

# State Presentations

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Establishing Standards and Monitoring Processes to  
Ensure Health and Safety

Cross Regional Meeting  
Regions V-VIII  
Dallas, Texas  
April 8 - 10, 2015

# State Presenters

Melanie Brizzi, Director

Office of Early Childhood and Out of School Learning  
**Indiana**

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**New Mexico**

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Department of Human Services  
**North Dakota**

# Format

Each State will present on their system for oversight of exempt care

Q&A after each State presentation

Further discussion on oversight of licensed and license-exempt care



# **Indiana Office of Early Childhood and Out-of-School Learning**

**Melanie Brizzi**

Director

# Indiana's Exemptions to Licensure



- ★ Home providers caring for 5 or fewer unrelated children
- ★ Programs operating less than 4 hours a day
- ★ Programs operating 90 days or less per year
- ★ Faith based registered ministries

Registered Ministries are registered with OECOSL and must meet basic sanitation and fire safety standards.

Other exempt programs are only monitored if they want to accept CCDF subsidy payments.

# Standards for Unlicensed Providers taking CCDF



- ★ IC12-17.2-3.5 called Provider Eligibility Standards (PES) was first created after reports of providers receiving CCDF funds and caring for children in unsafe environments without running water or working telephone, rodent/insect infestation
- ★ Very basic standards were added as accountability for the public funding- included first aid and CPR training
- ★ This legislation established annual inspections for any provider wanting to accept CCDF vouchers
- ★ These new requirements did result in a decrease in the number of providers accepting vouchers- responded by using CCR&R to build local capacity through “Outreach Specialists”

# Monitoring for Compliance



- ★ Annual inspections conducted by contracted inspectors with State oversight
- ★ Citations for non-compliances are issued using a Notice of Order (NOO) process
- ★ Providers have 18 days to correct any non-compliances under the NOO- failure to do so results in decertification as a CCDF provider
- ★ If decertified provider can reapply- but can recently law was changed to allow a two year revocation for certain conditions, including multiple NOOs even if the issues were corrected
- ★ Decertification and revocation are appealable actions with administrative hearings

# Adding additional standards



- ★ Over the years, additional standards for unlicensed providers taking CCDF have slowly been added within Indiana Code, most often in response to complaints, injuries or deaths
- ★ 2009- Supervision requirements, safe sleep training added
- ★ 2013 legislature passed the most comprehensive standards for all unlicensed providers taking CCDF- standards phased in over two years

# New Standards Effective July 2014



- ★ Comprehensive Criminal History Checks- added to all provider types
- ★ For unlicensed CCDF providers added:
  - discipline policy
  - transportation standards
  - orientation for new staff
  - minimum age of caregivers
  - required training on Child Abuse and Neglect prevention and detection
  - hand washing and diapering standards
  - authority for State to issue emergency decertification

# New Standards Effective July 2015



- ★ Staff to child ratios
- ★ Group sizes
- ★ Nutrition
- ★ Daily activities
- ★ 12 clocks hours of training annually related to the age of children that individual is caring for
- ★ Safe environment

# Implementing the new standards

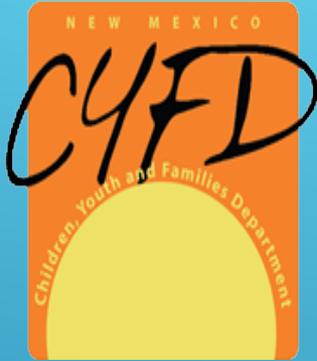


- ★ Communicate early and often
- ★ Series of mailings, emails, webinars explaining the new standards
- ★ Reviewing availability of clock hour training to meet the new standards- adding new trainings as needed, partnerships with others- for example the Indiana Afterschool Network



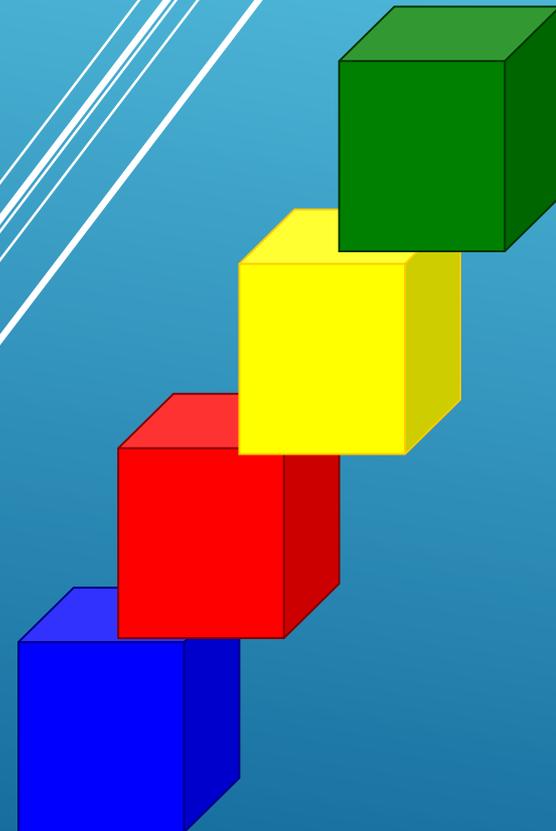
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# NEW MEXICO, CHILDREN, YOUTH AND FAMILIES DEPARTMENT – EARLY CHILDHOOD SERVICES

## Non-Licensed Child Care



# Non-Licensed Child Care Objective

- Home caregivers who are not required to be licensed as a family child care home
  - For these providers to participate in the federal child and adult care food program (CACFP) and the child care assistance program they must comply regulatory requirements



# Non-Licensed Standards

- Non-Licensed Child Care (Registered Providers) – provides care for no more than four (4) non-resident children at any one time
- Requirements -
  - Comprehensive background check on provider
    - FBI fingerprint supported checks
    - Abuse and neglect screens
    - Sex offender/NM Courts criminal records screenings
  - Household members over the age of 18
    - Abuse and neglect screens
    - Sex offender/NM Courts criminal records screenings
  - Health and safety requirements
  - Training
  - Mandatory participation with CACFP
  - Payment rates for Non-Licensed providers are listed in our Child Care Assistance regulations (subsidy)

## Licensing requirements for home-based child care

- Licensed Family and Group Child Care
    - Family Child Care - provides care to at least five but no more than six children
    - Group Home Child Care - provides care for at least seven but not more than 12 children and must have a secondary caregiver
  - Requirements
    - Comprehensive background check on provider and household members over the age of 18
      - FBI fingerprint supported checks
      - Abuse and neglect screens
      - Sex offender/NM Courts criminal records screenings
    - Zoning and other approvals
      - Local zoning
      - Fire Marshal
      - NM Environments Department
    - Extensive health and safety requirements
    - Training requirements
    - Services of care for children to include:
      - Physical environment
      - Social emotional responsive environment
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# Non-Licensed Oversight

- October 2013, NM CYFD created 13 new positions in Child Care to conduct the health and safety inspections on non-licensed homes
- Inspections are conducted annually, at minimum
- Inspections are to review health and safety compliance as well as other regulation requirements such as training
- Inspection findings are captured electronically at the time of inspection by using tablets and electronic monitoring software



# Non-Licensed Enforcement and Compliance

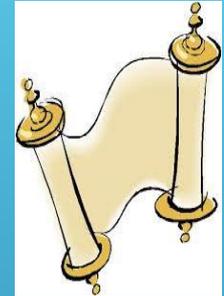
- Enforcement and compliance:
  - NM CYFD supports providers and provides them with necessary resources to promote success
  - Major violations to deny, revoke or suspend a registration are as follows:
    - Abuse and neglect referrals
    - Background check denials or suspensions
    - Failure to allow access in the home
    - Any health or safety concern that puts the children in eminent danger
      - A provider that receives notice that their registration is denied, revoked or suspended has a right to an administrative appeal

# Data Systems – EPICS

- Enterprise Provider Information and Constituent Services (EPICS)
  - Our current system is dated and NM CYFD is moving to replace the current system with EPICS
  - EPICS is a web-based data system developed by NM CYFD to align all programs
    - Phase I - Production October 2013
      - Child Care provider background check
      - CACFP to include sponsor roles
    - Phase II (RTTT) – Current development, implementation date is December 2016
      - Child Care Assistance
        - On-line application and voucher (provider agreement)
      - Child Care Licensing and Non-Licensed provider management
      - Pre-K
    - Phase III
      - Summer Food Service Program
      - Other NM CYFD programs



# History of Monitoring/Regulating Non-Licensed Providers



- 2000 – 2013 CACFP Food Sponsor Monitoring
  - CACFP – Self certification by the provider
  - Basic health and safety monitoring by CACFP
  - Provider training by NM CYFD and CACFP
  - Support from NM CYFD Background Check Unit
- October 2013 – NM CYFD monitoring
  - Comprehensive health and safety inspections
  - Provider support/training by NM CYFD & CACFP
  - Data systems support/monitoring by NM CYFD

# Implementation Challenges

- NM CYFD started the health and safety inspection in October 2013
  - Most homes needed support to become compliant
    - Provided technical assistance to come into compliance
- Hiring and training staff
  - Underestimated the amount of staff needed due to additional support and training of Non-Licensed providers
    - This included the travel time needed to reach providers
- Collaboration and alignment with multiple entities
  - CACFP (sponsors), Background Check Unit, Child Care Assistance, Food Program, Registered Home Unit and Data Unit
- Difficulty with providers being at home for visits
- Retention of providers



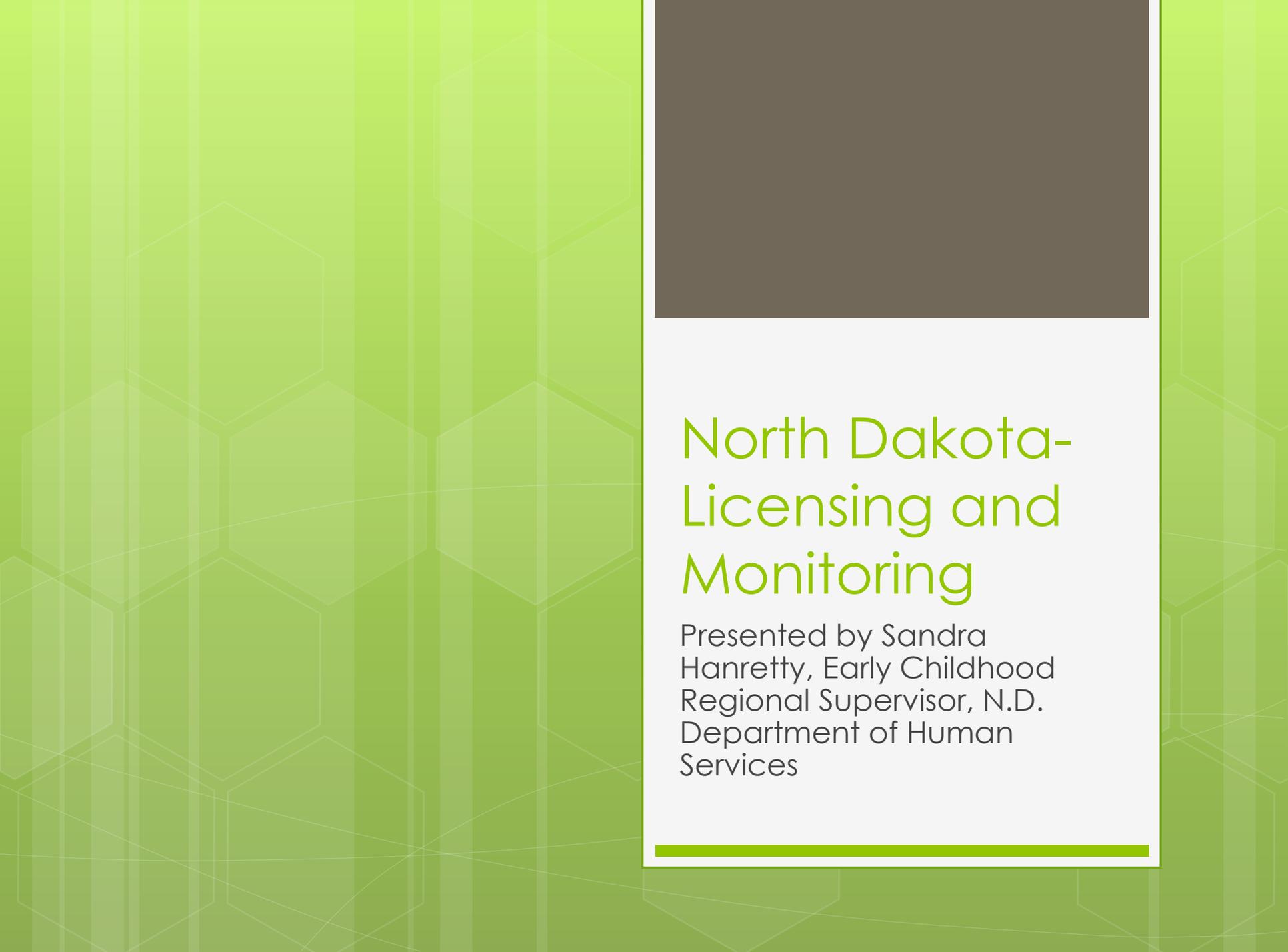
## Moving Forward

- Considering regulation amendments to include the following:
    - Allow unannounced visits by NM CYFD and sponsoring agencies
    - Require comprehensive background checks on household members over the age of eighteen
    - Update and strengthen language under caregiver's responsibility of incident reporting
    - Add a section on complaints to include priorities of severities and complaint guidelines
    - Include additional health and safety language
    - Include language to limit media viewing, nap and rest requirements and wading and swimming pools
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# Moving Forward

- CCDBG Reauthorization Implementation
  - Increase quality
  - Implement additional training requirements along with necessary support
  - Revise background checks to require checks every 5 years
  - Increase collaboration with providers and other partners
- NM Child Care Accountability Act
  - Increase child outcomes for providers receiving child care assistance funding
    - Increase data collection
    - Review rates to support additional requirement of the Act





# North Dakota- Licensing and Monitoring

Presented by Sandra  
Hanretty, Early Childhood  
Regional Supervisor, N.D.  
Department of Human  
Services

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# License Exempt Providers

- Providers caring for 5 or fewer children, with no more than 3 children under 24 months, are exempt from licensing.
- Unlicensed Providers may apply for a Child Care Self-Declaration, which will give them access to CCDF.
- Unlicensed providers only caring for relatives may apply for an approved relative status, which only requires a state background check.
- In-home providers are unlicensed, but must go through the self-declaration process in order to be eligible for CCDF.

# Approved Relatives

- ND only caring for relatives
- Only requirement is a state based background check.
- Lowest rate of payment.

# Child Care Self-Declaration

- CPR and First Aid Certification
- FBI fingerprint based background check prior to approval (CA/N registry, sex offender registry, state criminal check annually)
- 4.5 hour basic health and safety training prior to approval (will increase with reauthorization)
- Pre-approval inspection and annual unannounced inspections to verify compliance with minimum health and safety requirements, N.D. Admin Code 75-03-07.1.

# Enforcement and Compliance

- Correction orders
- Fiscal Sanctions
- Notice of Intent to Revoke
- Notice of Revocation
- Suspension
- Notice of Intent to Deny
- Notice of Denial

# Challenges

- North Dakota is facing a critical shortage of child care providers in all areas of the state. Increased standards, while generally supported, lead to fewer providers. Self-declaration numbers have decreased from 750 in 2009 to 220 today. It is challenging to increase the supply of childcare and the quality of childcare at the same time.

# Strengths

- We have a better understanding of the type of care that providers are being reimbursed for.
- Lower quality providers who refuse to meet standards have dropped off the subsidy system.
- The increase in standards for self-declaration has helped some people see the self-declaration as a stepping stone to licensing, and we have seen an increase in the number of licensed providers who have moved from self-declaration to licensing.

# Specific Questions

- What precipitated the new policy requiring visits for self-declared and in-home providers?
  - Federal and state recommendations, review of budget and work force to determine if policy change was possible mid-budget cycle.

# Specific Questions

- How does monitoring of in-home providers work? Is the child's home monitored?
  - In-home providers wishing to participate in subsidy must go through the self-declaration process. The child's home and the provider's qualifications are evaluated. The provider and the household members must receive the appropriate background checks.

# Specific Questions

- Pushback and support for the new policy?
  - Policy was generally supported; there was some concern by county social service employees regarding whether or not the additional monitoring work could be absorbed by current licensing staff.
  - Major challenge in monitoring comes with cultural differences.

# Training and Support

- Access to all approved training, including almost 200 hours of free online training available.
- Let's Explore-mini consultation program on a variety of topics, such as literacy, block play, and exploring nature. Offered through Child Care Aware-includes a resource packet valued at \$100
- Quarterly newsletter from DHS which includes information, resources, tips.
- Access to start-up grants (\$800-\$1200) if they wish to move toward licensing.