
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> <input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"><u>Transmittal No.</u></td> </tr> <tr> <td style="padding: 2px;">06RM-09</td> </tr> <tr> <td style="padding: 2px;"><u>Date Issued</u></td> </tr> <tr> <td style="padding: 2px;">September 2006</td> </tr> </table>	<u>Transmittal No.</u>	06RM-09	<u>Date Issued</u>	September 2006
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06RM-09					
<u>Date Issued</u>					
September 2006					

Subject:

REFERENCE MATERIAL – ENFORCEMENT ACTIONS

Revisions Made To:

Section 1-0075 Quick Reference – Civil Penalties

Filing Instructions:

REMOVE: Pages 20 and 21

INSERT: Pages 20, 20.1 and 21, 21.1

Approved:

Thomas Stahl, Chief

9/21/06

THOMAS STAHL, Chief
 Policy Development Bureau
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Date

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	Failure to Meet POC Date For Serious Deficiencies	Progressive Civil Penalties for Repeat Violations	
Type of Facility	First cited violation if not corrected	Second cited violation within 12 months of the last violation	Third or subsequent cited violation within 12 months of the last violation
RCFE	\$50 per violation \$150 per day maximum	\$150 immediate ¹ per violation then \$50 per day until corrected	\$1,000 immediate ¹ per violation then \$100 per day until corrected
RCF-CI	\$50 per violation \$150 per day maximum	\$150 immediate ¹ per violation then \$50 per day until corrected	\$1,000 immediate ¹ per violation then \$100 per day until corrected
CCF Including FFA ² Excluding FFH	\$50 per violation \$150 per day maximum	\$150 immediate ¹ per violation then \$50 per day until corrected	\$150 immediate ¹ per violation then \$150 per day until corrected
Child Care Centers	\$50 per violation \$150 per day maximum	\$150 immediate ¹ per violation then \$50 per day until corrected	\$150 immediate ¹ per violation then \$150 per day until corrected
Family Child Care Home	\$50 per violation of Section 102419 (a)(8), (b), (c), (d), (d)(1), or (d)(2) per day until corrected.	\$150 immediate ¹ per violation then \$50 per day per violation of Section 102419 (a)(8), (b), (c), (d), (d)(1), or (d)(2) until corrected	\$150 immediate ¹ per violation then \$150 per day per violation of Section 102419 (a)(8), (b), (c), (d), (d)(1), or (d)(2) until corrected
Foster Family Home	N/A	N/A	N/A

¹ The immediate penalty is assessed on the day the deficiency is cited (for one day only); daily penalty begins the day after the immediate civil penalty assessment and continues until the deficiency is corrected. **There is no daily maximum**

² FFAs are cited for violations found in Certified Family Homes (CFHs). Unless special criteria are met (see EM 1-0060, 1-0065), FFAs are not assessed penalties for repeat violations found in different CFHs

	Sickness, Injury, or Death as a Result of Deficiency	Penalties warranted by the nature or seriousness, or the frequency of the violation	Failure to obtain background check clearance or exemption prior to presence in the facility. Failure to submit a transfer of background check clearance or verify approval of an exemption transfer prior to presence in the facility (For Child Care Centers and Family Child Care Homes the below civil penalties apply for failure to comply with removal or exclusion requirements as well.)
Type of Facility			
RCFE	\$150 immediate then up to \$150 per day ¹ per violation until corrected	from more than \$50 up to \$150 on a case by case basis	\$100 immediate per person per day up to 5 days; \$100 immediate per person per day up to 30 days for 2 nd or subsequent violation within 12 months
RCF-CI	N/A (refer to next column)	from more than \$50 up to \$150 on a case by case basis	\$100 immediate per person per day up to 5 days; \$100 immediate per person per day up to 30 days for 2 nd or subsequent violation within 12 months
CCF Including FFA ² Excluding FFH	\$150 immediate then up to \$150 per day ¹ per violation until corrected	from more than \$50 up to \$150 on a case by case basis	\$100 immediate per person per day up to 5 days; \$100 immediate per person per day up to 30 days for 2 nd or subsequent violation within 12 months
Child Care Centers	\$150 immediate then up to \$150 per day ¹ per violation until corrected	from more than \$50 up to \$150 on a case by case basis	\$100 immediate per person per day up to 5 days; \$100 immediate per person per day up to 30 days for 2 nd or subsequent violation within 12 months
Family Child Care Homes	N/A	N/A	\$100 immediate per person per day up to 5 days; \$100 immediate per person per day up to 30 days for 2 nd or subsequent violation within 12 months
Foster Family Home	N/A	N/A	\$100 immediate per person per day up to 5 days; \$100 immediate per person per day up to 30 days for 2 nd or subsequent violation within 12 months

Type of Facility	Unlicensed Facilities
RCFE	Facility has 15 days to complete application. When a completed application has not been submitted, on the 16 th day: <ul style="list-style-type: none"> • Assess penalty of \$100 per day per resident retroactively for the first 15 days • Assess a penalty of \$200 per day per resident until a completed application is submitted or operation ceases
RCF-CI	Immediate penalty of \$100 per day per resident until a completed application is submitted or operation ceases. When a completed application has not been submitted, on the 16 th day: <ul style="list-style-type: none"> • Assess a penalty of \$200 per day until a completed application is submitted or operation ceases
CCF Including FFA Excluding FFH	Facility has 15 days to complete application. When a completed application has not been submitted, on the 16 th day: <ul style="list-style-type: none"> • Assess a penalty of \$200 per day until a completed application is submitted or operation ceases
Child Care Centers	Facility has 15 days to complete application. When a completed application has not been submitted, on the 16 th day: <ul style="list-style-type: none"> • Assess a penalty of \$200 per day until a completed application is submitted or operation ceases
Family Child Care Homes	Facility has 15 days to complete application. When a completed application has not been submitted, on the 16 th day: <ul style="list-style-type: none"> • Assess a penalty of \$200 per day until a completed application is submitted or operation ceases
Foster Family Home	Facility has 15 days to complete application. When a completed application has not been submitted, on the 16 th day: <ul style="list-style-type: none"> • Assess a penalty of \$200 per day until a completed application is submitted or operation ceases

	Parent’s Rights Addendum (Regarding Exclusion) or (Regarding Reinstatement) not given to parent, signed copy not maintained or not given to Licensing upon request	2 nd or subsequent violation for failure to allow parent or guardian to enter and inspect facility or for retaliation/discrimination stemming from a request to enter or lodging a complaint.	Failure to comply with Posting Requirements			Failure to return signed copy of Confirmation of Removal form to licensing within 5 days
Type of Facility			Site Visit Notice – Failure to Post for 30 days	Type A violations – Failure to Post for 30 days	Proof of Correction of Type A Violations – Failure to post for 30 days	
Child Care Centers	N/A	\$50 per violation	\$100 immediate per violation	\$100 immediate per violation	\$100 immediate per violation	N/A
Family Child Care Home	\$100 immediate per parent	\$50 per violation	\$100 immediate per violation	\$100 immediate per violation	\$100 immediate per violation	\$50 immediate per day