
SENATE BILL 6661

State of Washington 60th Legislature 2008 Regular Session

By Senators Franklin, Hargrove, Regala, Brandland, McDermott, Kohl-
Welles, McAuliffe, Kline, and Rasmussen

Read first time 01/21/08. Referred to Committee on Human Services &
Corrections.

1 AN ACT Relating to child care licensing actions; and amending RCW
2 43.215.300.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.215.300 and 2007 c 17 s 2 are each amended to read
5 as follows:

6 (1) An agency may be denied a license, or any license issued
7 pursuant to this chapter may be suspended, revoked, modified, or not
8 renewed by the director upon proof (a) that the agency has failed or
9 refused to comply with the provisions of this chapter or the
10 requirements adopted pursuant to this chapter; or (b) that the
11 conditions required for the issuance of a license under this chapter
12 have ceased to exist with respect to such licenses. RCW 43.215.305
13 governs notice of a license denial, revocation, suspension, or
14 modification and provides the right to an adjudicative proceeding.

15 (2) A licensing enforcement action by the department under this
16 chapter shall not automatically disqualify an individual from obtaining
17 any future license or employment with a licensee as provided under this
18 chapter.

1 (3) In any adjudicative proceeding regarding the denial,
2 modification, suspension, or revocation of any license under this
3 chapter, the department's decision shall be upheld if it is supported
4 by a preponderance of the evidence.

5 ~~((+3))~~ (4) The department may assess civil monetary penalties upon
6 proof that an agency has failed or refused to comply with the rules
7 adopted under this chapter or that an agency subject to licensing under
8 this chapter is operating without a license except that civil monetary
9 penalties shall not be levied against a licensed foster home. Monetary
10 penalties levied against unlicensed agencies that submit an application
11 for licensure within thirty days of notification and subsequently
12 become licensed will be forgiven. These penalties may be assessed in
13 addition to or in lieu of other disciplinary actions. Civil monetary
14 penalties, if imposed, may be assessed and collected, with interest,
15 for each day an agency is or was out of compliance. Civil monetary
16 penalties shall not exceed seventy-five dollars per violation for a
17 family day care home and two hundred fifty dollars per violation for
18 child day care centers. Each day upon which the same or substantially
19 similar action occurs is a separate violation subject to the assessment
20 of a separate penalty. The department shall provide a notification
21 period before a monetary penalty is effective and may forgive the
22 penalty levied if the agency comes into compliance during this period.
23 The department may suspend, revoke, or not renew a license for failure
24 to pay a civil monetary penalty it has assessed pursuant to this
25 chapter within ten days after such assessment becomes final. RCW
26 43.215.307 governs notice of a civil monetary penalty and provides the
27 right to an adjudicative proceeding. The preponderance of evidence
28 standard shall apply in adjudicative proceedings related to assessment
29 of civil monetary penalties.

30 ~~((+4))~~ (5)(a) In addition to or in lieu of an enforcement action
31 being taken, the department may place a child day care center or family
32 day care provider on nonreferral status if the center or provider has
33 failed or refused to comply with this chapter or rules adopted under
34 this chapter or an enforcement action has been taken. The nonreferral
35 status may continue until the department determines that: (i) No
36 enforcement action is appropriate; or (ii) a corrective action plan has
37 been successfully concluded.

1 (b) Whenever a child day care center or family day care provider is
2 placed on nonreferral status, the department shall provide written
3 notification to the child day care center or family day care provider.

4 ~~((+5+))~~ (6) The department shall notify appropriate public and
5 private child care resource and referral agencies of the department's
6 decision to: (a) Take an enforcement action against a child day care
7 center or family day care provider; or (b) place or remove a child day
8 care center or family day care provider on nonreferral status.

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