

DPHHS Policy Manual: Child Care Licensing Statement of Deficiency and Plan of Correction

Purpose	<p>The purpose of his policy is to provide a uniform and consistent procedure for writing the Statement of Deficiency and approving the Plan of Correction.</p>
Statement of Deficiency	<p>When the worker determines that the provider is out of compliance with one or more of the minimum requirements, a Statement of Deficiency will be issued. This document is generated utilizing SansWrite Inspection Software and the result of the inspection is referenced within the CCUBS system.</p> <p>The Child Care Licensing Worker may disagree with the provider’s perception of whether one or more of the requirements have been met. In these instances the licensing worker’s interpretation of the rules and regulations shall prevail after consultation with the Program Manager; the Program Manager may consult with the Bureau Chief and legal department. If violations are noted, a letter of deficiency shall be issued following the site visit, inspection and exit interview. A general principal for the licensing worker is that nothing is considered official until it is documented. The statement of deficiency is sent with a cover letter and must contain the following elements:</p> <ul style="list-style-type: none">● <u>Rule Violation</u>—the deficiency notice must contain the specific violation of licensing requirements. The full text of the administrative rule will be listed.● <u>Justification</u>—the deficiency notice must contain justification for the determination of non-conformity, i.e., ‘as evidenced by: worker observation, through provider/parent/child interview, other agency worker observation, record review” etc.● <u>Notice</u>—the cover letter must include a notice that failure to correct the deficiency can negatively impact the registration/license certificate.● <u>Time Limits</u>—the cover letter must contain the time limits for compliance. Generally, the provider has 10 working days from the receipt of the letter of deficiency to submit an acceptable plan of correction. However, at the discretion of the licensing worker after consultation of the Program Manager, the time limit may be varied.

**DPHHS Policy Manual: Child Care Licensing
Statement of Deficiency and Plan of Correction**

**Compliance
Letters
aka
*Plans of
Correction (POC)***

Upon receipt of the Plan of Correction (POC), the CCL will conduct a desk audit to review the POC and determine whether provider has entered into an acceptable POC. If it is determined that POC does not meet the standards for an acceptable POC, the CCL will send a letter identifying which deficiencies have been corrected and which have not. For those that are not acceptable, the reason the POC was not accepted will be listed under each deficiency that was not approved. Suggestions for an acceptable POC will also be listed when applicable. Provider will be given 10 additional working days to re-submit their POC. This letter will be sent after review by the Program Manager.

Some areas of non-compliance may take additional time to bring into compliance. Completion dates for Plans of Correction can be accepted within 60-90 days as approved by the licensing worker after consultation with the Program Manager.

In accordance with Policy CCL-006, pages 4-5, an on-site follow-up inspection may be necessary. If that is the case, the licensor will ensure that provider is in compliance with deficiencies cited during the prior visit and whether provider has completed items identified in the POC. If provider is out of compliance with any of the deficiencies that had been previously cited, the deficiency notice will indicate that it was a repeat deficiency.

**Failure to Submit
POC**

If the department does not receive the POC within 10 days, another letter will be sent to the provider with a copy of the deficiency notice. This letter will inform them that they have an additional 10 working days to submit the POC. They will also be informed that failure to submit within this time frame, may result in negative licensing action. If the provider fails to submit the POC after the second request, CCL will notify the Program Manager who will consult with agency legal counsel to determine next steps. The department may issue a Directed Plan of Correction (DPOC) at this time in lieu of taking negative licensing action. In addition, CCL will archive inspection in SansWrite.

References

Section 52-2-733, MCA
37.95.640, ARM and 37.95.730, ARM