

Testimony
Senate Bill 2090 – Department of Human Services
Senate Judiciary Committee
Senator Kelly Armstrong, Chairman
January 4, 2017

Chairman Armstrong, and members of the Senate Judiciary Committee, I am Rebecca Eberhardt, Early Childhood Services Administrator with the Department of Human Services (Department). I am here today to provide information for Senate Bill 2090.

This Bill contains changes that are a result of the Governor's Advisory Committee on Child Care Licensing Process (Advisory Committee). I represented the Department as a member of the Advisory Committee. At the conclusion of the Advisory Committee meetings it was determined that this Bill, including the federal compliance pieces would be introduced by a legislative bill sponsor rather than the Department. The passage of this Bill would also allow the Department to be in compliance with the Child Care and Development Block Grant (CCDBG) Act of 2014 (Public Law 113-186).

Section 1 of the Bill gives the Department the authority to require fingerprint based background checks on providers holding, applicants for, emergency designees and staff members of providers holding and applicants for early childhood services licensure, and household members of a residence out of which early childhood services are provided. These changes are part of a federal requirement in the CCDBG.

Section 2 of the Bill revises the definition of “staff member” to align with the federal definition of staff member for early childhood services and to provide clarity.

Section 3 of the Bill removes “partnership, firm, corporation, Limited Liability Company, association, or nongovernmental organization” and replaces with “person” as defined in Section 01-01-49 includes “partnership, firm, corporation, Limited Liability Company, association, or nongovernmental organization”. Based on a recommendation by the Advisory Committee, Section 3 also establishes a timeline for providers to submit re-license renewals at least sixty days and no more than ninety days before the expiration date of the applicant’s current license or self-declaration and establishes a late fee of two hundred dollars. The late fee will be used to defray the costs of early childhood services licensing.

Section 4 of the Bill establishes a timeline for the Department to issue a license within thirty days based on a completed application with all supporting documents based on a recommendation by the Advisory Committee. Section 4 also requires that the supporting licensing documents not include any fraudulent or untrue representations. This Section also revises language based on the CCDBG to clarify that certification of pediatric cardiopulmonary resuscitation (CPR) is required for all staff members. This Section, based on a recommendation by the Advisory Committee, also requires that the Department notify the owner or operator that they are required to post a notice at the early childhood program premise of their late re-license application and supporting documentation at least thirty days before the license expires.

Section 5 of the Bill requires that the supporting registration documents do not include any fraudulent or untrue representations.

Section 6 of the Bill provides language that clarifies who is required to have a fingerprint based background check and the method on which the fingerprint based background check is conducted for providers holding, applicants for, emergency designees and staff members of providers holding and applicants for early childhood services licensures, and household members of a residence out of which early childhood services are provided. These changes are part of a federal requirement in the CCDBG and coincides with Section 1 of this Bill.

Section 7 of the Bill provides necessary language for compliance with CCDBG in regards to the frequency that fingerprint based background checks need to be conducted.

Section 8 of this Bill clarifies that an applicant's failure to comply with the licensing renewal timelines does not result in a correction order, but a late fee.

Section 9 of the Bill provides language that gives authority to the authorized agent, through the state's attorney office, to seek an injunction against an individual who provides licensed or unlicensed early childhood services and adds authority for the Attorney General's office to seek an injunction against an individual who provides unlicensed early childhood services.

Section 10 of the Bill establishes, based on recommendation by the Advisory Committee, a timeline for providers to submit license renewals

at least sixty days and no more than ninety days before the expiration date of the applicant's current license or self-declaration and establishes a late fee of two hundred dollars.

Section 11 establishes a timeline for the Department to approve a self-declaration within thirty days based on a completed application with all supporting documents based on recommendation by the Advisory Committee. Section 11 also requires that the supporting application documents not include any fraudulent or untrue representations. This section also revises language based on the CCDBG to clarify that certification of pediatric CPR is required for emergency designees if used. This section, based on recommendation by the Advisory Committee, also requires that the Department notify the holder of the self-declaration that they are required to post a notice at the self-declaration premise of their late re-application and supporting documentation at least thirty days before the self-declaration expires.

Section 12 of the Bill establishes an effective date of January 1, 2018 in regards to Sections 3, 4, 10, 11 to allow the Department, the Department's authorized agents, and child care providers time to revise policy and practices.

This concludes my testimony. I am happy to answer any questions you may have.