

Licensure of Maternity Centers and Child Care Facilities; HB 2660

HB 2660 amends laws concerning maternity center and child care facility licensure, including the 2010 amendments referred to as "Lexie's Law," by allowing for modification or limitation of licensure, requiring an expiration sticker on a day care facility license, and requiring persons maintaining a day care facility to be high school graduates or the equivalent with provisions allowing the Secretary of Health and Environment (Secretary) to exercise discretion to exempt certain individuals from the requirement. The bill also repeals a statute (KSA 65-502) containing the definition of a "maternity center" and relocates the definition in another statute regulating child care facilities.

Specifically, the bill requires the Kansas Department of Health and Environment (KDHE) to issue renewable licenses to day care facilities and requires these facilities to display the sticker indicating that the facility's license is up-to-date. In conjunction with this requirement, the bill defines the term "day care facility" as a child care facility that includes a day care home, preschool, child care center, school-age program, or other facility of a type determined by the Secretary to require regulation under the statutory provisions addressing maternity centers and child care facilities. The existing definition of "maternity center" is moved to a statute which includes definitions related to child care facilities.

The bill also allows KDHE to limit or modify the terms of a license rather than suspending or revoking the license outright and requires a child care facility or maternity center to notify parents or guardians of the enrollees in writing of such limitations or modifications. Notices of limitation or modification of a license to conduct a maternity center or a child care facility would be served to the same entities statutorily required to be served notices of issuance, suspension, or revocation of such licenses.

References to "maternity patient" or "residents" are changed to "woman," "child," or both, as applicable. References to "comfort" related to services provided to women or children are eliminated and changes for uniformity in the use of the phrase "health, safety, or welfare" are made throughout the bill.

Further, the bill requires persons maintaining a day care facility to be high school graduates or the equivalent, but adds exceptions. The bill authorizes the Secretary to exercise discretion to exempt persons from the high school graduation or equivalency requirement where extraordinary circumstances exist. A grandfather clause would exempt persons maintaining a day care facility prior to July 1, 2010, or with an application for initial licensure or renewal of an existing license pending on July 1, 2010, from the high school graduation or equivalency requirement.

The grounds for allowing the suspension of a license or a temporary permit also allow for the limitation or modification of such licenses, and the grounds related to the conduct in the operation or maintenance, or both, are expanded to apply to maternity centers. The provision allowing the Secretary to suspend any license or temporary permit prior to an administrative hearing when, in the opinion of the Secretary, such action is necessary to protect any child in a child care facility, is expanded to allow such license or temporary permit to be limited or modified.