

## Summary of Recommendations from the 2016 Legislative Task Force on Access to Affordable Child Care - Results on Implementing Licensing-related Recommendations

**Recommendation:** *Develop consistency and uniformity in regulatory enforcement; improve relationships and communication between DHS, county licensors, and child care providers; and improve fairness in compliance measures*

Steps the legislature and/or DHS and counties may take to implement the recommendation include:

	<b>Implemented and/or Ongoing?</b>	<b>Summary of Actions Taken by DHS and/or Legislature and others:</b>
<ul style="list-style-type: none"> <li>Develop and implement uniform training for county licensors, including rules, statutes, and providers' rights.</li> </ul>	✓	Increased frequency of training for new licensors; monthly calls with county licensors to review common issues and improve consistency; bi-monthly meetings with ad-hoc group of county licensors to improve consistency and communication
<ul style="list-style-type: none"> <li>Target changes in policy and procedures that help to create a healthy environment in which monitoring visits are supportive, not punitive, and used to target technical assistance and provide other supports in order to improve quality.</li> </ul>	✓	ELICI tool allows for common review of regulations and statutes during the visit; exit interviews required for annual visits
<ul style="list-style-type: none"> <li>Ensure the length of monitoring visits is reasonable.</li> </ul>	✓	Onsite observations of licensing visits show average of 90 minutes for a visit (compared with 3-6 hours for a center)
<ul style="list-style-type: none"> <li>Establish a safe communication process for providers to ask questions without fear of immediate negative actions.</li> </ul>	✓	Provider email page and triage line for responses

<ul style="list-style-type: none"> <li>• Initiate regular, uniform communications from DHS or licensing staff to providers to address frequent questions in the field, any new interpretations providers should be aware of to be in compliance, and include a feedback loop for providers to send in a question for clarification without fear of future correction order based on the question.</li> </ul>	<p style="text-align: center;">✓</p>	<p>Changes in statutes to require updates to providers; Developed listserv to enable email communications directly from DHS; written implementation plan to explain legislative changes, mailed/emailed to providers by DHS/counties/provider groups; outreach meetings and presentations by DHS across the state; webinars for review and input on proposed changes</p>
<ul style="list-style-type: none"> <li>• Ensure ample notice time to providers about statutory or rules changes before violations are issued on those changes.</li> </ul>	<p style="text-align: center;">✓</p>	<p>After implantation plan is issued, instituted policy of 1-year technical assistance for new legislative changes</p>
<ul style="list-style-type: none"> <li>• Consider developing tiered, consistent discipline levels that reflect the severity of an issue. For example, issue a “fix ticket” instead of a correction order to provide guidance on minor issues that require the provider to document a fix in a short window of time.</li> </ul>	<p style="text-align: center;">➤</p>	<p>Legislature passed “fix-it ticket” option in 2017 and is operational.</p> <p>DHS and Legislature have explored some variations of tiered licensing and is one of the duties assigned to this 2019-2020 Task Force.</p>
<ul style="list-style-type: none"> <li>• Implement an immediate feedback system of potential compliance order before the licensors leave the home or facility, and allow providers the opportunity to fix issues on the spot.</li> </ul>	<p style="text-align: center;">✓</p>	<p>Legislature passed “exit-interview” requirement in 2017 and is operational.</p>
<ul style="list-style-type: none"> <li>• Consider making it a requirement for licensor to seek clarification from DHS when there is a dispute, before issuing an order.</li> </ul>	<p style="text-align: center;">✓</p>	<p>Legislature passed this new change in 2019 and is being implemented.</p>
<ul style="list-style-type: none"> <li>• Communicate a clear appeals process to providers.</li> </ul>	<p style="text-align: center;">✓</p>	<p>Email to providers in 2018; information on website and in presentations to providers and State of Child Care reports; correction orders, including appeal rights, written in plain language</p>
<ul style="list-style-type: none"> <li>• Consider changing statute language to allow removal of the public posting of correction orders that have been overturned.</li> </ul>	<p style="text-align: center;">✓</p>	<p>DHS built this functionality into ELICI and information about violations is updated if appeal is resolved in Provider’s favor.</p>
<ul style="list-style-type: none"> <li>• Put in place protections for providers from false accusations that can damage or close their business.</li> </ul>		<p>Impacts statutes other than Chapter 245A Licensing Act.</p>

## Steps taken to address this recommendation:

### Consistency in regulatory enforcement:

- DHS developed electronic monitoring tool (ELICI) to enhance consistency among licensors, and gives DHS data for the first time on correction orders being issued by counties
- DHS is using this data to identify inconsistencies and provide training and additional technical assistance to counties
- DHS provides training and technical assistance to county licensors regarding the interpretation of licensing requirements set forth by state law, and added a second training for licensors in 2017 (all licensors participate in DHS' training within their first 90 days of employment)
- DHS visits county offices and accompanies licensors on site visits

### Communications:

- In the wake of new legislation each year since 2017, DHS developed, emailed, and posted implementation plans to provide instructions for county licensors and inform providers about what they need to do to comply with new requirements
- DHS hosts, presents at, and/or attends stakeholder meetings across the state
- DHS created an email listserv in 2017 to allow family child care stakeholders to receive timely, electronic information from DHS
- In 2018, law changed to require that correction orders and licensing actions be written in plain language, which includes plain language explanations of how to file for a reconsideration or appeal of a citation.
- DHS distributes newsletters to licensors and supervisors each month
- DHS established an online form in 2017 through which providers can ask questions about licensing requirements and DHS will respond to them and their licensor. The form requires the license number or name, because DHS needs to reach out to the licensor to understand the full picture and because answers are nearly always depend upon the specific facts of the situation. It also allows DHS to provide guidance to counties in cases in which they have a different interpretation of the requirement than DHS.

### Fairness in compliance measures:

- Since 2017, DHS instructed licensors to provide technical assistance, instead of issuing correction orders, for first year of new heightened requirements to give providers additional time to comply
- In 2018, law changed to require licensors to offer an exit interview to providers at the conclusion of each annual licensing inspection to facilitate open communication and transparency about licensing requirements and to assist the provider with achieving ongoing compliance
- In 2018, law changed to require licensors to issue a fix-it ticket for certain violations identified by the commissioner that do not imminently endanger the health, safety, or rights of children. The fix-it ticket provides an opportunity for the provider to correct eligible violations and avoid receiving a correction order for these violations if they are corrected within the allotted timeframe.
- Law changed in 2018, so that providers are no longer required to post correction orders on site.

- DHS shortened the length of time that correction orders and licensing actions are posted on the state website and added information to indicate that corrections had been made.
- DHS redesigned the website, rearranging information to make it easier to navigate and find news and updates, statutes and rules, forms, legislative changes, training requirements, grants, scholarships, resources, and contact information.
- In 2019, law was changed to provide a process for providers to dispute a licensor's interpretation of a licensing standard during an exit interview which requires DHS to provide direction to the licensor before a correction order can be issued.
- In 2019, law was changed to prohibit licensors from issuing citations for violations or potential violations they did not discuss with the provider during the exit interview.

**Recommendation:** *Streamline and reduce redundancies in paperwork.*

Steps taken to address the recommendation:

- DHS updated and shortened several licensing forms
- DHS revised existing forms as fully accessible, fillable-PDFs, which are easier to use, and enable providers to email them to parents.
- In 2019, DHS is reviewing documentation requirements to identify ways to make them more streamlined as well as ways to allow for electronic submission of information to DHS.

**Recommendation:** *Coordinate nighttime and statewide meetings with providers, not just day-time metro meetings, before initiating any changes.*

Steps taken to address the recommendation:

- DHS traveled across the state over 35 meetings with family child care providers in the last two years
- DHS holds meetings in the evening (6 p.m. or later)
- DHS hosts meetings with WebEx and remote call-in options to give providers from all over the state the opportunity to participate without having to travel

**Recommendation:** *Communicate to the state and providers about potential burdens for each proposed regulatory change.*

Steps taken to address the recommendation:

- DHS held evening meetings with providers before and during the legislative session to receive feedback on bill language

**Recommendation:** *Review applicability to determine whether Rule 2 and Rule 3 child care programs should be exempt from the Positive Supports Rule.*

Steps taken to address the recommendation:

- In 2018, law was changed to exempt licensed child care providers from many aspects of the Positive Supports Rule, including training requirements

NOTE: The Task Force also made additional recommendations related to training that will be addressed when the Task Force looks at this topic.