
A BILL FOR AN ACT

RELATING TO CHILD CARE FACILITIES.

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

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

3 "~~§346-153~~ Records of [~~deficiencies and complaints,~~]
4 inspections; release to public. (a) For every child care
5 facility, the department shall maintain records for the current
6 and previous two years of: results of its inspections;
7 notifications to providers of deficiencies; corrective action
8 taken; complaints of violations of rules adopted under this
9 part; results of its investigations; resolution of complaints;
10 and suspensions, revocations, reinstatements, restorations, and
11 reissuances of licenses, temporary permits, and registrations
12 issued under this part.

13 (b) Notwithstanding any other law to the contrary, the
14 records described in [~~this section~~] subsection (a) shall be
15 available for inspection in the manner set forth in chapter 92F
16 and may be posted by the department on a public website[+] in
17 accordance with this section; provided that with respect to



1 records of family child care homes and group child care homes,
2 sensitive personal information, including home addresses, or
3 information provided to the department with the understanding
4 that it would not be publicly divulged shall be deleted or
5 obliterated prior to making the records available to the public.
6 Nothing in this section shall authorize the department to
7 release the names of or any other identifying information on
8 complainants. The department may withhold information on a
9 complaint for which an investigation is being conducted for not
10 more than ten working days following the date of filing of the
11 complaint; provided that if an investigation relates to an
12 alleged criminal offense, no information shall be released until
13 the investigation has been completed and the director has
14 determined that no legal proceeding will be jeopardized by its
15 release.

16 (c) Beginning with inspections occurring on January 1,
17 2019, the department shall post on its website electronic copies
18 of reports for all inspections it performs of child care
19 facilities subject to this part. Except as provided in
20 subsection (b), each report shall be posted on the department's



1 website within thirty working days of the conclusion of each
2 inspection and shall include:

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

15 (d) The department shall submit an annual report to the
16 legislature on all records and actions subject to this section.

17 For all actions that involve a complaint of a suspected
18 violation or an actual violation discovered by the department,
19 the report shall include the department's findings regarding the
20 suspected or actual violation and any corrective action ordered



1 by the department, including the suspension or revocation of any
2 license, permit, or registration."

3 SECTION 2. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2017-2018 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2018-2019 to implement and comply with the reporting
8 requirements for child care facilities as required by this Act.

9 The sums appropriated shall be expended by the department
10 of human services for the purposes of this Act.

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

13 SECTION 4. This Act shall take effect on July 1, 2090.



Report Title:

Child Care Facilities; Inspections; Reports; Oversight;
Appropriation

Description:

Requires the Department of Human Services (DHS) to post on its website, reports of child care facility inspections beginning with inspections occurring on January 1, 2019, and suspected or actual complaint violations, including DHS's findings and corrective actions. Appropriates funds to implement and comply with the reporting requirements for child care facilities.
(SB511 HD1)

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