

199.896 License requirement -- Application -- Fee -- Emergency action -- Use of information -- Hearing -- Disposition of receipts -- Advertisement -- Unannounced inspections -- Orientation and training requirements -- Prohibition against use of corporal physical discipline -- Partial and full exemption from regulation -- Criminal record check -- Probationary employment status -- Alleged violation of an administrative regulation by a child-care center, procedures -- Preliminary license -- Permissive actions -- Cabinet's powers during state of emergency.

- (1) A person, association, or organization shall not conduct, operate, maintain, or advertise any child-care center without obtaining a license as provided in KRS 199.892 to 199.896.
- (2) The cabinet may promulgate administrative regulations in accordance with KRS Chapter 13A relating to license fees and may, in the administrative regulations, establish standards of care and service for a child-care center, criteria for the denial of a license if criminal records indicate convictions that may impact the safety and security of children in care, and procedures for enforcement of penalties which are not in contravention of this section.
- (3) Each initial application for a license shall be made to the cabinet and shall be accompanied by a fee that shall not exceed administrative costs of the program to the cabinet and shall be renewable annually upon expiration and reapplication when accompanied by a renewal fee that shall not exceed administrative costs of the program to the cabinet. Regular licenses and renewals thereof shall expire one (1) year from their effective date.
- (4) A child-care center shall not be refused a license or have its license revoked for failure to meet standards set by the secretary until after the expiration of a period not to exceed six (6) months from the date of the first official notice that the standards have not been met. If the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125. All administrative hearings conducted under authority of KRS 199.892 to 199.896 shall be conducted in accordance with KRS Chapter 13B.
- (5) If, upon inspection or investigation, the inspector general finds that a child-care center licensed under this section has violated the administrative regulations promulgated in accordance with KRS Chapter 13A by the cabinet, the inspector general shall issue a statement of deficiency to the center containing:
 - (a) A statement of fact;
 - (b) A statement of how an administrative regulation was violated; and
 - (c) The timeframe, negotiated with the child-care center, within which a violation is to be corrected, except that a violation that poses an immediate threat to the health, safety, or welfare of children in the center shall be corrected in no event later than five (5) working days from the date of the statement of deficiency.
- (6) The Cabinet for Health and Family Services, in consultation with the Office of the Inspector General, shall establish by administrative regulations promulgated in

accordance with KRS Chapter 13A an informal dispute resolution process through which a child-care provider may dispute licensure deficiencies that have an adverse effect on the child-care provider's license.

- (7) A child-care center shall have the right to appeal to the Cabinet for Health and Family Services under KRS Chapter 13B any action adverse to its license or the assessment of a civil penalty issued by the inspector general as the result of a violation contained in a statement of deficiency within twenty (20) days of the issuance of the action or assessment of the civil penalty. An appeal shall not act to stay the correction of a violation.
- (8) In assessing the civil penalty to be levied against a child-care center for a violation contained in a statement of deficiency issued under this section, the inspector general or the inspector general's designee shall take into consideration the following factors:
 - (a) The gravity of the threat to the health, safety, or welfare of children posed by the violation;
 - (b) The number and type of previous violations of the child-care center;
 - (c) The reasonable diligence exercised by the child-care center and efforts to correct the violation; and
 - (d) The amount of assessment necessary to assure immediate and continued compliance.
- (9) Upon a child-care center's failure to take action to correct a violation contained in a statement of deficiency, or at any time when the operation of a child-care center poses an immediate threat to the health, safety, or welfare of children in the center, and the child-care center continues to operate after the cabinet has taken emergency action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee shall take at least one (1) of the following actions against the center:
 - (a) Institute proceedings to obtain an order compelling compliance with the administrative regulations promulgated by the cabinet in accordance with KRS Chapter 13A;
 - (b) Institute injunctive proceedings in Circuit Court to terminate the operation of the center;
 - (c) Institute action to discontinue payment of child-care subsidies; or
 - (d) Suspend or revoke the license or impose other penalties provided by law.
- (10) Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of child-care center license of the operator. Identifying information regarding children and their families shall remain confidential.
- (11) The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the child-care center within the past year. All information distributed by the cabinet under this subsection shall include a statement indicating that the reports as provided under this subsection from the past five (5) years are available from the child-care center upon the parent's, custodian's, guardian's, or other interested person's request.

- (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and certification applications shall be paid into the State Treasury and credited to a special fund for the purpose of administering KRS 199.892 to 199.896 including the payment of expenses of and to the participants in child-care workshops. The funds collected are hereby appropriated for the use of the cabinet. The balance of the special fund shall lapse to the general fund at the end of each biennium.
- (13) Any advertisement for child-care services shall include the address of where the service is being provided.
- (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for Health and Family Services shall be unannounced.
- (15) All employees and owners of a child-care center who provide care to children shall demonstrate within the first three (3) months of employment completion of at least a total of six (6) hours of orientation in the following areas:
 - (a) Basic health, safety, and sanitation;
 - (b) Recognizing and reporting child abuse; and
 - (c) Developmentally appropriate child-care practice.
- (16) All employees and owners of a child-care center who provide care to children shall annually demonstrate to the department completion of at least six (6) hours of training in child development. These hours shall include but are not limited to:
 - (a) One and one-half (1.5) hours one (1) time every five (5) years of continuing education in the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric head trauma approved by the secretary of the Cabinet for Health and Family Services; and
 - (b) One (1) hour one (1) time every three (3) years of continuing education in the recognition and prevention of pediatric ingestion or inhalation of controlled substances.

The continuing education required under this subsection shall be included in the current number of required continuing education hours.

- (17) The Cabinet for Health and Family Services shall make available either through the development or approval of a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection (15) of this section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection (15) of this section.
- (18) Child-care centers licensed pursuant to this section and family child-care homes certified pursuant to KRS 199.8982 shall not use corporal physical discipline, including the use of spanking, shaking, or paddling, as a means of punishment, discipline, behavior modification, or for any other reason. For the purposes of this section, "corporal physical discipline" means the deliberate infliction of physical pain and does not include spontaneous physical contact that is intended to protect a child from immediate danger.
- (19) Child-care centers that provide instructional and educational programs for

preschool-aged children that operate for a maximum of twenty (20) hours per week and that a child attends for no more than fifteen (15) hours per week shall:

- (a) Notify the cabinet in writing that the center is operating;
 - (b) Meet all child-care center licensure requirements and administrative regulations related to employee background checks;
 - (c) Meet all child-care center licensure requirements and administrative regulations related to tuberculosis screenings; and
 - (d) Be exempt from all other child-care center licensure requirements and administrative regulations.
- (20) Child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and that a child attends for no more than ten (10) hours per week shall be exempt from all child-care licensure requirements and administrative regulations.
- (21) Instructional programs for school-age children that offer, whether free or for a fee, recreational, educational, sports training, or vacation programs that include but are not limited to martial arts and dance programs to children under eighteen (18) years of age, that a child attends outside the presence of his or her parent or legal guardian, shall be exempt from all child-care licensure administrative regulations if the following criteria are met:
- (a) The program provides primary instruction in a skill, talent, ability, expertise, or proficiency;
 - (b) The program operates outside the time period when school is in session, including before or after school hours, holidays, school breaks, teaching planning days, or summer vacation;
 - (c) The program does not advertise or otherwise represent that the program is a licensed child-care center or that the program offers child-care services;
 - (d) The program informs the parent or guardian:
 - 1. That the program is not licensed by the cabinet; and
 - 2. About the physical risks a child may face while participating in the program; and
 - (e) The program conducts the following background checks for all program employees and volunteers who work with children:
 - 1. Check of the child abuse and neglect records maintained by the cabinet; and
 - 2. In-state criminal background information check from the Justice and Public Safety Cabinet or Administrative Office of the Courts.
- (22) Directors and employees of child-care centers in a position that involves supervisory or disciplinary power over a minor, or direct contact with a minor, shall submit to a criminal record check in accordance with KRS 199.8965.
- (23) A director or employee of a child-care center may be employed on a probationary status pending receipt of the criminal background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.

- (24) In determining whether to issue a plan of correction, directed plan of correction, or suspension or revocation of a child-care center license in response to any alleged violation of an administrative regulation by a child-care center, in addition to any other required considerations under this section the cabinet shall consider the following factors:
- (a) If the child-care center self-reported the incident in question and if the child-care center had a history of self-reporting incidents;
 - (b) If the incident was the result of the child-care center failing in any way related to policy, training, enforcement, or supervision;
 - (c) If the incident was the result of an independent act or failure to follow administrative regulations or center policy on the part of a child-care center applicant for licensure, a child-care center director, or any staff person;
 - (d) Actions taken by the child-care center in addition to those required by administrative regulation, including but not limited to installing cameras, providing extra training for staff, implementing facility improvements, enacting safety policies stricter than those required by administrative regulation, and improving staff-to-child ratios; and
 - (e) If the child-care center appropriately responded to the violation by holding the party responsible accountable for the violation and correcting or initiating correction of any condition that contributed to the violation.
- (25) A violation of a directed plan of correction shall not result in a suspension or revocation of a child-care center's license unless the violation is solely determined by the cabinet to be serious enough to justify the suspension or revocation.
- (26) A child-care center shall be permitted to provide requested documentation to the cabinet up to five (5) business days following a request when any routine review or audit related to an alleged violation of administrative regulation occurs.
- (27) (a) A child-care center that has been granted a preliminary license with a six (6) month probationary period by the cabinet shall receive a minimum of two (2) weekly support contacts a week by the cabinet or the cabinet's designee, with at least one (1) contact being in person for each week of a six (6) month probationary period in order to assist the center owner, supervisors, and staff in understanding, implementing, and practicing administrative regulations properly.
- (b) During the six (6) month probationary period, the cabinet shall not issue a violation against a child-care center unless the cabinet determines that a violation was knowingly committed after the cabinet had provided clear instructions, or the violation created an immediate threat to the health, safety, or welfare of the children in the child-care center.
- (28) The cabinet may allow but shall not require the inspector general, the inspector general's designee, or other cabinet representative to:
- (a) Take emergency action in accordance with subsection (4) of this section by issuing an emergency order that suspends a child-care center's license;
 - (b) Revoke a child-care center's license if an emergency order has been issued and the:

1. Child-care center has not requested a hearing within the timeframes required in subsection (7) of this section; or
 2. Condition that resulted in the emergency order is not corrected within thirty (30) calendar days of service of an emergency order;
- (c) Revoke a child-care center's license if:
1. A representative of the child-care center interferes with a cabinet or other agency representative's ability to perform an official duty;
 2. A cabinet representative, a representative from another agency with regulatory authority, or a parent is denied access during operating hours to a child, the child-care center, or child-care center staff;
 3. The child-care center is discontinued or disqualified from participation in Kentucky's child-care subsidy program or another governmental assistance program as a result of fraud, abuse, or criminal conviction related to the center;
 4. The child-care center fails to meet a condition of, or violates a requirement of, a directed plan of correction;
 5. The child-care center applicant or licensee knowingly misrepresents or submits false information on a form required by the cabinet;
 6. The child-care center is the subject of more than two (2) directed plans of correction during a three (3) year period; or
 7. The child-care center has failed to comply with required payment provisions; and
- (d) Suspend a child-care center's license if:
1. A violation of an administrative regulation is found to pose an immediate threat to the health, safety, and welfare of the children in care, as permitted in subsection (4) of this section; or
 2. The child-care center fails to comply with the approved plan of correction.
- (29) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to identify emergency care providers who provide essential child-care services during an identified state of emergency.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 68, sec. 18, effective July 15, 2026; and ch. 146, sec. 18, effective April 14, 2026. -- Amended 2024 Ky. Acts ch. 87, sec. 1, effective April 5, 2024. -- Amended 2021 Ky. Acts ch. 172, sec. 1, effective March 30, 2021. - - Amended 2020 Ky. Acts ch. 36, sec. 11, effective July 15, 2020. -- Amended 2018 Ky. Acts ch. 136, sec. 5, effective July 1, 2019. -- Amended 2017 Ky. Acts ch. 135, sec. 5, effective March 27, 2017. -- Amended 2015 Ky. Acts ch. 16, sec. 3, effective June 24, 2015. -- Amended 2010 Ky. Acts ch. 171, sec. 7, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 48, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 308, sec. 18, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 157, effective July 15, 1998; and ch. 524, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 90, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 131, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 57, sec. 4, effective July 14, 1980. -- Amended 1982 Ky. Acts ch. 247, sec. 5, effective

July 15, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 187, effective July 15, 1980.
-- Amended 1978 Ky. Acts ch. 203, sec. 1, effective June 17, 1978. -- Amended
1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- Created 1962 Ky. Acts ch. 196, sec. 3.

Legislative Research Commission Note (4/14/2026). 2026 Ky. Acts ch. 146, sec. 19, provides that, "[t]he provisions of Section 18 of this Act [this statute] shall apply:

(1) To any pending and not yet final action related to licensed child-care centers that is under consideration by the Cabinet for Health and Family Services on the effective date of this Act [April 14, 2026]; and

(2) To any action related to licensed child-care centers that occurs on or after the effective date of this Act [April 14, 2026]."

Legislative Research Commission Note (7/15/2026). This statute was amended by 2026 Ky. Acts chs. 68 and 146, which do not appear to be in conflict and have been codified together.