HOUSE BILL NO. 1383

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

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

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

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

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

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

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

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

(2) Nothing in this chapter or in any rule, regulation or policy of the licensing agency shall prohibit or preclude any person who holds a current, valid license as a registered nurse and holds an Office for Children and Youth (OCY) Child Care Director's Credential from being the operator or the director of a child care facility.
(3) Child care facilities shall assure that parents have welcome access to the child care facility at all times.

(4) Child care facilities shall require that, for any current or prospective caregiver, current criminal records background checks and current child abuse registry checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(5) The licensing agency shall require to be performed a criminal records background check and a child abuse registry check for any and all operators of a child care facility and any person living in a residence used for child care. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

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

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

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

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