

.02 DEFINITIONS.

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

B. Terms Defined.

- (1) "Abuse" means:
 - (a) The physical or mental injury of a child, under circumstances that indicate that the child's health or welfare is significantly harmed or at risk of being significantly harmed, by:
 - (i) A parent;
 - (ii) An individual who has permanent or temporary care or custody or responsibility for supervision of a child; or
 - (iii) A household or family member; or
 - (b) Sexual abuse of a child, whether physical injuries are sustained or not.
- (2) "Acute illness" means an abnormal condition of the body with rapid onset that has a short course of duration, as opposed to a chronic illness of long duration.
- (3) "Agency" means the Child Care Administration in the Department of Human Resources.
- (4) "Agency representative" means an individual designated by the Agency to determine compliance with these regulations.
- (5) "Applicant" means a person who has submitted to the Office all of the required forms and documentation to request approval for registration, either for initial registration or for renewal of a registration certificate.
- (6) "Approved training" means course work or a workshop provided by:
 - (a) A regionally accredited or approved college or university;
 - (b) A State-approved private career school;
 - (c) The Child Development Associate National Credentialing Program;
 - (d) A professional association providing training exclusively for its membership;
 - (e) Other organizations approved by the Office with concurrence from the Maryland Higher Education Commission; or
 - (f) The Licensing and Regulation Agency.
- (7) "Child" means an individual who is younger than:
 - (a) 13 years old; or
 - (b) 21 years old who has a developmental disability or other emotional, physical, educational, or medical need necessitating day care beyond 13 years old.
- (8) "Department" means the Maryland Department of Human Resources.
- (9) "Employee" means a person who for compensation is employed to work in a family day care home and who cares for or supervises children in the facility, or has access to children who are cared for or supervised in the facility, including a paid substitute.
- (10) "Family day care" means the care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old in place of parental care for less than 24 hours a day, in a residence other than the child's residence, for which the provider is paid in cash or in kind.
- (11) "Family day care home" means the residence in which child care is given.

- (12) "Family day care coprovider" means an individual who shares responsibility with the family day care provider for the operation of the family day care home.
- (13) "Family day care provider" means the adult who has primary responsibility for the provision of child care in the family day care home and who meets the requirements of these regulations.
- (14) "Injurious treatment" means:
- (a) Deliberate infliction in any manner of any type of physical pain, including spanking, hitting, shaking, or any other means of physical discipline, or enforcement of acts which result in physical pain.
 - (b) Failure to attend to a child's physical needs and other physically damaging acts, excluding reasonable acts to protect the child from imminent danger;
 - (c) Subjecting a child to verbal abuse intended to cause mental distress, such as shouting, cursing, shaming, or ridiculing; and
 - (d) Utilizing discipline methods which are considered inappropriate by child care professionals and which create undue discomfort, such as, but not limited to, washing a child's mouth with soap, putting pepper or other spicy or distasteful items in a child's mouth, requiring a child to stand on one foot as punishment, or tying a child to a cot or other equipment.
- (15) "Mental injury" means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.
- (16) "Neglect" means leaving a child unattended or otherwise failing to give proper care and attention to a child by the child's parents, guardian, or custodian under circumstances that indicate that the child's health or welfare is significantly harmed or placed at risk of significant harm.
- (17) "Office" means the central office or a regional office of the Agency.
- (18) "Parent" means the biological or adoptive parent, or the legal guardian or custodian of a child, who enrolls the child in care.
- (19) "Provider" means the individual or individuals to whom a family day care certificate of registration is issued pursuant to this chapter.
- (20) "Relative" means a person related to a child by blood, marriage, or adoption and includes parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, first or second cousin, great grandparent, great uncle, and great aunt.
- (21) "Resident" means a person who lives in the family day care home.
- (22) "Sanction" means an enforcement action under these regulations.
- (23) "Secretary" means the Secretary of Human Resources or the Secretary's designee.
- (24) "Substitute" means an adult who is responsible for the operation of a family day care home when the provider is absent.
- (25) "Treatment foster care" means a 24 hour substitute care program, operated by a licensed child placement agency or local department of social services, for children with a serious emotional, behavioral, medical, or psychological condition.