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To: Public Health and  
Welfare

HOUSE BILL NO. 1151

1 AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ANY PERSON WHO HOLDS A CURRENT, VALID LICENSE AS A  
3 REGISTERED NURSE TO BE THE OPERATOR OR THE DIRECTOR OF A CHILD  
4 CARE FACILITY; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 43-20-8, Mississippi Code of 1972, is  
7 amended as follows:

8 43-20-8. (1) The licensing agency shall have powers and  
9 duties as set forth below in addition to other duties prescribed  
10 under this chapter:

11 (a) Promulgate rules and regulations concerning the  
12 licensing and regulation of child care facilities as defined  
13 herein;

14 (b) Have the authority to issue, deny, suspend, revoke,  
15 restrict or otherwise take disciplinary action against licensees  
16 as provided for in this chapter;

17 (c) Set and collect fees and penalties as provided for  
18 in this chapter; and

19 (d) Have such other powers as may be required to carry  
20 out the provisions of this chapter.

21 (2) Nothing in this chapter or in any rule, regulation or  
22 policy of the licensing agency shall prohibit or preclude any  
23 person who holds a current, valid license as a registered nurse  
24 from being the operator or the director of a child care facility.

25 (3) Child care facilities shall assure that parents have  
26 welcome access to the child care facility at all times.

27 (4) Child care facilities shall require that current felony

28 conviction record information is obtained and that current sex  
29 offense criminal history record information and child abuse  
30 registry checks are obtained, as provided in Section 45-31-1 et  
31 seq., and that such criminal record information and registry  
32 checks are on file for any employee or applicant for employment at  
33 such child care facility. In order to determine the applicant's  
34 suitability for employment, the applicant shall be fingerprinted.  
35 If no disqualifying record is identified at the state level, the  
36 fingerprints shall be forwarded by the Department of Public Safety  
37 to the FBI for a national criminal history record check.

38 (5) The licensing agency shall require to be performed a  
39 felony conviction records check, a sex offense criminal records  
40 check and a child abuse registry check for any owner/operator of a  
41 child care facility and any person living in a residence used for  
42 child care. In order to determine the applicant's suitability for  
43 employment, the applicant shall be fingerprinted. If no  
44 disqualifying record is identified at the state level, the  
45 fingerprints shall be forwarded by the Department of Public Safety  
46 to the FBI for a national criminal history record check.

47 SECTION 2. This act shall take effect and be in force from  
48 and after July 1, 2000.