

1 child care facility in which a licensee or applicant hereunder
2 receives and maintains children, and shall have authority at any
3 time to require the facility to provide information pertaining to
4 children in its care.

5 2. When the Department of Human Services is reviewing the star
6 rating of a child care program with a capacity of fifty or more, the
7 comprehensive visit to inspect and examine the program shall be
8 scheduled with the administration of the program at least one (1)
9 week in advance of the visit, if requested by the child care
10 facility.

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

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

19 C. 1. Upon receipt of a complaint against any child care
20 facility alleging a violation of the provisions of the Oklahoma
21 Child Care Facilities Licensing Act, or any licensing standard
22 promulgated by the Department, the Department shall conduct a full
23 investigation. The Department shall complete the investigation
24 within thirty (30) days unless the complaint involves alleged child

1 abuse or neglect, law enforcement, child welfare or any other
2 extenuating circumstances as determined by the Department. The
3 Department shall only interview individuals directly involved with
4 the complaint. If upon investigation, it is determined that there
5 are reasonable grounds to believe that a facility is in violation of
6 the Oklahoma Child Care Facilities Licensing Act or of any standard
7 or rule promulgated pursuant thereto, the Department shall:

- 8 a. document the complaint,
- 9 b. provide the complaint allegations in writing to the
10 facility involved and, upon written request by the
11 child care facility, provide a summary of the facts
12 used to evaluate the completed complaint, and
- 13 c. document the facility's plan for correcting any
14 substantiated violations.

15 2. If the Department determines there has been a violation and
16 the violation has a direct impact on the health, safety or well-
17 being of one or more of the children cared for by the facility, the
18 Department shall notify the facility and require correction of the
19 violation.

20 3. The Department shall notify the facility that failure to
21 correct the confirmed violation can result in the revocation of the
22 license, the denial of an application for a license, the issuance of
23 an emergency order or the filing of an injunction pursuant to the
24 provisions of Section 409 of this title.

1 4. If the facility refuses to correct a violation or fails to
2 complete the plan of correction, the Department may issue an
3 emergency order, revoke the license, or deny the application for a
4 license. Nothing in this section or Section 407 of this title shall
5 be construed as preventing the Department from denying an
6 application, revoking a license, or issuing an emergency order for a
7 single violation of this act, or the rules of the Department as
8 provided in Section 404 of this title.

9 5. If the Department determines there has been a violation and
10 the violation involves alleged child abuse or neglect, law
11 enforcement, child welfare or any other extenuating circumstances as
12 determined by the Department, only the person involved in the
13 commission of the violation shall be held responsible.

14 D. Upon the completion of the investigation of a complaint
15 against any child care facility alleging a violation of the
16 provisions of the Oklahoma Child Care Facilities Licensing Act or
17 any licensing standard promulgated thereto by the Department, the
18 Department shall clearly designate its findings on the first page of
19 the report of the investigation. The findings shall state whether
20 the complaint was substantiated or unsubstantiated. Any complaint
21 that was unsubstantiated or that resulted in a facility correcting a
22 violation or completing a plan of correction shall be deemed
23 resolved and complete.

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

12 F. The Department shall promulgate rules to establish and
13 maintain a grievance process that shall include an anonymous
14 complaint system for reporting and investigating complaints or
15 grievances about employees of the Department who retaliate against a
16 child care facility or facility employee.

17 SECTION 2. This act shall become effective November 1, 2021.

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
20 02/16/2021 - DO PASS, As Coauthored.

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