

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to **Service Chapter 620-01, Early Childhood Services**. Revisions are in **red**, new language is underlined and old language is struck through. If a section is new the description in this letter will add to the online manual. If a section is being repealed, it is noted in this letter and will be removed from the online manual.

Par. 2. **Effective Date** – Changes included in this manual letter are effective on 5/1/2024.

### **Early Childhood Services Quality Assurance 620-01-20-20**

~~The Department of Human Services is committed to assuring quality throughout the licensing process.~~

~~The authorized agent is responsible for maintaining the licensing file, and for submitting copies of required documentation to the regional office.~~

#### Annual Reviews:

~~The Licensing Administrator shall select two provider records for each Licensing Supervisor and perform an annual review of the provider record. Once the review is complete the Licensing Administrator reviews the record with the Licensing Supervisor.~~

The ~~Licensing Supervisor regional office~~ shall perform ~~two annual random provider reviews during provider visits on an annual basis with the authorized agent~~. These reviews may take place during ~~either announced or unannounced relicensing visits or drop-in~~ visits.

1. The ~~Licensing regional S~~supervisor shall select ~~two providers for each Licensing Specialist they manage: at least one provider for every fifty providers in a region to review annually~~.
  - ~~One provider licensed to provide care in a home.~~
  - ~~One provider licensed to provide care in a facility.~~
2. The ~~Licensing regional S~~supervisor shall notify the ~~Licensing Specialist authorized agent~~ of the selected providers ~~and will schedule the unannounced visit or relicensing visit with the authorized agent.~~

- ~~3. Prior to the visit, the regional supervisor shall review the provider file and shall verify documentation of compliance on SFN 116 for the items that may be verified in the file. At the time of the visit, the regional supervisor shall observe the licensing processes and shall document outcomes of remaining items on the SFN 116.~~
3. The Licensing Specialist will schedule the visits.
4. The Licensing Supervisor shall review the provider record prior to the visit and join the Licensing Specialist on the visit to observe the Licensing Specialist.
5. The Licensing Supervisor shall complete the QA process in the Licensing System.
6. The Licensing Supervisor will schedule a meeting with the Licensing Specialist to review the QA visit.

#### New Employee QA Visit or Record Review

The Licensing Administrator shall select one provider record and perform an review audit of the provider record as part of the six-month probationary period. Once the review audit is complete the Licensing Administrator reviews the record with the Licensing Supervisor.

A Quality Assurance visit shall be conducted during a Licensing Specialist's six-month probationary period.

1. The Licensing Supervisor shall select a provider to review. The Licensing Supervisor shall notify the Licensing Specialist of the selected provider.
2. The Licensing Specialist will schedule the visit with the selected provider.
3. The Licensing Supervisor shall review the provider record prior to the visit and join the Licensing Specialist on the visit to observe the Licensing Specialist.
4. The Licensing Supervisor shall complete the QA process in the Licensing System.

5. The Licensing Supervisor will schedule a meeting with the Licensing Specialist to review the QA.

A Quality Assurance Visit or Record Review shall be conducted due to Performance Concerns

The Licensing Administrator shall select provider records and perform a review of the provider record/s. Once the review is complete the Licensing Administrator reviews the record with the Licensing Supervisor.

1. The Licensing Supervisor shall select a provider to review. The Licensing Supervisor shall notify the Licensing Specialist of the selected provider.
2. The Licensing Specialist will schedule the visit with the selected provider.
3. The Licensing Supervisor shall review the provider record prior to the visit and join the Licensing Specialist on the visit to observe the Licensing Specialist.
4. The Licensing Supervisor shall complete the QA process in the Licensing System.
5. The Licensing Supervisor will schedule a meeting with the Licensing Specialist to review the QA.

~~Required documentation for provider files:~~

- ~~1. Licensing checklists~~
- ~~2. SFN 1276 Early Childhood Services Review Forms~~
- ~~3. Map of indoor space and outdoor space to include square footage~~
- ~~4. SFN 508 forms and documentation of appropriate completed background checks~~
- ~~5. Copies of CPR and First Aid certification cards~~
- ~~6. Training transcripts, certificates, or SFN 343~~
- ~~7. Pet vaccination records~~
- ~~8. Qualifications of provider and staff, if applicable~~
- ~~9. Fire and health inspections if applicable~~
- ~~10. SFN 1426 Child Care Record~~

**Background Check Procedures 620-01-40**

The fingerprint background check shall be completed for all owners, operators, providers staff members, and emergency designees, upon hire and at least once every five years after. Staff members who are hired before the age of 18 must complete the fingerprint background check when they turn eighteen. ~~Household members over the age of eighteen, upon licensure of the program and every five years thereafter.~~

Fingerprint background checks shall also be completed for any individual residing in a home where care is provided who is age 18 and older, upon application, relicensing/renewal, annual review or upon moving into residence and at least once every five years thereafter.

An SFN 433 must be submitted annually for any individual residing in a home where care is provided who is age 12 through 17 upon application, ~~relicensing, renewal,~~ annual review and upon residence at the location of the child care.

If a volunteer or support staff including therapists and extracurricular programming is providing unsupervised child care, the ~~individuals volunteer~~ shall meet the qualifications of a staff member responsible for caring for or teaching children, including a fingerprint-based background check.

The owner/operator of a licensed child care program must complete and submit a fingerprint background check results memo with any application for licensure, renewal, relicensure or annual review. Any child care with a governing board, will need to choose a Board Designee to sign applications and be fingerprinted for background check.

If an individual ~~who~~ has completed a fingerprint-based background check been fingerprinted for one early childhood services program moves to another early childhood services program, the original fingerprint results may be used if the individual has not been separated from child care employment for more than 180 days. The individual must complete an Authorization to Transfer Background Check Results form (SFN 375) sign a release of information allowing CBCU to share the results of the fingerprint memo with the new program. The authorization shall be submitted upon offer of employment and results must be received prior to the individual beginning employment. The SFN 375 must accompany the fingerprint memo when it is uploaded into the Licensing System.

Operators are required to maintain a written policy on how they will determine who can be employed in their program and what offenses will disqualify an individual from employment.

CBCU will provide the results memo to the operator and current or prospective staff member of the child care program who requested the background check. The results memo will have a statement that indicates whether the staff member is eligible or ineligible, without revealing specific disqualifying information. ~~If the staff member is ineligible, CBCU will then provide a copy of the results memo to the Licensing Specialist.~~

Potential providers/staff who have NOT lived outside of North Dakota during the past five years may work unsupervised upon qualifying results of the following:

1. A Federal Bureau of Investigation fingerprint check using Next Generation Identification;
2. A search of the National Crime Information Center's National Sex Offender Registry; and
3. An in-state (ND) search of the following registries, repositories, or databases:
  - a. State criminal registry or repository, with the use of fingerprints being;
  - b. State sex offender registry or repository; and
  - c. State-based child abuse and neglect registry and database.

Potential providers/staff who HAVE lived outside of North Dakota during the past five years may work:

1. SUPERVISED upon qualifying results of the following:
  - a. A Federal Bureau of Investigation fingerprint check using Next Generation Identification;
  - b. A search of the National Crime Information Center's National Sex Offender Registry; and
  - c. An in-state (ND) search of the following registries, repositories, or databases:
    - i. State criminal registry or repository, with the use of fingerprints being;
    - ii. State sex offender registry or repository; and
    - iii. State-based child abuse and neglect registry and database.
2. UNSUPERVISED upon qualifying results of the above in addition to:
  - a. An inter-state search of the following registries, repositories, or database for each state where such staff member resided during the preceding five years:
    - i. State criminal registry or repository, with the use of fingerprints being;
    - ii. State sex offender registry or repository; and
    - iii. State-based child abuse and neglect registry and database.

~~Operators are required to maintain a written policy on how they will determine who can be employed in their program and what offenses will disqualify an individual from employment.~~

## **Training 620-01-90**

~~The department recognizes the importance of highly qualified and well trained early childhood services providers and has set forth training requirements for each type of license and early childhood position.~~

Any hours of department-approved training related to child care which an applicant completes after submitting an application and fees must be counted toward the licensing requirements for the following year. The Licensing Specialist will review the training transcript and add notes in the licensing system to assure the training has been applied appropriately.

### **Pediatric First Aid 620-01-90-10-01**

Pediatric First aid training may be received by the:

- American Heart Association
- American Red Cross
- American Safety & Health Institute
- ND Safety Council
- National Safety Council
- EMS Safety Services
- International CPR Institute

~~MEDIC or other First Aid Program approved by the department.~~

In order to meet the rule requirement for Pediatric First Aid the following is necessary:

- Successful completion of a written examination on Pediatric First Aid resulting in certification.
- Documentation of successful completion of Pediatric First Aid

which shall include a card or letter from an instructor with instructor number on official letterhead.

Local/community-based Pediatric First Aid trainings may be submitted to the Licensing Supervisor central office for review and potential approval.

A CNA or medical degree cannot be substituted for Pediatric First Aid certification.

BLS is a current EMS or First Responder certification and may be substituted for Pediatric First Aid certification.

### **Pediatric CPR/AED Certification 620-01-90-10-05**

Pediatric CPR/AED training may be received by:

- American Heart Association
- American Red Cross
- American Safety & Health Institute
- ND Safety Council
- National Safety Council
- EMS Safety Services

In order to meet the rule requirement for Pediatric CPR/AED the following is necessary:

- Successful completion of a written examination and hands on component of Pediatric CPR/AED resulting in certification.
- Documentation of successful completion of Pediatric CPR/AED which shall include a card or letter from an instructor with instructor number on official letterhead.

Local/community-based Pediatric CPR/AED trainings may be submitted to the Licensing Supervisor for review and potential approval.

A CNA or medical degree cannot be substituted for Pediatric CPR/AED certification.

BLS (Basic Life Support) is EMS or First Responder certification and may be substituted for Pediatric CPR/AED certification.

~~CPR training must be from a department approved source. This must be documented by a current participation card which meets the standards of that individual program. Online CPR training courses are approved however, they must also have completed a hands on in-person skills test with a certified instructor.~~

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~~In order to meet the rule requirement for CPR the following is necessary:~~

- ~~1. Successfully complete a written examination and performance on infant and child resulting in certification.~~
- ~~2. Approved programs for CPR certification are American Red Cross, American Heart Association, American Safety & Health Institute, ND Safety Council, MEDIC or individual programs upon approval by the department.~~
- ~~3. Documentation of completion of the course must be by current participation which meets the requirements of the approved program.~~

~~**Note:** A CNA, medical degree, EMS or First Responder certification may not be substituted for CPR certification.~~

## **Notification of Parents 620-01-115-10-01**

~~When a provider or staff member of a licensed, self-declared, or registered program is the subject of a Correction Order, Corrective Action, or Child Protection Services (CPS) assessment, the Licensing Specialist department shall ensure make a good faith effort to notify all parents of children receiving care in the child care are notified of the Correction Order, Corrective Action, or of the results of the CPS assessment. Parents may also receive the name of the subject and a summary of the facts of the assessment.~~

All Parent Notification Letters and documentation shall be uploaded into the provider's record within the Licensing System.

### **Parent Notification of Correction Orders**



- Within 3 business days the program is required to notify the parent of each child that a Correction Order has been issued.
- The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded into the licensing system into the provider record prior to the Correction Order being completed/closed.

### **Parent Notification of Corrective Actions**

- Provisional Licenses
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded into the licensing system into the provider record prior to the Provisional License being closed.
- Restrictions and MOUs
  - Programs shall notify parents if a specific person or pet is restricted from the program within 3 days of the Restriction/MOU being issued.
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system into the provider record.
- Intent to Deny and Intent to Revoke
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system into the provider record prior to the corrective action being completed/closed.
- Denial
  - A program with an active license shall notify parents of the Department's decision to deny a license renewal.
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system into the provider's record.
- Prohibitions
  - The Provider shall post the Prohibition Notice and notify parents of the action.
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system and into the provider record.
- Suspensions refer to Policy 620-01-120-30
  - Once the Suspension Notification is issued the Licensing Specialist shall notify parents of the Suspension by either:
    - handing a letter to parents as they pick up their children; OR
    - the letter may be mailed to the parents.

- The Licensing Specialist shall upload the letter to the licensing system and into the provider's record.
- The letter given to parents shall include contact information for Child Care Resource and Referral.
- Revocations
  - The Licensing Specialist shall send a parent notification letter to the parents enrolled in the program once it is confirmed the program received the Revocation Notice. The Licensing Specialist shall upload the letter to the licensing system and into the provider's record.
  - The Licensing Specialist shall send a second parent notification letter to parents once the Revocation is final. The Licensing Specialist shall upload the letter to the licensing system and into the provider's record.

### **Child Protection Services (CPS) Joint Assessments**

Within one business days of a joint assessment onset the Licensing Specialist shall:

- update the Parent Notification Letter with specific program information and send via email to the CPS staff assigned to the assessment
- work with the program to collect current addresses of all children enrolled in the program
  - If program is unwilling to send the addresses, the Licensing Specialist is to contact their supervisor or the Licensing Administrator for assistance with contacting the program or decide if Law Enforcement will be notified.

Once CPS returns the signed Parent Notification letter and the program has provided all current addresses the Licensing Specialist shall complete the following in one business day:

- sign the Parent Notification letter
- upload the addresses in the preferred format assigned by the Early Childhood Section Administrative Assistant
- send the letter and the parent addresses to the Early Childhood Section Administrative Assistant
- upload a copy of the Parent Notification Letter into the provider record

The Early Childhood Administrative Assistant shall mail the parent notification letters within 2 business days of receiving the letter and parent addresses.

- ~~1. The CPS worker shall prepare the notice that parents will receive. A copy of the notice will be placed in the licensing file for licensers to reference.~~

~~The licenser will email a copy of this notice to the central office.~~

~~2. The licenser shall ensure that the notification is properly distributed to parents who are enrolled at the child care at the time the notice is distributed.~~

~~3. Distribution may occur by:~~

~~a. mailing the notice to parents or,~~

~~b. delivering the notice to the operator and requiring the operator to distribute the notices to parents either in person, or by a sealed envelope with the parent's name on the envelope. The operator shall then return documentation of notification to the licenser. The licenser may require the operator to obtain parental signatures upon receipt of the notice.~~

~~4. The licenser may need to obtain a written authorization of release (SFN 1059) from the subject, allowing the licenser to disclose the information to the director or supervisor of the early childhood services program if the operator of the program is a board of directors.~~

~~The protocol for answering telephone calls regarding the notice will be decided locally based on county resources.~~

**Non-Compliance Notifications, Fiscal Sanctions and Verifying Compliance**  
**Fiscal Sanctions for Licensed or Self-declared Programs 620-01-120-05**

When a provider does not complete a Correction Order within the time frame allowed the Licensing Specialist and Licensing Supervisor shall use the following actions to assure compliance.

~~1. Fiscal sanctions are assessed each day of non-compliance starting after the time period for correction.~~

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~~2. The regional office shall notify the central office that fiscal sanctions must be assessed and shall provide the human service center with a copy of the notice of non-compliance.~~

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- ~~3. Fiscal sanctions are billed by central office and when collected, are sent to the State General Fund minus costs involved in recovering the fiscal sanctions. (See N.D.C.C. § 50-11.1-07.7 and Manual 09-11-47.)~~
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- ~~4. Fiscal sanctions are payable 15 days after receipt of notice of non-compliance and at 15-day intervals.~~
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- ~~5. When corrections have been verified by the authorized agent, the regional office shall notify the central office of the date that fiscal sanctions must cease.~~

### **Notice of Non-compliance 620-01-120-05-01**

The Notice of Non-Compliance Letter shall be sent out once a provider has not completed a correction order within the required time frame. Refer to Policy 620-01-120-01 for more information on correction order time frames. The Notice of Non-Compliance is a letter that is created and sent outside of the licensing system. The notice includes the following:

- Explanation of the violations that were not corrected.
- The fiscal sanction amount that will be assessed each calendar day of non-compliance after the timeline for correction.
- A statement that the provider shall notify the Licensing Specialist that the violations have been corrected the provider has completed all attestations in the Licensing System.
- Fiscal sanctions will continue to accumulate until the Licensing Specialist is notified and verifies the appropriate corrections have been made.

~~When the department determines that fiscal sanctions are appropriate, the authorized agent shall send a notice of non-compliance to the provider. The notice must explain the violations that were not corrected and the fiscal sanctions that will be assessed each day of non-compliance after the time period for correction. The notice must also include:~~

- ~~1. The provider shall notify the authorized agent in writing that the violations have been corrected. Fiscal sanctions will continue to accumulate until the authorized agent receives this notification.~~
- ~~2. The fiscal sanctions will be billed by Department of Human Services and are due 15 days after receipt of the notice of non-compliance and every 15 days, thereafter, if they continue.~~
- ~~3. The provider has the right to appeal the fiscal sanctions by requesting an administrative hearing as outlined in N.D.C.C. § 28-32 within ten days of receiving the notice of non-compliance. The notice of non-compliance must contain the address for which a provider may send a request for an appeal.~~

**NEW POLICY: Fiscal Sanctions for Licensed or Self-declared Programs 620-01-120-05-02**

1. Fiscal sanctions are assessed each day of non-compliance starting after the time period for correction, refer to Policy 620-01-120-01 for more information on correction order time frames.
2. Fiscal sanction invoices are issued and fiscal penalty fees are paid within the Licensing System.
3. Fiscal sanctions begin once the Notice of Non-Compliance is received by the provider. Fiscal Sanctions are due 15 days after the date charged and at 15-day intervals thereafter.
4. When corrections have been verified by the Licensing Specialist and the Licensing Supervisor, the fiscal sanctions must cease.

**~~Second~~ Reinspection to Verify Compliance 620-01-120-05-05**

1. A ~~second~~ reinspection ~~shall~~**must** be completed within three working days after the Licensing Specialist is notified by the provider receiving notice that corrections were made.

- 2. If violations are corrected, fiscal sanctions cease from the date the Licensing Specialist~~authorized agent~~ was notified. The Licensing Specialist will add dates to the Licensing System to calculate fiscal sanctions.
- 3. If the same-violations still exist, fiscal sanctions will accrue from the original date and continue without a break, and Tthe Licensing Specialist shall send a Notice of Non-Compliance Letter~~authorized agent shall send a notice of resumption of fiscal sanctions.~~
- 3.4. A separate invoice must be added every 15 days the provider remains non-compliant. This will continue until the provider is verified as compliant.

~~**NOTE:** Revocation of license or self-declaration should also be considered at this point.~~

**REPEAL: Notice of Resumption of Fiscal Sanctions 620-01-120-05-10**

~~If fiscal sanctions are resumed after the second reinspection, the authorized agent shall send the provider a notice of resumption of fiscal sanctions.~~

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- 1. ~~Notice is mailed by certified mail, containing an explanation of the violations that still exist, the billing and the appeal information that was included in the notice of non-compliance.~~
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- 2. ~~Recovery of fiscal sanctions is stayed if the provider makes written requests for an administrative hearing as outlined in N.D.C.C. § 28-32 within ten days of receiving the notice of resumption of fiscal sanctions.~~
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- 3. ~~Fiscal sanctions continue accruing until the license or self-declaration is no longer valid or an administrative hearing ceases or dismisses the fiscal sanctions.~~
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- 4. ~~If revocation takes place or a provider voluntarily gives up a license or self-declaration, fiscal sanctions accrued to that point are still collectable.~~

**Recovery of Fiscal Sanctions 620-01-120-05-15**

### ~~1. Appeal from Notice of Non-compliance—Hearing~~

#### Fiscal Sanction Appeal Process:

- a. A provider may submit a written request for a hearing to the Appeals Supervisor within ten days after receiving the Notice of Non-compliance. Refer to Policy 620-01-120-05-01 for more information on appeals.
- b. The hearing will be held under N.D.C.C. chapter 28-32.
- c. If an appeal hearing is requested, fiscal sanctions cannot be collected until after the decision is issued.
- d. The ~~issues at the~~ hearing will review whether the rules were violated as set out in the correction order, or whether the provider corrected the deficiency prior to the reinspection ~~or sent written notice of correction and was in compliance upon the subsequent reinspection.~~
- e. If, after the hearing, the department determines the fiscal sanctions were appropriate, the provider shall pay, within the Licensing System and within 15 days, fiscal sanctions accrued through the time the provider notified the Licensing Specialist ~~provided written notice of the correction to the authorized agent~~ or their license expired.

### ~~2. Collection of Fiscal Sanctions~~

If the provider refuses to pay accumulated fiscal sanctions, the department may consider further action on the license and shall go through the regular collection procedures, including utilizing collection office services.

## **Suspension 620-01-120-30**

The Licensing Specialist and Supervisor shall ~~A suspension~~ request a suspension ~~must be made~~ when the following are present:

1. A report of suspected child abuse or neglect at a licensed, self-declared or registered child care is reported.
2. Children are found to be at imminent danger or at risk of harm.

3. Law enforcement has been involved.

4. A Prohibition has been ruled out.

The suspension request must be made ~~by the authorized agent or the regional office~~ within ~~72~~ 48 hours of the onset of ~~an assessment~~ the investigation.

The ~~Licensing Specialist authorized agent~~ shall:

1. Notify the Licensing Supervisor ~~regional office~~ when a report of suspected child abuse and neglect has been filed in a licensed, self-declared or in-home registered program.
2. Meet with Law Enforcement and CPS to discuss the Suspension and if the situation meets the criteria of a Suspension. The Licensing Supervisor shall be present at this meeting.
- ~~2. Notify the regional office of joint decision of CPS worker and authorized agent to request a suspension.~~
3. Present in person, along with CPS worker, the suspension notice ~~prepared by the regional office~~ to the provider. Request law enforcement to be present if necessary. The Licensing Specialist is required to stay on site until all children are picked up by parents.
4. Prepare Suspension Parent Notification Letter and assure parents receive the letter either by hand delivering to parents while on site or mailing to parents. Refer to policy 620-01-115-10-01 for more information on Parent Notifications. Licensing Specialist will need to receive parent addresses from the provider if the letter is to be mailed.

The letter shall include:

- a. Contact Information for Licensing Specialist
- b. Contact information for Child Care Resource and Referral
- c. Details from Suspension Notification

~~Notify the parent of any child receiving care when the license, self-declaration or registration is suspended. Consult with regional office to determine if notification will also include the name of the subject of the suspected abuse or neglect.~~



5. Communicate with Licensing Supervisor, Licensing Administrator, CPS and Law Enforcement throughout the Suspension. Assure Child Care Food Program (CACFP) is aware of the Suspension and when the Suspension is lifted.
6. Upload all documentation pertaining to the Suspension into the provider's record in the Licensing System.
7. Provide a written statement to Provider once the Suspension is lifted, this statement may be emailed to the provider.
- ~~5. Upon the conclusion and disposition of the assessment, notify the parent of each child receiving early childhood services of the disposition.~~
- ~~6. Staff disposition with regional office to determine if further action on the license, self-declaration or registration is necessary.~~

The Licensing Supervisor regional office shall:

1. Attend meeting with Licensing Specialist, CPS and Law Enforcement.
2. Discuss the need for a Suspension with the Licensing Administrator.
- ~~4. Staff the suspension request with the central office.~~
3. If the decision is made to suspend, prepare the suspension notice within the licensing system and email the notice to the authorized agent, central office and DHS legal advisory unit for review prior to issuance.
4. Send the Suspension Notice to the Licensing Administrator for review.
5. Work with the Licensing Specialist throughout the suspension process to assure all steps are completed and open communication is present.
6. Complete suspension process in the licensing system once the Suspension Notification is approved by the Licensing Administrator and HHS Legal Advisor.
7. Work with the Licensing Specialist to determine if further corrective action is needed. Refer to Corrective Action Policies for more information.
- 8. Assure all documentation pertaining to the suspension is uploaded into the provider record in the licensing system.

- ~~3. Notify CCA, Child Care Assistance, and CACFP of the suspension.~~
- 4. Central office provides guidance to the regional office.

The Licensing Administrator shall:

- 1. Approve the Issuance of a Suspension
- 2. Send the Suspension Notification to the HHS Legal Advisor for approval
- 3. Help the Licensing Supervisor throughout the Suspension process
- 4. Provide the Early Child Director information on the Suspension