

1 **CHILD CARE LICENSING REGULATION**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: David M. Jones**

5 AN ACT RELATING TO CHILD CARE LICENSING; DELAYING THE CODIFICATION OF
6 CHILD CARE LICENSING REGULATIONS UNTIL THE 1999 GENERAL SESSION;
7 REQUIRING THE REPORTING OF COMMUNICABLE DISEASES; AND CLARIFYING
8 TERMS OF APPOINTMENT FOR CHILD CARE LICENSING ADVISORY COMMITTEE.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **26-6-6**, as repealed and reenacted by Chapter 211, Laws of Utah 1996

12 **26-39-103**, as enacted by Chapter 196, Laws of Utah 1997

13 **26-39-104**, as enacted by Chapter 127, Laws of Utah 1997

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **26-6-6** is amended to read:

16 **26-6-6. Duty to report individual suspected of having communicable disease.**

17 The following shall report to the department or the local health department regarding any
18 individual suffering from or suspected of having a disease that is communicable, as required by
19 department rule:

20 (1) health care providers as defined in Section 78-14-3;

21 (2) facilities licensed under Title 26, Chapter 21, Health Care Facility Licensure and
22 Inspection Act;

23 (3) health care facilities operated by the federal government;

24 (4) mental health facilities;

25 (5) care facilities licensed by the Department of Human Services;

26 (6) nursing homes and other care facilities;

27 (7) dispensaries, clinics, or laboratories that diagnose, test, or otherwise care for

1 individuals who are suffering from a disease suspected of being communicable;

2 (8) individuals who have knowledge of others who have a communicable disease; [and]

3 (9) individuals in charge of schools having responsibility for any individuals who have a
4 disease suspected of being communicable; and

5 (10) child care programs, as defined in Section 26-39-102.

6 Section 2. Section **26-39-103** is amended to read:

7 **26-39-103. Child Care Licensing Advisory Committee.**

8 (1) There is established the Child Care Licensing Advisory Committee to advise the
9 department on rules promulgated by the department pursuant to this chapter. It shall be composed
10 of nine members who shall be appointed by the executive director. Two members shall represent
11 consumers of child care programs licensed pursuant to this chapter, four members shall be
12 providers licensed pursuant to this chapter at least two of whom shall be facility owner-operators,
13 two members shall be health care providers, and one member shall be an individual with expertise
14 in early childhood development.

15 (2) Of the initial members of the Child Care Licensing Advisory Committee, the executive
16 director shall appoint three to four-year terms, [~~two~~] three to three-year terms, and [~~two~~] three to
17 two-year terms. Thereafter, appointments shall be for four-year terms, except for those members
18 who have been appointed to complete an unexpired term. The committee shall annually elect a
19 chairman from its membership.

20 (3) The advisory committee shall meet at least quarterly, or more frequently as determined
21 by the executive director, the chairman, or three or more members of the committee. Five
22 members constitute a quorum and a vote of the majority of the members present constitutes an
23 action of the committee.

24 (4) Advisory committee members shall be reimbursed for their actual and necessary
25 expenses incurred in the performance of their duties as established by the director of the Division
26 of Finance, pursuant to Section 63A-3-107. Advisory committee members may decline
27 reimbursement.

28 Section 3. Section **26-39-104** is amended to read:

29 **26-39-104. Duties of the department.**

30 (1) With regard to child care programs licensed pursuant to this chapter, the department
31 may:

1 (a) make and enforce rules to implement the provisions of this chapter and, as necessary
2 to protect children's common needs for a safe and healthy environment, to provide for:

3 (i) adequate facilities and equipment; and

4 (ii) competent caregivers considering the age of the children and the type of program
5 offered by the licensee;

6 (b) make and enforce rules necessary to carry out the purposes of this chapter, in the
7 following areas:

8 (i) requirements for applications, the application process, and compliance with other
9 applicable statutes and rules;

10 (ii) documentation and policies and procedures that providers shall have in place in order
11 to be licensed, in accordance with Subsection (1)(a);

12 (iii) categories, classifications, and duration of initial and ongoing licenses;

13 (iv) changes of ownership or name, changes in licensure status, and changes in operational
14 status;

15 (v) license expiration and renewal, contents, and posting requirements;

16 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
17 procedural measures to encourage and assure compliance with statute and rule; and

18 (vii) guidelines necessary to assure consistency and appropriateness in the regulation and
19 discipline of licensees; and

20 (c) set and collect licensing and other fees in accordance with Section 26-1-6.

21 (2) The department may not regulate educational curricula, academic methods, or the
22 educational philosophy or approach of the provider. The department shall allow for a broad range
23 of educational training and academic background in certification or qualification of child day care
24 directors.

25 (3) In licensing and regulating child care programs, the department shall, by rule, provide
26 for a range of licensure, depending upon the needs and different levels and types of child care
27 provided. The department shall prepare language for the [~~1998~~] 1999 General Session of the
28 Legislature to codify as much licensing regulation implemented pursuant to this subsection as the
29 department determines to be practicable.

Legislative Review Note
as of 12-29-97 10:22 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel