

1 ENGROSSED HOUSE  
2 BILL NO. 1390

3 By: Provenzano of the House

4 and

5 Coleman of the Senate

6

7 An Act relating to the Oklahoma Child Care Facilities  
8 Licensing Act; amending 10 O.S. 2021, Section 406,  
9 which relates to investigations; directing that  
report remain available; and providing an effective  
date.

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 10 O.S. 2021, Section 406, is  
13 amended to read as follows:

14 Section 406. A. 1. Except as provided in paragraph 2 of this  
15 subsection, the Department of Human Services shall have authority at  
16 any reasonable time to investigate and examine the conditions of any  
17 child care facility in which a licensee or applicant hereunder  
18 receives and maintains children, and shall have authority at any  
19 time to require the facility to provide information pertaining to  
20 children in its care.

21 2. When the Department of Human Services is reviewing the star  
22 rating of a child care program with a capacity of fifty or more, the  
23 comprehensive visit to inspect and examine the program shall be

1       scheduled with the administration of the program at least one (1)  
2       week in advance of the visit, if requested by the child care  
3       facility.

4           B. 1. The State Department of Health may visit any licensee or  
5       applicant at the request of the Department to advise on matters  
6       affecting the health of children and to inspect the sanitation of  
7       the buildings used for their care.

8           2. The State Fire Marshal may visit any licensee or applicant  
9       at the request of the Department to advise on matters affecting the  
10      safety of children and to inspect the condition of the buildings  
11      used for their care.

12          C. 1. Upon receipt of a complaint against any child care  
13       facility alleging a violation of the provisions of the Oklahoma  
14       Child Care Facilities Licensing Act, or any licensing standard  
15       promulgated by the Department, the Department shall conduct a full  
16       investigation. If upon investigation, it is determined that there  
17       are reasonable grounds to believe that a facility is in violation of  
18       the Oklahoma Child Care Facilities Licensing Act or of any standard  
19       or rule promulgated pursuant thereto, the Department shall:

- 20           a. document the complaint,
- 21           b. provide the complaint allegations in writing to the  
22                facility involved and, upon written request by the  
23                child care facility, provide a summary of the facts  
24                used to evaluate the completed complaint, and

1                   c. document the facility's plan for correcting any  
2                   substantiated violations.

3                 2. If the Department determines there has been a violation and  
4                 the violation has a direct impact on the health, safety or well-  
5                 being of one or more of the children cared for by the facility, the  
6                 Department shall notify the facility and require correction of the  
7                 violation.

8                 3. The Department shall notify the facility that failure to  
9                 correct the confirmed violation can result in the revocation of the  
10                license, the denial of an application for a license, the issuance of  
11                an emergency order or the filing of an injunction pursuant to the  
12                provisions of Section 409 of this title.

13               4. If the facility refuses to correct a violation or fails to  
14                complete the plan of correction, the Department may issue an  
15                emergency order, revoke the license, or deny the application for a  
16                license. Nothing in this section or Section 407 of this title shall  
17                be construed as preventing the Department from denying an  
18                application, revoking a license, or issuing an emergency order for a  
19                single violation of this act, or the rules of the Department as  
20                provided in Section 404 of this title.

21               5. If the Department determines there has been a substantiated  
22                finding of heinous and shocking abuse by a person responsible for a  
23                child's health, safety or welfare, as those terms are defined in  
24                Section 1-1-105 of Title 10A of the Oklahoma Statutes, the

1      Department shall notify the child care facility owner or operator  
2      and the child care resource and referral organization in writing  
3      immediately or not later than one (1) business day after the  
4      substantiated finding. Upon receiving notice of a substantiated  
5      finding, the facility owner or operator shall attempt to immediately  
6      notify, but not later than seventy-two (72) hours after receiving  
7      notice of the substantiated finding, parents or legal guardians of  
8      children attending the facility by certified mail.

9            D. Upon the completion of the investigation of a complaint  
10     against any child care facility alleging a violation of the  
11     provisions of the Oklahoma Child Care Facilities Licensing Act or  
12     any licensing standard promulgated thereto by the Department, the  
13     Department shall clearly designate its findings on the first page of  
14     the report of the investigation. The findings shall state whether  
15     the complaint was substantiated or unsubstantiated. The report  
16     shall remain available in a manner that is accessible to the public,  
17     regardless of whether the facility owner's or operator's license is  
18     active or inactive.

19            E. Information obtained by the Department or Oklahoma Child  
20     Care Services concerning a report of a violation of a licensing  
21     requirement, or from any licensee regarding children or their  
22     parents or other relatives shall be deemed confidential and  
23     privileged communications, shall be properly safeguarded, and shall  
24     not be accessible to anyone except as herein provided, unless upon

1 order of a court of competent jurisdiction. Provided, however, this  
2 provision shall not prohibit the Department from providing a summary  
3 of allegations and findings of an investigation involving a child  
4 care facility that does not disclose identities but that permits  
5 parents to evaluate the facility.

6 F. The Department shall promulgate rules to establish and  
7 maintain a grievance process that shall include an anonymous  
8 complaint system for reporting and investigating complaints or  
9 grievances about employees of the Department who retaliate against a  
10 child care facility or facility employee.

11 SECTION 2. This act shall become effective November 1, 2025.

12 Passed the House of Representatives the 4th day of March, 2025.

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15 Presiding Officer of the House  
16 of Representatives  
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18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.  
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21 Presiding Officer of the Senate  
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