

2015 SENATE HUMAN SERVICES

SB 2080

2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2080
1/13/2015
J# 21906

- Subcommittee
 Conference Committee

Donald Mueller



Explanation or reason for introduction of bill/resolution:

Relating to the definition of self-declaration, early childhood services license requirements, prerequisites for issuance of a license or self-declaration, background investigations, penalty for provision of services, and the early childhood services inclusion support services and grant program.

Minutes:

"Click to enter attachment information."

SB 2080 Bill was opened, but due to time constraints, the committee went to recess until this afternoon.

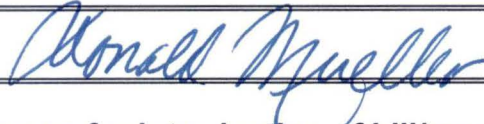
2015 SENATE STANDING COMMITTEE MINUTES

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Minutes:

Attach #1: Testimony by Jennifer Barry

"Click here to type your minutes"

Second hearing (1:30pm). First hearing introduced the bill and then recess.

Testimony Attach #1, Jennifer Barry, Early Childhood Services Administrator with the Department of Human Services, testified IN FAVOR of SB 2080. (Testimony ends 4:35)

Senator Warner in section 3 to expand on unpaid fiscal sanctions only resulting from violations of license, or other things, such as unpaid child support, traffic fines, etc?

Ms. Barry indicated that those fiscal sanctions would be specific to licensing violations or violations of a self declaration rules. Correctional order are issued when a violation occurs, and provider is given a certain number of days to adhere to the correction. If the correction is not made, then the Department of Human Services can assess fiscal sanctions. The fiscal sanctions are either \$5.00 a day, \$15.00 a day, or \$25.00 a day depending on the severity of the violation. If unpaid fiscal violations, then Department of Human Services can deny a license.

Chairman Judy Lee indicated that the numbers are not new numbers, they are numbers they approved last legislative session, but it wasn't caught in every section of statute. Please clarify.

Ms. Barry indicated that the definition of group child care, it used to be that groups could be approved up to 18 children, and last session under HB1422 the legislature changed that definition to allow up to 30 children; the definition was changed, but other places in the statute that wasn't changed.

Chairman Judy Lee asked what the incentive is if they were licensed versus not licensed if they can do the same thing.

Ms. Barry indicated that the law does requires licensure for more than 5 children. Individuals could be convicted of a crime if breaking the law. There are other incentives for licensing.

Chairman Judy Lee indicated in the last session, the legislature moved from 18 to 30, since this already happened last session, not interested in changing that, but that is a significant jump; what were the circumstances that this occurred?

Ms. Barry stated the legislative intent of group facilities had the square footage, especially in rural areas, and could find the staff to increase the ratio and care for more children. They may not have the ability to hire a center director with the increased qualifications however.

Senator Howard Anderson, Jr. indicated that since we made those changes 2 years ago, have any problems been identified? Or do we even have anyone at 30?

Ms. Barry indicated we have seen a number of group facilities increase to 30 in a positive way. We have received discussions in local municipalities about numbers of children in residences. Since the definition of group has increased from 18 to 30, we have seen some residences increase beyond 18, but none to 30. However we do have 2 home providers that have gotten special use permits, one at 20 and 22, in a house setting because the square footage is there. Must be 35 square feet per child. The ratio of staff to children is there. Most of the larger cities have ordinances that restrict the number of children in a house to 12.

End of Barry testimony
No further IN FAVOR.

Opposed
No opposition

Neutral
No testimony neutral

Further Discussion

V. Chairman Oley Larsen asked what the ratio is 1 employee to 5 kids to make this 30?

Ms. Barry answered in groups we have mixed group and not broke out by ages. The Department of Human Services does have a ratio per age, which is 1-4 if kids are 18 months or younger, 1-5 kids if they are 18 to 36 months, 1-7 kids if 3 year olds, 1-to-10 if they are 4 year olds, and 1-to-8 if they are 5 year olds. In a mixed age group, we assign an extra set points that provides some flexibility for the provider in group settings.

V. Chairman Oley Larsen what is the insurance cost of that these groups are suppose to have on hand if they have daycare?

Ms. Barry indicated that the Department of Human Services do not require liability insurance for group and family providers, but it is required for center providers. Most programs do carry some type of liability insurance, although the cost vary greatly depending on number of kids.

Closed Public Hearing of SB 2080.

Senator Howard Anderson, Jr. moved a "Do Pass" on SB 2080.
Seconded by V. Chairman Oley Larsen
No further discussion.

Approved Do Pass 6 yes, 0 No, 0 absent.

Floor assignment to Anderson.

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB2080**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Anderson Seconded By Larsen

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larson (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2080: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the
Eleventh order on the calendar.

2015 HOUSE HUMAN SERVICES

SB 2080

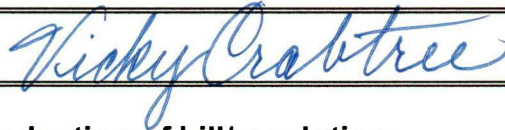
2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2080
3/9/2015
Job #24515

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the definition of self-declaration.

Minutes:

Testimony 1

Chairman Weisz called the hearing to order on SB 2080.

Jennifer Barry: Early Childhood Services Administrator with DHS testified in support of the bill. (See Testimony #1)

4:41

Chairman Weisz: In Section 1, are you cutting back three or just cleaning up the language as current policy?

Barry: The current definition says that a self-declared provider may care for up to three children below the age of 24 months or no more five children through age 11. State law would allow an unregulated provider to care for five children. We want to clarify that definition and it is not cutting back in any way.

Rep. Oversen: On Section 5 regarding re-instating a license after they find they can provide the services. Can you talk about the process and the time line of if someone's license is revoked and what do they have to go through to make the determination they can still provide the services?

Barry: When an individual has a finding of services required, our administrative rules allows them to submit information to us from which we can make a determination they can provide care. What the law doesn't allow is for us to make that determination if they had a services required and a license revoked. When someone wants to work in an early childhood program, we ask them to submit information on education they have received, and what cause was the licensed required.

Rep. Mooney: On page 1, Section 2, are we increasing from 18-30 children?

Barry: It was already made in 2013 by HB 1422 and it was missed in one section.

House Human Services Committee

SB 2080

March 9, 2013

Page 2

NO OPPOSITION

Chairman Weisz closed the hearing on SB 2080.

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2080
3/10/2015
Job #24601

- Subcommittee
 Conference Committee

Committee Clerk Signature

Ricky Crabtree

Minutes:

Chairman Weisz took up SB 2080.

Rep. Oversen: I move a Do Pass on SB 2080.

Rep. Fehr: Second.

ROLL CALL VOTE: 13 y 0 n 0 absent

MOTION CARRIED

Bill Carrier: Rep. B. Anderson

Date: 3-10-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2080**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Oversen Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Mooney	✓	
Vice-Chair Hofstad	✓		Rep. Muscha	✓	
Rep. Bert Anderson	✓		Rep. Oversen	✓	
Rep. Dick Anderson	✓				
Rep. Rich S. Becker	✓				
Rep. Damschen	✓				
Rep. Fehr	✓				
Rep. Kiefert	✓				
Rep. Porter	✓				
Rep. Seibel	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. B Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2080: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

SB 2080

Attach #1 SB 2080
01/13/15
J#21910

Testimony
Senate Bill 2080-Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 13, 2015

Chairman Lee, members of the Senate Human Services Committee, I am Jennifer Barry, the Early Childhood Services Administrator with the Department of Human Services (Department). I am here today in support of Senate Bill 2080, which was introduced at the request of the Department.

This bill will revise seven sections of North Dakota Century Code chapter 50-11.1.

Section 1 revises the definition of "self-declaration" to clarify the number of children a self-declared provider may care for and to ensure that self-declared providers are able to care for the same number of children that unlicensed providers may legally care for.

Section 2 provides necessary updates based on the changes made to the definition of "group child care" by 2013 House Bill 1422.

Section 3 will allow the Department to deny an application for license if an operator has unpaid fiscal sanctions resulting from violations that are not corrected within the allowable timeframe.

Section 4 is required as a result of the recent passage of the federal Child Care and Development Block Grant Act of 2014 which expands the requirements for early childhood background checks. This law requires states to complete a full fingerprint background check for all providers

and staff members. Federal law allows an exemption from a background check for providers who only care for relatives, but that exemption must be within a category of care that is specific to relative care. The changes in Section 4 will align North Dakota's requirements with federal law and will still allow for providers who only care for relatives to be exempt from the fingerprint background check as a registered in-home provider or an approved relative provider.

The change proposed in Section 5 decriminalizes a situation when the Department makes a determination that an individual who previously has had his or her license, self-declaration, or in-home registration denied or revoked following a finding of services required is able to provide care free of abuse or neglect as a provider or staff member. Currently, when an individual who has been the subject of a services required finding pursues licensing, self-declaration, in-home registration, or employment with a program, the Department allows the individual to submit information from which the Department may make a determination that the individual is able to provide care free of abuse or neglect. The change in Section 5 will ensure the same process if an individual has had his or her application denied or license, self-declaration, or in-home registration revoked following a finding of services required. There have been many cases where the Department has reviewed information related to the facts surrounding a services required finding, the current early childhood setting in which the individual is pursuing licensure, self-declaration, in-home registration, or employment, the level of supervision the individual will have, and any measures the individual has taken to prepare themselves for early childhood services licensure, self-declaration, in-home registration, or employment. In a number of cases, the Department has been able to make a determination that an individual

is able to provide care that is free of abuse or neglect. This revision would allow the Department to offer the same process for individuals who have had a license, self-declaration, or in-home registration revoked following a finding of services required.

Section 6 would allow the Department to deny an application for self-declaration if a provider has unpaid fiscal sanctions resulting from violations that were not corrected within the allowable timeframe.

Finally, the changes in Section 7 are recommended based on the Department's administration of the inclusion grant program funded by 2013 Senate Bill 2018. The proposed changes will allow the Department to provide grants to early childhood service providers, and applicants for licensure who indicate they will provide care for children with disabilities or developmental delays, will address some of the needs that arose in administering the program, and will result in a more streamlined grant process.

This concludes my testimony. I am happy to answer any questions you might have.

#1

Testimony
Senate Bill 2080-Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
March 9, 2015

Chairman Weisz, members of the House Human Services Committee, I am Jennifer Barry, the Early Childhood Services Administrator with the Department of Human Services (Department). I am here today in support of Senate Bill 2080, which was introduced at the request of the Department.

This bill will revise seven sections of North Dakota Century Code chapter 50-11.1.

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This concludes my testimony. I am happy to answer any questions you might have.