

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 540

By: Brooks

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6 AS INTRODUCED

7 An Act relating to the Department of Human Services;
8 amending 10 O.S. 2011, Section 406, as amended by
9 Section 9, Chapter 308, O.S.L. 2013 (10 O.S. Supp.
10 2014, Section 406), which relates to child care
11 facility examinations; requiring one unannounced
12 investigation per year; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2011, Section 406, as
16 amended by Section 9, Chapter 308, O.S.L. 2013 (10 O.S. Supp. 2014,
17 Section 406), is amended to read as follows:

18 Section 406. A. The Department of Human Services shall have
19 authority at any reasonable time to investigate and examine the
20 conditions of any child care facility in which a licensee or
21 applicant hereunder receives and maintains children, and shall have
22 authority at any time to require the facility to provide information
23 pertaining to children in its care. The Department shall conduct at
24 least one unannounced investigation and examination per year to all
facilities licensed in this state.

1 B. 1. The State Department of Health may visit any licensee or
2 applicant at the request of the Department to advise on matters
3 affecting the health of children and to inspect the sanitation of
4 the buildings used for their care.

5 2. The State Fire Marshal may visit any licensee or applicant
6 at the request of the Department to advise on matters affecting the
7 safety of children and to inspect the condition of the buildings
8 used for their care.

9 C. 1. Upon receipt of a complaint against any child care
10 facility alleging a violation of the provisions of the Oklahoma
11 Child Care Facilities Licensing Act, or any licensing standard
12 promulgated by the Department, the Department shall conduct a full
13 investigation. If upon investigation, it is determined that there
14 are reasonable grounds to believe that a facility is in violation of
15 the Oklahoma Child Care Facilities Licensing Act or of any standard
16 or rule promulgated pursuant thereto, the Department shall:

- 17 a. document the complaint,
- 18 b. provide the complaint allegations in writing to the
19 facility involved and, upon written request by the
20 child care facility, provide a summary of the facts
21 used to evaluate the completed complaint, and
- 22 c. document the facility's plan for correcting any
23 substantiated violations.

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1 2. If the Department determines there has been a violation and
2 the violation has a direct impact on the health, safety or well-
3 being of one or more of the children cared for by the facility, the
4 Department shall notify the facility and require correction of the
5 violation.

6 3. The Department shall notify the facility that failure to
7 correct the confirmed violation can result in the revocation of the
8 license, the denial of an application for a license, the issuance of
9 an emergency order or the filing of an injunction pursuant to the
10 provisions of Section 409 of this title.

11 4. If the facility refuses to correct a violation or fails to
12 complete the plan of correction, the Department may issue an
13 emergency order, revoke the license, or deny the application for a
14 license. Nothing in this section or Section 407 of this title shall
15 be construed as preventing the Department from denying an
16 application, revoking a license, or issuing an emergency order for a
17 single violation of this act, or the rules of the Department as
18 provided in Section 404 of this title.

19 D. Upon the completion of the investigation of a complaint
20 against any child care facility alleging a violation of the
21 provisions of the Oklahoma Child Care Facilities Licensing Act or
22 any licensing standard promulgated thereto by the Department, the
23 Department shall clearly designate its findings on the first page of
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1 the report of the investigation. The findings shall state whether
2 the complaint was substantiated or unsubstantiated.

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

14 SECTION 2. This act shall become effective November 1, 2015.

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