



State of Maryland
Department of Human Resources

Maryland's Human Services Agency

OFFICE OF LICENSING AND MONITORING (OLM)
INTERPRETATION OF REGULATION

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PAGE: 1 of 3
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Title: **Child Placement Agency (CPA) Provider Interruption of Care Procedure for the Annual Certification**

SUPERSEDES: None

.01 Purpose: The purpose is to clarify COMAR 07.05.02.16 G (4) the interpretation does not require immediate interruption of care. When there is not a timely recertification, there doesn't need to be immediate removal of the children. There is essentially a 90 day grace period (60 day suspension and 30 day revocation) before the removal of children placed in the home.

.02 References: COMAR 07.05.02.16 C, D, E and G

C. The agency shall have a written policy to govern the suspension or revocation of foster parent certification for not more than 60 days for a violation of:

- (1) This chapter;
- (2) COMAR 07.02.21;
- (3) COMAR 07.05.01; or
- (4) Agency policy.

D. The procedures for suspension are as follows:

- (1) At least 20 days before a planned suspension, the agency shall give the foster parent:
 - (a) Notice of the intended action,
 - (b) A statement of the specific regulation or policy violated,
 - (c) An opportunity for the foster parent to remedy the causes for the anticipated suspension, and
 - (d) A statement describing the agency's grievance procedure;
- (2) If certification is suspended as planned by the agency, the agency may not place additional children with the foster parent;
- (3) If, after 60 days, the foster parent has not addressed the reasons for the suspension, the agency shall revoke certification; and

(4) Within 30 days of revocation, the agency shall remove all children in care from the home.

E. Emergency Action and Procedures for Revocation of Certification.

(2) If the agency revokes a foster parent's certification following a 60 day suspension, the agency shall:

(a) On the 60th day of the suspension, deliver a notice to the foster parent which includes the information described in §E(1)(b) of this regulation; and

(b) Within 30 days of the revocation date, remove the foster children from the foster parent's care.

G. Recertification.

(1) The agency shall conduct recertifications of certified foster parents to determine continuing compliance with State regulations and agency policy:

(a) Annually; and

(3) At least 60 days before the expiration of certification, the agency shall:

(a) Determine if the foster parent wishes to continue as a certified foster parent; and

(b) If indicated, reexamine all requirements for the foster parent.

(4) The agency shall complete a review and either recertify or deny certification before the current certification expires to prevent interruption of care.

.03 Definitions:

- 1) "Annual certification" as interpreted by the Office of Licensing and Monitoring – means certification of a CPA foster home for the provision of care for children placed in out of home placement. Certification duration is one year.
- 2) "Interruption of care" as interpreted by the Office of Licensing and Monitoring – means removal of the child from the home. Beginning at the date of recertification expiration date, the timeline for removal is a time frame of no more than 90 days, which includes the up to 60 day suspension period. If the basis for suspension hasn't been corrected, then immediately followed by a 30 day revocation period.
- 3) "Suspension" as interpreted by the Office of Licensing and Monitoring – means the suspension of the current certification of the foster home. During the suspension period, the children currently placed in the CPA foster home can remain; however, no additional children can be placed. The suspension period is for a time period no longer than 60 days.
- 4) "Revocation" as interpreted by the Office of Licensing and Monitoring – means at the time of revocation, all children placed in the CPA foster home must be removed within 30 days.

.04 Policy: All CPA programs licensed by the DHR Office of Licensing and Monitoring (OLM) to provide Private Foster Care services shall follow the procedure for interruption of care as defined by the OLM.

.05 Procedure:

- 1) At least 60 days prior to the certification expiration date, assess whether the CPA foster home meets recertification standards.
- 2) If agency is unable to recertify or deny certification by the certification expiration date, then
 - a. The agency shall provide the foster parent notification of suspension at least 20 days prior to the suspension date, which is the date of certification expiration.
 - b. Foster parent(s) have up to 60 days to remedy non-compliant issues.
 - c. Current children placed in the home can remain; however, no additional children can be placed during the suspension period.
- 3) If the foster parent remedies the non-compliance issue(s) within the 60 day suspension period, then the agency shall make a decision as to whether to recertify the CPA foster home.
- 4) If the foster parent does not remedy the non-compliance issue(s) by the 60th day, then the agency shall provide 30 day revocation notice.
 - a. Current children placed in the home must be removed by the 30th day, which is the revocation date.
 - b. The CPA foster home shall be closed on the revocation date.

.06 Exhibits: None