

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**SOME LOUISIANA FAMILY CHILD DAY
CARE HOME PROVIDERS DID NOT
ALWAYS COMPLY WITH STATE
HEALTH AND SAFETY REQUIREMENTS**

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Office of Inspector General

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EXECUTIVE SUMMARY

The 20 providers that we reviewed did not always comply with applicable State requirements to ensure the health and safety of children.

WHY WE DID THIS REVIEW

The Administration for Children and Families provides Federal grants through several programs, including Head Start and the Child Care and Development Fund (CCDF). In a recent report summarizing the results of 24 audits of Head Start grantees, we described multiple health and safety issues that put children at risk. To determine whether similar health and safety risks exist at childcare providers who received CCDF funding, we audited 20 registered family child day care home providers (providers) who received CCDF funding in Baton Rouge and New Orleans, Louisiana. We conducted this review in conjunction with our review of four child day care centers (report number A-06-13-00036).

The objective of this review was to determine whether providers in Louisiana who received CCDF funds complied with State requirements and standards related to the health and safety of children in their care.

BACKGROUND

The CCDF, authorized by the Child Care and Development Block Grant Act and the Social Security Act, section 418, assists low-income families, families receiving temporary public assistance, and families transitioning from public assistance to obtain childcare so that they may work or obtain training or education. Combined funding for the CCDF program for fiscal year 2012, including the block grant's discretionary fund and the CCDF mandatory and matching funds, was approximately \$5.2 billion.

The State's Department of Children and Family Services (State agency) is the lead agency and sponsor of the Child Care Assistance Program (CCAP), which helps low-income families in Louisiana pay for childcare. Parents may select a childcare provider that satisfies the applicable State and local requirements, including basic health and safety requirements.

As the lead agency, the State agency is responsible for registering providers. According to the *Child Care and Development Fund Plan for Louisiana FFY [Federal fiscal year] 2012 – 2013*, the State agency registers providers after verifying that applicable requirements are met, including a passed State Fire Marshal inspection, criminal background checks, current certifications for cardiopulmonary resuscitation and first aid training, and a physician's statement of good health.

WHAT WE FOUND

Providers in Louisiana who received CCDF funds did not always comply with applicable State requirements on ensuring the health and safety of children in their care. Specifically, each of the

20 providers who we reviewed did not comply with at least 1 of the applicable registration requirements, and 7 providers did not comply with required criminal background checks. The State issued disqualification notices to eight providers after we notified them of our results. The State agency's oversight was not adequate to ensure that providers complied with State health and safety regulations.

WHAT WE RECOMMEND

We recommend that the State agency perform periodic onsite visits to providers to ensure compliance with registration and program requirements, including compliance with criminal background checks.

STATE AGENCY COMMENTS AND OUR RESPONSE

In its comments on our draft report, the State agency described actions that it has taken to address our findings. The State agency also said that contractors monitor providers on site. However, the State agency did not provide any documentation to support that the monitoring covered health and safety requirements. In addition, the State agency said that it cannot implement our recommendation because the State is currently transitioning authority over CCDF to another State department. However, the State agency said that it would share the recommendation with the succeeding department.

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INTRODUCTION

WHY WE DID THIS REVIEW

The Administration for Children and Families (ACF) provides Federal grants through several programs, including Head Start and the Child Care and Development Fund (CCDF). In a recent report summarizing the results of 24 audits of Head Start grantees,¹ we described multiple health and safety issues that put children at risk. To determine whether similar health and safety risks exist at childcare providers who received CCDF funding, we audited 20 registered family child day care providers² (providers) who received CCDF funding in Louisiana.³ We conducted this review in conjunction with our review of four child day care centers (report number A-06-13-00036).

OBJECTIVE

Our objective was to determine whether providers in Louisiana who received CCDF funds complied with State requirements related to the health and safety of children in their care.

BACKGROUND

The CCDF, authorized by the Child Care and Development Block Grant Act (CCDBG Act) and the Social Security Act, section 418, assists low-income families, families receiving temporary public assistance, and families transitioning from public assistance to obtain childcare so that they may work or obtain training or education. Combined funding for the CCDF program for fiscal year 2012, including the block grant's discretionary fund and the CCDF mandatory and matching funds, was approximately \$5.2 billion.

The CCDBG Act and Federal regulations require the State to maintain a plan that certifies that the State has requirements in State or local law to protect the health and safety of children, and the plan must certify that procedures are in effect to ensure that childcare providers comply with these requirements (42 U.S.C. §§ 9858c(c)(2)(F) and (G) and 45 CFR §§ 98.15(b)(5) and (6)).

In addition, Federal regulations require States to designate a lead agency to administer the CCDF program (45 CFR § 98.10).

¹ *Review of 24 Head Start Grantees' Compliance With Health and Safety Requirements* (A-01-11-02503, issued December 12, 2011).

² A "family child day care home" is any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of six or fewer children (Louisiana Revised Statutes 46: §1441.1 A.(4)). Each of the providers in our review was an individual.

³ The 20 providers who we audited received CCDF funds for 64 children from December 18, 2012, through April 30, 2013.

Federal Regulations at 45 CFR §§ 98.11(b)(4) and (6) state that in retaining overall responsibility for the administration of the program, the lead agency must ensure that the program complies with the approved Plan and all Federal requirements and must monitor programs and services.

Louisiana Childcare Services

The State's Department of Children and Family Services (State agency) is the lead agency and sponsor of the Child Care Assistance Program (CCAP), which helps low-income families in Louisiana pay for childcare. Parents may select a childcare provider that satisfies the applicable State and local requirements, including basic health and safety requirements.

As the lead agency, the State agency is responsible for registering providers.⁴ The State agency registers providers after verifying that applicable requirements are met, including a passed State Fire Marshal inspection, criminal background checks, current certifications for cardiopulmonary resuscitation and first aid training, and a physician's statement of good health. From December 18, 2012, through April 30, 2013, 647 registered providers received funds for 2,338 children.

Related Office of Inspector General Work

The Office of Inspector General, Office of Evaluation and Inspections (OEI), issued an Early Alert Memorandum Report on July 11, 2013, to ACF entitled *License-Exempt Child Care Providers in the Child Care and Development Fund Program* (OEI-07-10-00231). OEI concluded that States exempt many types of providers from licensing and that these providers are still required to adhere to Federal health and safety requirements to be eligible for CCDF payments.

Child Care Aware of America

Child Care Aware of America⁵ (CCAA) published a 2012 update, *Leaving Children to Chance: NACCRRRA's Ranking of State Standards and Oversight of Small Family Child Care Homes*, that reviewed and ranked State regulations for small family childcare homes.⁶ CCAA stated that without inspections or monitoring of providers, regulations alone have limited value. CCAA added that when providers are not inspected, it is difficult for a State to enforce its regulations and suspend or revoke the licenses of individuals who are not in compliance. CCAA

⁴ The State agency also licenses childcare centers, which may care for more than six children and have stricter requirements, including having more than one unannounced visit annually by the licensing agency (*Child Care and Development Fund Plan for Louisiana FFY [Federal fiscal year] 2012 – 2013*).

⁵ In 2012, the National Association of Child Care Resource & Referral Agencies (NACCRRRA) changed its name to Child Care Aware of America.

⁶ CCAA works with more than 600 State and local childcare resource and referral agencies nationwide. CCAA leads projects that increase the quality and availability of childcare professionals, undertakes research, and advocates childcare policies that positively impact the lives of children and families.

recommended that States increase inspections of providers to at least once a year and that States reduce the caseload for licensing inspectors to a ratio of 1:50.

Administration for Children and Families Proposed Regulations

ACF recently proposed amending current CCDF regulations to improve childcare health, safety, and quality.⁷ The proposed changes include a requirement that States' lead agencies perform an initial onsite monitoring visit and at least one annual unannounced onsite visit of providers who have received CCDF subsidies. The proposal also requires providers responsible for the health and safety of children to receive specific and basic training commensurate with their professional responsibilities. In addition, ACF stated that it strongly encourages lead agencies to establish requirements for ongoing provider training.

HOW WE CONDUCTED THIS REVIEW

Of the 647 providers in Louisiana who received CCDF funding from December 18, 2012, through April 30, 2013, we selected 20 providers for our review. We selected 10 providers each from the cities of Baton Rouge and New Orleans, Louisiana. We conducted unannounced site visits at these 20 providers from June 17 through 21, 2013.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains the details of our audit scope and methodology, Appendix B contains details on the Federal regulations and State licensing health and safety requirements that pertain to providers, and Appendix C contains photographic examples of noncompliance with physical conditions requirements and of additional safety concerns.

FINDINGS

Providers in Louisiana who received CCDF funds did not always comply with applicable State requirements on ensuring the health and safety of children in their care. Specifically, each of the 20 providers who we reviewed did not comply with at least 1 of the applicable registration requirements, and 7 providers did not comply with required criminal background checks. The State issued disqualification notices to eight providers after we notified them of our results. The State agency's oversight was not adequate to ensure that providers complied with State health and safety regulations.

Appendix D displays a table that contains the instances of noncompliance at the providers we reviewed.

⁷ 78 Fed. Reg. 29441 (May 20, 2013).

PROVIDERS DID NOT ALWAYS COMPLY WITH STATE REGISTRATION REQUIREMENTS

State Requirements

A prospective provider applies for a family child day care home registration by completing, signing, and submitting an application to the State agency. The application includes a certification that the applicant will comply with all State and Federal laws, regulations, and other standards and requirements and will allow unannounced inspections by designated department staff or representatives. State laws, regulations, and standards include requirements related to the health and safety of children.

Appendix B contains relevant State registration requirements.

Providers Did Not Comply With State Registration Requirements

Each of the 20 providers who we reviewed did not comply with at least 1 of the applicable registration requirements. Specifically, these providers did not comply with requirements in the following areas:

- State Fire Marshal inspection standards,
- sole provider,
- number of children in care, and
- provider health and safety requirements.

State Fire Marshal Inspection Standards

The State Fire Marshal is required to inspect providers annually to ensure that they meet the minimum requirements set by the State agency (Louisiana Revised Statute 40:1563.2). The inspection includes a review of basic fire safety and sanitation standards. Specifically, the standards require:

- matches, lighters, and other sources of ignition to be out of reach of children;
- protective receptacle covers to be installed in all areas occupied by children less than 5 years old;
- a properly charged portable fire extinguisher that is readily accessible; and
- flammable liquids to be stored properly.

Of the 20 providers who we reviewed, 19 had 1 or more instances of noncompliance with fire, safety, and sanitation standards. These included:

- 1 provider had a lighter on a desk in the living room, and another provider had matches in a kitchen drawer without a child safety lock (Appendix C, photograph 1);
- 15 providers had uncovered electrical outlets in 1 or more rooms, including playrooms, dining rooms, living rooms, and kitchens (Appendix C, photograph 2);
- 1 provider did not have a properly charged portable fire extinguisher; and
- 2 providers had lighter fluid and chafing fuel in cabinets that were accessible to children that did not have child safety locks (Appendix C, photograph 3).

Sole Provider

The provider must be the sole caregiver for the children during the hours registered to provide care.⁸

Three providers allowed other individuals to attend to the children:

- One provider allowed two of the children in her care to accompany a missionary down the street about ½ block away from the provider’s home.
- At the time of our visit, the daughter of one provider watched the children while the provider was not in the home.
- One provider stated that her daughter watched the children when the provider was not in the home.⁹

Number of Children in Care

Providers must care for no more than six children, including their own children and any other children living at their residence who are under age 13, or aged 13 through 17 if disabled.¹⁰

One provider had seven children in her care at the time of our visit, and all of the children were under the age of 13.

⁸ Document L-110 of the *Louisiana Department of Social Services Child Care Assistance Manual*.

⁹ At the time of our visit, the children were in the care of the provider. However, on three prior attempts to visit over 2 days, the provider did not answer the door. The provider stated that the children had been in her daughter’s care during those times and that she had instructed her daughter not to answer the door.

¹⁰ LAC § 67:III.5107.C.1.i; Document L-110 of the *Louisiana Department of Social Services Child Care Assistance Manual*.

Provider Health and Safety Requirements

Providers must possess a statement of good health signed by a physician or the physician's designee. Additionally, providers are required to provide verification of training for cardiopulmonary resuscitation and pediatric first aid.¹¹

Fifteen of the twenty providers did not possess a statement of good health signed by a physician. Additionally, one provider did not have current certifications of training for cardiopulmonary resuscitation and pediatric first aid.

PROVIDERS DID NOT ALWAYS COMPLY WITH REQUIRED CRIMINAL BACKGROUND CHECKS

State Requirements

In Louisiana, criminal background checks are required on all adults living at the provider's residence, including the provider and any persons employed by the provider in the provider's home or on the provider's home property.¹² Louisiana regulations require the State agency to request and document required criminal background checks directly from the Louisiana State Police.¹³ Providers must submit authorization forms that allow the State agency to complete background checks for all required adults.¹⁴

Providers Did Not Comply With Required Criminal Background Checks

Of the 20 providers who we reviewed, 7 had not complied with required criminal background checks. For the seven providers, nine individuals at these providers' residences lacked the required criminal background checks. Of the nine individuals, five lived in the home, three worked at the home, and one was an overnight guest at the home. For these nine individuals, the providers had not submitted authorization forms to the State agency requesting completion of criminal background checks.

PROVIDER DISQUALIFICATIONS AND TERMINATIONS

On July 10, 2013, the State agency issued disqualification notices to eight of the providers included in our review. The disqualifications were for a 3-month period beginning July 11, 2013, during which the providers were ineligible to participate in the CCAP or to receive CCDF payments.

¹¹ *Child Care and Development Fund Plan for Louisiana FFY 2012 – 2013*, § 3.1.4; Document L-310 of the Louisiana Department of Social Services Child Care Assistance Manual.

¹² LAC § 67:III.5107.C.1.d.

¹³ *Id.*; *Child Care and Development Fund Plan for Louisiana FFY 2012 – 2013*, § 3.1.3.d.

¹⁴ Document L-160 of the Louisiana Department of Social Services Child Care Assistance Manual.

In the eight disqualification notices, the State agency cited the following four sections of the provider agreement as reasons for the disqualifications:

- Section 2 of the provider agreement states that a provider is prohibited by regulation from keeping more than six children, including all children living in the provider's home under age 13 or aged 13 to 17 if disabled, regardless of the relationship to the provider (one provider).
- Section 12 requires that a criminal background check be completed on all adults living at the provider's residence, including the provider and any persons employed by the provider in the provider's home or on the provider's home property (seven providers).
- Section 18 requires that childcare be furnished only by the provider identified at the provider's home address (six providers).¹⁵
- Section 36 identifies various violations or conditions that may merit disqualifications (one provider).

On July 24, 2013, the State agency issued termination notices to two of the eight disqualified providers because they did not submit updated registration documentation and payments for required criminal background checks.

STATE AGENCY OVERSIGHT DID NOT ENSURE THAT PROVIDERS COMPLIED WITH HEALTH AND SAFETY REGULATIONS

The State regulations did not require the State agency to perform unannounced visits to providers. In the absence of this requirement, the State agency could not readily determine whether providers adhered to the State health and safety requirements. Currently, the State Fire Marshal performs the only required annual inspection, and it covers only fire safety and sanitation standards. This inspection does not cover other health and safety standards including compliance with criminal background checks. Implementing periodic inspections of providers for compliance with health and safety requirements would help educate providers on those health and safety requirements and identify noncompliant providers in a timely manner. During our audit period, providers self-certified many requirements in the registration process, but the State agency did not have any procedures to ensure the accuracy of providers' statements, either during the initial registration process or for renewals.

RECOMMENDATION

We recommend that the State agency perform periodic onsite visits to providers to ensure compliance with registration and program requirements, including compliance with criminal background checks.

¹⁵ During our site visits, we observed children under the care of individuals other than the provider at three providers. However, the disqualification notices issued by the State agency identified this issue for six providers.

STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In its comments on our draft report, the State agency described actions that it has taken to address our findings. The State agency also said that contractors monitor providers on site. However, the State agency did not provide any documentation to support that the monitoring covered health and safety requirements. In addition, the State agency said that it cannot implement our recommendation because the State is currently transitioning authority over CCDF to another State department. However, the State agency said that it would share the recommendation with the succeeding department. The State agency's comments are included in their entirety as Appendix E.

OTHER MATTERS

STATE REQUIREMENTS

The State does not have specific requirements for the following issues we identified related to the health and safety of providers. However, we consider these issues reportable because of the potential to harm the children in the care of these providers.

PROVIDERS HAD OUTDOOR PLAY AREAS WITH HAZARDOUS CONDITIONS

Ten of the twenty providers who we reviewed did not ensure that outdoor premises were clean and kept free of hazardous conditions. For example:

- one provider had exposed nails on the fence and on loose boards on the ground of an outdoor play area (Appendix C, photograph 4);
- one provider had an exposed crawlspace that allowed children underneath the home (Appendix C, photograph 5); and
- one provider had a pitchfork, ladder, and wheelbarrow in a play area accessible to children (Appendix C, photograph 6).

PROVIDERS HAD INDOOR AREAS WITH HAZARDOUS CONDITIONS

Twelve of the twenty providers did not ensure that indoor areas were clean and free of the following hazardous conditions:

- household chemicals in unlocked cabinets accessible to children (9 providers) (Appendix C, photograph 7);
- sharp objects, such as knives, in unlocked drawers accessible to children (7 providers) (Appendix C, photograph 8);

- medicine on counters and in unlocked cabinets accessible to children (2 providers); and
- a disassembled crib that was leaning against a wall next to a portable crib and that could have fallen on the portable crib.

Additionally, 17 of the 20 providers did not ask for identification before allowing us to access their home with the children present.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

Of the 647 active providers in Louisiana who received CCDF funding between December 18, 2012, and April 30, 2013, we selected 20 providers for our review based on the population of cities and towns in Louisiana. This review is part of a series of audits planned by the Office of Inspector General that address the health and safety of children under the care of providers who received CCDF funding. We conducted a review of the providers' records and facilities. To gain an understanding of the State agency's operations regarding childcare providers, we limited our review to the State agency's internal controls as they related to our objective.

We conducted fieldwork at 20 provider homes, 10 in Baton Rouge and 10 in New Orleans, Louisiana. We conducted these unannounced site visits from June 17 through 21, 2013.

METHODOLOGY

To accomplish our objective, we:

- reviewed applicable Federal laws, State statutes, and regulations for registering providers, and the most recent Louisiana CCDF State plan approved by ACF;
- interviewed the CCDF program manager to determine how Louisiana monitored its providers;
- developed a health and safety checklist as a guide for conducting site visits;
- conducted unannounced site visits (inspections) at the 20 providers we selected for review;
- interviewed providers to obtain a listing of household members to determine whether all required criminal history background checks had been conducted; and
- discussed the results of our review with State registration officials and State agency officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX B: FEDERAL AND STATE REQUIREMENTS

FEDERAL REGULATIONS AND STATE PLAN

45 CFR § 98.1(a)(5)

One of the goals of CCDF is to assist States in implementing the health, safety, licensing, and registration standards established in State regulations.

45 CFR § 98.41(a)

The lead agency must certify that there are in effect within the State (or other area served by the lead agency) under State, local, or tribal law, requirements designed to protect the health and safety of children that are applicable to childcare providers who provide services for which assistance is made available under the CCDF.

45 CFR §§ 98.11(b)(4) and (6)

In retaining overall responsibility for the administration of the program, the lead agency must ensure that the program complies with the approved Plan and all Federal requirements and must monitor programs and services.

Child Care and Development Fund Plan for Louisiana FFY 2012 – 2013

Section 3.1.4.

Providers are required:

- to be inspected and approved annually by the Office of State Fire Marshal to assure that they meet minimum standards of fire safety and sanitation to help prevent and control infectious diseases;¹⁶
- to provide proof of current certification in infant/child/adult cardiopulmonary resuscitation and pediatric first aid training as a condition of eligibility initially and prior to each renewal;
- to submit to a criminal background check and have one completed on all adults living in or working in the provider's residence or on the provider's home property at registration and at each renewal;
- to report any person 18 or older who moves into their home or begins working in their home or on their home property in order for the required criminal background check to be completed on that person; and

¹⁶ These "minimum standards" appear to be found at LAC § 28:XLIX.3301.3.e, which covers providers who participate in the Child and Adult Care Food Program through the U.S. Department of Agriculture.

- to have a statement of good health signed by a physician or his designee, which must have been obtained within the past 3 years and be obtained every 3 years thereafter.

STATE REQUIREMENTS

Louisiana Revised Statutes

Section 46:1441.1A.(4)

“Family child day care home (FCDCH)” means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of six or fewer children.

Section 46:1441.2 A.

All family child day care homes that receive State or Federal funds directly, or indirectly through the Child and Adult Food Care Program, the Family Support Act of 1988, or any other State or Federal funding program must be registered.

Section 46:1441.4 C.

A family child day care home must be inspected and approved by the Office of State Fire Marshal in accordance with the rules and regulations that have been established under subsection A and B of this section and developed in consultation with the Office of State Fire Marshal.

Section 40:1563.2A.

The State Fire Marshal or his designee must inspect family child day care homes in which there are fewer than seven children receiving care, whether certified by the Department of Children and Family Services or the Department of Education.

Section 40:1563.2 B.(4)

The inspections must ensure that the family child day care home meets the minimum requirements set forth by the Department of Children and Family Services and the Department of Education.

Louisiana Administrative Code

Section 67:III.5107.C.1

To be eligible for participation, a provider must meet registration requirements as provided in R.S. 46:1441 et seq.; complete and sign an FCDCH provider agreement; complete a CCAP application for registration and Form W-9; pay appropriate fees; verify his or her Social Security number, identification, and residential address; provide proof that he or she is at least 18 years of age; and meet all registration requirements, including:

- submitting verification of current certification in pediatric first aid;
- submitting a criminal background check(s) on all adults living at the provider's residence or employed by the provider and working in the provider's home or on the provider's home property, including the provider, each of which must be received from State Police indicating no enumerated conviction if the provider is a relative of a child in care;
- possessing a statement of good health signed by a physician or his designee which must have been obtained within the past 3 years and be obtained every 3 years thereafter;
- possessing a working telephone that can receive incoming calls and that can send outgoing calls and that is available at all times in the home in which care is being provided;
- caring for no more than six children, including his own children and any other children living at his residence, who are under age 13 or age 13 through 17 if disabled.

The Louisiana Child Care Assistance Manual

Document L-110

The provider must be the sole caregiver for the children during the hours he is registered to provide care and may not hire anyone to care for the children.

Document L-310

To be registered and eligible to receive payments as a provider, the provider must:

- care for no more than six children, including his own children and any other children living at his residence who are under age 13, or age 13 through 17 if disabled;
- meet registration requirements of the Department of Children and Family Services and be entered as an active provider in the provider directory before payments may begin;
- be 18 years of age or older to be eligible for participation as an eligible provider;
- not live at the same residence as the children for whom care is being provided;
- have a working telephone in the residence that can receive incoming calls and can send outgoing calls and that is accessible at all times;
- have on hand a statement of good health signed by a physician or his designee, which must have been obtained within the past 3 years;

- agree to use only safe children’s products and to remove from the premises any products which are declared unsafe and recalled; and
- provide verification of training for cardiopulmonary resuscitation and pediatric first aid.

APPENDIX C: PHOTOGRAPHIC EXAMPLES OF NONCOMPLIANCE WITH PHYSICAL CONDITIONS REQUIREMENTS



Photograph 1: A lighter on the top shelf of a desk in the living room within reach of children.



Photograph 2: Outlets in the play area without protective receptacle covers.



Photograph 3: Lighter fluid stored in an unlocked kitchen cabinet accessible to children.



Photograph 4: A fence panel with protruding nails on the ground in a children's outdoor play area.



Photograph 5: An outdoor play area with a crawl space accessible to children.



Photograph 6: An outdoor play area with a pitchfork, wheelbarrow, and ladder accessible to children.



Photograph 7: A kitchen cabinet containing household cleaners accessible to children. The cabinet did not have a child lock.



Photograph 8: Sharp objects accessible in a kitchen drawer without a child lock.

**APPENDIX D: INSTANCES OF NONCOMPLIANCE AT EACH FAMILY
DAY CARE HOME**

Family Home Number	State Fire Marshal Inspection Standards	Sole Provider	Number of Children In Care	Provider Health and Safety Requirements	Criminal Background Checks
1	1	0	0	1	0
2	4	0	0	0	0
3	2	0	0	1	0
4	1	0	0	1	0
5	1	0	0	1	1
6	1	0	0	1	1
7	0	0	0	1	0
8	2	0	0	1	0
9	1	0	0	1	0
10	2	0	1	1	0
11	1	0	0	0	0
12	1	1	0	1	1
13	2	1	0	2	1
14	2	1	0	0	1
15	1	0	0	1	2
16	1	0	0	0	0
17	1	0	0	1	0
18	1	0	0	0	0
19	1	0	0	1	0
20	1	0	0	1	2
Totals	27	3	1	16	9

Notice: We provided to the State agency under a separate cover the specific names of the providers we audited.

APPENDIX E: STATE AGENCY COMMENTS



627 North 4th Street
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Bobby Jindal, Governor
Suzy Sonnier, Secretary

June 24, 2014

Patricia Wheeler
Regional Inspector General for Audit Services
Office of the Inspector General –Dept. of Health and Human Services
8000 Centre Park Drive, Suite 375
Austin, Texas 78754
Attn.: Sylvie Witten, Audit Manager

RE: Office of Inspector General– Draft Report (A-06-13-00037)

Dear Ms. Wheeler:

The safety and well-being of children is our highest priority at the Louisiana Department of Children and Family Services. We are committed to working with state partners and early childhood stakeholders to ensure that Family Child Day Care Home Providers receiving Child Care and Development Fund (CCDF) resources are providing high quality and safe child care. The Department provides site-based monitoring via contracted services for Family Child Day Care Home Providers. The Department currently requires Child Care Resource and Referral Agencies, as part of their contracts, to conduct one announced and one unannounced visit to Family Child Day Care Home Providers each year.

Over the last several years, the early childhood system in Louisiana has undertaken significant reforms. Legislation was enacted during the most recent legislative session which will further streamline early childhood learning services and transition child care licensing authority and management of the Child Care Development Fund from the Louisiana Department of Children and Family Services to the Louisiana Department of Education. With this transition of authority and required implementation between now and July 1, 2015, DCFS is not positioned to implement expanded monitoring recommendations regarding Family Child Day Care Home policies and procedures at this time. These recommendations however, will be shared with the Louisiana Department of Education.

The following information is provided in response to issues identified in the draft report:

Providers Did Not Always Comply With State Registration Requirements

Submission of a current State Fire Marshal certification is required in order for a Family Child Day Care Home Provider to participate in the Child Care Assistance Program. The Fire Marshal's inspection serves to ensure that a provider has met the required facility safety standards. Current Fire Marshal inspections had been completed at the time of application and submitted to DCFS for all providers who were visited.

The three sole providers identified in the findings as having allowed other individuals to attend to the children were disqualified for a period of 3 months.

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The provider who was found to have more than six children in care at the time of the audit was disqualified for three months and is no longer a registered Family Child Day Care Home Provider.

One provider was unable to produce verification of current CPR and First Aid training; however documentation is contained in DCFS records that the training was completed in February 2013.

A statement of good health is required for the provider to have on hand as referenced in the Provider Agreement (regulation #8); however, documentation of the statement is not required with submission of the application or yearly midpoint review.

Providers Did Not Always Comply With Required Criminal Background Checks

The provider agreement states that it is the provider's responsibility to report if any other adults or children move into the home, and failure to report a new household member or a new employee may result in termination as an eligible Child Care Assistance Program provider. The Department has no knowledge of persons living in the provider's home or persons working on the provider's property, unless this information is self-reported. At the time of the registration, appropriate criminal background checks were documented.

In July of 2013, DCFS issued disqualification notices to 8 of the 20 providers included in the review. Subsequently on July 24, 2013, 2 of those 8 providers received termination notices due to noncompliance with criminal background check requirements.

With regard to the on-site visit recommendation, as was previously stated, the Department provides site-based monitoring via contracted services for Family Child Day Care Home Providers, including requirements for both announced and unannounced annual visits.

State Agency Oversight Did Not Ensure That Providers Complied With Health and Safety Regulations

The Department provides site-based monitoring via contracted services for Family Child Day Care Home Providers. The Department currently requires Child Care Resource and Referral Agencies, as part of their contracts, to conduct one announced and one unannounced visit to Family Child Day Care Home Providers each year. Concerns noted by Child Care Resource and Referral Agency staff are forwarded to the Department's Licensing Bureau for resolution if identified during these on-site visits.

Other Matters

Regarding the outdoor and indoor hazardous conditions that were cited, DCFS requires State Fire Marshal approval and monitors such conditions through the on-site inspections by the Child Care Resource & Referral Agencies. Appropriate action is taken when reports of hazardous conditions are received.

In response to providers not asking for verification before allowing auditors access, the Provider Agreement (regulations #28 and #29) advises providers that they are required to promptly admit representatives of all regulatory and/or funding agencies during any hours when children are in care and fully cooperate with said representatives in the performance of their duties. DCFS concurs that the providers should ask for verification prior to allowing access to their homes while caring for children and will remind providers that they should do so.



We appreciate the opportunity to partner with the Office of the Inspector General regarding this audit. Documentation of the current status of the items discussed herein is available for review at your request. We await the opportunity to further discuss our response to this preliminary report or to provide additional information regarding any potential findings discussed. Please contact Bridget M. Depland, Interim BACS Director, at 225-342-1043 or bridget.depland@la.gov as needed to continue this work.

Sincerely,



Suzy Sonnier,
Secretary

cc: Lisa Andry, Assistant Deputy Secretary – Programs
Sharon Tucker, Deputy Secretary – Operations
Sandra Broussard, Assistant Deputy Secretary – Operations
Etta Harris, Undersecretary
Kaaren Hebert, Policy Advisor
Charlie Dirks, Executive Counsel
Tia Embaugh, Chief of Staff and Director, Bureau of Communications & Governmental Affairs
Bridget Depland, Interim Director, Bureau of Audit & Compliance Services/DCFS Audit Liaison
Angie Badeaux, LA-DCFS Licensing Program Director

