Day care licensing bill heads for Senate

By MARSHA SHULER
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A Senate panel approved legislation Monday that would reimpose licensing for Louisiana’s day care centers, with proponents calling it a “consumer protection law for young children.”

The legislation, SB251 by Sen. Nat Kiefer, D-New Orleans, received a 5-1 committee vote after a hearing in which a state legislator claimed that its passage could lead to “a major confrontation” between church and state over government intrusion into church-run centers.

With Health and Welfare Committee passage, the bill now heads to the Senate floor for debate. A similar measure has already passed a House committee and is awaiting action by the House.

“This bill is designed to provide protection and care for our greatest asset — the children of our state,” said Kiefer. “We are trying to get those that don’t do a good job at all.”

Kiefer said in the two years without licensing some children in Louisiana have been the subject of violent physical and sexual abuse and there has been “no care, concern by the operators” about the children in their care.

He said the legislation was not an attempt to interfere with the religious practices or beliefs taught at any church-run day care center. He cited specific language in the bill which forbids that.

However, Rep. Louis “Woody” Jenkins, D-Baton Rouge, said some religious groups — like Pentecostals and Independent Baptists — won’t come to the state for permission to run what they believe is a church ministry.

He said the battle is being fought in the state of Nebraska, with ministers going to jail because of their religious convictions.

“If you don’t accommodate the religious convictions of many of our people, you will have a major confrontation with people going to jail ... It will make Nebraska look like a picnic,” said Jenkins, who earlier led the fight for removal of the licensing requirement.

Jenkins argued that there are already enough laws on the books that address the health and safety of children in such facilities.

However, proponents said existing laws are insufficient because many major concerns are not addressed by meeting state health and life safety codes.

Proponents read a list of 36 organizations that support the measure, including the Louisiana Medical Society, the Louisiana Pediatric Association, Louisiana Federation of Churches, Headstart Parent Association, the League of Women Voters and the AFL-CIO.

“Many of our centers are unidentifiable” because they don’t have to be licensed, said Linetta Gilbert of the Louisiana Association for the Education of Young Children.

In addition, she said unlicensed facilities must meet no nutritional standards on meals and it is difficult to investigate complaints of abuse and other violations that might occur.

“In licensed day care centers, if there is a complaint by a parent, there is recourse,” said Dr. Larry Hebert, a pediatrician. In an unlicensed center there is no true way of looking into the complaint.”

Ms. Gilbert said bill proponents “believe in the ministry for the care and safety of young children” — something she said all church groups should embrace. She cited the Biblical scripture — “render unto Ceasar” — which tells Christians to obey civil authority.

The licensing bill not only covers day care centers but community homes, group homes and maternity homes.

Under the bill, a 14-member Department of Health and Human Resources child care committee on licensing would be appointed by the governor to advise and consult with DHHR on the review and revision of rules, regulations and standards for licensing and the revocation or refusal to grant or renew a license.

The legislation requires DHHR to investigate all complaints, including complaints alleging child abuse.

The committee amended the bill to place a penalty of between $75 and $250 for operating without a license.