

1 AN ACT relating to child-care providers on a military installation or facility.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 199.8982 is amended to read as follows:

4 (1) (a) The cabinet shall establish a family child-care home certification program
5 which shall be administered by the department. A family child-care provider
6 shall apply for certification of the provider's home if the provider is caring for
7 four (4) to six (6) children unrelated to the provider. A family child-care
8 provider caring for three (3) or fewer children may apply for certification of
9 the provider's home at the discretion of the provider. Applicants for
10 certification shall not have been found by the cabinet or a court to have
11 abused or neglected a child, and shall meet the following minimum
12 requirements:

- 13 1. Submit two (2) written character references;
- 14 2. Provide a written statement from a physician or advanced practice
15 registered nurse that the applicant is in good health;
- 16 3. Submit to a criminal record check in accordance with KRS 199.8965;
- 17 4. Provide smoke detectors, a telephone, an adequate water supply,
18 sufficient lighting and space, and a safe environment in the residence in
19 which care is provided;
- 20 5. Provide a copy of the results of a tuberculosis risk assessment and the
21 results of any appropriate follow-up with skin testing or chest X-ray for
22 applicants who are determined to be at risk for developing tuberculosis
23 in accordance with the recommendations of the Centers for Disease
24 Control and Prevention within thirty (30) days of the date of application
25 for certification; and
- 26 6. Demonstrate completion of a total of at least six (6) hours of training in
27 the following areas within three (3) months of application for

1 certification:

- 2 a. Basic health, safety, and sanitation;
- 3 b. Recognizing and reporting child abuse; and
- 4 c. Developmentally appropriate child-care practice.

5 (b) Initial applications for certification shall be made to the department. The
6 cabinet may promulgate administrative regulations to establish fees that shall
7 not exceed costs of the program to the cabinet, for proper administration of
8 the certification. The department shall issue a certificate of operation upon
9 inspecting the family child-care home and determining the provider's
10 compliance with the provisions of this section. The inspection shall be
11 unannounced. A certificate of operation issued pursuant to this section shall
12 not be transferable and shall be renewed every two (2) years for a fee that
13 shall not exceed costs of the program to the cabinet for renewal.

14 (c) A certified family child-care provider shall display the certificate of operation
15 in a prominent place within the residence in which care is provided. The
16 cabinet shall provide the certified family child-care provider with written
17 information explaining the requirements for a family day-care provider and
18 instructions on the method of reporting violations of the requirements which
19 the provider shall distribute to parents.

20 (d) Upon request of any person, the cabinet shall provide information regarding
21 the denial, revocation, suspension, or violation of any type of day-care license
22 of the family child-care provider. Identifying information regarding children
23 and their families shall remain confidential.

24 (e) The cabinet shall provide, upon request, public information regarding the
25 inspections of and the plans of correction for the family child-care home
26 within the past year. All information distributed by the cabinet under this
27 paragraph shall include a statement indicating that the reports as provided

1 under this paragraph from the past five (5) years are available from the family
2 child-care home upon the parent's, custodian's, guardian's, or other interested
3 person's request.

4 (f) The cabinet shall promulgate administrative regulations in accordance with
5 KRS Chapter 13A which establish standards for the issuance, monitoring,
6 release of information under this section and KRS 199.896 and 199.898,
7 renewal, denial, revocation, and suspension of a certificate of operation for a
8 family child-care home and establish criteria for the denial of certification if
9 criminal records indicate convictions that may impact the safety and security
10 of children in care. A denial, suspension, or revocation of a certificate may be
11 appealed, and upon appeal an administrative hearing shall be conducted in
12 accordance with KRS Chapter 13B. If the cabinet has probable cause to
13 believe that there is an immediate threat to the public health, safety, or
14 welfare, the cabinet may take emergency action to suspend a certificate
15 pursuant to KRS 13B.125. The cabinet shall promulgate administrative
16 regulations to impose minimum staff-to-child ratios. The cabinet may
17 promulgate administrative regulations relating to other requirements
18 necessary to ensure minimum safety in family child-care homes. The cabinet
19 shall develop and provide an "easy-to-read" guide containing the following
20 information to a family child-care provider seeking certification of his home:

- 21 1. Certification requirements and procedures;
- 22 2. Information about available child-care training; and
- 23 3. Child-care food sponsoring organizations.

24 (2) Family child-care providers shall annually demonstrate to the department
25 completion of at least six (6) hours of training in child development. These hours
26 shall include but are not limited to one and one-half (1.5) hours one (1) time every
27 five (5) years of continuing education in the recognition and prevention of pediatric

1 abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric
2 abusive head trauma may be designed in collaboration with organizations and
3 agencies that specialize in the prevention and recognition of pediatric abusive head
4 trauma approved by the secretary of the Cabinet for Health and Family Services.
5 The one and one-half (1.5) hours of continuing education required under this
6 section shall be included in the current number of required continuing education
7 hours.

8 (3) The cabinet shall, either through the development of or approval of, make available
9 a model training curriculum and training materials, including video instructional
10 materials, to cover the areas specified in subsection (1)(a)6. of this section. The
11 cabinet shall develop or approve the model training curriculum and training
12 materials to cover the areas specified in subsection (1)(a)6. of this section.

13 (4) (a) As used in this subsection "local government" means a city, county, charter
14 county, urban-county government, consolidated local government, or unified
15 local government.

16 (b) The provisions of this section shall supersede all local government ordinances
17 or regulations pertaining to the certification, licensure, and training
18 requirements related to the operation of family child-care homes and no local
19 government shall adopt or enforce any additional licensure, certification, or
20 training requirements specifically applicable to family child-care homes in
21 addition to those provided in this section. This subsection shall not be
22 interpreted or construed to exempt family child-care homes from compliance
23 with local government ordinances and regulations that apply generally within
24 the jurisdiction.

25 (c) Because the availability of adequate child-care as an essential business is vital
26 to the Commonwealth's state and local economies, by January 1, 2022, a local
27 government that has adopted land use regulations pursuant to KRS Chapter

1 100 shall specifically name family child-care homes in the text of its zoning
2 regulations to authorize the board of adjustments to separately consider the
3 applications of proposed family child-care homes for conditional use permits
4 within the residential zones of the planning unit where they are not a fully
5 permitted use pursuant to KRS 100.237.

6 (5) Notwithstanding any state law or administrative regulation to the contrary, a
7 child-care provider on a military installation or military facility that is licensed or
8 certified as a family child-care provider by the United States Department of
9 Defense, any branch of the Armed Forces as defined in KRS 40.010, the National
10 Guard, or reserve component thereof shall be exempt from the requirements of
11 this section.