**Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

**Subtitle 07 HOSPITALS**

**Chapter 04 Related Institutions — Residential Treatment Centers for Emotionally Disturbed Children and Adolescents**

**Authority: Health-General Article, §19-308, Annotated Code of Maryland**

Preface

The treatment and care of emotionally disturbed children and adolescents are of great concern to various State agencies including the Departments of Health and Mental Hygiene, Human Resources, and Education. Since the primary function of such a center is the treatment of the emotionally disturbed child, the center is considered a health facility and the licensing responsibility is vested in the Secretary of Health and Mental Hygiene. The Departments of Health and Mental Hygiene, Human Resources, and Education, by statute, are responsible to ascertain that applicants for licenses conform to the regulations promulgated under the legal authority vested in the respective departments. Issuance of licenses by the Secretary of Health and Mental Hygiene is predicated upon approval of these departments.

*10.07.04.01*

**.01 Definitions.**

A. "Center" means a related institution as defined in Health-General Article, Title 19, Subtitle 3, "Hospitals and Related Institutions" Annotated Code of Maryland and shall include a residential treatment center for emotionally disturbed children or adolescents with overnight accommodations for two or more non-related individuals who are referred for admission on the recommendation of a physician.

B. "Department" means the Departments of Health and Mental Hygiene, except in those circumstances where inapplicable.

C. "Fire authorities" means the official fire safety agency including the State Fire Marshal and local fire departments or fire marshals as appropriate.

D. "Licensee" means the individual, partnership, association, or corporation to which a license is issued.

E. "Resident" means any child or adolescent domiciled in a center for the purpose of receiving the services offered above.

F. "Secretary" means the Secretary of Health and Mental Hygiene except in those circumstances where otherwise qualified.

*10.07.04.02*

**.02 License Requirements.**

A. License Required. A person, group of persons, or association may not establish, conduct, maintain, or operate in the State a center without first obtaining a license from the Secretary.

B. Separate License Required. Centers maintained on separate premises shall obtain separate licenses, even though operated under the same management.

C. License Not Required Under These Regulations. The following facilities are not deemed to be within the purview of these licensing requirements and are not required to obtain a license under these provisions:

(1) Any institution for well children, including day nurseries, child care centers, foster boarding homes, and institutions for intellectually disabled children;

(2) Institutions operated by the Federal Government.

D. Posting of License. The license shall be posted conspicuously on the premises.

E. Other Licensing Requirements. Before issuing a license the Secretary shall receive written notification that the center meets the following requirements:

(1) Clinical services and treatment program shall be approved by the Department;

(2) Child care services and program shall be approved by the Department of Human Resources in accordance with its published regulations;

(3) The educational program shall be approved by the State Department of Education.

F. Licensed Capacity. A center may not admit residents in excess of the number authorized and shown on the current license.

*10.07.04.03*

**.03 Licensing Procedure.**

A. Application. Applicants shall conform to the following:

(1) An applicant desiring to open or to continue the operation of an existing center shall file with the Secretary, on a form provided by the Secretary, a notarized application:

(a) Setting forth the name of the applicant desiring the license;

(b) Stating that the applicant is not less than 21 years old and of reputable and responsible character;

(c) Indicating the location of the center, the name of the person in charge, and any additional documents and information that the Secretary may require.

(2) Application on behalf of a corporation or association or a governmental unit or agency shall be made by two of its officers, and the names of their board members shall be submitted.

(3) Each application shall be accompanied by a fee of $10. All licenses issued shall expire 1 year from the date of issuance unless revoked. Fees will not be refunded.

(4) The applicant for an original license shall submit the following, and insure that current copies are on file with the department:

(a) Copy of constitution and by-laws;

(b) list of officers and Board members with addresses;

(c) The operating budget for the current year;

(d) Copies of publicity;

(e) Statement of area, number, age, and sex of children to be served;

(f) Definition and description of service;

(g) Plan for medical, dental, psychological, and psychiatric service;

(h) An educational plan, that is, educational objectives and methodology;

(i) Personnel policies, including definition of jobs, qualifications, salaries, hours, vacation, sick leave, and retirement;

(j) Admission policies;

(k) Written permission from local zoning authority for an original license in municipalities which have established zoning;

(l) Written approval from the appropriate fire authorities;

(m) A procedure for providing services for the transfer of a resident to a suitable facility in the event of accident or development of other acute condition;

(n) Copy of signed agreement between the center and the principal physician, including the name of the "relief".

(5) Renewal. Application for the renewal of the license shall be made each year at least 30 days before expiration of issued license, submitted on forms provided by the Secretary, and accompanied by the $10 license renewal fee. by the $10 license renewal fee.

B. Restrictions.

(1) Centers licensed under these regulations may not use in their title words "Hospital", "Sanitarium", "Nursing", "Convalescent", or "Rest".

(2) A license shall be valid only in the hands of the licensee to whom it is issued and may not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor may a license be valid for any premises other than those for which originally issued.

C. Duration of License. Licenses are valid for 1 year from the date of issuance unless revoked.

D. Licenses for Less Than 12 Months for the Operation of Hospitals and Related Institutions.

(1) Article 43, §559(b)(1), Annotated Code of Maryland, provides inter alia, that licenses to operate a hospital or related institution "be issued for a term not to exceed one year and shall be provisional in nature pursuant to rules and regulations..."

(2) Criteria for Issue. Whenever a regular license cannot be issued, under conditions as set forth in these regulations, a provisional license may be issued. In order to implement the statute, consideration for a provisional license to hospitals or related institutions will be based upon one of the following departmental regulations:

(a) When an institution has substantial deficiencies which, in the opinion of the Department, do not constitute a life-safety or health hazard but the institution is unable to correct by the scheduled license renewal date;

(b) When an institution has substantial deficiencies which, in the opinion of the Department, have no adverse effect on the life-safety or health status of patients but require construction or remodeling to correct and, the institution has a bona fide commitment to correct these deficiencies by a prescribed date;

(c) When Departmental administrative delays have occurred which are beyond the control of the hospital or related institution;

(d) When new construction is completed to the point of being able to provide all necessary services to its patients or residents, but certain substantial items of equipment or optional services, which in the opinion of the Department have no adverse effect on the safety or health of its patients or residents, are lacking temporarily.

(3) Duration of License.

(a) The licensing period for licenses of less than 12 months may vary from a minimum of 1 month to a maximum of 6 months.

(b) Only one license of less than 12 months will be issued during a given licensure period unless the institution can demonstrate that extenuating circumstances exist which are beyond the control of the institution in meeting a prescribed deadline, or unless it is necessary to allow the Department to coordinate and unify its annual licensing dates with federal certification dates. On this basis, a one-time renewal may be granted for a maximum period of 6 months.

(c) However, if it is demonstrated to the Department's satisfaction that whatever modifications are necessary to correct the deficiencies will take more than 1 year to complete, the Department may issue as many renewals as are necessary. Each renewal shall be approved by the Secretary.

E. Return of License to the Secretary. When the facility is sold, leased, discontinued, the operation moved to a new location, the license has been revoked, or its renewal denied, the license immediately becomes void and shall be returned to the Secretary.

F. Obligation of New Licensee. The new licensee, before taking over operation of an existing center or activating a new center shall obtain a license from the Secretary. The licensee shall conform to all currently applicable regulations.

*10.07.04.04*

**.04 Denial or Revocation of License.**

A. Denial of License. The Secretary shall inform the application of the reasons for denial of a license and shall set a date by which the center shall close or correct deficiencies.

B. Revocation of License. The Secretary, for cause shown, may revoke any license issued by him after giving the licensee a hearing before revocation. The hearing shall be held after 10 days notice to the licensee of intent to revoke, and he shall have an opportunity to be represented by counsel at the hearing.

C. Any person aggrieved by the refusal of the Secretary to issue a license, by his revocation of a license, or by his denial of requests by applicants for the approval of new construction, conversion, alteration, or addition may appeal as provided by the Administrative Procedure Act, Article 41, §§244—256, Annotated Code of Maryland, as amended from time to time.

*10.07.04.05*

**.05 Investigation by the Secretary.**

A. Open to Inspection. Every center licensed under these regulations and any premises proposed to be operated by an applicant for a license, shall be open at all reasonable times to inspection by the Secretary and the Departments of Health and Mental Hygiene, Human Resources, and Education, or other agencies as requested by them.

B. Frequency of Inspection. Every center shall be inspected by the Department at least once during each year that a license is granted to determine whether the center is complying with these regulations. Other departments as set forth in §A, of this regulation, shall visit the center in accordance to their respective regulations.

C. Records.

(1) Every licensee shall keep such records as the Secretary may prescribe and the records shall be open to inspection by the Secretary.

(2) Resident's records shall include as a minimum the following:

(a) Name, address on admission, age, sex, date of admission, date of discharge;

(b) Name, address, and telephone number of person or agency responsible for patient;

(c) Name, address, and telephone number of the referring physician;

(d) Authorization for admission, diagnostic impression on admission, physical examination, medication and treatment orders, progress notes, records of all drugs administered and weight record.

(3) In addition to the above requirements, there shall be an intake study of each resident including medical and social history, a treatment plan, reports of consultation with parents and agencies, discharge plan, and condition of patient at time of discharge.

(4) The center shall maintain a record for each resident which substantiates its knowledge of the child and the family situation, the resident's development while in care, and its work with the resident and his family.

(5) It shall safeguard the rights of individuals in assembling its information and in the use of it.

D. Reports. The center shall furnish to the Secretary reports covering the following:

(1) Serious injuries or unusual incidents, including fires, within 48 hours;

(2) Reports of all deaths;

(3) Any occurrences which threaten the welfare, safety, or health of any resident of the center such as infectious disease outbreaks or poisoning.

Agency note: These occurrences shall also be immediately reported to the local health officer.

E. Penalties.

(1) Any person maintaining and operating a center within the purview of these regulations without a license shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not more than $100 for the first offense and not more than $500 for each subsequent offense. Each day that the center continues to operate without a license after a first conviction shall be considered a subsequent offense.

(2) Any person maintaining and operating a center falling within the purview of these regulations, which is in violation of the regulations promulgated by the Secretary applicable to these facilities, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $10 for the first offense and not more than $25 for each subsequent offense. Each day that the center operates after a first conviction without correction of the cited violation shall be considered a subsequent offense.

*10.07.04.06*

**.06 New Construction or Alteration.**

A. Submission of Plans. Plans shall be submitted to the Secretary before construction or alterations begin affecting its functional structure or normal bed capacity. These plans shall have the prior approval of local zoning authorities and the appropriate fire authorities. The Secretary shall review promptly the plans and shall notify the applicant or licensee within 30 days that the building, alteration, additions, or changes, are approved or disapproved with the recommendations that the Secretary may make. If an application is disapproved, the applicant or licensee shall be informed of the reasons at the time of notification.

B. Application to Service Facilities. A system of water supply, plumbing, sewerage, electrical power, garbage or refuse disposal may not be installed or extended until complete plans and specifications have been submitted and approved in accordance with §A, of this regulation.

*10.07.04.07*

**.07 Location and Communication.**

A. Environment. Centers shall be located so that they are free from undue noises from railroads, freight yards, or other disruptive environment.

Agency note: They should not be exposed to undue quantities of smoke, foul odors, or dust from any source.

B. Transportation. The licensee of centers served by private access roads shall be responsible for maintaining these roads in passable condition at all times.

Agency note: Centers should be located in the proximity of readily accessible public transportation.

C. Communication. There shall be a telephone in the building and additional telephones or extensions as required to summon help promptly in case of fire or other emergencies. Pay stations or locked telephones do not meet this requirement.

*10.07.04.08*

**.08 Physical Plant.**

A. Construction. Any new building designated as a center and any existing building proposed for conversion for this use shall meet the following:

(1) Be a completely detached structure, no part of which is used for any other purpose, of fire resistive construction, or, if non-fire resistive, with an approved sprinkler system;

(2) The construction of the building shall prevent the entrance and harborage of rats and other rodents;

(3) It shall comply with all other applicable governing laws or ordinances.

B. Heating. Centers shall be equipped with a central heating system capable of maintaining a minimum temperature of 75°F throughout the residential section of the building when the temperature falls to 0°F or below. Alternate modern types of heating systems may be accepted if approved by the fire authorities. Space heaters and portable heaters are not acceptable.

C. Lighting.

(1) Lighting shall be adequate for the activities conducted in the various areas. Bedrooms and dormitories shall be lighted by outside windows and shall also have artificial light adequate for reading and other uses. All entrances, hallways, stairways, inclines, ramps, cellars, attics, storerooms, kitchens, laundries, and service units shall have sufficient artificial lighting to prevent accidents and promote efficiency of service.

(2) A minimum lighting level of 20 foot candles is required for the safe lighting of stairways.

D. Bathrooms. Centers shall be provided with the following minimum bathroom facilities:

(1) One lavatory and one water closet for each six residents of the same sex on each floor.

(2) One bathroom or shower for each 12 beds on each floor.

(3) The number of beds for which the center is licensed shall be used in determining the number of bathroom fixtures required even if some of the beds are not occupied.

(4) There shall be one complete bathroom on each floor used by the residents, regardless of the number of beds.

(5) All bath and toilet rooms shall be easily accessible, conveniently located and well lighted with a night light burning all night. They shall be ventilated to the atmosphere mechanically.

(6) A lavatory or toilet facility may not open directly into a kitchen, pantry or food preparation room. It may not be located so that a resident must pass through another resident's room to enter it.

E. Plumbing.

(1) All plumbing within the building shall be installed in conformance with existing building and sanitary regulations.

(2) All sewage disposal shall be in accordance with existing regulations.

F. Water Supply.

(1) Centers shall be served by water from a safe public water supply, if available, as determined by the Department. If a safe public water supply is not available, a private water supply approved by the Department may be used.

(2) Adequacy. The supply shall be adequate in quantity and delivered under sufficient pressure to satisfactorily serve fixtures in the home.

(3) Temperature. The hot water heating equipment shall be of sufficient capacity to supply an adequate amount of water not in excess of 125°F for domestic use, and at 180°F for kitchen and laundry use.

*10.07.04.09*

**.09 Fire Regulations.**

A. Fire Prevention Code. Centers shall be free from fire hazards and shall comply with all applicable local fire and building codes and the State Fire Prevention Code which requires adherence to the National Fire Protection Association (NFPA) Standard No. 101, "Building and Exits Code."

Agency note: This regulation provides general minimal requirements and does not encompass detailed specifications for all categories of construction. The licensee shall be required to meet additional standards as directed by fire authorities in order to achieve full compliance with the State Fire Prevention Code.

B. Sprinkler Requirements.

(1) Centers licensed for four or more residents shall be provided with, or exempted from the need for approved sprinkler systems as follows:

(a) Buildings of non-fire resistive construction of more than one story above ground shall be provided with an approved sprinkler system.

(b) One story structures of non-fire resistive construction of 1 hour or higher rating are exempt from the sprinkler requirement unless specifically required by fire authorities.

(c) Fire resistive structures, regardless of number of stories, are not required to be equipped with a full sprinkler protection except in areas designated as hazardous by fire authorities.

(2) Compliance. Centers opened on or after the effective date of these regulations, shall meet the requirements of §B(1), of this regulation, before a license can be issued. Centers in existence before April 17, 1967, shall meet these requirements as follows:

(a) Centers with four to nine beds shall comply not later than August 1, 1970;

(b) Centers with 10 to 14 beds shall comply not later than August 1, 1969;

(c) Centers with 15 or more beds shall comply not later than August 1, 1968.

*10.07.04.10*

**.10 General Requirements.**

A. Cleanliness and Maintenance. The following shall be observed:

(1) The building and all its parts and facilities shall be kept in good repair, neat, and attractive. The safety and comfort of the residents shall be the first consideration.

(2) All walls, floors, ceilings, windows, and fixtures shall be kept clean. Interior walls and floors shall be of a character which permits frequent cleansing.

(3) Adequate storage space shall be provided for excess supplies, personal possessions of residents and staff, linens, and similar items. This storage space may not constitute a fire or accident hazard, and may not be in the way of residents or staff. All supplies shall be stored 10 inches off the floor and away from the wall to allow for cleaning and pest control.

(4) The center shall be kept free of unnecessary accumulations of personal possessions, boxes, trunks, suitcases, papers, unused furniture, bed clothing, linens, bric-a-brac, and other extraneous materials.

(5) The grounds shall be kept clean, neat, reasonably attractive, and free of hazards.

(6) The center shall be maintained free from insects and rodents.

(7) Bathtubs and lavatories may not be used for laundering or storing soiled linens.

(8) Bathtubs and shower stalls may not be used for storage.

B. Social Services. All social services shall comply with the requirements of the Department of Human Resources and the Department of Health and Mental Hygiene.

*10.07.04.11*

**.11 Food Services.**

A. Dietary Requirements. The following minimum requirements shall be observed:

(1) A minimum of three meals in each 24 hour period shall be served. In addition, nutritious between meal and bedtime snacks should be offered to all residents no less than 1-1/2 to 2 hours before the next meal.

(2) There may not be an interval longer than 12 hours from the evening meal or substantial bedtime snack to breakfast. The diet shall consist of simply prepared, appropriately served, palatable foods including a minimum of the following daily:

|  |  |  |
| --- | --- | --- |
| (a) Milk: | Under 9 years | 3—4 cups |
| 9—12 years | 3 cups |
| Adolescents | 4 cups |
| Adults | 2 cups; |

(b) Meat, fish, poultry, eggs: Two servings per day;

(c) Vegetables and fruits: Four servings per day, including one serving of citrus fruit or tomato daily and one serving of a dark green or deep yellow vegetable or fruit five times weekly;

(d) Breads and Cereals: Four servings daily.

(3) Size of servings and consistency or texture of food will be regulated by the age and condition of the residents.

(4) A record of the current week's menu plan shall be posted and kept on file for the following 2 weeks. A time schedule for service of meals to residents and personnel should be established and it is recommenced that meals be served approximately 4 hours apart for breakfast, lunch and dinner.

(5) Special diets or any variation of these requirements ordered by the resident's physician shall be provided for residents as ordered.

(6) Meals shall be served in a dining or community room equipped with furniture and utensils appropriate to the age and development of the residents. A resident with a temporary illness shall be served privately.

B. Sanitation and Personal Hygiene. All applicable requirements of COMAR 10.15.03 shall be observed.

*10.07.04.12*

**.12 Management Requirements.**

A. Responsibility. The licensee is responsible for conformance with licensing regulations.

B. Responsible Person. The licensee or administrator appointed by the licensee and all persons in supervisory or other responsible positions shall be 21 years old or older. The administrator may not leave the premises day or night without delegating responsibility to a competent employee 21 years old or older.

C. Character. The licensee and administrator shall be of good moral character, in good physical and mental health, and should have a genuine interest in the welfare of residents.

D. Qualifications of Administrator. The administrator of the center shall be a psychiatrist, psychologist, social worker, graduate nurse, or any other person trained in the behavioral sciences or in administration. The administrator shall be capable by experience and training of directing and supervising persons working in the center. The administrator shall have an understanding of children and their needs and the principles of good child care today. He shall supervise and integrate the work so that children benefit from their living experience, and he shall be alert to changes which will better meet the needs of children.

E. Financial Responsibility. The licensee shall give the Secretary assurance of financial responsibility to meet the minimum needs for services offered, safety, maintenance, food, and comfort of the residents of the center.

F. Compliance with Regulations. The licensee shall charge the administrator to be familiar with these regulations. The licensee or administrator shall also familiarize employees with those standards related to their work.

G. Availability of Information. The licensee or administrator shall make available to the Secretary such information as may be requested to insure that the institution is meeting requirements of these regulations.

*10.07.04.13*

**.13 Health Services.**

A. Supervision of Treatment Program. Treatment at any center shall be under the direction of a qualified psychiatrist, not necessarily certified by the Secretary, who is responsible for the adequacy, quality, and appropriateness of the treatment program for each resident. There shall be sufficient professional personnel to insure the implementation of the treatment program for each resident.

B. Medical Supervision. All residents shall be under the medical care of a physician licensed in the State. Each resident shall have a complete physical examination on or immediately before admission, and at appropriate, regularly scheduled intervals thereafter.

C. Principal Physician. Centers shall arrange for a physician to serve as principal physician and a qualified relief to cover periods when his services are not available. He shall respond at times of emergency and be available as needed to advise the administrator on medical questions.

D. Restrictions on Medication. Medication may not be given without the written order of a physician except in an emergency when medication or treatment may be given on the verbal or telephone order of the physician. These orders shall be entered on the doctor's order sheet and shall be confirmed in writing by the physician at his next visit.

E. Drug Handling. Federal, State, and local laws and ordinances, standards, and codes regulating the purchasing, handling, storage, administration, and recording of drugs shall be complied with.

*10.07.04.14*

**.14 Additional Staff.**

The following staffing requirements shall be met by the institution:

A. The administrator shall employ sufficient and satisfactory personnel to insure adequate treatment and care of the residents and the maintenance, cleaning, and housekeeping.

B. Staff directly responsible for children are fitted for this by an understanding for children, by health, maturity, strength, and by willingness and ability to learn how best to help children.

C. The staff shall be sufficient in number so that the individual needs of residents are met in the group and the general operation of the institution is carried on without having to depend upon other residents to carry the basic maintenance.

D. Provision shall be made for relief personnel during vacations or other relief periods. The relief personnel shall have qualifications equivalent to those of the person being relieved.

E. Work schedules shall be so arranged that one or more competent individuals is present at all hours to render assistance in emergencies.

F. A written application shall be on file for each employee. The application shall contain the age, birth-date, social security number, home address, and educational background and past employment of the employee. The job classification of the employee shall be noted on the application. The registration or license number of all professional personnel shall be recorded on the application.

G. The administrator shall have on file for each staff member at the center, a report of a pre-employment medical examination. The report shall include the physician's statement that the individual is physically able to perform the duties for which he is employed and is free from tuberculosis.

Agency note: An annual medical examination thereafter is recommended.

H. Each staff member shall have an examination for tuberculosis annually. This examination may be either a chest x-ray or an intra-dermal tuberculin test (Mantoux test). For all positive reactors to the intra-dermal tuberculin test, a chest x-ray shall be made promptly and thereafter annually. The report on each examination shall be filed promptly with the local health officer by the administrator of the center.

I. There shall be personnel policies which define staff jobs, qualifications, salaries, hours, vacation, sick leave, and retirement.

*10.07.04.15*

**.15 Accommodations.**

A. Usable Living Space Needed. Each center shall provide at least 35 square feet of usable floor space per resident, in addition to bedroom space, in order to meet minimal requirements for dining, living, and recreational facilities. A minimum of 80 square feet is required for single occupancy bedrooms, and 60 square feet per bed for multiple occupancy bedrooms. Usable space excludes service areas, entrance ways, closets, dormers, and other breaks in floor areas.

B. The usable floor area for rooms having sloping walls shall be calculated for bed occupancy only for that area having a ceiling height of 8 feet and 50 percent of the area having a ceiling height between 4 feet and 7 feet 6 inches, provided at least 50 percent of the total area has a ceiling height of 8 feet.

C. Closet Space. Adequate closet space, conveniently located, shall be provided to allow each resident to keep necessary items of clothing and other personal belongings.

D. Areas Devoted to Educational Programs. Provision of space for classrooms and other educational activities shall be made in accordance with the needs of the center as approved by the Department of Education (See Regulation .02E(3), of this chapter).