

HB 4790 S

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006

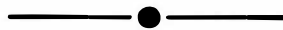


ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4790

(By Delegate Hatfield)



Passed March 11, 2006

In Effect Ninety Days from Passage

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SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4790

(BY DELEGATE HATFIELD)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to repeal §49-2B-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-2B-1, §49-2B-2, §49-2B-3, §49-2B-4, §49-2B-5, §49-2B-6, §49-2B-7, §49-2B-8, §49-2B-9, §49-2B-10, §49-2B-11, §49-2B-12, §49-2B-13, §49-2B-14, §49-2B-15 and §49-2B-16 of said code, all relating to prescribing and modifying the duties of the Secretary of the Department of Health and Human Resources in child welfare placement; relating to authority to promulgate emergency rules providing for voluntary registration of relative family child care homes and informal family child care homes; defining terms; updating statutory language; providing for a time study by the Department of Health and Human Resources; modifying requirements related to child care placement in certain homes or facilities; and repealing the section of the code concerning the establishment of pilot day care programs.

Be it enacted by the Legislature of West Virginia:

That §49-2B-17 of the Code of West Virginia, 1931, as amended be repealed; and that §49-2B-1, §49-2B-2, §49-2B-3, §49-2B-4, §49-2B-5, §49-2B-6, §49-2B-7, §49-2B-8, §49-2B-9, §49-2B-10, §49-2B-11, §49-2B-12, §49-2B-13, §49-2B-14, §49-2B-15 and §49-2B-16 of said code be amended and reenacted, all to read as follows:

ARTICLE 2B. DUTIES OF SECRETARY OF HEALTH AND HUMAN RESOURCES FOR CHILD WELFARE.

§49-2B-1. Policy and purpose.

1 (a) It is the policy of the state to assist a child and the
2 child's family as the basic unit of society through efforts to
3 strengthen and preserve the family unit. In the event of a
4 temporary or permanent absence of parents or the separation of
5 a child from the family unit for care or treatment purposes, it is
6 the policy of the state to assure that a child receives care and
7 nurturing as close as possible to society's expectations of a
8 family's care and nurturing of its child. The state has a duty to
9 assure that proper and appropriate care is given and maintained.

10 (b) It is also the policy of this state to ensure that those
11 persons and entities offering quality child care are not over-
12 encumbered by licensure and registration requirements and that
13 the extent of regulation of child care facilities and child placing
14 agencies be moderately proportionate to the size of the facility.

15 (c) Through licensure, approval, and registration of child
16 care, the state exercises its benevolent police power to protect
17 the user of a service from risks against which he or she would
18 have little or no competence for self protection. Licensure,
19 approval, and registration processes shall, therefore, continually
20 balance the child's rights and need for protection with the
21 interests, rights and responsibility of the service providers.

22 (d) In order to carry out the above policy, the Legislature
23 enacts this article to protect and prevent harm to children
24 separated from their families and to enhance their continued
25 growth and well-being while in care.

26 (e) The purposes of this article are:

27 (1) To protect the health, safety and well-being of children
28 in substitute care by preventing improper and harmful care;

29 (2) To establish statewide rules for regulating programs as
30 defined in this article;

31 (3) To encourage and assist in the improvement of child
32 care programs;

33 (4) To ensure that persons and entities offering child care
34 are not unduly burdened by licensure and registration require-
35 ments; and

36 (5) To ensure that all child care programs be safe, reliable
37 and geared to the ages and needs of the children they serve,
38 meet basic health and safety standards, and employ people who
39 have the training and experience needed to work with children.

40 (f) In order to carry out these purposes, the powers of the
41 child welfare licensing board created by chapter nineteen, acts
42 of the Legislature, one thousand nine hundred forty-five, are
43 hereby transferred to the commissioner of human services,
44 along with the other powers granted by this article.

§49-2B-2. Definitions.

1 As used in this article, unless the context otherwise requires:

2 (a) "Approval" means a finding by the secretary that a
3 facility operated by the state has met the requirements set forth in
4 the rules promulgated pursuant to this article.

5 (b) "Certificate of approval" means a statement of the
6 secretary that a facility operated by the state has met the
7 requirements set forth in the rules promulgated pursuant to this
8 article.

9 (c) "Certificate of license" means a statement issued by the
10 secretary authorizing an individual, corporation, partnership,
11 voluntary association, municipality or county, or any agency
12 thereof, to provide specified services for a limited period of
13 time in accordance with the terms of the certificate.

14 (d) "Certificate of registration" means a statement issued by
15 the secretary to a family child care home, informal family child
16 care home or relative family child care home, upon receipt of
17 a self-certification statement of compliance with the rules
18 promulgated pursuant to the provisions of this article.

19 (e) "Child" for the purpose of residential services under this
20 article means any person under eighteen years of age or is a
21 transitioning adult.

22 (f) "Child" for the purpose of child care services means an
23 individual who meets one of the following conditions:

24 (1) Is under thirteen years of age.

25 (2) Is thirteen to eighteen years of age and under court
26 supervision.

27 (3) Is thirteen to eighteen years of age and presenting a
28 significant delay of at least twenty-five percent in one or more
29 areas of development, or a six (6) month delay in two or more
30 areas as determined by an early intervention program, special
31 education program or other multi-disciplinary team.

32 (g) "Child care" means responsibilities assumed and
33 services performed in relation to a child's physical, emotional,

34 psychological, social and personal needs and the consideration
35 of the child's rights and entitlements, but does not include
36 secure detention or incarceration under the jurisdiction of the
37 Division of Juvenile Services, created under section two, article
38 five-e of this chapter. It includes the provision of child care
39 services or residential services.

40 (h) "Child care center" means a facility maintained by the
41 state or any county or municipality thereof, or any agency or
42 facility maintained by an individual, firm, corporation, associa-
43 tion or organization, public or private for the care of thirteen or
44 more children for child care services in any setting, if the
45 facility is open for more than 30 days per year per child. (i)
46 "Child care services" means direct care and protection of
47 children during a portion of a twenty-four (24) hour day outside
48 of the child's own home which provides experiences to children
49 that foster their healthy development and education.

50 (j) "Child placing agency" means a child welfare agency
51 organized for the purpose of placing children in private family
52 homes for foster care or for adoption. The function of a child-
53 placing agency may include the investigation and certification
54 of foster family homes and foster family group homes as
55 provided in this chapter. The function of a child placing agency
56 may also include the supervision of children who are sixteen or
57 seventeen years old and living unlicensed residences.

58 (k) "Child welfare agency" means any agency or facility
59 maintained by the state or any county or municipality thereof,
60 or any agency or facility maintained by an individual, firm,
61 corporation, association or organization, public or private, to
62 receive children for care and maintenance or for placement in
63 residential care facilities, including, without limitation, private
64 homes, or any facility that provides care for unmarried mothers
65 and their children: *Provided*, That the term does not include
66 juvenile detention facilities or juvenile correctional facilities

67 operated by or under contract with the Division of Juvenile
68 Services, created under section two, article five-e of this
69 chapter, nor any other facility operated by that division for the
70 secure housing or holding of juveniles committed to its custody.

71 (l) "Department" means the Department of Health and
72 Human Resources.

73 (m) "Facility" means a place or residence, including
74 personnel, structures, grounds and equipment, used for the care
75 of a child or children on a residential or other basis for any
76 number of hours a day in any shelter or structure maintained for
77 that purpose: *Provided*, That the term does not include any
78 juvenile detention facility or juvenile correctional facility
79 operated by or under contract with the Division of Juvenile
80 Services, created pursuant to section two, article five-e of this
81 chapter, for the secure housing or holding of juveniles commit-
82 ted to its custody.

83 (n) "Family child care home" means a facility which is used
84 to provide nonresidential child care services for compensation
85 in a provider's residence. The provider may care for four to six
86 children, at one time including children who are living in the
87 household, who are under six years of age. No more than two
88 of the total number of children may be under twenty-four
89 months of age.

90 (o) "Family child care facility" means any facility which is
91 used to provide nonresidential child care services for compensa-
92 tion for seven to twelve children, including children who are
93 living in the household, who are under six years of age. No
94 more than four of the total number of children may be under
95 twenty-four months of age. A facility may be in a provider's
96 residence or a separate building.

97 (p) "Foster family home" means a private residence which
98 is used for the care on a residential basis of no more than five
99 children who are unrelated by blood, marriage or adoption to
100 any adult member of the household.

101 (q) "Informal family child care" means a home that is used
102 to provide nonresidential child care services for compensation
103 for three (3) or fewer children, including children who are
104 living in the household, who are under six years of age. Care is
105 given in the provider's own home to at least one (1) child who
106 is not related to the caregiver.

107 (r) "License" means the grant of official permission to a
108 facility to engage in an activity which would otherwise be
109 prohibited.

110 (s) "Out of school time" means a child care service which
111 offers activities to children before and after school, on school
112 holidays, when school is closed due to emergencies, and on
113 school calendar days set aside for teacher activities.

114 (t) "Registration" means the process by which a family
115 child care home, informal family child care home or a relative
116 family child care home self-certifies compliance with the rules
117 promulgated pursuant to this article.

118 (u) "Residential services" means child care which includes
119 the provision of nighttime shelter and the personal discipline
120 and supervision of a child by guardians, custodians or other
121 persons or entities on a continuing or temporary basis. It may
122 include care and or treatment for transitioning adults: *Provided*,
123 That the term does not include or apply to any juvenile deten-
124 tion facility or juvenile correctional facility operated by the
125 Division of Juvenile Services, created pursuant to section two,
126 article five-e of this chapter, for the secure housing or holding
127 of juveniles committed to its custody.

128 (v) “Relative family child care” means a home that provides
129 nonresidential child care services only to children related to the
130 caregiver. The caregiver is a grandparent, great grandparent,
131 aunt, uncle, great-aunt, great-uncle or adult sibling of the
132 child(ren) receiving care. Care is given in the provider’s home.

133 (w) “Rule” means a statement issued by the secretary of the
134 standard to be applied in the various areas of child care.

135 (x) “Transitioning adult” means an individual with a
136 transfer plan to move to an adult setting who meets one of the
137 following conditions:

138 (1) Is eighteen years of age but under twenty-one years of
139 age, was in departmental custody upon reaching eighteen years
140 of age and committed an act of delinquency before reaching
141 eighteen years of age, remains under the jurisdiction of the
142 juvenile court, and requires supervision and care to complete an
143 education and or treatment program which was initiated prior
144 to the eighteenth birthday.

145 (2) Is eighteen years of age but under twenty-one years of
146 age, was adjudicated abused, neglected, or in departmental
147 custody upon reaching eighteen years of age and enters into a
148 contract with the Department to continue in an educational,
149 training, or treatment program which was initiated prior to the
150 eighteenth birthday.

151 (y) “Secretary” means the Secretary of the Department of
152 Health and Human Resources.

153 (z) “Variance” means a declaration that a rule may be
154 accomplished in a manner different from the manner set forth
155 in the rule.

156 (aa) “Waiver” means a declaration that a certain rule is
157 inapplicable in a particular circumstance.

§49-2B-3. Licensure, certification, approval and registration requirements.

1 (a) Any person, corporation or child welfare agency, other
2 than a state agency, which operates a residential child care
3 facility, a child-placing agency or a day care center shall obtain
4 a license from the department.

5 (b) Any residential child care facility, day care center or
6 any child-placing agency operated by the state shall obtain
7 approval of its operations from the secretary: *Provided*, That
8 this requirement does not apply to any juvenile detention
9 facility or juvenile correctional facility operated by or under
10 contract with the Division of Juvenile Services, created
11 pursuant to section two, article five-e of this chapter, for the
12 secure housing or holding of juveniles committed to its custody.
13 The facilities and placing agencies shall maintain the same
14 standards of care applicable to licensed facilities, centers or
15 placing agencies of the same category.

16 (c) Any family day care facility which operates in this state,
17 including family day care facilities approved by the department
18 for receipt of funding, shall obtain a statement of certification
19 from the department.

20 (d) Every family day care home which operates in this state,
21 including family day care homes approved by the department
22 for receipt of funding, shall obtain a certificate of registration
23 from the department.

24 (e) This section does not apply to:

25 (1) A kindergarten, preschool or school education program
26 which is operated by a public school or which is accredited by
27 the state Department of Education, or any other kindergarten,
28 preschool or school programs which operate with sessions not
29 exceeding four hours per day for any child;

30 (2) An individual or facility which offers occasional care of
31 children for brief periods while parents are shopping, engaging
32 in recreational activities, attending religious services or
33 engaging in other business or personal affairs;

34 (3) Summer recreation camps operated for children
35 attending sessions for periods not exceeding thirty days;

36 (4) Hospitals or other medical facilities which are primarily
37 used for temporary residential care of children for treatment,
38 convalescence or testing;

39 (5) Persons providing family day care solely for children
40 related to them; or

41 (6) Any juvenile detention facility or juvenile correctional
42 facility operated by or under contract with the Division of
43 Juvenile Services, created pursuant to section two, article five-e
44 of this chapter, for the secure housing or holding of juveniles
45 committed to its custody.

46 (f) The secretary is hereby authorized to issue an emer-
47 gency rule relating to conducting a survey of existing facilities
48 in this state in which children reside on a temporary basis in
49 order to ascertain whether they should be subject to licensing
50 under this article or applicable licensing provisions relating to
51 behavioral health treatment providers.

52 (g) Any informal family child care home or relative family
53 child care home may voluntarily register and obtain a certificate
54 of registration from the department.

§49-2B-4. Rules.

1 (a) The secretary shall promulgate rules in accordance with
2 the provisions of chapter twenty-nine-a of this code regarding
3 the licensure, approval, certification and registration of child

4 care facilities and the implementation of the provisions of this
5 article. The rules shall provide at a minimum the requirement
6 that every residential child care facility shall be subject to an
7 annual time study regarding the quantification of staff supervi-
8 sion time at each facility. Every residential child care facility
9 shall participate in the time study at the request of the depart-
10 ment.

11 (b) The secretary shall review the rules promulgated
12 pursuant to the provisions of this article at least once every five
13 years, making revisions when necessary or convenient: *Pro-*
14 *vided*, That on or before the first day of September, two
15 thousand six, the department shall promulgate emergency rules
16 pursuant to the provisions of article three, chapter twenty-nine-a
17 of this code that amends and replaces licensing requirements for
18 group residential programs for children, 78 CSR 3, and child
19 placing agencies for children, 78 CSR 2. *Provided, however,*
20 That on or before the first day of July, two thousand six, the
21 department shall promulgate emergency rules pursuant to the
22 provisions of article three, chapter twenty-nine-a of this code
23 that creates requirements for informal family child care homes
24 and relative family child care homes that voluntarily register
25 with the department. All individuals, facilities, entities, pro-
26 grams, agencies or family child care homes subject to said
27 emergency rules shall have one hundred eighty days to come
28 into compliance after promulgation of such rules.

§49-2B-5. Penalties; injunctions.

1 (a) Any individual or corporation which operates a child
2 welfare agency, residential facility or child care center without
3 a license when a license is required is guilty of a misdemeanor,
4 and, upon conviction thereof, shall be punished by imprison-
5 ment in jail not exceeding one year, or a fine of not more than
6 five hundred dollars, or both fined and imprisoned.

7 (b) Any family child care facility which operates without a
8 license when a license is required is guilty of a misdemeanor,
9 and, upon conviction thereof, shall be punished by a fine of not
10 more than five hundred dollars.

11 (c) Where a violation of this article or a rule promulgated
12 by the secretary may result in serious harm to children under
13 care, the secretary may seek injunctive relief against any
14 person, corporation, child welfare agency, child placing agency,
15 child care center, family child care facility, family child care
16 home or governmental official through proceedings instituted
17 by the attorney general, or the appropriate county prosecuting
18 attorney, in the circuit court of Kanawha County or in the
19 circuit court of any county where the children are residing or
20 may be found.

§49-2B-6. Conditions of licensure, approval and registration.

1 (a) A license or approval is effective for a period up to two
2 years from the date of issuance, unless revoked or modified to
3 provisional status based on evidence of a failure to comply with
4 the provisions of this article or any rules promulgated pursuant
5 to this article. The license or approval shall be reinstated upon
6 application to the secretary and a determination of compliance.

7 (b) An initial six-month license or approval shall be issued
8 to an applicant establishing a new service found to be in
9 compliance on initial review with regard to policy, procedure,
10 organization, risk management, human resources, service
11 environment and record keeping regulations;

12 (c) A provisional license or approval may be issued when
13 a licensee is not in compliance with this rule but does not pose
14 a significant risk to the rights, well-being, health and safety of
15 a consumer. It shall expire not more than six months from date
16 of issuance, and not be consecutively reissued unless the
17 provisional recommendation is that of the state fire marshal.

18 (d) A renewal license or approval may be issued of any
19 duration up to two years at the discretion of the Secretary. In
20 the event a renewal license is not issued, the facility must make
21 discharge plans for residents and cease operation within 30 days
22 of the expiration of the license.

23 (e) A certificate of registration is effective for a period up
24 to two years from the date of issuance, unless revoked based on
25 evidence of a failure to comply with the provisions of this
26 article or any rules promulgated pursuant to this article. The
27 certificate of registration shall be reinstated upon application to
28 the secretary, including a statement of assurance of continued
29 compliance with the rules promulgated pursuant to this article.

30 (f) The license, approval or registration issued under this
31 article is not transferable and applies only to the facility and its
32 location stated in the application. The license, registration or
33 approval shall be publicly displayed: *Provided*, That foster and
34 adoptive family homes, informal family child care homes and
35 relative family child care homes shall be required to display
36 registration certificates of registration or approval upon request
37 rather than by posting.

38 (g) Provisional certificates of registration may be issued to
39 family child care homes.

40 (h) The secretary, as a condition of issuing a license,
41 registration or approval, may:

42 (1) Limit the age, sex or type of problems of children
43 allowed admission to a particular facility;

44 (2) Prohibit intake of any children; or

45 (3) Reduce the number of children which the agency,
46 facility or home operated by the agency is licensed, approved,
47 certified or registered to receive.

§49-2B-7. Waivers and variances to rules.

1 Waivers or variances of rules may be granted by the
2 secretary if the health, safety or well-being of a child would not
3 be endangered thereby. The secretary shall promulgate by rule
4 criteria and procedures for the granting of waivers or variances
5 so that uniform practices may be maintained throughout the
6 state.

§49-2B-8. Application for license or approval.

1 (a) Any person or corporation or any governmental agency
2 intending to act as a child welfare agency shall apply for a
3 license, approval or registration certificate to operate child care
4 facilities regulated by this article. Applications for licensure,
5 approval or registration shall be made separately for each child
6 care facility to be licensed, approved, certified or registered.

7 (b) The secretary shall prescribe forms and reasonable
8 application procedures including, but not limited to, fingerprint-
9 ing of applicants and other persons responsible for the care of
10 children for submission to the state police and, if necessary, to
11 the federal bureau of investigation for criminal history record
12 checks.

13 (c) Before issuing a license, or approval, the secretary shall
14 investigate the facility, program and persons responsible for the
15 care of children. The investigation shall include, but not be
16 limited to, review of resource need, reputation, character and
17 purposes of applicants, a check of personnel criminal records,
18 if any, and personnel medical records, the financial records of
19 applicants and consideration of the proposed plan for child care
20 from intake to discharge.

21 (d) Before a home registration is granted, the secretary shall
22 make inquiry as to the facility, program and persons responsible

23 for the care of children. The inquiry shall include self-certifica-
24 tion by the prospective home of compliance with standards
25 including, but not limited to:

26 (1) Physical and mental health of persons present in the
27 home while children are in care;

28 (2) Criminal and child abuse or neglect history of persons
29 present in the home while children are in care;

30 (3) Discipline;

31 (4) Fire and environmental safety;

32 (5) Equipment and program for the children in care;

33 (6) Health, sanitation and nutrition.

34 (e) Further inquiry and investigation may be made as the
35 secretary may direct.

36 (f) The secretary shall make a decision on each application
37 within sixty days of its receipt and shall provide to unsuccessful
38 applicants written reasons for the decision.

§49-2B-9. Supervision and consultation required.

1 (a) The secretary shall provide supervision to ascertain
2 compliance with the rules promulgated pursuant to this article
3 through regular monitoring, visits to facilities, documentation,
4 evaluation and reporting. The secretary shall be responsible for
5 training and education, within fiscal limitations, specifically for
6 the improvement of care in family child care homes and
7 facilities. The secretary shall consult with applicants, the
8 personnel of child welfare agencies, and children under care to
9 assure the highest quality child care possible.

10 (b) The director of the department of health and the State
11 Fire Marshal shall cooperate with the secretary in the adminis-
12 tration of the provisions of this article by providing such reports
13 and assistance as may be requested by the secretary.

§49-2B-10. Investigative authority.

1 (a) The secretary shall enforce the provisions of this article.

2 (b) An on-site evaluation of every facility regulated
3 pursuant to this article, except registered family child care
4 homes, informal family child care and relative family child care
5 homes shall be conducted no less than once per year by
6 announced or unannounced visits.

7 (c) A random sample of not less than five percent of the
8 total number of registered family child care homes, informal
9 family child care homes and relative family child care homes
10 shall be monitored annually through on-site evaluations.

11 (d) The secretary shall have access to the premises,
12 personnel, children in care and records of each facility subject
13 to inspection, including, but not limited to, case records,
14 corporate and financial records and board minutes. Applicants
15 for licenses, approvals, and certificates of registration shall
16 consent to reasonable on-site administrative inspections, made
17 with or without prior notice, as a condition of licensing,
18 approval, or registration.

19 (e) When a complaint is received by the secretary alleging
20 violations of licensure, approval, or registration requirements,
21 the secretary shall investigate the allegations. The secretary
22 may notify the facility's director before or after a complaint is
23 investigated and shall cause a written report of the results of the
24 investigation to be made.

25 (f) The secretary may enter any unlicensed, unregistered or
26 unapproved child care facility or personal residence for which
27 there is probable cause to believe that the facility or residence
28 is operating in violation of this article. Such entries shall be
29 made with a law-enforcement officer present. The secretary
30 may enter upon the premises of any unregistered residence only
31 after two attempts by the secretary to bring this facility into
32 compliance.

§49-2B-11. Revocation; provisional licensure and approval.

1 (a) The secretary may revoke or make provisional the
2 licensure registration of any home facility or child welfare
3 agency regulated pursuant to this article if a facility materially
4 violates any provision of this article, or any terms or conditions
5 of the license, registration or approval issued, or fails to
6 maintain established requirements of child care: *Provided*, That
7 the provisions of this section shall not apply to family child care
8 homes.

9 (b) The secretary may revoke the certificate of registration
10 of any family child care home if a facility materially violates
11 any provision of this article, or any terms or conditions of the
12 registration certificate issued, or fails to maintain established
13 requirements of child care.

§49-2B-12. Closing of facilities by the secretary; placement of children.

1 When the secretary finds that the operation of a facility
2 constitutes an immediate danger of serious harm to children
3 served by the facility, the secretary shall issue an order of
4 closure terminating operation of the facility. When necessary,
5 the secretary shall place or direct the placement of the children
6 in a residential facility which has been closed into appropriate

7 facilities. A facility closed by the secretary may not operate
8 pending administrative or judicial review with out court order.

§49-2B-13. Administrative and judicial review.

1 Any person, corporation, governmental official or child
2 welfare agency, aggrieved by a decision of the secretary made
3 pursuant to the provisions of this article may contest the
4 decision upon making a request for a hearing by the secretary
5 within thirty days of receipt of notice of the decision. Adminis-
6 trative and judicial review shall be made in accordance with the
7 provisions of article five, chapter twenty-nine-a of this code.
8 Any decision issued by the secretary may be made effective
9 from the date of issuance. Immediate relief there from may be
10 obtained upon a showing of good cause made by verified
11 petition to the circuit court of Kanawha County or the circuit
12 court of any county where the affected facility or child welfare
13 agency may be located. The dependency of administrative or
14 judicial review shall not prevent the secretary from obtaining
15 injunctive relief pursuant to section five of this article.

**§49-2B-14. Annual reports; directory; licensing reports and
recommendations.**

1 (a) The secretary shall submit on or before the first day of
2 January of each year a report to the Governor, and upon request
3 to members of the Legislature, concerning the regulation of
4 child welfare agencies, child placing agencies, child care
5 centers, family child care facilities, family child care homes,
6 informal family child care homes, relative family child care
7 homes and child care facilities during the year. The report shall
8 include, but not be limited to, data on the number of children
9 and staff at each facility (except family child care, informal
10 family child care homes and relative family child care, applica-
11 tions received, types of licenses, approvals and registrations

12 granted, denied, made provisional or revoked and any injunc-
13 tions obtained or facility closures ordered.

14 (b) The secretary also shall compile annually a directory of
15 licensed, certified and approved child care providers including
16 a brief description of their program and facilities, the program's
17 capacity and a general profile of children served. A listing of
18 family child care homes shall also be compiled annually.

19 (c) Licensing reports and recommendations for licensure
20 which are a part of the yearly review of each licensed facility
21 shall be sent to the facility director. Copies shall be available to
22 the public upon written request to the secretary.

§49-2B-15. Education of the public.

1 The secretary shall provide ongoing education of the public
2 in regard to the requirements of this article through the use of
3 mass media and other methods as are deemed appropriate and
4 within fiscal limitations.

**§49-2B-16. Implementation of the Integrated Pest Management
Program.**

1 By the fifteenth day of August, one thousand nine hundred
2 ninety-five, the secretary shall implement the Integrated Pest
3 Management Program promulgated under rules by the Depart-
4 ment of Agriculture under authority of section four, article
5 sixteen-a, chapter nineteen of this code.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



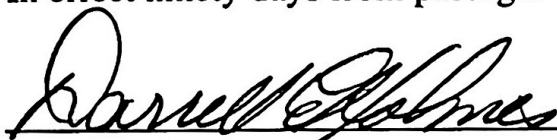
Chairman Senate Committee



Chairman House Committee

Originating in the House.

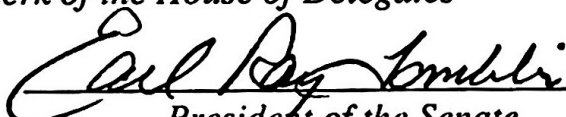
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 27 2006

Time 4:13 pm