

CHAPTER 128
HB 1478 – FINAL VERSION

12Feb2014... 0400h
05/08/14 1638s

2014 SESSION

14-2294
05/10

HOUSE BILL ***1478***

AN ACT relative to oversight of child day care agencies.

SPONSORS: Rep. Warden, Hills 39; Rep. Meaney, Hills 6; Rep. Burt, Hills 6; Rep. Pratt,
 Hills 6; Rep. Hikel, Hills 6; Sen. Boutin, Dist 16

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill requires the department to provide the results of a monitoring visit to the child care agency. The bill also provides the child day care agency with the opportunity to respond and have the agency's response posted on the department's website. The bill also establishes a process for informal dispute resolution if the child day care agency disagrees with the department's findings.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to oversight of child day care agencies.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 128:1 Record of Licenses; Investigatory and Monitoring Visits. Amend RSA 170-E:10 to read as
2 follows:

3 170-E:10 Record of Licenses ***and Investigatory and Monitoring Visits.***

4 I. The department shall keep in a central depository records of licenses issued under this
5 subdivision and all ***investigatory and*** monitoring reports, ***and final decisions relative to***
6 ***licensure*** that have been made relative to licensees. When a license is issued to a child day care
7 agency, the department shall give notice to the health officer and fire department of the city or town
8 in which the licensee is located stating the granting of such license and its terms. A like notice shall
9 be given of any suspension or revocation of such license.

10 II. The license itself, ~~and~~ the findings of ***investigatory and*** monitoring visits, and final
11 decisions relative to licensure of the child day care agency shall be considered public information,
12 ***posted on the department's website, and*** available for review by members of the public;
13 information submitted in the application process, however, shall be private, confidential, and not
14 available for review.

15 ***III. At least 5 business days before posting the results or findings of an***
16 ***investigatory visit, monitoring visit, or a final decision relative to licensure on the***
17 ***department's website, the department shall provide the child day care agency with the***
18 ***results or findings by email or, if the child day care agency has not provided an email***
19 ***address, by United States mail. If the child day care agency submits a reasonable response***
20 ***to the department's findings, the child day care agency's response shall be posted with the***
21 ***department's findings on the website.***

22 128:2 New Section; Informal Dispute Resolution. Amend RSA 170-E by inserting after section
23 10 the following new section:

24 170-E:10-a Informal Dispute Resolution.

25 I. The department shall offer an opportunity for informal dispute resolution to any child day
26 care agency that disagrees with the results or findings of a monitoring visit. The child day care
27 agency shall submit a written request for informal dispute resolution no later than 14 days from the
28 date the findings were issued by the department. Within 30 days of receipt of a request for informal

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1 dispute resolution and receipt of information from the child day care agency, the department shall
2 review the evidence presented and provide written notice of its decision to the child day care agency

3 II. Informal dispute resolution shall not be available to any child day care agency against
4 which the department has initiated action to suspend, revoke, deny, or refuse to renew a license or
5 permit under this chapter.

6 128:3 Effective Date. This act shall take effect 60 days after its passage.

7 Approved: June 16, 2014

8 Effective Date: August 15, 2014