

HB 4065 A STAFF MEASURE SUMMARY

House Committee On Early Childhood and Family Supports

Action Date: 02/13/18

Action: Do pass with amendments
and be referred to Ways and Means by prior reference. (Printed A-Eng.)

Vote: 9-0-0-0

Yeas: 9 - Boles, Bonham, Bynum, Hayden, Keny-Guyer, Lively, Malstrom, Piluso, Smith DB

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits a child care provider from providing care for five years after having a certification, registration, or enrollment on the Central Background Registry denied for cause or revoked. Allows the Office of Child Care (OCC) to take action against an individual or a child care facility regardless of the lapse, suspension, revocation, or voluntary surrender of a certification, registration, or enrollment on the Central Background Registry. Allows OCC to issue cease and desist orders against an individual or a child care facility, impose conditions on a facility's license, and develop a system of progressively stronger enforcement actions. Adds the Attorney General and county prosecuting attorneys to those authorized to seek injunctions against child care facilities. Increases maximum penalties for violating the statutes governing child care facilities. Requires the Early Learning Council to adopt rules, policies, and standards to promote information sharing between OCC and the Department of Human Services. Includes kindergarteners in the definition of "school age" for purposes of registered school-age recorded programs and family child care homes. Operationalizes some provisions on passage and others on September 30, 2018. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Length of time since many child care licensing statutes updated
- Need to strengthen current enforcement system
- Work group during interim developed bill
- Other initiatives of Office of Child Care

EFFECT OF AMENDMENT:

Requires denial for cause of a certification, registration, or prior registry enrollment, rather than any denial, as basis for prohibiting entry on Central Background Registry. Allows OCC to issue cease and desist orders and continue enforcement actions against individuals, as well as child care facilities. Adds provisions operational on passage. Delays operational date of certain provisions from June 10, 2018 to September 30, 2018.

BACKGROUND:

The Office of Child Care (OCC) is part of the Early Learning Division in the Oregon Department of Education. OCC licenses certified child care centers, certified family child care homes, and registered family child care homes. Child care staff and individuals who may have unsupervised access to children must apply to the Central Background Registry, administered by the OCC. Applicants to the Registry undergo a background check to determine if they can be enrolled.

In 2017, the OCC Statutory Work Group convened to look for ways to strengthen and align regulation of licensed child care facilities to protect children and respond quickly to child safety concerns. The group included legislators, OCC representatives, and stakeholders. The work group met numerous times during the interim. HB 4065-A is the result of the work group's efforts.

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HB 4065-A contains numerous provisions regarding OCC enforcement of child care laws and regulations and penalties for violations.