

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 1306

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting in
lieu thereof the following:**

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 duties**

10 **as set forth below in addition to other duties prescribed under this**

11 **chapter:**

12 **(a) Promulgate rules and regulations concerning the**

13 **licensing and regulation of child-care facilities as defined herein;**

14 **(b) Have the authority to issue, deny, suspend, revoke,**

15 **restrict or otherwise take disciplinary action against licensees as**
16 **provided for in this chapter;**

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

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

21 **(2) Child-care facilities shall assure that parents have welcome**
22 **access to the child-care facility at all times.**

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

30 **(4) The licensing agency shall require to be performed a criminal**
31 **records background check and a child abuse registry check for * * * all**
32 **operators of a child-care facility and any person living in a residence**
33 **used for child care. The Department of Human Services shall have the**
34 **authority to disclose to the State Department of Health any potential**
35 **applicant whose name is listed on the Child Abuse Central Registry or**
36 **has a pending administrative review. Such information shall remain**
37 **confidential by all parties.** In order to determine the applicant's
38 suitability for employment, the applicant shall be fingerprinted. If no
39 disqualifying record is identified at the state level, the fingerprints shall
40 be forwarded by the Department of Public Safety to the FBI for a
41 national criminal history record check.

42 **(5) The licensing agency shall have the authority to exclude a**
43 **particular crime or crimes or a substantiated finding of child abuse**
44 **and/or neglect as disqualifying individuals or entities for prospective**

45 or current employment or licensure.

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

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

56 SECTION 2. Section 43-20-14, Mississippi Code of 1972, is
57 amended as follows:

58 43-20-14. (1) The licensing agency may deny a license or refuse
59 to renew a license for any of the reasons set forth in subsection (3) of

60 **this section.**

61 **(2) Before the licensing agency may deny or refuse to renew, the**
62 **applicant or person named on the license shall be entitled to a hearing**
63 **in order to show cause why the license should not be denied or should**
64 **be renewed.**

65 **(3) The licensing agency may suspend, revoke or restrict the**
66 **license of any child-care facility upon one or more of the following**
67 **grounds:**

68 **(a) Fraud, misrepresentation or concealment of material**
69 **facts;**

70 **(b) Conviction of an operator for any crime if the licensing**
71 **agency finds that the act or acts for which the operator was convicted**
72 **could have a detrimental effect on children cared for by any child care**
73 **facility;**

74 **(c) Violation of any of the provisions of this act or of the**

75 regulations governing the licensing and regulation of child-care
76 facilities promulgated by the licensing agency;

77 (d) Any conduct, or failure to act, that is found or
78 determined by the licensing agency to threaten the health or safety of
79 children at the facility;

80 (e) Failure by the child-care facility to comply with the
81 provisions of Section 43-20-8(3) regarding background checks of
82 caregivers * * *; and

83 (f) Information received by the licensing agency as a result
84 of the criminal records background check * * * and the child abuse
85 registry check on * * * all operators under Section 43-20-8.

86 (4) Before the licensing agency may suspend, revoke or restrict
87 the license of any facility, any licensee affected by that decision of the
88 licensing agency shall be entitled to a hearing in which the licensee
89 may show cause why the license should not be suspended, revoked or

90 **restricted.**

91 **(5) Any licensee who disagrees with or is aggrieved by a**
92 **decision of the Mississippi State Department of Health in regard to the**
93 **denial, refusal to renew, suspension, revocation or restriction of the**
94 **license of the licensee, may appeal to the chancery court of the county**
95 **in which the facility is located. The appeal shall be filed no later than**
96 **thirty (30) days after the licensee receives written notice of the final**
97 **administrative action by the Mississippi State Department of Health as**
98 **to the suspension, revocation or restriction of the license of the**
99 **licensee.**

100 **SECTION 3. This act shall take effect and be in force from and**
101 **after July 1, 2003.**

Further, amend by striking the title in its entirety and inserting in
lieu thereof the following:

1 **AN ACT TO AMEND SECTIONS 43-20-8 AND 43-20-14,**

2 **MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT**
3 **OF HUMAN SERVICES SHALL DISCLOSE TO THE STATE**
4 **DEPARTMENT OF HEALTH ANY APPLICANT FOR EMPLOYMENT AT A**
5 **CHILD CARE FACILITY WHOSE NAME IS ON THE CHILD ABUSE**
6 **CENTRAL REGISTRY; AND FOR RELATED PURPOSES.**