

Committee Report

CONSENT CALENDAR

March 3, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 1711,

AN ACT establishing a committee to study the appeals process for child day care violations. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Kristina Schultz

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1711
Title:	establishing a committee to study the appeals process for child day care violations.
Date:	March 3, 2020
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Currently child day care providers undergo inspections and are given negative penalties for infractions that are identified. That, in and of itself, is not a problem. Unfortunately, the process for inspections and subsequent penalties can be crippling for child day care providers. Testimony from multiple child day care providers tell of penalties which have a harshness to a fault and with no due process and no opportunities to learn and improve. Some who testified said they left the child day care business entirely because of this problem. This intersects with the serious problem of an inadequate number of spots for families in need of care that create extensive waiting lists for child day care services. Instead of barriers to caregivers that stifle improvements and impede "teachable moments," we should develop a new culture around infractions and of the whole inspection process. This bill establishes a legislative committee to study the creation of a neutral appeals process to review violations committed by a child day care agency.

Vote 19-0.

Rep. Kristina Schultz
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 1711, establishing a committee to study the appeals process for child day care violations.
OUGHT TO PASS.

Rep. Kristina Schultz for Executive Departments and Administration. Currently child day care providers undergo inspections and are given negative penalties for infractions that are identified. That, in and of itself, is not a problem. Unfortunately, the process for inspections and subsequent penalties can be crippling for child day care providers. Testimony from multiple child day care providers tell of penalties which have a harshness to a fault and with no due process and no opportunities to learn and improve. Some who testified said they left the child day care business entirely because of this problem. This intersects with the serious problem of an inadequate number of spots for families in need of care that create extensive waiting lists for child day care services. Instead of barriers to caregivers that stifle improvements and impede "teachable moments," we should develop a new culture around infractions and of the whole inspection process. This bill establishes a legislative committee to study the creation of a neutral appeals process to review violations committed by a child day care agency. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Iris Altilio

From: jgoley03104 <jgoley03104@yahoo.com>
Sent: Wednesday, March 04, 2020 2:18 PM
To: Iris Altilio; Pam Smarling
Subject: Fwd: Re: HB 1711 committee for appeals for child day care

Approved with added sentence

Rep. Jeff Goley

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Kris Schultz <krisindc@gmail.com>
Date: 3/4/20 2:06 PM (GMT-05:00)
To: Jeff <jgoley03104@yahoo.com>
Cc: Iris Altilio <Iris.Altilio@leg.state.nh.us>
Subject: Re: HB 1711 committee for appeals for child day care

Oh! Add this one more sentence at the end: This new appeals process will ensure consistency of interpretation of inspection rules.

Sent from my iPhone

On Mar 4, 2020, at 2:04 PM, Kris Schultz <krisindc@gmail.com> wrote:

Currently child day care providers undergo inspections and are given negative penalties for infractions. That in and of itself is not a problem. Unfortunately the process for inspections & subsequent penalties can be crippling for child care providers.

Testimony from multiple child day care providers tell of penalties which have a harshness to a fault and with no due process and no opportunities to learn and improve. Some who testified said they left the child day care business entirely.

This intersects with the difficult problem of an inadequate amount of spots for families in need of care, and extensive wait lists for child day care services are already a problem for our state.

Instead of barriers to caregivers that stifle improvements and impeded "teachable moments," this bill provides a new culture around infractions & of the whole inspection process. This bill adds an appeals process to caregivers & inspectors to give caregivers a real chance to learn and improve. It also allows inspectors to enforce their rules in a fair way.

Sent from my iPhone

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1711

BILL TITLE: establishing a committee to study the appeals process for child day care violations.

DATE: March 3, 2020

LOB ROOM: 306

MOTIONS: OUGHT TO PASS

Moved by Rep. Schultz

Seconded by Rep. P. Schmidt

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1711

BILL TITLE: establishing a committee to study the appeals process for child day care violations.

DATE:

LOB ROOM: 306

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. SCHEWITZ Seconded by Rep. SCHEWITZ Vote: 19-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____


MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: 
Rep John Sytek, Clerk



2020 SESSION

Executive Departments and Administration

Bill #: HB 1711 Motion: OTF AM #: _____ Exec Session Date: 3-3-20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Goley, Jeffrey P. Chairman	19		
Schuett, Dianne E. Vice Chairman	1		
Judy, Jean L.	2		
Schmidt, Peter B.	3		
Schultz, Kristina M.	4		
Fontneau, Timothy J. BOULDIN AMAN	5		
Desjardin, Kathy J.	6		
Fellows, Sallie D.	7		
Fox, Samantha L.			
Grote, Jaci L.	8		
Merchant, Gary	9		
Pimentel, Roderick L.	10		
McGuire, Carol M.	11		
Sytek, John Clerk	12		
Beaudoin, Steven P.	13		
Proulx, Mark L.	14		
Panasiti, Reed A.	15		
Pearson, Stephen C.	16		
Yakubovich, Michael	17		
Burt, John A.	18		
TOTAL VOTE:			

19 to

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1711

BILL TITLE: establishing a committee to study the appeals process for child day care violations.

DATE: February 4, 2020

LOB ROOM: 306

Time Public Hearing Called to Order: 1:40 p.m.

Time Adjourned: 2:25 p.m.

Committee Members: Reps. Goley, Schuett, Sytek, P. Schmidt, Schultz, Fontneau, Desjardin, Fellows, Merchant, Pimental, McGuire, Proulx, Panasiti, S. Pearson and Burt

Bill Sponsors:

Rep. McWilliams

Rep. Fox

Rep. Acton

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. McWilliams, prime sponsor and an architect, introduced the bill. She wanted a better appeals process and wanted the study committee to learn how other boards handle violations; how they handled due-process considerations. She said there were two types of appeals available. One was "internal" and the other before the Commissioner of HHS. She said the internal appeals felt "stacked." She said the other appeal tended to be used for major violations that could result in loss of license.

Kristen Biron, who owned a day center in Manchester for 25 years, spoke in support. She said that the rules were hard to understand and follow. She described her personal experience with the appeals process and was eventually vindicated.

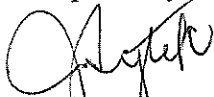
Sally Wuellenweber, a child care center owner, spoke in support. She described her experience with the relicensing process. She said there were inconsistencies in the appeals process. She felt there was no due process and could lead to damage to reputation and livelihood.

Melissa Clement, Chief of Child Care Licensing Unit of Dept of HHS, spoke for information and said she supported the bill.

Brenda Converse, owner of a child care center in Allenstown, spoke in support. She described her personal situation. She said the person who was doing the relicensing inspection was "argumentative" and spoke poorly of the inspector who preceded her. Ms. Converse felt that the appeals board was agency people and felt that she was not heard.

Joanne O'Shaunessey, an owner for 45 years who had just sold out, spoke in support. She said that when the relicensing inspector came "everybody starts shaking." She said that notice of the violation appeared on the internet before the case had been decided.

Respectively submitted,



Rep John Sytek, Clerk

Bill as
Introduced

HB 1711 - AS INTRODUCED

2020 SESSION

20-3111
04/01

HOUSE BILL **1711**

AN ACT establishing a committee to study the appeals process for child day care violations.

SPONSORS: Rep. McWilliams, Merr. 27; Rep. Fox, Merr. 23; Rep. Acton, Rock. 10

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to study the creation of a neutral appeals process to review violations committed by a child day care agency.

This bill is a request of the committee to study issues and impediments to starting, running, and growing home and commercial day care facilities in New Hampshire established in 2019, 173.

.....

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT establishing a committee to study the appeals process for child day care violations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Committee Established. There is established a committee to study the creation of a neutral
2 appeals process to review violations committed by a child day care agency.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

7 (b) One member of the senate, appointed by the president of the senate.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall study the creation of a neutral appeals process to review
11 violations committed by a child day care agency.

12 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
13 among the members. The first meeting of the committee shall be called by the first-named house
14 member. The first meeting of the committee shall be held within 45 days of the effective date of this
15 section. Four members of the committee shall constitute a quorum.

16 5 Report. The committee shall report its findings and any recommendations for proposed
17 legislation to the speaker of the house of representatives, the president of the senate, the house
18 clerk, the senate clerk, the governor, and the state library on or before November 1, 2020.

19 6 Effective Date. This act shall take effect upon its passage.