

1 ENGROSSED HOUSE  
2 BILL NO. 1287

By: Pae and Lawson of the House

3 and

4 Boren of the Senate

5  
6 An Act relating to child care; amending 10 O.S. 2011,  
7 Section 406, as last amended by Section 1, Chapter  
8 368, O.S.L. 2019 (10 O.S. Supp. 2019, Section 406),  
9 which relates to investigations; requiring Department  
10 of Human Services to complete investigation within  
11 forty-five days; and providing exceptions.

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. 2019,  
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. The Department shall complete the investigation  
18 within forty-five (45) days unless the complaint involves alleged  
19 child abuse or neglect, law enforcement, child welfare or any other  
20 extenuating circumstances as determined by the Department. If upon  
21 investigation, it is determined that there are reasonable grounds to  
22 believe that a facility is in violation of the Oklahoma Child Care  
23 Facilities Licensing Act or of any standard or rule promulgated  
24 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

1 single violation of this act, or the rules of the Department as  
2 provided in Section 404 of this title.

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

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 Passed the House of Representatives the 11th day of March, 2020.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2020.

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Presiding Officer of the Senate

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