

## HOUSE BILL NO. 120

INTRODUCED BY T. HENRY

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS PERTAINING TO DAY-CARE PROVIDERS; EXEMPTING CERTAIN DAY-CARE PROVIDERS ~~WITH A 2-YEAR OR 3-YEAR LICENSE~~ FROM MANDATORY ANNUAL UNANNOUNCED VISITS BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REVISING THE PAYMENT RATE FOR ELIGIBLE CHILDREN; AMENDING SECTIONS 52-2-713 AND 52-2-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 52-2-713, MCA, is amended to read:

**"52-2-713. Payments for eligible children.** The department shall pay a daily rate established by the department and appropriated by the legislature to a day-care facility licensed or registered by the department for each child receiving day-care service and certified eligible by the department to receive day-care services."

**Section 2.** Section 52-2-733, MCA, is amended to read:

**"52-2-733. Periodic visits to facilities by department -- investigations -- consultation with licensees and registrants.** (1) The department or its authorized representative shall make periodic visits to all licensed day-care centers to ensure that minimum standards are maintained.

(2) The department may investigate and inspect the conditions and qualifications of any day-care center, group day-care home, or family day-care home seeking or holding a license or registration certificate under the provisions of this part.

(3) The department shall visit and inspect at least 20% of all registered family day-care homes and group day-care homes in each of the governor's planning regions annually.

(4) (A) ~~The~~ With the exception of a day-care center that has been granted a 3-year license under 52-2-721, the ~~THE~~ SUBJECT TO SUBSECTION (4)(B), THE department shall make annual unannounced visits to day-care centers THAT ARE LICENSED ON AN ANNUAL BASIS. AND

(B) THE DEPARTMENT MAY MAKE ANNUAL UNANNOUNCED VISITS TO DAY-CARE CENTERS THAT HAVE BEEN GRANTED 2-YEAR OR 3-YEAR LICENSES UNDER 52-2-721 OR THAT HAVE SUCCESSFULLY PASSED INSPECTIONS FOR 10

CONSECUTIVE YEARS.

(5) Upon request of the department, the state fire prevention and investigation program of the department of justice shall inspect any day-care facility for which a license or registration certificate is applied for or issued and shall report its findings to the department.

(6) Upon request, the department shall give consultation to every licensee and registrant who desires to upgrade the services of the licensee's or registrant's program.

(7) This section may not be construed to require the department to conduct an inspection of each day-care facility applying for a registration certificate under the provisions of this part."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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