



Upcoming Changes to the Enforcement Rules

PRESENTERS:

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Introduction



Compliance: Where we have been

- ❖ Developed to determine number of yearly visits
- ❖ Used various levels, numbers and colors
- ❖ First internal, later shared
- ❖ Determined each July 1st
- ❖ Remained in place for 1 year



Enforcement: Where we have been

- ❖ Appropriate action chosen based on varying policies
- ❖ Actions were not always consistent



Georgia Department of Early Care and Learning

Task Force

- ❖ Formed in February 2014
- ❖ Included providers, industry advocates, DECAL staff and partner state agencies
- ❖ Reviewed current enforcement practices
- ❖ Found that compliance and enforcement should be integrated



Overview

- ❖ New compliance zones: in good standing, in support and deficient
- ❖ Actions imposed when the same rules are violated or an injury or incident results from a rule violation
- ❖ License is a contract that must be restored when it is out of balance

Key Messages

- ❖ Implementation is July 1, 2016 using visit history effective July 1, 2015 (**effective July 1, 2016**)
- ❖ Compliance and enforcement look at a rolling 12 months of visit history (**rolling**)



Key Messages

- ❖ Compliance and enforcement are determined at each visit based on adherence with rules over the last 12 months and not a projection of future performance **(looks back instead of projecting ahead)**
- ❖ Standardized while taking into account individual circumstances **(systematic and fair)**

Key Messages

- ❖ It includes a progressive continuum of actions while applies the appropriate action(s) for the circumstances **(continuum)**
- ❖ Actions are imposed when the same rule(s) continue to be violated or any violation leads to a serious incident or injury **(performance driven)**

Key Messages

- ❖ It allows for an additional level of support to benefit programs who might have previously been designated as non-compliant (**additional levels**)



Compliance & 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	I3-C			
	C • High Harm	C1 I1-I2	C2 I1-I3	C3 I2-C	C4 I3-C
	B • Medium Harm	B1 N/A**	B2 P2-P3	B3 I1-I2	B4 I2-C
	A • Low Harm	A1 P1-P2	A2 P1-P3	A3 P2-P3	A4 I1-I2

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	Incident results in or could result in:
	D <ul style="list-style-type: none">• Extreme Harm• Imminent Danger
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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

Types of Enforcement Actions

ENFORCEMENT CATEGORIES, LEVELS, AND ACTIONS		
PREVENTION CATEGORY (P)	INTERMEDIATE CATEGORY (I) (Includes Prevention Actions)	CLOSURE CATEGORY (C) (Includes Prevention Actions)
Prevention Level 1 (P1)	Intermediate Level 1 (I1)	Suspension of License (More than 1 week)
Technical Assistance	Fine	Revocation of License
Prevention Level 2 (P2)	Intermediate Level 2 (I2)	Emergency Closure (Imminent Harm)
Citation	Per Rule Fine	
Prevention Level 3 (P3)	Per Day Fine	
Formal Notice Letter	Intermediate Level 3 (I3)	
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)	

New Enforcement Rules

- ❖ Reflect the new chart
- ❖ Address circumstances outside the chart
- ❖ Simplify current rules
- ❖ Maintain the same rights for providers

Highlights

- ❖ Consider the extent, gravity, severity, duration and reoccurrence of rule violations
- ❖ Issue denials, public reprimands, suspensions, revocations, fines, late fees, restrictions, injunctions, inspection warrants, and emergency orders

Actions Outside the Chart- Denials

- ❖ Applications of previously revoked licensees
- ❖ Flagrant operation of an unlicensed facility
- ❖ Failure to pay license fee
- ❖ Making false statements
- ❖ Refusal to provide information
- ❖ Refusal to allow access
- ❖ Intentional violation of criminal records checks rules

Actions Outside the Chart- Revocations

- ❖ A multi-year pattern of not correcting rule violations
- ❖ A non-correctable abuse or deficiency
- ❖ Failure to pay license fee in a timely manner
- ❖ Intentional violation of criminal records checks rules
- ❖ Failure to pay enforcement fine in a timely manner
- ❖ Failure to provide information
- ❖ Refusal to allow access

Actions Inside the Chart

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Actions Inside the Chart

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Notes about the Chart

- ❖ Additional information available on website and via e-mail
- ❖ Consideration of mitigating and aggravating factors

Licensee Rights and Responsibilities

- ❖ Right to appeal within 10 days
- ❖ Right to a hearing
- ❖ Right to disagree
- ❖ Enforcement fine payment due within 30 days

Take Aways

- ❖ Our new system will be predictable and consistent
- ❖ From testing, we have concluded that the new system will mirror the old
- ❖ You will receive continued support from consultants including teaching you about the chart
- ❖ This system was built to address your concerns about consistency and fairness



Q&A

