
Children & Family Services Committee

BILL ANALYSIS 2SSB 5660

Title: An act relating to out-of-home care.

Brief Description: Requiring notice of enforcement actions taken against child day-care centers and family day-care providers.

Sponsors: Senators Kohl, Long, Hargrove and Winsley.

Meeting Date: February 19, 1998.

Bill Analysis Prepared by: Doug Ruth (786-7134).

Background: The Department of Social and Health Services licenses child care centers and family day care homes.

Under current law, the department uses a variety of sanctions with regard to licensed child day-care facilities when they are not in compliance with statute or regulations. Such sanctions include: issuance of a deficiency statement and creation of a compliance plan, civil monetary penalties, and, for more serious violations, suspension or revocation of the license and initiation of court proceedings. When there is a danger to a child, the child can be removed immediately from the facility.

For many licensing actions or other sanctions, customers and potential customers have no reliable way to discover what actions have been taken against the facility, either currently or in the recent past.

Summary of Bill: Every licensed child day-care center and family day-care provider is required to prominently post the following items: (1) a copy of the license; (2) the notice of any pending enforcement action; (3) a notice that inspection reports and notices of enforcement actions for the past three years are available for review; and (4) any other information required by the department.

"Enforcement action" is defined to mean any disciplinary action including: suspension, denial, modification, nonrenewal or revocation of a license, issuance of a deficiency

statement, issuance of a noncompliance plan, initiation of a court proceeding, removal of a child, and imposition of a civil monetary penalty.

When an enforcement action is taken and notice is received by the licensee, the notice must be posted immediately by the licensee and must remain posted for at least two weeks or until the violation is corrected, whichever is longer. The licensee must keep copies of all notices of enforcement actions received for the past three years.

The department is authorized to notify the public or licensing agencies in other states of enforcement actions when necessary and appropriate to protect the health and safety of children. The department is also authorized to place a facility on nonreferral or stop placement status during a pending enforcement action.

When an enforcement action is made in error or is later determined to be unjustified, the department is required to distribute a notice of public exoneration to the same people, and in the same manner, as the original notice.

The department must make available, on request, information about specific child day-care centers and family day-care providers, including inspection reports and enforcement actions, and corrective measures taken by the facility. The department must follow public disclosure laws in making information public.

The department must compile annual reports analyzing all enforcement actions, investigations, and reports made as a result of this act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

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