

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 908

By: Garvin

6 AS INTRODUCED

7 An Act relating to child care; amending 10 O.S. 2011,
8 Section 406, as last amended by Section 1, Chapter
9 368, O.S.L. 2019 (10 O.S. Supp. 2020, Section 406),
10 which relates to investigations; providing certain
11 identification procedure for findings of report; and
12 providing an effective date.

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

13 SECTION 1. AMENDATORY 10 O.S. 2011, Section 406, as last
14 amended by Section 1, Chapter 368, O.S.L. 2019 (10 O.S. Supp. 2020,
15 Section 406), is amended to read as follows:

16 Section 406. A. 1. Except as provided in paragraph 2 of this
17 subsection, the Department of Human Services shall have authority at
18 any reasonable time to investigate and examine the conditions of any
19 child care facility in which a licensee or applicant hereunder
20 receives and maintains children, and shall have authority at any
21 time to require the facility to provide information pertaining to
22 children in its care.

23 2. When the Department of Human Services is reviewing the star
24 rating of a child care program with a capacity of fifty or more, the

1 comprehensive visit to inspect and examine the program shall be
2 scheduled with the administration of the program at least one (1)
3 week in advance of the visit, if requested by the child care
4 facility.

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. The findings
6 shall identify the employee who is the subject of the complaint, but
7 shall not identify the licensee of the child care facility unless
8 the licensee was the subject of the complaint or unless otherwise
9 deemed appropriate by the Department.

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

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

3 SECTION 2. This act shall become effective November 1, 2021.
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