

# SB2875

Measure Title: RELATING TO CHILD CARE PROVIDERS.

Report Title: Child Care Providers; Liability Insurance Coverage Disclosure

Description: Repeals language that requires the department of human services to determine the amount of liability insurance coverage required to be obtained and maintained by child care providers. Repeals language that requires child care providers to disclose a summary of information that includes the insurer's name and contact information, coverage amounts, and effective dates for liability insurance coverage. Amends Act 161, Session Laws of Hawaii 2017, by extending the deadline for the department to submit a report to the legislature and amending the information to be included in the report and extending the implementation and enforcement deadline until 7/1/2019. (SD1)

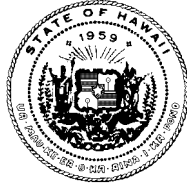
Companion:

Package: None

Current Referral: HMS, CPH

Introducer(s): HARIMOTO

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February 24, 2018

TO: The Honorable Senator Rosalyn H. Baker, Chair  
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2875 SD1 – RELATING TO CHILD CARE PROVIDERS**

Hearing: Monday, February 26, 2018, 10:15 a.m.  
Conference Room 229, State Capitol

**DEPARTMENT’S POSITION:** The Department of Human Services (DHS) strongly supports this bill which now includes the proposed amendments from administration proposal SB 2787.

**PURPOSE:** The purpose of the bill is to amend section 346-157, Hawaii Revised Statute (HRS), to remove the requirement that DHS determine the amount of liability insurance coverage required by regulated child care providers; amend sections 3 and 5 of Act 161, Session Laws of Hawaii (SLH) 2017, to remove a reporting requirement, to extend the implementation and enforcement of the liability insurance requirement of Act 161 (2017), and to remove the disclosure requirement of the amount of insurance coverage and detailed policy information to be provided to parents.

The Senate Committee on Human Services amended the measure by:

“(1) repealing language that requires the Department of Human Services to determine an amount of liability insurance coverage required to be obtained and maintained by child care providers;

- (2) amending Act 161, Session Laws of Hawaii 2017, to extend the implementation and enforcement deadline to allow the Department additional time to establish new rules and policies for liability insurance for child care providers; and
- (3) making technical, nonsubstantive amendments for the purposes of clarity and consistency.” STAND. COM. REP. NO. 2267

DHS appreciates the amendments made by the Senate Committee on Human Services as they are consistent with the proposed amendments to Act 161 (2017) that DHS included in the administration measure SB 2787.

The primary focus of the DHS child care licensing program is on the health and safety of all children in child care. The intent of Act 161, SLH 2017, was to strengthen minimum standards of child care to improve health and safety of children by requiring child care providers to obtain and maintain liability insurance coverage. Prior to Act 161, SLH 2017, DHS was prohibited from requiring regulated child care providers to obtain and maintain liability insurance coverage. Act 161 is currently in effect, that is regulated child care providers are required to have liability insurance coverage. However, Act 161 delays enforcement of this provision by DHS.

DHS submitted its report to the twenty-ninth Hawaii State Legislature 2018 in accordance with section 3 of Act 161, SLH 2017. The information DHS obtained through meetings with insurance industry providers, indicates that a variety of insurance products, coverage, exclusions and premiums are available for purchase. Injury from sexual molestation would be excluded from all coverage.

DHS also conducted outreach efforts through its contractor to conduct surveys and convene in-person meetings statewide. Child care providers also contacted DHS child care licensing offices and the Child Care Program Office to ask questions and express their concerns regarding the provisions of Act 161, SLH 2017. Feedback from child care providers indicated that current insurers may not renew existing homeowner policies if child care is being provided on the premises. Child care providers also indicated that home-based child care providers were considering not being registered with DHS due to the new insurance requirement of Act 161, SLH 2017.

DHS expressed concern last session that one potential impact of requiring liability coverage would be a reduction of the number of child care providers willing to provide services, as previously maintaining liability coverage was not required. As of the end of December 2017, Hawaii has about 350 independent home-based child care providers which is a 12 percent decrease of the number of homes that were regulated at the end of December 2016.

Information obtained from other states that require liability insurance coverage indicates that most states only require providers to produce evidence of insurance, and minimum coverage amounts are not established within the child care regulatory requirements. Child care providers did raise privacy concerns as to the amount of information they are required to provide to parents as part of maintaining insurance coverage.

DHS supports the amendment to remove the requirement that DHS determine the amount of liability insurance coverage that shall be required for child care providers. DHS agrees that it is not the appropriate entity to determine the amount of coverage to be maintained by independent small businesses, as DHS does not have expertise in the field of establishing liability insurance coverage.

The issue to balance child safety, which is not necessarily addressed by maintaining liability insurance coverage, and providing parents additional assurance or confidence that their child is in a high quality care, requires further study to determine the best way to provide access to affordable child care, access to affordable insurance coverage, and maintain safe child care throughout the state.

DHS supports the amendment that the effective date of Act 161 be extended to be effective and enforced July 1, 2019 or later.

Thank you for the opportunity to testify on this measure.