

Utah Department of Health, Bureau of Child Care Licensing
Rule Enforcement Procedures

NONCOMPLIANCE CATEGORIES

Level 1 Noncompliance: The *most serious* level of noncompliance. Violation creates the potential for *significant* harm to a child.

Level 2 Noncompliance: The *second most serious* level of noncompliance. Violation creates the potential for *moderate* harm to a child.

Level 3 Noncompliance: The *least serious* level of noncompliance. Violation creates the potential for *little or no immediate harm* to a child.

CONSEQUENCES OF NONCOMPLIANCE

Technical Assistance

- For Level 2 noncompliance: the provider will be given one opportunity to correct with technical assistance before the noncompliance is cited. After that, if the noncompliance reoccurs within a 12 month period, it will be cited.
- For Level 3 noncompliance: the provider will be given two opportunities to correct with technical assistance before the noncompliance is cited. After that, if the noncompliance reoccurs within a 12 month period, it will be cited.
- Noncompliance for which technical assistance only is offered, and no citation is issued, will not appear on the provider's public record.

Citation

- A citation means that a violation appears on a provider's public record. If the cited finding is not corrected by the required date, a civil money penalty will be assessed.
- A citation will be issued for any Level 1 noncompliance the first time, and every time, it occurs.
- A citation will be issued for Level 2 and Level 3 noncompliance as outlined above under Technical Assistance.

Civil Money Penalties

A civil money penalty will be assessed if a provider fails to correct a cited item by the required correction date. A civil money penalty will also be assessed with every Notice of Revocation.

Civil money penalty amounts will be determined as follows:

- *Level 1 Noncompliance:* \$100 for each rule violated, except for the following rules: ratios, supervision, square footage, or missing background clearance documents.
- *Level 2 Noncompliance:* \$75 for each rule violated, except for the following rules: ratios, supervision, square footage, or missing background clearance documents.
- *Level 3 Noncompliance:* \$50 for each rule violated, except for the following rules: ratios, supervision, square footage, or missing background clearance documents.
- Civil money penalty amounts for noncompliance with ratio, supervision, square footage, and missing background clearance rules are as follows:
 - Civil money penalties for noncompliance with ratios, supervision, and square footage rules will be assessed at \$50, \$75, or \$100 per child, based on the noncompliance level.
 - Civil money penalties for noncompliance with background clearance rules will be assessed at \$100 per person who fails to submit the required documents.

Conditional License or Certificate:

- Instances of noncompliance will be assessed a point value, based on the level of noncompliance.

Level 3 Noncompliance (Technical Assistance)	1 point
Level 2 Noncompliance (Technical Assistance)	4 points
Level 1, 2 or 3 Cited Noncompliance (Level 1 Noncompliance is cited the first time it occurs. Levels 2 and 3 Noncompliance rise to the level of being cited if they are not corrected after technical assistance is given.)	10 points
Level 1 Repeat Cited Noncompliance	20 points

- A conditional license will be issued if a provider is found to be in ongoing and/or serious noncompliance with the rules.
- Conditional licenses will be issued for a period of six months, during which time the Bureau will make regular visits to the facility to monitor compliance with the rules. A license may be returned to regular status before the end of the six month conditional period, upon appeal by the provider, if the Bureau is satisfied that the provider has achieved and maintained compliance with the rules.

- Civil money penalties assessed with conditional licenses will be as follows:
 - For each instance of noncompliance that has been previously cited and has not been corrected at the time the conditional license is issued, a civil money penalty will be assessed.
 - For each instance of noncompliance that has not been previously cited at the time the conditional license is issued, a warning will be issued that a civil money penalty will be assessed if the noncompliance is not corrected by the required correction date.

Revocation of a License or Certificate

- The Bureau may revoke a license or certificate as follows:
 - If a provider fails to come into compliance with the rules during a conditional license period.
 - If a provider’s violation of one or more rules is egregious to such a degree that it places the health and safety of children in serious jeopardy.
 - If a provider gives false or misleading information to the Bureau.
 - If a provider refuses to make available to the Bureau any written documentation required to conduct an inspection or investigation.
 - If a provider refuses to allow authorized representatives of the Bureau access to the facility in order to determine compliance with the rules.
 - If a provider has committed acts that would exclude a person from holding a child care license or certificate under R436-6 (Background Screening).
- When a Notice of Revocation has been issued, the provider has 30 days to appeal the revocation, and must notify the parents of all children in care that the license has been revoked, in order to allow parents time to find other care for their children. The provider may care for children during this 30 day appeal period.
- Civil money penalties will be assessed when a Notice of Revocation is issued, based on the noncompliance levels that led to the revocation.

Immediate Closure

- The Department may issue an Immediate Closure Order if conditions are such that they create a clear and present immediate danger to children in care which requires immediate action to protect children’s health and safety.
- When an Immediate Closure Order has been served, the provider may not continue to care for children during the 30 day appeal period.