

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 2986

By: Blackburn of the House

and

Long (Ed) of the Senate

(children - amending 14 sections in Title 10 - Oklahoma
Child Care Facilities Licensing Act - effective date -
emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

[children - amending 14 sections in Title 10 -
Oklahoma Child Care Facilities Licensing Act -
effective date - emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 401, as
amended by Section 1, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1995,
Section 401), is amended to read as follows:

Section 401. A. Sections 401 through 410 of this title shall
be known and may be cited as the "Oklahoma Child Care Facilities
Licensing Act".

B. ~~It is the declared~~ The purpose and policy of ~~this act, same~~
~~to be known as~~ the "Oklahoma Child Care Facilities Licensing Act",
is to ensure maintenance of:

1. Ensure compliance with minimum standards requirements for
the care and protection of children who are away from their own
homes, ~~to encourage;~~

2. Encourage and assist ~~the~~ a child care facility ~~toward~~ to achieve maximum ~~standards,~~ requirements; and ~~to work~~

3. Work for the development of sufficient and adequate services for child care through joint work of public and ~~voluntary~~ private agencies.

Whenever possible, child care facilities ~~should~~ shall help to preserve and restore family life for children.

C. In order to provide care for children in child care facilities, an individual or agency shall obtain a license ~~shall be obtained~~ from the Department of Human Services, ~~which is.~~ The license shall be issued on the basis of the individual's or agency's meeting minimum ~~standards which are~~ requirements essential for the health and welfare of ~~the~~ each child ~~or children~~ placed ~~for~~ in the care ~~with~~ of such ~~agencies and individuals~~ agency or individual.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 402, as last amended by Section 2, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1995, Section 402), is amended to read as follows:

Section 402. As used in the Oklahoma Child Care Facilities Licensing Act, ~~Section 401 et seq. of this title:~~

1. "Child" or "minor" means any person who has not attained the age of eighteen (18);

2. "Child care facility" means any public or private residential facility, child placing agency, foster family home, ~~group home,~~ day child care center, part-day child care program, ~~or~~ family ~~day~~ child care home or school-age program, providing either full-time or part-time care for children away from their own homes, and which is owned or controlled by a political subdivision, a corporation, an unincorporated organization or association, or an individual;

3. "Child-placing agency" means ~~a child welfare~~ an agency licensed to place children in foster family homes, group homes ~~or,~~ adoptive homes, transitional or independent living programs, or

family child care homes, and which approves and monitors placements and facilities based on licensing requirements established by the Department of Human Services;

4. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;

5. "Foster family home" means a family home, other than the home of a parent, stepparent, grandparent, brother, sister, uncle, or aunt, which provides full-time care for five or fewer children;

6. "Group ~~homes~~ home" means ~~homes~~ a home providing full-time care and community-based services for more than five ~~children~~ but less than thirteen children;

7. ~~"Day care" means the provision of care and supervision of a child who resides in its own home or with relatives but is in the care of another person for part of the day who is conducting a family day care home or persons conducting a day care center;~~

8. "Family ~~day~~ child care home" means a ~~licensed or approved~~ family home which provides care and ~~protection~~ supervision for seven or fewer children for part of the twenty-four-hour day. ~~The term "day care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child's own home;~~

9. ~~"Day~~ 8. "Child care center" means a ~~licensed or approved~~ facility which provides care and supervision for ~~eight or more~~ children and which operates for more than thirty (30) hours per week. ~~The term "day care center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or caretakers in the child's own home;~~

~~10.~~ 9. "Part-day child care program" means a ~~licensed~~ facility which provides care and supervision for ~~eight or more~~ children and ~~which~~ operates for more than fifteen (15) but less than thirty (30) hours per week;

11. 10. "Department" means the Department of Human Services;

~~12.~~ 11. "Commission" means the Commission for Human Services, the policy-making and general supervisory body of the Department; and

~~13.~~ 12. "Division" means the division of the Department of Human Services ~~of the State of Oklahoma~~ assigned responsibilities pursuant to ~~the provisions of~~ the Oklahoma Child Care Facilities Licensing Act;

13. "Independent living program" means a residential program that places children, sixteen (16) years of age or older, in living situations supervised by a licensed child-placing agency with the goal of preparing them for living independently without supervision;

14. "Residential child care facility" means a twenty-four-hour facility that provides care to a specific number of unrelated children, as determined by rules promulgated by the Commission for Human Services pursuant to the Oklahoma Child Care Facilities Licensing Act, who live together with adults other than their parents;

15. "School-age child" means a child at least five (5) years of age and who is attending or has completed kindergarten;

16. "School-age program" means a child care facility which provides care and supervision for school-age children and operates for more than fifteen (15) hours per week; and

17. "Transitional living program" means a residential program operated for the purpose of assisting youth, at least sixteen (16) years of age, to develop skills necessary for adult living which includes daily contact with each youth. It may be a part of or separate from the residential child care facility or foster home.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 403, as amended by Section 3, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1995, Section 403), is amended to read as follows:

Section 403. A. The provisions of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act shall not apply to:

1. Care provided in the child's own home or by relatives;
2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;
3. Programs in which school-aged children are participating in home-schooling;
4. Programs operated during typical school hours by a public school district;
5. Programs operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
- ~~6. Summer youth camps for children at least five (5) years of age that are accredited by the American Camping Association or other national standard-setting agency or church camp accreditation program;~~
- ~~7.~~ Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
- ~~8.~~ 7. Nursery schools, kindergartens or other facilities whose purpose is primarily educational, recreational or medical and which operate part-day child care programs which provide care and supervision for eight (8) or more children for fifteen (15) or less hours per week;
8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;
9. Facilities whose primary purpose is medical treatment; ~~or~~
10. Day treatment programs and maternity homes operated by a licensed hospital;
11. Summer day programs and before or after school programs for children four (4) years of age or older operated by private schools

that offer elementary education in grades kindergarten through third grade; or

12. Other programs not designed or intended for child care purposes that have been granted a waiver by the Department.

B. The Commission for Human Services shall promulgate rules establishing guidelines and criteria for granting a waiver from the provisions of the Oklahoma Child Care Facilities Licensing Act.

C. The provisions of the Oklahoma Child Care Facilities Licensing Act, Section 401 et seq. of this title, shall be equally incumbent upon all private and public child care facilities; provided, that any institution furnishing full-time care for children for ten (10) years prior to the effective date of this act shall, upon written notification to the Department of Human Services, be ~~exempted~~ exempt from the provisions of ~~this act if it is not receiving any state or federal funds for furnishing food, clothing, shelter, or upkeep for such children; and provided, further, that any institution being operated by a war veterans' organization and furnishing full-time care for children on the effective date of this act shall be exempted from the provisions of this act, regardless of whether it is receiving state or federal funds~~ the Oklahoma Child Care Facilities Licensing Act until June 30, 1998. Effective July 1, 1998, such facilities shall apply for and obtain a license pursuant to the provisions of the Oklahoma Child Care Facilities Act.

SECTION 4. AMENDATORY 10 O.S. 1991, Section 404, is amended to read as follows:

Section 404. ~~(a)~~ A. The Department of Human Services shall appoint an advisory ~~committees~~ committee of representatives of child care facilities and others to ~~prepare~~ recommend minimum licensing requirements ~~and desirable standards~~ for adoption by the ~~Department,~~ provided that a Commission for Human Services. A majority of ~~any~~ the members of the committee appointed to ~~prepare~~ recommend

~~requirements and standards for institutions and homes~~ child care facilities shall be representatives of ~~voluntary, nonprofit~~ child care ~~institutions and homes~~ facilities. These ~~standards~~ requirements shall include, ~~requirements~~ but not be limited to:

1. Criteria for a constructive program and services to meet the needs of each child and family; ~~staff~~

2. Staff of good moral character and ability for child care; ~~adequate~~

3. Adequate and safe housing, sanitation, and equipment; ~~good~~

4. Good health care; ~~full~~

5. Full educational and religious opportunities; ~~good~~

6. Good community relationships; ~~essential~~

7. Essential records and administrative methods; and ~~sufficient~~

8. Sufficient funds for sound operation.

~~(b)~~ B. The ~~Department~~ Commission shall ~~prescribe and publish~~ promulgate minimum ~~such rules and regulations establishing~~ minimum requirements and ~~desirable standards~~ as may be deemed necessary or advisable to carry out the provisions of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act.

~~(c)~~ ~~Such rules and regulations~~ C. The requirements shall not be made, prescribed, or published until after consultation with the ~~Departments~~ State Department of Health and, the Department of Environmental Quality, the State Department of Education, and the State Bureau of Investigation or other agency performing the duties of State Fire Marshal, ~~provided, that, not.~~ Not less than sixty (60) days' notice by ordinary mail shall be given to all current licensees before any changes are made in such ~~rules and regulations~~ requirements.

~~(d)~~ D. In order to improve the standards of child care, the Department shall also advise and cooperate with the governing bodies and ~~staffs~~ staff of child care facilities and assist ~~the staffs~~ thereof them through ~~advice of progressive methods and procedures~~

and suggestions for consultation related to the improvement of
services.

~~(c) The Department may participate in federal programs for day
care services, and enter into agreements or plans on behalf of the
state for such purpose, in accordance with the Act of Congress,
known as the Public Welfare Amendments of 1962 (Public Law 87-543),
or other federal laws and regulations; and for such purpose, and
notwithstanding any other provisions of this act, the Department may
approve unlicensed facilities (including private homes) as meeting
the standards established for licensing of day care facilities.
Foster family homes, group homes, and day care homes which have been
selected by and which are supervised by a licensed child care
facility, and which meet the standards established for licensing
under this act, may be maintained and operated on the basis of
permits issued by such child care facility~~ E. Any requirements
adopted by the Commission shall be promulgated pursuant to the
Administrative Procedures Act.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 404.1, as
last amended by Section 1, Chapter 222, O.S.L. 1995 (10 O.S. Supp.
1995, Section 404.1), is amended to read as follows:

Section 404.1 A. ~~The owner or administrator of a child care
facility, other than a day care center, providing full-time care or
twenty-four-hour supervised care shall arrange, prior to employment,
for a criminal history investigation conducted by the Oklahoma State
Bureau of Investigation for an applicant for employment.~~

~~B. 1. Every owner or administrator of a day care center and a
family day care home~~ child care facility shall arrange, prior to
employment, for a criminal history investigation conducted by the
Oklahoma State Bureau of Investigation for an applicant for
employment and for any adult residing in a ~~family day~~ child care
~~home~~ facility that is licensed or approved by a child-placing agency
and located in a private residence. If the applicant for employment

has resided in Oklahoma for less than one (1) year, the criminal history investigation shall be obtained from the previous state of residence.

2. a. Prior to the acceptance of a foster family home for placement of any child in the custody of the Department of Human Services, the Department shall arrange for a criminal history investigation, conducted by the Oklahoma State Bureau of Investigation, for a foster family applicant and for any adult residing in such foster family home. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall be done for any adult who moves into the residence at a later time.

b. The Commission shall promulgate rules to identify circumstances when a criminal history investigation of a foster family applicant and of any adult residing in such foster family home shall be expanded beyond the investigation conducted by the Oklahoma State Bureau of Investigation.

B. 1. Adults not required to obtain a criminal history investigation are:

- a. parent volunteers who transport children on an irregular basis, and
- b. a child of a foster, adoptive, group or family child care home who became an adult during continuous residence at the licensed facility.

2. These exemptions shall not preclude the Department from requesting a criminal history investigation of or investigating criminal, abusive or harmful behavior by such adults, if warranted.

C. A conviction for a crime shall not be an absolute bar to employment, except as provided in subsection F E of this section,

but shall be considered in relation to specific employment duties and responsibilities.

D. 1. Information received pursuant to this section by an owner or administrator of a child care facility ~~or a day care center~~ shall be maintained in a confidential manner in a file that is separate from employment records, ~~and.~~ The information may be transmitted to the Department ~~of Human Services~~ for child care facility licensing purposes.

2. Whenever an applicant is subsequently employed by the owner or administrator of a child care facility ~~or a day care center~~, ~~such~~ the information received pursuant to a criminal history investigation shall not be made a part of that individual's personnel records; ~~provided, however, such.~~ Such information, along with any other information relevant to the individual's ability to perform tasks that require direct contact with children, may be released to another child care facility ~~or day care center~~ in response to a request from an owner or administrator of a child care facility ~~or day care center~~ who is considering employing the individual ~~for employment in a position that requires direct contact with children.~~

3. Requirements for confidentiality and record keeping with regard to ~~such~~ the information shall be the same for the owner or administrator receiving ~~such~~ the information in response to a request as those provided for in paragraph 1 of this subsection for the owner or administrator releasing such information.

E. 1. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall include a search of Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, ~~Section 581 et seq. of Title 57 of the Oklahoma Statutes.~~

2. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act to work with

or provide services to children and for any employer who offers or provides services to children to knowingly and willfully employ or allow continued employment of any person who is required to register pursuant to the Sex Offenders Registration Act. Upon a determination of any violation of the provisions of this section, the violator shall be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00). In addition, the violator may be liable for civil damages.

SECTION 6. AMENDATORY 10 O.S. 1991, Section 405, as amended by Section 5, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1995, Section 405), is amended to read as follows:

Section 405. A. 1. No child care facility may be operated or maintained in this state, unless licensed by the Department of Human Services; provided, that the Department shall not be required to be licensed, but shall be bound by the ~~standards~~ requirements it prescribes.

2. No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that such facility will meet minimum ~~standards~~ requirements for a license to operate. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act.

B. 1. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Before issuing such license, the Department shall investigate the activities and standards of care of the applicant and if satisfied that the applicant meets the requirements as provided in ~~this act~~ the Oklahoma Child Care Facilities Licensing Act, a license shall be issued.

2. A provisional license may be issued to any applicant whose services are needed but which is temporarily unable to conform to all the ~~rules and regulations~~ requirements of the Department, as provided in Section 404 of this title.

3. All licenses shall be in force for two (2) years from the month of issuance unless revoked as authorized by Section 408 of this title, and may be reissued biennially on application, ~~except~~ ~~that a.~~ A provisional license may be in force for not more than one (1) year from the date of issuance, unless ~~such~~ an emergency exists ~~as, in which,~~ at the discretion of the Department, necessitates an extension thereof.

SECTION 7. AMENDATORY 10 O.S. 1991, Section 406, as last amended by Section 2, Chapter 222, O.S.L. 1995 (10 O.S. Supp. 1995, Section 406), is amended to read as follows:

Section 406. A. The Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.

B. 1. The State Department of Health may visit any licensee at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.

2. The State Fire Marshal may visit any licensee at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.

C. 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, ~~Section 401 et seq. of this title,~~ or any licensing ~~standard~~ requirement promulgated by the

~~Department~~ Commission for Human Services, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any ~~standard or rule~~ requirement promulgated pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department shall:

- a. ~~document~~ record the complaint,
- b. provide a written ~~copy~~ summary of the complaint allegations to the facility involved, and
- c. document the facility's plan for correcting the ~~alleged~~ violations.

2. When the Department determines that there has been a violation and that the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall require immediate correction of the violation.

3. The ~~notice shall include notice~~ Department shall notify the child care facility in writing that failure to correct the violation ~~can~~ may result in the revocation of the license of the facility or the filing of an injunction pursuant to Section 409 of this title, or both.

4. If the facility refuses to correct the violation or fails to complete the plan of correction, the Department may initiate proceedings to revoke the license of the facility, request an injunction, or both.

D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing ~~standard~~ requirement promulgated by the ~~Department~~ Commission, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings

shall state whether the complaint was substantiated or unsubstantiated.

E. ~~Information~~ Except as otherwise provided by law, information obtained by the Department ~~or the Office of Child Care~~ from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications and shall be properly safeguarded and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 407, as amended by Section 7, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1995, Section 407), is amended to read as follows:

Section 407. A. The Department of Human Services may revoke the license of any child care facility found to be in violation of any provision of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act or the rules of the ~~Department~~ Commission for Human Services, as provided in Section 404 of this title.

B. 1. No license shall be revoked or renewal refused unless and until such time as the holder of such license shall have been given at least thirty (30) days' notice in writing of the grounds of such proposed revocation or refusal.

2. At the time the facility is given notice in writing of the revocation of license or refusal to renew, the Department shall also advise parents of children attending the facility of such action by written notification and the prominent posting of an announcement in the facility.

3. If such revocation or refusal is protested within thirty (30) days of receipt of ~~said~~ such notice, by writing addressed to the Commission for Human Services, the Commission, ~~or its authorized agency~~, shall conduct a hearing at which an opportunity shall be given to ~~said~~ the licensee to present testimony and confront witnesses.

4. Notice of such hearing shall be given to ~~said~~ the licensee by personal service or by delivery to the proper address by registered mail, at least two (2) weeks prior to the date thereof.

5. If notice of the proposed revocation or refusal is not so protested, the license may thereupon be revoked or renewal thereof refused.

C. 1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection. For the purposes of this subsection, the term "emergency" shall mean a situation that poses a direct and serious hazard to the health, safety or welfare of any child cared for by the facility.

2. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed or required to be licensed pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, ~~Section 401 et seq. of this title,~~ the Department may without notice or hearing issue an order stating the existence of such an emergency and ~~requiring~~ require that such action be taken as it deems necessary to meet the emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.

- a. Such order shall be effective immediately. Any person to whom such an order is directed shall comply with said order immediately, but on application to the Department, shall be afforded a hearing within ten (10) days of receipt of said notice.
- b. On the basis of such hearing, the Department shall continue such order in effect, revoke it, or modify it.

c. Any person aggrieved by such order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within thirty (30) days. Such appeal when docketed shall have priority over all cases pending on said docket, except criminal cases. ~~For the purposes of this subsection, the term "emergency" shall mean a situation that poses a direct and serious hazard to the health, safety or welfare of any child cared for by the facility.~~

SECTION 9. AMENDATORY 10 O.S. 1991, Section 408, as amended by Section 8, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1995, Section 408), is amended to read as follows:

Section 408. A. Any licensee aggrieved by the decision of the Department of Human Services under Sections 405 or 407 of this title may, within ten (10) days after the revocation or refusal to issue or renew the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.

B. The Department shall, within ten (10) days of the service of such notice, file with the clerk of said court a transcript of the proceedings had before it. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; ~~provided that, if~~ if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee prevails, the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or refusing renewal of the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon

application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

SECTION 10. AMENDATORY 10 O.S. 1991, Section 410, is amended to read as follows:

Section 410. Any person or agent, representative, or officer of any child care facility who violates any of the provisions of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act shall, upon conviction thereof, be deemed guilty of a misdemeanor and punished in accordance with the provisions of ~~21 O.S. 1961~~, Section 10 of Title 21 of the Oklahoma Statutes. Whenever any agent, representative, or officer of any child care facility shall be convicted ~~under authority~~ pursuant to the provisions of this act the Oklahoma Child Care Facilities Licensing Act, such conviction shall be sufficient ground for the revocation of the license of ~~said~~ the licensee.

SECTION 11. AMENDATORY 10 O.S. 1991, Section 411, as amended by Section 1, Chapter 13, O.S.L. 1992 (10 O.S. Supp. 1995, Section 411), is amended to read as follows:

Section 411. No person, firm, corporation, partnership or other legal entity operating a ~~day~~ child care center or day, family child care home, part-day child care program or school-age program in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless the parent or guardian of ~~said~~ the child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time ~~against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, and poliomyelitis;~~ or presents such certification that the child is likely to be immune as a result of the disease. ~~Provided, however, that in~~ In the event the parent, guardian, or other person presenting a child for admission to a ~~day~~

child care center or day care home facility certifies in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. ~~Such~~ The certification shall be made prior to the provision of care. No ~~such~~ waiver shall be knowingly permitted more than once for any child. Immunization records for children attending school-age programs shall not be required if such records are maintained by a school, pursuant to rules promulgated by the State Board of Health, and are readily available.

SECTION 12. AMENDATORY 10 O.S. 1991, Section 412, is amended to read as follows:

Section 412. A. The immunizations required by ~~this act~~ the Oklahoma Child Care Facilities Licensing Act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.

B. The Department of ~~Institutions, Social and Rehabilitative~~ Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of ~~this act.~~ ~~This assistance shall~~ the Oklahoma Child Care Facilities Licensing Act which may be in the form of revocation of the license or the refusal to renew the license of any child care facility not in compliance with ~~this act~~ the Oklahoma Child Care Facilities Licensing Act.

SECTION 13. AMENDATORY 10 O.S. 1991, Section 413, is amended to read as follows:

Section 413. Any minor child who, through ~~his parent~~ a parent or guardian, ~~may submit~~ of the child, submits to the health authority charged with the enforcement of the immunization laws, a certificate ~~of~~ from a licensed physician stating that the physical condition of the child is such that immunization would endanger the

life or health of the child~~7,~~ or ~~upon receipt of~~ a written statement ~~by~~ from the parent or guardian objecting to such immunizations because of religious or other reasons, then ~~said~~ the child shall be exempt from the provisions of ~~this act~~ the Oklahoma Child Care Facilities Licensing Act.

SECTION 14. AMENDATORY 10 O.S. 1991, Section 415, is amended to read as follows:

Section 415. Any child afflicted with a reportable contagious disease as determined by the State Department of Health shall be excluded from attending a ~~day~~ child care center ~~or day,~~ family child care home, part-day child care program or school-age program until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. ~~Such~~ The exclusion shall be reported by the child care facility to a local health department official who shall determine further notification of parents and treatment recommendations of other staff and children, if needed.

SECTION 15. This act shall become effective July 1, 1996.

SECTION 16. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 9th day of April, 1996.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1996.

Speaker

of the House of
Representatives