

By: Representatives Creel, Janus, Mayo,
Roberson

To: Public Health and
Welfare

HOUSE BILL NO. 1383

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 AND HOLDS AN OCY CHILD CARE DIRECTOR'S CREDENTIAL
4 TO BE THE OPERATOR OR THE DIRECTOR OF A CHILD CARE FACILITY; AND
5 FOR RELATED PURPOSES.

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

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

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

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

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

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

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

22 (2) Nothing in this chapter or in any rule, regulation or
23 policy of the licensing agency shall prohibit or preclude any
24 person who holds a current, valid license as a registered nurse
25 and holds an Office for Children and Youth (OCY) Child Care
26 Director's Credential from being the operator or the director of a
27 child care facility.

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

30 (4) Child care facilities shall require that, for any
31 current or prospective caregiver, current criminal records
32 background checks and current child abuse registry checks are
33 obtained. In order to determine the applicant's suitability for
34 employment, the applicant shall be fingerprinted. If no
35 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 criminal records background check and a child abuse registry check
40 for any and all operators of a child care facility and any person
41 living in a residence used for child care. In order to determine
42 the applicant's suitability for employment, the applicant shall be
43 fingerprinted. If no disqualifying record is identified at the
44 state level, the fingerprints shall be forwarded by the Department
45 of Public Safety to the FBI for a national criminal history record
46 check.

47 (6) The licensing agency shall have the authority to exclude
48 a particular crime or crimes or a substantiated finding of child
49 abuse and/or neglect as disqualifying individuals or entities for
50 prospective or current employment or licensure.

51 (7) The licensing agency and its agents, officers,
52 employees, attorneys and representatives shall not be held civilly
53 liable for any findings, recommendations or actions taken pursuant
54 to this section.

55 (8) All fees incurred in compliance with this section shall
56 be borne by the child care facility. The licensing agency
57 is * * * authorized to charge a fee which shall include the amount
58 required by the Federal Bureau of Investigation for the national
59 criminal history record check in compliance with the Child
60 Protection Act of 1993, as amended and any necessary costs

61 incurred by the licensing agency for the handling and
62 administration of the criminal history background checks.

63 SECTION 2. This act shall take effect and be in force from
64 and after July 1, 2001.