



Effective Licensing Plan of Correction Practices

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Oregon Laws Regarding Plans of Correction

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Oregon Department of Human Services

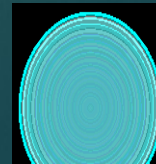
Do Not renew unless compliant with Plans of Correction

ORS 418.240(2)(a) The department may not issue or renew a license, certificate or other authorization to a child-caring agency unless the department finds the agency is or will be in full compliance with all of the following:

(I) The agency fully and timely corrects violations and maintains standards in accordance with any plan of correction imposed by the department.

The Director can order the Licensee to do something or prohibit the Licensee from doing something if they fail to comply with a Plan of Correction

ORS 418.240 (7) When a condition exists that seriously endangers or places at risk the health, safety or welfare of a child who is receiving care or services at a child-caring agency: **(b)** The director may commence an action to enjoin operation of a child-caring agency: **(B)** If the agency fails to comply with a plan of correction imposed by the department or to correct conditions not in conformity with standards as set out in an order issued under paragraph (a) of this subsection, within the time specified in the order.



Plans of Correction which are not implemented in 45 days *may* result in suspension or revocation and *shall* notify the public organizations the licensee contracts with.

ORS 418.260 (2) ...If the department imposes a plan of correction, and the corrections are not made within 45 days from the effective date of the plan of correction, the department may immediately suspend or revoke the license, certificate or authorization of the child-caring agency. The department shall immediately notify any governmental agency or unit that has a contract with the child-caring agency to provide care or services to a child of any suspension or revocation of, or conditions placed on, the license, certificate or other authorization of the child-caring agency.

More notifications required when licensee is not compliant with a Plan of Correction.

ORS 418.260 (4) If the department... imposes a plan of correction that the child-caring agency does not comply with in the time allotted for correction, the department shall immediately notify the following of the failure of the child-caring agency to comply with the plan of correction: (a) The Legislative Assembly or the interim committees of the Legislative Assembly relating to child welfare. (b) The state or governmental agency or unit, governing board, trustees, owners, managers or operators or other appropriate authorities responsible for the child-caring agency. (c) Any governmental agency or unit that has a contract with the child-caring agency to provide care or services to a child.



Conditions imposed on a licensee can be tied to a Plan of Correction

ORS 418.327 (3) The department may place conditions on any license issued under this section in accordance with the provisions of ORS 418.240, including but not limited to placing full or partial restrictions on admission of children, temporary suspension, limitation of operations subject to an intent to revoke and limitation of operations subject to correction of violations as specified in a plan of correction imposed by the department.



G W Y . 9 D B F
CHEROKEE NATION®



Overview of the Cherokee Nation Licensing Program

Lisa Turtle, Licensing Case Worker

Cherokee Nation Licensing Program

- Established in 1992 to monitor compliance with Health and Safety standards for all child care facilities who contract with Cherokee Nation.
- Service area consists of 14 counties in NE Oklahoma.
- The Cherokee Nation has adopted the OKDHS health and safety standards for child care centers and homes.
- The Cherokee Nation has developed health and safety standards for Relative Providers who provide care for children eligible for Cherokee Nation subsidy.

- The Cherokee Nation operates two child care facilities
- The Cherokee Nation contracts with approximately 300 licensed child care providers and 200 Relative Providers.

Memorandum of Agreement

- Established in 1995
- Between the Cherokee Nation Child Care Program and the state of Oklahoma Licensing Services.
- The purpose is to establish and maintain an effective cooperative relationship to share work responsibilities for monitoring licensed facilities contracted by Cherokee Nation.

- Cherokee Nation does not License facilities but enters into a contract for services.
- The tribe and state share information on cc subsidy, monitoring visits, complaints, denials, revocations, and training opportunities for licensing staff.

▶ Pennsylvania - Applicable Laws

Title 62. Pennsylvania Department of Human Services Article X. Departmental Powers and Duties as to Licensing

§ 1008 Provisional license

When there has been substantial but not complete compliance with all the applicable statutes, ordinances and regulations and when the applicant has taken appropriate steps to correct deficiencies, the department shall issue a provisional license for a specified period of not more than six months which may be renewed three times...

§ 1026 Refusal to issue license; revocation; notice

Whenever the department, upon inspection.., shall learn of violation ...of regulations..., it shall give written notice thereof... Such notice shall require the offending person to take action to bring the facility into compliance with this act or with the relevant regulations within a specified time.

▶ PA Applicable Laws

The Department requires submission of an acceptable plan of correction prior to the issuance of any license to operate.

55 Pa. Code § 20.52 Plan of correction.

If, during an inspection, authorized agents of the Department observe items of noncompliance with licensure or approval regulations, the legal entity shall submit an acceptable written plan to correct each noncompliance item and shall establish an acceptable period of time to correct these items.

▶ PA Applicable Laws

55 Pa. Code § 20.71 Conditions for denial, nonrenewal

§ 20.71. Conditions for denial, nonrenewal or revocation.

(a) The Department may deny, refuse to renew or revoke a certificate of compliance for any of the following:

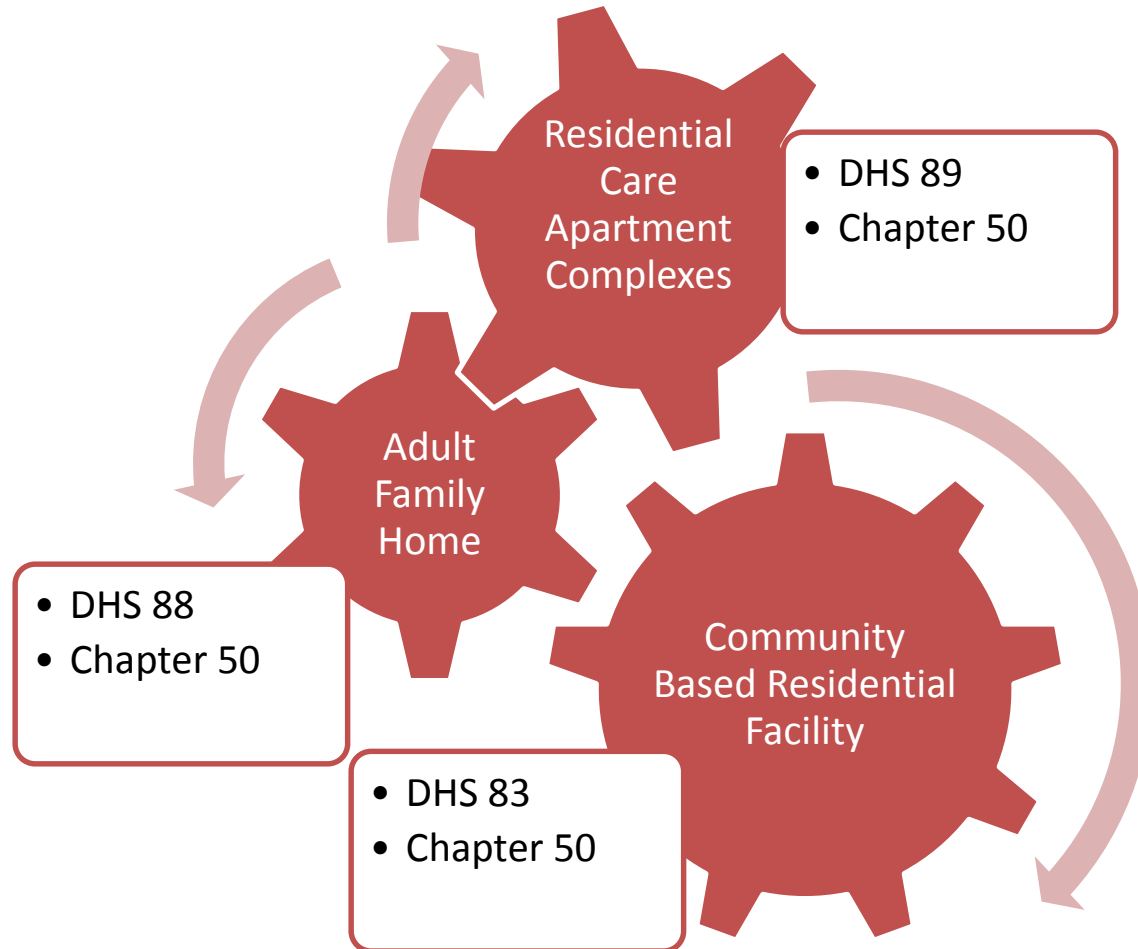
- (1) Failure to comply with this chapter.
- (2) Noncompliance with the Department's program licensure or approval regulations.
- (3) Failure to submit an acceptable plan to correct noncompliance items.
- (4) Failure to comply with the acceptable plan to correct noncompliance items.
- (5) Mistreatment or abuse of clients being cared for in the facility or receiving service from the agency.
- (6) Gross incompetence, negligence or misconduct in operating the facility or agency.
- (7) Fraud or deceit in obtaining or attempting to obtain a certificate of compliance.
- (8) Lending, borrowing or using the certificate of compliance of another facility or agency, or knowingly aiding or abetting the improper granting of a certificate of compliance.

McFarland v. Dept. of Public Welfare

The Department does not need to establish that the licensee willfully violated the group day care home regulations; rather, pursuant to 62 P.S. 1026(b), the Department must establish one of the following: the licensee failed to comply with the Department's regulations, the licensee failed to comply with acceptable plans of correction, or the licensee committed gross incompetence, negligence or misconduct in operating the facility. McFarland v. Dept. of Public Welfare., 551 A.2d 364, 367 n. 6 (Pa. Cmwlth. 1988)



Wisconsin Assisted Living Facilities





CBRF 50.03(5g)(b)4

- That a licensee submit a plan of correction for violation of any provision of licensure applicable to a community based residential facility under sub. (4) or (4m) or of a rule relating to community-based residential facilities promulgated by the department under sub. (4) or (4m)



CBRF 50.03(5g)(b)5

- That a licensee implement and comply with a plan of correction previously submitted by the licensee and approved by the department.



AFH DHS 88.03(6)(a)1

- A licensing agency when it issues a notice of violation may require the licensee to submit a plan of correction for approval of the licensing agency. The licensee shall submit the plan of correction to the licensing agency not more than 30 days after the date of the notice or within a shorter period of time, as specified by the licensing agency, if the licensing agency determines that continuation of the violation may be harmful to the health, safety, welfare or rights of residents.



AFH DHS 88.03(6)(a)2

- The licensing agency may require modifications in a proposed plan of correction before approving it or may substitute its own plan of correction



RCAC DHS 89.56(2)

- A residential care apartment complex shall submit a written plan of correction to the department within 30 days after the date of the notice of violation. The department may specify a time period of less than 30 days for submittal of the plan of correction when it determines that the violation may be harmful to the health, safety, welfare or rights of tenants.



Provider's Plan of Correction

- What corrective action and system changes will be made to ensure violations are corrected and regulatory compliance is maintained?
- Who is responsible for monitoring for continued regulatory compliance?
- Department Orders, if applicable. Submit documentation, if requested.
- Date of completion for each corrective action (Violation, Order).



Department Orders Directed Plans of Correction

- Tailored
- Address “root cause”
- Build systems
- Invest in operation
- AFH – intermediate sanction





THANK YOU FROM WISCONSIN!

