

10.57.01.00

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

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

### **Chapter 01 Definitions**

**Authority: Health Occupations Article, §§20-101 and 20-205, Annotated Code of Maryland**

10.57.01.01

#### **.01 Definitions.**

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

B. Terms Defined.

(1) "Acting program administrator" means an individual approved by the Board to practice as an interim residential child care program administrator for 180 days unless the time period is extended by the Board.

(2) "Automatic sponsor" means an organization that is not required to apply to the Board for approval of sponsorship of continuing education.

(3) "Authorized sponsor" means an organization or individual that has been approved by the Board to provide continuing education programs.

(4) "Board" means the State Board for the Certification of Residential Child Care Program Professionals.

(5) "Certificate" means a certificate issued by the Board to practice as a:

(a) Certified residential child care program administrator; or

(b) Certified residential child and youth care practitioner.

(6) "Certified program administrator" means an individual who is:

(a) Certified by the Board; and

(b) Responsible for the day-to-day management and operation of a residential child care program and for assuring the care, treatment, safety, and protection of children.

(7) Certified Residential Child and Youth Care Practitioner.

(a) "Certified residential child and youth care practitioner" means an individual who is:

(i) Certified by the Board; and

(ii) Assigned to perform the direct responsibilities related to activities of daily living, self-help, and socialization skills in a residential child care program under the direction of a certified program administrator.

(b) "Certified residential child and youth care practitioner" does not include an individual assigned to perform the direct responsibilities related to activities of daily living, self-help, and socialization skills in a residential child care program licensed by the Developmental Disabilities Administration.

(8) "Client" means children and youth placed in the residential child care program.

(9) "Completed application" means an application submitted to the Board that contains sufficient information for the Board to make a decision on the application.

(10) "Continuing education" means additional professional education by means of undergraduate or postgraduate studies, institutes, seminars, lectures, conferences, workshops, or other forms of continuing professional education approved by the Board.

(11) "Continuing education unit" means a certified program administrator or certified residential child and youth care practitioner participation for 1 hour in an approved continuing education experience.

(12) "Day-to-day management and operation" means the overall responsibility for the operation of a residential child care program as described in COMAR 10.57.02.01C.

(13) "Delinquent" means the failure by a certificate holder to pay all undisputed taxes and unemployment insurance contributions, as determined by the Office of the Comptroller or the Secretary of Labor, Licensing, and Regulation, that are payable to the Office of the Comptroller or the Secretary of Labor, Licensing, and Regulation, in a manner satisfactory to the unit of the State responsible for collection of the payment.

(14) "Examination" means a written test given or approved by the Board.

(15) Human Service Field.

(a) "Human service field" means, in the context of certification as a program administrator, having experience:

(i) As a human service professional as defined in COMAR 14.31.06.03B;

(ii) Serving children detained, committed, or under the jurisdiction of the Department of Juvenile Services; or

(iii) Serving children in residential child care programs under the jurisdiction of the Department of Human Resources or the Department of Health and Mental Hygiene.

(b) "Human service field" means, in the context of certification as a residential child and youth care practitioner, having experience:

(i) As a human service professional defined in COMAR 14.31.06.03B; or

(ii) Performing the direct responsibilities related to activities of daily living, self-help and socialization skills for children in a residential child care.

(16) "Human service portfolio" means evidence provided to the Board on a form required by the Board documenting human service experience and mastery of core competencies as described in COMAR 10.57.03.

(17) "Inappropriate sexual language" means:

(a) A sexualized harassing comment;

(b) An eroticized or sexually provocative comment not reasonably associated with a health care matter; or

(c) An inappropriate discussion of a sexually related matter.

(18) "Licensing authority" means the department of State government that issued the residential child care program's license to operate in the State.

(19) "Practice of residential child care administration" means the exercise of final authority of any act or the making of any decision involved in the planning, organizing, directing, or controlling of the day-to-day operation of a residential child care program.

(20) "Practitioner-in-training (PIT)" means an individual approved by the Board to practice as a restricted residential child and youth care practitioner.

(21) "Provisional residential child and youth care practitioner" means an individual approved by the Board to practice as a restricted residential child and youth care practitioner for 180 days.

(22) "Renewal certificate" means any certificate granted by the Board for the period immediately after a period for which the individual previously possessed the same or a substantially similar certificate.

(23) "Renewal date" means the date upon which the certificate expires, as specified in the notice sent to the certified program administrator by the Board in accordance with Health Occupations Article, §20-310(a), Annotated Code of Maryland.

(24) "Renewal period" means the 2-year period immediately before the renewal date.

(25) Residential Child Care Program.

(a) "Residential child care program" means an entity that provides care for children 24 hours per day within a structured set of services and activities that:

(i) Are designed to achieve specific objectives relative to the needs of the children served; and

(ii) Include the provision of food, clothing, shelter, education, social services, health, mental health, recreation, or any combination of those services and activities.

(b) "Residential child care program" includes the residential child care programs identified in COMAR 14.31.06.02A and licensed by the:

(i) Department of Human Resources;

(ii) Department of Health and Mental Hygiene; and

(iii) Department of Juvenile Services.

(c) "Residential child care program" does not include the individuals or programs identified in COMAR 14.31.06.02C.

(26) "Residential child care supervisor" means an individual:

(a) That provides supervision to a residential child care practitioner; and

(b) Who is certified as either a residential child care program administrator or residential child and youth care practitioner.

(27) "Sexual behavior" means:

(a) A sexual act as specified in Criminal Law Article, §3-301(e) and (g), Annotated Code of Maryland; and

(b) Sexual contact as specified in Criminal Law Article, §3-301(f), Annotated Code of Maryland.

(28) "Sexual exploitation" means a situation in which the certified individual takes advantage of the unequal relationship between the certified residential child care program administrator or residential child and youth care practitioner and client or supervisee to obtain sexual favors.

(29) "Sexual harassment" means deliberate or repeated comment, advance, gesture, solicitation, request, or physical contact of a sexual nature.

(30) "Supervisee" means the individual to whom the certified residential child care program administrator or residential child and youth care practitioner provides professional, educational, or administrative supervision or direction.

(31) "Supervisory or administrative capacity" means having the shared responsibility for implementing the operation of a program(s) and supervising at least 1 member of staff as described in COMAR 10.57.02.02B.

(32) "Therapeutic deception" means a representation by the certified individual that sexual contact or sexual activity by or with the client is consistent with or part of the client's treatment.

(33) "Verification" means a written or electronic notification created by the unit of the State responsible for collection of taxes or unemployment insurance contributions attesting that the renewal applicant is no longer delinquent.

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#### Administrative History

*Effective date:*

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