



Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

Paul R. LePage, Governor

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August 22, 2017

Ms. Beth Ashcroft, Director
Office of Program Evaluation and Governmental Accountability
State of Maine Legislature
82 State House Station
Augusta, Maine 04333-0082

Re: OPEGA Report on Children's Licensing and Investigation Services – August 2017 Status of Actions to Implement Recommendations

Dear Ms. Ashcroft:

The Department of Health and Human Services ("DHHS" or "the Department") is pleased to provide a five month status update of the actions to implement recommendations from OPEGA's March 2017 report.

For your convenience, below we include each summary recommendation followed by our response, proposed corrective action plan, and status of action to date.

Recommendation # 1:

Children's Licensing should enhance policies to ensure thorough and consistent investigations.

Response: In response to OPEGA's recommendation that Children's Licensing should enhance policies to ensure thorough and consistent investigations; the Department would note the continuous quality improvement that has occurred over the past four years. Major efforts to improve the program include: a change in leadership in the spring of 2013; a reorganization of the program structure; increased staff; and the implementation of an aggressive strategic plan focused on resource utilization, accountability, work force development, provider relations, and an established regulatory and legislative agenda. A primary objective of the strategic plan included the development and implementation of Standard Operating Procedures, as none previously existed for the Children's Licensing and Investigation Program.

The Department appreciates OPEGA's thorough review and recommendations regarding Standard Operating Procedures and will incorporate details where applicable to create more explicit procedures for staff. With respect to specific recommendations, the Department provides the following feedback:

- For both child care and the Out of Home Investigation Team (OOH), Children's Licensing will make revisions to Standard Operating Procedures to provide examples of expected actions for investigating common types of allegations, including parties that should be interviewed and documentation that should be reviewed. Current procedure is not explicit with details surrounding coordination and consultation with special services. OOH investigates a wide range of programs; and, depending on the provider type and nature of the allegation, there can be significant variation in participants of a multi- agency investigation. However, for both child care and OOH, Children's Licensing will revise Standard Operating Procedures to provide examples of the types of special services that should be contacted when investigating common types of allegations.

- A definition of “high-risk” is not included in Standard Operating Procedures and will be incorporated. The definition exists elsewhere in policy. When a complaint is entered into the Maine Automated Child Welfare Information System (MACWIS), the allegations are identified as high-risk and are clear to both the assigning Program Manager and receiving Investigator, but not necessarily to others.

With reference to recommendations for additional and clarifying Standard Operating Procedures around documentation and field response in the event of a serious or urgent violation, the Department concurs that greater detail in these areas would be beneficial.

August 2017 Update:

Recommendations have been incorporated in draft form into Child Care Licensing Standard Operating Procedures: Complaint Investigations and Compliance Advisory Panel. Licensing Specialists and Supervisors are aware of the OPEGA recommendations and revisions; the team is reviewing and will make suggestions for additional clarifying revisions. A final review by MeCDC Legal and Policy Team will be necessary prior to Program management’s final approval of the SOP revisions.

Children’s Licensing has undergone structural changes to include the hiring of a direct supervisor for the Out of Home Investigation Team in April 2017. This team was formerly supervised by the Program Manager. While new to this program, this Supervisor brings two decades of child welfare/ investigatory experience. In the process of reviewing and enforcing the Standard Operating Procedures developed and approved in July of 2016, we have determined that a more thorough revision is required that will include more robust details in general procedures and delineate procedures specific to program areas including Child Care, Foster Care, Residential Settings, Schools, etc. This effort will take some time to develop. The Children’s Licensing Program Manager will follow up with these changes with an expected completion date of December 31, 2017.

Recommendation # 2:

Children’s Licensing should establish time frames for determining licensing actions and notifying providers.

Response: The Department concurs that formalizing established timeframes into Standard Operating Procedures for post-investigation actions would increase internal consistency and potentially expedite corrective action taken by the provider.

August 2017 Update:

Recommendations have been incorporated in draft form into Child Care Licensing Standard Operating Procedures: Complaint Investigations and Compliance Advisory Panel.

Recommendation # 3:

DHHS should evaluate replacement of Children’s Licensing’s current documentation system.

Response: DHHS concurs with OPEGA’s recommendation that the Department evaluate replacement of Children’s Licensing’s current documentation system. Efforts to enhance the Maine Automated Child Welfare Information System (MACWIS) are currently underway. Children’s Licensing has concurrently taken steps to complete a comprehensive gap analysis and has explored risks and benefits to moving child care licensing from MACWIS to a new data management system designed for children’s licensing and inspection functions. In addition to a new data management system the Department has explored replacement of the current duplicate paper forms being used for inspections with a tablet. The advanced technology would yield higher quality inspection reports while increasing efficiency. Further analysis is required and the Department will do its due diligence to ensure that the benefits of a replacement system would justify the expense incurred.

August 2017 Update:

The Department continues to explore purchasing a new data management system for Child Care Licensing. It is important to note, this will require additional funds to appropriately fund a new system.

Recommendation # 4:

Children’s Licensing should enhance investigation Documentation.

Response: The Department concurs with OPEGA's recommendation that Children's Licensing should enhance investigation documentation. Given the limitations within the MACWIS system, Children's Licensing developed a standardized template for Child Care Licensing staff to follow when documenting a complaint investigation. Incorporating prompts into the template that do not currently exist would benefit both licensing staff in the field and supervisors in their review of completed investigations. A template will also be developed and implemented for use by the Out of Home Investigation team as the Department also believes a template would enhance quality, improve consistency, and streamline supervisory review.

August 2017 Update:

The standardized Investigation template for Child Care Licensing was revised during OPEGA's review and was included in the final report as Appendix B. Additional revisions have been made to prompt staff to document persons interviewed, documentation reviewed, observations made, and to document the date the closing letter or action was sent to the provider. Several templates are in use by the Out of Home Investigation Team to include Previous Agency Involvement, Summary, and Findings. The templates require a more thorough analysis after a significant period of use to determine effectiveness. The plan is to continue to enhance and revise as needed.

Recommendation # 5:

DHHS should clarify when parental notification can and should occur.

Response: The Department is revising Standard Operating Procedures to address minor inconsistencies that currently exist with related statute.

The Department concurs with the recommendation to establish a timeframe for posting licensing actions to the Child Care Choices website. Children's Licensing Program Manager will establish and implement this change immediately.

August 2017 Update:

Statutorily, the Out of Home Investigation Team may notify parent/guardians of children in a child care program when the program is under investigation. Given the varying nature of investigations and the need to respond accordingly to each situation, the Standard Operating Procedure has been changed to be consistent with law and also reads as "may" notify. Investigators are in close communication with the program Supervisor when there are questions regarding how widespread the notification needs to be. Practice continues to focus narrowly on the identified victims and expands more broadly as required.

The Department posts to the Child Care Choices website within five business days of completed action. Children's Licensing has made some changes to online posting of licensing and inspection information based on provider feedback regarding the detailed postings of provider deficiencies. Through our evaluation, Children's Licensing heard from providers that the website could have a negative, long-term impact on a program's enrollment and reputation. Children's Licensing is striving to provide accessibility of provider licensing history that shows routine inspection results, commendations, and negative licensing history. In the meantime, the Department will post the licensing document detailing the negative licensing action for the period of time that it is in effect. Following that period of time, the website shows that there was past negative licensing action which has since been resolved, the details of which are available upon request. The Licensing Specialist's contact information is available for the public. All information regarding rule violations and sanctions is public information.

Thank you again for the opportunity to provide this update.

Sincerely,



Ricker Hamilton
Acting Commissioner

RH/dg