



Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

**HB 2660 Relating to the licensure of maternity centers and child care facilities  
Presented to Senate Committee on Public Health and Welfare**

**By Rachel Berroth  
Kansas Department of Health and Environment**

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Chairwoman Schmidt and members of the committee, I am Rachel Berroth, Director for the Early Care and Youth Programs Section and Interim Director for the Bureau of Child Care and Health Facilities. Thank you for the opportunity to appear before you today to speak in support of HB 2660.

HB 2660 amends the Child Care Act. The changes proposed are consistent with the state's, providers' and parents' interest in protecting children while assuring access to child care.

Defining a "day care facility" as a type of child care facility and using the term when provisions of the act apply to day care facilities including day care homes, preschools, child care centers and school age programs clarifies legislative intent. For example, specifying that the issuing of an expiring license, as required by K.S.A. 65-504, pertains to *day* care facilities addresses concerns raised by SRS and child placing agencies. The ability to issue non-expiring licenses to all 24-hour residential facilities including family foster homes avoids disrupting placements supported by federal Title IVE funds and is consistent with best practice standards for out-of-home placements. Clarifying that requirements found in K.S.A. 65-508(c)(2) pertaining to the competent supervision of children in *day* care facilities is reflective of health and safety concerns unique to day care settings.

Removing the requirement in K.S.A. 65-516 that an applicant be a high school graduate eliminates a potential barrier to an individual that may otherwise be qualified. For example, a potential foster parent with ties to a child (relative or non-related kin placement) or day care provider with alternative education or training. The Department has no authority to grant an exception to a statutory requirement. Education and training requirements appropriate for the type of child care facility are addressed in regulation. The Department has the authority to grant an exception to regulation based on the best interest of the children in care.

Aligning administrative sanctions currently available to the Secretary increases the Department's ability to utilize intermediate sanctions and follow a more logical protocol of progressive enforcement. Changes to K.S.A. 65-523 and 65-524 would permit limiting or modifying the terms of a license in certain units or areas of a child care facility rather than suspending all terms of the license resulting in the closure of facility and displacement of children. For example, this option could be applied in a situation where a child care center has an infant unit that is out of compliance (repeatedly) with staff qualifications, staff/child ratios, or other significant requirements. As proposed, if an Intent to Suspend is the appropriate administrative sanction due to repeat noncompliance, the suspension could include terms that would only suspend or limit the terms of the infant unit. This would allow the center to remain open while working to regain regulatory compliance. The suspension of the unit/terms of the license would be lifted once compliance was documented.

Thank you for this opportunity to appear before you. I will now stand for any questions you may have.