

2SHB 1661 - H AMD 322

By Representative Dent

ADOPTED 03/15/2017

1 On page 14, line 17, after "(g)" insert "If final review is
2 requested by a licensee, to review whether department of children,
3 youth, and families' licensors appropriately and consistently applied
4 agency rules in child care facility licensing compliance agreements
5 as defined in section 115 of this act that do not involve a violation
6 of health and safety standards as defined in section 115 of this act
7 in cases that have already been reviewed by the internal review
8 process described in section 115 of this act with the authority to
9 overturn, change, or uphold such decisions;

10 (h)"

11 On page 14, at the beginning of line 22, strike "(h)" and insert
12 "(i)"

13 On page 25, after line 8, insert the following:

14 "NEW SECTION. **Sec. 115.** (1) The department shall develop an
15 internal review process to determine whether department licensors
16 have appropriately and consistently applied agency rules in child
17 care facility licensing compliance agreements that do not involve a
18 violation of health and safety standards. Adverse licensing decisions
19 including license denial, suspension, revocation, modification, or
20 nonrenewal pursuant to RCW 43.215.300 (as recodified by this act) or
21 imposition of civil fines pursuant to RCW 43.215.307 (as recodified
22 by this act) are not subject to the internal review process in this
23 section, but may be appealed using the administrative procedure act,
24 chapter 34.05 RCW.

25 (2) The definitions in this subsection apply throughout this
26 section.

27 (a) "Child care facility licensing compliance agreement" means an
28 agreement issued by the department in lieu of the department taking
29 enforcement action against a child care provider that contains: (i) A
30 description of the violation and the rule or law that was violated;
31 (ii) a statement from the licensee regarding the proposed plan to

1 comply with the rule or law; (iii) the date the violation must be
2 corrected; (iv) information regarding other licensing action that may
3 be imposed if compliance does not occur by the required date; and (v)
4 the signature of the licensor and licensee.

5 (b) "Health and safety standards" means rules or requirements
6 developed by the department to protect the health and safety of
7 children against substantial risk of bodily injury, illness, or
8 death.

9 (3) The internal review process shall be conducted by the
10 following six individuals:

11 (a) Three department employees who may include child care
12 licensors; and

13 (b) Three child care providers selected by the department from
14 names submitted by the oversight board for children, youth, and
15 families established in section 105 of this act.

16 (4) The internal review process established in this section may
17 overturn, change, or uphold a department licensing decision by
18 majority vote. In the event that the six individuals conducting the
19 internal review process are equally divided, the secretary shall make
20 the decision of the internal review process. The internal review
21 process must provide the parties with a written decision of the
22 outcome after completion of the internal review process. A licensee
23 must request a review under the internal review process within ten
24 days of the development of a child care facility licensing compliance
25 agreement and the internal review process must be completed within
26 thirty days after the request from the licensee to initiate the
27 internal review process is received.

28 (5) A licensee may request a final review by the oversight board
29 for children, youth, and families after completing the internal
30 review process established in this section by giving notice to the
31 department and the oversight board for children, youth, and families
32 within ten days of receiving the written decision produced by the
33 internal review process.

34 (6) The department shall not develop a child care facility
35 licensing compliance agreement with a child care provider for first-
36 time violations of rules that do not relate to health and safety
37 standards and that can be corrected on the same day that the
38 violation is identified. The department shall develop a procedure for

1 providing a warning and offering technical assistance to providers in
2 response to these first-time violations."

3 On page 255, line 25, after "109," insert "115,"

4 On page 256, line 3, after "through" strike "114" and insert
5 "115"

6 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

Establishes an internal review process for reviewing child care facility licensing compliance agreements developed by the Department of Children, Youth, and Families (DCYF) that do not involve violations of health and safety standards. The review process must be conducted by three DCYF employees, and three child care providers. The internal review process may overturn, change, or uphold a department licensing decision by majority vote. In the event that the individuals conducting the internal review process are equally divided, the secretary shall make the decision of the internal review process.

A licensee must request review by the internal review process within ten days of the development of a child care facility licensing compliance agreement and the internal review process must be completed within thirty days of receiving the request from the licensee to initiate the internal review process.

Prohibits the DCYF from developing child care facility licensing compliance agreements with a child care provider for first-time violations of rules that do not relate to health and safety standards and that can be corrected on the same day that the violation is identified.

Provides the Oversight Board for Children, Youth, and Families the authority to review decisions made by the internal review process for reviewing child care facility licensing compliance agreements developed by the DCYF that do not involve violations of health and safety standards and overturn, change, or uphold those decisions.

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