

DPHHS Policy Manual: Child Care Licensing Monitoring Activities

Introduction

MCA 52-2-733 (2) states “*the department may investigate and inspect the conditions and qualifications of any day-care center, group day-care home or family day-care home seeking or holding a license or registration certificate under the provisions of this part.*”

Section (3) states “*the department must visit and inspect at least 20% of all registered family day care homes and group day care homes in each of the governor’s planning regions annually.*”

Section (4) states “*the department shall make annual unannounced visits to day-care centers that are licensed on an annual basis.*” This section excludes day-care centers which are on a 2 or 3 year extended license.

MCA 52-2-732 states: “it shall be the duty of every applicant for a license or for registration and every licensee or registrant to give the right of entrance to and inspection of premises to representatives of the department at reasonable times, to keep and maintain such records as the department may prescribe, to permit inspection of these records, and to report to the department such facts as may be required on forms furnished by the department.”

It is the QAD-Licensure Bureau policy that inspections of all facilities—including the ones chosen as part of the 20% sample—to be done on an unannounced basis.

The following policy should ensure equal treatment of registrants on a statewide basis while continuing the policy of flexibility at the district level to allow for local variations as needed.

Inspection Types (definition and description)

Below are the definitions and description of the various inspection types conducted by the department:

- **20 Percent Inspection** (FDC & GDC)
 - Existing facilities that are receiving a 20% Inspection. (Must be a full survey)
- **Attempted / Not Conducted** (FDC, GDC & DCC)

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- Inspection was attempted, but could not be completed / conducted for any reason.
 - These inspections are NOT entered in SansWrite.
- **Complaint Investigation** (FDC, GDC & DCC)
 - Inspections for complaints.
 - Do not combine complaints with 20% inspections. These need to be kept separate.
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- **Conversion Inspection** (FDC, GDC, DCC)
 - For historical purposes only. We should not use this term as a current inspection type.
 - Inspection that was converted from CAPS
- **Follow-up Inspection** (FDC, GDC, & DCC)
 - A subsequent inspection following a complaint investigation or previous inspection to verify that the deficient practice has been corrected
 - Drop-in visit to check on re-occurring deficiencies
 - Follow-up inspections should occur at no more than 90 days after the original deficiency notice was sent. Follow-up inspections past this timeframe would be considered a Routine inspection
- **Initial Inspection** (FDC, GDC, & DCC)
 - A first-time inspection where the department is not able to complete a survey
 - Consultation (Provider wants you to come look over a few things prior to full registration, etc)
 - These inspections are entered in CCUBS not SansWrite
- **Initial / 20% Inspection** (FDC & GDC)
 - Inspections for new facilities that are to be included in the 20% count
 - Must be completed within 120 days of becoming registered
- **Initial/New Center Inspection (DCC)**
 - Inspections for new centers prior to issuing the license
 - Will be conducted after the Pre-Inspection if no children are in

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care during the visit prior to issuing the license

- **Pre-Inspection (DCC)**
 - Conducted before a facility is open or does not have children
 - Survey will focus on health and safety aspects that can be observed without children being present. If non-compliances are found, the facility will be cited accordingly.
 - Centers must have an Initial/New Center Inspection completed after children are in care.

- **Renewal Inspection (DCC)**
 - Inspection conducted for centers prior to renewing their license; determines whether facility remains eligible for licensure
 - Will conduct within 30 days of receiving a complete renewal packet

- **Routine Inspection (FDC, GDC, & DCC)**
 - Inspections performed on facilities that require inspections on a regular basis due to a history of non-compliance with the regulations
 - Drop-in Visit (When CCL is in the area and has time to do a walk-through visit, but not enough time to conduct a full survey.)
 - A facility inspection occurring after a period of 90 days of when an original deficiency notice was sent

**Identifying need
for Inspection
(prioritizing)**

Each licensor is responsible for establishing their own survey schedule and shall submit quarterly progress report of the visits/inspections to the Program Manager and/or Bureau Chief. The reports shall be submitted via e-mail.

**Family &
Group 20%**

20% inspections are conducted annually. The Program Manager will determine the number of facilities to be inspected by utilizing a report generated from the Child Care Under the Big Sky (CCUBS) system. The list will contain all registered family and group day care home providers. The sample will be drawn to show the required inspections per licensing service district as well as a statewide number.

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The child care licensing worker will determine which providers are selected for the survey. Priority's are as follows:

- Newly registered facilities
- Providers who have not had inspections within the last 3-5 years
- Providers selected based on licensor's discretion and supervisor approval

Unless special circumstance exists, the licensing worker will not repeat a 20% visit to a provider who has been visited within the last year.

Family and Group Child Care Facilities shall be inspected every 5 years. It is the licensor's responsibility to track dates of the last 20% inspection. After the licensor has been issued the annual memo regarding the number of inspections, the licensor will review their spreadsheet and determine which facilities have been inspected in the last 3-5 years and which ones require a current inspection.

Day Care Center

Day Care Centers will be inspected prior to issuing a new center license and annually thereafter unless they have been issued a 2 or 3 year extended license. A Pre-Inspection or Initial/New Center Inspection must be conducted before a facility will be issued a license and Renewal inspections are required before a license renewal may be issued.

Follow-up and Routine Inspections

On-site follow-up inspections will be conducted on all new facilities where deficiencies were cited. Complaint inspections which resulted in a deficiency related to the complaint will also require an on-site Follow-up Inspection. On-site Follow-up Inspections will be conducted any time there is a deficiency where the nature of the deficiency significantly affects or threatens the health or safety of a child in care. Examples of this include: incidents of elopement, safe sleep issues, injury of a child in care that resulted in a deficiency, and use of inappropriate discipline. Other circumstances are at the discretion of the licensing worker after consultation of the Program Manager.

Routine inspections will be conducted at the discretion of the licensor.

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**Routine and
Follow-up
Inspections Not
Required by the
State**

Routine and Follow-up inspections are not required by statute or regulation. Although these inspections are an important aspect in the monitoring process, the department’s approach to these inspections may need to be altered and possibly discontinued if fiscal constraints are imposed. In the event that this occurs, licensors will be e-mailed notifying them and delineating any additional expectations as a result of the directive.

**Complaint
Investigations**

Complaint inspections will be conducted in accordance with Policy Section CCL-009.

**SansWrite
& CCUBS**

Inspections are documented in the SansWrite Inspection System (software) and the result of the inspection is referenced within the Child Care Under the Big Sky System (CCUBS). Information gathered throughout the complaint process is entered into CCUBS under the Information/Complaints section. This information is entered according to the CCUBS User Manual Sections IV-B and IV-C.

**Statement of
Deficiency**

The Statement of Deficiency and Plan of Correction will be issued in accordance with Policy Section CCL-017.

**Negative Licensing
Action**

If any violation places a child in imminent risk, harm or danger, negative licensing action, up to and possibly including revocation or suspension may be issued. These actions will be taken per Policy Sections CCL-010 and CCL-011.

Section 52-2-733, MCA and Section 52-2-732, MCA