Adopted
AMENDMENT NO 1 PROPOSED TO

Cmte Sub for Senate Bill No. 2477

BY: Senator(s) Burton, Kirby

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

8   **SECTION 1.** Section 43-20-9, Mississippi Code of 1972, is

9   amended as follows:

10   43-20-9. From and after August 1, 1972, no person acting

11 individually or jointly with another person or persons shall

12 establish, own, operate, conduct or maintain a child care facility

13 in this state without a license issued under this chapter.

14   The Mississippi State Department of Health shall maintain a

15 complaint hotline to accommodate reporting of complaints. The

16 department shall investigate each complaint and maintain a log of

17 such complaints. The identity of the reporting party shall not be

18 disclosed to any other person than the Child Care Licensing Bureau

19 staff unless upon order of a court of competent jurisdiction.

20 **SECTION 2.** Section 43-20-11, Mississippi Code of 1972, is

21 amended as follows:

22 43-20-11. An application for a license under this chapter

23 shall be made to the licensing agency upon forms provided by it,

24 and shall contain such information as the licensing agency may

25 reasonably require. Each application for a license shall be

26 accompanied by a license fee not to exceed Four Hundred Dollars

27 ($400.00), which shall be paid to the licensing agency. Licenses

28 shall be granted to applicants upon the filing of properly

29 completed application forms, accompanied by payment of the said

30 license fee, and a certificate of inspection and approval by the

31 fire department of the municipality or other political subdivision

32 in which the facility is located, and by a certificate of

33 inspection and approval by the health department of the county in

34 which the facility is located, and approval by the licensing

35 agency; except that if no fire department exists where the

36 facility is located, the State Fire Marshal shall certify as to

37 the inspection for safety from fire hazards. Said fire, county

38 health department and licensing agency inspections and approvals

39 shall be based upon regulations promulgated by the licensing

40 agency as approved by the State Board of Health.

41 Each license shall be issued only for the premises and person

42 or persons named in the application and shall not be transferable

43 or assignable except with the written approval of the licensing

44 agency. Licenses shall be posted in a conspicuous place on the

45 licensed premises.

46   No governmental entity or agency shall be required to pay the

47 fee or fees set forth in this section.

48   Whenever the Mississippi Board of Health adopts rules or

49 regulations that would otherwise affect indoor measurements and

50 square footage requirements of existing child care facilities,

51 which would cause a reduction in the number of children to be

52 served in said facilities and/or classrooms, said facilities with

53 a license issued prior to July 1, 2014, shall be exempt from the

54 new requirements and shall be allowed to continue under the law

55 and measurements in effect at the time the most current license

56 was issued prior to July 1, 2014; or in the case of existing child

57 care facilities with an initial license issued on or after July 1,

58 2014, said facilities shall be exempt from the new requirements

59 and shall be allowed to continue under the law and measurements in

60 effect at the time the initial license was issued.

61   The Mississippi Department of Health may remeasure existing

62 child care facilities for:

63   (a) Major renovations;

64   (b) Significant change in layout and use of space;

65   (c) A change of ownership of an existing facility

66 should the layout or use of space change; and

67   (d) Any situation that places the health and safety of

68 a child in danger.

69   For purposes of this section, "existing facilities" are those

70 facilities and/or structures (i) licensed and operating at the

71 time of an adopted rule or regulation as described in this

72 section; and (ii) which were in compliance with the existing

73 requirements of this section.

74   **SECTION 3.** Section 43-20-14, Mississippi Code of 1972, is

75 amended as follows:

76   43-20-14. (1) The licensing agency may deny a license or

77 refuse to renew a license for any of the reasons set forth in

78 subsection (3) of this section.

79   (2) Before the licensing agency may deny or refuse to renew,

80 the applicant or person named on the license shall be entitled to

81 a hearing in order to show cause why the license should not be

82 denied or should be renewed.

83   (3) The licensing agency may suspend, revoke or restrict the

84 license of any child-care facility upon one or more of the

85 following grounds:

86   (a) Fraud, misrepresentation or concealment of material

87 facts;

88   (b) Conviction of an operator for any crime if the

89 licensing agency finds that the act or acts for which the operator

90 was convicted could have a detrimental effect on children cared

91 for by any child-care facility;

92   (c) Violation of any of the provisions of this act or

93 of the regulations governing the licensing and regulation of

94 child-care facilities promulgated by the licensing agency;

95   (d) Any conduct, or failure to act, that is found or

96 determined by the licensing agency to threaten the health or

97 safety of children at the facility;

98   (e) Failure by the child-care facility to comply with

99 the provisions of Section 43-20-8(3) regarding background checks

100 of caregivers; and

101   (f) Information received by the licensing agency as a

102 result of the criminal records background check and the child

103 abuse registry check on all operators under Section 43-20-8.

104 (4) Before the licensing agency may suspend, revoke or

105 restrict the license of any facility, *** * *** or before the

106 collection of a monetary penalty, any licensee aggrieved by the

107 decision of the licensing agency shall be entitled to a hearing in

108 which the licensee may show cause why the license should not be

109 suspended, revoked or restricted, or why the monetary penalty

110 should not be imposed. In the event that an agency attorney is

111 present, the licensee shall be entitled to legal representation at

112 their own expense.

113 (5) Any licensee who disagrees with or is aggrieved by a

114 decision of the Mississippi State Department of Health in regard

115 to the denial, refusal to renew, suspension, revocation or

116 restriction of the license of the licensee, may appeal to the

117 chancery court of the county in which the facility is located.

118 The appeal shall be filed no later than thirty (30) days after the

119 licensee receives written notice of the final administrative

120 action by the Mississippi State Department of Health as to the

121 suspension, revocation or restriction of the license of the

122 licensee.

123   **SECTION 4.** Section 43-20-15, Mississippi Code of 1972, is

124 amended as follows:

125   43-20-15. The licensing agency shall make or cause to be

126 made inspections relative to compliance with the laws and

127 regulations governing the licensure of child care facilities.

128   In the event an emergency arises during such inspections, the

129 inspector shall not cite the facility for an infraction.

130   Such inspections shall be made at least once a year but

131 additional inspections may be made as often as deemed necessary by

132 the licensing agency.

133   **SECTION 5.** This act shall take effect and be in force from

134 and after July 1, 2014.

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

1   AN ACT TO AMEND SECTIONS 43-20-9, 43-20-11, 43-20-14 AND
2 43-20-15, MISSISSIPPI CODE OF 1972, TO IMPOSE CERTAIN STANDARDS
3 RELATIVE TO THE LICENSURE OF CHILD CARE FACILITIES, TO PROVIDE
4 CERTAIN COMPLAINT PROCEDURES, TO PROVIDE CERTAIN NOTICE
5 REQUIREMENTS PRIOR TO LICENSE DISCIPLINARY ACTION; AND FOR RELATED
6 PURPOSES.