



## **State Representative Rick Carfagna**

*Sponsor Testimony – Sub. House Bill 65*

*December 11, 2019*

Chairman Burke, Vice Chair Huffman, Ranking Member Antonio, and members of the Senate Health, Human Services and Medicaid Committee. Thank you for affording me the opportunity to provide sponsor testimony on Substitute House Bill 65. This bill passed unanimously out of the House Health Committee on May 15<sup>th</sup>, and passed out of the full House with an 89-1 vote on October 23<sup>rd</sup>.

As you can observe from its 1 ½ pages, this legislation is both basic and extremely straightforward. Sub. 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 noncompliance”. This designation is a specific category reserved for the most egregious of rule violations, including those that lead to the greatest risk of harm, immediately endanger the health and safety of children while in care, or cause death.

There are approximately 6,722 ODJFS-licensed daycare programs in Ohio. In 2018, ODJFS found 166 instances of “serious risk noncompliance” in child daycare centers and 155 instances in family daycare homes.

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

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 noncompliance, and provided ODJFS has found the daycare at fault, the daycare would have to:

- First, provide either an email notification or simple written letter to all caretaker parents with children at the daycare no later than 15 business days after ODJFS informs the provider of its determination, or, if the provider requests a review of the determination, within five business days after ODJFS completes its review.
- Next, the notification would remark that an investigation concerning the daycare has concluded and would inform the caretaker parents to visit the ODJFS website for more information about the determination. That particular webpage is **childcaresearch.ohio.gov** – a search engine for early care and educations programs, and there you can access inspection logs for all facilities, as well as any incident reports, compliance statuses, etc.
- Finally, the daycare must copy ODJFS on the notice that is sent.

Under Sub. 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 when a determination has been made final, and only in instances where the daycare is found guilty of violations rising to the level of serious risk non-compliance.

I'm happy to announce that Nationwide Children's Hospital, Dayton Children's Hospital, Akron Children's Hospital, Cincinnati Children's Hospital, University Hospitals Cleveland Medical Center, and ProMedica are all proponents of this bill. In their joint letter of support, they state: *"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 the parents of other children under the same care deserve to be notified 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 Sub. HB 65 as "Chase's Law" in recognition of her son.

Chairman Burke and members of this committee, thank you again for allowing me to provide testimony and at this time, I will gladly answer any questions.