

AMENDED IN ASSEMBLY JANUARY 24, 2002

AMENDED IN ASSEMBLY JANUARY 22, 2002

AMENDED IN ASSEMBLY JANUARY 7, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1358

Introduced by Assembly Member Pescetti

February 23, 2001

An act to add Section 1596.8535 to the Health and Safety Code, relating to child care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, Pescetti. Child care facilities: inspections.

Existing law provides that any person may request an inspection of any child day care facility after notifying the State Department of Social Services of an alleged violation of applicable requirements. Existing law requires the department to inspect a child day care facility on receipt of such a complaint, except as provided.

Existing law authorizes the department to ~~conduct inspections of child day care facilities pursuant to a complaint, and to~~ conduct announced and unannounced site visits.

This bill would require the department to conduct any authorized inspection, announced site visit, or unannounced site visit of any child day care facility only during *the period beginning one hour before and ending one hour after* the facility's normal business hours, or at any time child care services are being provided, with specified exception. This bill would also prohibit the department, if a facility is closed for an extended period of time, from performing any inspection,

announced site visit, or unannounced site visit until the facility has reopened. This bill would also require the department to develop a procedure by which a licensee may notify the licensing agency of a planned period of suspended operation of a child care facility, during which time the facility’s license would not be valid ~~and~~. *The bill would require* the department’s timeframe for required site visits ~~would~~ to be adjusted accordingly.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1596.8535 is added to the Health and
2 Safety Code, to read:

3 1596.8535. (a) Notwithstanding any other provision of law,
4 the department shall conduct any authorized inspection,
5 announced site visit, or unannounced site visit of any child day
6 care facility only during *the period beginning one hour before and*
7 *ending one hour after* the facility’s normal business hours or at any
8 time child care services are being provided. This subdivision shall
9 not apply to the investigation of any complaint received by the
10 department if the department determines that an inspection or site
11 visit outside ~~of~~ *the time period beginning one hour before, and*
12 *ending one hour after, the facility’s* normal operating hours is
13 necessary to protect the health or safety of any child in the facility.

14 (b) ~~Notwithstanding any other provision of law, if~~ *If* a facility
15 is closed for an extended period of time, the department may not
16 perform any inspection, announced site visit, or unannounced site
17 visit until the facility has reopened, subject to subdivision (a).

18 (c) The department shall develop a procedure by which a
19 licensee of any child care facility may notify the licensing agency
20 of a planned period of suspended operation of the facility. The
21 license shall not be valid during the time that operation is
22 suspended, and the department’s timeframe for required site visits
23 shall be adjusted accordingly.

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