

AMENDED IN SENATE SEPTEMBER 2, 2015

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 74

Introduced by Assembly Member Calderon
(Coauthors: Assembly Members Brown, Chávez, Cristina Garcia,
and Thurmond)
(Coauthor: Senator Block)

January 5, 2015

An act to amend Sections 1597.09 and 1597.55a of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 74, as amended, Calderon. Child care facilities: regulatory visits.

Under existing law, the State Department of Social Services regulates the licensure and operation of child day care centers and family day care homes, and is required to inspect these centers or homes at least once every 5 years and, beginning January 1, 2017, at least once every 3 years. Existing law provides that a child day care center or family day care home is subject to an unannounced inspection by the department, and requires the department to conduct an annual unannounced inspection under specified circumstances, including when a license is on probation, and to conduct annual unannounced inspections of no less than 20%, and commencing January 1, 2017, 30% of these centers

or homes that are not subject to an inspection under those specified circumstances.

This bill would revise the provisions requiring the department to conduct annual unannounced inspections of a child day care center or family day care home by instead requiring the department to conduct annual unannounced inspections of no less than 20% of those centers or homes on and after January 1, 2018, and until January 1, 2019. *The bill would also require, on and after January 1, 2018, and until January 1, 2019, the department to inspect each center or home at least every 2 years.* Beginning January 1, 2019, the bill would require the department to conduct an annual unannounced inspection of each child day care center or family day care home.

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 1597.09 of the Health and Safety Code,
 2 as added by Section 10 of Chapter 20 of the Statutes of 2015, is
 3 amended to read:
 4 1597.09. (a) Each licensed child day care center shall be
 5 subject to unannounced inspections by the department. The
 6 department shall inspect these facilities as often as necessary to
 7 ensure the quality of care provided.
 8 (b) The department shall conduct an annual unannounced
 9 inspection of a licensed child day care center under any of the
 10 following circumstances:
 11 (1) When a license is on probation.
 12 (2) When the terms of agreement in a facility compliance plan
 13 require an annual inspection.
 14 (3) When an accusation against a licensee is pending.
 15 (4) In order to verify that a person who has been ordered out of
 16 a child day care center by the department is no longer at the facility.
 17 (c) ~~(1)~~ On and after January 1, 2017, and until January 1, 2018,
 18 the department shall ~~conduct~~ *do both of the following:*
 19 (1) (A) *Conduct* an annual unannounced inspection of no less
 20 than 30 percent of facilities not subject to an evaluation under
 21 subdivision (b).
 22 ~~(2) These~~

1 (B) *The unannounced inspections required by subparagraph*
2 *(A) shall be conducted based on a random sampling methodology*
3 *developed by the department.*

4 (2) *Inspect a licensed child day care center at least once every*
5 *three years.*

6 (d) ~~(1)~~ On and after January 1, 2018, and until January 1, 2019,
7 the department shall ~~conduct~~ *do both of the following:*

8 (1) (A) *Conduct* an annual unannounced inspection of no less
9 than 20 percent of facilities not subject to an evaluation under
10 subdivision (b).

11 ~~(2) These~~
12 (B) *The unannounced inspections required by subparagraph*
13 *(A) shall be conducted based on a random sampling methodology*
14 *developed by the department.*

15 (2) *The department shall inspect a licensed child day care center*
16 *at least once every two years.*

17
18 (e) On and after January 1, 2019, the department shall conduct
19 annual unannounced inspections of all licensed child day care
20 centers.

21 (f) This section shall become operative on January 1, 2017.

22 SEC. 2. Section 1597.55a of the Health and Safety Code, as
23 added by Section 12 of Chapter 20 of the Statutes of 2015, is
24 amended to read:

25 1597.55a. Every family day care home shall be subject to
26 unannounced inspections by the department as provided in this
27 section. The department shall inspect these facilities as often as
28 necessary to ensure the quality of care provided.

29 (a) The department shall conduct an announced site inspection
30 prior to the initial licensing of the applicant.

31 (b) The department shall conduct an annual unannounced
32 inspection of a facility under any of the following circumstances:

33 (1) When a license is on probation.

34 (2) When the terms of agreement in a facility compliance plan
35 require an annual inspection.

36 (3) When an accusation against a licensee is pending.

37 (4) In order to verify that a person who has been ordered out of
38 a family day care home by the department is no longer at the
39 facility.

- 1 (c) ~~(1)~~—On and after January 1, 2017, and until January 1, 2018,
2 the department shall ~~conduct~~ *do both of the following*:
3 (1) (A) *Conduct* annual unannounced inspections of no less
4 than 30 percent of facilities not subject to an inspection under
5 subdivision (b).
6 ~~(2)~~
7 (B) These unannounced inspections shall be conducted based
8 on a random sampling methodology developed by the department.
9 (2) *The department shall inspect a licensed family day care*
10 *home at least once every three years.*
11 (d) ~~(1)~~—On and after January 1, 2018, and until January 1, 2019,
12 the department shall ~~conduct~~ *do both of the following*:
13 (1) (A) *Conduct* annual unannounced inspections of no less
14 than 20 percent of facilities not subject to an inspection under
15 subdivision (b).
16 ~~(2)~~
17 (B) These unannounced inspections shall be conducted based
18 on a random sampling methodology developed by the department.
19 (2) *Inspect a family day care home at least once every two years.*
20 (e) On and after January 1, 2019, the department shall conduct
21 annual unannounced inspections of all family day care homes.
22 (f) A public agency under contract with the department may
23 make spot checks if it does not result in any cost to the state.
24 However, spot checks shall not be required by the department.
25 (g) The department or licensing agency shall make an
26 unannounced site inspection on the basis of a complaint and a
27 followup inspection as provided in Section 1596.853.
28 (h) An unannounced site inspection shall adhere to both of the
29 following conditions:
30 (1) The inspection shall take place only during the facility’s
31 normal business hours or at any time family day care services are
32 being provided.
33 (2) The inspection of the facility shall be limited to those parts
34 of the facility in which family day care services are provided or
35 to which the children have access.
36 (i) The department shall implement this section during periods
37 that Section 1597.55b is not being implemented in accordance
38 with Section 18285.5 of the Welfare and Institutions Code.

- 1 (j) This section shall become operative on January 1, 2017.

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