

FINAL and PROPOSAL

FINAL

Maryland Register

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Title 10

MARYLAND DEPARTMENT OF HEALTH

**Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD
CARE PROGRAM PROFESSIONALS**

Notice of Final Action

[18-264-F]

On December 3, 2018, the Secretary of Health adopted amendments to:

- and
- (1) Regulations .04 and .05 under COMAR 10.57.02 Certification — Residential Child Care Program Administrators;
 - (2) Regulations .05 and .06 under COMAR 10.57.03 Certification — Residential Child and Youth Care Practitioners.

This action, which was proposed for adoption in 45:21 Md. R. 998—999 (October 12, 2018), has been adopted as proposed.

Effective Date: December 31, 2018.

ROBERT R. NEALL
Secretary of Health

PROPOSAL

Maryland Register

Issue Date: October 12, 2018

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Title 10

MARYLAND DEPARTMENT OF HEALTH

**Subtitle 57 BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD
CARE PROGRAM PROFESSIONALS**

Notice of Proposed Action

[18-264-P]

The Secretary of Health proposes to amend:

- and
- (1) Regulations .04 and .05 under COMAR 10.57.02 Certification — Residential Child Care Program Administrators;
 - (2) Regulations .05 and .06 under COMAR 10.57.03 Certification — Residential Child and Youth Care Practitioners.

This action was considered by the Board for Certification of Residential Child Care Program Professionals at a public meeting on July 13, 2018, notice of which was given by publication on the Board's website at <https://health.maryland.gov/crccp/Pages/Index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to establish a uniform guideline for Board review of an applicant with a criminal history.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through November 13, 2018. A public hearing has not been scheduled.

10.57.02 Certification — Residential Child Care Program Administrators

Authority: Health Occupations Article, §§20-205, 20-301, 20-302, 20-303, 20-306, 20-310, and 20-311, Annotated Code of Maryland

.04 Action on Application.

A. Criminal History Record Information.

(1) Upon receipt of an applicant's criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and
- (f) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.

[A.] B.—[C.] D. (text unchanged)

.05 Expiration and Renewal.

A.—C. (text unchanged)

D. Criminal History Record Information.

(1) Upon receipt of an applicant's criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and
- (f) Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.

10.57.03 Certification — Residential Child and Youth Care Practitioners

Authority: Health Occupations Article, §§20-205, 20-301, 20-302.1, 20-303, 20-310, and 20-311, Annotated Code of Maryland

.05 Action on Application.

A. Criminal History Record Information.

(1) Upon receipt of an applicant's criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:

- (a) The age at which the crime was committed;
- (b) The circumstances surrounding the crime;
- (c) The length of time that has passed since the crime;
- (d) Subsequent work history;
- (e) Employment and character references; and

- (f) *Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.*
- (2) *The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.*
- [A.] B.—[C.] D. (text unchanged)

.06 Expiration and Renewal.

A.—C. (text unchanged)

D. Criminal History Record Information.

(1) *Upon receipt of an applicant's criminal history records information in accordance with Health Occupations Article, §20-303, Annotated Code of Maryland, the Board shall consider the following factors in determining whether to grant a certificate:*

(a) *The age at which the crime was committed;*

(b) *The circumstances surrounding the crime;*

(c) *The length of time that has passed since the crime;*

(d) *Subsequent work history;*

(e) *Employment and character references; and*

(f) *Other evidence that demonstrates whether the applicant poses a threat to the public health or safety.*

(2) *The Board may not issue a certificate if the criminal history record information required under Health Occupations Article, §20-303, Annotated Code of Maryland, has not been received.*

ROBERT R. NEALL
Secretary of Health