

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1390

By: Provenzano

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Child Care Facilities
8 Licensing Act; amending 10 O.S. 2021, Section 406,
9 which relates to investigations; directing that
report remain available; and providing an effective
date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 10 O.S. 2021, Section 406, is
14 amended to read as follows:

15 Section 406. A. 1. Except as provided in paragraph 2 of this
16 subsection, the Department of Human Services shall have authority at
17 any reasonable time to investigate and examine the conditions of any
18 child care facility in which a licensee or applicant hereunder
19 receives and maintains children, and shall have authority at any
20 time to require the facility to provide information pertaining to
21 children in its care.

22 2. When the Department of Human Services is reviewing the star
23 rating of a child care program with a capacity of fifty or more, the
24 comprehensive visit to inspect and examine the program shall be

1 scheduled with the administration of the program at least one (1)
2 week in advance of the visit, if requested by the child care
3 facility.

4 B. 1. The State Department of Health may visit any licensee or
5 applicant at the request of the Department to advise on matters
6 affecting the health of children and to inspect the sanitation of
7 the buildings used for their care.

8 2. The State Fire Marshal may visit any licensee or applicant
9 at the request of the Department to advise on matters affecting the
10 safety of children and to inspect the condition of the buildings
11 used for their care.

12 C. 1. Upon receipt of a complaint against any child care
13 facility alleging a violation of the provisions of the Oklahoma
14 Child Care Facilities Licensing Act, or any licensing standard
15 promulgated by the Department, the Department shall conduct a full
16 investigation. If upon investigation, it is determined that there
17 are reasonable grounds to believe that a facility is in violation of
18 the Oklahoma Child Care Facilities Licensing Act or of any standard
19 or rule promulgated pursuant thereto, the Department shall:

- 20 a. document the complaint,
- 21 b. provide the complaint allegations in writing to the
22 facility involved and, upon written request by the
23 child care facility, provide a summary of the facts
24 used to evaluate the completed complaint, and

1 c. document the facility's plan for correcting any
2 substantiated violations.

3 2. If the Department determines there has been a violation and
4 the violation has a direct impact on the health, safety or well-
5 being of one or more of the children cared for by the facility, the
6 Department shall notify the facility and require correction of the
7 violation.

8 3. The Department shall notify the facility that failure to
9 correct the confirmed violation can result in the revocation of the
10 license, the denial of an application for a license, the issuance of
11 an emergency order or the filing of an injunction pursuant to the
12 provisions of Section 409 of this title.

13 4. If the facility refuses to correct a violation or fails to
14 complete the plan of correction, the Department may issue an
15 emergency order, revoke the license, or deny the application for a
16 license. Nothing in this section or Section 407 of this title shall
17 be construed as preventing the Department from denying an
18 application, revoking a license, or issuing an emergency order for a
19 single violation of this act, or the rules of the Department as
20 provided in Section 404 of this title.

21 5. If the Department determines there has been a substantiated
22 finding of heinous and shocking abuse by a person responsible for a
23 child's health, safety or welfare, as those terms are defined in
24 Section 1-1-105 of Title 10A of the Oklahoma Statutes, the

1 Department shall notify the child care facility owner or operator
2 and the child care resource and referral organization in writing
3 immediately or not later than one (1) business day after the
4 substantiated finding. Upon receiving notice of a substantiated
5 finding, the facility owner or operator shall attempt to immediately
6 notify, but not later than seventy-two (72) hours after receiving
7 notice of the substantiated finding, parents or legal guardians of
8 children attending the facility by certified mail.

9 D. Upon the completion of the investigation of a complaint
10 against any child care facility alleging a violation of the
11 provisions of the Oklahoma Child Care Facilities Licensing Act or
12 any licensing standard promulgated thereto by the Department, the
13 Department shall clearly designate its findings on the first page of
14 the report of the investigation. The findings shall state whether
15 the complaint was substantiated or unsubstantiated. The report
16 shall remain available in a manner that is accessible to the public,
17 regardless of whether the facility owner's or operator's license is
18 active or inactive.

19 E. Information obtained by the Department or Oklahoma Child
20 Care Services concerning a report of a violation of a licensing
21 requirement, or from any licensee regarding children or their
22 parents or other relatives shall be deemed confidential and
23 privileged communications, shall be properly safeguarded, and shall
24 not be accessible to anyone except as herein provided, unless upon

1 order of a court of competent jurisdiction. Provided, however, this
2 provision shall not prohibit the Department from providing a summary
3 of allegations and findings of an investigation involving a child
4 care facility that does not disclose identities but that permits
5 parents to evaluate the facility.

6 F. The Department shall promulgate rules to establish and
7 maintain a grievance process that shall include an anonymous
8 complaint system for reporting and investigating complaints or
9 grievances about employees of the Department who retaliate against a
10 child care facility or facility employee.

11 SECTION 2. This act shall become effective November 1, 2025.

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