

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2986

By: Blackburn

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Sections 401, as amended by Section 1, Chapter 122, O.S.L. 1993, 402, as last amended by Section 2, Chapter 122, O.S.L. 1993, 403, as amended by Section 3, Chapter 122, O.S.L. 1993, 404, 404.1, as last amended by Section 1, Chapter 222, O.S.L. 1995, 405, as amended by Section 5, Chapter 122, O.S.L. 1993, 406, as last amended by Section 2, Chapter 222, O.S.L. 1995, 407, as amended by Section 7, Chapter 122, O.S.L. 1993, 408, as amended by Section 8, Chapter 122, O.S.L. 1993, 410, 411, as amended by Section 1, Chapter 13, O.S.L. 1992, 412, 413 and 415 (10 O.S. Supp. 1995, Sections 401, 402, 403, 404.1, 405, 406, 407, 408 and 411), which relate to the Oklahoma Child Care Facilities Licensing Act; modifying certain purpose and policy of act; changing "standards" to "requirements" throughout act; modifying, deleting and adding definitions; modifying certain exemptions to application of act; limiting appointment of certain committees; modifying certain requirements; eliminating authority to enter into certain agreements; modifying certain criminal history investigations; requiring certain

meeting of requirements instead of standards;
modifying certain investigations, complaints and
procedures related thereto; modifying certain
posting requirement relating to revocations and
refusal to renew licenses; defining term; modifying
certain emergency actions; modifying certain
immunization requirements and procedures; providing
for exemptions; authorizing and modifying certain
enforcement of immunization provisions; modifying
certain exemptions and procedures related thereto;
modifying provisions relating to excluding children
from child care centers for reported contagious
diseases; providing an effective date; and
declaring an 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 purpose and policy of this act, ~~same~~ to be known as the "Oklahoma Child Care Facilities Licensing Act", to ensure maintenance of minimum ~~standards~~ requirements for the care and protection of children away from their own homes, to encourage and assist the child care facility toward maximum standards, and to 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, a license shall be obtained from the Department of Human Services, which is issued on the basis of 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.

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 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, child care centers or family child care homes. A child-placing agency approves and monitors such placements and facilities based on licensing requirements established by the Department;

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. However, a relative's home may be certified as a foster family home by a child-placing agency;

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. ~~8.~~ "Day 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~~ and up to 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 adolescents, at least sixteen (16) years of age, in living situations supervised by a licensed child-placing agency with the goal of preparing them for living independently without supervision;

14. "Regular school hours" means the hours that the school has established for student attendance, not to exceed seven (7) hours per day;

15. "Residential child care facility" means a twenty-four hour residential group care facility with a specified number of unrelated children living together with adults other than their parent;

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

17. "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

18. "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 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~~ School-age programs operated only during typical regular school hours by a public school district or private school that offers elementary education from kindergarten through third grade. Other educational programs that are kindergarten through third grade and are not designed or intended for child care purposes may request a waiver from the Department;

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. 6. 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;

7. 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 athletics, gymnastics, hobbies, art, music, dance and craft instruction;

9. 8. Facilities whose primary purpose is medical treatment; or

~~10.~~ 9. Day treatment programs and maternity homes operated by a licensed hospital.

B. ~~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 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.~~

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

Section 404. ~~(a)~~ A. The Department shall appoint an advisory ~~committees~~ committee of representatives of child care facilities and others to prepare minimum licensing requirements ~~and desirable standards~~ for adoption by the Department, provided that a majority of any committee appointed to prepare 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~~ criteria for a constructive program and services to meet the needs of each child and family; staff of good moral character and ability for child care; adequate and safe housing, sanitation, and equipment; good health care; full educational and religious opportunities; good community relationships; essential records and administrative methods; and sufficient funds for sound operation.

~~(b)~~ B. The Department shall prescribe and publish ~~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.

~~(c) C. Such rules and regulations requirements shall not be made, prescribed, or published until after consultation with the Departments Department of Health and, Department of Environmental Quality, State Department of Education, and the State Bureau of Investigation or other agency performing the duties of State Fire Marshal, provided, that not less than sixty 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 on the improvement of services.~~

~~(e) 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.~~

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. 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. However, if an applicant for employment has resided in Oklahoma for less than one (1) year, the criminal history investigation must be obtained from the previous state of residence.

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

1. Employees who do not have unsupervised access to children;
and

2. A child of a foster, adoptive, group or family child care home who became an adult during continuous residence at the licensed facility.

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~~ but 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 information received pursuant to a criminal history investigation

shall not be made a part of that individual's personnel records; provided, however, 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 the employing an individual ~~for employment in a position that requires direct contact with children.~~

3. Requirements for confidentiality and record keeping with regard to such information shall be the same for the owner or administrator receiving such 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. 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. 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.

B. 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, a license shall be issued. 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. 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 provisional license may be in force for not more than one (1) year from the date of issuance, unless such 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, 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~~ requirement or rule promulgated pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department shall:

- a. ~~document the complaint,~~
- ~~b.~~ provide a written copy of the complaint to the facility involved, and
- ~~e.~~ b. 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, 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 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 or the rules of the Department, 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 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 licensee to present testimony and confront witnesses.

4. Notice of such hearing shall be given to said 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 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 shall, upon conviction, 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 of this act, such conviction shall be sufficient ground for the revocation of the license of said 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 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 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 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 are not required if those records are maintained by the school 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, 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~~ 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.

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

Section 413. Any minor child who, through his or her parent or guardian, ~~may submit~~ 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; 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 child shall be exempt from the provisions of this 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 exclusion shall be reported by the child care facility to a local health department official who will determine further notification of parents and treatment recommendations of other staff and/or 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.

45-2-8670 KSM