

THE STATE SENATE
Thursday, April 2, 2009

ENGROSSED

House Bill No. 1742

As Amended

ENGROSSED HOUSE BILL NO. 1742 - By: Peters, McAffrey and Denney of the House and Anderson of the Senate.

[children - Oklahoma Child Care Facilities Licensing Act - emergency]

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 401, as 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

1 agencies. Whenever possible, child care facilities should help to
2 preserve and restore family life for children.

3 C. In order to provide care for children in child care
4 facilities, a license shall be obtained from the Department of Human
5 Services, which is issued on the basis of meeting minimum standards
6 which are essential for the health and welfare of the child or
7 children placed for care with such agencies and individuals.

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

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

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

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

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

21 3. "Child care facility" means any public or private child care
22 residential facility, child-placing agency, foster family home,
23 ~~group home,~~ child care center, part-day child care program, school-

1 age program, summer day camp, family child care home, or large
2 family child care home providing either full-time or part-time care
3 for children away from their own homes;

4 ~~3.~~ 4. "Child-placing agency" means a child welfare agency
5 ~~licensed to place children~~ an agency that arranges for or places a
6 child in a foster family homes, group homes or home, adoptive homes
7 home, or independent living program;

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

10 5. "Foster family home" means the private residence of a family
11 which provides foster care services to a child, and includes a
12 specialized foster home, a therapeutic foster family home, or a
13 kinship care home;

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

1 7. ~~"Group home" means a home providing full-time care and~~
2 ~~community based services for more than five, but fewer than thirteen~~
3 ~~children~~ "Commission" means the Commission for Human Services, the
4 policymaking and general supervisory body of the Department;

5 8. "Department" means the Department of Human Services;

6 9. "Division" means the section within the Department that is
7 assigned responsibilities pursuant to the provisions of the Oklahoma
8 Child Care Facilities Licensing Act;

9 ~~8.~~ 10. "Family child care home" means a family home which
10 provides care and supervision for seven or fewer children for part
11 of the twenty-four-hour day. The term "family child care home"
12 shall not include informal arrangements which parents make
13 independently with neighbors, friends, and others, or with
14 caretakers in the child's own home;

15 ~~9.~~ 11. "Full-time care" means continuous care given to a child
16 beyond a minimum period of twenty-four (24) hours;

17 12. "Large family child care home" means a residential family
18 home which provides care and supervision for eight to twelve
19 children for part of the twenty-four-hour day;

20 ~~10. "Child care center" means a facility which provides care~~
21 ~~and supervision for children and which operates for more than thirty~~
22 ~~(30) hours per week. The term "child care center" shall not include~~
23 ~~informal arrangements which parents make independently with~~

1 ~~neighbors, friends, and others, or with caretakers in the child's~~
2 ~~own home;~~

3 ~~11.~~ 13. "Part-day child care program" means a facility that
4 provides care and supervision for children and that operates for
5 more than fifteen (15) and up to thirty (30) hours per week; and

6 ~~12.~~ 14. "Residential child care facility" means a twenty-four-
7 hour residential facility where children live together with or are
8 supervised by adults who are not their parents or relatives;

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

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

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

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

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

- 20 1. Care provided in a child's own home or by relatives;
- 21 2. Informal arrangements which parents make with friends or
22 neighbors for the occasional care of their children;

- 1 3. Programs in which school-aged children are participating in
2 home-schooling;
- 3 4. Programs that serve children three (3) years of age and
4 older and that are operated during typical school hours by a public
5 school district;
- 6 5. Programs that serve children three (3) years of age and
7 older and that are operated during typical school hours by a private
8 school that offers elementary education in grades kindergarten
9 through third grade;
- 10 6. Summer youth camps for children who are at least five (5)
11 years of age, that are accredited by a national standard-setting
12 agency or church camp accreditation program;
- 13 7. Programs in which children attend on a drop-in basis and
14 parents are on the premises and readily accessible;
- 15 8. A program of specialized activity or instruction for
16 children that is not designed or intended for child care purposes
17 including, but not limited to, scouts, 4-H clubs and summer resident
18 youth camps, and single-activity programs such as academics,
19 athletics, gymnastics, hobbies, art, music, dance and craft
20 instruction;
- 21 9. ~~Preschools, kindergartens, mother's day out or other~~
22 ~~facilities~~ Any child care facility that ~~provide~~ provides care and
23 supervision for fifteen (15) or fewer hours per week;

1 10. Facilities whose primary purpose is medical treatment;

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

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

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

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

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

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

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

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

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

4 Section 404. A. The Department of Human Services shall appoint
5 advisory committees of representatives of child care facilities and
6 others to prepare minimum requirements and desirable standards for
7 promulgation by the Commission for Human Services. Committee
8 members shall be appointed for a three-year term, with a two-
9 consecutive-term limit. A majority of any committee appointed to
10 prepare requirements and standards for child care facilities shall
11 be representatives of child care facilities.

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

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

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

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

18 4. ~~Good health care;~~

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

20 6. ~~Good community relationships;~~

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

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

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

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

7 ~~E.~~ D. Such rules shall not be promulgated until after
8 consultation with the State Department of Health, the State
9 Department of Education, the Oklahoma State Bureau of Investigation,
10 the State Fire Marshal, and any other agency deemed necessary by the
11 Commission. Not less than sixty (60) days' notice, by regular mail,
12 shall be given to all current licensees before any changes are made
13 in such rules.

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

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

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

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

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

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

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

21 ~~b. Prior to the employment of any person in a child care~~
22 ~~facility, the Department shall conduct a records~~
23 ~~search of the Oklahoma State Courts Network for that~~

1 ~~person~~ Hospitals contracting with the Oklahoma Health
2 Care Authority and complying with the records searches
3 required by this section shall be exempt from the
4 requirement to submit such documentation to the
5 Department. Documentation of records searches shall
6 be maintained at the hospital and shall be available
7 for review by the division of the Department
8 responsible for child care licensing.

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

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

22 (1) ~~the facility shall submit to the Department of~~
23 ~~Human Services division responsible for child~~

1 ~~care licensing~~ a criminal history records search
2 conducted by the Oklahoma State Bureau of
3 Investigation ~~and,~~
4 (2) documentation of a records search of the Oklahoma
5 child care worker registry, and
6 ~~(2)~~ (3) a request for the Department ~~shall to~~ conduct a
7 records search of the Oklahoma State Courts
8 Network.

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

14 4. If the following persons have lived in Oklahoma for less
15 than three (3) years, a criminal history records search shall also
16 be obtained from the authorized agency in the previous states of
17 residence for:

- 18 a. applicants for a license to operate a child care
- 19 facility,
- 20 b. employees of a child care facility, and
- 21 c. persons age eighteen (18) years or older residing in a
- 22 child care center, family child care home, large

1 family child care home, part-day program, school_age
2 program, or summer day-camp program.

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

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

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

16 (a) a foster parent eligibility assessment for
17 the foster care provider except as otherwise
18 provided by divisions 2 and 4 of this
19 subparagraph, and

20 (b) a national criminal history records search
21 based upon submission of fingerprints for
22 any adult residing in the foster family home
23 through the Department of Human Services

1 pursuant to the provisions of the Oklahoma
2 Foster Care and Out-of-Home Placement Act,
3 except as otherwise provided by divisions 2
4 and 4 of this subparagraph,

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

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

17 (4) provided, however, the Director of Human Services
18 or the Director of the Department of Juvenile
19 Justice, or a designee, may authorize an
20 exception to the fingerprinting requirement for a
21 person residing in the home who has a severe
22 physical condition which precludes such person's
23 being fingerprinted, and

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

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

21 2. a. (1) On and after September 1, 1998, except as
22 otherwise provided in divisions ~~2~~ (2) and ~~4~~ (4)
23 of this subparagraph, prior to contracting with a

1 foster family home for placement of any child who
2 is in the custody of the Department of Human
3 Services or the Department of Juvenile Justice,
4 each Department shall complete a foster parent
5 eligibility assessment, pursuant to the
6 provisions of the Oklahoma Child Care Facilities
7 Licensing Act, for such foster family applicant.
8 In addition, except as otherwise provided by
9 divisions ~~2~~ (2) and ~~4~~ (4) of this subparagraph,
10 the Department shall complete a national criminal
11 history records search based upon submission of
12 fingerprints for any adult residing in such
13 foster family home.

14 (2) The Department of Human Services and Department
15 of Juvenile Justice may place a child pending
16 completion of the national criminal history
17 records search if the foster care provider and
18 every adult residing in the foster family home
19 has resided in this state for at least (5) years
20 immediately preceding such placement.

21 (3) A national criminal history records search based
22 upon submission of fingerprints conducted by the
23 Oklahoma State Bureau of Investigation shall also

1 be completed for any adult who subsequently moves
2 into the foster family home.

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

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

17 3. Each Department shall provide for a juvenile justice
18 information system review pursuant to Section 7302-3.8 of this title
19 for any child over the age of thirteen (13) years residing in a
20 foster family home, other than the foster child, or who subsequently
21 moves into the foster family home.

22 C. The Commission for Human Services or the Board of Juvenile
23 Affairs shall promulgate rules to identify circumstances when a

1 criminal history records search or foster parent eligibility
2 assessment for an applicant or contractor, or any person over the
3 age of thirteen (13) years residing in a private residence in which
4 a child care facility is located, shall be expanded beyond the
5 records search conducted by the Oklahoma State Bureau of
6 Investigation or as otherwise provided pursuant to this section.

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

- 11 a. a parent volunteer who transports children on an
12 irregular basis, and
- 13 b. a child residing in a child care center, family child
14 care home, or large family child care home who became
15 an adult during continuous residence at the licensed
16 or approved facility.

17 2. These exemptions shall not preclude the Department from
18 requesting a criminal history records search or requesting a
19 national criminal history records search based upon submission of
20 fingerprints or investigating criminal, abusive or harmful behavior
21 of such persons, if warranted.

22 E. Except as otherwise provided by the Oklahoma Children's Code
23 and subsection G of this section, a conviction for a crime shall not

1 be an absolute bar to employment, but shall be considered in
2 relation to specific employment duties and responsibilities.

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

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

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

18 G. 1. A criminal history records search conducted by the
19 Oklahoma State Bureau of Investigation and a national criminal
20 history records search based upon submission of fingerprints shall
21 include a search of Department of Corrections' files maintained
22 pursuant to the Sex Offenders Registration Act.

1 2. a. It shall be unlawful for any person who is required to
2 register pursuant to the Sex Offenders Registration
3 Act to work with or provide services to children or to
4 reside in a child care facility and for any employer
5 who offers or provides services to children to
6 knowingly and willfully employ or contract with, or
7 allow continued employment of or contracting with any
8 person who is required to register pursuant to the Sex
9 Offenders Registration Act. Any person required to
10 register pursuant to the Sex Offenders Registration
11 Act who violates any provision of this act shall, upon
12 conviction, be guilty of a felony punishable by
13 incarceration in a correctional facility for a period
14 of not more than five (5) years and a fine of not more
15 than Five Thousand Dollars (\$5,000.00) or both such
16 fine and imprisonment.

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

- 21 (1) an emergency order,
- 22 (2) license revocation or denial,
- 23 (3) injunctive proceedings,

1 (4) an administrative penalty not to exceed Ten
2 Thousand Dollars (\$10,000.00), and
3 (5) referral for criminal proceedings.

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

6 SECTION 6. AMENDATORY 10 O.S. 2001, Section 405, as
7 amended by Section 4, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008,
8 Section 405), is amended to read as follows:

9 Section 405. A. No child care facility may be operated or
10 maintained in this state, unless licensed or temporarily authorized
11 by the Department of Human Services; provided, that the Department
12 shall not be required to be licensed, but shall be bound by the
13 standards it prescribes. No new child care facility may be
14 established without the prior approval of the Department, which
15 shall be granted only after the Department is satisfied that the
16 facility will meet minimum standards for a license to operate.

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

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

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

6 C. The incorporation or domestication of a corporation
7 organized for the purpose of operating a child care facility shall
8 not exempt such corporation from compliance with the provisions of
9 this act.

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

1 ~~of issuance, unless an emergency exists which, in the discretion of~~
2 ~~the Department, necessitates an extension thereof.~~

3 SECTION 7. AMENDATORY Section 8, Chapter 296, O.S.L.
4 2008 (10 O.S. Supp. 2008, Section 405.2), is amended to read as
5 follows:

6 Section 405.2 A. The Commission for Human Services shall
7 promulgate rules to establish and maintain an online database
8 accessible to the public that contains information including, but
9 not limited to:

10 1. The name, address, and phone number of all licensed child
11 care centers, and the name, city, state and zip code of all child
12 care homes; and

13 2. A summary of substantiated complaint records and inspection
14 reports generated by the Department of Human Services.

15 B. Child care licensing records and inspection reports shall be
16 maintained by the facility and be posted or made available to the
17 past, current, and prospective consumers pursuant to the licensing
18 requirements promulgated by the Commission.

19 ~~C. The Department of Human Services shall develop, by July 1,~~
20 ~~2011, a web based assessment tool for the public to evaluate~~
21 ~~compliance of child care center, child care home, and large family~~
22 ~~child care home compliance with requirements based upon a numerical~~
23 ~~score.~~

1 SECTION 8. AMENDATORY 10 O.S. 2001, Section 406, as last
2 amended by Section 6, Chapter 296, O.S.L. 2008 (10 O.S. Supp. 2008,
3 Section 406), is amended to read as follows:

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

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

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

18 C. 1. Upon receipt of a complaint against any child care
19 facility alleging a violation of the provisions of the Oklahoma
20 Child Care Facilities Licensing Act, or any licensing standard
21 promulgated by the Commission for Human Services, the Department
22 shall conduct a full investigation. If upon investigation, it is
23 determined that there are reasonable grounds to believe that a

1 facility is in violation of the Oklahoma Child Care Facilities
2 Licensing Act or of any standard or rule promulgated pursuant
3 thereto, the Department shall:

- 4 a. document the complaint,
- 5 b. provide the complaint allegations in writing to the
6 facility involved and, upon written request by the
7 child care facility, provide a summary of the facts
8 used to evaluate the completed complaint, and
- 9 c. document the facility's plan for correcting any
10 substantiated violations.

11 2. If the Department determines there has been a violation and
12 the violation has a direct impact on the health, safety or well-
13 being of one or more of the children cared for by the facility, the
14 Department shall notify the facility and require correction of the
15 violation.

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

21 4. If the facility refuses to correct a violation or fails to
22 complete the plan of correction, the Department may issue an
23 emergency order, revoke the license, or deny the application for a

1 license. Nothing in this section or Section 407 of this title shall
2 be construed as preventing the Department from denying an
3 application, revoking a license, or issuing an emergency order for a
4 single violation of this act, or the rules of the Commission for
5 Human Services as provided in Section 404 of this title.

6 D. Upon the completion of the investigation of a complaint
7 against any child care facility alleging a violation of the
8 provisions of the Oklahoma Child Care Facilities Licensing Act or
9 any licensing standard promulgated thereto by the Commission, the
10 Department shall clearly designate its findings on the first page of
11 the report of the investigation. The findings shall state whether
12 the complaint was substantiated or unsubstantiated.

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

1 SECTION 9. REPEALER 10 O.S. 2001, Section 419, is hereby
2 repealed.

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

5 SECTION 11. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
10 3-26-09 - DO PASS, As Amended and Coauthored.