

# Licensing Enforcement & Compliance: An Integrated Approach

## Provider Webinar

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# Presenters

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# Enforcement & Compliance System

## Key Points

- Strengthens our current system for compliance by “integrating” these two licensing functions in one system
- Embeds Georgia Code and National Best Practices for human care regulation/licensing (NARA)
- Field tested enormous amount of data and looked at anomalies-almost 8,000 visits
- Incorporates previous DECAL research studies
  - Fiene study on licensing compliance and Emory study on injury in child care programs
- Uses enforcement strategies on a progressive continuum based on a program’s performance

# Looking Ahead

- Target implementation date- **July 1, 2016**
- Starting July 1, 2016 forward, DECAL will look back for 12 months to determine potential enforcement actions & compliance zone level
- Important to communicate now -any rule violations on/after July 1, 2015 will count towards the Violation History Level as of July 1, 2016

# Development of New Enforcement Policy

- In 2014 DECAL determined that a structured decision making system was needed for enforcement practice; became apparent that compliance should also be embedded in this new system
- Task force was formed to study the current policies and make recommendations for strengthening system
  - Child Care Providers
  - Stakeholder and Industry advocates
  - DECAL staff
  - Partner State agencies

# Key Philosophies & Guiding Principles

- Child care providers in Georgia want to:
  - Protect the health & safety of children
  - Meet all of the state rules
  - Correct rule violations as soon as possible
  - Exceed the minimum standards
- 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 circumstances
  - Move from least serious or restrictive to most serious or restrictive if violation(s) continue to exist or corrections are not sustained

# Licensing and Rule Enforcement

- A license from DECAL is an agreement or contract, between the provider & the department, to provide care that meets basic health and safety standards
- When violations occur the agreement is out of balance
- Enforcement actions are issued to restore balance to the agreement
  - Prevent/correct rule violations
  - End the agreement if it can't be kept

# What is Enforcement?

# 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

# Enforcement Policy: New & Old

## What Will Change?

- All types of rule violations will be treated the same
- A violation enforcement chart has been developed
- Rolling 12-month period
- Focus will be on:
  - repeat rule violations
  - violations which led to serious incident/injury
- Different outcomes may be possible from current practices

## What Will Stay the Same?

- Consultants will conduct visits and assess programs for any rule violations
- Core rules will still be rated either “low”, “medium”, “high”, or “extreme”
- Enforcement actions will be determined based on each provider’s compliance history and the individual circumstances of a situation

# How the New Enforcement Chart Works

- Consultant conducts visits and assesses compliance with rules
- New system looks at 12-month compliance history in relation to rules cited on current visit
- Focus will be on:
  - Rule violations that were associated with a serious incident/injury
  - Rules that were cited more than one time during the past year
- Chart will be followed to:
  - (1) Determine the Violation Class
  - (2) Decide the Violation History Level
  - (3) Select the appropriate Enforcement Action

# How the New Enforcement Chart Looks

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
	<b>D</b> <ul style="list-style-type: none"> <li>• Extreme Harm</li> <li>• Imminent Danger</li> </ul>	<b>I3-C</b>			
	<b>C</b> <ul style="list-style-type: none"> <li>• High Harm</li> </ul>	C1 <b>I1-I2</b>	C2 <b>I1-I3</b>	C3 <b>I2-C</b>	C4 <b>I3-C</b>
	<b>B</b> <ul style="list-style-type: none"> <li>• Medium Harm</li> </ul>	B1 <b>N/A**</b>	B2 <b>P2-P3</b>	B3 <b>I1-I2</b>	B4 <b>I2-C</b>
	<b>A</b> <ul style="list-style-type: none"> <li>• Low Harm</li> </ul>	A1 <b>P1-P2</b>	A2 <b>P1-P3</b>	A3 <b>P2-P3</b>	A4 <b>I1-I2</b>

# Rule Violation Class

● Four (4) classes of rule violations have been identified:

- Class A- Low Harm
- Class B- Medium Harm
- Class C- High Harm
- Class D- Extreme Harm

V I O L A T I O N  C L A S S	<b>Incident results in or could result in:</b>
	<b>D</b> <ul style="list-style-type: none"><li>● Extreme Harm</li><li>● Imminent Danger</li></ul>
	<b>C</b> <ul style="list-style-type: none"><li>● High Harm</li></ul>
	<b>B</b> <ul style="list-style-type: none"><li>● Medium Harm</li></ul>
	<b>A</b> <ul style="list-style-type: none"><li>● Low Harm</li></ul>

# Violation History Level

- Four (4) violation history levels have been defined

VIOLATION HISTORY LEVEL			
I 0 Points	II 1-3 Points	III 4-9 Points	IV 10 + Points

- Points are added together for:
  - 1) The number of times the same rule(s) was cited during past 12 months
  - 2) The severity of the repeated rule citations
  - 3) High or Extreme rule violations on current visit and a visit within past 12 months

# Determining Enforcement Actions

<b>ENFORCEMENT CATEGORIES, LEVELS, AND ACTIONS</b>		
<b>PREVENTION CATEGORY (P)</b>	<b>INTERMEDIATE CATEGORY (I) (Includes Prevention Actions)</b>	<b>CLOSURE CATEGORY (C) (Includes Prevention Actions)</b>
<b>Prevention Level 1 (P1)</b>	<b>Intermediate Level 1 (I1)</b>	Suspension of License (More than 1 week)
Technical Assistance	Fine	Revocation of License
<b>Prevention Level 2 (P2)</b>	<b>Intermediate Level 2 (I2)</b>	Emergency Closure (Imminent Harm)
Citation	Per Rule Fine	
<b>Prevention Level 3 (P3)</b>	Per Day Fine	
Formal Notice Letter	<b>Intermediate Level 3 (I3)</b>	
Office Conference	Fine and Restriction	
	Restricted License	
	Restricted License & Per Rule/Per Day Fine	
	Emergency Monitor & Per Rule/Per Day Fine	
	Short-term Suspension (Less than 1 week)	

# Determining Enforcement Actions

D							
I3-C							
C1	I1-I2	C2	I1-I3	C3	I2-C	C4	I3-C
B1	N/A**	B2	P2-P3	B3	I1-I2	B4	I2-C
A1	P1-P2	A2	P1-P3	A3	P2-P3	A4	I1-I2

- Enforcement chart will determine a range of enforcement actions based on where the violation class and history level overlap

# Supporting Data

- 7,980 visits conducted between July 1, 2013 and March 15, 2014 were analyzed
- Additional analyses are being conducted through three ongoing distinct field tests

# Supporting Data

**22% of visits = no citations**

V I O L A T I O N  C L A S S	Incident results in or could result in:	55% VIOLATION HISTORY LEVEL			
		I 0 Points	II 1-3 Points	III 4-9 Points	IV 10 + Points
D • Extreme Harm • Imminent Danger C • High Harm B • Medium Harm A • Low Harm	D	I3-C 2%			
	C	I1-I2 C1	I1-I3 C2	I2-C C3	I3-C C4
	B	N/A** B1	P2-P3 B2	I1-I2 B3	I2-C B4
	A	P1-P2 A1	P1-P3 A2	P2-P3 A3	I1-I2 A4

77% 86%

# What is Compliance?

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.

# DECAL Compliance Policy Changes

- A program's compliance designation/zone will be based on any licensing visit conducted during the last 12 months
- Programs will be assessed on a fluid, rolling 12-month period; not a calendar based annual designation as it is currently
- A program's "compliance" designation may change from visit to visit
- Three compliance zones defined:
  - Good Standing
  - Support
  - Deficient

# Compliance Overlay of 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			
V I O L A T I O N  C L A S S	<b>D</b> <ul style="list-style-type: none"> <li>• Extreme Harm</li> <li>• Imminent Danger</li> </ul>	<b>Deficient 2.6%</b>						
	<b>C</b> <ul style="list-style-type: none"> <li>• High Harm</li> </ul>					<b>Support</b>		
	<b>B</b> <ul style="list-style-type: none"> <li>• Medium Harm</li> </ul>					<b>Good Standing 92%</b>		<b>Support 5.4%</b>
	<b>A</b> <ul style="list-style-type: none"> <li>• Low Harm</li> </ul>							<b>Support</b>

# Final Thoughts

- DECAL programs will meet internally to determine policy changes to their areas (eligibility)
- Strengthens the current system by “marrying” compliance and enforcement
- Supports inter rater reliability by providing parameters for enforcement actions within defined ranges
- System consensus achieved between stakeholders, child care providers, CCS, legal and research
- Could be a national prototype for other states as they build ECE systems with a new national focus on health and safety standards as a foundation
  - Implementation begins on July 1, 2016
  - Rolling system – historical look versus predictor
  - Field tested
  - Builds on previous system

# QUESTIONS & ANSWERS



# To Contact Child Care Services

Bright from the Start  
Georgia Department of Early Care & Learning  
2 Martin Luther King Jr. Drive, SE  
East Tower, Suite 670  
Atlanta, Georgia 30334  
(404)657-5562  
[www.decal.ga.gov](http://www.decal.ga.gov)

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