

AMENDMENTS TO LB1050

Introduced by Health and Human Services

1           1. Insert the following new section:

2           Sec. 2. Section 71-1911, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           71-1911 (1) A person may operate child care for three or  
5 fewer children without having a license issued by the department.  
6 A person who is not required to be licensed may choose to apply  
7 for a license and, upon obtaining a license, shall be subject to  
8 the Child Care Licensing Act. A person who has had a license issued  
9 pursuant to this section and has had such license suspended or  
10 revoked other than for nonpayment of fees shall not operate or  
11 offer to operate a program for or provide care to any number of  
12 children until the person is licensed pursuant to this section.

13           (2) No person shall operate or offer to operate a program  
14 for four or more children under his or her direct supervision,  
15 care, and control at any one time from families other than that  
16 of such person without having in full force and effect a written  
17 license issued by the department upon such terms as may be  
18 prescribed by the rules and regulations adopted and promulgated  
19 by the department. The license may be a provisional license or  
20 an operating license. A city, village, or county which has rules,  
21 regulations, or ordinances in effect on July 10, 1984, which apply  
22 to programs operating for two or three children from different  
23 families may continue to license persons providing such programs.

1 If the license of a person is suspended or revoked other than  
2 for nonpayment of fees, such person shall not be licensed by any  
3 city, village, or county rules, regulations, or ordinances until  
4 the person is licensed pursuant to this section.

5 (3) A provisional license shall be issued to all  
6 applicants following the completion of preservice orientation  
7 training approved or delivered by the department for the first  
8 year of operation. At the end of one year of operation, the  
9 department shall either issue an operating license, extend the  
10 provisional license, or deny the operating license. The provisional  
11 license may be extended once for a period of no more than six  
12 months. The decision regarding extension of the provisional license  
13 is not appealable. The provisional license may be extended if:

14 (a) A licensee is unable to comply with all licensure  
15 requirements and standards, is making a good faith effort to  
16 comply, and is capable of compliance within the next six months;

17 (b) The effect of the current inability to comply with  
18 a rule or regulation does not present an unreasonable risk to the  
19 health, safety, or well-being of children or staff; and

20 (c) The licensee has a written plan of correction that  
21 has been approved by the department which is to be completed within  
22 the renewal period.

23 (4) The department may place a provisional or operating  
24 license on corrective action status. Corrective action status  
25 is voluntary and may be in effect for up to six months. The  
26 decision regarding placement on corrective action status is not  
27 a disciplinary action and is not appealable. If the written plan

1 of correction is not approved by the department, the department  
2 may discipline the license. A probationary license may be issued  
3 for the licensee to operate under corrective action status if the  
4 department determines that:

5 (a) The licensee is unable to comply with all licensure  
6 requirements and standards or has had a history of noncompliance;

7 (b) The effect of noncompliance with any rule or  
8 regulation does not present an unreasonable risk to the health,  
9 safety, or well-being of children or staff; and

10 (c) The licensee has a written plan of correction that  
11 has been approved by the department.

12 (5) Operating licenses issued under the Child Care  
13 Licensing Act shall remain in full force and effect subject to  
14 annual inspections and fees. The department may amend a license  
15 upon change of ownership or location. Amending a license requires  
16 a site inspection by the department at the time of amendment. ~~7~~  
17 ~~except that for amendment of a family child care home I license,~~  
18 ~~an inspection shall occur within sixty days.~~ When a program is to  
19 be permanently closed, the licensee shall return the license to the  
20 department within one week after the closing.

21 (6) The license, including any applicable status or  
22 amendment, shall be displayed by the licensee in a prominent place  
23 so that it is clearly visible to parents and others. License record  
24 information and inspection reports shall be made available by the  
25 licensee for public inspection upon request.

26 2. Renumber the remaining sections and amend the repealer  
27 accordingly.