

COUNTY LOCAL LAWS

(A) IN CASES WHERE NO AGENCY OF THE STATE OR COUNTY HAS BEEN GRANTED THE STATUTORY AUTHORITY FOR LICENSING AND REGULATING THE SPECIFIC PROGRAM OF GROUP RESIDENTIAL CARE PROPOSED FOR OR BEING CONDUCTED AT A GROUP RESIDENTIAL FACILITY, FOR THE PURPOSE OF ISSUING INITIAL LICENSES OR REVIEWING EXISTING LICENSEES FOR POSSIBLE SUSPENSION OR REVOCATION, THE DIRECTOR SHALL CONVENE AN EVALUATION BOARD COMPOSED OF, IN ADDITION TO THE DIRECTOR OR HIS DESIGNEE, THE DIRECTOR OF COUNTY FIRE-RESCUE SERVICES, THE COUNTY HEALTH OFFICER, AND THE DIRECTOR OF THE OFFICE OF HUMAN RESOURCES OR THEIR RESPECTIVE DESIGNEES. IN ADDITION, THE DIRECTOR SHALL REQUEST THE PARTICIPATION OF THE COUNTY SUPERINTENDENT OF SCHOOLS AND THE DIRECTOR OF THE DEPARTMENT OF SOCIAL SERVICES OF THEIR RESPECTIVE DESIGNEES AS FULL VOTING MEMBERS OF THE BOARD.

(B) IN EXERCISING ITS POWERS UNDER THIS SECTION, NOT LESS THAN THREE MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS, MEETINGS, AND HEARINGS.

(C) ALL ACTIONS OR DECISIONS OF THE BOARD WITH RESPECT TO THE ISSUANCE, SUSPENSION OR REVOCATION OF A GROUP RESIDENTIAL CARE PROGRAM LICENSE SHALL BE TAKEN BY RESOLUTION, IN WHICH AT LEAST A MAJORITY OF THOSE PARTICIPATING IN THE ACTION OR DECISION MUST CONCUR, EXCEPT THAT IF THE CONCURRENCE OF AT LEAST A MAJORITY SHALL FAIL TO BE ACHIEVED FOR ANY REASON, THEN THE APPLICATION SHALL BE HELD TO BE DENIED, AND RESOLUTIONS TO SUSPEND OR REVOKE LICENSES SHALL FAIL TO CARRY.

(D) FOR ASSISTANCE IN REACHING ITS DECISIONS RELATIVE TO APPLICATIONS FOR GROUP RESIDENTIAL CARE PROGRAM LICENSES, THE BOARD MAY REQUEST TECHNICAL SERVICE, ADVICE, DATA OR FACTUAL EVIDENCE FROM AGENCIES OF THE COUNTY GOVERNMENT.

(E) JUDICIAL APPEAL. ANY DECISION BY THE BOARD TO DENY AN APPLICATION FOR A GROUP CARE RESIDENTIAL PROGRAM LICENSE OR TO SUSPEND OR REVOKE SUCH LICENSES MAY BE APPEALED TO ANY COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE, CHAPTER 1100 SUBTITLE B.

23A-13. AUTHORITY.

(A) THE BOARD SHALL HAVE THE AUTHORITY TO APPROVE OR DISAPPROVE APPLICATIONS FOR GROUP RESIDENTIAL CARE PROGRAM LICENSES UPON HAVING CONDUCTED AN INQUIRY INTO THE NATURE, PURPOSES, AND OBJECTIVES OF THE PROPOSED PROGRAM; THE BACKGROUND AND EXPERIENCE OF THE ORGANIZATION AND/OR INDIVIDUALS SPONSORING SUCH PROGRAM; AND THE EXPERIENCE AND QUALIFICATIONS OF THE PERSONNEL TO