

STATE OF NORTH CAROLINA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER  
GOVERNOR

KODY H. KINSLEY  
SECRETARY

December 17, 2024

**SENT VIA ELECTRONIC MAIL**

The Honorable Carla Cunningham, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 403, Legislative Office Building  
Raleigh, NC 27603

The Honorable Donny Lambeth, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 303, Legislative Office Building  
Raleigh, NC 27603

The Honorable Larry Potts, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 307B1, Legislative Office Building  
Raleigh, NC 27603

Dear Chairmen:

Session Law 2022-74, Section 9C.3.(c) requires the Department of Health and Human Services to report to the Joint Legislative Oversight Committee on Health and Human Services on the number of prospective child care providers employed provisionally, the number of provisional child care providers who qualified to provide child care because that provider was no longer subject to provisional status and any issues or concerns that arise as a result of implementation. Pursuant to the provisions of law, the Department is pleased to submit the attached report.

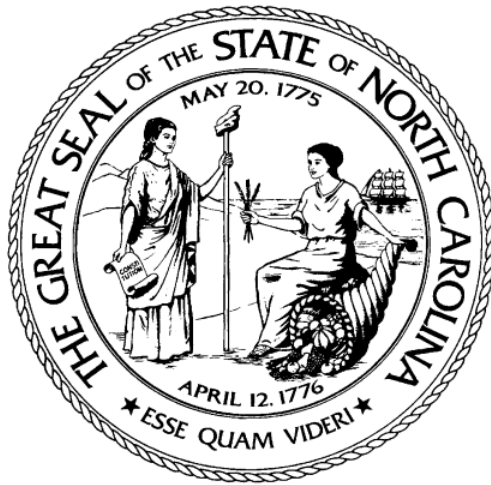
Should you have any questions regarding this report, please contact Karen Wade, Director of Policy, at [Karen.Wade@dhhs.nc.gov](mailto:Karen.Wade@dhhs.nc.gov).

Sincerely,

DocuSigned by:  
A handwritten signature in cursive script that reads "Susan Osborne for Kody H. Kinsley".  
45A8654FA28C41F...  
Kody H. Kinsley  
Secretary

**Criminal Background Check  
Prospective Child Care Providers Report**

**Session Law 2022-74, Section 9C.3.(c)**



**Report to**

**Joint Legislative Oversight Committee on  
Health and Human Services**

**By**

**North Carolina Department of  
Health and Human Services**

**December 17, 2024**

## **Background and Reporting Requirements**

SECTION 9C.3.(b) of Session Law 2022-74 amended G.S. 110-90.2 to allow provisional employment of prospective child care providers awaiting completed criminal background check determinations as required in G.S. 110-90.2 under specific circumstances, adding the following new subsection:

“(d1) The Department may allow a prospective child care provider to begin employment on a provisional basis when the Department has not yet received satisfactory results from the county, State, and federal criminal history checks but receives satisfactory results from either the federal or State criminal history check for the prospective child care provider. However, until the Department makes its determination regarding checks from the county, State, and federal criminal histories, a prospective child care provider employed provisionally pursuant to this subsection shall be supervised at all times by a child care provider who has received qualifying results on the child care provider's criminal history checks within the last five years. If the county, State, and federal criminal history checks are not completed within 45 days from the date the checks were requested and there are no disqualifying results on any of the completed components of the criminal history checks, the Department shall provide written notification to the provisional child care provider that the child care provider is qualified to provide child care and is no longer subject to provisional status.”

Session Law 2022-74, Section 9C.3.(c) requires the Division of Child Development and Early Education to submit an annual report by December 1, 2022, and subsequently each year for five years thereafter, to the Joint Legislative Oversight Committee on Health and Human Services on the following: (1) The number of prospective child care providers employed provisionally pursuant to this section. (2) The number of provisional child care providers who qualified to provide child care because that provider was no longer subject to provisional status. (3) Any concerns or issues that arise as a result of implementing this section. (4) Any other information the Department deems relevant.

### **(1) The number of prospective child care providers employed provisionally pursuant to this section:**

For November 1, 2023 to October 31, 2024, a total of 2,971 prospective child care providers were employed provisionally pursuant to this section.

### **(2) The number of provisional child care providers who qualified to provide child care because that provider was no longer subject to provisional status:**

For November 1, 2023 to October 31, 2024, a total of 2,695 provisional child care providers qualified to provide child care because that provider was no longer subject to provisional status.

### **(3) Concerns or issues that arise as a result of implementing this section:**

The Department continues to have concerns about the number of applicants that received a “Qualified—HB103 Qualified” status during this period. Pursuant to this section, 1,329

providers were able to qualify without supplying all background checks required of 42 U.S. Code 9858-Criminal Background Checks. This means that these applicants were not required to have a complete out-of-state registry check, including criminal history and/or child abuse and neglect registry check to become qualified. The total number of provisional child care providers qualified to provide child care because they were no longer subject to provisional status also increased significantly—from 1,153 to 2,695—during this reporting period. Since, as the federal Administration for Children and Families’ Office of Child Care (<https://childcare.gov/consumer-education/staff-background-checks>) indicates, “background checks play an essential role in ensuring your child is safe in a child care program”, the Department is concerned about these increasing numbers resulting from implementation of this section.