

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1474

H.P. 1013

House of Representatives, April 18, 2017

An Act To Reduce the Regulation of Child Care Facilities

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ESPLING of New Gloucester.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: HANINGTON of Lincoln, HAWKE of Boothbay Harbor, NADEAU of
Winslow, PICKETT of Dixfield, SANDERSON of Chelsea, STEARNS of Guilford,
WADSWORTH of Hiram.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-G, sub-§14-I** is enacted to read:

3 **14-I.**

4 Human Services Child Care Appeal Expenses Only 22 MRSA §8359
5 Review Panel

6 **Sec. 2. 22 MRSA §3737, sub-§§4 and 5** are enacted to read:

7 **4. Child care rates.** The department shall establish payment rates for child care
8 services that are at least equal to the 75th percentile of local market rates for the various
9 categories of child care services. The payment rates for child care services for children
10 with special needs must be higher than the 75th percentile of local market rates.

11 **5. Choice of provider.** The recipient of a child care subsidy may pay out of pocket
12 the difference between the amount of the subsidy provided by the department and the
13 amount charged by a provider for a child care service.

14 **Sec. 3. 22 MRSA §3762, sub-§3, ¶B,** as amended by PL 2015, c. 267, Pt. RRRR,
15 §2, is further amended to read:

16 B. The department may use funds, insofar as resources permit, provided under and in
17 accordance with the United States Social Security Act or state funds appropriated for
18 this purpose or a combination of state and federal funds to provide assistance to
19 families under this chapter. In addition to assistance for families described in this
20 subsection, funds must be expended for the following purposes:

21 (1) To continue the pass-through of the first \$50 per month of current child
22 support collections and the exclusion of the \$50 pass-through from the budget
23 tests and benefit calculations;

24 (2) To provide financial assistance to noncitizens legally admitted to the United
25 States who are receiving assistance under this subsection as of July 1, 2011.
26 Recipients of assistance under this subparagraph are limited to the categories of
27 noncitizens who would be eligible for the TANF programs but for their status as
28 aliens under PRWORA. Eligibility for the TANF program for these categories of
29 noncitizens must be determined using the criteria applicable to other recipients of
30 assistance from the TANF program. Any household receiving assistance as of
31 July 1, 2011 may continue to receive assistance, as long as that household
32 remains eligible, without regard to interruptions in coverage or gaps in eligibility
33 for service. A noncitizen legally admitted to the United States who is neither
34 receiving assistance on July 1, 2011 nor has an application pending for assistance
35 on July 1, 2011 that is later approved is not eligible for financial assistance
36 through a state-funded program unless that noncitizen is:

37 (a) Elderly or disabled, as described under the laws governing supplemental
38 security income in 42 United States Code, Sections 1381 to 1383f (2010);

39 (b) A victim of domestic violence;

- 1 (c) Experiencing other hardship, such as time necessary to obtain proper
2 work documentation, as defined by the department by rule. Rules adopted by
3 the department under this division are routine technical rules as defined by
4 Title 5, chapter 375, subchapter 2-A; or
- 5 (d) Unemployed but has obtained proper work documentation, as defined by
6 the department by rule. Rules adopted by the department under this division
7 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A;
- 8 (3) To provide benefits to certain 2-parent families whose deprivation is based
9 on physical or mental incapacity;
- 10 (4) To provide an assistance program for needy children, 19 to 21 years of age,
11 who are in full-time attendance in secondary school. The program is operated for
12 those individuals who qualify for TANF under the United States Social Security
13 Act, except that they fail to meet the age requirement, and is also operated for the
14 parent or caretaker relative of those individuals. Except for the age requirement,
15 all provisions of TANF, including the standard of need and the amount of
16 assistance, apply to the program established pursuant to this subparagraph;
- 17 (5) To provide assistance for a pregnant woman who is otherwise eligible for
18 assistance under this chapter, except that she has no dependents under 19 years of
19 age. An individual is eligible for the monthly benefit for one eligible person if
20 the medically substantiated expected date of the birth of her child is not more
21 than 90 days following the date the benefit is received;
- 22 (6) To provide a special housing allowance for TANF families whose shelter
23 expenses for rent, mortgage or similar payments, homeowners insurance and
24 property taxes equal or exceed 75% of their monthly income. The special
25 housing allowance is limited to \$200 per month for each family. For purposes of
26 this subparagraph, "monthly income" means the total of the TANF monthly
27 benefit and all income countable under the TANF program, plus child support
28 received by the family, excluding the \$50 pass-through payment;
- 29 (7) In determining benefit levels for TANF recipients who have earnings from
30 employment, the department shall disregard from monthly earnings the
31 following:
- 32 (a) One hundred and eight dollars;
- 33 (b) Fifty percent of the remaining earnings that are less than the federal
34 poverty level; and
- 35 (c) All actual child care costs necessary for work, except that the department
36 may limit the child care disregard to \$175 per month per child or \$200 per
37 month per child under 2 years of age or with special needs;
- 38 (7-A) In determining eligibility and benefit levels, the department may apply a
39 gross income test only to applicants and not to recipients;
- 40 (8) In cases when the TANF recipient has no child care cost, the monthly TANF
41 benefit is the maximum payment level or the difference between the countable

1 earnings and the standard of need established by rule adopted by the department,
2 whichever is lower;

3 (9) In cases when the TANF recipient has child care costs, the department shall
4 determine a total benefit package, including TANF cash assistance, determined in
5 accordance with subparagraph (7) and additional child care assistance, as
6 provided by rule, necessary to cover the TANF recipient's actual child care costs
7 up to the maximum amount specified in section 3782-A, subsection 5. The
8 benefit amount must be paid as provided in this subparagraph.

9 (a) Before the first month in which child care assistance is available to an
10 ASPIRE-TANF recipient under this paragraph and periodically thereafter, the
11 department shall notify the recipient of the total benefit package and the
12 following options of the recipient: to receive the total benefit package
13 directly; or to have the department pay the recipient's child care assistance
14 directly to the designated child care provider for the recipient and pay the
15 balance of the total benefit package to the recipient.

16 (b) If an ASPIRE-TANF recipient notifies the department that the recipient
17 chooses to receive the child care assistance directly, the department shall pay
18 the total benefit package to the recipient.

19 (c) If an ASPIRE-TANF recipient does not respond or notifies the
20 department of the choice to have the child care assistance paid directly to the
21 child care provider from the total benefit package, the department shall pay
22 the child care assistance directly to the designated child care provider for the
23 recipient. The department shall pay the balance of the total benefit package
24 to the recipient;

25 (d) An ASPIRE-TANF recipient may choose to pay the difference out of
26 pocket between the amount of child care subsidy provided by the department
27 and the amount charged by a provider for a child care service.

28 The department shall notify the designated child care provider of an
29 ASPIRE-TANF recipient's eligibility for child care assistance, any changes to
30 eligibility, including renewals and information requests, and advanced notice of
31 no less than 4 weeks of ineligibility as long as the ASPIRE-TANF recipient
32 authorizes the communication between the designated child care provider and the
33 department;

34 (10) Child care assistance under this paragraph must be paid by the department
35 in a prompt manner that permits an ASPIRE-TANF recipient to access child care
36 necessary for work; and

37 (11) The department shall adopt rules pursuant to Title 5, chapter 375 to
38 implement this subsection. Rules adopted pursuant to this subparagraph are
39 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

40 **Sec. 4. 22 MRSA §3762, sub-§8, ¶E**, as enacted by PL 2009, c. 291, §6, is
41 repealed and the following enacted in its place:

1 E. The department shall establish payment rates for child care services that are at
2 least equal to the 75th percentile of local market rates for the various categories of
3 child care services. The payment rates for child care services for children with
4 special needs must be higher than the 75th percentile of local market rates.

5 **Sec. 5. 22 MRSA §3782-A, sub-§5**, as enacted by PL 1997, c. 530, Pt. A, §19, is
6 repealed and the following enacted in its place:

7 **5. Child care during participation in employment, education and training.** The
8 department shall provide child care in accordance with federal law and this Title when the
9 child care is necessary to permit a TANF-eligible family member to participate in the
10 ASPIRE-TANF program.

11 A. The department shall establish payment rates for child care services that are at
12 least equal to the 75th percentile of local market rates for the various categories of
13 child care services. The payment rates for child care services for children with
14 special needs must be higher than the 75th percentile of local market rates.

15 B. The department shall provide an ASPIRE-TANF program participant's actual cost
16 for child care up to the maximum rate authorized by federal law. In determining the
17 maximum rate, the State shall use a method that results in an amount that equals, or
18 most closely approaches, the actual market rate in different regions of the State for
19 various types of child care services received by families in the State participating in
20 the ASPIRE-TANF program.

21 C. An ASPIRE-TANF program participant may choose to pay out of pocket the
22 difference between the amount of the subsidy provided by the department and the
23 amount charged by a provider for a child care service.

24 **Sec. 6. 22 MRSA §8301-A, sub-§1-A**, as amended by PL 2009, c. 211, Pt. B,
25 §§20 and 21, is further amended to read:

26 **1-A. Definitions.** As used in this chapter, unless the context otherwise indicates, the
27 following terms have the following meanings.

28 A. "Child care center" means:

29 (1) A house or other place in which a person maintains or otherwise carries out a
30 regular program, for consideration, for any part of a day providing care and
31 protection for 13 or more children under 13 years of age; or

32 (2) Any location or locations operated as a single child care program or by a
33 person or persons when there are more than 12 children being cared for.

34 B. "Child care facility" means a child care center, small child care facility or nursery
35 school. "Child care facility" does not include a facility operated by a family child
36 care provider, a youth camp licensed under section 2495, programs offering
37 instruction to children for the purpose of teaching a skill such as karate, dance or
38 basketball, a formal public or private school in the nature of a kindergarten or
39 elementary or secondary school approved by the Commissioner of Education in
40 accordance with Title 20-A or a private school recognized by the Department of
41 Education as a provider of equivalent instruction for the purpose of compulsory

1 school attendance. Any program for children under 5 years of age that is located in a
2 private school and programs that contract with one or more Child Development
3 Services System sites are required to be licensed as a child care facility.

4 C. "Family child care provider" means a person who provides day care in that
5 person's home on a regular basis, for consideration, for ~~3~~ 5 to 12 children under 13
6 years of age who are not the children of the provider or who are not residing in the
7 provider's home. If a provider is caring for children living in that provider's home
8 and is caring for no more than ~~2~~ 4 other children, the provider is not required to be
9 certified as a family child care provider.

10 D. "Nursery school" means a house or other place in which a person or combination
11 of persons maintains or otherwise carries out for consideration during the day a
12 regular program that provides care for ~~3~~ 5 or more children 33 months of age or older
13 and under 8 years of age, ~~provided that~~ as long as:

- 14 (1) No session conducted for the children is longer than 3 1/2 hours in length;
15 (2) No more than 2 sessions are conducted per day;
16 (3) Each child in attendance at the nursery school attends only one session per
17 day; and
18 (4) No hot meal is served to the children.

19 "Nursery school" does not include any facility operated as a child care center or small
20 child care facility licensed under subsection 2, a youth camp licensed under section
21 2495 or a public or private school in the nature of a kindergarten approved by the
22 Commissioner of Education, in accordance with Title 20-A.

23 E. "Small child care facility" means a house or other place, not the residence of the
24 operator, in which a person or combination of persons maintains or otherwise carries
25 out a regular program, for consideration, for any part of a day providing care and
26 protection for ~~3~~ 5 to 12 children under 13 years of age.

27 **Sec. 7. 22 MRSA §8301-A, sub-§2**, as amended by PL 2005, c. 640, §2, is
28 further amended to read:

29 **2. Child care facility licensure.** The owner or operator of a child care facility shall
30 pay the licensing fee required under section 8303-A. A child care facility must be
31 licensed under this chapter and must comply with the rules adopted by the commissioner
32 under section 8302-A and the fire safety requirements of section 8304-A. The
33 department shall make at least one unannounced inspection of a child care facility
34 licensed under this chapter during the term of the license. The inspection must take place
35 between 6 and 18 months after the issuance of the license. A licensed child care facility
36 that has been continuously in operation for a minimum of 5 years and has completed
37 satisfactory inspections pursuant to this subsection is eligible for a license for 5 years at
38 the time of the next regular license renewal. Except as otherwise provided, a nursery
39 school must meet the requirements of this chapter and chapter 1675.

40 **Sec. 8. 22 MRSA §8301-A, sub-§3**, as amended by PL 2005, c. 640, §3, is
41 further amended to read:

1 The director of the division of licensing and regulatory services or the director's designee
2 shall chair the review panel and act as a nonvoting member.

3 **2. Legal counsel.** The review panel receives legal counsel from the Office of the
4 Attorney General.

5 **3. Terms.** Members of the review panel are appointed for 5-year terms. A member
6 of the review panel appointed to fill a vacancy occurring otherwise than by expiration of
7 a term is appointed only for the unexpired term of the member succeeded.

8 **4. Duties.** The review panel shall review disputes between the department and a
9 facility. The review panel shall review the records, conduct any interviews or inspections
10 considered necessary, make a determination regarding findings of fault and, if necessary,
11 determine appropriate action by the department or the facility. Disputes subject to appeal
12 include the following:

13 A. Revocation or suspension of a license or certification to operate a facility;

14 B. Denial of an application for a license or certification to operate a facility;

15 C. Conversion of a license or certification from regular to conditional status;

16 D. Disputes between facilities and the department concerning compliance with rules;
17 and

18 E. Denials of alternative compliance requests.

19 **5. Timely review of disputes.** A facility that is aggrieved by a decision by the
20 department related to a dispute subject to the review panel must file a request for the
21 review panel to review the dispute within 30 days of receiving the decision by the
22 department. The review panel shall schedule an initial meeting to review the dispute
23 within 14 days of a request by a facility. A final decision on the dispute must be made no
24 later than 30 days after the review panel has met to review the dispute. Any review
25 conducted by the review panel must be in accordance with Title 5, chapter 375,
26 subchapter 7.

27 **6. Authority.** The department and the facility shall act according to the final
28 decision by the review panel.

29 **Sec. 12. 22 MRSA §9057, sub-§4**, as enacted by PL 2015, c. 299, §25, is
30 amended to read:

31 **4. Conditional employment.** In accordance with subsection 2, an employer may
32 employ an individual as a direct access worker on a conditional basis for up to 60
33 calendar days, or in a child care facility for up to 90 days, before the employer receives a
34 final background check report or from the date the employer receives a disqualifying
35 background report on the following conditions:

36 A. The employer initiates the background check by entering the individual into the
37 Background Check Center database as a conditionally employed worker;

38 B. The individual is not identified in the Background Check Center database as a
39 disqualified person based on an earlier background check;

1 C. The individual has agreed to submit to the steps necessary to comply with this
2 chapter, including taking substantial steps toward correcting inaccurate data in the
3 disqualifying background check report if applicable;

4 D. The individual signs a statement declaring that a background check will not reveal
5 a disqualifying offense or that an offense that appears is inaccurate;

6 E. The employer verifies and documents that the individual has submitted the
7 mandatory identity verification and employment eligibility documents required by
8 rules adopted in accordance with this chapter; and

9 F. The individual is subject to direct personal supervision during the course of the
10 conditional employment as described in rules adopted pursuant to this chapter.

11 **Sec. 13. PL 2011, c. 380, Pt. UU** is repealed.

12 **Sec. 14. Department of Health and Human Services to develop welfare**
13 **cliff plan.** The Department of Health and Human Services shall develop a plan for a
14 sliding scale of income and subsidy to eliminate the so-called welfare cliff as it relates to
15 child care subsidies so that an individual continues to receive some amount of subsidy for
16 a period of time after reaching certain income thresholds. The department shall report the
17 plan to the Joint Standing Committee on Health and Human Services no later than
18 January 30, 2018. The committee is authorized to report out a bill regarding the plan to
19 eliminate the welfare cliff to the Second Regular Session of the 128th Legislature.

20 **Sec. 15. Department of Health and Human Services to amend child care**
21 **facility rules.** No later than January 1, 2018, the Department of Health and Human
22 Services shall amend Office of Child and Family Services rule Chapter 32: Rules for the
23 Licensing of Child Care Facilities to make the following changes:

24 1. Remove the requirement for a minimum space of 35 square feet per child;

25 2. Allow for extenuating circumstances when child care facilities cannot meet
26 staff-child ratios to allow for unusual circumstances as long as the facility documents the
27 situation;

28 3. Change the staff-child ratios as follows: one staff person to 6 infants up to 12
29 months of age with a maximum of 10 children in the room; one staff person to 7 children
30 12 to 24 months of age with a maximum of 12 children in the room; one staff person to
31 12 children 24 to 36 months of age with a maximum of 20 children in the room; one staff
32 person to 18 children 36 months to 4 years of age with a maximum of 30 children in the
33 room; one staff person to 20 children 4 to 5 years of age with a maximum of 36 children
34 in the room; and one staff person to 25 children 5 years of age and older with no
35 maximum for children in the room. Staff that are employed on a conditional basis
36 pursuant to the Maine Revised Statutes, Title 22, section 9057, subsection 4 are included
37 as staff for the purpose of the staff-child ratios. The ratio for children of mixed ages
38 should be an average of the groups for staff-child ratios;

- 1 4. Allow for a change in staff-child ratios when a child is within 6 months of the age
2 that would result in lower staff-child ratios as long as the change is developmentally
3 appropriate for the child;
- 4 5. Remove the authority of the department to post inspection reports and reports of
5 violations on the department's publicly accessible website except for criminal and child
6 abuse reports. Criminal and child abuse reports may be posted only after any appeals
7 process has been completed;
- 8 6. Require the department to act in a respectful manner when posting or removing an
9 action plan to address violations;
- 10 7. Require the department to provide the facility with a copy of all notes relating to
11 an inspection or investigation prior to leaving the facility;
- 12 8. Allow a child care facility access to all records kept by the department relating to
13 that child care facility at no cost to the facility and in a timely fashion;
- 14 9. Require the department to notify a child care facility of any information regarding
15 the facility that is shared with parents, the public or the media for any reason including a
16 freedom of access request or inquiries related to posted or unposted information about the
17 facility;
- 18 10. Require that persons conducting inspections for the department provide one hour
19 of advance notice to the director and owner of the facility of the intention to conduct an
20 inspection;
- 21 11. Require the department to notify a child care facility if the individual who
22 regularly inspects the facility changes;
- 23 12. Allow a facility license to be issued to a corporation;
- 24 13. Set licensing fees for 5-year licenses at 150% of the 2-year license fee;
- 25 14. Require the department to refund a license fee if the department does not issue
26 the license;
- 27 15. Remove the requirement for the department to be notified of a change in director
28 at a facility;
- 29 16. Remove the requirement for references to be supplied to the department for a
30 license application;
- 31 17. Remove the requirement for personnel files of the director, owner, administrator,
32 staff members and volunteers to include references;
- 33 18. Remove the requirement for the facility to provide extra clothing for
34 preschool-aged children;
- 35 19. Remove requirements for the specific types of food provided in facilities;

1 20. Remove the requirement that dishes and nursing bottles must be made of
2 unbreakable materials; and

3 21. Remove requirements for staff qualifications at child care centers.

4 Rules adopted pursuant to this section are routine technical rules as defined in the
5 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

6 **Sec. 16. Department of Health and Human Services to amend family**
7 **child care provider rules.** No later than January 1, 2018, the Department of Health
8 and Human Services shall amend Office of Child and Family Services rule Chapter 33:
9 Rules for the Certification of Family Child Care Providers to make the following
10 changes:

11 1. Define an infant as 0 to 12 months of age and a toddler as one to 3 years of age for
12 the purposes of staff-child ratios;

13 2. Change the staff-child ratios as follows: one staff person to 6 infants up to 12
14 months of age with a maximum of 10 children in the room; one staff person to 7 children
15 12 to 24 months of age with a maximum of 12 children in the room; one staff person to
16 12 children 24 to 36 months of age with a maximum of 20 children in the room; one staff
17 person to 18 children 36 months to 4 years of age with a maximum of 30 children in the
18 room; one staff person to 20 children 4 to 5 years of age with a maximum of 36 children
19 in the room; and one staff person to 25 children 5 years of age and older with no
20 maximum for children in the room. Staff that are employed on a conditional basis
21 pursuant to the Maine Revised Statutes, Title 22, section 9057, subsection 4 are included
22 as staff for the purpose of the staff-child ratios. The ratio for children of mixed ages
23 should be an average of the groups for staff-child ratios;

24 3. Allow for a change in staff-child ratios when a child is within 6 months of the age
25 that would result in lower staff-child ratios as long as it is developmentally appropriate
26 for the child;

27 4. Remove the authority of the department to post inspection reports and reports of
28 violations on the department's publicly accessible website except for criminal and child
29 abuse reports;

30 5. Require the department to act in a respectful manner when posting or removing an
31 action plan to address violations;

32 6. Require the department to provide the child care provider with a copy of all notes
33 relating to an inspection or investigation prior to leaving the premises of the child care
34 provider;

35 7. Allow a child care provider access to all records kept by the department relating to
36 that child care provider at no cost to the provider and in a timely fashion;

37 8. Require the department to notify a child care provider of any information
38 regarding the provider that is shared with parents, the public or the media for any reason

1 including a freedom of access request or inquiries related to posted or unposted
2 information about the provider;

3 9. Require that persons conducting inspections for the department provide one hour
4 of advance notice to the director and owner of a child care facility of the intention to
5 conduct an inspection. For a home provider, the department must give 2 hours of notice
6 to allow the provider to bring in a support witness;

7 10. Require the department to notify a child care provider if the individual who
8 regularly inspects the facility changes;

9 11. Allow a child care provider certification to be issued to a corporation;

10 12. Set certification fees for 5-year certifications at 150% of the 2-year certification
11 fee;

12 13. Require the department to refund a certification fee if the department does not
13 issue the certification;

14 14. Remove the requirement for references to be supplied to the department for a
15 certification application;

16 15. Remove the requirement for the child care provider to provide extra clothing for
17 preschool-aged children;

18 16. Remove requirements for the specific types of food provided by child care
19 providers; and

20 17. Remove the requirement that dishes and nursing bottles be made of unbreakable
21 materials.

22 Rules adopted pursuant to this section are routine technical rules as defined in the
23 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

24 **Sec. 17. Staggered terms of Child Care Appeal Review Panel.**
25 Notwithstanding the Maine Revised Statutes, Title 22, section 8359, subsection 3, of the
26 10 members first appointed by the Governor to the Child Care Appeal Review Panel
27 pursuant to Title 22, section 8359, subsection 1, the Governor shall designate one
28 member whose term is one year, one member whose term is 2 years, one member whose
29 term is 3 years and one member whose term is 4 years. The balance of members serve
30 for 5 years.

31 SUMMARY

32 This bill makes a number of changes to the child care system in the State.

33 1. It repeals Public Law 2011, chapter 380, Part UU, which set the child care subsidy
34 payment rates of the Department of Health and Human Services at the 50th percentile of
35 local market rates. This bill increases the payment rates to the 75th percentile of local
36 market rates for payments the department makes on behalf of recipients of benefits under

1 the child care subsidy program, recipients of benefits under TANF and recipients of
2 benefits under ASPIRE-TANF.

3 2. It allows recipients of child care subsidies to pay the difference out of pocket
4 between the amount of subsidy received and the amount charged by the child care
5 provider.

6 3. It exempts from licensure family child care providers, nursery schools and small
7 child care facilities that care for fewer than 5 children. Current law maintains this
8 exemption for fewer than 3 children.

9 4. It establishes a 5-year license and certification for child care providers that have
10 been continuously in business without compliance violations. The cost of a 5-year
11 license or certification is 150% of the current 2-year license or certification.

12 5. It specifies that when an inspection is prompted by a complaint the investigator
13 may investigate only the specific complaint and not conduct an inspection that is
14 unrelated to the complaint.

15 6. It removes the authority of the department to post complaints and investigation
16 results on the department's website.

17 7. It establishes the Child Care Appeal Review Panel to review disputes related to
18 the licensing and certification of child care facilities. This includes revocations,
19 suspensions, denials, demotions to conditional status, rule compliance issues and denials
20 of requests for alternative compliance methods. The review panel members are appointed
21 by the Governor for 5-year terms. The director of the office of licensing and regulatory
22 services within the department is the chair of the panel but does not vote. The Office of
23 the Attorney General provides legal counsel to the review panel. The department is
24 required to abide by decisions made by the review panel.

25 8. It allows a child care provider to employ on a provisional basis an employee for
26 90 days before receiving a background check report from the Background Check Center.

27 9. It requires the department to develop a sliding scale plan to allow recipients of
28 child care subsidies to keep part of the subsidy for a period of time after the recipient
29 earns sufficient income to no longer be eligible for the subsidy. The Joint Standing
30 Committee on Health and Human Services is authorized to report out a bill relating to
31 eliminating the so-called welfare cliff with respect to child care subsidies after receiving
32 the plan.

33 10. It requires the department to make a number of changes to rules governing
34 licensed child care facilities and certified family child care providers regarding staff-child
35 ratios, qualifications of staff, providing inspection reports to facilities at the time of
36 inspection, removing requirements for references for owners and staff, removing
37 requirements of spare clothing and removing specific requirements for the type of food
38 provided.