DEPARTMENT OF HUMAN SERVICES

# Enhancements to Licensing Information Lookup

Presentation for Family Child Care Providers

May 2018

# Agenda

- Welcome
- *Guidelines for the Posting of Child Care Licensing Information*
- Overview of changes to Licensing Information Lookup ("LIL")
  - Licensing actions (formerly known as "negative action orders")
  - Document drop offs
  - New feature that provides a summary of licensing reviews and investigations on the child care provider's profile page
    - New feature sometimes referred to as "posting of monitoring results"

# Welcome

The Licensing Division is committed to making the Licensing Information Lookup website understandable, easy to navigate, and accurate.

- We met with providers and stakeholders to discuss the current website and review other state websites, such as Wisconsin and Indiana
- Many of the changes are similar to how other states display child care licensing information
- These changes support our goal to post licensing information in plain language

Reggie Wagner,
Deputy Inspector General

# Announcements

- *Guidelines for the Posting of Child Care Licensing Information* available online
- Enhancements to LIL go into effect on May 11
  - For family child care providers, a new feature will provide a summary of licensing reviews and investigations on the provider's profile page
  - Other changes
- Further phases of enhancements scheduled for late 2018
  - For child care centers, a new feature will provide a summary of licensing reviews and investigations on the provider's profile page. Once this feature is added for child care centers, correction orders will no longer be posted to LIL

# Guidelines for the Posting of Child Care Licensing Information

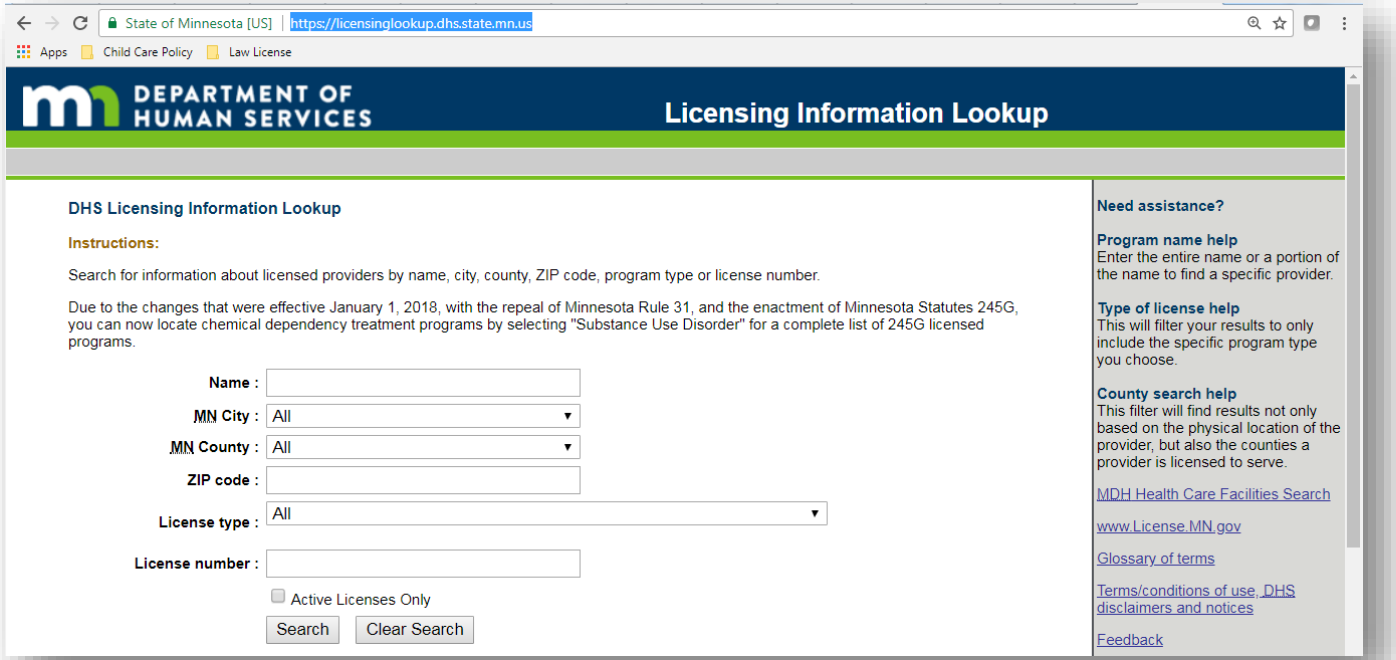
- DHS is required to develop and share guidelines for how we display public licensing information for child care providers
  - Describes stakeholder process and recommendations
  - Outlines changes that go into effect in 2018
- Guidelines available online:

https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7698-ENG

- Email blast to all signed up on the DHS listservs
- Mailing scheduled for family child care providers in May

# About Licensing Information Lookup

- DHS has posted licensing information on LIL since 2010
- Searchable by license holder, license type, license number, and location
- Providers program-specific information
- Document repository



# What has been historically posted?

- Program information
  - Name, address, license number
- Licensing documents
  - Correction orders (for directly licensed programs, such as child care centers)
  - Licensing actions (formerly known as “Negative Action Orders”)

# Why is DHS making changes?

- Federal compliance
- Guidelines required by 2017 MN legislature
- Increase transparency (for the public, providers, and us)
- Enhanced consistency across licensed programs
- Ensure information posted about licensed programs is clear, accessible, and accurate

# Federal Compliance

**CCDBG Final Rule: Sec. 98.33 (a)(4)**

The Lead Agency shall:

(a) Certify that it will collect and disseminate consumer education information… including: …

**Results of monitoring and inspection reports** for all eligible and licensed child care providers (other than an individual who is related to all children for who child care services are provided), including those required at Sec. 98.42 and those due to major substantiated complaints about failure to comply with provisions at 98.41 and Lead Agency child care policies. Lead Agencies shall **post in a timely manner** full monitoring and inspection reports, either in plain language or with a plain language summary, for parents and child care providers to understand, and shall establish a process for correcting inaccuracies in the reports. **Such results shall include …**

(i) Information on the date of such inspection;

(ii) Information on corrective action taken by the State and child care provider, where applicable;

(iii) Any health and safety violations, including any fatalities and serious injuries occurring at the provider, prominently displayed on the report or summary; and

(iv) A minimum of 3 years results where available.

# Plain Language

DHS must post full monitoring and inspection reports, either in plain-language or with a plain language summary. Results must include:

- Date of inspection
- Corrective action required
- Corrective action taken by the provider
- Any health and safety violations, including any fatalities and serious injuries, prominently displayed on the report or summary

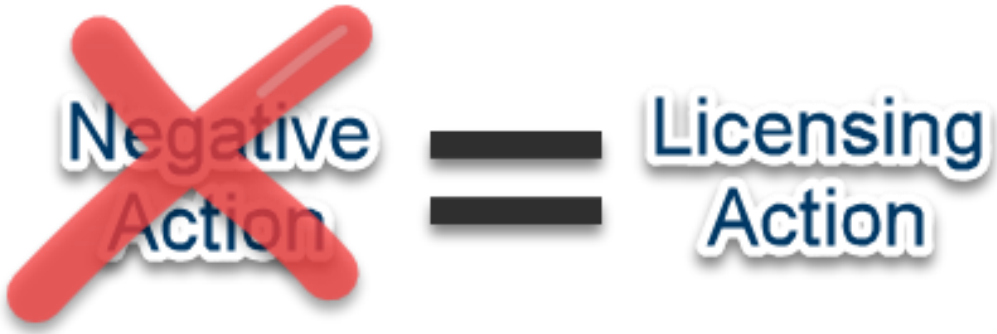
# What are the changes?

| | Change | Impact |
|---|---|---|
| Phase 1 | Monitoring results | Family child care programs |
| | New names for “negative action orders” | All DHS-licensed programs |
| | Document drop offs | All DHS-licensed programs |
| Phase 2 | Monitoring results* | Child care centers & certified license-exempt centers |

*No more “correction orders” for child care centers (once “monitoring results” are being posted)

# Change #1: New names for Licensing Actions

Beginning May 11, DHS will post “Licensing Actions” in plain language (instead of “Negative Action Orders”)



# Before & After

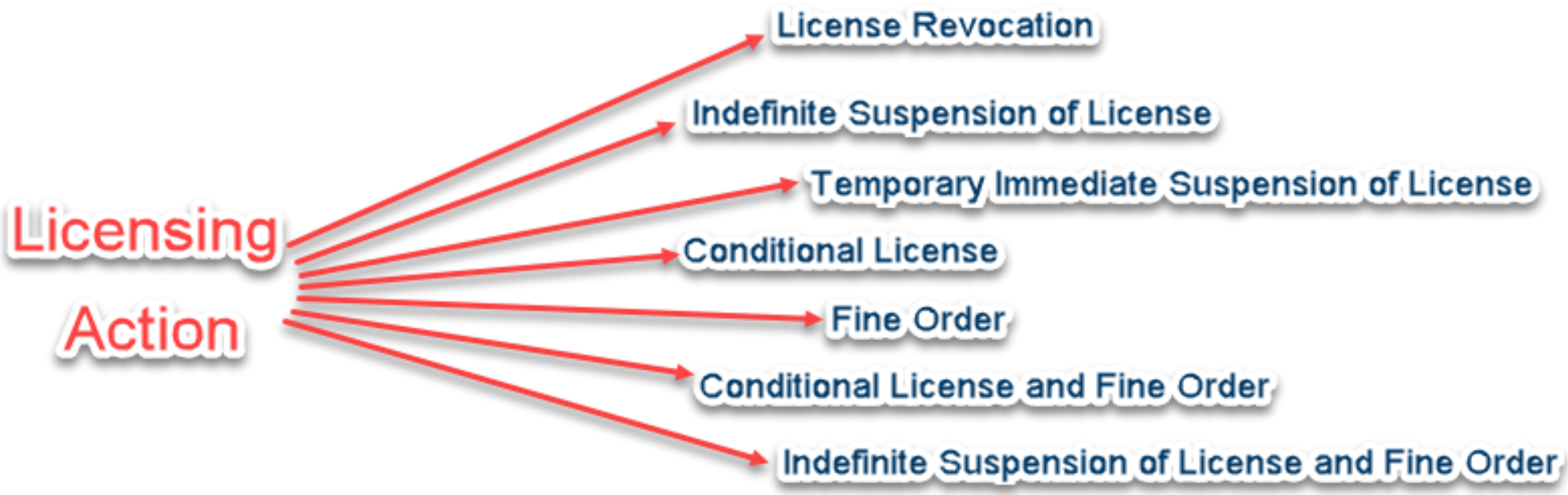
## Before:

| Licensing determinations issued by DHS on or after July 1, 2010: | | |
|---|---|---|
| **Document type** | **Date issued** | **Format** |
| Negative Action Order | 12/29/2017 | HTML |

## After:

| Licensing Actions and Maltreatment Investigative Memorandums | | |
|---|---|---|
| **Document type** | **Date issued** | **Format** |
| Fine Order | 1/1/2017 | HTML |
| Maltreatment Investigation Memoranum | 8/2/2018 | HTML |

# Terminology changes



# Q&A: Licensing Actions

**Q: Why are licensing actions posted on LIL?**

A: Licensing actions have historically been posted to LIL, and will continue to be posted to LIL, to promote transparency about program compliance. This, in turn, promotes child health, safety, and welfare.

# Q&A: Negative Action Orders

**Q: Will old "Negative Action Orders" be renamed using the new terminology?**

A: Yes. DHS is working with IT to have the old orders renamed using the new terminology (such as Fine Order or Conditional License).

# Change #2: Drop off timelines established

"Licensing documents" will only be posted for 4 years

This means that beginning May 11, documents posted to LIL that are older than 4 years old will be removed.*

*After 4 years, licensing documents will be available to the public upon request, so long as the information in the document remains "public" according to the DHS data governance laws and retention schedule.

# Appeals & Licensing Actions

**Q. If I appeal a licensing action and the action is overturned, what will be posted to LIL?**

A. Licensing actions that are completely overturned will be removed from Licensing Information Lookup.

# Change #3: Posting of monitoring results

DHS will post monitoring results for visits made to family child care programs after May 1

"Go live" date for posting is May 11

# Q&A: Correction orders

**Q: Will correction orders for family child care programs be posted to Licensing Information Lookup?**

A: No.

# Monitoring results

(1) Date of the visit

(2) Visit Type

(3) Visit Outcome

- See Violations
- In Compliance

# Preview

**Summary of Reviews and Investigations**

| 1 Date of Visit | 2 Visit Type | 3 Visit Outcome |
|---|---|---|
| 8/2/2018 | Licensing Investigation | + See Violation(s) |

| Category | Violation Description | How Corrected | Citation |
|---|---|---|---|
| Physical Environment | Outdoor play space was unsafe because it wasn't enclosed. | Under Appeal | 9502.0425, subpart 2 |

| | | |
|---|---|---|
| 3/31/2018 | Licensing Review | In Compliance |
| 1/1/2018 | Licensing Review | + See Violation(s) |

| Category | Violation Description | How Corrected | Citation |
|---|---|---|---|
| Admissions, Provider Records, Reporting | Provider did not have written policies available. | Correction Documentation Submitted and Approved | 9502.0405, subpart 3 |
| Caregiver Qualifications and Training | Caregivers did not complete 16 hours of training each year | Correction Documentation Submitted and Approved | 245A.50, subdivision 7 |
| Children's Records | Admission and arrangement form was not on file or was incomplete. | Correction Documentation Submitted and Approved | 9502.0405, subpart 4.A |
| Sanitation and Health | First aid kit was missing items. | Corrected during on-site visit | 9502.0435, subpart 7 |

| | | |
|---|---|---|
| 3/5/2017 | Licensing Investigation | + See Violation(s) |

# Q&A: Visit Types

**Q: What visit types will be displayed for family child care?**

A: The following visit types will be displayed for family child care:

- Licensing Review
  - Licensing/relicensing
  - Off-year
- Licensing Investigation*
- Pre-Licensure Review
- Follow-up Review
- Conditional License Review
- Change of License Review

*More information to come

# Q&A: Visit Outcome

## Q: What will post to LIL if a monitoring visit results in no violations?

A:

Summary of Reviews and Investigations

| Date of Visit | Visit Type | Visit Outcome |
|---|---|---|
| 3/31/2018 | Licensing Review | In Compliance |

## Q: What will post to LIL if a monitoring visit results in violations?

A:

Summary of Reviews and Investigations

| Date of Visit | Visit Type | Visit Outcome |
|---|---|---|
| 1/1/2018 | Licensing Review | + See Violation(s) |

# Q&A: Pre-Licensing Visit

**Q: What will information will be displayed related to the pre-licensing review?**

A: The “visit outcome” for all pre-licensing reviews will state: “Prior to receiving a license to operate, one or more visits were made to this program. Please see the “initial effective date” for the date that the license was issued.

**Summary of Reviews and Investigations**

| Date of Visit | Visit Type | Visit Outcome |
|---|---|---|
| 8/2/2018 | Licensing Investigation | + See Violation(s) |
| | Pre-Licensing Visit | Prior to receiving a license to operate, one or more visits were made to this program. Please see the "initial effective date" for the date that the license was issued. |

# Q&A: Unsubstantiated complaints

**Q: Will information about unsubstantiated licensing complaints be posted to LIL?**

A: No. If a licensor receives a licensing complaint, conducts a licensing investigation, and determines there were no violations, no information about that particular investigation or complaint will be posted to LIL.

# Additional features

(1) Plain language summary of violations

(2) Category of violation

- Physical Environment
- Children's Records

(3) How corrected

- Corrected on-site
- Under appeal
- Correction Documentation Submitted and Approved
- Correction Documentation Submitted and Pending Approval
- In Compliance at Follow-Up Review

(4) Citation of requirement in violation

# Preview of additional features

**Summary of Reviews and Investigations**

| Date of Visit | Visit Type | Visit Outcome |
|---|---|---|
| 8/2/2018 | Licensing Investigation | + See Violation(s) |

| 1 Category | 2 Violation Description | 3 How Corrected | 4 Citation |
|---|---|---|---|
| Physical Environment | Outdoor play space was unsafe because it wasn't enclosed. | Under Appeal | 9502.0425, subpart 2 |

| | | |
|---|---|---|
| 3/31/2018 | Licensing Review | In Compliance |
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| Sanitation and Health | First aid kit was missing items. | Corrected during on-site visit | 9502.0435, subpart 7 |

| | | |
|---|---|---|
| 3/5/2017 | Licensing Investigation | + See Violation(s) |

# Q&A: Delayed posting

**Q: I've just received a licensing review. When will the results be posted to Licensing Information Lookup?**

A. At the conclusion of each annual licensing review, you will receive either a "no violations letter" or a fix-it ticket and/or correction order. You should expect to find the results of the licensing review posted to LIL around the same time that you receive that notice from your licensor.

# Q&A: Corrected on-site

## Q: Will LIL show if I have corrected a violation on-site?

A: Yes. If you corrected a violation on-site, LIL will indicate this as soon as the results for the particular visit are posted.

**Summary of Reviews and Investigations**

| Date of Visit | Visit Type | Visit Outcome |
|---|---|---|
| 1/1/2018 | Licensing Review | + See Violation(s) |

| Category | Violation Description | How Corrected | Citation |
|---|---|---|---|
| Admissions, Provider Records, Reporting | Provider did not have written policies available. | Correction Documentation Submitted and Approved | 9502.0405, subpart 3 |
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| Sanitation and Health | First aid kit was missing items. | Corrected during on-site visit | 9502.0435, subpart 7 |

# Q&A: Under Appeal

**Q: What information will be posted if I appeal a violation on a correction order (i.e., request for reconsideration)?**

A: Upon receiving a request for reconsideration from a provider, DHS will update the visit information to indicate that a particular violation has been appealed. If a violation is overturned, it will be removed entirely from LIL.

**Summary of Reviews and Investigations**

| Date of Visit | Visit Type | Visit Outcome |
|---|---|---|
| 8/2/2018 | Licensing Investigation | + See Violation(s) |

| Category | Violation Description | How Corrected | Citation |
|---|---|---|---|
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# Q&A: How Corrected

**Q: What are the options under "how corrected?"**

A: As of Phase 1, there are several options to indicate how the provider corrected a violation, including:

- Corrected on-site
- Documentation submitted/approved
- Documentation submitted/pending approval
- Not corrected
- Correction verified during follow-up visit
- Under appeal

# Preview: How Corrected

**Summary of Reviews and Investigations**

| Date of Visit | Visit Type | Visit Outcome |
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| | | |
|---|---|---|
| 3/5/2017 | Licensing Investigation | + See Violation(s) |

# Q&A: Fix-It Tickets

**Q: Will Fix-It Ticket violations be published to LIL if they are corrected?**

A: No. Fix-It Ticket violations that are corrected will not be published on Licensing Information Lookup.

# Q&A: Physical posting requirements

**Q: Will licensed providers still be required to physically post correction orders in their programs?**

A: Yes. At this time, state law still requires providers to post correction orders in their programs for two years. See Minn. Stat. 245A.06, subd. 8.

(Please note, there are bills under consideration by the 2018 Legislature that would eliminate the requirement to post correction orders on site. DHS will notify providers if the Legislature removes this onsite posting requirement.)

# Questions or comments?

- If you have concerns about any of the licensing information listed on Licensing Information Lookup about your program, please contact your licensor immediately.
- If you have questions about the changes to LIL, please consult the *Guidelines for the Posting of Child Care Licensing Information*
- If you have feedback about the changes to LIL, please contact dhs.fccproviderquestions@state.mn.us.