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Indicates New Matter

AMENDED--NOT PRINTED IN THE HOUSE

Amt. No. 1 (4262c001.bh.vr16)

March 2, 2016

**H. 4262**

Introduced by Reps. Erickson, M.S. McLeod, Collins and Long

S. Printed 2/25/16--H.

Read the first time May 26, 2015.

**A** **BILL**

TO AMEND SECTION 63‑13‑825, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAINING FOR FAMILY CHILDCARE HOME OPERATORS AND EMPLOYEES, SO AS TO REQUIRE ADDITIONAL TRAINING; TO AMEND SECTION 63‑13‑830, RELATING TO STATEMENTS OF REGISTRATION FOR FAMILY CHILDCARE HOMES, SO AS TO PROVIDE ADDITIONAL AUTHORITY OF THE DEPARTMENT OF SOCIAL SERVICES AND RIGHTS OF FAMILY CHILDCARE HOMES; AND TO AMEND SECTION 63‑13‑850, RELATING TO APPEALS OF DECISIONS TO WITHDRAW A STATEMENT OF REGISTRATION OF A FAMILY CHILDCARE HOME, SO AS TO ALSO ADDRESS APPEALS OF DECISIONS TO DENY AN APPLICATION FOR A STATEMENT OR RENEWAL OF REGISTRATION.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑13‑825(A) of the 1976 Code, as added by Act 292 of 2010, is amended to read:

“(A) Beginning July 1, 2017, an operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home to provide direct childcare annually shall complete and provide documentation to the Department of Social Services of a minimum of ten hours of training approved by the department. ~~An~~ Before July 1, 2017, an operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home~~,~~ to provide direct childcare annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.”

SECTION 2. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E)(1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw ~~the~~ a statement of registration if ~~one or more of the following apply~~:

~~(1)~~(a) the health ~~and~~ or safety of ~~the children require withdrawal~~ any child in the facility is at risk;

~~(2)~~(b) the facility intends to enroll, has previously enrolled, or currently has enrolled children beyond the limits defined in this chapter;

~~(3)~~(c) the operator fails to comply with the registration procedures provided in this chapter; or

(d) the operator fails to comply with the training requirements provided in Section 63‑13‑825(A).

(2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department or applicant pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63‑13‑180.

(3) The department shall consider previous applications and the circumstances of prior inspections or withdrawals of registration as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.”

SECTION 3. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration as of the termination of the thirty‑day period.”

SECTION 4. This act takes effect upon approval by the Governor.

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