HB1742 SUBPCS1 Ron Peters-SAB
2/10/2009 11:59:47 am

SUBCOMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1742 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Ron Peters _____

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

PROPOSED SUBCOMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1742 By: Peters

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to children; amending 10 O.S. 2001, Section 401, as amended by Section 1, Chapter 158, O.S.L. 2002 (10 O.S. Supp. 2008, Section 401), which relates to the Oklahoma Child Care Facilities Licensing Act; correcting statutory reference; amending 10 O.S. 2001, Section 402, which relates to definitions; modifying definitions; amending 10 O.S. 2001, Section 403, as amended by Section 1, Chapter 187, O.S.L. 2004 (10 O.S. Supp. 2008, Section 403), which relates to exemptions from application of act; modifying exemptions; amending 10 O.S. 2001, Section 404, as last amended by Section 2, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404), which relates to minimum requirements and desirable standards; eliminating specific required standards; eliminating provision allowing certain homes to be maintained on the basis of permits; amending 10 O.S. 2001, Section 404.1, as last amended by Section 3, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404.1), which relates to a criminal history records search; requiring an Oklahoma State Courts Network search for certain persons; exempting specific persons from certain requirement; amending 10 O.S. 2001, Section 405, as amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 405), which relates to the issuance of a license; eliminating issuance of a provisional license; amending 10 O.S. 2001, Section 406, as last amended by Section 6, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 406), which relates to investigations; modifying agency division designation; repealing 10 O.S. 2001, Section 419, which relates to a report to

the Governor and reports to the Director of Human Services; repealing 10 O.S. 2001, Section 430, which relates to augmentation of the STARS child care component; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 401, as last amended by Section 1, Chapter 158, O.S.L. 2002 (10 O.S. Supp. 2008, Section 401), is amended to read as follows:

Section 401. A. Sections 401 through ~~410~~ 418 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 the Oklahoma Child Care Facilities Licensing Act, to:

1. Ensure maintenance of minimum standards for the care and protection of children away from their own homes;

2. Encourage and assist the child care facility toward maximum standards; and

3. Work for the development of sufficient and adequate services for child care through joint work of public, private and voluntary agencies. Whenever possible, child care facilities should 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 essential for the health and welfare of the child or children placed for care with such agencies and individuals.

D. The Child Care Facilities Licensing Division within the Department of Human Services shall work with representatives from municipalities to develop a single child care licensure procedure for use by state and local entities.

SECTION 2. AMENDATORY 10 O.S. 2001, Section 402, is amended to read as follows:

Section 402. As used in the Oklahoma Child Care Facilities Licensing Act:

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

2. "Child care center" means a facility which provides care and supervision for children and which operates for more than thirty (30) hours per week;

3. "Child care facility" means any public or private child care residential facility, child-placing agency, ~~foster family home, group home,~~ child care center, part-day child care program, school-age program, summer day camp, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes;

~~3.~~ 4. "Child-placing agency" means ~~a child welfare agency licensed to place children in foster family homes, group homes or adoptive homes~~

~~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 the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;~~

~~6. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records search based upon the submission of fingerprints, a home assessment, and any other assessment required by the Department of Human Services, the Department of Juvenile Justice, or any child placing agency pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act. A foster parent eligibility assessment shall be similar to the procedures used by the Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;~~

~~7. "Group home" means a home providing full-time care and community based services for more than five, but fewer than thirteen children~~ an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;

5. “Commission” means the Commission for Human Services, the policymaking and general supervisory body of the Department;

6. “Department” means the Department of Human Services;

7. “Division” means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;

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

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

10. “Large family child care home” means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;

~~10. "Child care center" means a facility which provides care and supervision for children and which operates for more than thirty (30) hours per week. The term "child care center" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;~~

11. "Part-day child care program" means a facility that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week; and

12. “Residential child care facility” means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives~~;~~

~~13. "Department" means the Department of Human Services;~~

~~14. "Commission" means the Commission for Human Services, the policy making and general supervisory body of the Department; and~~

~~15. "Division" means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act~~.

SECTION 3. AMENDATORY 10 O.S. 2001, Section 403, as amended by Section 1, Chapter 187, O.S.L. 2004 (10 O.S. Supp. 2008, Section 403), is amended to read as follows:

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

1. Care provided in a child’s own home or by relatives;

2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children<u>, or an informal arrangement in which a friend or neighbor cares for siblings or other persons who are from the same immediate household</u>;

3. Programs in which school-aged children are participating in home-schooling;

4. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a public school district;

5. Programs that serve children three (3) years of age and older and that are 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 who are at least five (5) years of age, that are accredited by a 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. 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. ~~Preschools, kindergartens, mother's day out or other facilities~~ Any child care facility that ~~provide~~ provides care and supervision for fifteen (15) or fewer hours per week;

10. Facilities whose primary purpose is medical treatment;

11. Boarding schools that have education as their primary purpose and that are recognized as accredited by the State Board of Education. To be exempt, such programs shall:

a. have classroom facilities that are not used for residential living,

b. not have been granted nor have assumed legal custody of any child attending the facility, and

c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians~~.~~

~~For purposes of this act, the Oklahoma School of Science and Mathematics shall be considered a boarding school and as such shall be exempt from licensure~~;

12. Day treatment programs and maternity homes operated by a licensed hospital; or

13. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities.

B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

SECTION 4. AMENDATORY 10 O.S. 2001, Section 404, as last amended by Section 2, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404), is amended to read as follows:

Section 404. A. The Department of Human Services shall appoint advisory committees of representatives of child care facilities and others to prepare minimum requirements and desirable standards for promulgation by the Commission for Human Services. Committee

members shall be appointed for a three-year term, with a two-consecutive-term limit. A majority of any committee appointed to prepare requirements and standards for child care facilities shall be representatives of child care facilities.

B. ~~Standards promulgated for residential child care facilities shall include, but not be limited to, requirements for:~~

~~1. A constructive program and services to meet the needs of each child and family;~~

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

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

~~4. Good health care;~~

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

~~6. Good community relationships;~~

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

~~8. Sufficient funds for sound operation.~~

~~C.~~ Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age.

~~D.~~ C. The Commission shall promulgate rules establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of the Oklahoma Child Care Facilities Licensing Act.

~~E.~~ D. Such rules shall not be promulgated until after consultation with the State Department of Health, the State Department of Education, the Oklahoma State Bureau of Investigation,

the State Fire Marshal, and any other agency deemed necessary by the Commission. Not less than sixty (60) days' notice, by regular mail, shall be given to all current licensees before any changes are made in such rules.

~~F.~~ E. In order to improve the standards of child care, the Department shall advise and cooperate with licensees, the governing bodies and staff of licensed child care facilities and assist the staff through advice of progressive methods and procedures, and suggestions for the improvement of services.

~~G.~~ F. The Department may participate in federal programs for child care services, and enter into agreements or plans on behalf of the state for that purpose, in accordance with federal laws and regulations.

~~H. Foster family homes and group homes selected and supervised by a licensed child care facility, meeting the standards established for licensing pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, may be maintained and operated on the basis of permits issued by the child care facility.~~

SECTION 5. AMENDATORY 10 O.S. 2001, Section 404.1, as last amended by Section 3, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404.1), is amended to read as follows:

Section 404.1

A. 1. a. Except as otherwise provided by subsection B of this section, prior to the issuance of a license, the

Department of Human Services shall require a criminal history records search, conducted by the Oklahoma State Bureau of Investigation, and a records search of the Oklahoma child care worker registry established in Section ~~9~~ 405.3 of this ~~act~~ title for any person making application to establish or operate a child care facility.

b. Prior to the issuance of a permit or license, the Department shall conduct a records search of the Oklahoma State Courts Network for any person making application to establish or operate a child care facility.

c. Prior to the issuance of a permit or license, the Department shall conduct a records search of the Oklahoma State Courts Network for all employees and persons eighteen (18) years of age or older residing in a child care center, family child care home, large family child care home, part-day program, school-age program, or summer day camp.

2. a. Prior to the employment of any person in a child care facility, the facility shall submit to the Department of Human Services division responsible for child care licensing:

(1) a criminal history records search conducted by the Oklahoma State Bureau of Investigation ~~and~~,

(2) documentation of a records search of the Oklahoma child care worker registry ~~to the Oklahoma Department of Human Services division responsible for child care licensing~~, and

(3) a request for the Department to conduct a records search of the records of the Oklahoma State Courts Network.

b. ~~Prior to the employment of any person in a child care facility, the Department shall conduct a records search of the Oklahoma State Courts Network for that person~~ Hospitals and psychiatric residential treatment facilities that comply with records searches required by subparagraph a of this paragraph shall be exempt from the requirement to submit the documentation to the Department.

c. ~~The Department shall conduct a records search of the Oklahoma State Courts Network for all employees and persons eighteen (18) years of age or older residing in a child care center, family child care home, large family child care home, part day program, school age program, or summer day camp program.~~

~~d.~~ Prior to allowing any person eighteen (18) years of age or older to reside in a child care center, family child care home, large family child care home, part-day program, school-age program, or summer day camp program the facility shall submit to the Department of Human Services division responsible for child care licensing the following:

(1) ~~the facility shall submit to the Department of Human Services division responsible for child care licensing~~ a criminal history records search conducted by the Oklahoma State Bureau of Investigation ~~and~~,

(2) documentation of a records search of the Oklahoma child care worker registry, and

~~(2)~~ (3) a request for the Department ~~shall~~ to conduct a records search of the Oklahoma State Courts Network.

3. Once a facility has submitted an original document from the Oklahoma State Bureau of Investigation to the Department, a copy of that exact document shall be sufficient to satisfy any further request for that document. The Department may promulgate rules regarding the electronic submission of required documents.

4. If the following persons have lived in Oklahoma for less than three (3) years, a criminal history records search shall also

be obtained from the authorized agency in the previous states of residence for:

a. applicants for a license to operate a child care facility,

b. employees of a child care facility, and

c. persons age eighteen (18) years or older residing in a child care center, family child care home, large family child care home, part-day program, school-age program, or summer day-camp program.

5. The Department of Juvenile Justice may directly request national criminal history records searches as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history of any employee or applicant who has resided in Oklahoma for less than three (3) years for which a search is required.

B. 1. a. On and after September 1, 1998:

(1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, complete:

(a) a foster parent eligibility assessment for the foster care provider except as otherwise

provided by divisions 2 and 4 of this subparagraph, and

(b) a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act, except as otherwise provided by divisions 2 and 4 of this subparagraph,

(2) the child-placing agency may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement,

(3) a national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home,

(4) provided, however, the Director of Human Services or the Director of the Department of Juvenile

Justice, or a designee, may authorize an exception to the fingerprinting requirement for a person residing in the home who has a severe physical condition which precludes such person's being fingerprinted, and

(5) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Affairs to conduct a juvenile justice information system review, pursuant to the provisions of Sections 7302-9.6 and 7302-3.8 of this title, for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the foster family home. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.

b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Department of Juvenile Justice prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this

section, until otherwise provided by rules of the Commission for Human Services or by law.

2. a. (1) On and after September 1, 1998, except as otherwise provided in divisions ~~2~~ (2) and ~~4~~ (4) of this subparagraph, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services or the Department of Juvenile Justice, each Department shall complete a foster parent eligibility assessment, pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant. In addition, except as otherwise provided by divisions ~~2~~ (2) and ~~4~~ (4) of this subparagraph, the Department shall complete a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home.

(2) The Department of Human Services and Department of Juvenile Justice may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home

has resided in this state for at least (5) years immediately preceding such placement.

(3) A national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home.

(4) The Director of Human Services or the Director of the Department of Juvenile Justice or designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person's being fingerprinted.

b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Department of Juvenile Justice prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Commission for Human Services or by law.

3. Each Department shall provide for a juvenile justice information system review pursuant to Section 7302-3.8 of this title for any child over the age of thirteen (13) years residing in a

foster family home, other than the foster child, or who subsequently moves into the foster family home.

C. The Commission for Human Services or the Board of Juvenile Affairs shall promulgate rules to identify circumstances when a criminal history records search or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the records search conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.

D. 1. The following persons shall not be required to obtain a criminal history records search or a national criminal history records search based upon submission of fingerprints pursuant to this section:

a. a parent volunteer who transports children on an irregular basis, and

b. a child residing in a child care center, family child care home, or large family child care home who became an adult during continuous residence at the licensed or approved facility.

2. These exemptions shall not preclude the Department from requesting a criminal history records search or requesting a national criminal history records search based upon submission of

fingerprints or investigating criminal, abusive or harmful behavior of such persons, if warranted.

E. Except as otherwise provided by the Oklahoma Children's Code and subsection G of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

F. 1. Information received pursuant to this section by an owner or administrator of a child care facility shall be maintained in a confidential manner pursuant to applicable state or federal law.

2. The information, along with any other information relevant to the ability of the individual to perform tasks that require direct contact with children, may be released to another child care facility in response to a request from the child care facility that is considering employing or contracting with the individual unless deemed confidential by state or federal law.

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

G. 1. A criminal history records search conducted by the Oklahoma State Bureau of Investigation and a national criminal history records search based upon submission of fingerprints shall

include a search of Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act.

2. a. 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 or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with any person who is required to register pursuant to the Sex Offenders Registration Act. Any person required to register pursuant to the Sex Offenders Registration Act who violates any provision of this act shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars ($5,000.00) or both such fine and imprisonment.

b. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:

(1) an emergency order,

(2) license revocation or denial,

(3) injunctive proceedings,

(4) an administrative penalty not to exceed Ten Thousand Dollars ($10,000.00), and

(5) referral for criminal proceedings.

c. In addition to the penalties specified by this section, the violator may be liable for civil damages.

SECTION 6. AMENDATORY 10 O.S. 2001, Section 405, as amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, 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 or temporarily authorized by the Department of Human Services; provided, that the Department shall not be required to be licensed, but shall be bound by the standards 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 the facility will meet minimum standards for a license to operate.

B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:

1. All requirements for searches of criminal history records and the child care worker registry are met pursuant to subsection A of Section 404.1 of this title; and

2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.

C. 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.

D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in this act. ~~A provisional license may be issued upon satisfaction of the requirements of subsection B of this section to any applicant whose services are needed but which is temporarily unable to conform to all the rules of the Department, as provided in Section 404 of this title.~~ All licenses shall be in force unless revoked as authorized by Section 407 of this title~~; provided, however, a provisional license may be in force for not more than one (1) year from the date of issuance, unless an emergency exists which, in the discretion of the Department, necessitates an extension thereof~~.

SECTION 7. AMENDATORY 10 O.S. 2001, Section 406, as last amended by Section 6, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008, 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 or applicant 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 or applicant 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 or applicant 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, or any licensing standard promulgated by the 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 promulgated pursuant thereto, the Department shall:

a. document the complaint,

b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and

c. document the facility's plan for correcting any substantiated violations.

2. If the Department determines there has been a violation and 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 notify the facility and require correction of the violation.

3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.

4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an

application, revoking a license, or issuing an emergency order for a single violation of this act, or the rules of the Commission for Human Services as provided in Section 404 of this title.

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 promulgated thereto by the 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 obtained by the Department or ~~the Office of~~ Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

SECTION 8. REPEALER 10 O.S. 2001, Section 419, is hereby repealed.

SECTION 9. REPEALER 10 O.S. 2001, Section 430, is hereby repealed.

SECTION 10. This act shall become effective November 1, 2009.

52-1-6724 SAB 02/10/09