

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by
- Initiated by CDSS

OCT 30 2006

CCL INFORMATION RELEASE NO. 2006-06

TO: ALL COMMUNITY CARE LICENSING DIVISION STAFF

**SUBJECT: INSTRUCTIONS REGARDING FOLLOW-UP WHEN
ENFORCEMENT ACTIONS HAVE BEEN TAKEN**

Last spring the Bureau of State Audits (BSA) completed their review of the Community Care Licensing Division's (CCLD) Child Care program and issued their report. Since then representatives of all programs have been reviewing BSA recommendations and determining how to best correct identified deficiencies. (All programs have been involved because all other programs have suffered the same staffing setbacks in recent years and would have likely experienced the same deficiencies if audited.) For several corrections, instructions on how the CCLD would handle a problem were provided in management and staff meetings to allow for immediate correction. Now that all audit issues have been reviewed in depth and formal corrective plans have been developed, I am providing written directives to reemphasize certain very important findings and their corrective actions. This memo covers follow-up instructions when an enforcement action has been taken in the following three scenarios.

1. Ensure that the facility has actually closed when a Temporary Suspension Order (TSO) or revocation action becomes effective.

There are times when a licensee has serious or chronic violations of licensing laws or regulations and CCLD seeks administrative action to revoke the facility's license. Whether this involves a revocation action or closure through the TSO process, CCLD must ensure that the facilities are indeed closed and no clients remain in their care. BSA found that CCLD has not regularly made follow-up visits or verified closure.

It is the expectation that when a facility has been ordered to cease operation as a result of an administrative action, verification that the facility has closed is of the highest priority, equal to that of a complaint investigation.

Such verification must occur even if random and required visits are delayed or missed. Most often, such verification will require a follow-up visit. Sometimes verification may be obtained by other means, such as verification from an appropriate placement agency that clients are not placed in the facility. Verification that is not an actual visit must be approved by your supervisor. Whatever verification action is taken, clear documentation of the action must be in the facility file. Verification action must occur within 30 days of the closure order. If it is found that the facility is operating in violation of the law, immediate steps to ensure facility closure must be taken.

2. Ensure that an excluded person has actually left the facility when the person is expelled from a facility.

A follow-up visit is needed when a person is excluded from a facility. Once CCLD has ordered the person out of the facility, we then must take the next step of ensuring that the person is actually out of the facility. If the excluded person is found to be in the facility, immediate steps must be taken to revoke the license.

It is the expectation that, through either a follow-up visit or other means, verification that the excluded person is no longer in the facility takes place and that documentation of this verification is in the facility file. In most cases, a follow-up visit would be required. Verification that is not an actual visit must be approved by your supervisor. Again, such follow-up actions are of the highest priority, equal to that of a complaint investigation. You have been instructed in the past to verify that the excluded person is out of the facility during the next visit to the facility. I am now requiring that verification occur within 30 days of the exclusion order.

3. Ensure that the terms of probation are actually being met when a facility is placed on probation and monitoring visits are required.

When administrative actions are taken and result in a term of probation for the license, the need arises to periodically visit the facility. We need to ensure that the conditions of probation are being met. If such monitoring visits are not made and not followed up, we can't ensure that clients are safe.

It is the expectation that when, through the administrative action process, a facility is being operated under a probationary license, monitoring visits will be scheduled, tracked and completed. Such visits are established by the terms of probation and hold the same priority as complaint investigations. Documentation of such visits must be in the facility file. If a facility does not comply with the terms of probation, immediate steps to revoke the probationary license must be taken.

The failure to follow up on facility closures, exclusions and probationary operations are of great concern to all of us in CCLD. Our mission to protect clients is always utmost in how we do our jobs. We must ensure that our most serious actions to protect the health and safety of clients have been effective. When we have identified a high risk situation and prevailed with the administrative action taken, we must then take the last step of confirming that the required outcome is in place.

Thank you for your assistance. If you have any questions regarding these enforcement actions, please contact the appropriate manager in your program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jo Frederick", written over a horizontal line.

JO FREDERICK, Deputy Director
Community Care Licensing Division