
Human Services & Early Learning Committee

HB 2790

Brief Description: Concerning license compliance agreements.

Sponsors: Representatives Dent, Blake, Klippert, Corry, Frame, Eslick, Dye and Kilduff.

Brief Summary of Bill

- Expands the process where licensors from the Department of Children, Youth, and Families and child care providers review licensing compliance agreements to include licensing compliance agreements for foster-family homes.

Hearing Date: 2/4/20

Staff: Luke Wickham (786-7146).

Background:

Internal Child Care Licensing Compliance Agreement Review Process.

When the Legislature established the Department of Children, Youth, and Families (DCYF) in 2017, the same legislation included a requirement that the DCYF establish an internal review process to determine whether licensors have appropriately and consistently applied agency rules in child care facility licensing compliance agreements that do not involve a violation of health and safety standards. A child care licensing compliance agreement is an agreement issued by the DCYF in lieu of the DCYF taking enforcement action against a child care provider that contains:

- a description of the violation and the rule that was violated;
- a statement from the licensee regarding the proposed plan to comply with the rule;
- the date the violation must be corrected;
- information regarding other licensing action that may be imposed if compliance does not occur; and
- the signature of the licensor and licensee.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Adverse licensing decisions including license denial, suspension, revocation, modification, nonrenewal, or imposition of civil fines are not subject to the internal review process.

The internal review process is conducted by three DCYF employees and three child care providers. The internal review process may overturn, change, or uphold a DCYF licensing decision by majority vote. In the event that the six individuals reviewing the licensing compliance agreement are equally divided, the Secretary of the DCYF must make the decision.

The internal review process must provide the parties with a written decision of the outcome after completion of the process.

The Oversight Board for Children, Youth, and Families (Oversight Board) has the authority to review child care facility licensing compliance agreements in cases that have already been reviewed by the internal review process with the authority to overturn, change, or uphold such decisions.

The 2019 Oversight Board Legislative Report indicates that the DCYF conducted a pilot for the internal review process in 2018, but the internal review process has not been implemented.

Summary of Bill:

The internal review process for the DCYF that reviews whether DCYF licensors have appropriately and consistently applied agency rules in licensing compliance agreements is expanded to include licensing compliance agreements for foster-family homes.

The three DCYF employees that participate in the internal review process for reviewing licensing compliance agreements may include foster-family home licensors.

The Oversight Board is granted the authority to review whether DCYF licensors appropriately and consistently applied agency rules in foster-family home licensing compliance agreements.

The DCYF is prohibited from developing a licensing compliance agreement with a foster-family home for first-time violations of rules that do not relate to health and safety standards that can be corrected on the same day the violation is identified.

Appropriation: None.

Fiscal Note: Requested on January 27, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.