

SENATE BILL REPORT

2SSB 5660

As Passed Senate, February 11, 1998

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.

Brief History:

Committee Activity: Human Services & Corrections: 2/19/97, 2/20/97 [DPS-WM].

Ways & Means: 3/10/97 [DP2S].

Passed Senate, 2/11/98, 42-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5660 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove and Kohl.

Staff: Kyle Thiessen (786-7754)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5660 be substituted therefor, and the second substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Sheldon, Snyder, Spanel, Swecker, Thibaudeau and Winsley.

Staff: Susan Lucas (786-7711)

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; and (3) a notice that inspection reports and notices of enforcement actions for the past three years are available for review.

"Enforcement action" is defined to mean any disciplinary action including: suspension or revocation of a license or any other adverse licensing action, issuance of a deficiency statement, notification of a violation, protective action, initiation of a court proceeding, 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 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 to the public 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.

Testimony For (Human Services & Corrections): The bill will make information about actions of the department more accessible to parents. Parents will be able to use the information to make better decisions about safe child care.

Testimony Against (Human Services & Corrections): None.

Testified (Human Services & Corrections): Karen Tredt, DSHS (pro); Lonnie Johns-Brown, WAEYC (pro); Rene Jankiewicz, Michelle Hunt, Lorri Buxton, Washington Parents for Safe Day Care (pro).

Testimony For (Ways & Means): The bill is a positive step in making day care information more available to parents.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Stu Jacobsen, Washington Parents for Safe Day Care (pro).