



OLAG Audit Recommendations Update

DIVISION OF FAMILY HEALTH AND PREPAREDNESS –
UTAH DEPARTMENT OF HEALTH

Child Care Licensing

- **Develop clear policies regarding use of sanctions to address patterns of noncompliance**
- **Clarify policies and procedures for the appeals process**
- ***Policies for sanctions and appeals available online***

The Department may also deny a license if a provider has been previously closed by CCL.

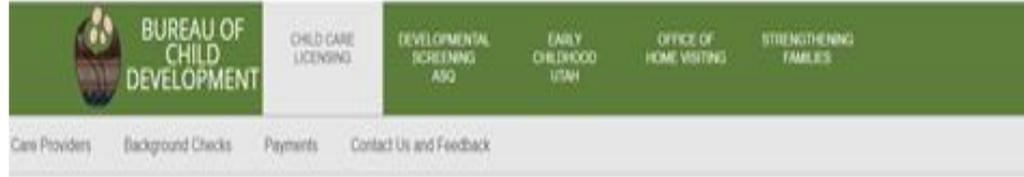
Appeals

Providers are encouraged to ask CCL for clarification about its processes and decisions. Having a clear understanding of CCL's actions will be most beneficial and can help the provider determine if an appeal is necessary.

Providers have 15 working days (this is currently 30 days in rule, but will soon be changed to 15 working days) to appeal any action taken by CCL. These 15 working days start counting when the provider receives the official inspection Statement of Findings.

To appeal, the provider must submit a written appeal request through childcarelicensing.utah.gov or the provider's Care About Childcare licensing portal. A copy of the Appeal Request Form can also be found at: <https://childcarelicensing.utah.gov/forms/AIVAppeal%20Form.pdf>

Appeals with CCL staff are considered informal appeals and the Department will not charge a fee. CCL will schedule a time to hear the provider's informal appeal. This appeal session may be conducted by phone, in person at a CCL office, or at the provider's facility. The location of the appeal session depends on the availability of all involved parties.



WELCOME TO THE UTAH CHILD CARE LICENSING PROGRAM!



- Vision:** Access to safe, healthy child care for Utah families.
Mission: To support working parents by protecting the health and safety of children in child care programs we oversee. This is accomplished by:
- Establishing and assessing health and safety standards.
 - Training and supporting providers in meeting the established standards.
 - Providing the public with accurate information about these child care programs.



LICENSING IS THE FOUNDATION FOR QUALITY!

WHAT'S NEW? ... AND MORE.

CHECK OUT OUR FACEBOOK PAGE. 

Child Care Licensing

- **Develop clear policies regarding use of sanctions to address patterns of noncompliance.**

Completed Tasks:

- 1) Increased Civil Money Penalty (CMP) amounts.**
 - **level 3 from \$50 to \$100**
 - **level 2 from \$75 to \$150**
 - **level 1 from \$100 to \$200**
- 2) Posted list of findings for which immediate CMP's will be issued.**
- 3. Any repeat violation in the past 36 months will be accounted for when determining CMP's.**
- 4. Available to the public through our website.**

Child Care Licensing

- Clarify policies and procedures for the appeals process

Completed Tasks:

- 1) Appeals shortened from 30 to 15 working days
- 2) Expedited process for statements of noncompliance:
 - a) Two(2) days for Licensors to enter statements of noncompliance,
 - b) Two(2) days for managers to approve,
 - c) Two(2) days to send to providers.
 - d) Shortened from 10 days to 6 working days.
- 3) Conduct follow-up inspections during the time finding is under appeal

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Child Care Licensing

- ***Policies for sanctions and appeals available online.***



→ <https://childcarelicensing.utah.gov/rules/Interpretation/Center/Center%202018%20Section%205%20-%20Rule%20Violations%20&%20Penalties.pdf>

→ <https://childcarelicensing.utah.gov/rules/Interpretation/Center/Center%202018%20Section%205%20-%20Rule%20Violations%20&%20Penalties.pdf>

→ <https://childcarelicensing.utah.gov/rules/Interpretation/Hourly/Hourly%202018%20Section%205%20-%20Rule%20Violations%20&%20Penalties.pdf>

Child Care Licensing - ONLINE

<https://childcarelicensing.utah.gov/Rules.html>

The screenshot shows the homepage of the Utah Child Care Licensing Program. At the top, there is a navigation bar with the Bureau of Child Development logo and several menu items: CHILD CARE LICENSING, DEVELOPMENTAL PROMOTION AND ADO, EARLY CHILDHOOD LICENSING, OFFICE OF HOME VISITING, and STEPPING STONE FAMILY SERVICES. Below the navigation bar, there are links for Care Providers, Background Checks, Payments, and Contact Us and Feedback. The main content area features a large heading: "WELCOME TO THE UTAH CHILD CARE LICENSING PROGRAM!". To the left of this heading is a photograph of children playing in a park. To the right is a text block containing the program's Vision and Mission, along with a list of accomplishments. Below this is a green banner with the text "LICENSING IS THE FOUNDATION FOR QUALITY". Further down, there is another green banner that says "WHAT'S NEW? ... AND MORE." followed by a link to the Facebook page. At the bottom, there are two small green boxes: one for "Fingerprint Processing Fee Change" and another for "Next Committee Meetings".

RULES, REQUIREMENTS, AND INTERPRETATION MANUALS

Centers	Hourly Centers
<ul style="list-style-type: none">• R381-100 Centers Rule• Interpretation Manual	<ul style="list-style-type: none">• R381-60 Hourly Centers Rule• Interpretation Manual
Out of School Time Programs	Licensed Family
<ul style="list-style-type: none">• R381-70 Out of School Time Programs Rule• The Interpretation Manual is being updated and will be available soon.	<ul style="list-style-type: none">• R430-90 Licensed Family Rule• Interpretation Manual
Residential Certificate	Exemptions
<ul style="list-style-type: none">• R430-50 Residential Certificate Rule• Interpretation Manual	<ul style="list-style-type: none">• R430-8 Exemptions Rule
DWS Family, Friend, and Neighbor (FFN) Approvals	License Exempt Facility or Program DWS Approvals
<ul style="list-style-type: none">• DWS FFN Approval Requirements• DWS FFN Approvals Interpretation Manual	<ul style="list-style-type: none">• License Exempt DWS Approval Requirements• License Exempt DWS Approvals Interpretation Manual
Utah Child Care Licensing Law (Statute)	

Baby Watch Early Intervention Program (BWEIP)

1. On-site monitoring
2. Clarify policies
3. Statute changes with background checks
4. Track and utilize data with service hours and service types
5. Improve Funding -
 - a. Medicaid payments
 - b. Private Insurance
 - c. Legislation for private insurance

Baby Watch Early Intervention Program (BWEIP)

1. On-site monitoring

Completed tasks:

- 1) **BWEIP hired Monitoring and Compliance Specialists.**
 - a) **Compliance and monitoring process:**
 - i) **Strengthen local capacity,**
 - ii) **Improve clarity regarding BWEIP expectations and requirements,**
 - iii) **Identify needs for training and TA,**
 - iv) **Promote consistency in program systems and service provision,**
 - v) **Ensure quality in the provision of services,**
 - vi) **Support the alignment of local program processes and procedures with department policy,**
 - vii) **Strengthen relationships with program administrators and direct service staff,**
 - viii) **Improve results for children and families.**

Baby Watch Early Intervention Program (BWEIP)

1. On-site monitoring

Completed tasks:(2)

- 1) **Hired Monitoring and Compliance Specialist.**
 - a) **On site visits include:**
 - i) **Defining, creating and implementing qualitative measurement to examine the application of evidence-based practices, and IFSP outcomes, strategies, and activities,**
 - ii) **Parent and professional interviews,**
 - iii) **Desk review of BTOTS data entries to determine validity, reliability, level of comprehension, and timeliness, and administrative practices that monitor CSPD sustained commitment,**
 - iv) **Timely training, and competent coaching.**
 - v) **Comprehensive report that identifies strengths, as well as areas that need attention.**

Baby Watch Early Intervention Program (BWEIP)

2. Clarify policies

Completed Tasks

- **The BWEIP team has been working to identify BWEIP state policies that need to be amended.**
- **Plan to have these policies completed by Fall 2018**
- **Policies will be made available for public comment, with the intention to submit them to OSEP in April 2019, with next year's Annual Application for Funds**

Baby Watch Early Intervention Program (BWEIP)

3. Statute changes with background checks

Completed Tasks

- **NO need for legislation**
- **Determined that background checks can be required through the contracting process with all sub-recipients.**
- **Background checks are now incorporated into the language of each sub-recipient contract.**

Baby Watch Early Intervention Program (BWEIP)

4. Track and utilize data with service hours and service types

Completed Tasks

- **BTOTS Database system already had this capacity. Service hours and service type are now required fields that providers must fill out as part of their visit tracking.**
- **Tracking of all deletions or changes to notes outside of compliance timeframes tracked and reported**

Baby Watch Early Intervention Program (BWEIP)

5. Improve Funding -

- a. Medicaid payments
- b. Private Insurance
- c. Legislation for private insurance

Completed Tasks

- **Reviewing the funding formula and developing definitions of the current formula.**
- **With help from the ICC Finance subcommittee we are exploring and strategizing billing private insurance.**
- **Met with Norman Thurston and Sterling Peterson to gain knowledge and education on the best way to proceed forward with private insurance as a payment method.**
- **Contacted experts in private insurance arena - They identified that the legislature should consider requiring a statute for EI to be covered by commercial insurance and that this assignment is very complicated and to consider a cost study analysis.**

FHP - Management

1. Strategic Plan to align with Department Strategic Plan
2. Meaningful and Measurable outcome metrics
3. Program Performance outcome measures achieved

FHP - Management

1. Strategic Plan to align with Department Strategic Plan
2. Meaningful and measurable outcome metrics
3. Program Performance outcome measures achieved

Completed tasks:

Division Summit (May17) that involved every willing employee in the process of aligning and developing the Mission and Strategic Plan for the Division.

Personally met with all 31 programs to know each and every performance measure

Developing a simple reporting tool that requires each program to show their: output, outcome and quality improvement measures

Health Facility Licensing

10 recommendations

- 1) Track time between surveys
- 2) Program and survey efficiencies become more electronic
- 3) Benchmark funding – May 2019
- 4) Post findings online – Dec 2019
- 5) Utilize statutory enforcement mechanisms that promote provider compliance. – Jul 2019
- 6) civil monetary penalty policies that can be consistently applied among providers. – Sep 2018
- 7) rules to align with current survey practices and utilize them to better enforce compliance. – Jun 2019
- 8) Compliance with code 26-21-206 – Oct 2018 - Training has happened
- 9) Integrate the DACS with the SAFE database in an effort to reduce background screening queues. – Completed?
- 10) Allow deniable offense to be overturned during the first level of appeals process. - Completed

Health Facility Licensing

Track time between surveys

Completed Tasks:

Real time calculation is now available to managers and staff showing the survey averages.

Health Facility Licensing

Program and survey efficiencies become more electronic

Completed Tasks:

The lowest estimate was \$60,000 per year ongoing for a proper electronic survey tool . Federal data system will be replaced and will be web based. This new data system will be finished in 2020, with no additional cost to the bureau.

Structure of survey teams. Surveyors have been assigned to go individually with some provider types where the workload is minimal. Teams work in the smallest numbers possible and are made up of RNs, Social Workers and Registered Dietitians. **Completed May 2018.**

The only area of the state Washington County area. But still is on enough workload to maintain full time staff (surveyors would have to travel from Washington County up to Utah County in order have a full workload.)

Health Facility Licensing

Benchmark funding

Completed Tasks:

We are proposing a survey schedule for assisting living, personal care and birthing centers of every two years.

Discussions to allow the bureau to keep licensing fees to fund the program. This would allow the bureau to hire adequate numbers of staff to survey all facilities and keep up with increasing numbers of health facilities in the state.

Health Facility Licensing

Post findings online

Completed Tasks:

Currently working on a new web site that will be able to house survey information.

Health Facility Licensing

Utilize statutory enforcement mechanisms that promote provider compliance

Completed Tasks:

Definitions of Chronic and Continuous non-compliance were reviewed and have been amended with a rule change.

The list of sanctions in R432-3 did not include conditional license - this sanction was added into the rule

Civil money penalty amounts were reviewed and increased

A policy for CMPs was developed

Completed June 30, 2018.

Health Facility Licensing

civil monetary penalty policies consistently applied among providers

Completed Tasks:

Completed July 18, 2018. This policy is intended for internal use and is stored on the bureau shared administrative drive.

Health Facility Licensing

Rules to align with current survey practices and utilize them to better enforce compliance

Completed Tasks:

R432-1 – Definitions of Chronic Non-Compliance and Continuous Non-Compliance amended to fit current practice

R432-2 – Conditional license and process were updated

R432-3 – Outdated rules for mandatory revocation of nursing facilities was removed, outdated language for Class III violations was removed, conditional license was added, and federal remedies for nursing facilities updated.

All rules will become effective in August 18

Health Facility Licensing

Compliance with code 26-21-206

Completed Tasks:

Presented training information at individual provider association meetings in 2018, including; assisted living, hospice and home health, personal care and nursing facilities.

Conduct investigations for complaints related to background screening through entity reporting and other means

Completed July 2018.

Health Facility Licensing

Integrate the DACS with the SAFE database in an effort to reduce background screening queues

Completed Tasks:

Initiated in March 2018 old process required manual searching of DHS databases, new process allows for an electronic automatic check

Contract signed with Human Services on July 9, 2018.

Completed.

Health Facility Licensing

Allow deniable offense to be overturned during the first level of appeals process.

Completed Tasks:

Policy finalized and approved to start on March 1, 2018.

Policy is intended for internal use and is stored on division shared drive