

# FINAL BILL REPORT

## SHB 1906

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### PARTIAL VETO

C 302 L 95

Synopsis as Enacted

**Brief Description:** Changing child care licensing definitions.

**Sponsors:** House Committee on Children & Family Services (originally sponsored by Representatives Lambert and Cooke).

**House Committee on Children & Family Services**

**Senate Committee on Human Services & Corrections**

**Background:** The Department of Social and Health Services licenses agencies caring for children, expectant mothers, and people with developmental disabilities. One of the purposes of licensing these agencies is to safeguard the well-being of children and others cared for in these agencies. For each agency and staff seeking licensure, the department checks the conviction record or pending charges and dependency record information through the Washington State Patrol. Agencies may be denied licenses or have licenses revoked, suspended, or modified if the agency refuses to comply with licensing standards. Agencies who appeal a licensing action by the department are entitled to an administrative hearing before an administrative law judge employed by the Office of Administrative Appeals. The department does not provide an agency with a probationary license if the agency is temporarily unable to comply with department rules. Current child care licensing statutes exempt relatives from complying with licensing requirements. People who care for a neighbor's or friend's children on a regular basis are required to be licensed to provide child care.

**Summary:** Safeguarding the health, safety and well-being of children, expectant mothers, and developmentally disabled persons is declared to be paramount over the right of any person to provide care. The Office of Administrative Hearings may not assign an administrative law judge to a hearing regarding a child care agency license unless the judge receives training related to state and federal laws and policies and procedures of the Department of Social and Health Services on child care issues.

A departmental decision regarding a foster family home license is upheld if there is reasonable cause to believe that the licensee is unsuitable, fails to comply with license requirements, or the conditions for issuing the license no longer exist. A departmental decision regarding any other child care agency license is upheld if it is supported by a preponderance of the evidence.

In addition to other penalties, the department can assess fines against child care agencies, except licensed foster homes, for failing to comply with license standards or for operating without a license. The maximum fine ranges from \$75 for a family day-care home to \$250 for group homes and child day-care centers. Each day of violation may result in a separate penalty.

For disciplinary purposes, the department may issue a six-month probationary license to a licensee temporarily not in compliance with licensing standards. The probationary license may be extended for an additional six months. A probationary license is only issued if there is no immediate threat to the children and the licensee has a plan to correct the noncompliance. The department must terminate a probationary license at any time the noncompliance creates an immediate threat to the children. The licensee does not have a right to an adjudicative proceeding on the probationary license unless the licensee refuses probationary status and the department suspends, revokes, or modifies the license.

In addition to current background checks, applicants and their employees who reside in Washington for less than three years must be fingerprinted. The fingerprints are used to check for criminal history. The costs must be paid for by the licensee, who may not pass the cost on to the employee unless the employee is determined to be unsuitable due to his or her criminal record. When foster family home licensees plead hardship, the department must pay the expense.

A foster home no longer under the supervision of the agency with which it is licensed ceases to have a valid license. Child care agency licenses are not transferable and apply only to the location stated in the application. For foster-family homes where the family remains intact and family day-care homes with acceptable records for care, the license remains in effect for two weeks after a move.

The term "day-care center" is changed to "child day-care center." The definition of "family day-care provider" is clarified. The definition of "agency" will not include a person who provides child care for a friend or neighbor and does not engage in business-related activities associated with child care. A "provisional" license is changed to an "initial" license.

**Votes on Final Passage:**

|        |    |    |                   |
|--------|----|----|-------------------|
| House  | 64 | 32 |                   |
| Senate | 47 | 1  | (Senate amended)  |
| House  | 72 | 23 | (House concurred) |

**Effective Date:** July 23, 1995

**Partial Veto Summary:** The Governor vetoed a section of the bill that provided guidelines for the issuance of initial foster-family home licenses. (The Legislature enacted more specific guidelines for the issuance of initial foster-family home licensures in ESSB 5885.)