

## SB 49 A STAFF MEASURE SUMMARY

### Senate Committee On Human Services, Mental Health and Recovery

---

**Action Date:** 04/06/21

**Action:** Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Anderson, Gelser, Lieber, Robinson, Taylor

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 3/4, 3/25, 4/1, 4/6

---

#### WHAT THE MEASURE DOES:

Subjects employment-related child care program (also known as Employment-Related Day Care or ERDC) administered by the Department of Human Services (DHS) to the same background check requirements as other child care programs regulated by the Office of Child Care (OCC) at the Early Learning Division (ELD) to capture all individuals in contact with children in care, in the Central Background Registry. Requires rulemaking to ensure provider's receipt of subsidy is contingent upon enrollment in the Central Background Registry. Operative July 1, 2022. Directs DHS to transfer necessary background check information to OCC by the same date.

#### ISSUES DISCUSSED:

- Differences in background check criteria for child care programs under OCC and DHS
- OCC's responsibility for regulating child care generally and maintaining the Central Background Registry
- DHS' responsibility for administering ERDC and corresponding background checks

#### EFFECT OF AMENDMENT:

Replaces reference to *persons receiving subsidy*, with *providers receiving reimbursement* to ensure reimbursements for providers are contingent on enrollment in Central Background Registry, rather than a family's eligibility for subsidy. Replaces "employment-related" with "subsidized" throughout.

#### BACKGROUND:

Individuals who operate or provide child care at authorized facilities in the child care system, including contractors, employees and operators of pre-school programs, and others who may have contact with children in care, are required to apply and enroll in the Central Background Registry, which is maintained by the Office of Child Care (OCC) at the Early Learning Division (ELD). The Department of Human Services (DHS) administers employment-related child care subsidy programs (also known as Employment-Related Day Care or ERDC), and is responsible for adopting rules to operate said programs, in consultation with the ELD and the OCC. Rules are required by statute to address a number of program details, such as: receipt of subsidies for at least a year even if a recipient's job changes; mitigating the impact of reduced subsidies if a recipient's income increases; providing for recipients enrolled in coursework; and providing for self-employed recipients. There is currently no requirement for rulemaking to make providers' receipt of ERDC reimbursement contingent on enrollment in the Central Background Registry. An audit by the Secretary of State in 2020 found inconsistencies in background check criteria as between regulating agencies and recommended ERDC background checks be conducted through and consistent with OCC's.

Senate Bill 49 A captures more individuals in the Central Background Registry who are in contact with children in care, by subjecting the ERDC program to the same background check requirements as other child care programs, denying providers the corresponding reimbursement unless specified individuals are enrolled.