



## **State Representative Rick Carfagna**

*Sponsor Testimony - House Bill 65*

*February 26, 2019*

Chairman Merrin, Vice Chair Manning, Ranking Member Boyd, and members of the House Health Committee. Thank you for affording me the opportunity to provide sponsor testimony on House Bill 65. As you can observe from its 1 ½ pages, this legislation is both basic and extremely straightforward. HB 65 calls for daycares to notify all parents following the conclusion of any investigations by the Ohio Department of Job and Family Services (ODJFS) that find the daycare culpable of violations rising to the level of “serious risk non-compliance”. This designation is a specific category reserved for the most egregious of violations.

A constituent of mine, Barbara Ward, who had a harrowing daycare experience with her then two-year old son in 2013, inspired this legislation. Two caregivers had taken a group of six children for a walk in Uptown Westerville, and accidentally left my constituent’s son behind along a busy street. A passerby found the child, took him to safety, and called the city to report the daycare’s neglect. An ODJFS investigation ultimately concluded the daycare was at fault and negligent.

The system in place for situations like these worked as it should, but the concern here is the lack of communication by the daycare to all other parents beyond those immediately impacted. While many parents take the time to vet daycares when choosing where to send their child, they may not be aware of egregious violations at their existing daycare nor think to police their daycare on an ongoing basis, especially if their experience has been positive. ODJFS tracks and makes public the status of daycare investigations, yet many parents are either ignorant of this resource or would never think to monitor it if they are personally satisfied with their daycare provider. The goal of this legislation is simply to help daycare parents become more informed customers.

Under this bill, once ODJFS has concluded an investigation of a daycare for a violation rising to the level of serious risk non-compliance, and provided ODJFS has found the daycare at fault, the daycare would have to:

- Provide either an email notification or simple written letter to all caretaker parents with children at the daycare within 30 days of the daycare’s receipt of ODJFS’s findings.

- The notification would remark that an investigation concerning the daycare has concluded and would encourage the caretaker parents to visit the ODJFS website for more information about the determination.
- The daycare must copy ODJFS on the notice that is sent.

Under HB 65, ODJFS would promulgate rules to ensure compliance with this notification provision, including any resulting penalty arising from failure by the daycare to issue the notice.

It is vital to ensure the daycare's right to due process, as well as avoid any damage to their reputation resulting from false accusations or investigations that clear them of any wrongdoing. This is why the proposed notification is triggered **only** upon conclusion of an ODJFS investigation, and **only** in instances where the daycare is found guilty of violations rising to the level of serious risk non-compliance.

In the previous Ohio General Assembly, Nationwide Children's Hospital, Dayton Children's Hospital, Akron Children's Hospital, Cincinnati Children's Hospital, University Hospitals Cleveland Medical Center, and ProMedica all supported this bill and urged a YES vote. In their May 1, 2018 joint letter of support, they stated: **"As a pediatric healthcare provider, we are mission driven in our commitment to the care, safety and healthy wellbeing of all children. Just like families entrust us to provide the best care for their child's needs, that same trust is placed in those who provide childcare. However, when that trust is broken, and a child is placed at risk, a duty to inform all parents is the right thing to do."**

Ladies and gentlemen, entrusting the care and safety of our children to others is a sacred commitment. When that trust is compromised in the most pronounced of circumstances, at minimum there should be a duty to inform the parents of other children under the same care so they can then make educated decisions. In the case of Mrs. Ward, she sought to transform her family's unfortunate experience into a positive action by ensuring that when these situations arise no parent is left in the dark. Accordingly, we have named HB 65 as "Chase's Law" in recognition of her son. **During the last General Assembly, this same legislation received overwhelming bipartisan support as it passed out of the Ohio House of Representatives with a vote of 91-2.**

Chairman Merrin and members of this committee, thank you again for allowing me to provide testimony and at this time, I would be happy to answer any questions.