

OPEGA Updated Recommendation for Project Direction

DHHS Office of Licensing and Regulatory Services – Children’s Licensing May 19, 2016

Background

On February 28, 2014, the GOC voted to place a review of the Department of Health and Human Services’ (DHHS) Licensing and Regulation of Child Care Providers on OPEGA’s Work Plan. The Chairs of the Joint Standing Committee on Health and Human Services requested the review following findings of child abuse and neglect at a child care center in Lyman, ME. Around the same time, OPEGA received complaints from several child care workers that raised concerns about the safety of children in child care and the agency’s performance with regard to the timeliness of investigations and enforcement actions.

OPEGA conducted preliminary research on this topic in the spring of 2014 and determined that DHHS was well aware of the issues and was actively engaged in efforts to address them. The agency had developed a strategic plan and was moving rapidly to implement initiatives to enhance oversight of child care facilities and address risks to children in care. OPEGA recommended that the GOC suspend the review to provide time for implementation of these initiatives prior to evaluation of the changes. On June 26, 2014, the GOC voted to delay the review for one year and requested periodic updates from DHHS to monitor the implementation of the strategic plan. DHHS briefed the GOC on its progress and provided updated versions of its Strategic Map to show the status of actions as of January 2015 and July 2015.

At its August 2015 meeting, the GOC reviewed the July 2015 Strategic Map update and discussed several potential scope questions that could be pursued should OPEGA re-engage in the review. The following month, the GOC directed OPEGA to resume work on this review when staff resources became available. Work on the project resumed in April 2016. Since that time, OPEGA has reviewed the results of preliminary research completed in 2014, as well as the subsequent DHHS updates and Committee discussions at GOC meetings. We have also gathered updated information from DHHS to become familiar with changes made to the organizational structure, relevant statute and rules, and policies and procedures. At present, the organization unit in DHHS responsible for child care licensing, investigation and regulation is known as “Children’s Licensing” and is housed in the Division of Environmental and Community Health, Office of Licensing and Regulatory Services under the Maine Center for Disease Control & Prevention.

OPEGA’s Recommendation

OPEGA recommends proceeding with a review of Children’s Licensing focused on assessing current practice with respect to identifying, investigating and acting on risks to the health, safety and welfare of children in child care. Specifically, we propose the following four scope questions for the second phase of this review:

1. How does Children’s Licensing become aware of violations of licensing rules and potential child abuse and neglect in child care settings?
2. To what extent does Children’s Licensing investigate and act on reports of child care licensing violations in a timely and effective manner?
3. To what extent does Children’s Licensing investigate and act on reports of child abuse and neglect in a timely and effective manner?
4. To what extent does DHHS notify current and prospective child care clients (parents) of licensing violations and findings regarding child abuse/neglect in a timely manner?