

101193 Deficiencies in Compliance

(a)

If during a licensing evaluation the evaluator determines that a deficiency exists, the evaluator shall issue a notice of deficiency unless the deficiency is not serious and is corrected during the visit.

(b)

Prior to completion of an evaluation or other licensing visit, the person in charge of the child care center shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.

(c)

The evaluator shall, at the completion of the visit, personally deliver the notice of deficiency to the licensee or the person in charge of the child care center. If the licensee is not present, the evaluator shall also mail a copy of the notice to the licensee. (1) If the person in charge of the child care center refuses to accept the notice, the evaluator shall make a note of the refusal on the notice and leave a copy of the notice at the center. The evaluator shall also mail a copy of the notice to the licensee.

(1)

If the person in charge of the child care center refuses to accept the notice, the evaluator shall make a note of the refusal on the notice and leave a copy of the notice

at the center. The evaluator shall also mail a copy of the notice to the licensee.

(d)

The notice of deficiency shall be in writing and shall include the following: (1) A citation of the law or regulation that has been violated. (2) A description of the deficiency stating the manner in which the licensee failed to comply with a specified law or regulation and, if applicable, the particular place or area of the child care center in which the deficiency occurred. (3) The plan developed, as specified in (b) above, for correcting each deficiency. (4) A date by which each deficiency shall be corrected. (A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time for delivery and/or installation of necessary equipment. (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days. (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions that must be taken within 30 calendar days to begin correction. (D) If civil penalties are assessed, the evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice of deficiency the date by which the correction must be made. (5) The amount of the civil penalty assessed and the date the penalty begins. (6) The address and telephone number of the Department's office responsible for reviewing notices of deficiencies for the area in which the child care center is located.

(1)

A citation of the law or regulation that has been violated.

(2)

A description of the deficiency stating the manner in which the licensee failed to comply with a specified law or regulation and, if applicable, the particular place or area of the child care center in which the deficiency occurred.

(3)

The plan developed, as specified in (b) above, for correcting each deficiency.

(4)

A date by which each deficiency shall be corrected.(A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time for delivery and/or installation of necessary equipment. (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days. (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions that must be taken within 30 calendar days to begin correction. (D) If civil penalties are assessed, the evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice of deficiency the date by which the correction must be made.

(A)

In determining the date for correcting a deficiency, the evaluator shall consider the following factors: 1. The potential hazard presented by the deficiency. 2. The number of children affected. 3. The availability of equipment or personnel necessary to correct the deficiency. 4. The estimated time for delivery and/or installation of necessary equipment.

1.

The potential hazard presented by the deficiency.

2.

The number of children affected.

3.

The availability of equipment or personnel necessary to correct the deficiency.

4.

The estimated time for delivery and/or installation of necessary equipment.

(B)

The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.

(C)

If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions that must be taken within 30 calendar days to begin correction.

(D)

If civil penalties are assessed, the evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice of deficiency the date by which the correction must be made.

(5)

The amount of the civil penalty assessed and the date the penalty begins.

(6)

The address and telephone number of the Department's office responsible for reviewing notices of deficiencies for the area in which the child care center is located.