

Approved: May 3, 2010

Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairperson Brenda Landwehr at 10:00 a.m. on April 27, 2010, in Room 346S of the Capitol.

All members were present except:

Representative Ann Mah - excused
Representative Aaron Jack - excused
Representative Gail Finney - excused
Representative Scott Schwab - excused

Committee staff present:

Norm Furse, Office of the Revisor of Statutes
Melissa Calderwood, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Debbie Bartuccio, Committee Assistant

Conferees appearing before the Committee:

Donald Zavodny (substituting for Alexandra Townsend), Union Representative, American Federation of State, County and Municipal Employees (Attachment 2)
Dick Morrissey, Deputy Director, Division of Health, Kansas Department of Health and Environment and Mary Murphy, KDHE (Attachments 3, 4, 5)
Rose Grimes, Licensed Provider, Overland Park (Attachments 6, 7, 8)
Montenette Spencer, Licensed Provider, Wichita, Kansas (Attachment 9)
Elaine Edwards, Executive Director of Salina Child Care Association (Attachment 10)
Deb Crawl, President of KAEYC (Kansas Association for the Education of Young Children) (Attachment 11)
Diane Purcell, concerned citizen, Topeka, KAEYC (Attachment 12)
Holly Turner, Public Policy Chair for Kansas Association for the Education of Young Children (KAEYC) (Attachment 13)
Ben Burton, Parent (Attachment 14)
Regana Rials, Licensed Provider, Lawrence, Kansas (Attachment 15)
Leadell Ediger, Executive Director, Kansas Association of Child Care Resource & Referral Agency (KACCRRRA) (Attachment 16)

Others attending:

See attached list.

HB 2356 - S Sub for H 2356 by Committee on Public Health and Welfare – Child care; supervision of children and licensure and inspection of child care facilities

Chairperson Landwehr opened the hearing on **Senate Substitute for HB 2356**.

Norm Furse, Office of the Revisor of Statutes began with a review of the differences between the two bills and answered questions from the committee members to provide further clarification as needed. (Attachment 1) He also noted the following matters discussed in House Committee regarding SB 447 and not addressed in the Senate Amendment to HB 2356:

*Section 1. Behavioral regulation of providers in family child care homes and day care homes. This section constitutes a public health regulation and may adversely affect the liability of the covered homes.

*Section 7. Exemption from inspection until July 1, 2013, of certain categories of child care facilities enumerated in this section upon these facilities submitting a self-evaluation report annually to the secretary: Day care homes, group day care homes, child care centers, preschools, school-age programs and drop-in programs.

*Section 11. Deletion of the authorization of the appropriations/ways and means committees to close their meetings to consider records of KDHE relating to child care facilities or maternity centers.

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 10:00 a.m. on April 27, 2010, in Room 346S of the Capitol.

*Section 17. Effective date of the new law or parts thereof. Kansas register in the bill. The bill does not provide for a phase-in of any new requirements although inspections of family day care homes are to commence on or before January 1, 2011. On the effective date of the act family child care homes are construed to be licensed "for all purposes under law" (Sec.15)

Donald Zavodny (substituting for Alexandra Townsend), Union Representative, American Federation of State, County and Municipal Employees provided testimony in support of the bill. He indicated the bill makes strides in the right direction for ensuring the safety and well being of our children. Ensuring that child care providers in the state of Kansas are making efforts towards licensure and accreditation is key in having the best possible care for our children. The efforts to improve the oversight of all registered family day care homes by implementing regular inspections for every child care facility is beneficial in protecting the providers in addition to the children. In addition, the specificity with regards to the expectations for supervision and appropriate practices allows for the providers to know what they should be actively striving for in order to be fully in compliance with the regulations set by KDHE. Overall, this bill would have a lasting impact with regards to the overall safety, welfare and care of children in Kansas. It is fair to say that in-home child care providers who are members of the American Federation of State, County and Municipal Employees, Child Care Providers Together serving as BEST Team Members are in favor of passage of this bill. (Attachment 2)

At this point, the committee meeting was recessed to be continued at 2:00 p.m. that afternoon.

Chairperson Landwehr continued the committee meeting at 2:00 p.m. in room 346S of the Capitol.

Dick Morrissey, Deputy Director, Division of Health, Kansas Department of Health and Environment, provided testimony in support of the bill. Mary Murphy, KDHE, assisted Deputy Director Morrissey with answering questions from the committee. In addition to the testimony (Attachment 3) an attachment was provided describing the current child care licensing and registration process in Kansas (Attachment 4) and a chart outlining the KDHE interpretation of the differences between SB 477 and Senate Substitute for HB 2356. (Attachment 5)

With the enactment of HB 2356 the Department would need to make a number of changes as summarized below:

- Licensing regulations for small family child care homes will need to be promulgated. It is anticipated that the Department will promulgate temporary regulations that are not significantly different than what is currently required on the Safety Evaluation Checklist. The licensing fee will be increased from \$5 to \$15.
- The Department is currently in the process of updating general regulations applicable to a number of categories of child care, including registered family day care homes. These general regulations include requirements for core health and safety training, including current certification in CPR and first aid, SIDS and safe sleep practices, child abuse and basic child development.
- Policies, procedures and forms will need to be developed for inspections, for the self evaluation process and for determining which facilities are in compliance. Training on the new process will need to be conducted for surveyors and child care providers.
- A number of I/T changes are anticipated in order to accommodate the new category of family child care home, the new inspection cycle and the risk based system. The Department will need to conduct research to establish the risk criteria and a process will need to be developed to implement and evaluate the effectiveness of the risk based system.
- KDHE will need to implement the online dissemination system by September 2011. The Department is working in partnership with SRS on an I/T project to develop online applications, including an online dissemination system for parents and the public. The I/T project is to be completed by September 2011. In addition, compliance information, inspection findings and other data that are meaningful for parents and the public will need to be entered into the data base and made available for viewing. Currently all compliance

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information and inspection findings are paper based.

The Department earlier proposed in HB 2223 the elimination of the registration statutes and proposed the registered family day care homes be subject to initial licensure. Relicensing inspections would be conducted based on health and safety factors and availability of funding. In order to accommodate the additional inspections, the bill also proposed the frequency of inspections for other categories of child care be extended from 12 months to 15 months. The reason for the proposal was to increase oversight and child safety. In 2007 the Department conducted a listening tour across Kansas and this was one of the recommendations we heard in every location. In addition, a review of complaint investigations, data on child deaths, research on the effects of frequent inspections on compliance and parent expectations for oversight contributed to the Department's proposal to license and inspect these homes. Senate Substitute for HB 2356 also proposes to eliminate the registration statutes and proposes to inspect these homes.

- The Department recommends a technical amendment:

Delete the reference to "65-519" on page 9 line 9 and "or regulation" on page 11 line 2 to coincide with the elimination of the registration statutes.

Rose Grimes, licensed provider, Overland Park, Kansas provided testimony in opposition of the bill ([Attachment 6](#)). She believes the legislation is flawed and does nothing to improve child care but does solve budget problems for legislators who are under pressure to address fiscal problems. She stated Lexie's Law was supposed to increase the number of inspections to protect more children but this bill does just the opposite. A greater percentage of children will be put at risk due to the limited scope of proposed inspections. She fully supports the inspection of "registered" child care. She also stated a disservice to Kansas families is being done by including such vague language as is present in Section 7/Subsection 2, that describes "adopting rules and regulations the secretary deems necessary" and "other factors the secretary deems necessary to assess risk" when proposing a risk based system for determining frequency of inspections. The solution to risk in day care environments in Kansas is still the same - inspections of all facilities. She also provided a KDHE report for calendar years 2007-2009 showing Reported Child Care & Residential Program Deaths. ([Attachment 7](#)) and a KDHE report showing Kansas Child Death and Serious Injury Data in Registered and Licensed Day Care Homes dated January 25, 2010. ([Attachment 8](#))

Montenette Spencer, licensed provider, Wichita, Kansas provided testimony in support of the bill. She relocated to Kansas from a state that has three unannounced inspections a year and was surprised to find that you don't have to be licensed to operate a child care home. She stated annual inspections help in governing safety concerns as well as inducing steps to quality child care and it increases child care supervision standards greatly. ([Attachment 9](#))

Elaine Edwards, Executive Director of Salina Child Care Association, provided testimony in support of the bill. Speaking from personal experience, providers are more likely to follow licensing regulations (which keep children safe) if they know that someone will be dropping by to check for compliance. The bill would strengthen supervision of children under age 5 and tighten supervision requirements when children are sleeping. While the bill is not perfect, it is a step in the right direction. ([Attachment 10](#))

Deb Crowl, President of KAEYC (Kansas Association for the Education of Young Children) presented testimony in support of the bill. While the bill is not perfect, it is a starting point to improve the safety and quality of child care in Kansas. Two key items are the removal of the "registered" family day care category and the availability of an online database that families can access to see licensing surveys for homes or centers. ([Attachment 11](#))

Diane Purcell, concerned citizen, Topeka, KAEYC, provided testimony in support of the bill. She stated the bill addresses three critical issues for children and families and these issues greatly impact those who care for and educate those children. The bill is a big step forward addressing the three issues of inspection, supervision, and access. The provisions of the bill were suggested by many home as well as child care center providers from across the state at the KDHE listening tour which resulted in the formation of the Child Care licensing BEST Team. The BEST team continues to meet and make changes to regulations which will protect the health and safety of Kansas children. ([Attachment 12](#))

CONTINUATION SHEET

Minutes of the House Health and Human Services Committee at 10:00 a.m. on April 27, 2010, in Room 346S of the Capitol.

Holly Turner, Public Policy Chair for Kansas Association for the Education of Young Children (KAEYC) provided testimony in support of the bill. ([Attachment 13](#)) She has seen how important ongoing inspections are to a program. Licensing lays out guidelines for the physical environment, outside area, food service, teacher/child ratios, staff training and supervision. Her testimony covered three items:

Child Care Inspections

- Inspect every child care facility in Kansas on an ongoing basis - protect the children.
- Families assume that licensed and registered homes have similar guidelines.

Supervision Standards of Children Under Age 5

- Regularly checking on sleeping infants and toddlers is a standard practice among parents and child care providers. Ensuring that more providers adopt these practices will minimize sleep-related deaths in Kansas child care.

Open Records Database

- By no longer making the name and address of a child care facility, family day care home or maternity center confidential parents will be better able to make safe and healthy placement choices for their children.

Ben Burton, parent, provided testimony in opposition to the bill. He stated he believes the intent to inspect all child care homes is noble, but intent alone does not create a safer environment for the children of the state of Kansas. His questions include 1) Is this bill only requiring inspections, but doing little else to impact the quality of care a child receives when inspections are not present? 2) How does inspecting my child's provider less frequently make her safer? 3) Why doesn't this law take steps to require CPR training or emergency response best practices? 4) Where is the continued education requirements of all providers? And 5) Are deaths in registered homes higher because they are not inspected or because the provider is not held to a higher standard of education and training? He believes the bill, as written, only offers parents a false piece of mind by saying "your child is safer because the provider is inspected" and weakens the level of oversight children in every county of Kansas in licensed homes already receive. ([Attachment 14](#))

Regana Rials, licensed provider, Lawrence, Kansas provided testimony in support of the bill. She believes requiring all daycare homes to be licensed by the state brings a much needed balance to the issue of quality care. She acknowledged the annual inspection provides an opportunity for someone on the outside to come in and see things from a fresh perspective and point out what she may have overlooked. ([Attachment 15](#))

Leadell Ediger, Executive Director, Kansas Association of Child Care Resource & Referral Agency (KACCRRA), provided testimony in support of the bill. She stated the reality is that in Kansas one of out every three child care programs is never inspected. And, if a program is never inspected, then no one really knows if it is safe, if it protects children, if it meets even the most basic of health and safety standards. Because "registered" care is not required to be inspected, there is no chance for professionals to assist providers in making their program as safe as possible. This bill would require "registered" providers to be inspected and institute a risk-based system for on-going inspections of all child care facilities. KACCRRA views approval of this bill as a definite step in the direction of improving child care in Kansas. She also expressed support for the database proposed that would enable parents to be more informed consumers, and simplify the paperwork process for child care providers. She indicated there is information from NACCRRA (Dr. Richard Fiene) concerning already developed risk based systems that might be useful in developing a Kansas system. ([Attachment 16](#))

Chairperson Landwehr recessed the meeting at 4:55 p.m. and announced it would be continued at 8:30 a.m. on April 28 in room 346S of the Capitol.

HOUSE HEALTH & HUMAN SERVICES COMMITTEE

DATE: 4-27-10

NAME	REPRESENTING
Marie Treichel	ERC Resources & Referral
Kim Young	ERC R & R
Regana (Rita) Riels	Family Child Care Providers
Richard W. MINDER	Success By 6 Coalition & Do. Co.
Karen Cochran	Ks coalition for school readiness
Jennifer Traffis	Tri-County Smart Start
Kristen Fine	Parent / Center Director
Katly Griffin	KPHA, Johnson County Health Dept.
April Chronister	KPHA, Johnson County Health Dept.
NANCY Johnson	Johnson County Health Dept ^{Child care} Surveyor
Don Zavodny	AFSCME / CCPT
STEVE Patrick	Parent
Alexia Patrick	Parent
Kim Engelman	Parent
Deb Crowl	KAEYC / Emporia Child Care
Elaine Edwards	Salina Child Care Assoc.
Leadell Ediger	KACCRA
Holly Turner	KAEYC / Children's Learning Ctr <small>reference</small>
Diane Purcell	Security Benefit Academy

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HOUSE HEALTH & HUMAN SERVICES COMMITTEE

DATE: 4-27-10

NAME	REPRESENTING
Cecelia Courter	University Child Development, Inc.
Shanna Cottrades	Kansas Action for Children
Richard Samaniego	Kearney & Assoc.
PATRICK VOGELSBERG	KEARNEY and Assoc.
Doug Bowman	CCEDS
Rose Grimes	License FAMILY CHILD CARE PROVIDER NAFCC NAFCC Accredited Parent
Beverly Ogle	License Family Child Care Provider
Mandy Keaton-Ferron	Lic PV
Virginia Mascher	Taxpayer
Sherlyn Tedder	Lic. Home Day Care
Michelle Butler	Capital Strategies
Earl F. Galyon	Franklin Center / Kansas, Wa. Tech. Day
Montenette f. Spencer	Self. Lic. Home childcare.
Don Jordan	SRS
Katy Belot	SRS
Tori Richardson	Southwestern College Nursing
Tim Carpenter	C-T

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Debbie Bartuccio

From: Norman Furse
Sent: Monday, April 26, 2010 5:16 PM
To: Debbie Bartuccio
Subject: Senate Changes to SB 447 In S Sub HB 2356
Attachments: SB 447 (Sub) Child Care Changes made in S Sub HB 2356.wpd

Debbie, Please distribute the attached file to the committee members.

Thanks. Norm

HEALTH AND HUMAN SERVICES
DATE: 4-27-10
ATTACHMENT: 1-1

**AMENDMENTS MADE IN S SUB for HB 2356 WHICH DIFFER FROM SUB SB 447
(as Sub SB 447 was amended by Senate Committee of the Whole)**

[deleted material in strike type with brackets and new material in boldface]

[unchanged sections in S Sub for HB 2356 from Sub SB 447 omitted]

SEN SUB for HOUSE BILL NO. 2356

By Committee on Public Health and Welfare

AN ACT concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Children in **family** child care homes, **as defined in K.S.A. 65-503**, or day care homes, **as defined in K.A.R. 28-4-113**, as defined and regulated by the secretary of health and environment, must be competently supervised.

(b) For each child less than five years of age who is awake, the child's care provider shall be in proximity to the child watching and directing activities of the children, respond immediately to emergencies and the needs of children, and provide direct visual supervision unless otherwise provided in subsection (d). An exception to this requirement is allowed when the care provider is temporarily unable to provide direct visual supervision in order to attend to personal hygiene needs or to engage in other care provider duties. In those circumstances, the following conditions shall be met:

- (1) The child care provider has first ensured the safety of each child; and
- (2) the child care provider is able to respond immediately to any child in distress.
- (c) Each applicant who holds a temporary permit or each licensee shall ensure that

supervision is provided for each child who is napping or sleeping. Each child who is napping or sleeping shall be under direct visual supervision or within hearing distance of the child's care provider and shall be visually checked by the care provider at least once every 15 minutes, unless otherwise provided in subsection (d).

(d) Nothing in this section shall be construed as preventing a person who is blind or visually impaired, or who is deaf or hearing impaired, when otherwise qualified, from being a licensed day care provider, or an employee of such a provider.

(e) This section shall be known and may be cited as Lexie's law.

.....

Sec. 4. K.S.A. 2009 Supp. 65-503 is hereby amended to read as follows: 65-503. As used in this act:

(a) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.

(b) "Child care resource and referral agency" means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care.

(c) "Family child care home" means a place maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day. A maximum of six children under 16 years of age with not more than three children under 18 months of age may be cared for in a family child care home. Children under 12 years of age related to the person maintaining the family child care home shall be included in the total number of children permitted to be in care. A person shall not be considered to be maintaining a family child care home if only children who are related by blood, marriage or

legal adoption to such person are cared for.

~~(c)~~~~(1)~~ (d) "Child care facility" means:

~~(A)~~ (1) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, except children in the custody of the secretary of social and rehabilitation services who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage or legal adoption;

~~(B)~~ (2) a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the secretary to require regulation under the provisions of this act;

~~(C)~~ (3) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; ~~or~~

~~(D)~~ (4) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state; or

(5) a family child care home.

~~(2) "Child care facility" shall not include a family day care home defined in K.S.A. 65-517 and amendments thereto:~~

~~——~~~~(d)~~ (e) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

~~(e)~~ (f) "Boarding school" means a facility which provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the secretary of health and environment.

.....

Sec. 5. K.S.A. 65-504 is hereby amended to read as follows: 65-504. (a) The secretary of

health and environment shall have the power to grant a license to a person to maintain a maternity center or child care facility for children under 16 years of age. The license shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children, and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children than is authorized in the license shall be kept on those premises and the business shall not be carried on in a building or place not designated in the license. The license shall be kept posted in a conspicuous place on the premises where the business is conducted. The secretary of health and environment shall grant no license in any case until careful inspection of the maternity center or child care facility shall have been made according to the terms of this act and until such maternity center or child care facility has complied with all the requirements of this act. Except as provided by this subsection, no license shall be granted without the approval of the secretary of social and rehabilitation services. The secretary of health and environment may issue, without the approval of the secretary of social and rehabilitation services, a temporary permit to operate for a period not to exceed 90 days upon receipt of an initial application for license. The secretary of health and environment may extend, without the approval of the secretary of social and rehabilitation services, the temporary permit to operate for an additional period not to exceed 90 days if an applicant is not in full compliance with the requirements of this act but has made efforts towards full compliance.

(b) (1) In all cases where the secretary of social and rehabilitation services deems it necessary, an investigation of the maternity center or child care facility shall be made under the supervision of the secretary of social and rehabilitation services or other designated qualified agents. For that purpose and for any subsequent investigations they shall have the right of entry and access to the premises of the center or facility and to any information deemed necessary to the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such

center or facility shall be filed with the secretary of health and environment.

(2) In cases where neither approval or disapproval can be given within a period of 30 days following formal request for such a study, the secretary of health and environment may issue a temporary license without fee pending final approval or disapproval of the center or facility.

(c) Whenever the secretary of health and environment refuses to grant a license to an applicant, the secretary shall issue an order to that effect stating the reasons for such denial and within five days after the issuance of such order shall notify the applicant of the refusal. Upon application not more than 15 days after the date of its issuance a hearing on the order shall be held in accordance with the provisions of the Kansas administrative procedure act.

(d) When the secretary of health and environment finds upon investigation or is advised by the secretary of social and rehabilitation services that any of the provisions of this act or the provisions of K.S.A. 59-2123, and amendments thereto, are being violated, or that the maternity center or child care facility is maintained without due regard to the health, comfort or welfare of the residents, the secretary of health and environment, after giving notice and conducting a hearing in accordance with the provisions of the Kansas administrative procedure act, shall issue an order revoking such license. The order shall clearly state the reason for the revocation.

(e) If the secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license or for a certificate of registration to maintain a family day care home under K.S.A. 65-518 and amendments thereto for a period of one year subsequent to the date such revocation or refusal to renew becomes final. If the secretary revokes or refuses to renew a license of a [child care provider] licensee who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of the child under such [provider's] licensee's care, such [child care provider] licensee shall be prohibited [to apply] from applying for

a new license to provide child care or ~~[to seek]~~ **from seeking** employment under another ~~[child care provider]~~ **licensee**.

(f) Any applicant or licensee aggrieved by a final order of the secretary of health and environment denying or revoking a license under this act may appeal the order in accordance with the act for judicial review and civil enforcement of agency actions.

.....

Sec. 11. K.S.A. 2009 Supp. 65-525 is hereby amended to read as follows: 65-525. (a) Records in the possession of the department of health and environment or its agents regarding child care facilities; or maternity centers or family day care homes shall not be released publicly in a manner that would identify individuals, unless except individual names of licensees, applicants, facilities and maternity centers may be released. Nothing in this section prohibits release of any information as required by law.

(b) ~~Records containing the name, address and telephone number of a child care facility, maternity center or family day care home in the possession of the department of health and environment or its agents shall not be released publicly unless required by law.~~

~~— (c) Records that cannot be released by subsection (a) or (b) in the possession of the department of health and environment or its agents regarding child care facilities or maternity centers may be released to: (1) An agency or organization authorized to receive notice under K.S.A. 65-506, and amendments thereto; (2) a criminal justice agency; (3) any local, state or federal agency that provides child care services, funding for child care or child protective services; (4) any federal agency for the purposes of compliance with federal funding requirements; (5) any local fire department; (6) governmental entity or subdivision thereof; (3) any child and adult care food program sponsoring agency; or (7) any local disaster agency (4) any disaster or emergency entity.~~

(d) ~~Any state or federal agency or any person receiving records under subsection (a) or (b)~~

~~shall not disseminate the records without the consent of the person whose records will be disseminated unless required by law. Any state or federal agency or any person receiving records under subsection (e) may disseminate the information contained in the records without the consent of the person whose records will be disseminated.~~

(c) On or before September 1, [2010] 2011, the secretary shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and complaints thereof.

~~(e) (d) The secretary of health and environment may release prohibit the release of the name, address and telephone number of a maternity center; or child care facility or family day care home when the secretary determines that prohibition of the release of the information is necessary to protect the health, safety or welfare of the public or the patients or children enrolled in the maternity center; or child care facility or family day care home.~~

~~(f) Any records under subsection (a) or (b) shall be available to any member of the standing committee on appropriations of the house of representatives or the standing committee on ways and means of the senate carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.~~

~~(g) (e) In any hearings conducted under the licensing or regulation provisions of K.S.A. 65-501 et seq., and amendments thereto, the presiding officer may close the hearing to the public to prevent public disclosure of matters relating to persons restricted by other laws.~~

.....

New Sec. 15. ~~[On the effective date of this act, any]~~ A family day care home ~~[that has been issued]~~ **which holds** a valid certificate of registration **on the effective date of this act** shall be construed to be licensed as a family child care home for all purposes under law until such time that an inspection has been conducted and ~~[a]~~ **an initial license as a family child care home** is duly issued by the secretary of health and environment, **at which time the home shall be a licensed family child care home.**

.....

MATTERS DISCUSSED IN HOUSE COMMITTEE RE SB 447 AND NOT ADDRESSED IN THE SENATE AMENDMENT TO HB 2356:

*Section 1. Behavioral regulation of providers in family child care homes and day care homes. This section constitutes a public health regulation and may adversely affect the liability of the covered homes.

*Sec. 7. Exemption from inspection until July 1, 2013, of certain categories of child care facilities enumerated in this section upon these facilities submitting a self-evaluation report annually to the secretary: Day care homes, group day care homes, child care centers, preschools, school-age programs and drop-in programs.

*Sec. 11. Deletion of the authorization of the appropriations/ways and means committees to close their meetings to consider records of KDHE relating to child care facilities or maternity centers.

*Sec. 17. Effective date of the new law or parts thereof. Kansas register in the bill. The bill does not provide for a phase-in of any new requirements although inspections of family day care homes are to commence on or before January 1, 2011. On the effective date of the act family child care homes are construed to be licensed "for all purposes under law..." (Sec. 15)

Testimony
On
HB 2356
By
Alexandra Townsend, Union Representative
American Federation of State, County and Municipal Employees, Council 72
April 15, 2010

As we all know, the children of Kansas are our most precious resource and there is nothing more important than their education, safety and well being. As Kansas looks to improve the level of child care, there are many reforms that we must look at.

HB 2356 makes strides in the right direction for ensuring the safety and well being of our children. Ensuring that child care providers in the state of Kansas are making efforts towards licensure and accreditation is key in having the best possible care for our children. Not only this, but the efforts to improve the oversight of all registered family day care homes by implementing regular inspections for every child care facility is beneficial in protecting the providers in addition to the children.

Overall, HB 2356 and its counterpart, SB 447, would have a lasting impact with regards to the overall safety, welfare and care of children in Kansas. In addition, the specificity with regards to the expectations for supervision and appropriate practices allows for the providers to know what they should be actively striving for in order to be fully in compliance with the regulations set by the Kansas Department of Health and Environment.

With this, it is fair to say that in-home child care providers who are members of the American Federation of State, County and Municipal Employees, Child Care Providers Together serving as BEST Team Members are in favor of passage of this bill.



DEPARTMENT OF HEALTH
AND ENVIRONMENT

Mark Parkinson, Governor
Roderick L. Bremby, Secretary

www.kdheks.gov

**Testimony on Senate Substitute for HB 2356
Presented To
House Committee on Health and Human Services
By
Richard Morrissey
Deputy Director of Health
Kansas Department of Health and Environment**

April 27, 2010

Chairwoman Landwehr and members of the committee, I am Richard Morrissey, Deputy Director of the Division of Health for the Kansas Department of Health and Environment. Thank you for the opportunity to appear before you today in support of Senate Substitute for House Bill 2356.

Legislative research requested the Department provide some information to the Committee about the impact of HB2356 on the Department and on the licensing process. I have provided an attachment for your review that describes the current child care licensing and registration process in Kansas. With the enactment of HB 2356 the Department will need to make a number of changes which I have summarized below.

Licensing regulations for small family child care homes will need to be promulgated. It is anticipated that the Department will promulgate temporary regulations that are not significantly different than what is currently required on the Safety Evaluation Checklist. The licensing fee will be increased from \$5 to \$15.

The Department is currently in the process of updating general regulations applicable to a number of categories of child care, including registered family day care homes. These general regulations include requirements for core health and safety training, including current certification in CPR and first aid, SIDS and safe sleep practices, child abuse and basic child development.

Policies, procedures and forms will need to be developed for inspections, for the self evaluation process and for determining which facilities are in compliance. Training on the new process will need to be conducted for surveyors and child care providers.

A number of I/T changes are anticipated in order to accommodate the new category of family child care home, the new inspection cycle and the risk based system. The Department will need

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HEALTH AND HUMAN SERVICES
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to conduct research to establish the risk criteria and a process will need to be developed to implement and evaluate the effectiveness of the risk based system.

KDHE will need to implement the online dissemination system by September 2011. The Department is working in partnership with SRS on an I/T project to develop online applications, including an online dissemination system for parents and the public. The I/T project is to be completed by September 2011. In addition, compliance information, inspection findings and other data that are meaningful for parents and the public will need to be entered into the data based and made available for viewing. Currently all compliance information and inspection findings are paper based.

In HB 2223, the Department proposed the elimination of the registration statutes and proposed the registered family day care homes be subject to initial licensure. Relicensing inspections would be conducted based on health and safety factors and availability of funding. In order to accommodate the additional inspections, the bill also proposed the frequency of inspections for other categories of child care be extended from 12 months to 15 months. The reason for the proposal was to increase oversight and child safety. In 2007 the Department conducted a listening tour across Kansas and this was one of the recommendations we heard in every location. In addition, a review of complaint investigations, data on child deaths, research on the effects of frequent inspections on compliance and parent expectations for oversight contributed to the Department's proposal to license and inspect these homes. Senate Substitute for HB 2356 also proposes to eliminate the registration statutes and proposes to inspect these homes.

Technical Amendment

The Department recommends a technical amendment to:

Delete the reference to "65-519" on page 9 line 9 and "or registration" on page 11 line 2 to coincide with the elimination of the registration statutes.

Thank you for the opportunity to speak in support of Senate Substitute for HB 2356. I will now stand for any questions you may have.



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Division of Health

Current Kansas Child Care Licensing and Registration Process
Early Care and Youth Programs
April 27, 2010

The Department administered the Child Care Licensing and Registration Program statewide. Grant funds are provided to local county health departments to conduct inspections and to provide orientation, technical assistance and consultation to providers at the local level. The grant funds cover approximately half the local health department's cost to provide these services. The local health department surveyor is the primary contact for child care providers in their area. All but 14 counties have a local health department providing these services. In these uncovered counties a Department district specialist conducts the inspections and is the primary contact.

When an individual or an organization wishes to provide child care services to the public, they first contact their local surveyor for information and orientation to the requirements and the licensing or registration process.

Applicants for a license submit a complete application, a request for KBI/SRS Background Checks for all individuals who reside, work or regularly volunteer in the home and an application fee that varies based on the licensed capacity. Day care homes and facilities licensed for up to 15 children pay a fee of \$15. The maximum fee is \$75.00. Many local health departments also charge a fee. Day care homes and other child care facilities are inspected initially to determine compliance with applicable regulations, at least once every 12 months thereafter and following a complaint. Compliance checks are also conducted to verify if corrections are made.

A temporary permit may be issued once the application is complete and all background checks have cleared. A license may be issued once the inspection determines that the applicant is in compliance with applicable regulations. The license is non-expiring but is renewed annually. The renewal process includes paying a renewal fee equal to the application fee.

In lieu of becoming licensed, a person wishing to operate a small family day care home can become registered. Applicants for a registered family day care home submit a complete application a request for KBI/SRS Background Checks for all individuals who reside, work or regularly volunteer in the home; a Safety Evaluation form attesting to the safety of the home; and \$5.00 application fee to KDHE. Many local health departments also charge a fee.

A certificate of registration may be issued once the application is complete and all background checks have cleared. The certificate is valid for one year and may be renewed annually. The renewal process includes paying a renewal fee equal to the application fee. Registered family day care homes are not routinely inspected. Inspections are conducted following a complaint to verify compliance.

The Department does have the authority to enforce registration or licensing requirements through corrective action, denying an application, assessing a civil penalty, suspension or revocation of the license or certificate.

KDHE INTERPRETATION OF THE DIFFERENCES BETWEEN SB 477 AND SENATE SUBSTITUTE FOR HB 2356

	Senate Substitute for SB 447	Senate Substitute for HB 2356	Reason for the Change
LEGISLATIVE SUMMARY	Passed Senate 3/17/2010. Hearing held in the House HHS Committee 3/19/2010.	Passed Senate 3/30/2010. House non-concurred. Conference Committee appointed.	
KEY POINTS			
New Section 1: Supervision	Children in child care homes or day care homes as defined and regulated by the secretary must be competently supervised.	<i>Children in family child care homes as defined in K.S.A. 65-503 or day care homes as defined in K.A.R. 27-4-113 and regulated by the secretary must be competently supervised.</i>	We believe this is intended to clarify which categories of child care this section applies to.
Section 4: Amending K.S.A. 65-503, defining "family child care home"	"Family child care home" means a place maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day. A maximum of six children under 16 years of age with not more than three children under 18 months of age may be care for in a family child care home. Children under 12 years of age related to the person maintaining the family child care home shall be included in the total number of children permitted to be in care.	"Family child care home" means a place maintained for the purpose of providing children with food or lodging, or both, away from such children's home or homes, for less than 24 hours a day. A maximum of six children under 16 years of age with not more than three children under 18 months of age may be care for in a family child care home. Children under 12 years of age related to the person maintaining the family child care home shall be included in the total number of children permitted to be in care. <i>A person shall not be considered to be maintaining a family child care home if only children who are related by blood, marriage or legal adoption to such person are cared for.</i>	We believe this is intended to clarify that care provided by family is not required to be regulated.
Section 5: Amending K.S.A. 65-504	If the secretary revokes or refuses to renew a license of a child care provider who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of the child under such provider's care, such child care provider shall be prohibited to apply for a new license to provide child care or to seek employment under another child care provider.	If the secretary revokes or refuses to renew a license of a <i>licensee</i> who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of the child under such <i>licensee's</i> care, such <i>licensee</i> shall be prohibited <i>from applying</i> for a new license to provide child care or from seeking employment under another <i>licensee</i> .	We believe this is intended to clarify that this applies to the licensee.

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	Senate Substitute for SB 447	Senate Substitute for HB 2356	Reason for the Change
<p>Section 11: Amending K.S.A. 65-525, Records</p>	<p>On or before September 1, 2010, the secretary shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and complaints thereof.</p>	<p>On or before <i>September 1, 2011</i>, the secretary shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and complaints thereof.</p>	<p>The planning and development of an online dissemination system is part of a larger joint project between KDHE and SRS related to various online applications for both agencies. The project utilizes ARRA Child Care Development Funds for the necessary I/T development and design. It is anticipated that I/T work on the related projects will be completed by 9/30/2011.</p>
<p>New Section 15</p>	<p>On the effective date of this act, any family day care home that has been issued a valid certificate of registration shall be construed to be licensed as a family child care home for all purposes under law until such time that an inspection has been conducted and a license is duly issued by the secretary of health and environment.</p>	<p><i>A family day care homes which holds a valid certificate of registration on the effective date of this act shall be construed to be licensed as a family child care home for all purposes under law until such time that an inspection has been conducted and an initial license as a family child care home is duly issued by the secretary of health and environment, at which time the home shall be a licensed family child care home.</i></p>	<p>We believe that this is intended to clarify when the family day care home is considered a family child care home.</p>

Kathie Sparks

From: Rose Grimes [rosegrimes1@att.net]
Sent: Monday, April 26, 2010 2:59 PM
To: Kathie Sparks
Cc: Brenda Landwehr; 'Rose Grimes'
Subject: Testimony for House Health & Human Services Committee SB447 and/or HB2356

Dear House Representative Landwehr:

As the Committee Chair for the House Health & Human Services Committee that is considering SB447 and/or HB2356 Lexie's Law. I am asking that you share this email with every Committee Member at Tuesday's (4/27/10) 10:00 am.

My name is Rose Grimes, and I am a resident of Overland Park, KS. I am self-employed as a Licensed Family Child Care Provider for 24 yrs, accredited by the NAFCC for 14 of those years. I was a Mentor for other providers, who were working to become NAFCC accredited, as a paid contractor for The Family Conservancy. I was an unpaid volunteer for the Johnson County Health Department for 3 yrs speaking at monthly orientation meetings for new providers. My input was directed toward encouraging new providers to become licensed instead of registered and that would result in an initial inspection. The usual response was a greater number of providers choosing to be licensed. I was founder and president of The Providers' Exchange for 15 yrs. When high quality training was not available, I arranged for training opportunities that were then approved by Health Dept. staff. As you can see, I have been a very active advocate for children. I am extremely opposed to (SB447 and/or HB2356) Lexie's Law.

Lexie's Law was supposed to increase the number of inspections to protect more children. This bill does just the opposite. A greater percentage of children will be put at risk due to the limited scope of proposed inspections. I fully support the inspection of "registered" child care. I have been a long time advocate of all facilities of all types being inspected. And even though I have been told by Eldonna Chestnut, Johnson County Health Dept, Rep. Cindy Neighbors, and Sen. Laura Kelly that Johnson County has the funding to inspect all facilities within 8 months, I am still concerned about the changes that will occur. How can you trade one group of children for another when placing children at risk? Every parent deserves to know that the placement that they have chosen has been evaluated for adult to child ratios, background checks completed, physical environment safety, up-to-date immunizations, the list is endless..... How do you, in good conscience, leave so many children at risk?

You do a great disservice to Kansas families by including such vague language as is present in Section 7/ Subsection 2, that describes "adopting rules and regulations the secretary deems necessary" and "other factors the secretary deems necessary to assess risk" when proposing a risk based system for determining frequency of inspections. The solution to risk in day care environments in Kansas is still the same---Inspections of all facilities. All Facilities!! How do you justify inspecting less than 11% of the children in care (that is the number in registered homes) while ignoring the 71% that are served by facilities that include licensed family child care, group day care homes, day care centers, preschool programs, after-school care, and drop-in programs. Kansas children deserve much more than this bill offers. They deserve real solutions.

Actual improvement in childcare regulation would establish a current CPR certification as mandatory, routine inspection of all facilities, training for providers that address the issues that are under consideration right now, and increased training requirements for all providers. The new designation for Registered providers does not have any training requirements, and licensed providers only have to complete 5 hours per year. Only First aid is required for all providers. The solution to the problem of risk in daycare environments is increased training. This is the only industry where half measures are proposed to address serious issues with child safety. Every

other element in our society recognizes the value of education in solving problems. The same approach should be used in this situation.

This is a flawed piece of legislation that does nothing to improve child care but does solve budget problems for legislators who are under pressure to address fiscal problems. It is time to do the right thing for Kansas children. Kill this bill, right here, right now. Then, start the process of writing a new bill that has the interests of our children at heart. The single most important element of any child care legislation must be the safety of our children.

Thank you for your listening to my concerns.

Rose M. Grimes
Overland Park, KS 66207



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
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Division of Health

REPORTED CHILD CARE & RESIDENTIAL PROGRAM DEATHS

CALENDAR YEARS 2007-2009

As of April 23, 2010

TOTAL: 31 Deaths

2007: 14 deaths (age of victims)

- 5 – Registered Day Care Home (2 months, 3 months, 3 months, 4 months, 7 months)
- 4 – Licensed Day Care Home (1 month, 4 months, 6 months, 9 months)
- 2 – Group Day Care Home (3 months, 3 months)
- 1 – Day Care Home without a license/certificate (4 months)
- 1 – School Age Program (12 years)
- 1 – Residential Center (14 years)

2007
11 Family Child Care
1 underground

2008: 5 deaths (age of victims)

- 1 – Licensed Day Care Home (13 months)
- 1 – Group Day Care Home (7 months)
- 1 – Child Care Center (3 months)
- 1 – Family Foster Home (1 month)
- 1 – Residential Center (11 years)

2008
0 = Registered
5 = Family Child Care

2009: 12 deaths (age of victims)

- 3 – Registered Day Care Home (6 months, 9 months, 18 months)
- 2 – Licensed Day Care Home (1 month, 3 years)
- 2 – Group Day Care Home (2 months, 7 months)
- 1 – Day Care Home without a license/certificate (1 month)
- 4 – Family Foster Home (9 months, 12 years, 16 years, 21 years)

2009
7 = Family Child Care
1 = underground

22

9 other / or 11 other
underground

BUREAU OF CHILD CARE AND HEALTH FACILITIES - CHILD CARE LICENSING & REGISTRATION PROGRAM
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 200, TOPEKA, KS 66612-1274

Voice 785-296-1270 Fax 785-296-0803 Website www.kd

HEALTH AND HUMAN SERVICES
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Kansas Child Death and Serious Injury Data in Registered and Licensed Day Care Homes January 25, 2010

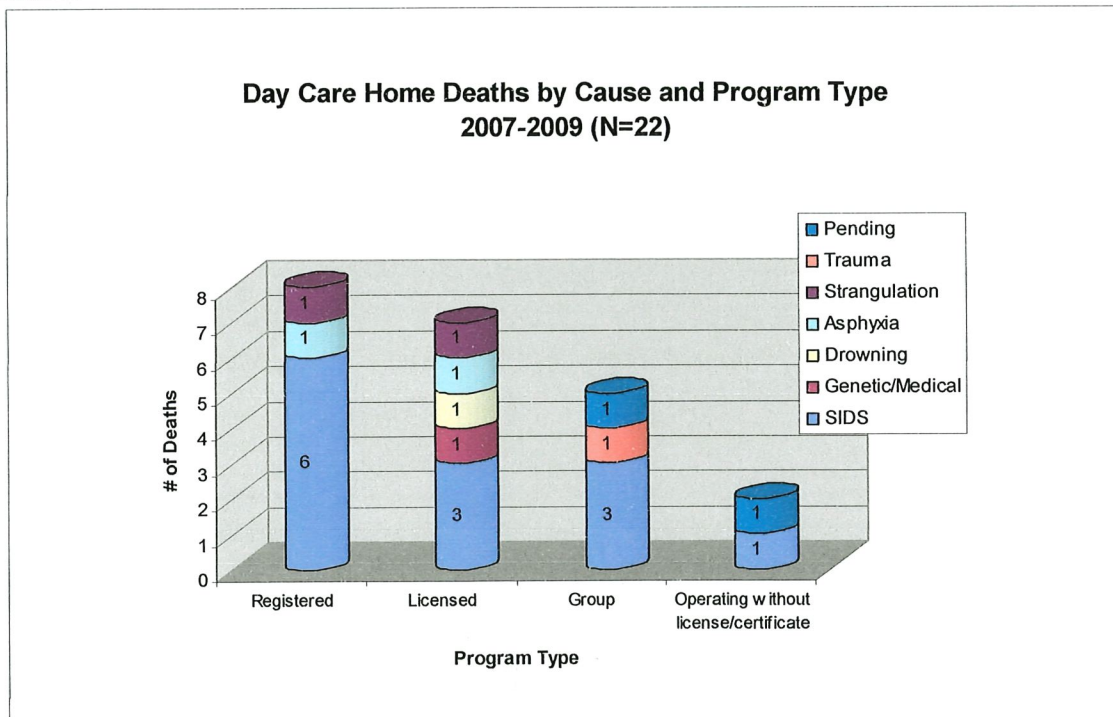
As of January 2010 there are a total of 6,710 registered or licensed day care homes in Kansas: 2569 registered family day care homes, 3035 licensed day care homes, and 1106 group day care homes.

Licensed day care homes make up 45% of all day care homes; however, 38% of homes are registered family day care homes, making it the 2nd most common type of child care in our state. Registered family day care homes are neither inspected initially nor annually. Pursuant to KSA 65-520, the Department only has the authority to verify compliance with registered family day care home requirements after receiving a complaint.

The data displayed in Chart 1 reveals the greatest number of deaths occurred in registered family day care homes. Approximately 36% (8 of 22) deaths occurred in registered family day care homes, exceeding the number of deaths in licensed day care homes, (7 of 22) and group day care homes, (5 of 22). Nearly 88% of the registered day care home deaths (7 of 8) were sleep-related, and at the time of this report, 75% (6 of 8) of the deaths have been ruled as Sudden Infant Death Syndrome (SIDS), one as asphyxia, and one case involved lack of supervision and exceeding capacity resulting in death by strangulation.

Considering the case findings and data displayed in Chart 1, inspecting registered day care homes could have made a difference. Nineteen of the 22 deaths were sleep related. The comparison of sleep-related deaths in registered family day care homes (7 of 19) versus licensed and group licensed day care homes (10 of 19) reveals more health and safety violations in registered family day care homes. For example, children were placed in a crib or playpen 70% of the time in licensed and group licensed day care homes but only 43% of the time in registered day care homes.

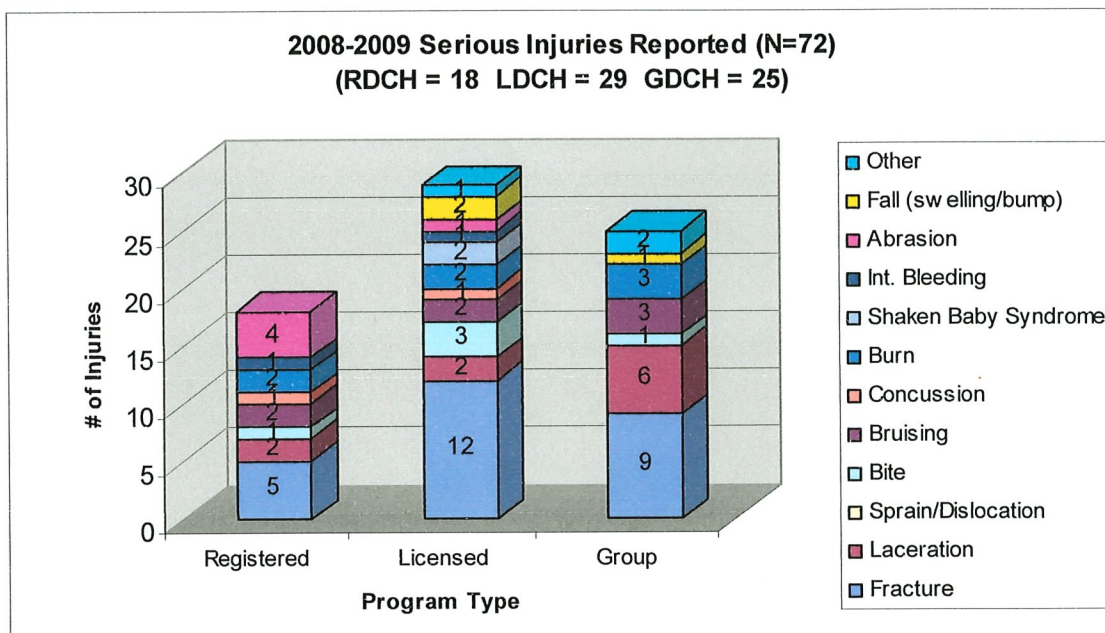
Chart 1.



Sleep-related deaths such as asphyxia, strangulation, and unintentional suffocation are preventable. The cause of SIDS is unknown and thereby is not preventable; however, we can reduce the associated risks. Information on reducing the risks of sleep-related death and verifying safe sleep environments in day care homes through inspections increases children's safety by identifying unsafe environments and practices and by providing education, training, and technical assistance. Violations cited in cases of sleep-related deaths include inappropriate napping, lack of supervision, and exceeding the maximum number of children permitted to be in care. It is important to note that regulations governing these areas of compliance are discussed and observed during on-site inspections. Therefore, verifying children are placed in a crib or playpen versus a bed can only be monitored through inspection. In addition, offering providers guidance and stating expectations for attentive and adequate supervision during an inspection is critical to children's safety.

As displayed in Chart 2, during 2008 and 2009, a total of 72 serious injuries were reported to have occurred in day care homes. Approximately 25% (18 of 72) occurred in registered family day care homes. Injuries ranged from the most serious involving internal bleeding and fractures to minor injuries such as lacerations and abrasions that required medical attention. Perhaps what is most alarming is the fact that more than half of all victims in registered family day care homes were infants under 18 months of age.

Chart 2.



Due to the data on complaints and parent reports, the Department is concerned that a number of injuries in registered family day care homes go unreported. Regulations do not require that injuries be reported, and according to Department statistics, during 2008 and 2009, 378 registered day care home complaints were investigated. Nearly two times that amount (729) were investigated in licensed day care homes. The number of group day care home complaints (426) far exceeded that of registered family day care homes even though the number of registered family day care homes is nearly triple the number of group day care homes. Recent complaint investigations involving inspections of registered family day care homes that were in operation for 17 years or longer revealed serious and ongoing health and safety violations that would have been identified and corrected sooner had these homes been licensed and inspected.

Initial and on-going inspections of day care homes have many advantages, the most significant being the potential to prevent or reduce the risk of incidents that could result in serious injury and possible death of children in care. Inspections not only involve a check of the physical environment to help ensure that there are not conditions present that may pose hazards to the children in care, but it is also an opportunity for the surveyor to speak with the provider about relevant topics and care practices which may have a significant impact on the care that children receive. Examples would be discussing safe sleep practices for infants or consumer recalls of toys and equipment. Surveyors are able to discuss issues with the provider and the provider is also afforded an opportunity to ask questions and pose possible solutions to any violations that have been cited. In the long run the benefit of conducting initial and on-going inspections makes a difference.

Hello, my name is Montenette Spencer and I'm representing myself. I'm here to speak about a situation that's quite grievous to me. I'm a license child care provider for New Beginning Child Care, in Wichita KS. I have been a license provider for 10 years in the state of Oklahoma. When I decided to relocate in January 2009, I viewed several states; Texas, Arkansas and Kansas.

Coming from Oklahoma, where the program is ranked number one in the nation for state standards and oversight for family child care. Furthermore, in the state of Oklahoma oversight also ranks above the department of defense, which historically represents the gold standard of child care.

I searched for a state that would benefit the most from a provider who has a passion for quality child care. To my surprise Kansas was ranked forty-one in the nation in terms of child care oversight. So, I decided that Kansas has a need for professional child care. I made the transition in August 2009 and I stand before you now ready to make a difference.

To my surprise I found out that you didn't have to be licensed to operate a child care home. Also, that our homes would be inspected annually. Relocating here from a state that has three unannounced inspections a year, I was quite surprised. But, I stood with gaping mouth to find that registered providers have no annual inspection whatsoever! I feel it's my duty and responsibility to address this matter.

Annual inspections help in governing safety concerns as well as inducing steps to quality child care. Furthermore, it will increase child care supervision standards greatly. All providers providing care for children should be inspected, there shouldn't be a division of the inspection process; how can one honestly believe that the present process is beneficiary for our children? I wonder if this is why this beautiful state rears the ugly ranking of forty-seven in national care.

Thank you and have a great day.

HEALTH AND HUMAN SERVICES
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Oral Testimony for HB 2356

Elaine Edwards, Executive Director Salina Child Care Association

Madam chair and members of the committee, I am Elaine Edwards and I have been the Executive Director of Salina Child Care Association for the past 26 years. I am speaking in support of HB 2356.

Salina Child Care Association operates 2 child care centers and sponsors area family day care homes on the Child and Adult Care Food Program. Through our two child care centers, we provide early care and education to over 125 children a year. Our organization is a strong supporter of child care licensing inspections and the relationship between safe and healthy learning environments for children. We see firsthand the results of licensing inspections – they keep child care providers like ourselves in check with basic health and safety standards.

Through our sponsorship of the Child and Adult Care Food Program, we provide nutrition education and technical assistance to family child care homes in the Salina area. Family child care providers voluntarily choose to participate in this federal program in order to receive monetary assistance with food costs. Federal guidelines require us to make 3 home visits a year to these providers; two of those visits are unannounced. On these visits we monitor basic food safety, nutrition guidelines and compliance with required meal patterns. These visits do not duplicate KDHE licensing visits, as the scope of our visit is nutrition related.

We are “in” registered homes – registered providers should have no problems “passing” a licensing inspection if they are indeed following the health and safety checklist that they sign off on each year. Speaking from personal experience, providers are more likely to follow licensing regulations (which keep children safe) if they know that someone will be dropping by to check for compliance.

This bill would strengthen supervision of children under age 5 and tighten supervision requirements when children are sleeping. If one Kansas child is saved by these new supervision standards, then these changes are worth any cost.

We believe that ALL Kansas children have a right to spend their time in out-of-home care in a safe, healthy environment – whether it is a registered or licensed home or child care center. While HB 2356 is not perfect, it is a step in the right direction. Child care inspections and regulations can and do make a difference. Strengthened supervision standards can also make a difference and could perhaps save a life. “Good Beginnings Last a Lifetime.” Thank you.

HEALTH AND HUMAN SERVICES

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I'm Deb Crowl, President of the Kansas Association for the Education of Young Children. KAEYC has approximately 1,000 members across the state of Kansas. KAEYC is the state affiliate under the umbrella of NAEYC or National Association for the Education of Young Children. NAEYC is the world's largest organization working on behalf of young children with nearly 100,000 members, a national network of over 300 local, state and regional affiliates and a growing global alliance of like-minded organizations. I'm also the Administrator for Emporia Child Care. We have three facilities, two serve preschool age children and one serves infants and toddlers.

I'm here today to speak on behalf of HB 2356 formerly SB 447. This bill also known as "Lexie's Law" has been through many revisions. Many individuals, including the families of children who died while in child care, have worked countless hours to help make children safe while their parents are at work or school. Is this bill perfect? Not by a long shot, but it's a starting point to improve the safety and quality of child care in Kansas.

HB 2356 would remove the "registered" family day care category. This would require all family child care homes to be licensed which means everyone would be inspected. This bill does not change the number of children a provider can care for at one time. This bill should not have any impact on parents' cost of care but would help them be more confident and reassured their children are safe. It's a well known fact when parents have access to quality and safe child care, they are more likely to stay in the workforce and be more productive while at work.

My favorite part of HB 2356 is the online database families will be able to access. This will give parents the ability to see licensing surveys for homes or centers. I would hope this would encourage all homes and centers to have a perfect inspection since those searching for care will be able to view them. Most parents are very internet savvy so the need to "teach" them how to use this service won't be necessary. Parents will know who is licensed and if there are any issues or concerns that may affect their children.

Please consider HB 2356. Help Kansas children! We need to start the process of improving child care for our youngest population. Kansas needs to be ranked higher than 47th in the nation in terms of overseeing child care homes and centers. We have the momentum now; let us keep it going for Kansas kids' sakes!

Thank you!
Deb Crowl

HEALTH AND HUMAN SERVICES

DATE: 4-27-10

ATTACHMENT:

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11-1

Testimony on HB 2356

April 27, 2010

Diane Purcell, Director
Security Benefit Academy
Topeka, Ks, 66636

I'm here today to speak in support of HB 2356.

This bill addresses three critical issues for children and families and these issues greatly impact those who care for and educate those children.

The future of Kansas and the Kansas economy rests in the hands of today's youth and young children. We cannot secure the future of our state without securing the early childhood and education of our youngest citizens, and we can only do that by assuring that each child has a safe environment in which to grow and learn when in the care of others.

This bill is a big step forward, addressing the following issues:

- **Inspection:** Currently, 1 in 3 child care facilities is never inspected, and this bill would require initial inspection of all facilities prior to caring for children to determine that a baseline level of safety and sanitation is met- much as all hair salons and restaurants are currently inspected. A "Risk Based" system would then be established for follow-up inspections as needed.
- **Supervision:** Children would be directly supervised, unless other duties needed attention, and sleeping or napping children would be in visual or hearing distance and would be checked on at least every 15 minutes, as is recommended in safe sleep protocols.
- **Access:** An online "open records" database will be established for parents or others looking for child care, which would provide the inspection history and record of any violations of regulations, so that parents can make informed decisions when choosing a facility or program for their child. Currently, too many think that "registered" indicates monitoring by the state, including inspections.

This bill is a positive step in assuring the safety of Kansas children when they are being cared for outside of their own home.

The provisions of this bill were suggested by many home as well as child care center providers from across the state at the KDHE listening tour which resulted in the formation of the Child Care licensing BEST Team. The BEST team continues to meet and make changes to regulations which will protect the health and safety of Kansas children.

April 27, 2010

Testimony on House Bill No. 2356

Holly Turner
Executive Director
Children's Learning Center, Inc
Kansas Association for the Education of Young Children
BGS in Early Education and MS in Early Childhood Special Education,
The University of Kansas

As Public Policy Chair for Kansas Association for the Education of Young Children (KAEYC)
I believe Kansas can and must do a better job of improving the quality and safety of child care.

As Executive Director of Children's Learning Center, an Early Education Program serving 173 children, 2 weeks to 12 years of age I have seen just how important ongoing inspections are to my program. Licensing lays out guidelines for the physical environment, outside area, food service, teacher/child ratios, staff training and supervision.

Child Care Inspections

- Inspect every child care facility in Kansas on an ongoing basis – protect the children.
- Families assume that licensed and registered homes have similar guidelines.

Misinformation:

- ❖ Has no impact on families caring for their own children.
- ❖ Does not change existing rules regarding informal child care arrangements such as parents who have arrangements with a friend, neighbor or family member who is not registered/licensed with the state to care for children.
- ❖ Does not change existing rules on number or age ratios of children in care. Therefore would not impact availability of child care in the state.

Supervision Standards of children under age 5

- Regularly checking on sleeping infants and toddlers is a standard practice among parents and child care providers. Ensuring that more providers adopt these practices will minimize sleep-related deaths in Kansas child care.

Misinformation:

- ❖ Does not require that providers be within sight and sound of children at all times. Does call for providers to adequately supervise children under 5. By (1) providing direct visual supervision of children's activities when not tending to other children or duties; and (2) be able to hear or see small children while they are napping in the home.

Open Records Database

- By no longer making the name and address of a child care facility, family day care home or maternity center confidential parents will be better able to make safe and healthy placement choices for their children.

HEALTH AND HUMAN SERVICES
DATE: 4-27-10
ATTACHMENT: 13-1

Kathie Sparks

From: Ben Burton [ben.burton1@gmail.com]
Sent: Monday, April 26, 2010 9:04 AM
To: Kathie Sparks
Cc: Brenda Landwehr
Subject: Request to Testify (transcript) - HB2356 and/or SB447

Dear House Representative Landwehr,

As the Committee Chair for the House Health & Human Services Committee that is considering (HB2356 and/or SB447) I am asking that you share this email with every Committee Member at Tuesday's (4/27/10) 9:00 am. Additionally, I request that I be added to the list for testimony as an opponent.

I would like to start by saying I believe the intent to inspect all child care homes is noble, but intent alone does not create a safer environment for the children of the state of Kansas. As a parent of child in a licensed day care home (with another starting in a month), red lights go off in my head when I read phrases like "inspections every 15 months" with a line drawn through the 12 next to it, or "risk-based system for determining frequency of inspections" or self-evaluations instead of more regular inspections. This leaves questions running through my head; 1) Is this bill only requiring inspections, but doing little else to impact the quality of care a child receives when inspectors are not present? 2) How does inspecting my child's provider less frequently make her safer? 3) Why doesn't this law take steps to require CPR training or emergency response best practices? 4) Where is the continued education requirements of all providers? and 5) Are deaths in Registered homes higher because they are not inspected or because the provider is not held to a higher standard of education and training?

This leads me to the 3 brief points I would like to make today:

1) My wife and I choose a licensed provider for our daughter. One reason was because we knew she would be inspected every 12 months. My wife and I live by the policy that when it comes to our daughters, we are the #1 inspectors, period. Surprise drop-ins, participating in activities, and asking tough questions of our provider is our responsibility. We also believe in the importance of an annual inspection, and in each year of our daughter's life there is another voice saying 'you made a good decision, your provider is following the rules.' Now, we trust our provider beyond words, and leaving our 2nd daughter with her doesn't feel like a leap of faith, but a shared step forward. However, as much as I trust our provider, it is still nice knowing someone will be there each year to say everything is ok. Relaxing this timing in the least leaves me uneasy for not only the children of Johnson county, but for the children of Riley county where I have a niece and nephew, for the children of Reno county where I was in child care, and for the children of Dickinson county where I went to grade school. A lot can happen in a year, and as the stats show deaths and accidents in child care facilities are not exclusive to Registered homes, but they happen as well in Licensed homes that are already inspected every 12 months.

2) Budgets are tight, and how our tax dollars are spent is more important then ever. Personally I have been forced to be smarter about how I spend my money, and I expect nothing less from this state's elected officials. So how does the state plan to properly inspect on a tightened budget? This question lingers on my mind, because when it comes to our kids I don't want halfway inspections. When I put my children in their safety seats, I don't leave one of the buckles unfastened, and say 'it's ok, a little is better then nothing.' No, I ensure I have made them as safe as I can. Licensed homes are inspected annually, and anything less is halfway in my mind. A phrase like 'risk based' or vague wording like 'adopting rules and regulations the secretary deems necessary' reeks of short-cuts and leaves the door open to an addendum based on convenience or election year maneuvering. When it comes to laws concerning my children I want to see all eyes looking in the the same direction because halfway is not good enough. Please, inspect all child care homes, but don't do it at the expense of the children who are already protected by a licensed home's higher set of standards.

3) Finally, I have heard the analogy used that we inspect all restaurants and hair salons, so why wouldn't we inspect all child care homes? First, you are right, inspect all child care homes, but again don't punish parents and children from Kansas City to Russell who expect a higher standard for their children. Second, yes, restaurants may get inspected, but an inspection doesn't guarantee they will serve great tasting food that won't clog our arteries in an inviting environment. You make a choice where you eat based on your family's needs and wants, just as you choose a child care home based on your family's needs and wants. Inspecting child care homes doesn't guarantee children will be any better taken care of or provided the safest possible environment. It remains the parents responsibility to do their research and make the

choice of what day care provider meets their care needs and budget. This brings me to the point I alluded to in my opening: What is this bill doing other than mandating inspections? I am left wondering why this bill does not address SIDS prevention, proper safety equipment, proper door locks, required CPR training so providers can respond more effectively if an accident happens, continued education so providers are staying current on child care best practices that keep them safe. In a study on the kdheks.gov website date January 25, 2010 it states there were 7 deaths in licensed day care homes compared to 8 deaths in registered family day care homes. Of these deaths, 6 were attributed to SIDS in registered homes and 3 were attributed to SIDS in licensed homes. I believe it is best practices, and not inspections alone that decrease the number of deaths. Other than checking on sleeping children more often, I could not find mention to required education or sleeping arrangements which can help reduce the instances of SIDS. You cannot police providers every movement, and an inspection is only a snapshot in time, so require education for providers to help drive home the importance of child safety at every opportunity and keep them up-to-date on best practices. Provide more resources to parents so they can make a better decision, understand the differences in child care options, and dictate what the market should be providing. Use the limited funds in a smarter way.

In conclusion I want to thank the committee members for hearing my thoughts and feelings. I feel this bill, as written, only offers parents a false piece of mind by saying 'your child is safer because the provider is inspected,' and weakens the level of oversight children in every county of Kansas in licensed homes already receive. As a parent of a child in day care (and one closely behind) I urge you to stop this bill. Until parents and providers are better educated, trained and prepared, we will not see the number of deaths in day care fall closer to an acceptable number. 0.

REGANA RIALS

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April 24, 2010

Dear Friends,

Hi, My Name is Regana Rials. I am the owner and Director of Rita's Daycare located in Lawrence, Kansas. Rita's Daycare has been operating in its current location as a licensed facility since 1998. I have worked in the child care field for nearly 27 years, wearing many hats ranging from nap time assistant to Director.

I am here today in support of requiring all daycare homes to be licensed by the State and to discuss the benefits of it.

Throughout my years of experience I have learned how challenging it is for families to find childcare. Many parents would prefer to have their child in a home daycare rather than face the high cost of commercialized childcare. But in choosing a home daycare, they become confused about the quality of care because of the existence of both Registered and Licensed daycare homes. Requiring all daycare homes to be licensed by the state brings a much needed balance to the issue of quality care.

I am certain that there are people who provide quality care in registered home daycares because several years ago, after I needed to relocate my business, I operated as a registered facility for a brief amount of time. As much as I love the fact that my business has stood for over 12 years based on my credibility and personal references from parents, I cannot disregard the reassurance parents receive when they know I am licensed by the state.

Many parents that have toured my daycare have admitted that they really didn't know what questions to ask me. My concern is; if the parents are not sure of what questions to ask when enrolling their child, how are they going to have the knowledge to 'police' the facility adequately after their child is enrolled? Things such as provider training, property maintenance, child- staff ratio guidelines, and current and proper records, are just a few of the things parents often fail to question.

In an attempt to help train people to find quality care, many conference speakers have said "go with your gut". While this method has worked for some, all children deserve more. Your "gut" is not going to alert you of when all outlets are not properly covered, other children's immunizations are not up to date or diapering is not performed in a sanitary method. Operating a childcare facility on any level becomes habitual. If mistakes are being made throughout the year they are going to be made during inspection time and, having a surveyor there allows for those mistakes to be pointed out, corrected and not easily made again.

One of the most dangerous problems that create a high risk environment for children is when parents become involved in a facility where friendship with the provider allows for obvious mistakes or violations to become overlooked. With childcare being such a personal service it is easy for parents and providers to establish close relationships. The ability to establish these close relationships is one

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of the many benefits of daycare homes but unlike a state licensing surveyor, parents may overlook obvious violations in an attempt to be understanding or sympathetic, not realizing that small mishaps can lead to larger problems.

I have always acknowledged my annual inspection as a means of proving to myself that I am providing the best care possible. It also gives me the opportunity for someone on the outside to come in and see things from a fresh perspective and point out what I may have overlooked. My opinion of my daycare will always be that "It is the best" but knowing that I am accountable to back that up through an annual inspection makes it more than my own opinion!

Please take no disrespect from my testimony today. I am not suggesting that registered homes are not capable of providing quality care, but I do feel strongly that we have to share the responsibility of quality care by building better and safer environments for our children. Quality annual inspections are vital to maintain quality care. Inspections are helpful in maintaining the physical safety of the home, equipment, play areas and storage and preparation of foods being served. Licensing requires training for providers that will promote the safety and education of children by providing the tools needed for proper discipline and behavior management guidelines.

All families deserve the right to know that every facility is inspected by the state. The education, safety and all around welfare of our children is priceless. We cannot afford to take risk. Children are the future and we need to work together at providing as much safety as possible for them while they are in a childcare program.

The state inspects hair and nail salons knowing that infections can be cured and hair can grow back. Ask yourself this question, "Would you go to a salon that wasn't inspected by the state?"

Surely all of you would say no for many obvious reasons. Give our families the same opportunity when it comes to the care of their children!

Many years ago, people made promises sealed only by a hand shake. Time has evolved and so has the need to establish trust on a more concrete basis. Requiring home daycare facilities to be licensed is a valued investment in that direction.

Thank you for your time.

Sincerely,

Regana "Rita" Rials
Licensed Child Care Provider

Testimony of Leadell Ediger
Executive Director
Kansas Association of Child Care Resource & Referral Agency (KACCRRRA)
April 27, 2010

Madam Chairwoman, and members of the Health and Human Services Committee, thank you for allowing me to testify today.

My name is Leadell Ediger and I am the Executive Director of KACCRRRA, the Kansas Association of Child Care Resource & Referral Agency. KACCRRRA is the state network that supports seven child care resource and referral member agencies who serve all 105 counties in Kansas. We are in a unique position within communities to work with families, child care providers as well as state and local governments to strengthen the quality of child care.

Last year we helped over 15,000 families in Kansas find child care. This translated to requests for over 16,700 children whose families were seeking family child care homes, and thousands of other children in families seeking center care, preschool options, Head Start programs, school-age care, as well as caregivers who would care for special needs children.

My agency is on the ground working daily with families. We know firsthand that parents want their children to be safe. They want their children in a setting that promotes their healthy development. They believe that a license or being registered by the state means that some entity is checking to ensure that providers comply with state standards and that children are safe.

But, the reality is that in Kansas one out of every three child care programs is never inspected. And, if a program is never inspected, then no one really knows if it is safe, if it protects children, if it meets even the most basic of health and safety standards. Because "registered" care is not required to be inspected, there is no chance for professionals to assist providers in making their program as safe as possible. Children are merely left to chance.

House Bill 2356 would require "registered" providers to be inspected and institute a risk-based system for on-going inspections of all child care facilities. KACCRRRA supports this legislation and views approval of this bill as a definite step in the direction of improving child care in Kansas.

It is time that Kansas protected children in all child care settings. Requiring all child care to be inspected is the right policy.

In closing, I would like voice my support for the database proposed that will enable parents to be more informed consumers, and simplify the paperwork process for child care providers. The database will be developed utilizing federal stimulus dollars and does not require any state dollars.

I am glad to answer any questions that you might have. I am hopeful that House Bill 2356 will be approved.

Thank you for your time today.

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