

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2212

By: Russ

AS INTRODUCED

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

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

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

Section 406. A. The 1. Except as provided in paragraph 2 of this subsection, 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.

1        2. When the Department of Human Services is reviewing the star  
2 rating of a child care facility, a visit to inspect and examine the  
3 facility shall be scheduled with the administration of the facility  
4 at least one (1) week in advance of the visit.

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

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

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

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

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

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

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

23 D. Upon the completion of the investigation of a complaint  
24 against any child care facility alleging a violation of the

1 provisions of the Oklahoma Child Care Facilities Licensing Act or  
2 any licensing standard promulgated thereto by the Department, the  
3 Department shall clearly designate its findings on the first page of  
4 the report of the investigation. The findings shall state whether  
5 the complaint was substantiated or unsubstantiated.

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

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

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