

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.