

Department of Health and Human Services

**OFFICE OF  
INSPECTOR GENERAL**

**SOME FLORIDA FAMILY CHILDCARE  
HOMES DID NOT ALWAYS COMPLY WITH  
STATE HEALTH AND SAFETY  
REQUIREMENTS**

*Inquiries about this report may be addressed to the Office of Public Affairs at  
[Public.Affairs@oig.hhs.gov](mailto:Public.Affairs@oig.hhs.gov).*



**Gloria L. Jarmon  
Deputy Inspector General  
for Audit Services**

**March 2016  
A-04-14-08034**

# *Office of Inspector General*

<http://oig.hhs.gov>

---

The mission of the Office of Inspector General (OIG), as mandated by Public Law 95-452, as amended, is to protect the integrity of the Department of Health and Human Services (HHS) programs, as well as the health and welfare of beneficiaries served by those programs. This statutory mission is carried out through a nationwide network of audits, investigations, and inspections conducted by the following operating components:

## *Office of Audit Services*

The Office of Audit Services (OAS) provides auditing services for HHS, either by conducting audits with its own audit resources or by overseeing audit work done by others. Audits examine the performance of HHS programs and/or its grantees and contractors in carrying out their respective responsibilities and are intended to provide independent assessments of HHS programs and operations. These assessments help reduce waste, abuse, and mismanagement and promote economy and efficiency throughout HHS.

## *Office of Evaluation and Inspections*

The Office of Evaluation and Inspections (OEI) conducts national evaluations to provide HHS, Congress, and the public with timely, useful, and reliable information on significant issues. These evaluations focus on preventing fraud, waste, or abuse and promoting economy, efficiency, and effectiveness of departmental programs. To promote impact, OEI reports also present practical recommendations for improving program operations.

## *Office of Investigations*

The Office of Investigations (OI) conducts criminal, civil, and administrative investigations of fraud and misconduct related to HHS programs, operations, and beneficiaries. With investigators working in all 50 States and the District of Columbia, OI utilizes its resources by actively coordinating with the Department of Justice and other Federal, State, and local law enforcement authorities. The investigative efforts of OI often lead to criminal convictions, administrative sanctions, and/or civil monetary penalties.

## *Office of Counsel to the Inspector General*

The Office of Counsel to the Inspector General (OCIG) provides general legal services to OIG, rendering advice and opinions on HHS programs and operations and providing all legal support for OIG's internal operations. OCIG represents OIG in all civil and administrative fraud and abuse cases involving HHS programs, including False Claims Act, program exclusion, and civil monetary penalty cases. In connection with these cases, OCIG also negotiates and monitors corporate integrity agreements. OCIG renders advisory opinions, issues compliance program guidance, publishes fraud alerts, and provides other guidance to the health care industry concerning the anti-kickback statute and other OIG enforcement authorities.

# *Notices*

---

**THIS REPORT IS AVAILABLE TO THE PUBLIC**  
at <http://oig.hhs.gov>

Section 8M of the Inspector General Act, 5 U.S.C. App., requires that OIG post its publicly available reports on the OIG Web site.

## **OFFICE OF AUDIT SERVICES FINDINGS AND OPINIONS**

The designation of financial or management practices as questionable, a recommendation for the disallowance of costs incurred or claimed, and any other conclusions and recommendations in this report represent the findings and opinions of OAS. Authorized officials of the HHS operating divisions will make final determination on these matters.

## EXECUTIVE SUMMARY

*The State lead agency's monitoring did not always ensure that the family childcare home providers that we reviewed in Florida complied with State requirements related to the health and safety of children.*

### WHY WE DID THIS REVIEW

The Administration for Children and Families provides Federal grants through several programs, including Head Start and the Child Care and Development Fund (CCDF). In a previous report summarizing the results of 24 audits of Head Start grantees, we described multiple health and safety issues that put children at risk (report number A-01-11-02503). To determine whether similar health and safety risks exist at family childcare homes (providers) that received CCDF funding, we selected 20 homes that received CCDF funding in Florida. We conducted this audit of the Florida Office of Early Learning (State lead agency) in conjunction with our review of four childcare centers (report number A-04-14-08033).

The objective of this audit was to determine whether the State lead agency's monitoring ensured that providers that received CCDF funds complied with State requirements related to the health and safety of children.

### BACKGROUND

Authorized by the Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. § 9858 et seq.) and section 418 of the Social Security Act (42 U.S.C. § 618), the CCDF assists low-income families, families receiving temporary public assistance, and families transitioning from public assistance to obtain child care so that parents may work or obtain training or education. Combined funding for the CCDF program for fiscal year 2012, including the block grant's discretionary fund and the CCDF mandatory and matching funds, was approximately \$5.2 billion nationwide.

The State lead agency is designated to administer the CCDF program. The Florida Department of Children and Families (State licensing agency) is responsible for licensing and periodic monitoring of providers. According to the *Child Care and Development Fund Plan for Florida*, the State licensing agency is statutorily responsible for administering childcare licensing and training in 62 of the State's 67 counties. State law provides that any county may maintain local licensing and inspection programs as long as these programs meet or exceed State minimum standards. State regulations mandate that the State licensing agency or county conduct an onsite evaluation of licensed providers at least two times a year.

## **WHAT WE FOUND**

The State licensing agency or counties did not always ensure that providers that received CCDF funds complied with State requirements related to the health and safety of children. Specifically, of the 20 providers we selected for review:

- 15 did not comply with 1 or more of the physical conditions requirements;
- 11 did not comply with child record requirements;
- 4 did not comply with staff documentation requirements; and
- 4 were not available during operating hours to complete our unannounced inspection, which prevented us from assessing the physical conditions and children's records within these providers related to the health and safety of children in their care.

Although the State licensing agency and counties conducted the required inspections, the instances of noncompliance occurred because the State laws and regulations allowed only for minimal oversight by the State licensing agency. The State licensing agency's inspections of licensed providers occurred twice a year; they were scheduled within a 45-day window and may have been somewhat predictable. Registered providers were not inspected at all and were only required to register annually. The State licensing agency did not ensure that all providers that received CCDF funds met the initial screening and rescreening documentation requirements along with staffing requirements. As a result, the health and safety of children in these CCDF-funded providers may have been at risk.

## **WHAT WE RECOMMEND**

We recommend that the State lead agency work with the State licensing agency and counties to ensure that:

- the specific health and safety issues noted in this report are corrected,
- the program complies with Federal health and safety requirements for CCDF providers,
- the timing of provider inspections is less predictable,
- an annual inspection of registered providers is conducted in accordance with the new CCDBG Act requirements,
- licensed providers comply with background screening or rescreening requirements along with staffing requirements, and
- required documentation is included in the children's records.

## STATE AGENCY COMMENTS

In written comments on our draft report, the State lead agency forwarded remarks from the State licensing agency that did not explicitly concur or nonconcur with our recommendations. Instead, it requested information about which providers were associated with the health and safety issues we identified so that it could ensure that findings have been corrected. The State licensing agency also noted that it would continue to require providers to adhere to health and safety requirements and continue to emphasize the importance of operators being proactive in their efforts to maintain compliance with licensing standards at all times.

According to the State licensing agency, it may concur with 8 of our 13 findings that licensed providers did not always comply with physical conditions requirements under the assumption that each observation occurred in an area of the licensed home that was freely accessible to children, and circumstances were such that jeopardized the health and safety of the children in care. The State licensing agency neither concurred nor nonconcurred with the remaining 5 findings because it believed the report lacked specific details needed to determine whether a true licensing violation occurred. The State licensing agency also did not concur with our findings regarding children's health record requirements because officials said that they needed more specific information about each of the 18 instances of noncompliance. Furthermore, the State licensing agency did not concur with the seven findings regarding missing criminal history and other documentation requirements, stating that "family day care homes are not required to maintain this information."

The State licensing agency concurred that its "authority is somewhat limited regarding Registered Family Day Care Home oversight, as the authority for onsite inspections is generally limited to background screening issues," but it did not concur that the instances of noncompliance occurred because State laws and regulations allowed for minimal oversight by the State licensing agency. On the contrary, officials said that Florida ranked "6th out of 50 States ... in the oversight category" in 2013. Furthermore, the officials added that we completed our audit before the Child Care and Development Block Grant Act reauthorization in November 2014 "that required inspections for all providers receiving CCDF funding." The State licensing agency stated its inspection frequency for licensed homes, in contrast to registered homes, was a minimum of two times per year, which exceeded the requirements set forth in the reauthorization. Finally, in regard to inspections, officials noted that the State licensing agency does not announce its inspections in advance, and it does not issue a license or registration unless the home meets the background screening requirements.

## OUR RESPONSE

We intentionally avoided listing details regarding each home in our report, but we provided the State licensing agency with the specific details before issuance of the draft report. Therefore, the State licensing agency's lack of concurrence with our findings because of insufficient details is unfounded. We acknowledge that State and Federal requirements have changed since the audit, but we maintain that, at the time of our site visits, the State laws and regulations allowed for insufficient oversight, particularly for registered homes, by the State licensing agency.

We also maintain that the State licensing agency's lack of concurrence with our findings related to criminal history and other missing documentation is unfounded. We are aware that specific homes are not required to maintain criminal history records. However, no one in the State of Florida, from the State lead agency on down through the counties to the homes could provide the required criminal history records from which we generated our findings. We would have accepted documentation from any source.

The State licensing agency also requested further documentation associated with the 18 instances of noncompliance with children's health records requirements. The criteria listed in the report specifically require that homes maintain "complete" health records on each child in care. Our findings state that the forms on file in the homes were either missing or incomplete.

We maintain that our recommendations are reasonable for the State lead agency. Our audit findings are fully represented by facts, and we will work with the State licensing agency as it follows up to correct the specific health and safety issues that we noted in this report.

## TABLE OF CONTENTS

INTRODUCTION .....	1
Why We Did This Review .....	1
Objective.....	1
Background .....	1
Florida Childcare Services.....	2
Related Office of Inspector General Work .....	2
Child Care Aware of America .....	3
Child Care and Development Block Grant Act of 2014.....	3
How We Conducted This Review.....	3
FINDINGS .....	4
Providers Did Not Always Comply With Physical Conditions Requirements .....	5
Providers Did Not Always Comply With Criminal History and Other Documentation Requirements.....	7
Providers Did Not Always Comply With Children’s Health Record Requirements .....	8
Causes of Noncompliance With Health and Safety Requirements.....	8
RECOMMENDATIONS.....	9
STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE .....	9
State Agency Comments.....	9
Office of Inspector General Response .....	10
APPENDIXES	
A: Audit Scope and Methodology .....	12
B: Federal and State Requirements .....	14
C: Photographic Examples of Noncompliance With Physical Conditions Requirements .....	29
D: Instances of Noncompliance at Each Visited Provider .....	34



E: State Agency Comments ..... 35

## INTRODUCTION

### WHY WE DID THIS REVIEW

The Administration for Children and Families (ACF) provides Federal grants through several programs, including Head Start and the Child Care and Development Fund (CCDF). In a previous report summarizing the results of 24 audits of Head Start grantees,<sup>1</sup> we described multiple health and safety issues that put children at risk. To determine whether similar health and safety risks exist at family childcare homes (providers) that received CCDF funding, we selected 20 providers<sup>2</sup> that received CCDF funding in Florida. We conducted this audit of the Florida Office of Early Learning (State lead agency) in conjunction with our review of four childcare centers (report number A-04-14-08033).

### OBJECTIVE

Our objective was to determine whether the State lead agency's monitoring ensured that providers that received CCDF funds complied with State requirements related to the health and safety of children.

### BACKGROUND

Authorized by the Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. § 9858 et seq.) and section 418 of the Social Security Act (42 U.S.C. § 618), the CCDF assists low-income families, families receiving temporary public assistance, and families transitioning from public assistance to obtain child care so that parents may work or obtain training or education. Combined funding for the CCDF program for fiscal year 2012, including the block grant's discretionary fund and the CCDF mandatory and matching funds, was approximately \$5.2 billion nationwide.

The CCDBG Act and implementing Federal regulations mandate the State to maintain a plan that ensures that the State has requirements in State or local law to protect the health and safety of children, and the plan must certify that procedures are in effect to ensure that providers comply with these requirements (42 U.S.C. §§ 9858c(c)(2)(F) and (G) and 45 CFR §§ 98.15(b)(5) and (6)).

Federal regulations (45 CFR § 98.10) require States to designate a lead agency to administer the CCDF program. Federal regulations also state that, in retaining overall responsibility for the administration of the program, the lead agency must ensure that the program complies with the

---

<sup>1</sup> *Review of 24 Head Start Grantees' Compliance With Health and Safety Requirements* (A-01-11-02503, issued December 13, 2011).

<sup>2</sup> "Provider," in this report, means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit (section 402.302(8), Florida Statute (F.S.)).

approved plan and all Federal requirements and must monitor programs and services (45 CFR §§ 98.11 (b)(4) and (6)).

Federal regulations (45 CFR § 98.41) require that the Lead Agency certify that there are requirements in effect to protect the health and safety of children that are applicable to childcare providers receiving CCDF funds. Requirements must address (1) prevention and control of infectious diseases (including immunization), (2) building and physical premises safety, and (3) minimum provider health and safety training.

### **Florida Childcare Services**

According to the *Child Care and Development Fund Plan for Florida* (CCDF Plan), the State lead agency is designated to administer the CCDF program. The State lead agency certifies that procedures are in effect, within the State or local law, to protect the health and safety of children at providers of services for which assistance is provided under CCDF.

The Florida Department of Children and Families (State licensing agency) is responsible for licensing and periodically monitoring providers. The CCDF Plan designates the State licensing agency as statutorily responsible for administering childcare licensing and training in 62 of the State's 67 counties. State law provides that any county<sup>3</sup> may maintain local licensing and inspection programs as long as these programs meet or exceed State minimum standards (section 402.313(13), Florida Statutes (F.S.)). State regulations mandate that the State licensing agency or county conduct an onsite evaluation of licensed providers at least two times a year (CCDF Plan section 3.1.2(a)).<sup>4</sup>

Family day care homes are not required to be licensed unless mandated by a county (section 402.313(1), F.S.). According to section 3.1.1(d) of the CCDF Plan, 15 counties require the licensing of family day care homes. Other family day care homes may choose to be licensed. If a family home is not subject to licensure requirements and chooses not to be licensed, it must register annually with the licensing agency (section 402.313(1)(a), F.S.). Registered homes self-certify compliance with applicable health and safety requirements by completing a "Registered Family Child Care Home Health and Safety Checklist" (checklist) annually (section 402.313(7), F.S.).

### **Related Office of Inspector General Work**

The Office of Inspector General, Office of Evaluation and Inspections (OEI), issued an Early Alert Memorandum Report on July 11, 2013, to ACF entitled *License-Exempt Child Care*

---

<sup>3</sup> We visited nine providers that were subject to county oversight as part of our audit. However, we consistently used the State licensing agency standards for our reviews at all licensed providers (sections 402.308(4) and 402.313(13), F.S.).

<sup>4</sup> Two of the providers that we selected for review were registered instead of licensed, and thus were not subject to two inspections per year (CCDF Plan, sections 3.1.1(d) and 3.1.2(a)). We used the self-certified "checklist" for these providers. See Appendix B for the items on this checklist.

*Providers in the Child Care and Development Fund Program* (OEI-07-10-00231). OEI concluded that States exempt many types of childcare providers from licensing and that these providers are still required to adhere to Federal health and safety requirements to be eligible for CCDF payments.

### **Child Care Aware of America**

Child Care Aware of America (CCAA) (formerly the National Association of Child Care Resource & Referral Agencies) published a 2012 update, entitled *Leaving Children to Chance*, which reviewed and ranked State regulations for small family childcare providers.<sup>5</sup> CCAA stated that without inspections or monitoring of providers, regulations alone have limited value. CCAA added that when providers are not inspected, it is difficult for a State to enforce its regulations and suspend or revoke the licenses of individuals who are not in compliance. CCAA recommended that States increase the frequency of inspections of providers to at least quarterly and that States reduce the caseload for licensing inspectors to a ratio of 1:50 (1 inspector to 50 cases).

### **Child Care and Development Block Grant Act of 2014**

On November 19, 2014, the Child Care and Development Block Grant Act of 2014<sup>6</sup> reauthorized the CCDF program and improved childcare health, safety, and quality requirements. The law includes a requirement that States' lead agencies perform an initial onsite monitoring visit and at least one annual unannounced onsite visit of providers that have received CCDF subsidies. It also requires training and professional development of the childcare workforce to meet the needs of children and improve the quality and stability of the workforce. Specifically, the law requires lead agencies to establish ongoing provider training. It also requires that a childcare provider submit criminal background checks every 5 years for all childcare staff. Finally, it strengthens requirements related to building and physical premises safety and requires an annual inspection of unlicensed providers.

### **HOW WE CONDUCTED THIS REVIEW**

Of the 1,874 providers that received CCDF funding in Florida between July 2013 and January 2014, we selected 18 licensed providers and 2 registered providers for our review. We selected these providers by considering certain risk factors, including reimbursement amounts and geographic locations. Our fieldwork consisted of unannounced site visits conducted in Alachua, Broward, Charlotte, Escambia, Miami-Dade, Orange, Palm Beach, Pinellas, Putnam, St. Johns, St. Lucie, and Walton Counties from March 31 through April 16, 2014.

---

<sup>5</sup> CCAA works with more than 600 State and local childcare resource and referral agencies nationwide. CCAA leads projects that increase the quality and availability of child care, offer comprehensive training to childcare professionals, undertake research, and advocate childcare policies that positively affect the lives of children and families.

<sup>6</sup> P.L. 113-186 (Nov. 19, 2014).

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains details of our audit scope and methodology, Appendix B contains details of the Federal regulations and State licensing health and safety requirements that pertain to providers, and Appendix C contains photographic examples of noncompliance with physical conditions requirements.

## FINDINGS

The State licensing agency or counties did not always ensure that providers that received CCDF funds complied with State requirements related to the health and safety of children. Specifically, of the 20 providers we selected for review:

- 15 did not comply with 1 or more of the physical conditions requirements;
- 11 did not comply with child record requirements;
- 4 did not comply with staff documentation requirements; and
- 4 were not available during operating hours to complete our unannounced inspection, which prevented us from assessing the physical conditions and children's records within these providers related to the health and safety of children in their care.

Although the State licensing agency and counties conducted the required inspections, the instances of noncompliance occurred because the State laws and regulations allowed only for minimal oversight by the State licensing agency. The State licensing agency's inspections of licensed providers occurred twice a year; they were scheduled within a 45-day window and may have been somewhat predictable (*Desk Reference Guide*, chapter 4, page 78).<sup>7</sup> Registered providers were not inspected and were only required to register annually.

The instances of noncompliance occurred because the State agency did not have regulations to protect the health and safety of children that applied to all providers that received CCDF funds, as required by 45 CFR § 98.41, but instead had only a safety checklist for registered homes. The State licensing agency did not ensure that all providers that received CCDF funds met the initial screening and rescreening documentation requirements along with staffing requirements. As a result, the health and safety of children in these CCDF-funded providers may have been at risk.

---

<sup>7</sup> Florida Statutes require that the State licensing agency establish standards to address health and safety for all children in child care (section 402.305, F.S.). Although the Desk Reference is not legally enforceable, it provides detailed guidance on inspections, including timing of inspections, for childcare providers to promote health and safety.

Appendix D contains a table that displays the instances of noncompliance at each home we visited.

### **PROVIDERS DID NOT ALWAYS COMPLY WITH PHYSICAL CONDITIONS REQUIREMENTS**

Prospective providers must register annually with the State licensing agency or be licensed under an existing county ordinance (section 402.313(1), F.S.). State requirements related to the physical conditions of a licensed home include the following:

- There will be documentation of current immunization records for all pets, and written notification of animals on the premises will be given to parents (F.A.C. 65C-20.010(1)(a)).
- Potentially hazardous materials and items will be labeled and either be stored in a locked area or be accessible and out of a child's reach. (F.A.C. 65C-20.010(1)(b)).
- Play areas will be clean and free from hazards (F.A.C. 65C-20.010(1)(e)).
- Playground equipment will be securely anchored, safe, and allow water drainage (F.A.C. 65C-20.010(1)(h)(2) and (5)).
- Individual napping spaces will be 18 inches apart (except a maximum of two sides of a napping space may be against a solid barrier, such as a wall) and not blocking exit routes (F.A.C. 65C-20.010(1)(o)).
- Furnishings, equipment, and plumbing will be sanitary, free from hazards, and in good repair (F.A.C. 65C-20.010(1)(s)).
- The home will have an operable smoke detector and fire extinguisher with a current certificate (F.A.C. 65C-20.010(1)(s)).
- Soiled items will not be accessible to children and will be placed in a plastic-lined, securely covered container (F.A.C. 65C-20.010(2)(b)).
- The diaper changing area will be impermeable, disinfected after each use, not near food preparation, and unrelated items will not be placed on the table (F.A.C. 65C-20.010(2)(g)).

- The first aid kit will be accessible to the operator<sup>8</sup> and kept out of the reach of children. It will be clearly labeled “First Aid” and must, at a minimum, include soap, Band-Aids or equivalent, disposable non-porous gloves, cotton balls or applicators, sterile gauze pads and rolls, adhesive tape, thermometer, tweezers, pre-moistened wipes, scissors, and a current resource guide on first aid and CPR procedures (F.A.C. 65C-20.010(3)(a)).
- Emergency information will be posted near all telephones in the home (F.A.C. 65C-20.010(3)(b)(1)).
- There will be documentation of fire drills and a written emergency preparedness plan (F.A.C. 65C-20.010(3)(b)(4), (5), (7) and (8)).
- If transportation is provided, there must be documentation of current insurance coverage on all vehicles used to transport children in care (F.A.C. 65C-20.010 (8)(b)).

Operators of registered family day care homes are required annually to complete a health and safety home inspection self-evaluation checklist developed by the State agency. The completed checklist must be signed by the operator of the family day care home and provided to parents as certification that basic health and safety standards are being met (section 402.313(7), F.S.). The checklist requires the operator to certify:

- Emergency numbers will be posted in a convenient location.
- The home will have a fire extinguisher.
- Toys and equipment are free from rust and in good repair.
- Areas of the home that are accessible to children are free of hazards both indoors and outdoors.

Appendix B contains all State requirements that we relied on during our review, including the checklist for registered homes.

Fifteen of the sixteen providers that we reviewed<sup>9</sup> had one or more instances of noncompliance with the requirements to protect children from potentially hazardous conditions. Specifically, we found 145 instances of noncompliance with the State requirements related to physical conditions. Examples of noncompliance included:

- One provider did not have current immunization records for a dog on the premises.

---

<sup>8</sup> “Operator,” in this report, means any onsite person ultimately responsible for the overall operation of a childcare facility, whether or not he or she is the owner or administrator of such facility.

<sup>9</sup> We were not able to gain access during our visits to four providers during business hours.

- Children could access hazardous materials in an unsecured low cabinet and in a backyard play area (Appendix C, photographs 1 and 2).
- Hedge clippers were hanging dangerously over a cabinet (Appendix C, photograph 3).
- A swing set structure was unsecured with loose bolts and screws holding it together (Appendix C, photograph 4).
- Because of the ongoing renovation of a house, individual napping spaces could not be 18 inches apart, and they blocked the established exit route.
- There was an exposed electrical outlet next to a playpen (Appendix C, photograph 5), and sharp tools were left on the kitchen counter (Appendix C, photograph 6).
- Providers lacked fire extinguishers with a current certificate or had smoke detectors that were disconnected (Appendix C, photograph 7).
- A bag of dirty diapers was hanging on a bathroom door (Appendix C, photograph 8).
- A drill and remote control were placed on diaper changing tables (Appendix C, photograph 9).
- First aid kits were missing supplies such as gloves, tweezers, wipes, or first aid and CPR procedures.
- Emergency telephone information was not posted near telephones in the home.
- Emergency preparedness plans were not posted, and drills were not documented.
- One of three vehicles used for transportation did not have a copy of current insurance.

### **PROVIDERS DID NOT ALWAYS COMPLY WITH CRIMINAL HISTORY AND OTHER DOCUMENTATION REQUIREMENTS**

Section 3.1.2(c) of the CCDF Plan requires that operators, substitutes, volunteers, and all other household members undergo a background screening or rescreening, which includes, at a minimum, Federal Bureau of Investigation, Florida Department of Law Enforcement, and local criminal records checks within the past 5 years. In addition, the operator of a licensed facility must have:

- a 2-year employment history verification on file for the operator and a substitute (section 402.313(3), F.S., and F.A.C. 65C-20.008(3)(a)(2)) and



- a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available as a substitute for the operator on a temporary or emergency basis (F.A.C. 65C-20.009(2)(b)).

At four licensed providers, we identified seven total instances of noncompliance with the required staff documentation. Specifically, the records did not have:

- proof of background screening or rescreening, including a 2-year employment history verification at three licensed providers and a criminal records check at one licensed provider, or
- a written plan to provide at least one substitute to be available at three licensed providers.

### **PROVIDERS DID NOT ALWAYS COMPLY WITH CHILDREN’S HEALTH RECORD REQUIREMENTS**

Licensed providers must maintain child records that include:

- a complete enrollment and medical authorization form for each child (F.A.C. 65C-20.011(2)(a)) and
- an up-to-date and complete certification of immunization (F.A.C. 65C-20.011(1)(a) and section 402.313(1)(a)(7), F.S.).

Registered providers must certify that current immunization records are kept for all children in their care on the self-certification checklist.

We identified 18 instances of noncompliance in which 11 licensed providers lacked some of the required child record documentation. Specifically, the records did not have:

- the complete enrollment and medical authorization form for 14 children and
- the health record of current Florida Certificates of Immunization for 4 children.

### **CAUSES OF NONCOMPLIANCE WITH HEALTH AND SAFETY REQUIREMENTS**

We discussed our findings with State officials and determined that the instances of noncompliance occurred because the State laws and regulations allowed only for minimal oversight by the State licensing agency or county. Although the State licensing agency and counties conducted the required inspections of licensed providers twice a year; they were

scheduled within a 45-day window and may have been somewhat predictable (*Desk Reference Guide*, Chapter 4, page 78).<sup>10</sup> Registered providers were not inspected and were only required to register annually.

The instances of noncompliance occurred because the State agency did not have regulations to protect the health and safety of children that apply to all providers who received CCDF funds, as required by 45 CFR § 98.41, but instead had only a safety checklist for registered homes. The State licensing agency did not ensure that all providers that received CCDF funds met the initial screening and rescreening documentation requirements along with staffing requirements. As a result, the health and safety of children in these CCDF-funded providers may have been at risk.

## **RECOMMENDATIONS**

We recommend that the State lead agency work with the State licensing agency and counties to ensure that:

- the specific health and safety issues noted in this report are corrected,
- the program complies with Federal health and safety requirements for CCDF providers,
- the timing of provider inspections is less predictable,
- an annual inspection of registered providers is conducted in accordance with the new CCDBG Act requirements,
- licensed providers comply with background screening or rescreening requirements along with staffing requirements, and
- required documentation is included in the children's records.

## **STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE**

### **STATE AGENCY COMMENTS**

In written comments on our draft report, the State lead agency forwarded remarks from the State licensing agency that did not explicitly concur or nonconcur with our recommendations. Instead, it requested information about which providers were associated with the health and safety issues we identified so that it could ensure that findings have been corrected. The State licensing agency also noted that it would continue to require providers to adhere to health and safety

---

<sup>10</sup> F.S. requires that the State licensing agency establish standards to address health and safety for all children in child care (F.S. section 402.305). Although the Desk Reference is not legally enforceable, it provides detailed guidance on inspections, including timing of inspections, for childcare providers to promote health and safety.

requirements and to emphasize the importance of operators being proactive in their efforts to maintain compliance with licensing standards at all times.

According to the State licensing agency, it may concur with 8 of our 13 findings that licensed providers did not always comply with physical conditions requirements under the assumption that each observation occurred in an area of the licensed home that was freely accessible to children, and circumstances were such that jeopardized the health and safety of the children in care. The State licensing agency neither concurred nor nonconcurred with the remaining 5 findings because it believed the report lacked specific details needed to determine whether a true licensing violation occurred. The State licensing agency also did not concur with our findings regarding children's health record requirements because officials said that they needed more specific information about each of the 18 instances of noncompliance. Furthermore, the State licensing agency did not concur with the seven findings regarding missing criminal history and other documentation requirements, stating that "family day care homes are not required to maintain this information."

The State licensing agency concurred that its "authority is somewhat limited regarding Registered Family Day Care Home oversight, as the authority for onsite inspections is generally limited to background screening issues," but it did not concur that the instances of noncompliance occurred because State laws and regulations allowed for minimal oversight by the State licensing agency. On the contrary, officials said that Florida ranked "6th out of 50 States ... in the oversight category" in 2013. Furthermore, the officials added that we completed our audit before the Child Care and Development Block Grant Act reauthorization in November 2014 "that required inspections for all providers receiving CCDF funding." The State licensing agency stated its inspection frequency for licensed homes, in contrast to registered homes, was a minimum of two times per year, which exceeded the requirements set forth in the reauthorization. Finally, in regard to inspections, officials noted that the State licensing agency does not announce its inspections in advance, and it does not issue a license or registration unless the home meets the background screening requirements.

The State agency's comments are included in their entirety as Appendix E.

## **OFFICE OF INSPECTOR GENERAL RESPONSE**

We intentionally avoided listing details regarding each home in our report, but we provided the State licensing agency with the specific details prior to issuance of the draft report. Therefore, the State licensing agency's lack of concurrence with our findings because of insufficient details is unfounded. We acknowledge that State and Federal requirements have changed since the audit, but we maintain that, at the time of our site visits, the State laws and regulations allowed for insufficient oversight, particularly for registered homes, by the State licensing agency.

We also maintain that the State licensing agency's lack of concurrence with our findings related to criminal history and other missing documentation is unfounded. We are aware that specific homes are not required to maintain criminal history records. However, no one in the State of Florida, from the State lead agency on down through the counties to the homes could provide the

required criminal history records from which we generated our findings. We would have accepted documentation from any source.

The State licensing agency also requested further documentation associated with the 18 instances of noncompliance with children's health records requirements. The criteria listed in the report specifically require that homes maintain "complete" health records on each child in care. Our findings state that the forms on file in the homes were either missing or incomplete.

We maintain that our recommendations are reasonable for the State lead agency. Our audit findings are fully represented by facts, and we will work with the State licensing agency as it follows up to correct the specific health and safety issues that we noted in this report.

## **APPENDIX A: AUDIT SCOPE AND METHODOLOGY**

### **SCOPE**

Of the 1,874 providers that received CCDF funding between July 2013 and January 2014, we selected 20 providers for our review. We selected these providers by considering certain risk factors, including reimbursement amounts and geographic locations.

We reviewed the providers' records and facilities through unannounced visits, as of April 2014, in Alachua, Broward, Charlotte, Escambia, Miami-Dade, Orange, Palm Beach, Pinellas, Putnam, St. Johns, St. Lucie, and Walton Counties. We limited our review of the State lead agency and State licensing agency internal controls to those that related to our objective.

### **METHODOLOGY**

To accomplish our objective, we:

- reviewed applicable Federal laws, State statutes and requirements for licensing providers, and the applicable CCDF plan approved by ACF;
- interviewed the CCDF program manager with ACF to determine how Florida monitored its providers;
- obtained a letter of explanation about our audit from the State lead agency to present to the providers in our review;
- developed a health and safety checklist as a guide for conducting site visits;
- reviewed previous State and county health and safety inspection findings for providers we visited;
- conducted unannounced site visits at 20 providers to determine whether they met State requirements for health and safety;
- inspected the staff records to determine whether they included documentation of training and met all other administrative requirements;
- reviewed child records to determine whether the providers met all requirements; and
- discussed the results of our review with State lead agency and State licensing agency officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## APPENDIX B: FEDERAL AND STATE REQUIREMENTS

### FEDERAL STATUTES

#### 42 U.S.C. §§ 9858c(c)(2)

##### **(F) Establishment of health and safety requirements**

Certify that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available under this subchapter ....

##### **(G) Compliance with State and local health and safety requirements**

Certify that procedures are in effect to ensure that child care providers within the State that provide services for which assistance is provided under this subchapter comply with all applicable State or local health and safety requirements as described in sub paragraph (F).

#### **Child Care and Development Block Grant Act of 2014 (Public Law 113-186)**

##### **(G) TRAINING AND PROFESSIONAL DEVELOPMENT REQUIREMENTS –**

(i) IN GENERAL. – The plan shall describe the training and professional development requirements that are in effect within the State designed to enable child care providers to promote the social emotional, physical, and cognitive development of children and to improve the knowledge and skills of the child care workforce ....

(ii) REQUIREMENTS. – The plan shall provide an assurance that such training and professional development-

(I) shall be conducted on an ongoing basis, provide for a progression of professional development (which may include encouraging the pursuit of postsecondary education), reflect current research and best practices relating to the skills necessary for the child care workforce to meet the developmental needs of participating children, and improve the quality of, and stability within, the child care workforce; ....

(K)(i)(II)(aa) not less than 1 prelicensure inspection, for compliance with health, safety, and fire standards, of each such child care provider and facility in the State; and

(bb) not less than annually, an inspection (which shall be unannounced) of each such child care provider and facility in the State for compliance with all child care licensing standards, which shall include an inspection for compliance with health, safety, and fire standards (inspectors may inspect for compliance with all 3 standards at the same time); ....

## **FEDERAL REGULATIONS**

### **45 CFR § 98.1(a)(5)**

One of the goals of CCDF is to assist States in implementing the health, safety, licensing, and registration standards established in State regulations.

### **45 CFR § 98.10, *Lead Agency responsibilities***

States must designate a Lead Agency to administer the CCDF program.

### **45 CFR §§ 98.11(a)(1)(b)(4) and (6)**

The Lead Agency must retain overall responsibility for the administration of the program. In doing so, the lead agency must ensure that the program complies with the approved Plan and all Federal requirements and must monitor programs and services.

### **45 CFR §§ 98.15(b)(5) and (6)**

The lead agency must certify that: ...

(5) [t]here are in effect within the State (or other area served by the Lead Agency), under State or local (or tribal) law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available under the CCDF ....

(6) [i]n accordance with § 98.41, procedures are in effect to ensure that child care providers of services for which assistance is provided under the CCDF comply with all applicable State or local (or tribal) health and safety requirements ....

### **45 CFR § 98.41, *Health and safety requirements***

(a) Although the Act specifically states it does not require the establishment of any new or additional requirements if existing requirements comply with the requirements of the statute, each Lead Agency shall certify that there are in effect, within the State (or other area served by the Lead Agency), under State, local or tribal law, requirements designed to protect the health and safety of children that are applicable to child care providers of services for which assistance is provided under this part. Such requirements shall include:

- (1) The prevention and control of infectious diseases (including immunizations)....
- (2) Building and physical premises safety; and
- (3) Minimum health and safety training appropriate to the provider setting.



**42 U.S.C. §§ 9858c(c)(2)**

**(F) Establishment of health and safety requirements**

Certify that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available under this subchapter ....

**(G) Compliance with State and local health and safety requirements**

Certify that procedures are in effect to ensure that child care providers within the State that provide services for which assistance is provided under this subchapter comply with all applicable State or local health and safety requirements as described in sub paragraph (F).

**FLORIDA STATUTES**

**Section 402.302 Definitions.**—As used in this chapter, the term: ...

(5) “Department” means the Department of Children and Family Services....

(8) “Family day care home” means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit ....

(13) “Operator” means any onsite person ultimately responsible for the overall operation of a child care facility, whether or not he or she is the owner or administrator of such facility.

**Section 402.305 Licensing standards; child care facilities.**—

**(1) LICENSING STANDARDS.**—The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(a) The standards shall be designed to address the following areas:

1. The health, sanitation, safety, and adequate physical surroundings for all children in child care.
2. The health and nutrition of all children in child care.
3. The child development needs of all children in child care.

(b) All standards established under §§ 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the State Board of Education, as the minimum standard for fire safety.

**Section 402.308 *Issuance of license.*—**

**(4) LOCAL ADMINISTRATION OF LICENSING.**—In any county in which there is a local licensing agency approved by the department, the following procedures shall apply:

(a) Application for a license or for renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the local licensing agency.

(b) Prior to the renewal of a license, the agency shall reexamine the child care facility, including in that process the examination of the premises and records of the facility as required in § 402.305 to determine that minimum standards for licensing continue to be met.

(c) The local agency shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within 15 days after written notice that such conflict exists.

(d) The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by §§ 402.301-402.319 have been met. A license may be issued or renewed if all the screening materials have been timely submitted; however, the local licensing agency shall not issue or renew a license if any of the child care personnel at the applicant facility have failed the screening required by §§ 402.305(2) and 402.3055.

**Section 402.313 *Family day care homes.*—**

(1) Family day care homes shall be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed.

(a) If not subject to license, family day care homes shall register annually with the department . . . . 4. Proof of a written plan to provide at least one other competent adult to be available to substitute for the operator in an emergency. This plan shall include the name, address, and telephone number of the designated substitute.

5. Proof of screening and background checks.

7. Proof that immunization records are kept current.

(3) Child care personnel in family day care homes shall be subject to the applicable screening provisions contained in §§ 402.305(2) and 402.3055. For purposes of screening in family day care homes, the term includes any member over the age of 12 years of a family day care home operator's family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator's family, or persons residing with the operator, who are between the ages of 12 years and 18 years shall not be required to be fingerprinted, but shall be screened for delinquency records.

(7) Operators of family day care homes shall be required annually to complete a health and safety home inspection self-evaluation checklist developed by the department in conjunction with the statewide resource and referral program. The completed checklist shall be signed by the operator of the family day care home and provided to parents as certification that basic health and safety standards are being met.

(13) The department shall, by rule, establish minimum standards for family day care homes that are required to be licensed by county licensing ordinance or county licensing resolution or that voluntarily choose to be licensed. The standards should include requirements for staffing, training, maintenance of immunization records, minimum health and safety standards, reduced standards for the regulation of child care during evening hours by municipalities and counties, and enforcement of standards.

**Section 402.318 *Advertisement.***—A person, as defined in § 1.01(3), may not advertise a child care facility, family day care home, or large family child care home without including within such advertisement the state or local agency license number or registration number of such facility or home. Violation of this section is a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.

**Section 402.319 *Penalties***—

(1) It is a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083, for any person knowingly to:

(a) Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment or licensure regulated under §§ 402.301-402.318 all information required under those sections or a material fact used in making a determination as to such person's qualifications to be child care personnel, as defined in § 402.302, in a child care facility, family day care home, or other child care program.

## **FLORIDA REGULATIONS**

### **CHAPTER 65C-20**

#### ***.008 Application.***

(1) Application for a license or for renewal of a license to operate a family day care home must be made on CF-FSP Form 5133, March 2009, Application for a License to Operate a Family Day Care Home, which is incorporated by reference. CF-FSP Form 5133 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(2) A completed CF-FSP Form 5133 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5133 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-20.012(3)(d), F.A.C.

(3) A submitted CF-FSP Form 5133 will not be considered complete until the licensing authority receives proof of background screening clearance on the operator of the family day care home, substitutes, and on all other household members who are subject to background screening pursuant to Section 402.313(3), F.S. ....

(a) Initial Screening includes all of the following:

1. Level 2 screening, which includes at a minimum Federal Bureau of Investigation (FBI), Florida Department of Law Enforcement (FDLE), and local criminal records checks. For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for licensing and screening purposes under this rule.

2. An employment history check for the operator and substitute(s) must include the previous two years of employment history, which shall include the applicant's position description, confirmation of employment dates from previous job(s), and level of job performance.

(b) Re-screening: A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted...

2. The five year re-screen must include, at a minimum, a statewide criminal records checks through the FDLE and a local criminal records check.

#### ***.009 Staffing Requirements....***

(2) Personnel.

(b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available as a substitute for the operator on a temporary or emergency basis.

(5) Supervision.

(a) At all times, which includes when the children are napping or sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to emergencies and the needs of the children. While children are napping or sleeping in bedrooms, the bedroom doors must remain open. During the daytime hours of operation, children shall have adult supervision, which means watching and directing children's activities, both indoors and outdoors, and responding to each child's needs.

#### ***.010 Health and Safety Related Requirements.***

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl; and be free from disease....

(b) All areas and surfaces accessible to children shall be free from toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items, including knives, sharp tools, BB guns, pellet guns and other potentially dangerous hazards, shall either be stored and in a locked area or must be inaccessible and out of a child's reach.

(e) Play areas shall be clean and free from litter, nails, glass, and other hazards.

(h) Outdoor Play Area and Outdoor Equipment.

2. All playground equipment, if provided, shall be securely anchored, unless portable or stationary by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children...

5. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(o) A minimum distance of 18 inches must be maintained around individual napping spaces, except a maximum of two sides of a napping space may be against a solid barrier, such as a wall ....

2. Napping spaces shall not be under furniture, against furniture that may create a hazard, or blocking exit routes.

(s) All parts of the home, both indoors and outdoors; including the furnishings, equipment, and plumbing shall be kept clean, and sanitary, free from hazards, in an orderly condition and in good repair at all times.

2. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate, at least one operable corded telephone, and lighting that allows for safe movement and egress for children in care.

(2) Hygiene and Sanitation.

(b) Soiled items shall immediately be placed in plastic lined, securely covered containers that are not accessible to children.

(g) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface that is cleaned and sanitized or disinfected after each use. The diaper changing area shall be located separate from the food preparation, food service and feeding area. In addition, items unrelated to diaper changing shall not be stored in the diaper changing area nor shall they be placed on the diaper changing table.

(3) First Aid Kit and Emergency Procedures.

(a) At least one first aid kit must be maintained on the premises of the family day care home at all times and on activities away from the home. The first aid kit shall be accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. Soap,
2. Band-Aids or equivalent,
3. Disposable non-porous gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. Pre-moistened wipes,
10. Scissors, and
11. A current resource guide on first aid and CPR procedures.

(b) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, the county public health unit; and the home's address and directions to the home, including major intersections and local landmarks, must be posted

on or near all telephones and shall be used to protect the health, safety and well-being of any child in care ....

4. During the home's licensure year, fire drills shall be conducted a minimum of 10 times and shall be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A written record shall be maintained showing the date, time, number of children in attendance, evacuation route used, and time taken to evacuate the home ....

5. The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the family day care home during a fire, lockdown, and inclement weather (tornadoes).

7. The operator shall maintain a written record of the emergency preparedness drills showing the type of drill, date conducted, number of children in attendance, and time taken for all individuals to complete the drill.

8. Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection ....

(8) Transportation.

(b) All family day care homes must maintain documentation of current insurance coverage on all vehicles used to transport children in care.

#### **.011 Health Records.**

(1) Immunizations.

(a) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B, and/or C, DH 680 (April 2009), or the Religious Exemption from Immunization form, DH 681 (July 2008), which are incorporated herein by reference, from the custodial parent or legal guardian.

(b) The family day care home operator is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, DH 3040 (June 2002), incorporated herein by reference and may be obtained from the local county health department, or a signed statement by an authorized professional that indicates the results of the components of the form are included in the health examination from the custodial parent or legal guardian, within 30 days of enrollment ....

(2) Enrollment and Medical Authorization.

(a) The operator shall obtain enrollment information from the child's custodial parent or legal guardian prior to accepting the child into care. This information shall be documented on CF-FSP Form 5219, March 2009, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent that contains all the information required by the department's form ....

(b) Enrollment information shall be kept current and on file for each child in care.

**.012 Enforcement ....**

(4) Access. The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

**Child Care and Development Fund Plan for Florida**

CCDF Plan section 3.1.1 Compliance with Applicable State/Territory and Local Regulatory Requirements on Licensing ....

c) Do the State/Territory’s licensing requirements serve as the CCDF health and safety requirements?

	<b>Family Child Care</b>
Yes, for all providers in this category	X
Yes, for some providers in this category	Describe Excluding information and registered family day care home providers who are not subject to licensure

d) CCDF identifies and defines four categories of care: ....

<b>CCDF Category of Care</b>	<b>Which providers in your State/Territory are subject to licensing under this CCDF category?</b>	<b>Are any providers in your State/Territory which fall under this CCDF category exempt from licensing?</b>

Family Child Care Home	Describe which types of family child care home providers are subject to licensing: Family day care homes shall be licensed if existing county licensing ordinance or if the board of county commissioners passes a resolution that the family day care homes must be licensed. Other family day care homes may choose to be licensed. Current, there are 15 counties in Florida that require family day care homes to be licensed.	Describe which types of family child care home providers are exempt from licensing: Informal and Registered Family day care home providers are not subject to licensure.
------------------------	--	--

CCDF Plan section 3.1.2, Enforcement of Licensing Requirements ....

- a) Does your State/Territory include announced and/or unannounced visits in its policies as a way to effectively enforce the licensing requirements?

Yes. If “Yes” please refer to the chart below and check all that apply.

CCDF Categories of Care	Frequency of Routine Announced Visits	Frequency of Routine Unannounced Visits
Family Child Care Home	Other. Describe The inspection at initial licensure is announced.	Other. Describe A minimum of two inspections annually.

- c) Does your State/Territory use background checks as a way to effectively enforce the licensing requirements?

Yes. If “Yes” please refer to the chart below to identify who is required to have background checks, what types of checks, and with what frequency.

CCDF Categories of Care	Types of Background Check	Frequency	Who is Subject to Background Checks?
Family Child Care Home	Child Abuse Registry State/Territory Criminal Background Check if the	Initial Entrance into the System Check Conducted Annually Other. Describe For State/Territory	Provider Non-provider residents of the home Operator, substitute, employee, volunteer and any adult



<b>CCDF Categories of Care</b>	<b>Types of Background Check</b>	<b>Frequency</b>	<b>Who is Subject to Background Checks?</b>
	<p>State/Territory background check includes fingerprints            FBI Criminal Background (e.g., fingerprint)            Sex Offender Registry</p>	<p>Background Check: Rescreening conducted every 5 years or if a break in service of 90 days or more has occurred.</p> <p>Florida will become part of the Caretaker Clearinghouse that will retain and run fingerprints nightly for all child care personnel and will notify the appropriate agency of any arrests or disqualifying actions.</p> <p>Other. Describe For            FBI Criminal Background Check: Rescreening conducted every 5 years or if a break in service of 90 days or more has occurred.</p>	<p>household members. Juvenile household members are subject to a juvenile delinquency check.</p>



Florida  
Department of Children and Families

## Registered Family Child Care Home Health and Safety Checklist

This form is to be completed annually by the operator of the Family Child Care Home and must be signed, and dated. The original, completed form must be given to each family with a child in care. The tear off section on page 4, with the parent or legal guardian's signature, must be removed and maintained by the operator.

Please check all that apply:

### Mandatory Requirements

- I am 18 years or older and a resident of the home.
- I do not work outside of the home during child care operating hours.
- I have completed the 30 hour Family Child Care Home training.
- I have completed the 5 hour training in Early Literacy and Language Development of children from birth to 5 years of age.
- I annually complete 10 hours of in-service training to further my child care and/or administrative skills.
- I maintain current immunization records for all children in my care.
- I ensure that competent adult supervision is provided at all times (including nap time) for all children in my care.
- All household members in my home have been appropriately screened.

### Supervision

The number and ages of children (including my own) being cared for are as follows:

- 0-12 months: # \_\_\_\_\_
- 12-24 months: # \_\_\_\_\_
- 24-36 months: # \_\_\_\_\_
- 36-48 months: # \_\_\_\_\_
- 48-60 months: # \_\_\_\_\_
- Over age 5: # \_\_\_\_\_

### Transportation

- I **never** transport children in my care. (skip to next section)
- I transport children for the following reasons/activities:  
  
 I ensure that proper child safety restraints are in place when transporting children.
- I have procedures to ensure that no child is ever left unattended in a vehicle.  
Describe:

### Emergency Information and Procedures

- I post emergency numbers in a convenient location (i.e. poison control, hospital, fire, etc.).  
State location: \_\_\_\_\_
- I have a working landline telephone that is accessible at all times.  
Telephone Number: \_\_\_\_\_
- I possess current certification in CPR. (Date of last training: \_\_\_\_\_)
- I possess current certification in First Aid. (Date of last training: \_\_\_\_\_)
- I have emergency evacuation plans and conduct monthly fire drills. Describe:
- I maintain emergency contact information for all children in my care.



**Environment and Sanitation**

- My home is a smoke free environment pursuant to s. 386.204, F.S.
- I have no firearms on the premises.
- I have firearms on the premises, however, they are locked and stored in a location that is inaccessible to children pursuant to s. 790.174, F.S.
- I have a fire extinguisher and working smoke detectors in my home.
- I have a fenced outdoor play space.
- I ensure that all playground equipment is securely anchored.
- I have barriers or alarm devices for all water hazards including pools, hot tubs, ponds etc.
- I provide age-appropriate toys for children in my care.
- I provide only toys and equipment that are free from rust and in good repair.
- I ensure that all food preparation surfaces are properly cleaned with appropriate disinfectants.
- I properly wash my hands before and after diaper changing, and before food preparation.
- I properly dispose of diapers in securely closed containers that are inaccessible to children.

**Hazardous Materials**

- I store hazardous materials safely and in a secure area that is inaccessible to children (i.e. medicines, paint, household cleaning supplies, gardening chemicals, etc.).

**Child Discipline**

- I do not use any form of discipline that is severe, humiliating, frightening, or associated with food, rest, or toileting—including spanking or any type of physical punishment.

**Animals**

- I do not have animals on the premises. *(skip to next section)*
- I have the following animals on the premises (include number of each):  
\_\_\_\_\_
- I ensure that all animals on the premises have required and current immunizations.

**I attest that the above information is true and correct.**

\_\_\_\_\_  
Provider Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Provider Signature



## Additional Quality Indicators

The following is suggested supplemental information to the Health and Safety Checklist provided to parents to assist them in identifying quality health and safety practices in Registered Family Child Care Homes.

**Please be sure to talk to your provider about these quality indicators.**

### Supervision

- Operator should watch and direct children's activities (both indoors and outdoors).
- Operator should be capable of responding to the emergencies and needs of children at all times.
- Children placed in an isolation area due to illness should be within sight and hearing of the operator and closely monitored.

### Transportation

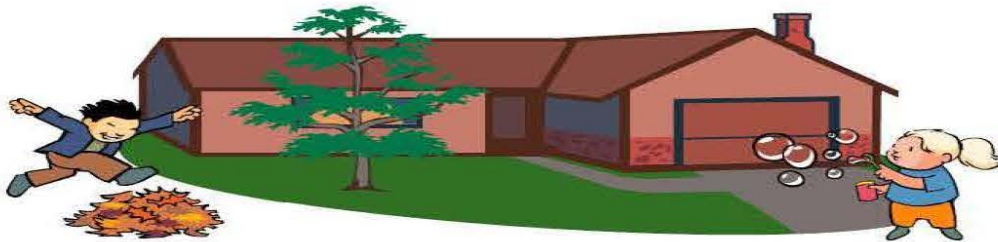
- Operator should carry a working cell phone when away from the landline.
- Operator should have a first aid kit and emergency contact phone numbers readily accessible when away from the home.

### Emergency Information and Procedures

- Operator should have a first aid kit.
- Operator should have multiple entrances and exits that are easily accessible in case of an emergency.
- Operator should maintain important medical and allergy (food or other) information for each child.

### Environment

- Operator should keep all areas and surfaces of the home that are accessible to children, clean and sanitary, free of hazards and toxic substances, in an orderly condition, and in good repair at all times (both indoors and outdoors, including the furnishings, equipment, and plumbing).
- Operator should maintain proper ventilation and temperature in the home at all times for the safety and comfort of the children.
- Operator should have fencing that is a minimum of 4 feet high for the outdoor play area when the property borders roads or streets that are open to travel by the public.
- Operator should ensure that rodents and insects are exterminated, however, *not* when rooms are occupied by children.
- Operator should keep the outdoor play area free of debris and check regularly for ants and other harmful insects.





**Pools and Other Water Hazards**

- Operator should ensure that in-ground swimming pools and above-ground swimming pools that are more than one foot deep have either a fence or barrier that is a minimum of 4 feet in height on all four sides, or an operable pool alarm.
- Operator should ensure that all doors or gates surrounding the pool fence or barrier, as well as, exterior doors leading to the pool, are locked during times children are in care.
- Water safety courses are *recommended* for persons responsible for the supervision of children during pool activities.
- Operator should ensure that at least one person who is a certified lifeguard or equivalent be present during water activities away from the home, such as field trips to the beach or lake.

**Sanitation**

- Operators, substitutes, and children should wash their hands with soap and running water, drying thoroughly, immediately following personal hygiene procedures for themselves, or when assisting others (including diapering) and after outdoor play.
- Operator or substitute should NEVER wash their hands in a sink that is used for food service preparation or food clean up, after changing a diaper or helping a child go to the bathroom.

**Rest and Nap Time**

- Operator should provide children with safe and sanitary bedding to include individual beds, cots, cribs, playpens, mattresses or floor mats. Floor mats should be 1 inch thick and covered with an impermeable surface.
- Operators should provide children under 1 year of age with their own crib, port-a-crib or playpen with sides.
- Operators should ensure that young infants not capable of rolling over on their own, are positioned on their back on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS).

**Nutrition**

- Operator should have fresh drinking water available to children at all times.
- Operator, if choosing to supply food, should provide meals and snacks that are of a quantity and quality that meets the daily nutritional needs of the children as shown in the USDA Food Guide Pyramid for Young Children.

Additional information regarding child care, registration and licensure of family child care homes, as well as, training opportunities may be found at the following:  
<http://www.myflorida.com/childcare/information>



*This tear off section is to be maintained by the operator of the Family Child Care Home. Copies should be made available upon request of the licensing authority.*

On, \_\_\_/\_\_\_/\_\_\_, I \_\_\_\_\_ received a completed copy of the  
 Name of Parent or Legal Guardian (Print)

Health and Safety Checklist for Registered Family Child Care Homes from my provider.

\_\_\_\_\_  
 Signature of Parent or Legal Guardian

\_\_\_\_\_  
 Name of Child

**APPENDIX C: PHOTOGRAPHIC EXAMPLES OF NONCOMPLIANCE  
WITH PHYSICAL CONDITIONS REQUIREMENTS**



**Photograph 1: A bottle of gin was in a lower, unsecured cabinet in the kitchen.**



**Photograph 2: A 5.1-quart container of motor oil and a covered plastic bucket storing used motor oil were in the backyard and accessible to children.**



**Photograph 3: Hedge clippers were hanging dangerously over a cabinet.**



**Photograph 4: Equipment used by children was not kept in good condition and reasonably free of hazards.**



**Photograph 5: An exposed electrical outlet was next to a crib.**



**Photograph 6: Hazardous equipment was left on a kitchen counter.**





**Photograph 7: The home's smoke detector was disconnected.**



**Photograph 8: A bag of soiled diapers was hanging on a bathroom door.**



**Photograph 9: An electric drill and a remote control on a diaper changing table.**

**APPENDIX D: INSTANCES OF NONCOMPLIANCE  
AT EACH VISITED PROVIDER**

<b>Provider #<sup>11</sup></b>	<b>Date of Last State Inspection</b>	<b>Potentially Hazardous Conditions</b>	<b>Criminal History and Child Abuse Registry Checks and Other Staff Documentation</b>	<b>Children's Records</b>	<b>Total Instances of Noncompliance</b>
1	10/16/2013	25	0	1	26
2	3/21/2013	N/A	0	N/A	0
3	Not required	4	0	0	4
4	2/6/2014	14	0	3	17
5	9/24/2013	5	0	1	6
6	10/8/2013	N/A	0	N/A	0
7	12/27/2013	7	0	1	8
8	11/25/2013	15	2	1	18
9	2/5/2013	23	2	0	25
10	2/1/2013	2	2	1	5
11	10/1/2013	7	0	2	9
12	Not required	N/A	0	N/A	0
13	1/19/2013	0	1	0	1
14	3/8/2013	2	0	4	6
15	2/15/2013	3	0	0	3
16	3/20/2013	15	0	1	16
17	2/1/2013	3	0	1	4
18	2/4/2014	4	0	0	4
19	1/7/2014	N/A	0	N/A	0
20	3/11/2014	16	0	2	18
<b>Total</b>		<b>145</b>	<b>7</b>	<b>18</b>	<b>170</b>

For those providers marked “N/A,” we were unable to gain access during our visit to review compliance with State requirements. However, we were able to review documentation related to employee training these providers gave to the State agency.

**Notice:** We provided to the State agency under a separate cover the specific names of the providers we audited.

---

<sup>11</sup> Providers 3 and 12 were registered homes for which annual inspections were not required.

## APPENDIX E: STATE AGENCY COMMENTS



Pam Stewart  
Commissioner of Education

January 29, 2016

Ms. Lori S Pilcher  
Office of Audit Services, Region IV  
61 Forsyth Street, SW, Suite 3T41  
Atlanta, GA 30303

Dear Ms. Pitcher:

Enclosed is our response to the U.S. Department of Health and Human Services, Office of Inspector General draft report entitled *Some Florida Childcare Centers Did Not Always Comply With State Health and Safety Licensing Requirements*.

In addition to the paper copy enclosed we have also, per your request, sent an electronic copy to [Truman.mayfield@oig.hhs.gov](mailto:Truman.mayfield@oig.hhs.gov).

Please feel free to contact me if you should have any additional questions. I may be reached at 850-717-8551 or [rodney.j.mackinnon@oel.myflorida.com](mailto:rodney.j.mackinnon@oel.myflorida.com).

Sincerely,

A handwritten signature in blue ink that reads "for Stephen J. Gebner".  
Rodney J. MacKinnon

RJM/jj

RODNEY J. MACKINNON  
EXECUTIVE DIRECTOR, OFFICE OF EARLY LEARNING

250 MARRIOTT DRIVE • TALLAHASSEE, FL 32399 • 850-717-8550 • Toll Free Family Line 866-357-3239 • [www.FloridaEarlyLearning.com](http://www.FloridaEarlyLearning.com)

OFFICE OF  
**Early Learning**  
LEARN EARLY. LEARN FOR LIFE.



**State of Florida  
Department of Children and Families**

**Rick Scott  
Governor**

**Mike Carroll  
Secretary**

---

**DATE:** January 22, 2016

**TO:** Rodney Mackinnon, Executive Director  
Office of Early Learning

**FROM:** Samantha Wass de Czege, Director  
Office of Child Care Regulation

**SUBJECT:** Responses to Federal Audit Report Number: A-04-14-08034

---

Below are the Department's comments in response to the U.S. Department of Health and Human Services, Office of Inspector General's (OIG) draft report titled, "*Some Florida Family Childcare Homes Did Not Always Comply with State Health and Safety Requirements.*"

We appreciate the opportunity to provide our comments regarding the validity of the facts and reasonable recommendations within the report. The Department believes the report lacks specific details/information needed for a comprehensive response and corrective action in conjunction with the findings cited in this report. Without this information, the Department finds it difficult to concur with many of these findings. Specifically, 20 providers were chosen for this audit; however, four were not available during operating hours to complete unannounced inspections, and nine were located in licensing jurisdictions subject to county oversight, leaving only seven providers (two of which were registered), under Department authority. Unfortunately, the summary of audit findings does not include sufficient detail to associate the 145 instances of noncompliance findings with specific providers, limiting the ability of each regulatory authority to appropriately respond to this report as well as ensure specific corrective actions have occurred.

The Department concurs that our authority is somewhat limited regarding Registered Family Day Care Home oversight, as the authority for onsite inspections is generally limited to background screening issues. Legislation has been introduced for consideration during the 2016 Legislative Session to provide the Department statutory authority to inspect Registered Family Day Care Homes and other exempt providers that receive CCDF funding, which support the requirements of 45 CFR & 98.41. The audit cites this lack of oversight as a finding. However, the audit was completed prior to the November 19, 2014, Child Care and Development Block Grant Act reauthorization that required inspections for all providers receiving CCDF funding.

---

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

---

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

The summary of findings references that instances of noncompliance occurred because State laws and regulations allowed for minimal oversight by the State licensing agency. The Department does not concur with that statement.

Florida ranked 6<sup>th</sup> out of 50 states, the District of Columbia and the Department of Defense, in the oversight category in the 2013 Child Care Aware “We Can Do Better” Study. The routine and renewal inspections conducted by Department licensing staff establish a consistent message regarding the importance of maintaining standard compliance at all times and ensure providers are well-informed of rule requirements and expectations. The inspection process is a mechanism to address noncompliance standards that may be occurring, as well as a way to provide ongoing technical assistance and assist with preventive measures to avoid future noncompliance standards.

The inspection frequency for licensed homes is a minimum of two times per year, which means that roughly every six months our licensing staff will visit the home. This frequency exceeds the requirements set forth in the 2014 Child Care Development Block Grant Reauthorization. The Department makes clear to providers that it is their responsibility to maintain compliance at all times. The licensing inspection is a snapshot in time of a program’s operation.

Providing the factual details surrounding each finding of a violation is very important. In order to determine if a standard violation has occurred or is occurring, licensing staff make observations and ask questions. The location of the issue and other surrounding circumstances present are also contributing factors in regards to the violation citation. The finding regarding the diapers hanging in a bag on the door knob (Appendix C Photograph 8) is an example of an issue that requires additional information to determine if the observation was a true violation. The Department cannot concur with the finding as not all information concerning the observation was shared with the Department. The Department questions whether the observation was made at a time when the provider was actively changing diapers and, upon completion, the bag was disposed of properly; if those were the circumstances, there would be no citation. However, if the diaper-changing activity was not occurring and the diapers were just left hanging for an unforeseen amount of time, a licensing violation should have been cited.

**Finding: *Providers Did Not Always Comply with Physical Conditions Requirements***

**Department Response:** The Department may concur with eight of the findings under the assumption that each observation occurred in an area of the licensed home that was freely accessible to children, and circumstances were such that jeopardized the health and safety of the children in care. For the other five findings, the Department cannot state a concurrence or non-concurrence as additional information and more specific details are needed to determine whether a true licensing violation occurred.

**Finding: *Providers Did Not Always Comply with Criminal History And Other Documentation Requirements***

**Department Response:**

The Department does not concur with the finding regarding background screening and documentation of the substitute's hours. Prior to licensing/registering a home, the Department verifies that Level 2 screening is completed for the operator, adult household members, and the named substitute, according to s. 402.301(2) and 435.04 Florida Statutes. For household members who are between the ages of 12- and 17- years-old, a juvenile records search is completed through the Florida Department of Law Enforcement (FDLE). Additionally, a Central Abuse Hotline Records search is completed on all household members, and any reports found are reviewed and considered during the approval process for licensure/registration. Documentation of screening is maintained in the licensing file as required by rules 65C-20.008(3)(a)4 and 65C-20.008(3)(b)4, Florida Administrative Code (F.A.C.). The Department maintains these documents; family day care homes are not required to maintain this information. Copies of screening information are made available to the provider as requested, as some providers prefer to maintain their own files as well.

*65C-20.008(3)(a)4, F.A.C. – Initial screening submission and clearance documentation must be maintained in the department's licensing file.*

*65C-20.008(3)(b)4, F.A.C. – Documentation/clearance from the five year re-screening must be included in the department's licensing file.*

**Finding: *Providers Did Not Always Comply With Children's Health Records Requirements***

The Department does not concur with this finding. More specific information is needed about the violation for an effective response. Several factors and questions need to be known and answered to determine if the violation citation was correct. For example, more information is needed regarding medication. Was medication administered? What was missing from the enrollment form to deem it was incomplete? Had expiration dates on immunization records passed? Did the immunization records have future expiration dates and, if so, was the finding based on the shot series according to the child's age? How long had the child been enrolled in care at the home?

**Department's Response to Audit Recommendation:**

The Department would like to request the specific health and safety issues noted in this report listed by the provider to allow for follow-up to ensure findings have been corrected. The Department will continue to require providers to adhere to each of the requirements as well as emphasize the importance of operators being proactive in their efforts to maintain licensing standard compliance at all times.

The Department is working with the Office of Early Learning (OEL) regarding the reauthorization requirements and plans to enter into a Memorandum of Understanding (MOU), to monitor specifically for requirements for CCDF. This change will require new statutory language, which is being considered during this year's legislative session (Jan. 12 – March 11, 2016). The statutory changes would grant the Department the ability to monitor for health and safety in license-exempt child care settings that participate in CCDF.

The Department's inspections are not scheduled. All inspections are unannounced and occur more frequently than required by 2014 Child Care Development Block Grant Reauthorization and other states that monitor less often. The 45-day window is for licensing staff for planning purposes and does not make the inspections predictable by providers. Policy directs staff to conduct inspections on varying days, times and hours of operation to capture a snapshot of all times of the business' operation.

The Department does not issue a license or registration if background screening requirements have not been met by all of the child care personnel, including minor household members and substitutes. Should the household/substitute change after the license/registration is issued, the provider is responsible for notifying the Department of the change and carrying out the screening process for any new individuals associated with the home.

We thank you for the opportunity to provide a response to the findings of the audit report. Again, the Department requests specific detail on the violations (by provider) and observations to go forth with following up to ensure compliance. Once the information requested is received, we will review and verify correction of the violations in the licensed homes or that the observed issues are no longer an issue for health and safety in the homes.