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Indicates New Matter

COMMITTEE REPORT

February 25, 2016

**H. 4262**

Introduced by Reps. Erickson, M.S. McLeod, Collins and Long

S. Printed 2/25/16--H.

Read the first time May 26, 2015.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4262) to amend Section 63‑13‑825, Code of Laws of South Carolina, 1976, relating to training for family childcare home operators and employees, so as to require, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. Section 63‑13‑825(A) of the 1976 Code, as added by Act 292 of 2010, is amended to read:

“(A) Beginning July 1, 2017, an operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home to provide direct childcare annually shall complete and provide documentation to the Department of Social Services of a minimum of ten hours of training approved by the department. ~~An~~ Before July 1, 2017, an operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home~~,~~ to provide direct childcare annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.”

SECTION 2. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E)(1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw ~~the~~ a statement of registration if ~~one or more of the following apply~~:

~~(1)~~(a) the health ~~and~~ or safety of ~~the children require withdrawal~~ any child in the facility is at risk;

~~(2)~~(b) the facility intends to enroll, has previously enrolled, or currently has enrolled children beyond the limits defined in this chapter;

~~(3)~~(c) the operator fails to comply with the registration procedures provided in this chapter; or

(d) the operator fails to comply with the training requirements provided in Section 63‑13‑825(A).

(2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department or applicant pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63‑13‑180.

(3) The department shall consider previous applications and the circumstances of prior inspections or withdrawals of registration as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.”

SECTION 3. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration as of the termination of the thirty‑day period.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have no expenditure impact on general funds, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill increases the number of training hours for family childcare home operators and employees from two to ten hours. It also gives additional authority to the Department of Social Services to renew or deny statements of registration for family childcare homes for placing children at risk, over-enrollment, or failing to meet training requirements.

The Department of Social Services indicates that this bill will have no expenditure impact on the general funds, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 63‑13‑825, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAINING FOR FAMILY CHILDCARE HOME OPERATORS AND EMPLOYEES, SO AS TO REQUIRE ADDITIONAL TRAINING; TO AMEND SECTION 63‑13‑830, RELATING TO STATEMENTS OF REGISTRATION FOR FAMILY CHILDCARE HOMES, SO AS TO PROVIDE ADDITIONAL AUTHORITY OF THE DEPARTMENT OF SOCIAL SERVICES AND RIGHTS OF FAMILY CHILDCARE HOMES; AND TO AMEND SECTION 63‑13‑850, RELATING TO APPEALS OF DECISIONS TO WITHDRAW A STATEMENT OF REGISTRATION OF A FAMILY CHILDCARE HOME, SO AS TO ALSO ADDRESS APPEALS OF DECISIONS TO DENY AN APPLICATION FOR A STATEMENT OR RENEWAL OF REGISTRATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑13‑825(A) of the 1976 Code, as added by Act 292 of 2010, is amended to read:

“(A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home, annually shall complete and provide documentation to the Department of Social Services of a minimum of ~~two~~ ten hours of training approved by the department.”

SECTION 2. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E)(1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw ~~the~~ a statement of registration if ~~one or more of the following apply~~:

~~(1)~~(a) the health ~~and~~ or safety of ~~the children require withdrawal~~ any child in the facility at risk;

~~(2)~~(b) the facility intends to enroll, has previously enrolled, or currently has enrolled children beyond the limits defined in this chapter;

~~(3)~~(c) the operator fails to comply with the registration procedures provided in this chapter; or

(d) the operator fails to comply with the training requirements provided in Section 63‑13‑825(A).

(2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63-13-180.

(3) The department shall consider previous applications and the circumstances of prior inspections or withdrawals of registration as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.”

SECTION 3. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration as of the termination of the thirty‑day period.”

SECTION 4. This act takes effect upon approval by the Governor.

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