

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 31, 2007

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

CCL INFORMATION RELEASE NO. 2007-07

TO: ALL CCLD STAFF

SUBJECT: PLANS OF CORRECTION

Conducting a facility visit is an integral part of evaluating a facility's compliance with applicable statutes and regulations. During the facility visit, Licensing Program Analysts (LPAs) may find that a facility is not in compliance with statutes or regulations resulting in the LPA issuing a citation as a means to notify the licensee of their noncompliance and to bring the licensee back into compliance. An essential element to this process is the development of a Plan of Correction (POC).

All cited deficiencies require a POC to be developed, whether the violation is corrected on the spot or over time. Once a deficiency is identified, the facility representative and the LPA are jointly responsible for developing the POC, which is subject to Department approval. An effective POC is understandable, measurable, verifiable and is completed within required timeframes. This is accomplished through consultation and technical assistance with the facility representative when the POC is being developed.

The recent Bureau of State Audits (BSA) review of our Child Care Program raised questions regarding how POCs are handled division wide. Our review of the BSA recommendations in this area has led to revisions to the Evaluator Manual (EM). Included in these revisions are procedures for: (1) Clearing the Deficiency; (2) Extending the POC; and (3) Use of self-certification. Also included are guidelines for developing an Effective POC. These new procedures will increase supervisory involvement and ensure consistency across all programs statewide.

CLEARING THE DEFICIENCY

This new section of the EM (section 3-3605, Clearing the Deficiency) addresses ways the LPA can clear deficiencies for which POCs were developed. During the development of the POC, it is established whether the deficiency will be cleared through a site visit, an office meeting or through other means. A POC visit is **always** an option even if other means of verification are used.

Documentation of the POC process can later be used to determine the compliance history of a facility. This new EM section will assist the LPA with the POC process and reinforce the importance of documenting any course of action.

EXTENDING PLAN OF CORRECTION

Extensions on POCs must be requested *prior* to the POC due date.

Type A deficiency	LPA must confer with Licensing Program Manager (LPM) for approval. Any immediate risk must be immediately resolved.
Type B deficiency	LPA may approve up to 30 days.

In either case, the extension decision must be documented and placed in the facility file and the licensee must be notified. The LIC 178 (Penalty Review/POC Extension) is available for this purpose.

USE OF SELF-CERTIFICATION

Self-certification is a method allowing a licensee or administrator to attest that corrections have been made. This method should be **rarely** used and shall be limited to the following conditions:

- The facility must have a history of substantial compliance.
- There must be no other verifiable evidence that could be submitted to prove the deficiency(ies) have been corrected.

For example: if a facility was cited for "water being too hot," the LPA would cite and observe that the temperature was turned down on the hot water heater. However, it may take some time before an accurate reading of the water temperature can be made. When the water temperature is too hot, it presents an immediate risk to clients and would be a Type A violation. If the facility meets the criteria listed above, the LPA may allow the provider to self-certify that they tested the water, have obtained an acceptable temperature and indicate the temperature.

The use of self-certification for Type A violations should be carefully considered and may need consultation with a LPM.

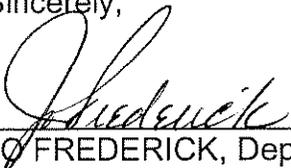
The POC provides a means of both documenting compliance issues and verifying that identified deficiencies are being corrected. It is my expectation that POCs will be tracked and that LPAs will perform the required follow-up to ensure that the deficiencies have been corrected. LPAs are responsible for maintaining a system for tracking POCs.

CCL Information Release No. 2007-07
Page Three

Current EM updates are online at http://ccl.dss.cahwnet.gov/EvaluatorM_2338.htm . If you have any questions regarding the tracking of POCs, please confer with your supervisor.

If you have any questions regarding this memo, please contact either Thomas Stahl, Chief of the Policy Development Bureau at (916) 322-5528, or Linda Inglett, Chief of the Child Care Policy and Support Bureau at (916) 229-4504.

Sincerely,



JO FREDERICK, Deputy Director
Community Care Licensing Division