

# **Staffing Analysis**

*For the Implementation of the RCYCP Certification Program*

Albert Zachik, MD, Chair  
Krystal McKinney, Vice Chair  
Bruce Anderson, Secretary

July 11, 2011

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# Forward

July 2011

I am pleased to present the State Board for the Certification of Residential Child Care Program Professionals' Staffing Analysis for the Implementation of the Residential Child and Youth Care Practitioner Certification Program. The analysis focuses on necessary resources needed to successfully implement a new certification program for child care workers. Additional resources are not the complete solution – the State Board also implemented creative solutions to more efficiently manage current resources.

The State Board undertook a systematic business process review to ensure that our resources are being used efficiently and effectively. Review and modification of internal protocols and procedures using identified best practices as models has resulted savings. The State Board is also looking toward technology to improve the efficiency of the initial certification and renewal process.

Senate Bill 344/House Bill 387 of the 2011 General Assembly Session requires the Governor's Office for Children to convene a Summer Study Workgroup to develop a plan for the implementation of the certification of Residential Child and Youth Care Practitioners ("RCYCP"). The plan is to include data concerning any additional costs to the State Board to meet the 2015 implementation date for the certification program for child care workers. This report is intended to provide this data to the Summer Study Workgroup for inclusion in the implementation plan.

I thank all of the Certified Residential Child Care Program Administrators and our stakeholders for their input and for their continued support of the State Board. I also thank State Board members and staff for their continuing efforts to protect the health and safety of children living in Maryland's residential child care programs through certifying and regulating residential child care professionals; receiving and resolving complaints, and setting standards for the practice of residential child care.

Sincerely,



Albert Zachik, MD  
Chair of the State Board

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# Overview of The State Board

The State Board for the Certification of Residential Child Care Program Professionals (“State Board”) was created in 2004 and operates under the provisions of Title 20 of the Health Occupations Article of the Annotated Code of Maryland. In 2007, the State Board became General Funded.

The State Board consists of 12 members, of which six are representatives appointed by the secretaries of the various state agencies involved in the licensing and monitoring of residential child care programs. These agencies include the Department of Human Resources, Department of Juvenile Services, Department of Health and Mental Hygiene, Maryland State Department of Education, and the Governor’s Office for Children. The remaining six members are appointed by the Governor with advice of the Secretary, of which three members are program administrators, one member is a child care worker and two members are consumer members.

The State Board’s scope of authority was expanded in 2008 to include the certification of child care workers employed within programs licensed by the Department of Human Resources, Department of Juvenile Services, and the Department of Health and Mental Hygiene’s Mental Hygiene Administration.

The State Board is mandated to protect the children living in Maryland’s residential child care programs by certifying qualified individuals, establishing fees, maintaining a current roster of all certified individuals, administration of the certification examination, enforce current statutes and regulations, adopting new regulations to carry out the provisions of the Title, suggesting new changes to the Title to keep abreast of trends and issues, adopting standards of practices, verification of credentials, issuance of certificates, establishing requirements for and verification of continuing education, investigation of complaints based upon alleged violations of regulations and statutes, and formal and informal disciplining of certified individuals.

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## SB 783 Policy and Fiscal Note

In 2008, Senate Bill 783 was passed requiring the certification of child care workers by 2013 by the State Board for the Certification of Residential Child Care Program Professionals (“State Board”). The fiscal note published by the Department of Legislative Services (See Appendix A) noted that General Fund expenditures could increase by \$99,300 in FY 2009 to hire staff and develop examination materials. Future year expenditures, as noted on page 5 of this report, reflect annualization and phased-in staffing and administrative expenses.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	\$0	\$0	\$0	-	-
GF Expenditure	99,300	116,000	396,500	681,100	781,200
GF/SF/FF Exp.	0	0	0	-	-
Net Effect	(\$99,300)	(\$116,000)	(\$396,500)	(\$681,100)	(\$781,200)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

*\*Taken from the Fiscal and Policy Note for Senate Bill 783 of the 2008 General Assembly Session prepared by the Department of Legislative Services.*

Additional FY 2012 and 2013 expenditures reflect increases in provider rates that result from increased salary and training costs. General Fund Revenues could increase beginning in FY 2012 to reflect certification fees.

The Policy and Fiscal Note estimate reflected the cost of hiring one administrative officer and one office secretary to assist current staff in developing materials and handling inquires. The note includes salaries, fringe benefits, examination development, one-time start up costs, and ongoing operating expenses. The assumptions used in calculating the estimates were:

- As many as 10,000 child care workers applying for certification with initial credentialing activity beginning in FY 2012 and continuing through 2014;
- Board staffing phased in, with another 4.5 administrative and clerical positions added in fiscal year 2011 and 3 investigators added in fiscal year 2012; and
- Board contacts for administration of the test, with expenses beginning in fiscal year 2012.

The Policy and Fiscal Note also references that the costs incurred by residential child care program providers will be passed on to the State in the form of higher rates. A more significant and tangible costs to the providers will result from increased salary costs for employees certified. However, the Department of Legislative Services noted that the resulting effect could not be quantified at the time the Policy and Fiscal Note was prepared.

In short, the State Board would have required a total of 9.5 FTE as well as additional funds for contracting for the development and administration of a Standards Examination as originally drafted.

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## Implementing the Certification Requirement

Pursuant to the passage of the certification requirement for child care workers, the State Board developed a work plan in May 2008 and in February 2009 circulated draft proposed regulations for informal comment. The State Board also held a

Town Hall meeting in March 2009 to garner additional feedback on the draft proposed regulations.

Senate Bill 783 ultimately excluded the certification of child care workers employed within programs licensed by the Department of Health and Mental Hygiene's Developmental Disabilities Administration. This decreased the number of individuals who would be required to be certified, and would then decrease the resources needed by the State Board to implement the certification requirement for child care workers. However since there was no readily available data regarding the number of child care workers who would be required to be certified, the State Board issued a Letter of Intent to all residential child care programs.

The data collected at that time indicated that approximately 2,600 individuals would need to become certified. In addition, funds for contracting for the development and administration of the Standards Examination would be needed. The State Board estimated that approximately 5.0 FTEs would be needed to implement the certification. Requests for additional resources have been made. The State Board has not received any additional resources. However, this was not unexpected given the current fiscal challenges facing the State.

The proposed regulations were published in the Maryland Register in February 2010 and were adopted in April 2010. The certification date was also extended by two-years for child care workers resulting in a 2015 implementation date. The State Board, in December 2010, established a Certification Committee to review the statutory and regulatory requirements for the certification of child care workers. The focus of the Certification was develop minimum standard requirements reflecting essential skills, knowledge and abilities needed by child care workers to effectively manage the increased acuity of child and youth placed in their care.

Senate Bill 344/House Bill 387 of the 2011 General Assembly Session requires the Governor's Office for Children to convene a Summer Study Workgroup to develop a plan for the implementation of the certification of Residential Child and Youth Care Practitioners ("RCYCP"). The plan is to include data concerning any additional costs to the State Board to meet the 2015 implementation date for the certification program for child care workers. This report is intended to provide this data to the Summer Study Workgroup for inclusion in the implementation plan.

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## Challenges

The certification of child care workers employed in residential child care programs is a huge paradigm shift for the residential child care industry. Certification of child care workers will have a direct impact on workforce availability and the operational budget of each residential child care program operating in the State of Maryland.

There is also significant impact on the operations of the State Board to implement the certification program. The State Board is staffed by two part-time employees (a total of 1.3 FTE) and lacks the adequate staff and infrastructure. While requests for additional resources have been made, the State Board has not received any additional resources. However, this was not unexpected given the current fiscal challenges facing the State.

In 2009, the State Board began to investigate alternative ways to implement the certification program with existing resources. To that end, the State Board conducted a systematic business process review to ensure that existing resources were being used efficiently and effectively. Internal protocols and procedures were reviewed and modified using identified best practices for the implementation of the new certification program.

The State Board acknowledged in 2010 that the current regulatory and statutory framework for certifying child care workers was unmanageable without the receipt of additional resources and would be difficult for residential child care programs to implement without disrupting the workforce availability of child care workers. The current framework was based upon an academic model consisting of over 300 contact hours of training with one State approved provider statewide. The framework also did not appear to adequately reflect the essential minimum skills, knowledge and abilities needed by child care workers to effectively manage the increasing acuity of children entrusted to them.

Therefore, the State Board established a Certification Committee to review the statutory and regulatory requirements for the certification of child care workers. The focus of the Certification Committee was to revise the requirements for certification to craft a manageable certification structure and began looking toward technology to improve the efficiency of the initial certification and renewal processes for child care workers. The Certification Committee also was charged with developing a minimum uniform training model that could be easily implemented across all residential child care programs.

In July 2011, the State Board issued a report - *Residential Child and Youth Care Practitioner Certification Programs: Recommendations for Modifications to Minimum Standards*, which calls for changes to the minimum standards for child care worker to be certified as a Residential Child and Youth Care Practitioner (“RCYCP”). Some of these recommendations require legislation and others require regulatory change.

While the State Board can easily change its regulations, the core regulations for residential child care programs have to be approved by the various licensing authorities and the Department of Budget and Management. That process could take up to one-year. The core regulations are critical to supporting the changes recommended by the State Board to the certification program, initial and annual training requirements, as well as, the State Board’s regulations.

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## Staffing Analysis

In 2004, the Department of Health and Mental Hygiene's Office of Health Care Quality retained a federal expert, who was a senior management inter (SES) on rotation from the Centers for Medicare and Medicaid Services with extensive experience in personnel management and human resources to conduct a staffing analysis. The State Board utilized the same basic methodology for conducting the staffing analysis for the implementation of the RCYCP certification program.

A list of basic regulatory activities required for the certification of RCYCPs was prepared. These activities included initial certification, complaint investigations/disciplinary cases, training program approval, renewal of certification, and continuing education provider approval. In order to estimate the number of complaint investigations, the State Board reviewed *Managing for Results* data for health occupation boards. In 2010, the State Board of Nursing issued 62,744 certificates to Medication Assistants and received 646 disciplinary cases and issued 107,223 certificates to Certified Nursing Assistants and received 1,854 disciplinary cases. This indicates that the State Board of Nursing receives disciplinary cases on approximately 1% of the certified population. The State Board utilized that rate due to the similarities in the certification population in order to project anticipated disciplinary activities. The Board issued approval for continuing education programs for Certified Residential Child Care Program Administrators at a rate of 6% to the number of certified administrators. The State Board also estimated that approximately 10% of residential child care programs may want to seek approval for hybrid or regular training programs for the Residential Child and Youth Care Practitioner Training Program.

The activities were noted in Column A. Column B notes the average time to process the activity. Column C (Column A x Column B) represents the total number of hours required for the activity. Column D (Column C/2080) indicates the number of staff needed to complete this activity. Column E represents the number of staff assigned to the State Board. Column F indicates the overage or shortfall of staff.

In June of 2011, the State Board issued an online survey to all Certified Residential Child Care Program Administrators to obtain current data regarding the number of child care workers who need to be certified. The result was that approximately 2,350 child care workers would need to be certified. The rate of return on the survey was 68%. The rate of return was probably higher as it did not include those Certified Residential Child Care Program Administrators who (1) are employed in programs licensed by the Department of Health and Mental Hygiene's Developmental Disabilities Administrators, (2) are not currently affiliated with a program, or (3) someone else from their program responded to the online survey. This data was used to prepare the Staffing Analysis on page 9 of this report.



<i>Staffing Analysis</i>	A. # of Individuals or Activity	B. Hours Required per Activity	C. Total Hours Required for Activity (C*D)	D. Number of Staff Required (D/2080)	E. No. of Current Staff	F. 2011 Staff Overage or Shortage
					1.3	(4.56)
<b>Initial Certification</b>	2350	1.00	2350	1.13		
<b>Complaint Investigations</b>	23.5	360	8460	4.07		
<b>Renewal</b>	1175	1.00	1175	0.56		
<b>Approval of Training Programs</b>	22.2	3	66.6	0.03		
<b>Approval of Continuing Education Programs</b>	141	1.00	141	0.07		

The analysis reveals that the State Board will experience a staffing shortage of 4.56 FTE positions with the implementation of the certification program for child care workers. It should be noted this is reflective of staffing needs based upon the responses received to the online survey and recommendations made by the State Board in its report, *Residential Child and Youth Care Practitioner Certification Programs: Recommendations for Modifications to Minimum Standards*. It is not, therefore, inclusive of the total child care worker population to be certified. Nor does it reflect the full operational impact to the State Board should the recommendations not be adopted.

The State Board recommends that additional positions should be phased in over the course of several fiscal years. In FY 2013, the percentage of employment of existing staff should be increased. In FY 2014, 1.0 FTE office secretary should be hired to assist existing staff in developing materials and handling inquiries for initial certification. In FY 2015, 2.0 FTE investigators and 1.0 FTE compliance coordinator should be hired. Therefore, the financial estimate of additional resources needed by the State Board for the implementation of the certification for child care workers by fiscal year would be:

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016
GF Revenue	\$0	\$0	\$117,500	-
GF Expenditure	41,082	106,750	308,037	316,257
Net Effect	(\$44,082)	(\$106,750)	(\$190,537)	(\$316,257)

This estimate note includes salaries, fringe benefits, one-time start up costs, and ongoing operating expenses. The estimate does not, however, include funds to develop an online training program for child care workers or online Standards Examination.

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## Conclusion

The Staffing Analysis indicates that the operational impact on the State Board is considerable. The lack of additional resources could result in a backlog of initial certifications and approval of training programs. This could create workforce shortages for residential child care programs. While there are many challenges and uncertainties in implementing the certification program for residential child care workers, as noted in the State Board's report *Residential Child and Youth Care Practitioner Certification Programs: Recommendations for Modifications to Minimum Standards*, State Board remains committed to professionalizing the role of child care workers in residential child care programs.

Certification of child care workers is the best method to attract dedicated individuals to the field and to maintain a well trained workforce necessary to meet the increasing acuity of children in out-of-home placement. Certification is the first step in that process. It is a vehicle of ensuring that there are uniform standards of practice, facilitates a common language, and a commonly defined purpose that binds the field of child care together. The State Board will, therefore, continue to advocate for additional resources to implement the certification program for residential child care workers.

# Appendix A: 2008 Policy and Fiscal Note for SB 783

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**Department of Legislative Services**  
 Maryland General Assembly  
 2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 783

(Senator Zirkin)

Education, Health, and Environmental Affairs

Health and Government Operations

**Residential Child Care Programs - Certification of Residential Child Care  
 Program Professionals**

This bill expands the purview of the State Board for Certification of Residential Child Care Program Administrators to include the certification of residential child and youth care practitioners. The bill requires these practitioners to be certified by the board no later than October 1, 2013.

**Fiscal Summary**

**State Effect:** General fund expenditures could increase by \$99,300 in FY 2009 to hire staff and develop examination materials. Future year expenditures reflect annualization and phased-in staffing and administrative expenses. Additional FY 2012 and 2013 expenditures reflect increases in provider rates that result from increased salary and training costs. General fund revenues could increase beginning in FY 2012 to reflect certification fees.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	\$0	\$0	\$0	-	-
GF Expenditure	99,300	116,000	396,500	681,100	781,200
GF/SF/FF Exp.	0	0	0	-	-
Net Effect	(\$99,300)	(\$116,000)	(\$396,500)	(\$681,100)	(\$781,200)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Potential minimal increase in expenditures due to the extension of existing penalty provisions to residential child and youth care practitioners.

**Small Business Effect:** Potential meaningful for residential child care program providers.

## **Analysis**

**Bill Summary:** The bill renames the board as the State Board for Certification of Residential Child Care Program Professionals and adds a residential child and youth care practitioner to the board.

An individual is required to be certified before performing the duties of a residential child and youth care practitioner in the State. This requirement applies to practitioners employed by programs licensed by the departments of Health and Mental Hygiene, Human Resources, and Juvenile Services and subject to the Governor's Office for Children's licensing regulations; this requirement does not apply to programs licensed by the Developmental Disabilities Administration. Only those certified by the board are permitted to use the title "residential child and youth care practitioner" or otherwise present themselves as authorized to provide these services.

To qualify for certification as a residential child and youth care practitioner, an individual must be of good moral character, submit to a State and national criminal history records check, be at least age 21 or at least age 18 with a degree from an accredited college or university, and pass an examination given by the board. The applicant must also have a high school diploma and have completed an approved training program; have two years experience in human services under the sponsorship of a certified program administrator; or hold a degree from an accredited college or university. Program administrators are additionally required to submit to a national criminal history records check.

Certificates are valid for a period of two years. To renew a certificate, a residential child and youth care practitioner must present evidence of compliance with continuing education or other requirements established by the board. The board is authorized to reinstate a lapsed certificate under specified circumstances.

The board is authorized to deny a certificate, reprimand a certificate holder, place the certificate holder on probation, or suspend or revoke a certificate if the holder fraudulently obtains or uses a certificate, fails to meet certification standards, engages in unprofessional conduct, fails to fulfill required duties, or violates other enumerated provisions. An individual is entitled to a hearing before action is taken against a certificate holder; the decision of the board may be appealed as provided in State law.

A person who violates the Maryland Certification of Residential Child Care Program Professionals Act is guilty of a misdemeanor and is subject to a fine of up to \$1,000 for a first offense. A subsequent violation of the same provision may be punishable with a fine of up to \$5,000 and/or imprisonment of up to six months.

**Current Law:** Residential child care program regulations require direct care staff to be at least age 18 with a degree in a human services field. Staff age 21 or older may qualify without a college degree as long as they have a high school diploma or its equivalent.

Regulation further establishes that each employee who provides direct care to children must receive at least 40 hours of initial and annual training in first aid, reporting of child abuse and neglect, disciplinary procedures, behavioral and social health, and other enumerated subjects.

### *State Board for Certification of Residential Child Care Program Administrators*

Chapter 438 of 2004 established the State Board for Certification of Residential Child Care Program Administrators, an 11-member board administratively located in the Department of Health and Mental Hygiene. The board's duties include maintaining a registry of all individuals certified by the board, submitting an annual report, adopting a code of ethics, and establishing continuing education requirements.

An individual is required to be certified before performing the duties of a program administrator in the State. Only those certified by the board are permitted to use the title "residential child care program administrator" or otherwise present themselves as authorized to administer a residential child care program. Certificate holders must meet education, experience, and examination requirements in addition to submitting to a criminal history records check. The board may waive examination requirements under specified circumstances. Applicants for certificate renewal must meet continuing education or other requirements established by the board. All fees collected by the board are paid into the general fund.

The board is subject to evaluation and reestablishment under the Maryland Program Evaluation Act, with a termination date of July 1, 2014.

**Background:** Chapter 133 of 2007 required the Governor's Office for Children – in cooperation with licensing agencies, representatives of residential child care programs, and other advocacy groups for children – to develop recommendations for certification of direct care staff employed by residential child care programs.

The report recommended professionalizing the role of direct care workers to attract and retain dedicated individuals to this field of work. A survey by the Maryland Association of Resources for Families and Youth (MARFY) found an average 92.5% annual turnover rate among direct care staff, the majority of whom have not obtained a college degree.

The report recommended certification of existing direct care staff after completion of two years experience and passage of a State examination if the incumbent meets certain

training and/or education requirements. The report recommended certification of prospective direct care staff after successful completion of a board-approved degree or certificate program and a passing score on a State examination. The report also recommended lowering the minimum age for direct care staff from 21 to 18.

These recommendations coincide with programs developed among providers and advocates of residential child care programs to address workforce needs. In collaboration with other interested parties and agencies, MARFY launched a certificate program at the Community College of Baltimore County in 2007 that includes 26 credit hours in subjects including child development, behavior management, and treatment services. This program would likely serve as the model for the approved training programs established as one possible component for certification under the bill.

**State Revenues:** The bill requires that all residential child and youth care practitioners be certified as of October 1, 2013 to continue to provide services. The report of the Governor's Office for Children has estimated that there are currently 10,000 direct care workers, all of whom would be required to be certified.

The amount of fees assessed to applicants for certification is not established in the bill; however, the State Board for Certification of Residential Child Care Program Administrators has proposed a \$125 examination fee and \$100 initial certification fee for program administrators. It is assumed that the fees assessed to residential child and youth care practitioners would be less than the amount assessed to program administrators.

*For illustrative purposes only,* general fund revenues could initially increase by a total of \$1.0 million if the board were to assess a \$50 examination fee and \$50 initial certification fee to residential child and youth care practitioners. The timing of these applications is speculative, but it is assumed that the board would begin to receive applications prior to the October 1, 2013 deadline. For purposes of this analysis, it is assumed that the board begins to certify residential child and youth care practitioners in fiscal 2012, with initial certification activity continuing through fiscal 2014.

### *Penalties*

The extension of existing civil and criminal penalty provisions to residential child and youth care practitioners is not expected to significantly affect State finances.

**State Expenditures:** General fund expenditures could increase by an estimated \$99,289 in fiscal 2009, which accounts for the bill's October 1, 2008 effective date. This estimate reflects the cost of hiring one administrative officer and one office secretary to assist current staff in developing materials and handling inquiries. It includes salaries, fringe benefits, examination development, one-time start-up costs, and ongoing operating

expenses. The information and assumptions used in calculating the estimate are stated below:

- as many as 10,000 residential child and youth care practitioners apply for certification, with initial credentialing activity beginning in fiscal 2012 and continuing through fiscal 2014;
- board staffing is phased in, with another 4.5 administrative and clerical positions added in fiscal 2011 and 3 investigators added in fiscal 2012; and
- the board contracts for the administration of the test, with expenses beginning in fiscal 2012.

Salaries and Fringe Benefits	\$74,719
Examination Development	12,000
Operating Expenses	<u>12,570</u>
<b>Total FY 2009 State Expenditures</b>	<b>\$99,289</b>

Future year expenditures reflect • full salaries with 4.4% annual increases and 3% employee turnover; • 2% annual increases in ongoing operating expenses; • and phased-in staffing and program development costs.

#### *Cost to the State as Purchaser of Services*

Many of the costs incurred by residential child care program providers will be passed on to the State in the form of higher rates. For many current direct care workers, certification will require additional training, education, and administrative costs. A portion of providers would likely defray a portion of these costs for their employees; however, their willingness to do so will likely be influenced by the high rates of turnover.

A more significant and tangible cost to the providers will result from increased salary costs for employees certified as residential child and youth care practitioners. Nearly two-thirds of current practitioners do not have a college degree. According to the MARFY survey, these employees earn an average of \$1,500 less per year than their counterparts with an associate's degree. The higher salary costs would likely increase expenditures across classifications if the minimum salary were increased among residential child and youth care practitioners. If the certification standards create an initial shortage of qualified practitioners, this demand could also influence salaries paid by providers.



Although the resulting effect cannot be quantified at this time, the increase in salary costs could significantly increase provider expenditures. These costs would be reflected in the rate system, which in turn affects the cost of services purchased by the departments of Health and Mental Hygiene, Human Resources, and Juvenile Services. This could result in increases in the purchase of care expenditures among these agencies.

The extension of existing criminal penalty provisions to residential child and youth care practitioners is not expected to significantly affect State expenditures.

**Small Business Effect:** Certification requirements would have potentially meaningful effects for residential child care programs. To the extent that these providers help to defray the cost of certification, education and training expenditures could increase. Once certified, providers' salary expenditures would likely increase for residential child and youth care practitioners as well as other staff. These expenses could be significant, reflected in the rates providers charge to placement agencies.

**Additional Comments:** The cost of the State and national records check required by the bill is \$57.25 per person, which includes the cost of the national records check, the State records check, and a fingerprinting fee. Any additional expenditures incurred by the Department of Public Safety and Correctional Services in providing these services would be offset by the fees paid by the applicant.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Juvenile Services, Department of Human Resources, Governor's Office for Children, Maryland State Department of Education, Department of Disabilities, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - March 12, 2008  
mll/hlb Revised - Senate Third Reader - April 1, 2008

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