

Licensing Enforcement & Compliance: An Integrated Approach

Overview of DECAL's Revised System

Why develop a new system?

In 2014 DECAL determined that a more standardized method was needed to assist with our enforcement practices, which included embedding compliance within the new system.

A task force was established that included providers, stakeholders, advocates, DECAL staff and other state agencies. The group studied current policies and made recommendations to enhance the enforcement system.

Key Principles of new system

- Enforcement Actions should be imposed when providers:
 - Continue to violate the same rules
 - Violate rules which lead to a serious incident or injury
 - Fail to sustain correction over time
- Enforcement actions should be appropriate and progressive:
 - Apply least serious or restrictive action appropriate for each situation
 - Move from least serious or restrictive to most serious or restrictive if violation(s) continue to exist or corrections are not sustained

Goals of New Enforcement Policies

DECAL is dedicated to ensuring that the policies are:

- **Clear**- To help providers understand what will happen when they violate rules
- **Predictable**- So providers will know what to expect
- **Fair**- In order to ensure that actions are reasonable and just
- **Consistent**- To make sure that providers are treated the same when they violate rules

Definition of Compliance (DECAL):

Compliance is the empirical designation that measures the ability of a program to meet basic health and safety rules. While licensing rules were created and are monitored to reduce risk to children and ensure that children are in healthy and safe environments, a designation does not mean that children are more likely to be injured nor does a designation mean that children will never be injured, it simply provides a retrospective measure of whether a program has sufficiently met the state's licensing rules.

Definition of Compliance Zone Designation (DECAL):

The compliance zone designation is a summary measure of a program's twelve month monitoring performance history, as it pertains to child care health and safety rules.

Key Points of Revised Compliance System

Rolling designation to ensure fairness to providers:

- A program's compliance designation will be based on any licensing visit conducted over the last 12 months.
- The compliance assessment period will be over a fluid, rolling 12-months; not a calendar based designation as it is now.

System was simplified to integrate with revised Enforcement efforts:

- The new enforcement chart will be the basis to determine compliance, rather than having a stand-alone chart, methodology, or separate system
- Where a program’s performance falls on the chart from visit to visit will dictate the program’s “compliance zone”
- Three compliance zones identified vs. current system with two levels, “compliant” or “non-compliant”:
 - Good Standing
 - Support
 - Deficient

Integrated Compliance and Enforcement Chart:

V I O L A T I O N C L A S S	Incident results in or could result in:	VIOLATION HISTORY LEVEL			
		I 0 Points	II 1-3 Points	III 4-9 Points	IV 10 + Points
	D • Extreme Harm • Imminent Danger	Deficient			
	C • High Harm				
	B • Medium Harm	Good Standing	Support		
	A • Low Harm		Support		

Implementation date for new integrated system: July 1, 2016

- NOTE: Based on licensing history beginning on July 1, 2015

NOTES: