

HB 96 -- OFFICE OF STATE OVERSIGHT FOR RESIDENTIAL CARE FACILITIES

SPONSOR: Ealy

This bill establishes within the Department of Social Services the "Office of State Oversight for Residential Care Facilities" for the purpose of assessing facility compliance with laws, rules, and regulations of the Federal and State governments. The Office is administered by a director who is appointed by the Governor, serves a term of six years, and cannot be related to current or former employees or contractors of a residential care facility or of the Children's Division within the Department, as specified in the bill.

The bill describes various responsibilities of the Office as it relates to the health and safety of children residing in the facility, including, but not limited to, the establishment of procedures to complete inspections and investigate complaints, as well as provisions to summarize facility offerings and to make recommendations to facilities for improvement.

Within 30 days of a completed inspection, residential care facilities are required to submit a report to the Office, which includes any corrective action plan for each recommendation.

The bill stipulates that the Office must have access to several locations within residential care facilities, which are specified in the bill. Additionally, the Office will have access to areas within the facility in order to verify whether staff-to-child ratios are being maintained, and this authority includes the ability to interview any child residing in the facility, an employee or contractor of the facility, or anyone else involved with the facility.

This bill authorizes the Office to access, inspect, and copy any relevant information, records, or documents in possession of a facility that is considered necessary in the course of an investigation to determine the facility's compliance with applicable rules and regulations. The bill also establishes a provision in cases of restricted or privileged information and a time frame by which a facility must assist the Office in obtaining any necessary releases.

The bill requires the Office to establish confidentiality rules and procedures for all information that is obtained by the Office in order to ensure the privacy of a child is protected.

This bill also specifies provisions for what information is required to be included in inspection reports for all residential

care facilities. The Office is also required to review procedures of the Children's Division to determine if such procedures are adequate as they relate to complaints made by or on behalf of a child. For this review process, the bill establishes parameters for the authority granted to the Office. Upon completion of such a review, the Office is required to submit and make public a report, which must also be delivered to the Governor, the Attorney General, and both houses of the General Assembly.

This bill is similar to HB 2677 (2024).