

## HOUSE BILL No. 2785

By Representative Judy Morrison

1-31

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9 AN ACT concerning certain child care facilities; pertaining to day care  
10 facilities; amending K.S.A. 65-504 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 65-504 is hereby amended to read as follows: 65-  
14 504. (a) The secretary of health and environment shall have the power to  
15 grant a license to a person to maintain a maternity center or child care  
16 facility for children under 16 years of age. The license shall state the name  
17 of the licensee, describe the particular premises in or at which the busi-  
18 ness shall be carried on, whether it shall receive and care for women or  
19 children, and the number of women or children that may be treated,  
20 maintained, boarded or cared for at any one time. No greater number of  
21 women or children than is authorized in the license shall be kept on those  
22 premises and the business shall not be carried on in a building or place  
23 not designated in the license. The license shall be kept posted in a con-  
24 spicuous place on the premises where the business is conducted. *Subject*  
25 *to the provisions of subsection (g)*, the secretary of health and environ-  
26 ment shall grant no license in any case until careful inspection of the  
27 maternity center or child care facility shall have been made according to  
28 the terms of this act and until such maternity center or child care facility  
29 has complied with all the requirements of this act. Except as provided by  
30 this subsection, no license shall be granted without the approval of the  
31 secretary of social and rehabilitation services. The secretary of health and  
32 environment may issue, without the approval of the secretary of social  
33 and rehabilitation services, a temporary permit to operate for a period  
34 not to exceed 90 days upon receipt of an initial application for license.  
35 The secretary of health and environment may extend, without the ap-  
36 proval of the secretary of social and rehabilitation services, the temporary  
37 permit to operate for an additional period not to exceed 90 days if an  
38 applicant is not in full compliance with the requirements of this act but  
39 has made efforts towards full compliance.

40 (b) (1) In all cases where the secretary of social and rehabilitation  
41 services deems it necessary, an investigation of the maternity center or  
42 child care facility shall be made under the supervision of the secretary of  
43 social and rehabilitation services or other designated qualified agents. For

1 that purpose and for any subsequent investigations they shall have the  
2 right of entry and access to the premises of the center or facility and to  
3 any information deemed necessary to the completion of the investigation.  
4 In all cases where an investigation is made, a report of the investigation  
5 of such center or facility shall be filed with the secretary of health and  
6 environment.

7 (2) In cases where neither approval or disapproval can be given within  
8 a period of 30 days following formal request for such a study, the secretary  
9 of health and environment may issue a temporary license without fee  
10 pending final approval or disapproval of the center or facility.

11 (c) Whenever the secretary of health and environment refuses to  
12 grant a license to an applicant, the secretary shall issue an order to that  
13 effect stating the reasons for such denial and within five days after the  
14 issuance of such order shall notify the applicant of the refusal. Upon  
15 application not more than 15 days after the date of its issuance a hearing  
16 on the order shall be held in accordance with the provisions of the Kansas  
17 administrative procedure act.

18 (d) When the secretary of health and environment finds upon inves-  
19 tigation or is advised by the secretary of social and rehabilitation services  
20 that any of the provisions of this act or the provisions of K.S.A. 59-2123  
21 and amendments thereto are being violated, or that the maternity center  
22 or child care facility is maintained without due regard to the health, com-  
23 fort or welfare of the residents, the secretary of health and environment,  
24 after giving notice and conducting a hearing in accordance with the pro-  
25 visions of the Kansas administrative procedure act, shall issue an order  
26 revoking such license. The order shall clearly state the reason for the  
27 revocation.

28 (e) If the secretary revokes or refuses to renew a license, the licensee  
29 who had a license revoked or not renewed shall not be eligible to apply  
30 for a license or for a certificate of registration to maintain a family day  
31 care home under K.S.A. 65-518 and amendments thereto for a period of  
32 one year subsequent to the date such revocation or refusal to renew be-  
33 comes final.

34 (f) Any applicant or licensee aggrieved by a final order of the secretary  
35 of health and environment denying or revoking a license under this act  
36 may appeal the order in accordance with the act for judicial review and  
37 civil enforcement of agency actions.

38 (g) (1) *No license shall be issued for any child care facility classified*  
39 *as a day care home or day care facility unless the applicant provides a*  
40 *certificate of liability insurance. The certificate of liability insurance shall*  
41 *be executed by an insurance company authorized to do business in Kansas*  
42 *or by a licensed insurance agent operating under authority of K.S.A. 40-*  
43 *246b, and amendments thereto, and shall state the effective date and the*

- 1 *expiration date of the policy. Such liability insurance shall be subject to*  
2 *the insurer's policy provisions filed with and approved by the commis-*  
3 *sioner of insurance pursuant to K.S.A. 40-216, and amendments thereto,*  
4 *except as authorized by K.S.A. 40-246b, and amendments thereto. The*  
5 *liability insurance policy shall provide coverage for not less than \$100,000*  
6 *for bodily injury liability for each occurrence.*
- 7 (2) *For the purposes of this section, the terms "day care home" and*  
8 *"day care facility" shall have the meaning ascribed to the term "day care*  
9 *home" in K.A.R. 28-4-113 as in effect on January 1, 2006.*
- 10 Sec. 2. K.S.A. 65-504 is hereby repealed.
- 11 Sec. 3. This act shall take effect and be in force from and after its  
12 publication in the statute book.