

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2212

By: Russ

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to child care; amending 10 O.S. 2011,  
10                   Section 406, as last amended by Section 2, Chapter  
11                   73, O.S.L. 2018 (10 O.S. Supp. 2018, Section 406),  
12                   which relates to the Oklahoma Child Care Facilities  
13                   Licensing Act; providing exception for authority of  
14                   Department of Human Services to examine child care  
15                   program at any time; requiring scheduling a visit  
16                   when program rating is being reviewed; and providing  
17                   an effective date.

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

19                   SECTION 1.           AMENDATORY           10 O.S. 2011, Section 406, as last  
20                   amended by Section 2, Chapter 73, O.S.L. 2018 (10 O.S. Supp. 2018,  
21                   Section 406), is amended to read as follows:

22                   Section 406. A. ~~The~~ 1. Except as provided in paragraph 2 of  
23                   this subsection, the Department of Human Services shall have  
24                   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

1 authority at any time to require the facility to provide information  
2 pertaining to children in its care.

3 2. When the Department of Human Services is reviewing the star  
4 rating of a child care program with a capacity of fifty or more, the  
5 comprehensive visit to inspect and examine the program shall be  
6 scheduled with the administration of the program at least one (1)  
7 week in advance of the visit.

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

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

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

24 a. document the complaint,

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

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

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

17          4.    If the facility refuses to correct a violation or fails to  
18   complete the plan of correction, the Department may issue an  
19   emergency order, revoke the license, or deny the application for a  
20   license. Nothing in this section or Section 407 of this title shall  
21   be construed as preventing the Department from denying an  
22   application, revoking a license, or issuing an emergency order for a  
23   single violation of this act, or the rules of the Department as  
24   provided in Section 404 of this title.

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

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

19 F. The Department shall promulgate rules to establish and  
20 maintain a grievance process that shall include an anonymous  
21 complaint system for reporting and investigating complaints or  
22 grievances about employees of the Department who retaliate against a  
23 child care facility or facility employee.

SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY  
SERVICES, dated 02/14/2019 - DO PASS, As Amended.