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HOUSE BILL NO. 1306

Offered January 21, 2016

A BILL to amend and reenact § 63.2-1704, as it shall become effective, of the Code of Virginia, relating to voluntarily listing of certain family day homes.

Patron—Orrock

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1704, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1704. (Effective July 1, 2016) Voluntary registration of family day homes; inspections; investigation upon receipt of complaint; revocation or suspension of registration.

A. Any person who maintains a family day home serving fewer than five children, exclusive of the provider's own children and any children who reside in the home, may apply for voluntary registration to be included on a list of family day homes maintained by the Department. An applicant for voluntary registration inclusion on such list shall file with the Commissioner, prior to beginning any such operation and thereafter biennially, an application which shall include, but not be limited to, the following:

1. The name, address, phone number, and social security number of the person maintaining the family day home;

2. The number and ages of the children to receive care;

3. A sworn statement or affirmation in which the applicant attests to the accuracy of the information submitted to the Commissioner; and

4. Documentation that the applicant has undergone a background check requirements for registered child welfare agencies in Article 3 (§ 63.2-1719 et seq.) have been met described in § 63.2-1720.

B. The Board shall adopt regulations for voluntarily registered voluntary inclusion of family day homes that apply for inclusion on a list of family day homes maintained by the Department in accordance with subsection A, which shall include, but are not limited to:

1. The criteria and process for the approval of the certificate of registration voluntary inclusion on the list;

2. Requirements for a self-administered health and safety guidelines evaluation checklist;

3. A schedule for fees to be paid by the providers to the contract organization or to the Department if it implements the provisions of this section for processing applications for the voluntary registration inclusion on a list of family day homes maintained by the Department pursuant to subsection A. The charges collected shall be maintained for the purpose of recovering administrative costs incurred in processing applications and certifying such homes as eligible or registered for voluntary inclusion on the list; and

4. The criteria and process for the renewal of the certificate of registration; and

5. The requirement that upon receipt of a complaint concerning a registered family day home voluntarily included on the list of family day homes maintained by the Department pursuant to subsection A, the Commissioner shall cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, and facilities. The person who maintains such home shall afford the Commissioner reasonable opportunity to inspect the operator's facilities and records and to interview any employees and any child or other person within his custody or control. Whenever a registered family day home that is voluntarily included on the list of family day homes maintained by the Department is determined by the Commissioner to be in noncompliance with the regulations for voluntarily registered listed family day homes, the Commissioner shall give reasonable notice to the operator of the nature of the noncompliance and may thereafter revoke or suspend the registration inclusion of the family day home on such list.

C. Upon receiving the application on forms prescribed by the Commissioner, and after having determined that the home has satisfied the requirements of the regulations for voluntarily registered voluntary inclusion on a list of family day homes maintained by the Department in accordance with subsection A, the Commissioner shall issue a certificate of registration to include the family day home on such list.

D. The Commissioner shall contract in accordance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) with qualified local agencies and community organizations to review applications and certify approve family day homes as eligible for registration inclusion on the list

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59 *maintained by the Department*, pursuant to the regulations for voluntarily ~~registered~~ *listing* family day
60 homes. If no qualified local agencies or community organizations are available, the Commissioner shall
61 implement the provisions of this section. "Qualified" means demonstrated ability to provide sound
62 financial management and administrative services including application processing, maintenance of
63 records and reports, technical assistance, consultation, training, monitoring, and random inspections.

64 E. The scope of services in contracts shall include:

65 1. The identification of family day homes ~~which~~ *that* may meet the standards for voluntary
66 ~~registration provided in inclusion on the list of family day homes maintained by the Department~~
67 *pursuant to subsection A*; and

68 2. A requirement that the contract organization shall provide administrative services, including, but
69 not limited to, processing applications for the voluntary ~~registration listing~~ of family day homes;
70 certifying such homes as eligible for ~~registration inclusion on the list~~; providing technical assistance,
71 training, and consultation with family day homes; ensuring providers' compliance with the regulations
72 for ~~voluntarily registered~~ family day homes *voluntarily included in the list of family day homes*
73 *maintained by the Department*, including monitoring and random inspections; and maintaining permanent
74 records regarding all family day homes which it may certify as eligible for ~~registration~~ *voluntary*
75 *inclusion on the list*.

76 F. The contract organization, upon determining that a family day home has satisfied the requirements
77 of the regulations for ~~voluntarily registered~~ *voluntary listing of* family day homes, shall certify the home
78 as eligible for ~~registration~~ *voluntary inclusion on the list* on forms prescribed by the Commissioner. The
79 Commissioner, upon determining that certification has been properly issued, may ~~register~~ *include* the
80 family day home *on the list maintained by the Department pursuant to subsection A*.

81 G. The provisions of this section shall not apply to any family day home located in a county, city, or
82 town in which the governing body provides by ordinance for the regulation and licensing of persons
83 who provide child-care services for compensation and for the regulation and licensing of child-care
84 facilities pursuant to the provisions of § 15.2-914.