

## Statement of Deficiencies

### 7305-B: Liability Insurance

**Not Met**

7305-B: The provider shall maintain in force at all times current commercial liability insurance for the operation of a center to ensure medical coverage for children in the event of accident or injury. The provider is responsible for payment of medical expenses of a child injured while in the provider's care. Documentation shall consist of the insurance policy or current binder that includes the name of the child care facility, physical address of the facility, name of the insurance company, policy number, period of coverage and explanation of the coverage.

#### Finding:

7305-B Based on record review: The Provider lacked required documentation of current commercial liability insurance for the operation of the center to ensure medical coverage for children in the event of accident or injury. The facility does not have a copy of valid Liability Insurance on the premises.

### 7305-H: Children's Daily Attendance

**Not Met**

7305-H: A daily attendance record for children, completed by the parent or center staff, including the time of arrival and departure of each child and the name of the person to whom the child was released, shall be maintained. This record shall accurately reflect the children on the child care premises at any given time. If the record is completed by center staff, that individual shall write the first and last name of the person to whom the child was released and sign his/her own name. Children who leave and return to the center during the day shall be signed in/out. A computerized sign in/out procedure is acceptable if the record accurately reflects the time of arrival and departure as well as the name of the person to whom the child was released.

#### Finding:

7305-H Based on record review: The center's daily attendance record for children did not accurately reflect the children on the child care premises at any given time as 19 children were present and 15 children were signed in on the log.

### 7305-I: Staff Attendance

**Not Met**

7305-I: A daily attendance record for staff, including the director/owner, to include the time of arrival and departure shall be maintained. Staff shall document in/out when not on the child care premises. This record shall accurately reflect persons on the child care premises at any given time.

#### Finding:

7305-I Based on record review: The center's staff daily attendance record did not accurately reflect persons on the child care premises at any given time as evidenced by S1 was not signed into the staff attendance log on 4/15/14-4/16/14.

### 7311-A.1: Staff Information Form

**Not Met**

7311-A.1: A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include an application and/or a staff information form with the following:

- name
- date of birth;
- address and telephone number;
- previous training/work experience;
- educational background; and
- employee's starting and termination date.

#### Finding:

7311-A.1 Based on record review: The Provider did not have an application/staff information form for staff S1.

### 7311-A.2: Reference Checks

**Not Met**

7311-A.2: A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include documentation of three current, positive reference checks or telephone notes signed and dated. These references shall be obtained from persons not related to the employee.

#### Finding:

7311-A.2 Based on record review: Documentation of three current, positive non related reference checks or telephone notes signed and dated was not available for staff S1.

## **Statement of Deficiencies**

### **7311-A.4: Health Statement**

**Not Met**

7311-A.4: A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include a written statement of good health signed by a physician or designee. Health statement dated within three months prior to offer of employment or within one month after date of employment is acceptable. A health statement is required every three years. Originals shall be presented upon request.

#### **Finding:**

7311-A.4 Based on record review: Health records to include documentation of good health, signed by a physician or designee were not available for staff S1.

### **7311.A.5: Criminal Background Check Requirements**

**Not Met**

7311.A.5: A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include documentation of a fingerprint based satisfactory criminal record check (CBC) from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being hired by or present in the child care facility. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1, shall be hired by or present in any capacity in any licensed child care facility. CBC shall be dated no earlier than 30 days of the individual's hire date at the facility. If a staff person leaves the employment of the provider for more than 30 calendar days, a new fingerprint based CBC is required prior to the individual being rehired by or present on the child care premises. A criminal background check is satisfactory for purposes of this Section if it shows no arrests for any enumerated offense or, if an arrest is shown on the background check, the background check or certified documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction for any excludable offense. A plea of guilty or nolo contendere shall be deemed a conviction. If an individual applicant has previously obtained a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police such certified copy shall be acceptable as meeting the CBC requirements for employees and/or staff. If an individual provides a certified copy of their criminal background check which he/she has previously obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. An original certified copy or a photocopy of the certified copy shall be kept on file at the facility in which the individual is currently employed/providing child care services. However, prior to the one year expiration of the certified criminal background check, a new fingerprint based satisfactory criminal background check shall be obtained from Louisiana State Police in order for the individual to continue employment/providing child care services at the center. If the clearance is not obtained prior to the one year expiration of the certified criminal background check, the individual is no longer allowed on the child care premises until a clearance is received.

#### **Finding:**

7311.A.5 Based on record review: Documentation of a satisfactory criminal record check, as required by R.S. 15:587.1, was not available for staff member S1 prior to the individual being present in the childcare facility. S1 date of hire is 4/9/14. S1 was working on the premises on 4/15/14-4/16/14 as evidenced by specialist observation or review of staff attendance logs from 4/9/14-4/16/14.

## Statement of Deficiencies

### 7311.A.6: State Central Registry

Not Met

7311.A.6: A record for each paid and non-paid staff person, including substitutes and foster grandparents shall be on file at the center. Personnel record shall include documentation of a state central registry disclosure form (SCR 1) completed by the staff (paid and/or non paid) as required by R.S. 46:1414.1. This information shall be reported prior to the individual being on the premises of the child care facility, shall be updated annually, at any time upon the request of DCFS, and within 24 hours or no later than the next business day, whichever is sooner, of any staff receiving notice of a justified (valid) finding of child abuse and/or neglect. Any current or prospective employee, or volunteer of a child care facility licensed by DCFS is prohibited from working in a child care facility if the individual discloses, or information is known or received by DCFS, that the individual's name is recorded on the state central registry (SCR) as a perpetrator for a justified (valid) finding of abuse and/or neglect of a child, unless there is a finding by the Risk Evaluation Panel or a ruling by the Division of Administrative Law (DAL) that the individual does not pose a risk to children.

a. The prospective paid and/or non paid staff (employee/volunteer) shall complete, sign, and date the state central registry disclosure form and submit the disclosure form to the owner or operator of the facility.

i. If a prospective staff (employee/volunteer) discloses that his or her name is currently recorded as a perpetrator on the state central registry, the director shall inform the applicant they will not be considered for employment or volunteer duties at that time due to the state central registry disclosure. The director will provide the prospective employee/volunteer with the state central registry risk evaluation request form (SCR 2) so that a risk assessment evaluation may be requested.

ii. Individuals are eligible for employment/volunteer services if and when they provide written determination from the Risk Evaluation Panel or the DAL noting that they do not pose a risk to children.

b. If a current staff receives notice of a justified (valid) finding of child abuse and/or neglect against them, he or she shall complete an updated state central registry disclosure form (SCR 1) noting the existence of the justified (valid) finding as required by R.S. 46:1414.1. This updated SCR 1 shall be submitted to the Licensing Section management staff within 24 hours or no later than the next business day, whichever is sooner, or upon being on the child care premises, whichever is sooner. Staff will have 10 calendar days from completion of the state central registry disclosure form to request a risk assessment evaluation in accordance with LAC 67:1.305 or shall be terminated immediately.

i. If the staff person will no longer be employed at the center, the provider shall immediately submit a signed, dated statement noting the individual's name and termination date.

ii. Immediately upon receipt of the knowledge that a justified (valid) finding has been issued by DCFS and as a condition of continued employment, the staff person with the justified (valid) finding, when in the presence of children shall be directly supervised by a paid staff (employee) of the facility. The employee responsible for such supervision must have on file a completed state central registry disclosure form indicating that the employee's name does not appear on the state central registry with a justified (valid) finding of abuse and/or neglect, or a determination from either the Risk Evaluation Panel or the DAL that the supervising employee does not pose a risk to children. Under no circumstances may the staff person with the justified finding be left alone and unsupervised with a child or children. The provider shall submit a written statement to Licensing Section management staff acknowledging that the staff person with the justified finding will not be left alone and unsupervised with a child or children pending the disposition by the Risk Evaluation Panel or the DAL that the staff person does not pose a risk to children. When the aforementioned conditions are met, the staff (employee/volunteer) may be counted in child/staff ratio. A person supervised by an employee who does not have a satisfactory disclosure form on file as provided in this sub-section shall be deemed to be alone and unsupervised.

(a). If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual does not appeal the finding to the DAL within the required timeframe, the staff (employee/volunteer) shall be terminated immediately.

(b). If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual appeals the finding to the DAL within the required timeframe, the staff (employee/volunteer) shall continue to be under direct supervision while in the presence of children by another paid staff of the facility who has not disclosed that they have a justified (valid) finding on the state central registry until a ruling is made by the DAL that they do not pose a risk to children. Supervision shall not end until receipt of the ruling from the DAL that the employee does not pose a risk to children.

(c). If the DAL upholds the Risk Evaluation Panel finding that the individual does pose a risk to children, the individual shall be terminated immediately.

iii. State central registry disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the DAL ruling shall be maintained in accordance with current DCFS licensing requirements and shall be available for review by DCFS personnel during the facility's hours of operation.

iv. Any information received or knowledge acquired that a current or prospective volunteer, employee, prospective volunteer, or prospective employee has falsified a state central registry disclosure form stating that they are not currently recorded as a perpetrator with a justified (valid) finding of abuse and/or neglect shall be reported in writing to a Licensing Section management staff as soon as possible, but no later than the close of business on the next business day.

v. Any state central registry disclosure form, Risk Evaluation Panel finding, and DAL ruling that is maintained in a child care facility licensing file shall be confidential and subject to the confidentiality provisions of R.S. 46:56(F) pertaining to the investigations of abuse and/or neglect.

#### Finding:

7311.A.6 Based on record review:.) Provider failed to have documentation of a completed state central registry disclosure form (SCR1) on site and available to review at the center as required by ACT 388 of the 2009 regular legislative session prior to a staff member being on the premises. Staff member S1 was hired on 4/9/14 worked at the facility from 4/15/14 to 4/16/14 and completed their SCR1 on 4/9/14 per facility documentation but the SCR1 form is incomplete as S1 did not indicate whether she had a valid finding with Child Welfare and the provider did not sign the SCR1 showing that the form was reviewed.

## Statement of Deficiencies

### 7312-A: Orientation Training

**Not Met**

7312-A: Within one week of employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include the following topics:

- center policies and practices including health and safety procedures;
- emergency and evacuation plan;
- supervision of children;
- discipline policy;
- job description;
- individual needs of the children enrolled;
- detecting and reporting child abuse and neglect;
- current Child Care Class "A" Minimum Licensing Standards; and
- confidentiality of information regarding children and their families.

This training shall be followed by four days of supervised work with children. Documentation shall consist of a statement/checklist in the staff record signed and dated by the staff person and director, attesting to having received such orientation training, and the dates of the supervised work with children.

#### Finding:

7312-A Based on record review: Provider lacked documentation that 1 of 5 staff, S1, received orientation within one week of employment and prior to having sole responsibility for a group of children.

### 7325-J: Individual Labeled Space

**Not Met**

7325-J: Individual, labeled space shall be available for each child's personal belongings.

#### Finding:

7325-J Based on observations: The center was not equipped with individual, labeled space for each child's personal belongings as evidenced by in the infant/ toddler room did not have labeled space for the two infants enrolled at the facility.

### 7325-N: Sleeping Accommodations Labeled

**Not Met**

7325-N: Each child's sleeping accommodations shall be assigned to him/her on a permanent basis and labeled.

#### Finding:

7325-N Based on observations: Each child's sleeping accommodations were not assigned to him/her on a permanent basis as they were not labeled. The cribs in the infant room are not labeled with individual childrens names. The cribs are numbered and there is a corresponding form on the wall of the infant room that states which numbered crib belongs to which infant but the name of the infants are not on the form.