

Statement of Deficiencies

7302-F: State Central Registry

Not Met

7302-F: Conditions for Owners, Operators, Employees and Volunteers. Any owner, operator, current or prospective employee, or volunteer of a child care facility requesting licensure by the department and/or a child care facility licensed by the Department of Social Services is prohibited from working in a child care facility if the individual discloses, or as the result of information known or received by the Department of Social Services, that individual's name is recorded on the state central registry (SCR) as a perpetrator for a justified (valid) finding of abuse or neglect of a child, unless there is a finding by the Risk Evaluation Panel or a ruling by the Division of Administrative Law that the individual does not pose a risk to children.

1. An individual owning, operating, employed by or volunteering in a child care facility prior to January 1, 2010, licensed by the department shall be required to complete a state central registry disclosure form on or before February 1, 2010. This information shall be reported at the time of application, annually, at any time upon the request of the department, and within three working days of any such individual receiving notice of a justified (valid) determination of child abuse or neglect.

a. The owner, operator, and current employee/volunteer of the licensed child care facility shall complete, sign and date the state central registry disclosure form. The current or prospective employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator shall also be required to provide documentation of his or her state central registry disclosure form.

b. Any current employee/volunteer hired before January 1, 2010, who discloses that their name is recorded on the state central registry with a justified (valid) finding of abuse or neglect, or through reasonable suspicion, or as the result of information known or received by the Department of Social Services 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. As a condition of continued employment the employee/volunteer shall be directly supervised by another paid employee of the facility, who has not disclosed that their name appears with a justified (valid) finding on the state central registry. Under no circumstances may the staff person with the justified finding be left alone and unsupervised with the children pending the disposition of the Risk Evaluation Panel that they do not pose a risk to children. When these conditions are met, the employee/volunteer may be counted in child staff ratio. If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual chooses not to appeal the finding, the employee/volunteer shall be terminated immediately. If the Risk Evaluation Panel finds the individual does pose a risk to children and the individual appeals the finding within the required timeframe, the employee/volunteer shall continue to have direct supervision at all times by another paid employee of the facility who has not disclosed that they have a justified finding on the state central registry until a ruling by the Division of Administrative Law that they do not pose a risk to children. Supervision may end effective with such a ruling from the Division of Administrative Law. If the Division of Administrative Law upholds the Risk Evaluation Panel finding that they do pose a risk to children, they shall be terminated immediately.

2. After January 1, 2010, any prospective owner, operator, or prospective employee/volunteer of a child care facility requesting licensure by the department and/or the child care facility requesting licensure by the department shall be required to complete a state central registry disclosure form. This information shall be reported at the time of application, annually, at any time upon the request of the department, and within three working days of any such individual receiving notice of a justified (valid) determination of child abuse or neglect.

a. The prospective employee/volunteer of a child care facility requesting licensure by the department and/or licensed child care facility shall complete, sign and date the state central registry disclosure form. The prospective employee/volunteer shall submit the disclosure form to the owner or operator of the facility. The owner or operator shall also be required to provide documentation of his or her state central registry disclosure form.

b. If a prospective operator, employee/volunteer discloses that his or her name is currently recorded as a perpetrator on the state central registry, the child care facility representative/prospective employer shall inform the applicant they will not be considered for employment or volunteer duties at the time due to the state central registry disclosure and the child care facility representative/prospective employer will provide the prospective employee/volunteer with the request for risk panel evaluation form.

3. SCR disclosure forms, documentation of any disposition of the Risk Evaluation Panel and, when applicable, the Division of Administrative Law ruling shall be maintained in accordance with current department licensing requirements and be available for review by Child Care Licensing and Regulatory personnel during the facility's hours of operation. They shall be kept on file a minimum of one year from termination of the employee or volunteer from the center.

4. Any information received or knowledge acquired that a current or prospective owner, operator, volunteer, employee or prospective employee or volunteer has falsified a state central registry disclosure form stating that they are not currently recorded as a perpetrator with a justified (valid) determination of abuse or neglect shall be reported in writing to a Child Care Licensing manager at the Department of Social Services, Office of Family Support, Child Care Licensing and Regulatory Section as soon as possible, but no later than the close of business on the next working day.

5. Any state central registry disclosure form, Risk Evaluation Panel finding and Division of Administrative Law 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 neglect.

6. Violations of any of the provisions of this Section shall result in licensing enforcement actions up to and including revocation of the license to operate.

Finding:

7302-F Based on observations:

Provider did not have documentation of a completed state central registry disclosure form (SCR 1) on site and available for review at the center as required by ACT 388 of the 2009 regular legislative session. 1 of 5 staff, S1 did not have documentation of the completed form. Staff was on the premises as observed by the licensing specialist. Provider corrected during licensing inspection.

Statement of Deficiencies

7306-D: Daily Rest Period

Not Met

7306-D: Children five years and younger shall have a daily rest period of at least one hour. Providers that serve children in half-day programs are not required to schedule napping periods for these children.

Finding:

7306-D Based on interview(s): Children 5 years and younger in a full day program did not receive a daily rest period of at least one hour per statement from provider. Provider stated she was unaware that the children ages four years and five years old needed a daily rest period of at least one hour.

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 interview(s): The Provider did not have an application/staff information form for staff: S1. Corrected during the visit

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 interview(s): Documentation of three current, positive non related reference checks or telephone notes signed and dated was not available for staff: S1.

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 interview(s): Health records to include documentation of good health, signed by a physician or designee was not available for 1 of 5 staff: S1.

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7311-A.5: Criminal Record Check

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 satisfactory criminal record check from Louisiana State Police as required by R.S. 46:51.2. This check shall be obtained prior to the individual being 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, R.S. 14:2, R.S. 15:541 or any offense involving a juvenile victim, shall be eligible to own, operate, and/or be present in any capacity in any licensed child care facility. For any owner or operator, a clear criminal background check in accordance with R.S. 46:51.2 shall be obtained prior to the issuance of a license or approval of a change of ownership. In addition, neither an owner, nor a director, nor a director designee shall have a conviction of, or pled guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense. An individual who applies for a position of supervisory or disciplinary authority over children in a child care facility may provide a certified copy of their criminal background check obtained from the Louisiana Bureau of Criminal Identification and Information Section of the Louisiana State Police. If an individual provides a certified copy of their criminal background check obtained from the Louisiana State Police to the provider, this criminal background check shall be accepted by the department for a period of one year from the date of issuance of the certified copy. A photocopy of the certified copy shall be kept on file at the facility in which the individual is currently employed. However, prior to the one year date of issuance of the certified criminal background check, the provider shall request and obtain a satisfactory criminal check from Louisiana State Police in order for the individual to continue employment at the center. If the clearance is not obtained by the provider prior to the one year date of issuance of the certified criminal background check, the staff person is no longer allowed on the child care premises until a clearance is received.

Finding:

7311-A.5 Based on interview(s):

Documentation of a satisfactory criminal record check, as required by Louisiana R.S. 15:587.1, was not available for 1 of 5 staff, prior to the individual being present in the childcare facility. S1 started working in the center on 6/6/13 per statement from provider. S1 was observed on the premises during the licensing visit. Corrected during the visit

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 observations:

Provider did not have 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 did not have individual space labeled for each child's personal belongings as evidenced by cubbies observed with children's bags in them which did not have a name for individual use.

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7325-L: Appropriate Sleeping Arrangements

Not Met

7325-L: Individual and appropriate sleeping arrangements shall be made available for each child. An individual cot and/or mat of appropriate size, height, and material, sufficient to ensure each child's health and safety, shall be provided. The cot and/or mat shall be of adequate size to ensure that the child's head and feet rest on the mat and/or cot. For programs serving children ages 6 and above only, individual and appropriate sleeping arrangements shall be made available for a child that requests a rest time.

Finding:

7325-L Based on interview(s)/observations:

There was not individual and appropriate sleeping arrangements provided for children as there are no mats or cots for the children ages four years to five years old to rest.

7327.O: Visual Check - Center

Not Met

7327.O: The entire center shall be checked after the last child departs to ensure that no child is left unattended at the center. Documentation shall include date, time, and signature of staff conducting the visual check.

Finding:

7327.O Based on interview(s): The provider did not document that the entire center was checked after the last child departed to ensure that no child is left unattended at the center. Note: The provider stated that the center is checked after the last child leaves, but she forgot to document her visual check.
