

SB 5625 - H AMD 657

By Representative Roberts

ADOPTED 04/20/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.215.260 and 2006 c 265 s 307 are each amended to
4 read as follows:

5 (1) Each agency shall make application for a license or ((renewal
6 of)) the continuation of a full license to the department on forms
7 prescribed by the department. Upon receipt of such application, the
8 department shall either grant or deny a license or continuation of a
9 full license within ninety days. A license or continuation shall be
10 granted if the agency meets the minimum requirements set forth in this
11 chapter and the departmental requirements consistent with ((the
12 {this})) this chapter, except that an initial license may be issued as
13 provided in RCW 43.215.280. The department shall consider whether an
14 agency is in good standing, as defined in subsection (4)(b) of this
15 section, before granting a continuation of a full license. Full
16 licenses provided for in this chapter shall ((be issued for a period of
17 three years)) continue to remain valid so long as the licensee meets
18 the requirements for a nonexpiring license in subsection (2) of this
19 section. The licensee, however, shall advise the director of any
20 material change in circumstances which might constitute grounds for
21 reclassification of license as to category. The license issued under
22 this chapter is not transferable and applies only to the licensee and
23 the location stated in the application. For licensed family day care
24 homes having an acceptable history of child care, the license may
25 remain in effect for two weeks after a move.

26 (2) In order to qualify for a nonexpiring full license, a licensee
27 must meet the following requirements on an annual basis as established
28 from the date of initial licensure:

29 (a) Submit the annual licensing fee;

1 (b) Submit a declaration to the department indicating the
2 licensee's intent to continue operating a licensed child care program,
3 or the intent to cease operation on a date certain;

4 (c) Submit a declaration of compliance with all licensing rules;
5 and

6 (d) Submit background check applications on the schedule
7 established by the department.

8 (3) If a licensee fails to meet the requirements in subsection (2)
9 of this section for continuation of a full license the license expires
10 and the licensee must submit a new application for licensure under this
11 chapter.

12 (4)(a) Nothing about the nonexpiring license process may interfere
13 with the department's established monitoring practice.

14 (b) For the purpose of this section, an agency is considered to be
15 in good standing if in the intervening period between monitoring visits
16 the agency does not have any of the following:

17 (i) Valid complaints;

18 (ii) A history of noncompliance related to those valid complaints
19 or pending from prior monitoring visits; or

20 (iii) Other information that when evaluated would result in a
21 finding of noncompliance with this section.

22 (c) The department shall consider whether an agency is in good
23 standing when determining the most appropriate approach and process for
24 monitoring visits, for the purposes of administrative efficiency while
25 protecting children, consistent with this chapter. If the department
26 determines that an agency is not in good standing, the department may
27 issue a probationary license, as provided in RCW 43.215.290.

28 **Sec. 2.** RCW 43.215.290 and 2006 c 265 s 310 are each amended to
29 read as follows:

30 (1) The department may issue a probationary license to a licensee
31 who has had ((a)) an initial, expiring, or other license but is
32 temporarily unable to comply with a rule or has been the subject of
33 multiple complaints or concerns about noncompliance if:

34 (a) The noncompliance does not present an immediate threat to the
35 health and well-being of the children but would be likely to do so if
36 allowed to continue; and

1 (b) The licensee has a plan approved by the department to correct
2 the area of noncompliance within the probationary period.

3 (2) Before issuing a probationary license, the department shall, in
4 writing, refer the licensee to the child care resource and referral
5 network or other appropriate resource for technical assistance. The
6 department may issue a probationary license pursuant to subsection (1)
7 of this section if within fifteen working days after the department has
8 sent its referral:

9 (a) The licensee, in writing, has refused the department's referral
10 for technical assistance; or

11 (b) The licensee has failed to respond in writing to the
12 department's referral for technical assistance.

13 (3) If the licensee accepts the department's referral for technical
14 assistance issued under subsection (2) of this section, the department,
15 the licensee, and the technical assistance provider shall meet within
16 thirty days after the licensee's acceptance. The licensee and the
17 department, in consultation with the technical assistance provider,
18 shall develop a plan to correct the areas of noncompliance identified
19 by the department. If, after sixty days, the licensee has not
20 corrected the areas of noncompliance identified in the plan developed
21 in consultation with the technical assistance provider, the department
22 may issue a probationary license pursuant to subsection (1) of this
23 section.

24 (4) A probationary license may be issued for up to six months, and
25 at the discretion of the department it may be extended for an
26 additional six months. The department shall immediately terminate the
27 probationary license, if at any time the noncompliance for which the
28 probationary license was issued presents an immediate threat to the
29 health or well-being of the children.

30 ((+3)) (5) The department may, at any time, issue a probationary
31 license for due cause that states the conditions of probation.

32 ((+4)) (6) An existing license is invalidated when a probationary
33 license is issued.

34 ((+5)) (7) At the expiration of the probationary license, the
35 department shall reinstate the original license for the remainder of
36 its term, issue a new license, or revoke the original license.

37 ((+6)) (8) A right to an adjudicative proceeding shall not accrue
38 to the licensee whose license has been placed on probationary status

1 unless the licensee does not agree with the placement on probationary
2 status and the department then suspends, revokes, or modifies the
3 license.

4 **Sec. 3.** RCW 43.215.270 and 2006 c 265 s 308 are each amended to
5 read as follows:

6 (1) If a licensee desires to apply for a renewal of its license, a
7 request for a renewal shall be filed ninety days before the expiration
8 date of the license. If the department has failed to act at the time
9 of the expiration date of the license, the license shall continue in
10 effect until such time as the department acts.

11 (2) License renewal under this section does not apply to
12 nonexpiring licenses described in RCW 43.215.260."

13 Correct the title.

EFFECT: (1) Clarifies that nothing about the nonexpiring license process shall interfere with the department's established monitoring practice.

(2) Defines an agency in good standing as one that does not have:

(a) Complaints;

(b) History of noncompliance related to those complaints or pending from prior monitoring visits; or

(c) Other information that when evaluated may result in a finding of noncompliance.

(3) Requires DEL to consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits.

(4) Clarifies that the license renewal process does not apply to nonexpiring licenses.

(5) Clarifies that the DEL is authorized to issue a probationary license to an agency that is not in good standing.

(6) Requires the DEL to provide licensees who are not in good standing with a written referral to the child care resource and referral network or other appropriate resources for technical assistance prior to issuing a probationary license.

(7) Requires the DEL, the licensee, and the technical assistance provider to meet to develop a plan to correct the areas of noncompliance identified by DEL within thirty days after the licensee accepts the referral.

(8) Authorizes the DEL to issue a probationary license if:

(a) Within 15 working days after the department has sent its referral:

(i) The licensee has provided the DEL with written refusal of the referral; or

(ii) The licensee has failed to respond in writing to the DEL's referral.

(b) After 60 days, the licensee has not corrected the areas of noncompliance in consultation with the technical assistance provider.

(9) Requires the DEL to consider whether an agency is in good standing before granting a continuation of full license.

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