

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 01 PROCEDURES

10.01.17 Fees for Food Protection, Public Pools, Public Spas, Public Spray Grounds, and Youth Camp Programs

Authority: Health-General Article, §§14-403.1, 14-407(B)(4), Annotated Code of Maryland

.02 Fees.

The following fees are established by the Secretary:

A.—G. text unchanged

H. *Criminal History Record Checks.*

(1) *Fees for criminal history record checks for youth camp personnel in accordance with COMAR 10.16.06.21 shall be:*

(a) *\$20 per background criminal history record check processed for a camp; and*

(b) *Paid by a youth camp licensee annually.*

Subtitle 16 HOUSING

10.16.06 Certification for Youth Camps

Authority: Family Law Article, §§5-550—5-5658, 5-704, and 5-705; Health-General Article, §§2-104, 14-402(d), 14-403, 14-403.1, 14-407, 18-318, and 18-403; Health Occupations Article, §§8-6A-01—8-6A-16 and 14-306;

.02 Definitions

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

B. Terms Defined.

(1)—(24) (text unchanged)

(25) “Personnel administrator” means an adult who is 21 years old or older and:

a) Has completed a:

(i) National and State criminal history records check through the Maryland Department of Public Safety and Correctional Services using the Department’s authorization number; and

(ii) Child Protective Services background clearance using the Department’s contact information; and

(b) Who the Department has determined is eligible to serve according to Regulation .21D—[F]H of this chapter.

(26)—(32) (text unchanged)

(33) *Sensitive Position.*

(a) *“Sensitive position” means a job, role, or function at a youth camp that allows access to a camper;*

(b) *“Sensitive position” includes, but is not limited to an:*

(i) *Employee;*

(ii) *Volunteer;*

(iii) *Owner; or*

(iv) *Operator.*

[(33)—(40)] (34)—(41) (text unchanged)

.21 Criminal Background Investigations.

A. An operator shall:

[(1) Comply with the provisions of the criminal history records check requirements law in Family Law Article, §§5-560—5-568, Annotated Code of Maryland;]

(1) *Ensure that a person serving as a personnel administrator has applied for:*

(a) *A national and State criminal history records check through the Department pursuant to Health General Article §14-403.1, Annotated Code of Maryland; and*

(b) *A background clearance request from Child Protective Services;*

(2) *Have on file and available for inspection for any person in a sensitive position:*

(a) *Documentation from the Department of a completed national and State criminal history records check through the Maryland Department of Public Safety and Correctional Services; and*

(b) *Documentation of a response from Child Protective Services indicating the status of the background clearance.*

[(2)] (3) (text unchanged)

[(3)] (4) *Notify the Department, in writing within ten calendar days, if the personnel administrator changes.*

B. Upon notification that an individual may not serve as the personnel administrator, an operator:

(1) (text unchanged)

(2) Unless the individual appeals the decision to the Office of Administrative Hearings and the appeal is concluded in favor of the individual, may not:

- (a) Reconsider the individual for [employment] *servicing as a personnel administrator*;
- (b) Allow the individual to [volunteer at camp] *hold a sensitive position*; or
- (c) (text unchanged)

C. The personnel administrator shall:

- (1) Ensure that, for an individual [employed] *in a sensitive position* at a camp a:
 - (a) (text unchanged)
 - [(b) Consent for Release of Information/Background Clearance Request form is on file with the employer that has been:
 - (i) Completed;
 - (ii) Signed by the employee;
 - (iii) Notarized; and
 - (iv) Forwarded to Child Protective Services; and
 - (c)] *(b) Response from Child Protective Services indicating the status of the background clearance is kept on file with the employer once received from Child Protective Services;*
- (2) Determine if the individual may [be employed] *hold a sensitive position* at camp according to [§§E and F] *§§F and G* of this regulation; and
- (3) Upon determining that an individual may not [be employed] *hold a sensitive position* at camp:
 - (a) Terminate the individual from [employment] *the sensitive position*;
 - (b) Not [reconsider] *consider* the individual for [employment] *any sensitive position at camp or as a personnel administrator*; and
 - (c) [Not allow the individual to volunteer at camp; and
 - (d)] Except to exercise parental responsibilities with respect to a related child at camp, not allow the individual on the premises of the facility or to have any contact with an unrelated child at camp.

D. The Department shall:

- (1) Determine if the individual may serve as the personnel administrator at camp according to [§§E and F] *§§F and G* of this regulation; and
- (2) Notify the individual, camp owner, and camp operator in writing within three business days about the:
 - (a)—(b) (text unchanged)
 - (c) Individual's right to request reassessment pursuant to [§G] *§H* of this regulation;
 - (d) Individual's right to appeal the decision regarding reassessment to the [Office of Administrative Hearings] *Department*;
 - (e) Specific requirements for submitting an appeal to the [Office of Administrative Hearings] *Department*; and
 - (f) Ten calendar day time frame to notify the Department of the new personnel administrator and complete the criminal history records check as required in §A of this regulation.

E. The Department shall:

- (1) *Determine if an individual may serve in any sensitive position according to §§F and G of this regulation; and*
 - (2) *Notify the individual and personnel administrator in writing within three business days about the:*
 - (a) *Department's decision whether the individual may serve in a sensitive position;*
 - (b) *Basis for that decision;*
 - (c) *Individual's rights to request the reassessment pursuant to §G of this regulation;*
 - (d) *Individual's right to appeal the Department's decision regarding reassessment; and*
 - (e) *Specific requirements for submitting an appeal in accordance with Title 10 of the State Government Article.*
- [E.] F. A youth camp operator may not [employ] *allow an individual to serve in a sensitive position or as a personnel administrator* who, as reported on or after October 1, 2005, has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of:

(1)—(11) (text unchanged)

[F.] G. If, as reported on or after October 1, 2005, an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not included in [§E] *§F* of this regulation, the [operator] *Department*:

- (1) Shall assess, on the basis of the following factors, the individual's suitability for [employment] *a sensitive position or servicing as personnel administrator at camp*:
 - (a) The [job] *position* at the camp for which the individual is applying or [for] *position* which the individual [is] currently [employed] *holds*;
 - (b)—(f) (text unchanged)
- (2) Depending on the results of the assessment, shall permit or prohibit [employment of the individual] *the individual from servicing in a sensitive position or as a personnel administrator*.

[G.] H. Request for Reassessment.

(1) [A personnel administrator] *An individual* who is prohibited from [employment] *servicing in a sensitive position or as a personnel administrator* by the Department pursuant to [§§E and F] *§§F and G* of this regulation may request that the Department conduct a reassessment with respect to the incident, crime, or offense.

(2) For a reassessment request to be eligible for consideration:

(a) (text unchanged)

(b) The [personnel administrator] *individual* may not have submitted a reassessment request, whether for the same or a different [job] *position*, within the previous 12 months.

(3) In order to reach a decision on the request for reassessment, the Department may request additional information from the *individual*, personnel administrator, [the] camp operator, or any agency or entity cited [by the personnel administrator or the operator] in connection with the reassessment request.

(4) Upon reaching a decision on the request, the Department shall notify the *individual*, personnel administrator, owner, and director of that decision.

(5) The camp operator may not permit the [personnel administrator] *individual* to begin or to resume [employment] *servicing in a sensitive position or as personnel administrator* until the Department has notified the operator that the [personnel administrator may be employed] *individual is not disqualified*.

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