

Policy Communiqué #13-01: Provider Capacity Compliance

This is a message from the Bureau of Subsidized Child Care Services

Title: Provider Capacity Compliance

Date: January 2, 2013

Priority: Medium

Category: Action Required

Action Required: See "Next Steps"

Response Required: None

Purpose:

To provide Child Care Information Services (CCIS) agencies information about how to ensure providers are not overcapacity.

The following documents are attached to this communiqué:

- Attendance Review spreadsheet
- Capacity Compliance Affirmation Statement
- Provider Enrollment Information for Capacity Compliance.

Discussion:

The Child Care Information Services (CCIS) agency is responsible for ensuring that a provider is not overcapacity due to the number of subsidized children enrolled at the facility. This Communiqué establishes how each CCIS agency is to handle capacity alerts, the need to run the RE200, Service Threshold Report quarterly and what to do if the CCIS feels a provider has a capacity issue.

Policy:

Receipt of Overcapacity Alert

The CCIS is responsible for ensuring that a provider is not overcapacity due to the number of subsidized children enrolled at the facility. When the Enrollment Specialist receives a capacity alert, s/he should contact the Provider Specialist/staff person who performs capacity analysis (Capacity Designee). The Capacity Designee must take the following steps to ensure that the child care facility is not overcapacity:

- Contact the provider and discuss child care schedules (both subsidized and private-pay) to make sure there is no prohibited overlap.
- If the Capacity Designee is comfortable with the capacity after contacting the provider, the CCIS may enroll the child(ren).
- If the Capacity Designee is not reassured about the capacity situation:
 - Do not enroll the child(ren).
 - Complete the Attendance Review spreadsheet or equivalent spreadsheet used by the CCIS and analyze the schedules for over-enrollment.
 - If the analysis does not indicate a problem, proceed with enrolling the child(ren).
 - If the Capacity Designee still has concern, request that the provider complete and return timely the Capacity Compliance

Affirmation Statement (Affirmation Statement) and the Provider Enrollment Information for Capacity Compliance (Capacity Compliance) form for the week beginning the Monday after the form is received. The CCIS should not enroll additional children until after the information is received and analyzed.

- If the CCIS is comfortable with the information provided, complete the enrollment(s).
- If the provider refuses to sign the Affirmation Statement or does not return the Capacity Compliance form timely, do not enroll the child(ren).
- If the CCIS still feels there are enrollment issues, do not enroll the child(ren).

NOTE: If, at any time despite the provider's signed Affirmation Statement, the CCIS feels the provider is overcapacity, do not enroll the child(ren).

Quarterly Review of RE200 Service Threshold Report

Each CCIS should run an RE200 Service Threshold Report for their providers once each quarter. Review Policy and Procedure Manual Chapter 600, Reports for more information about the RE200 report. If overcapacity is indicated, the Capacity Designee should use the attached Attendance Review spreadsheet or an equivalent spreadsheet designed by their CCIS to perform an analysis for all the children in the provider's care. This analysis will help determine if overlapping schedules are causing capacity issues.

Complete the Attendance Review or equivalent CCIS spreadsheet to:

- Review the provider's service schedule.
- Review the schedules of the enrolled children.
- Review the p/c's work schedule.

If the Capacity Designee feels there is a capacity issue after the review:

- Contact the provider to advise him/her of the issue.
- Send the provider a Capacity Compliance form and an Affirmation Statement.
- Require the provider to complete the Capacity Compliance form for the week beginning the Monday after the form is received.
- Require that the provider sign the Affirmation Statement if s/he says s/he is in compliance with capacity levels.
- Both forms must be submitted timely to the CCIS.
- If the provider refuses to sign the Affirmation Statement and/or submit the Capacity Compliance form do not enroll the child(ren).

The CCIS is responsible for ensuring that the provider is not overenrolling subsidized children in a facility. If overcapacity is indicated based on the analysis, do the following:

- Remove/suspend the most recently placed child(ren) who caused the overcapacity and give the parent/caretaker 30 days to find a new provider.
- Use "Provider Non-Compliance" for the suspension reason.

If, after the CCIS addresses the overcapacity issue with subsidized children, the CCIS has knowledge that the remaining number of private-pay children exceeds

capacity, the CCIS shall contact the Regional Certification Office (RO) to file a formal complaint. The complaint to the RO must include the specific days of the week and times of the day that overcapacity appears to be a problem based on the CCIS analysis.

In all situations described above, maintain documents as part of the provider's CCIS records. Record information in PELICAN CCW Provider Comments.

Next Steps:

1. Share this information with appropriate staff.
2. Apply the policy upon receipt of a capacity alert and when overcapacity is suspected.
3. Run the RE200 Service Threshold Report every quarter and review the results going forward.
4. Direct questions to your Subsidy Coordinator.