or contract with such programs to other agencies that may place or otherwise serve a child in that program:

- (1) Agency program monitoring schedules; and
- (2) Sanctions or corrective actions imposed on a residential child care program by an agency.

14.31.02.05

.05 Filing Requirements for Providers.

A. Providers shall file with the Office:

- (1) A proposal, if the provider wishes to establish a new residential child care program; or
- (2) An expansion request, if the provider wishes to expand a current residential child care program.

B. Required Content of a Proposal. To be assigned to a licensing agency, a proposal shall include:

- (1) Face sheet, in accordance with the format prescribed by the Office;
- (2) Table of contents;
- (3) Statement of purpose for the program, which includes the organization's mission;

- (4) Identification and description of the qualifications of the program administrator;
- (5) Organizational capability, including:
 - (a) Experience in serving children and youth;
 - (b) Experience in serving special populations in residential programs;
 - (c) Experience in the operation of residential programs for children and youth; and
 - (d) Identity and qualifications of the board of directors;
- (6) Program needs assessment, including:
 - (a) Needs assessment methodology;
 - (b) Results of needs assessment;
 - (c) Need for type of program or facility proposed; and
 - (d) Criteria for selecting program location;
- (7) Program description, including:
 - (a) Population served;
 - (b) Residential plan;
 - (c) Program activities, including:
 - (i) Recreation;
 - (ii) Tutoring; and
 - (iii) After-school activities;
 - (d) Therapeutic services;
 - (e) Family involvement strategies;
 - (f) Model schedule for residents;
 - (g) Program services for summer and holiday periods; and
 - (h) Other program elements;

(8) Management plans, including:

- (a) Financial management plan;
- (b) Marketing plan;
- (c) Community relations plan;
- (d) Quality control plan; and
- (e) Outcome-based self-evaluation plan;

(9) Staffing plan, including:

- (a) Staffing requirements;
- (b) Staff qualifications;
- (c) Staff recruitment; and
- (d) Training;

(10) Education plan, including:

- (a) Documentation of collaboration with the local school system in the enrollment and education of resident children;
- (b) The extent of participation in the child's educational activities; and
- (c) Notice of the provider's intent, if any, to operate an educational program within the residential program's facilities; and

(11) Health care plan, including:

- (a) Residents' access to health care;
- (b) Supervision of residents' health care needs;
- (c) Medical emergencies;
- (d) Mental health services for residents; and
- (e) Resident nutrition.

C. Required Content of an Expansion Request. To be assigned to a licensing agency, an expansion request shall include:

- (1) Face sheet;
- (2) Copy of the program's current license;
- (3) Description of the specific program expansion requested; and
- (4) Description of changes, if any, to the licensee's current program that would result from the requested expansion.

D. The Office shall provide detailed instructions regarding the submission of proposals and requests for registration, including:

- (1) Format of proposals and requests for registration;
- (2) Filing procedures; and
- (3) Specific elements to be addressed in each content area.

14.31.02.06

.06 Single Point of Entry Review.

A. Preliminary Review by the Office. Within 90 days of the receipt of a proposal or expansion request, the Office shall conduct a preliminary review to determine if the proposal is adequate to refer to a licensing agency, based upon the following criteria:

- (1) Completeness of the proposal or expansion request;
- (2) Adequacy of the proposal or expansion request in meeting the content requirements of Regulation .05B and C of this chapter;
- (3) Any prior denial of licensure, sanction taken, or corrective action required by an agency of the program or the program's parent corporation; and
- (4) Community, county, or regional resource development needs as specified by either the Children's Cabinet or an agency.

B. Based upon a preliminary review, the Office shall:

- (1) Certify that a program has filed a completed proposal or expansion request in conformance with single point of entry requirements;
- (2) Require that a program administrator appear before a single point of entry review panel to address any inadequacies identified in the preliminary review and answer any other questions which the panel may have regarding the proposal; or

(3) Return the proposal or expansion request with instructions for possible resubmission.

C. Single Point of Entry Review Panel.

(1) A single point of entry review panel shall be convened at the request of the Office to review a proposal that has been resubmitted to address inadequacies identified by the Office in its preliminary review.

(2) The single point of entry review panel shall comprise:

(a) A representative of the Office; and

(b) Two representatives designated from the agencies that place children in residential child care facilities or the Department of Education.

(3) The program administrator shall represent a program before the panel.

(4) At least 10 days before an interview with the panel, the Office shall provide the program with a written list of proposal or expansion request inadequacies or other questions that the panel may ask the program administrator to address.

D. Single Point of Entry Review Panel Recommendations. Within 30 days of an interview with a program administrator, the panel shall:

(1) If the panel determines that the program has met single point of entry requirements, recommend that the program be referred to a licensing agency with certification that it has filed a completed proposal or expansion request; or

(2) If the panel determines that the program has not met single point of entry requirements:

(a) Return the proposal or request for registration to the program or facility with instructions for possible resubmission; or

(b) For a resubmission, recommend that the proposal or expansion request be referred to a licensing agency without certification that the program has met single point of entry requirements.

E. Submission of Additional Information. If a provider fails to resubmit an application under §B(3) or D(2)(a) of this regulation within 60 days of the Office's request for additional information, the Office shall consider the provider's proposal or expansion request to have been withdrawn and shall close the provider's file.

14.31.02.07

.07 Designation of Licensing Agency.

A. The Office shall designate a licensing agency from among the agencies authorized by State law and regulations to license residential child care facilities for each proposal or expansion request that is:

- (1) Certified as meeting single point of entry requirements; or
- (2) Recommended by a review panel for referral without certification to a licensing agency.

B. The Office shall indicate to the licensing agency whether it has certified that the proposal or expansion request has met single point of entry requirements.

C. The Office shall select the licensing agency based upon:

- (1) The type of program or facility being proposed;
- (2) State law and regulations governing agency responsibility for specific populations of children;
- (3) Existing relationships between an agency and a provider; and
- (4) Any standards established by the Children's Cabinet.

D. Multiple Programs or Facilities.

- (1) A provider may operate multiple programs or facilities licensed by different agencies.
- (2) An individual program or facility may not be licensed by more than one agency.

E. Educational Programs in Residential Child Care Facilities. The Office shall refer residential child care programs and facilities that plan to operate an educational program to the Department of Education for processing pursuant to COMAR 13A.09.10.

14.31.02.08

.08 Functions of Licensing Agency.

A. Licensing. The licensing agency designated under Regulation .07 of this chapter shall:

- (1) Consider the relevant experiences and actions of other agencies with programs or facilities operated by the provider's parent corporation, including:
 - (a) Denial of licensure;
 - (b) Sanctions, including suspension or revocation of licensure; and
 - (c) Corrective action requirements;

- (2) Issue a written licensing report;
- (3) Submit the licensing report to the provider and the Office;
- (4) Do one of the following:
 - (a) Issue or deny the license for the program in accordance with the regulations of the licensing agency; or
 - (b) Deny a license or suspend consideration of a licensing application based upon an action under §A(1) of this regulation;
- (5) Notify the provider of an action under §A(4) of this regulation within 60 days after the date of receipt of the completed application in accordance with the regulations of the licensing agency; and
- (6) Notify the provider of the right to and method of requesting a hearing if the license is denied.

B. Monitoring. In consultation with an agency utilizing the program or facility, the licensing agency designated under Regulation .07 of this chapter shall:

- (1) Monitor the facility at least annually;
- (2) Notify the Office of its program monitoring schedule;
- (3) Recommend to the Secretary of the licensing agency sanctions to be imposed upon the program if the program is not in compliance with licensing law and regulations applicable to the program;
- (4) Inform the Office of any sanctions or corrective actions imposed on a provider; and
- (5) Notify the provider in writing of proposed sanctions and the right to request, and method for requesting, a fair hearing regarding the imposition of sanctions.

14.31.02.09

.09 Appeals.

A provider upon whom a sanction is imposed under Regulation .07 or .08 of this chapter may file an appeal in accordance with the applicable licensing agency's regulations governing administrative appeals taken pursuant to the Administrative Procedure Act, State Government Article, §§10-201 and 10-405, Annotated Code of Maryland.

14.31.02.9999

Administrative History

Effective date: January 6, 1992 (18:26 Md. R. 2829)

Regulations .01—.07 repealed and new Regulations .01—.09 adopted effective December 12, 2002 (29:24 Md. R. 1917)

COMAR 01.04.02 revised and recodified to COMAR 14.31.02 as an emergency provision effective June 30, 2005 (32:15 Md. R. 1314); revised and recodified permanently effective November 28, 2005 (32:23 Md. R. 1828)