A BILL FOR AN ACT

RELATING TO CHILD CARE FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SEC. 1. Section 346-153, Hawaii Revised Statutes, is amended to read as follows:

"346-153 Records of [deficiencies and complaints;] inspections; release to public. (a) For every child care facility, the department shall maintain records for the current and previous two years of: results of its inspections; notifications to providers of deficiencies; corrective action taken; complaints of violations of rules adopted under this part; results of its investigations; resolution of complaints; and suspensions, revocations, reinstatements, restorations, and reissuances of licenses, temporary permits, and registrations issued under this part.

(b) Notwithstanding any other law to the contrary, the records described in [this section] subsection (a) shall be available for inspection in the manner set forth in chapter 92F and may be posted by the department on a public website[.] in accordance with this section; provided that with respect to
records of family child care homes and group child care homes, sensitive personal information, including home addresses, or information provided to the department with the understanding that it would not be publicly divulged shall be deleted or obliterated prior to making the records available to the public. Nothing in this section shall authorize the department to release the names of or any other identifying information on complainants. The department may withhold information on a complaint for which an investigation is being conducted for not more than ten working days following the date of filing of the complaint; provided that if an investigation relates to an alleged criminal offense, no information shall be released until the investigation has been completed and the director has determined that no legal proceeding will be jeopardized by its release.

(c) Beginning with inspections occurring after December 31, 2019, the department shall post on its website electronic copies of reports for all inspections it performs of child care facilities subject to this part. Except as provided in subsection (b), each report shall be posted on the
department's website within thirty working days of the conclusion of each inspection and shall include:

1. The date of the inspection;
2. A description of violations of relevant state laws or rules, if applicable;
3. Plans of correction and the status of corrective actions in response to any violations, if applicable;
4. A list and description of all corrective actions taken by the child care facility, if applicable, to be submitted by the facility and added to the report at a later time, as determined by the department; and
5. Other information regarding the quality and condition of the child care facility as the department deems appropriate.

Notwithstanding any provision to the contrary, the department may allow unpaid student interns, with appropriate oversight by department personnel, to input into reports the inspection data required in this subsection and post the reports on the department's website.

(d) The department shall submit an annual report to the legislature on all records and actions subject to this section.
For all actions that involve a complaint of a suspected violation or an actual violation discovered by the department, the report shall include the department's findings regarding the suspected or actual violation and any corrective action ordered by the department, including the suspension or revocation of any license, permit, or registration."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 to implement and comply with the reporting requirements for child care facilities as required by this Act. The sums appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2019.
Report Title:
Child Care Facilities; DHS; Inspections; Reports; Oversight; Appropriation

Description:
Requires the Department of Human Services to post on its website reports of child care facility inspections beginning with inspections occurring after 12/31/2019, and suspected or actual complaint violations, including the Department of Human Services' findings and corrective actions. Appropriates funds to implement and comply with the reporting requirements for child care facilities.

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