

**COMMENT DUE DATE: January 02, 2025**

**Date: December 02, 2024**

**Mitzi Lee, Program Manager II  
Holli Kyker, Program Administrator  
Brandi Smith, Policy Specialist**

**405-202-7449  
405-982-2217  
405-982-2703**

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to \*STO.LegalServices.Policy@okdhs.org. The proposed policy is **PERMANENT**.

**SUBJECT:**

**CHAPTER 110. LICENSING SERVICES**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-6 [AMENDED]

340:110-1-9.3 [AMENDED]

340:110-1-9.4 [AMENDED]

340:110-1-9.5 [AMENDED]

340:110-1-10 [AMENDED]

340:110-1-11 [AMENDED]

340:110-1-13 [AMENDED]

340:110-1-14 [AMENDED]

Part 3. Licensing Services – Residential Care and Agencies

340:110-1-46 [AMENDED]

340:110-1-47.2 [AMENDED]

340:110-1-52 [REVOKED AND RENUMBERED]

340:110-1-53 [REVOKED AND RENUMBERED]

340:110-1-54.1 [AMENDED]

340:110-1-55 [REVOKED AND RENUMBERED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-Of-School Time Programs, Part-Day Programs and Programs for Sick Children

340:110-3-300 [AMENDED]

Part 16. Requirements for Community Hope Centers

340:110-3-400 [REVOKED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 5. Requirements for Foster Homes Agencies

340:110-5-61.1 [AMENDED]

Part 9. Requirements for Independent Living Programs

340:110-5-115 [AMENDED]

340:110-5-117 through 124 [REVOKED AND RENUMBERED]

Appendix EE Oklahoma Director's Credential [REVOKED]

Appendix EE Oklahoma Director's Credential [NEW]  
(Reference WF 25-110)

**SUMMARY:**

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend Oklahoma Human Services (OKDHS) Child Care Services (CCS) policy for child care Licensing staff by amending request for Licensing processes, non-compliance with Licensing requirement processes, emergency orders, consent agreements, denial and revocation processes, case closures, unlicensed complaint investigations, and public inspection of Licensing records.

Proposed amendments to Chapter 110, Subchapter 1, Part 3 amend OKDHS CCS policy for residential and child-placing agency Licensing staff by amending license issuances processes, non-compliance with Licensing requirement processes, revoking redundant rules to combine within existing rule citations, and unlicensed complaint investigations.

Proposed amendments to Chapter 110, Subchapter 3, Part 15 amend Licensing requirements for child care centers, day camps, drop-in, out-of-school time, part-day and programs caring for ill children.

Proposed amendments to Chapter 110, Subchapter 3, Part 16 revoke Licensing requirements for community hope centers.

Proposed amendments to Chapter 110, Subchapter 5, Part 5 and 9 amend Licensing requirements for child-placing agencies. CCS conducted child-placing agency roundtable sessions to amend Licensing requirements for child-placing agencies and independent living programs. A summary of proposed Licensing requirements was reviewed by residential and child-placing agency standing subcommittees and the Child Care Advisory Committee. Child Welfare Services was consulted for necessary Licensing requirement amendments for improved health and safety and services for child-placing agencies and independent living programs.

**Permanent rulemaking approval is requested.**

**LEGAL AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. §§ 401, 404, 405, 406, and 407 of the Oklahoma Child Care Facilities Licensing Act.



Rule Impact Statement

**To:** Programs administrator  
Legal Services - Policy

**From:** Deborah Smith  
Deputy Director  
Child Care Services

**Date:** May 31, 2024

**Re: CHAPTER 110. LICENSING SERVICES**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-6 [AMENDED]

340:110-1-9.3 [AMENDED]

340:110-1-9.4 [AMENDED]

340:110-1-9.5 [AMENDED]

340:110-1-10 [AMENDED]

340:110-1-11 [AMENDED]

340:110-1-13 [AMENDED]

340:110-1-14 [AMENDED]

Part 3. Licensing Services – Residential Care and Agencies

340:110-1-46 [AMENDED]

340:110-1-47.2 [AMENDED]

340:110-1-52 [REVOKED AND RENUMBERED]

340:110-1-53 [REVOKED AND RENUMBERED]

340:110-1-54.1 [AMENDED]

340:110-1-55 [REVOKED AND RENUMBERED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-Of-School Time Programs, Part-Day Programs and Programs for Sick Children

340:110-3-300 [AMENDED]

Part 16. Requirements for Community Hope Centers

340:110-3-400 [REVOKED]

Subchapter 5. Requirements for Child-Placing Agencies

Part 5. Requirements for Foster Homes Agencies

340:110-5-61.1 [AMENDED]

Part 9. Requirements for Independent Living Programs

340:110-5-115 [AMENDED]  
340:110-5-117 through 124 [REVOKED AND RENUMBERED]  
Appendix EE Oklahoma Director's Credential [REVOKED]  
Appendix EE Oklahoma Director's Credential [NEW]  
**(Reference WF 25-110)**

**Contact:** Mitzi Lee, Programs Manager III, 405-202-7449

**A. Brief description of the purpose of the proposed rule:**

**Purpose.**

Proposed amendments to Chapter 110, Subchapter 1, Part 1 amend Oklahoma Human Services (OKDHS) Child Care Services (CCS) policy for child care Licensing staff by amending request for Licensing processes, non-compliance with Licensing requirement processes, emergency orders, consent agreements, denial and revocation processes, case closures, unlicensed complaint investigations, and public inspection of Licensing records.

Proposed amendments to Chapter 110, Subchapter 1, Part 3 amend OKDHS CCS policy for residential and child-placing agency Licensing staff by amending license issuances processes, non-compliance with Licensing requirement processes, revoking redundant rules to combine within existing rule citations, and unlicensed complaint investigations.

Proposed amendments to Chapter 110, Subchapter 3, Part 15 amend Licensing requirements for child care centers, day camps, drop-in, out-of-school time, part-day and programs caring for ill children.

Proposed amendments to Chapter 110, Subchapter 3, Part 16 revoke Licensing requirements for community hope centers.

Proposed amendments to Chapter 110, Subchapter 5, Part 5 and 9 amend Licensing requirements for child-placing agencies. CCS conducted child-placing agency roundtable sessions to amend Licensing requirements for child-placing agencies and independent living programs. A summary of proposed Licensing requirements was reviewed by residential and child-placing agency standing subcommittees and the Child Care Advisory Committee. Child Welfare Services was consulted for necessary Licensing requirement amendments for improved health and safety and services for child-placing agencies and independent living programs.

**Strategic Plan Impact.**

The proposed amendments achieve OKDHS goals by continuously improving systems and processes impacting Licensing requirements for child care centers, child-placing agencies and independent living programs, and CCS policy for licensed child care programs, residential child care facilities, and child-placing agencies.

**Substantive changes.**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

Oklahoma Administrative Code (OAC) 340:110-1-6 is amended to: (1) reflect process and procedures for online submission of request for license; (2) clarify permission to operate; and (3) align CCS terminology.

OAC 340:110-1-9.3 is amended to: (1) reflect plan of correction documentation for serious non-compliance and substantiated complaints includes maintenance of compliance; and (2) align CCS terminology.

OAC 340:110-1-9.4 is amended to: (1) reflect current practices for emergency orders; (2) include language for residential and child-placing agency programs; and (3) align CCS terminology.

OAC 340:110-1-9.5 is amended to: (1) reflect current practices for consent agreements; (2) include language for residential and child-placing agency programs; and (3) align CCS terminology.

OAC 340:110-1-10 is amended to: (1) reflect current practices for denial and license revocation processes; (2) include language for residential and child-placing agency programs; and (3) align CCS terminology.

OAC 340:110-1-11 is amended to: (1) reflect current practices for licensed program closures; (2) include language for residential and child-placing agency closures; and (3) align CCS terminology.

OAC 340:110-1-13 is amended to: (1) reflect current practices for unlicensed facility investigations; and (2) align CCS terminology.

OAC 340:110-1-14 is amended to: (1) reflect current practices for public access to Licensing records and release of Licensing record information; (2) include language for public access and release of residential and child-placing agency Licensing records; and (3) align CCS terminology.

### Part 3. Licensing Services – Residential Care and Agencies

OAC 340:110-1-46 is amended to: (1) clarify subsequent permits; (2) clarify license issuance processes; and (3) align CCS terminology.

OAC 340:110-1-47.2 is amended to: (1) reflect plan of correction documentation for serious non-compliance and substantiated complaints includes maintenance of compliance; (2) clarify non-compliance with Licensing requirement processes; and (3) align CCS terminology.

OAC 340:110-1-52 is revoked and renumbered to OAC 340:110-1-9.4, OAC 340:110-1-9.5, and OAC 340:110-1-10, to reflect current practices for emergency orders, consent agreements, and license denials and revocations.

OAC 340:110-1-53 is revoked and renumbered to OAC 340:110-1-11 to reflect current practices for licensed program closures.

OAC 340:110-1-54.1 is amended to: (1) reflect current practices for unlicensed facility investigations; and (2) align CCS terminology.

OAC 340:110-1-55 is revoked and renumbered to OAC 340:110-1-14 to reflect current practices for public access to Licensing records and release of Licensing record information.

### Subchapter 3. Licensing Standards for Child Care Facilities

#### Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-Of-School Time Programs, Part-Day Programs and Programs for Sick Children

OAC 340:110-3-300 is amended to reduce the ratio of toilets to children in a child care center-based program by excluding children younger than 2 years of age from the 1 to 15 toilet ratio.

Part 16. Requirements for Community Hope Centers

OAC 340:110-3-400 is revoked as community hope centers are being transitioned to other types of licensed programs.

Subchapter 5. Requirements for Child-Placing Agencies

Part 5. Requirements for Foster Homes Agencies

OAC 340:110-5-61.1 is amended to: (1) improve health and safety for children in foster care while receiving care in an alternative care setting; (2) require necessary child records; (3) clarify alternative care procedures; and (4) align CCS terminology.

Part 9. Requirements for Independent Living Programs

OAC 340:110-5-115 is amended to: (1) improve youth health and safety by providing Licensing requirements addressing direct care personnel requirements; (2) provide clarifications for child-placing agencies regarding independent living program policy, agency responsibilities, youth training and life-skills assessment, service agreements, emergency procedures, supervision, and service conclusion; and (3) align CCS terminology.

OAC 340:110-5-117 through OAC 340:110-5-124 are revoked and renumbered to OAC 340:110-5-115 for language to reflect Licensing requirements for independent living programs.

Appendix EE is amended to reflect qualifying experience in a legally exempt child care setting is to be considered for a director's credential.

**Reasons.**

Chapter 110, Subchapter 1, Part 1 and 3. The proposed amendments address needed clarifications of CCS policy practice and procedures regarding request for Licensing processes, non-compliance with Licensing requirement processes, emergency orders, consent agreements, denial and revocation processes, case closures, unlicensed complaint investigations, and public inspection of Licensing records. Redundant rule citations were revoked and language amended within existing rule citations. Amendments provide improved services for licensed child care programs, residential facilities, and child-placing agencies.

Subchapter 3, Part 15 amends Licensing requirements for child care centers, day camps, drop-in, out-of-school time, part-day and programs caring for ill children. Amendments provide for a reduced toilet to child ratio having a positive financial impact for center-based care by potentially increasing the facility's licensed capacity when serving children younger than 2 years of age.

Subchapter 3, Part 16 amends Licensing requirements by revoking Licensing requirements for community hope centers. Community hope centers offered community based child care specifically addressing needs of children during the COVID pandemic. This type of care is being transitioned to existing types of licensed care.

Subchapter 5, Parts 5 and 9 amend Licensing requirements for child-placing agencies. Amendments include: (1) improving children's health and safety while in alternative care;

(2) improving youth health and safety while residing in independent living programs; (3) providing improved services to child-placing agencies; and (4) clarifying regulation enforcement. Licensed programs impacted by the proposed Licensing requirement amendments include child-placing agencies and independent living programs.

Amendments to clarify and improve CCS rules and procedures impact: (1) family child care homes and large family child care homes; (2) child care centers; (3) day-camps; (4) drop-in programs; (5) out-of-school time programs; (6) part-day programs; (7) programs for sick children; (8) residential child care facilities; and (9) child-placing agencies.

### **Repercussions.**

Chapter 110, Subchapter 1, Parts 1 and 3. The proposed amendments address: (1) clarifications for request for Licensing processes, non-compliance with Licensing requirement processes, emergency orders, consent agreements, denial and revocation processes, case closures, unlicensed complaint investigations, and public inspection of Licensing records; (2) revocation of redundant rule citations; and (3) improve services to licensed child care programs, residential facilities and child-placing agencies.

Subchapter 3, Part 15 amend Licensing requirements for child care centers, day camps, drop-in, out-of-school time, part-day and programs caring for ill children. Amendments to proposed Licensing requirements reduce the toilet to child ratio thereby providing potential for an increase in the facility's licensed capacity when serving children younger than 2 years of age.

Subchapter 3, Part 16 revokes Licensing requirements for community hope centers. Child care provided in this environment is transitioning to other types of licensed programs to more accurately reflect current services and programming.

Subchapter 5, Part 5 and 9 amend Licensing requirements for child-placing agencies and independent living programs. Amendments to proposed Licensing requirements: (1) improve children and youth's health and safety; and (2) provide consistent Licensing interpretation.

### **Legal authority.**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 10 O.S. §§ 401, 404, 405, 406, and 407 of the Oklahoma Child Care Facilities Licensing Act.

### **Permanent rulemaking approval is requested.**

**B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are CCS staff, licensed child care programs, residential child care facilities, child-placing agencies, and families and children utilizing licensed facilities, foster care and residential care.

- C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons most likely to benefit by the proposed amendments are CCS staff, licensed child care programs, residential child care facilities, child-placing agencies, and families and children utilizing licensed facilities, foster care and residential care.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** There is no anticipated economic impact of the proposed amendments.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** There are no anticipated agency costs associated with the proposed amendments.
- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** Proposed amendments provide: (1) clarifications with alternative care for children in foster care; (2) improved youth health and safety for youth residing in independent living programs; (3) positive economic impact for center-based programs when caring for children younger than 2 years of age; (4) improved consistency of Licensing requirement interpretation and enforcement; and (5) improved services for licensed child care programs, residential facilities, and child-placing agencies.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** No adverse economic impact with proposed amendments would be expected for licensed child care programs, residential facilities, or child-placing agencies.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly, non-regulatory, or less intrusive methods for achieving the purpose of the proposed amendments.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** Implementation of the proposed



amendments: (1) provide clarifications with alternative care for children in foster care; and (2) improve health and safety for youth residing in independent living programs.

**J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented: (1) children's health, safety, and quality of care in alternative care would be negatively impacted; (2) youth health, safety, and quality of care in independent living programs would be negatively impacted; (3) child care programs could be negatively impacted due to reduced toilet to child ratios not being implemented; (4) improved services for licensed child care programs, residential facilities and child-placing agencies could not occur; (5) regulation of community hope centers would continue; and (6) CCS rules and Licensing interpretation would not be clarified.

**K. The date the rule impact statement was prepared and, if modified, the date modified:**  
**Prepared:** May 31, 2024

## SUBCHAPTER 1. GENERAL PROVISIONS

### PART 1. LICENSING SERVICES – CHILD CARE

#### **340:110-1-6. Inquiries and request for license process**

Revised ~~6-4-22~~11-1-25

(a) **Inquiries.** Child care program, residential program, or child-placing agency license inquiries are referred to the appropriate Licensing staff. Licensing determines licensure necessity per, Oklahoma Child Care Facilities Licensing Act, Section 403 of Title 10 of the Oklahoma Statutes (10 O.S. § 403). Programs exempt from licensure may request licensure.

(b) **Licensing exemptions.** Program exemptions include (1) through (3) of this subsection.

(1) **Tribal reservation, Indian country, and federal facilities.** Facilities located on tribal reservations or in Indian country and federal child care facilities not requiring a state license that may request licensure are:

(A) on Indian tribal land; ■ 1

(B) licensed by a tribe, with a Child Care Services (CCS) cooperative Licensing agreement; and

(C) operating on military bases or federal property. ■ 2

(2) **In-home caregiver.** ~~Adult and Family Services (AFS) Child Care~~ CCS Subsidy approves contracted child care when care is provided in the child's own home and no license is required.

(3) **Additional exemptions.** Programs not designed or intended for child care include: ■ 3

(A) programs operating less than 10 weeks annually;

(B) summer programs operating less than eight hours per day;

(C) programs serving children 3 years of age and older, offering elementary education in kindergarten through third grade;

(D) summer youth camps, summer programs, or after-school programs for children who are at least 4 years of age, accredited by a national standard-setting agency or church camp accreditation program or are accredited by, chartered by, or affiliated with a national non-profit organization;

(E) programs providing care and supervision for school-aged children only in a center-based program for 21 or fewer hours per week and located in a county with a population of less than 100,000, per the latest Federal Decennial Census; ■ 4

(F) programs where children are limited from enrolling in multiple sessions because of the type of activity or ages accepted;

(G) programs where children are not enrolled by the parents and free to come and go;

(H) child care facilities including family child care homes providing care and supervision for 15 or fewer hours per week;

(I) sponsors operating two or more programs in the same building when each operates 15 hours or less per week; and

(J) programs where children attend on a drop-in basis and parents are on the premises and readily accessible.

(c) **Request for licensing information.** The request for license is available through an online submission process. When ~~the~~ an inquirer indicates an interest in becoming licensed or licensure is required, Licensing staff:

(1) ~~documents the name, address, phone number, and type of care the program is providing or planning to provide~~ discusses the online request for license process; and

(2) ~~provides the inquirer with:~~

~~(A) the applicable Licensing requirements;~~

~~(B) appropriate request for license packet; and~~ ■ 5

~~(C) referrals to other agencies involved in regulating child care facilities, such as the fire department, health department, and local city regulatory offices, when applicable;~~ ■ 6

~~(3) follows procedures in Oklahoma Administrative Code (OAC) 340:110-1-13 or 340:110-1-54.1, when the program is currently providing child care, residential care, or child-placing activity. Licensing informs the inquirer not to provide child care, residential care, or child-placing activity without permission to operate from CCS, per (h) of this Section; and~~

~~(4) ascertains the inquirer's qualifications for program or agency operation.~~

(d) **Request for license.** When ~~Form 07LC004E, Request for License Child Care Program; or Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care,~~ request for license information is submitted, Licensing staff:

(1) ~~verifies Form 07LC004E or Form 07LC040E is complete;~~ ■ 7 all required information is submitted; ■ 5

~~(2) provides the applicant with Licensing information;~~ ■ 6

~~(2)(3) verifies proof of ownership is provided, per OKDHS Appendix L-7, Ownership Proof Chart~~ ■ 8 refers the applicant to other regulatory agencies, such as fire and health departments, and local city and zoning officials, when applicable; and- ■ 67

~~(4) follows procedures in OAC 340:110-1-13 or 340:110-1-54.1, when the program is currently providing child care, residential care, or child-placing activity. Licensing informs the inquirer not to provide child care, residential care, or child-placing activity without permission to operate from CCS, per (h) of this Section;~~

~~(3)(5) when appropriate,~~ issues a permit within 45-calendar days or completes Form 07LC080E, Licensing Services Supplemental Information, documenting when appropriate and documents timeframe extension circumstances. ■ 9 8 through 10

(e) **Incomplete request for license.** ~~An incomplete request for license is returned to the applicant.~~ Licensing staff documents discussions regarding incomplete request for license submissions and missing information on Form 07LC080E, Licensing Services Supplemental Information, when appropriate. ■ 105

(f) **Withdrawal of request for license.** When an applicant:

(1) requests withdraw prior to the request for license being processed, Licensing staff contacts the state office designee for further instructions;

~~(1)(2) requests to withdraw after the request for license request prior to initial permit issuance is processed but prior to permit issuance,~~ Licensing staff:

(A) documents the withdrawal request on Form 07LC080E, Licensing Services Supplemental Information;

(B) confirms no children or residents are in care or no child-placing activity is conducted, if applicable; and

- (C) provides a letter to the applicant verifying withdrawal request; and
- (D) may close the case, unless negative action is warranted; and
- ~~(2)~~(3) has not had children or residents in care or no child-placing activity remained on application status for more than 12 months, the applicant is requested to withdraw the request for license. When the applicant:
  - (A) agrees to withdraw the request, Licensing staff:
    - (i) documents this discussion on Form 07LC080E;
    - (ii) provides a letter confirming the discussion and notifying the applicant of request for license withdrawal; and
    - (iii) proceeds with case closure; or
  - (B) does not agree to withdraw the request, Licensing staff:
    - (i) documents this discussion on Form 07LC080E;
    - (ii) provides a letter notifying the applicant of case closure within 10-calendar days of receipt of letter; and
    - (iii) proceeds with case closure. ■ 11 & 12
- (g) **Application monitoring visit.** Licensing staff conducts a monitoring visit to determine compliance with requirements. Licensing staff: ■ 1312
  - (1) reviews the request for license information;
  - (2) discusses and documents any incomplete or incorrect information on Form 07LC080E, Licensing Services Supplemental Information. Form 07LC080E is provided to the applicant;
  - (3) provides program consultation regarding quality care and quality rating and improvement (QRIS) criteria;
  - ~~(2)~~(4) discusses Oklahoma Human Service (OKDHS) subsidy contract opportunities and documents that contract information was provided to the applicant, when applicable; and ■ 1413
  - ~~(3)~~(5) issues a proceeds with permit issuance, per OAC 340:110-1-8 or 340:110-1-46, when applicable.
- (h) **Permission to operate.** The program Regional programs manager or programs supervisor consult with the statewide licensing coordinator regarding approving programs to operate on application status.
  - (1) Permission to operate may be granted permission to operate on application status considered when the Licensing staff determines:
    - (A) services are needed; however an applicant is temporarily unable to comply with all Licensing requirements, but the services are needed and the non-compliance does not place children or residents at risk of imminent harm; and
    - (B) compliance with health and safety requirements without serious non-compliances, per OAC 340:110-1-9.3 or OAC 340:110-1-47.2.
  - ~~(1)~~(2) These situations are discussed with the regional programs manager or programs manager. Permission to operate may be granted when the operator:
    - (A) submits required request for license information; ■ 5
    - (B) provides all required background information, per OAC 340:110-1-8.1; and
    - (C) has personnel present meeting Licensing requirements regarding:
      - (i) documented current cardio-pulmonary resuscitation and first aid certification;
      - (ii) completion of required health and safety training;
      - (iii) minimum educational qualifications, per assigned position; and

(iv) in addition, personnel with certification in behavioral intervention techniques for:

(I) residential programs; and

(II) independent living programs, when applicable.

~~(2)~~(3) Permission to operate cannot exceed 30-calendar days. ■ ~~4514~~

~~(3)~~(4) When permission to operate is ~~or was~~ not granted, phone contact is made every ~~two months~~ 60-calendar days and documented on Form 07LC080E, Licensing Services Supplemental Information.

(i) **Primary caregiver and spouse license issuance.** When requested, a license may be issued to a primary caregiver and his or her spouse. References are obtained for both individuals, and both must demonstrate requirement compliance. A primary caregiver must be identified and meet all primary caregiver requirements. ■ ~~4615~~

(j) **Alternative residence.** Care may be provided in a location other than the primary caregiver's residence. ■ ~~4716~~ through ~~4918~~

(k) **Reopening a family child care home.** When a family child care home was closed for less than 12 months and had a record of compliance prior to closure, Licensing staff ~~obtains a new Form 07LC004E, Request for License – Child Care Program, requests the operator to complete on-line submission of request for license~~ and may recommend license issuance after one compliant monitoring visit. Previous references are ~~utilized~~ used. Prior to license issuance, background investigations are conducted, per OAC 340:110-1-8.1.

(l) **Reopening a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children.** When a program was closed and the same owner requests to reopen, ~~a new Form 07LC004E, Request for License – Child Care Program, is completed~~ Licensing staff requests the operator to complete on-line submission of request for license. ■ ~~2019~~

(1) Fire and health inspections completed within the last 12 months, are ~~utilized~~ used unless concerns exist.

(2) When the program was closed less than 12 months:

(A) previously obtained director references are ~~utilized~~ used;

(B) background investigations are conducted, per OAC 340:110-1-8.1; and

(C) with a record of compliance prior to closure, Licensing staff may recommend license issuance after one compliant monitoring visit.

(m) **Reopening a residential program or child-placing agency.** When a residential program or child-placing agency was closed and the same owner requests to reopen, ~~a new Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care, is completed~~ Licensing staff requests the operator to complete on-line submission of request for license. ■ ~~2019~~

(1) Fire and health inspections completed within the last 12 months, are ~~utilized~~ used unless concerns exist.

(2) When the program was closed less than 12 months:

(A) background investigations are conducted, per OAC 340:110-1-8.1; and

(B) with a record of compliance prior to closure, the Licensing staff may recommend license issuance after one compliant monitoring visit.

(n) **Family child care homes approved to provide foster care.** A primary caregiver approved to provide foster care may be licensed as a family child care home. The primary

caregiver cannot be licensed when approved for therapeutic foster care, per OAC 340:75-7-19. The approval for dual service is made by the Licensing supervisor prior to each child placement, based on the recommendation of Licensing staff and OKDHS foster care staff. Licensing staff completes Form 07LC099E, Dual Approval Request for Foster Care Placement. When a joint consensus is not achieved, either division may request a review by the dual approval committee for a final decision. ■ 2420 The decision for approval is:

- (1) based on the number, ages, and children's specific needs potentially eligible for child care and foster care and a written agreement from the primary caregiver stating the individual(s) from whom the child was removed will not be present during the child care hours;
- (2) documented in the case record; and
- (3) reviewed with the primary caregiver and foster care worker at least once every 12 months or when concerns exist.

### **INSTRUCTIONS TO STAFF 340:110-1-6**

**Revised ~~6-1-22~~11-1-25**

1. The sheriff's office or tribal realty offices may assist with identifying Indian tribal land boundaries.
2. Exemptions include a facility licensed as a family child care provider by a branch of the United States Department of Defense or by the United States Coast Guard. Military base facilities may obtain a child care subsidy contract; however, they must be a two-star level or higher. Quality Rating and Improvement System (QRIS) staff coordinates with ~~Adult and Family Services (AFS) Child Care~~ Child Care Services (CCS) Subsidy. These facilities receive a license number unique to this circumstance.
3. (a) Home schooling is considered a private school and is exempt, including children 3 through 5 years of age. When licensed and home schooling are only parts of the program, all requirements must be met, including capacity. Home schooling of the caregiver's children or others, during child care hours is not considered other employment.  
(b) An out-of-school time program operating two hours per day after school, during school holidays, or parent teacher conferences, but not during the summer months is exempt.
4. (a) For exemption, all definition criteria and (1) and (2) of this subsection are met.
  - (1) A school-age child is defined as a child, 3 years of age and older, attending or having completed pre-kindergarten or above.
  - (2) The program only cares for school-age children in a center-based environment. This exemption does not apply to family child care homes or center-based programs caring for school-age children, as well as other ages.(b) Licensing verifies county population through the Federal Decennial Census website.
5. Licensing staff discusses and documents on Form 07LC080E, Licensing Services Supplemental Information, any missing or incorrect information with the applicant. After the online request for license has been processed, any

revisions or corrections made to the original information submitted is documented on Form 07LC080E. During the application visit, Licensing requests required signatures on Form 07LC080E and is provided to the applicant.

**56. ~~Child Care Services (CCS) application packets~~ provides necessary Licensing information and appropriate requirements are provided to applicants.**

**Residential programs and child-placing agencies are provided:**

**(a) ~~Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care;~~**

**(b) Form 07LC041E, Personnel Information;**

**(c) (b) Form 07LC043E, Child Placing Agency Compliance Review, or Form 07LC056E, Compliance Review-Residential Child Care Facility, as applicable; and**

**(4) (c) Appendix L-7, Ownership Proof Chart.**

**67. Licensing is not responsible for local ordinance knowledge or enforcement and refers programs to local officials for specific ordinance information. Referrals are documented on the monitoring summary during the application monitoring visit or on Form 07LC080E, Licensing Services Supplemental Information.**

**78. (a) Licensing staff enters information in the Licensing database, including a monitoring frequency plan of six ~~and obtains a case number.~~ A request for license is ~~considered complete~~ when:**

**(1) necessary request for license information ~~is complete on Form 07LC004E, Request for License – Child Care Program~~ has been obtained; and**

**(2) supporting documentation, including ownership verification is provided.**

**(b) Licensing staff verifies family child care home applicants' identification by observing photo identification. A photo identification copy is requested and ~~placed in the case file~~ and uploaded to the database with confidential information purged.**

**(c) For a family child care home sole proprietor, the license reflects the primary caregiver's legal name as it appears and is verified by Licensing on the primary caregiver's Social Security card.**

**(d) When child care centers, day camps, drop-in, out-of-school time, part-day programs, or programs for sick children operate in multiple buildings, (1) through (3) of this subsection apply.**

**(1) Licensing staff consults with the supervisor for separate license issuance based on:**

**(A) building proximity;**

**(B) street traffic;**

**(C) playground accessibility; and**

**(D) director responsibility.**

**(2) When one license is issued for multiple buildings:**

**(A) license capacity is determined for each building by computing square footage and ~~toilet/sink~~ toilet to sink ratios per building; and**

**(B) required posted items are displayed in each building, per applicable Licensing requirements.**

**(3) Programs currently licensed do not require license issuance changes.**

- 89.** An individual may own more than one family child care home. Each home may be identified as a different ownership type, such as sole proprietor for one home and limited liability company for another home.
- 910.** Licensing staff:
- (1) for child care programs and family child care homes, documents pending request for license and consults with the:
    - (A) supervisor when pending request for license exceeds 45-calendar days;
    - (B) regional ~~program~~ programs manager when pending request for license exceeds 60-calendar days; and
    - (C) assistant licensing coordinator when pending request for license exceeds 90-calendar days; and
  - (2) ~~utilizes~~ uses standardized applicant notification correspondence, when applicable: or
  - (3) for residential or child-placing agencies documents when pending request for license exceeds 45-calendar days and consults with the program ~~manager~~ supervisor for appropriate action.
- ~~10.~~ Licensing staff ~~utilizes applicable standardized applicant notification correspondence.~~
- ~~11.~~ When a withdrawal is requested, Licensing staff provides a copy of Form 07LC004E, Request for License – Child Care Program, or Form 07LC040E, Request for License Child-Placing Agency and Residential Child Care, to the program or agency and the original is maintained in the case file.
- ~~12.~~ When a request for license cannot be approved, due to a program not meeting Licensing requirements, Licensing staff discusses the withdrawal request with the program or agency. When a program or agency declines to withdraw, Licensing staff consults the supervisor or program ~~manager~~ supervisor. Written request from the program or agency for withdrawal is not required; however, in a letter or on Form 07LC080E, Licensing Services Supplemental Information, Licensing staff documents:
  - (A) specific Licensing requirements not met;
  - (B) Licensing's request for the withdrawal; and
  - (C) the program's or agency's response to the withdrawal request.
- ~~13~~**12.** Residential and child-placing agency Licensing staff schedule a visit to measure the square footage, draw a floor plan, and determine the licensed capacity. When the program or child-placing agency does not begin operating within six months, Licensing staff contacts the program or child-placing agency regarding application status. A monitoring frequency plan of six is entered in the database.
- ~~14~~**13.** AFS CCS Subsidy provides claims process training and may offer a program contract.
- ~~15~~**14.** Licensing staff conducts an Oklahoma Human Services (OKDHS) database search for prior involvement with OKDHS on required individuals prior to permission to operate. A monitoring frequency plan of 12 is entered in the Licensing database.
- ~~16~~**15.** When the license is issued to a primary caregiver and spouse, it is not required both caregivers be present and providing care at all times, unless two



adults are needed for the required adult-child ratio.

**1716.** When care is provided in a structure on the same property as the primary caregiver's residence, an alternative compliance is not required. When part of the main residence is used for child care, the monitoring visit includes the main residence.

**1817.** When a primary caregiver requests to provide care in a location that is not a residential family home, an alternative method of compliance is requested.

**1918.** When a primary caregiver requests to provide care in a residential family home other than the primary caregiver's residence, an alternative method of compliance is not required, and the procedures in (1) through (7) of this Instruction apply.

(1) The primary caregiver ~~provides Form 07LC004E, Request for License—Child Care Program,~~ completes request for license indicating the care location and the primary caregiver's permanent resident address.

(A) Household members residing at the care location are documented on ~~Form 07LC004E, Request for License—Child Care Program,~~ and all adults are required to sign with online request for license submission. Adults residing at the care location complete addendum information. The primary caregiver's spouse residing at the primary caregiver's residence ~~is not required to sign Form 07LC004E~~ does not complete online request for license submission.

(B) When the spouse's signature is obtained, an OKDHS computer search identifying prior OKDHS involvement is completed.

(C) When the request for license is an address change for an existing license; refer to Oklahoma Administrative Code (OAC) 340:110-1-9(f).

(2) Licensing staff documents an explanation of this alternative care arrangement on Form 07LC080E, Licensing Services Supplemental Information.

(3) The primary caregiver signs an agreement stating child care will not be provided at the primary caregiver's residence.

(4) Documentation of criminal background searches is obtained on all adults residing in the home where child care is provided and on other adults having access to children in care on a regular basis.

(5) Children 12 years of age and younger not living in the home where care is provided are counted in the capacity when present during the hours of child care.

(6) When the family child care home is also approved for foster care, dual approval procedures, per OAC 340:110-1-6(g)(n) apply.

(7) Overnight care is not approved in a residence other than the primary caregiver's permanent residence.

**2019.** (a) When the location and the ownership remain the same, the same case number is ~~utilized~~ used. The ~~case file and database~~ reflect program closure and reopening.

(b) When a day camp ~~utilizes~~ uses an outdoor remote location during summer and an indoor location during winter and spring, Licensing staff:

(1) closes and reopens the case when the indoor location is not the alternate

site during summer; and

(2) does not close and reopen the case when the indoor location is the alternate site for inclement weather during the summer. However, a monitoring visit is conducted and a fire inspection required.

**2420.** The dual approval committee consists of State Office representatives from Child Welfare Services, Adult and Family Services (AFS), and CCS.

### **340:110-1-9.3. Non-compliance with requirements**

Revised 11-1-25

(a) **Non-compliance documentation.** Licensing staff clearly and concisely documents ~~areas of non-compliance on the monitoring checklist and summary, including operator discussion.~~ ■ 1

~~(1) A plan of correction, including Plans of correction documented on the monitoring summary include a specific agreed-on time period for non-compliance correction is documented on the monitoring summary. Plans of correction for serious non-compliances or substantiated complaints also include methods to maintain compliance. When a previous non-compliance was not corrected by the agreed-on time period, the non-compliance is documented again with a shorter plan of correction date reduced correction timeframe.~~ ■ 2

(2) Immediate correction is required when the non-compliance directly impacts children's health, safety, or well-being.

(3) Licensing staff requests the ~~operator's signature of the operator or individual in charge~~ on the monitoring summary, explaining the signature indicates acknowledgment of recorded information. Licensing staff documents in discussion when the operator or individual in charge declines to sign the monitoring summary.

~~(4) When the operator or individual in charge refuses to sign, the refusal is documented on the monitoring summary.~~

~~(5) The operator is provided a the monitoring summary copy.~~

~~(6)(5) Timeframes for filing a grievance are provided on the monitoring summary. Grievance time frames may be discussed with the operator or individual in charge. Refer to grievance procedures, per Oklahoma Administrative Code (OAC) 340:110-1-15.~~

(b) **Referrals to fire and health officials.** When non-compliance regarding fire or health requirements places children at risk or remains uncorrected, Licensing staff requests ~~an inspection by a fire, health, or Oklahoma Department of Environmental Quality official inspection.~~ For non-compliance regarding smoke detectors, the child-care provider operator is provided a copy of the Smoke Detector Law, Section 324.11A of Title 74 of the Oklahoma Statutes (74 O.S. § 324.11A). When the non-compliance is not corrected by the third monitoring visit or is repeated, copies of the monitoring summaries are provided with a cover a letter, including the non-compliances, is provided to the appropriate fire official.

(c) **Numerous, repeated, and serious non-compliance.** Procedures for numerous, repeated, and serious non-compliance documentation are followed.

(1) Numerous non-compliance is determined by the number of Licensing requirement sections documented as non-compliant on the monitoring checklist. Numerous non-compliance is ~~monitoring visits with:~~

(A) five or more Licensing requirement sections ~~documented as non-compliant on the monitoring checklist~~ with non-compliances for a family child care home or large child care home; ■ 3

(B) six or more Licensing requirement sections ~~documented as non-compliant~~ with non-compliances on the monitoring checklist for a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children with a licensed capacity of less than 60; or ■ 3

(C) seven or more Licensing requirement sections with non-compliances for a child care center, day camp, drop-in, out-of-school time, part-day program, or program for sick children with a licensed capacity of 60 or more. ■ 3

(2) Repeated non-compliance is three or more documented incidents of non-compliance with the same requirement within the last 12 months. Missing immunizations are considered a repeated non-compliance only when regarding the same child.

(3) Serious non-compliance is non-compliance with Licensing requirements exposing children to ~~conditions presenting~~ an imminent risk of harm based on the child's age, the amount of time the operator was out of compliance, and the operator's efforts to mitigate the risk. Serious non-compliance is identified through Licensing observations, confirmed complaint investigations, ~~and/or~~ or self-reported incidences. Failure to comply with ~~licensing~~ Licensing requirements that may be considered as serious non-compliance include:

(A) staff-child ratio;

(B) child supervision;

(C) infant sleep environments and safe-sleep training; ■ 4

(D) prohibited disciplinary actions;

(E) licensed capacity; ■ 5

(F) transportation; ■ 6

(G) water activities; ■ 7

(H) pools and other water hazards;

(I) multiple hazards;

(J) weapons;

(K) failure to report child abuse or human trafficking;

(L) knowingly permitting access to children by individuals identified as prohibited, restricted or Restricted Registry registrants;

(M) failure to obtain background investigations or Restricted Registry searches;

(N) medication administration; ■ 8

(O) room temperatures;

(P) heat sources ~~and/or~~ or loss of any utility service; and

(Q) cardio-pulmonary resuscitation and first aid training. ■ 9

(d) **Case management responses to non-compliant facilities.** One or more responses in this subsection are used ~~there is~~ for numerous, repeated, or serious non-compliance. ■ 10

(1) **Technical assistance.** Licensing staff offers technical assistance, including referrals to consultants or professional development resources, and assisting the operator ~~in~~ with meeting and maintaining Licensing requirements.

(2) **Follow-up phone call to the program.** Phone calls regarding non-compliance

follow-up are documented on Form 07LC080E, Licensing Services Supplemental Information, and a ~~copy~~ provided to the program operator.

(3) **Non-compliance letters.** A non-compliance letter may be ~~written~~ provided to the operator. Licensing staff provides a monitoring summary ~~copy~~ with the non-compliance letter to the owner or registered agent, when applicable. ■ 11

(4) **Return monitoring visit.** A return monitoring visit may be conducted when there is numerous, repeated, or serious non-compliance with Licensing requirements or when non-compliance places children at imminent risk of harm. ■ 12 When the non-compliance is associated with a specific time of day, ~~such as understaffing after school or a lack of early morning supervision~~, the return monitoring visit is conducted at the approximate time.

(5) **Use of witnesses.** A witness may accompany Licensing staff when the program had numerous, repeated, or serious non-compliance or is considered for request for license denial or license revocation. The witness may be an Oklahoma Department of Human Services (DHS) employee or a representative from the health or fire department, or law enforcement. The witness signs the monitoring summary.

(6) **Increased monitoring visits.** Licensing staff may increase monitoring frequency plans when there were numerous, repeated, or serious non-compliance or when the need for additional technical assistance is indicated. ■ 12

(7) **Notice to comply.** Licensing staff provides the operator with Form 07LC037E, Notice to Comply, and the operator documents the plan of correction. Immediate correction may be required when the non-compliance places children's health, safety, or well-being at risk. ■ 13

(A) When the plan submitted is unacceptable to Licensing staff, Licensing staff negotiates a revised plan, and requests resubmission within 10-calendar days.

(B) When Form 07LC037E, Notice to Comply, is not submitted within the specified time period, Licensing staff contacts the operator and documents the conversation.

(C) When non-compliances continue to place children at risk, Licensing staff provides a letter stating the non-compliances ~~and/or~~ and continued failure to correct non-compliances may result in request for license denial, license revocation, filing of an injunction, or Emergency Order.

(8) **Office conference.** Licensing staff may schedule an office conference with the owner ~~and/or~~ or operator. The Licensing supervisor is present at the office conference. The regional programs manager (RPM) is informed of the office conference and may be present, when necessary.

(A) Program status, areas of non-compliance, and progress toward meeting the plan(s) of correction are reviewed and technical assistance is offered.

(B) The office conference is documented on Form 07LC080E, Licensing Services Supplemental Information, and is signed by Licensing staff, the operator, and witnesses. This documentation includes a list of individuals present, conference purpose, and re-verification of ownership documentation.

(C) Form 07LC037E, Notice to Comply, is completed when one addressing these issues was not previously completed.

(9) **Consent agreement.** ~~Child Care Services (CCS) and the program owner may enter into a~~ A consent agreement may be offered when the program owner agrees to specific conditions in lieu of request for license denial or license revocation, per OAC

340:110-1-9.5.

(10) **Revocation or denial.** Licensing staff may recommend the request for license be denied or license revoked when numerous, repeated, or serious non-compliance with requirements was observed and documented or the program operator failed to adequately protect children, per OAC 340:110-1-10. ■ 14 & 15

(11) **Voluntary cease care.** With CCS State Office approval, the owner is asked requested to voluntarily cease caring for children. The RPM is notified of every any situation involving a request for voluntary cease care requests.

(12) **Voluntary closure.** With CCS State Office approval, the owner is asked requested to voluntarily close the facility, per OAC 340:110-1-10.

(e) **Case management responses when children are at risk.** When Licensing staff documents non-compliance with requirements or is investigating a complaint allegations that may place children's health, safety, or well-being at imminent risk of harm, options to consider with the operator and licensing supervisor are outlined in this subsection Licensing staff consults with the Licensing supervisor for appropriate actions. ■ 15

(1) The operator is asked requested to immediately correct the non-compliance, such as, program personnel will not be present or work alone with children at the facility pending the outcome of an investigation. ■ 16

(2) With CCS State Office approval, the owner is asked requested to voluntarily:  
(A) cease child care until the non-compliance is corrected or the investigation is complete; or

(3) With CCS State Office approval, the owner is asked to voluntarily (B) close the facility.

(4)(3) When immediate action is needed to protect children, Licensing staff requests an Emergency Order, per OAC 340:110-1-9.4.

(5)(4) The owner and CCS agrees to enter into a A consent agreement is offered when the program owner agrees to specific conditions in lieu of request for license denial or license revocation, per OAC 340:110-1-9.5.

(6)(5) Licensing staff may recommend the request for license be denied or license be revoked when numerous, repeated, or serious non-compliance with requirements was observed and documented or the program operator failed to adequately protect children, per OAC 340:110-1-10.

(7)(6) An injunction may be requested when a child care program is:

(A) unlicensed;

(B) on request for license status;

(C) licensed;

(D) violating an Emergency Order;

(E) operating during an appeal following request for license denial or license revocation and children are at risk; or

(F) violating the notice to cease and desist care following request for license denial or license revocation.

(f) **Notification to supervisor when children are at risk.** During a monitoring visit when Licensing staff is concerned children's health, safety, or well-being is at imminent risk, the Licensing supervisor or CCS State Office staff is contacted immediately. ■ 1617

(g) **Alternative method of compliance.** CCS State Office The statewide licensing coordinator or designee may approve an alternative method of compliance to a minimum

Licensing requirement.

(1) An alternative method of compliance may be authorized when Licensing determines the alternative method of compliance:

(A) offers equal protection of children's health, safety, and well-being;

(B) meets the requirement's basic intent for the requested alternative compliance; and

(C) does not violate statutory requirements.

~~(1)~~(2) An applicant or licensee submits a written request for each requirement identified with supporting documentation on Form 07LC061E, Alternative Compliance Request, to Licensing staff. ~~A separate alternative method of compliance request is submitted for each requirement identified.~~ ■ 1718

~~(2)~~(3) Licensing staff completes Form 07LC105E, Alternative Compliance Referral, and submits all documentation to the statewide licensing coordinator or designee.

~~(3)~~(4) Approval of an alternative method of compliance does not set a precedent, and is independently evaluated on the merits of each request.

~~(4)~~(5) The program's compliance record ~~record~~ history is considered when determining approval.

~~(5)~~(6) An alternative method of compliance is not authorized for requirements affecting children's health and safety, such as exceeding licensed capacity or staff-child ratios, fire safety, or behavior and guidance.

~~(6)~~(7) Form 07LC075E, Notice of Alternative Compliance, ~~stating~~ indicating the nature of the exception, is posted with the license. ■ 4819

### INSTRUCTIONS TO STAFF 340:110-1-9.3

Revised ~~11-1-19~~11-1-25

1. When documenting non-compliance ~~on the monitoring checklist~~, Licensing staff:

(1) documents what is observed rather than what is needed, such as, Licensing staff documents "milk was not served with lunch" instead of "milk must be served at lunch";

(2) does not document personnel names associated with non-compliance ~~on the monitoring checklist~~. Personnel names may be included in the monitoring summary discussion area and in the plan of correction when provided by the operator; and

(3) provides a monitoring summary ~~copy~~ to the operator and governing board or owner, when applicable.

2. (a) Plans of correction for serious non-compliances and substantiated complaints not only address the time period for correction but also the operators' plans to maintain requirements. All plans of correction are developed by the program operator; however, Licensing staff verifies the plan is appropriate.

~~(a)~~(b) When the time period suggested by the operator suggests unacceptable timeframes for correction of non-compliance ~~is unacceptable non-compliances~~, Licensing staff discusses the expectation and negotiates an acceptable time period. ~~Correction due dates are realistic.~~ The following statement may be utilized used when facilities are not meeting plan of correction timeframes:

"The program continues to be in having non-compliance without an acceptable plan of correction." Licensing staff discusses concerns with the regional programs manager (RPM) or assistant licensing coordinator.

~~(b)(c)~~ The plan of correction may include an agreement with the operator to specific conditions, such as agreeing to restrict an individual, or agreeing not to allow certain personnel to transport children because of a prior conviction for driving under the influence (DUI). ~~The agreement is placed in a prominent location in the program's file and includes conditions that must be complied with, but does not include confidential information.~~ Licensing staff documents these types of specific conditions on Form 07LC080E, Licensing Services Supplemental Information, and identifies subject content as "Special Circumstances". Form 07LC080E is maintained in the database.

3. Non-compliance.

~~(1) Each non-compliance documented under the same Licensing requirement section identified on the monitoring checklist is counted once when there is more than one non-compliance within that section. To determine numerous non-compliances, Licensing staff calculates the number of Licensing requirement sections identified as non-compliant, not the total number of non-compliances documented within each Licensing requirement section.~~

(2) A non-compliance may qualify as a numerous, repeated, and/or or serious non-compliance.

(3) When a non-compliance is documented a second time during an agreed-on plan of correction, it is not considered again in determining numerous, repeated, or serious non-compliance.

4. Sleep environment may include:

(1) sleep equipment;

(2) bedding and blankets;

(3) infant sleep position; and

(4) infants in cribs with:

(A) bottles;

(B) soft products or toys; or

(C) other restricted items, per Licensing requirements.

5. When a family child care home or large child care home exceeds licensed capacity, the program is also understaffed, as staff-child ratio for capacities for seven or 12 children are not identified. Therefore, two non-compliances are documented.

6. Serious non-compliance includes passenger restraints, drivers without a valid driver license, transporting without parent permissions, and vehicle liability insurance.

7. Serious non-compliance includes ~~requirements identified as~~ water activities or water safety, per Licensing requirements.

8. Serious non-compliance includes medication:

(1) permission and administration requirements, such as:

(A) incomplete parent permissions; or

(B) documentation; and

- (2) storage, when accessible to children. However, medication labeling is not considered a serious non-compliance.
9. Serious non-compliance includes programs not having any personnel on facility premises or during transportation with current cardio-pulmonary resuscitation and first aid training.
10. Licensing staff assesses both the number and type of non-compliance observed ~~during monitoring visits~~ or substantiated complaint investigations. Response Licensing response is based on the non-compliance seriousness and the operator's demonstrated ability and willingness to comply.
- (1) ~~Licensing staff responses go beyond non-compliance and plan of correction documentation for monitoring visits involving numerous, repeated, or serious non-compliance.~~
- (2) Licensing staff advises the supervisor of the planned response and when the supervisor disagrees, the case history is reviewed and a different or additional response may be ~~utilized~~ used.
11. Non-compliance letters are provided within 10-agency Oklahoma Human Services business days, and include the monitoring visit date, areas of non-compliance, and grievance timeframes. When a non-compliance remains uncorrected at the next monitoring visit, a letter documenting both monitoring visits and a follow-up monitoring visit are required.
12. ~~The timing of return~~ Return monitoring visits ~~is are~~ determined by the risk level to children, per Oklahoma Administrative Code (OAC) 340:110-1-9.2(e). A return monitoring visit does not routinely result in a change in the monitoring frequency plan. However, when subsequent monitoring visits require a follow-up:
- (1) increased monitoring is discussed with the supervisor; and
- (2) Licensing staff conducts:
- (A) a partial monitoring visit, per OAC 340:110-1-9(a), including documenting correction of previous non-compliances; or
- (B) a full monitoring visit, per OAC 340:110-1-9(a) when numerous, repeated, ~~and/or~~ or serious non-compliance are observed.
13. When Form 07LC037E, Notice to Comply, is completed, the plan of correction on the monitoring summary is also completed. When an acceptable Form 07LC037E is completed during a monitoring visit, it is not necessary to include this with the non-compliance letter. Form 07LC037E may be completed for numerous or repeated non-compliances; however, completion is necessary for:
- (1) serious non-compliances;
- (2) substantiated complaint allegations; ~~and/or~~ or
- (3) additional non-compliances found during a complaint investigation.
14. ~~Procedure and documentation for request for license denial or license revocation.~~ Licensing staff:
- (1) ensures the non-compliance ~~and a~~, plan of correction ~~are~~ clearly documented ~~on monitoring summaries,~~ and the program's action to implement previous plans of correction are clearly documented on monitoring summaries;
- (2) documents on the monitoring summary failure to correct the non-



compliance may result in request for license denial or license revocation, filing of an injunction, or issuance of an Emergency Order, as applicable; and

(3) conducts monitoring visits at least monthly when children are in care. Whenever possible, the same witness accompanies Licensing staff on monitoring visits.

15. The local resource and referral agency is notified, when the request for license is denied, or the license is revoked, or when an Emergency Order is issued, by the statewide licensing coordinator.

16. Examples of immediate correction of a non-compliance may include requesting the operator for program personnel not to be present or work alone with children at the facility pending the outcome of an investigation.

17. ~~Examples warranting supervisory contact include severe overcapacity, an incapacitated caregiver, a caregiver a provider appearing under the influence of alcohol or drugs or incapacitated, or children appear appearing to be left alone.~~

18. Licensing staff reviews all submitted documentation and may request additional relevant information.

19. An alternative method of compliance does not replace plans of correction negotiated between Licensing staff and operators. Operators are not encouraged to request alternative methods of compliance when the non-compliance can feasibly be corrected in a reasonable time frame.

#### 340:110-1-9.4. Emergency Order

Revised ~~7-1-10~~ 11-1-25

(a) **Purpose.** An Emergency Order directing ~~the closure of a child care facility and/or program, residential program or child-placing agency (agency) closure or immediate removal of children may be issued by the Oklahoma Department of Human Services (OKDHS) when there is a direct and serious hazard to the health, safety, or welfare of any child cared for by the a facility~~ children's health, safety, or well-being. Examples of serious hazardous situations may include, but ~~is are~~ not limited to, ~~circumstances:~~

(1) ~~that result in the serious injury or death of a child;~~

(2) ~~that place a child at a high risk for death or injury~~ or death;

(3) ~~when compelling evidence of child abuse or neglect exists;~~

(4) ~~when a child leaves~~ children leaving a facility without ~~the staff's~~ personnel's knowledge;

(5) ~~when a child is~~ children left:

(A) at a location away from the facility;

~~(6)(B)~~ when a child is left unattended in a vehicle; or

~~(7)(C)~~ when a child is left alone in a facility; or

~~(8)(6)~~ when there are serious non-compliance issues;

~~(9)(7)~~ when a person an individual is on the premises whose health or behavior would may endanger the health, safety, or well-being of children children's health, safety or well-being;

~~(10)(8)~~ when there is compelling evidence of the presence of illegal drugs and/or or drug paraphernalia; or

~~(11)(9)~~ continued operation of an unlicensed facility program or agency operation.

(b) **Issuance of Emergency Order issuance.** ~~If~~ When the operator is unable or unwilling to correct the hazardous situation ~~and/or~~ or refuses to voluntarily cease care of children or child-placing activity:

~~(1) the licensing specialist or the licensing supervisor submits a request for an Emergency Order to the licensing regional programs manager (RPM) or assistant licensing coordinator, or statewide licensing coordinator~~ the Licensing specialist or Licensing supervisor consults with the regional programs manager (RPM), programs supervisor, assistant licensing coordinator, or statewide licensing coordinator for consideration of Emergency Order issuance; ■ 1

~~(2) the programs supervisor consults with the statewide licensing coordinator, Child Care Services (CCS) director, and Legal Services (LS) regarding residential program and agency Emergency Orders for appropriate action, per (b) through (k) of this Section;~~ ■ 2

~~(2)(3) the licensing RPM may contact~~ or programs supervisor contacts the operator by phone to determine if the operator will voluntarily cease care of children and operation. A voluntary cease care agreement by the operator does not prohibit the issuance of an Emergency Order issuance; and

~~(3)(4) a request for an Emergency Order is considered by the licensing RPM, programs supervisor, assistant licensing coordinator, or statewide licensing coordinator within one facility -program or agency business day. The decision to issue an Emergency Order decision may be made by the licensing RPM programs supervisor, assistant licensing coordinator, or statewide licensing coordinator. Upon and upon~~ making a decision, the official will:

(A) ~~issue issues and signs~~ a written Emergency Order, ~~signed by the approving official and notify~~ notifies the ~~licensing specialist, the licensing~~ Licensing staff, Licensing supervisor, the RPM, assistant licensing coordinator, and statewide licensing coordinator; or

(B) ~~submit a written denial notice to the licensing specialist, the licensing supervisor, the assistant licensing coordinator, and the statewide licensing coordinator~~ documents the justification of Emergency Order denial on Form 07LC080E, Licensing Services Supplemental Information.

(c) **Provisions of the Emergency Order provisions.** The Emergency Order shall ~~provide for~~ provisions include:

(1) basis for the Emergency Order;

(2) if the facility program is to close or cease specific services;

(3) if children ~~are to~~ will be removed from the facility;

(4) ~~the Emergency Order is effective immediately~~ immediate effect of the Emergency Order, remaining effective until modified or rescinded;

(5) ~~the Emergency Order remains in effect until modified or rescinded;~~ and

~~(6) the right to have a hearing on the an~~ Emergency Order hearing.

(d) **Serving of the Emergency Order service procedures.** The ~~procedures for serving~~ an Emergency Order service procedures are:

(1) prior to delivery, the ~~licensing specialist~~ Licensing staff contacts law enforcement and requests assistance in serving the Emergency Order ~~on the operator;~~ and

(2) an Emergency Order is served on the operator within one-program or agency business day of issuance, or an alternate date, if when approved by ~~an~~ the programs

supervisor, assistant licensing coordinator, or statewide licensing coordinator. ■ 2

(e) **Removal of children.** ~~If there is a threat of a direct and serious hazard to the health, safety, and welfare of children and the operator is unable or unwilling to correct the situation and immediate removal from the child care facility is indicated, a licensing RPM Procedures for removal of children are followed.~~

(1) ~~The programs supervisor, assistant licensing coordinator, or statewide licensing coordinator, or CCS director may give verbal approval for removal of children. when:~~  
~~(A) direct and serious hazard to children's health, safety, and well-being exists;~~  
~~(B) the operator is unable or unwilling to correct the situation; and~~  
~~(C) immediate removal from the facility is indicated. ■ 1~~

(2) ~~Parents or legal guardians are provided Form 07LC088E, Notice of Emergency Order, explaining the Emergency Order and how to locate other child care programs. ■ 3 Two options available are:~~

(3) ~~Notification procedures are followed, per (A) or (B) of this paragraph.~~

~~(1) the operator and parents are told that the child care facility will not reopen on the following day; or~~

~~(2)(A) parents Parents or legal guardians are contacted by the operator or Licensing and advised to pick up their children immediately. If When every effort has been was made to contact the parents or legal guardians, and children are at imminent risk of harm, the licensing staff contacts Licensing staff contacts the programs supervisor, assistant licensing coordinator, or statewide licensing coordinator for approval to contact law enforcement to request requesting children be taken into protective custody or removed from the residential facility.~~

~~(B) The operator and parents or legal guardians are informed the program will not reopen on the following day.~~

(f) **Duration of Emergency Order duration.**

(1) ~~The facility program or agency remains closed and care of children by the operator or child-placing activity is prohibited pending a hearing on the an Emergency Order hearing.~~

(2) ~~A review of the Emergency Order is conducted. If the decision to deny or to issue an Emergency Order is made by a licensing RPM, an assistant licensing coordinator reviews all requests for an Emergency Order within three business days from the date of the decision by the licensing RPM. The assistant licensing coordinator provides written notification to the licensing specialist, licensing supervisor, RPM, and statewide licensing coordinator that they:~~

~~(A) concur with the issuance of the Emergency Order;~~

~~(B) issue a modified Emergency Order; or~~

~~(C) rescind the Emergency Order.~~

~~(3) Modification or rescission of Emergency Order modification or rescission may occur when there is documentation that indicates the direct and serious hazard has been was corrected, or that children are no longer at imminent risk of serious harm. When the Emergency Order is modified or rescinded, the operator is notified in writing.~~

~~(4)(3) Licensing staff verify compliance with verifies Emergency Order compliance for a period of 30-calendar days after the action becomes final, unless the Emergency Order is rescinded within that the timeframe.~~

(g) **Hearing process.** Hearing processes in this subsection are followed.

(1) The operator may request a hearing by submitting a written request within 10-calendar days of Emergency Order receipt. The hearing is conducted within 10-calendar days from receipt of the request.

(2) When the hearing results are disputed, the operator may file an appeal in district court within 10-calendar days of the decision.

~~(g)(h)~~ **Violation of the Emergency Order violation.** If When an operator violates the conditions set forth in the Emergency Order, ~~the licensing specialist,~~ after consultation with the approving official, the Licensing staff contacts a CLEET-certified Council on Law Enforcement Education and Training (CLEET)-certified officer for assistance.

~~(h)(i)~~ **Citation request.** A referral ~~is made on Form 07LC097E, Citation Request,~~ for the assistance of a CLEET-certified officer is completed on Form 07LC097E, Citation Request. The following procedures are followed:

(1) Licensing staff contacts a CLEET-certified officer to schedule a visit to the facility program or agency visit.

(2) Upon violations of conditions set forth in the Emergency Order violations, a citation may be issued by the ~~CLEET-certified officer~~ for not less than \$100 nor more than \$500 for every day the facility program or agency maintains and, receives, or serves children may be issued by the CLEET-certified officer.

(3) Licensing staff and a CLEET-certified officer monitor the facility program or agency until care of children or child-placing activity has ceased.

~~(i)(j)~~ **Referral to the District Attorney (DA) referral.** If When violation of the Emergency Order occurs, ~~licensing~~ Licensing staff consults with ~~RPM~~ the programs supervisor, assistant licensing coordinator, or statewide licensing coordinator for the necessity of a referral to DA referral. Should When a referral ~~be~~ is necessary, ~~licensing~~ Licensing staff ~~complete~~ completes Form 07LC098E, District Attorney Referral, that includes documentation of the facts of the case including Licensing information. A copy Information is sent provided to the statewide licensing coordinator who ~~informs the OKDHS Legal Division of the referral then notifies LS.~~

~~(j)(k)~~ **Referral to the Attorney General referral.** If When no action is taken by a DA of the county where the facility is operating, a referral may be made to the Attorney General by the statewide licensing coordinator or designee may initiate an Attorney General referral.

## **INSTRUCTIONS TO STAFF 340:110-1-9.4**

**Revised 7-1-10 11-1-25**

### **1. Staff Licensing staff:**

**(1) contacts the regional programs manager or programs supervisor immediately with a description of the circumstances;**

**(2) submits a request for the issuance of an Emergency Order;**

**(3) forwards supporting documentation upon on request if when available; and**

**(4) documents the above information on Form 07LC080E, Licensing Services Supplemental Information; and**

**(5) completes Form 07LC100E, Emergency Order Request.**

### **2. Determinations for appropriate action to be considered are:**

**(1) consequences of removal of children from residential care or foster**

homes;

(2) involvement with Child Welfare Services;

(3) legal custodian notification; and

(4) any relevant implications.

~~23. Whenever possible, the licensing specialist is accompanied by a witness~~  
Licensing supervisor or programs supervisor accompanies the Licensing staff as a witness. When the Licensing supervisor or programs supervisor is unavailable, another Licensing staff may be a witness.

~~34. Licensing specialists staff provide Form 07LC088E, Notice of Emergency Order, to parents that are present at the time of the during Emergency Order delivery. For When parents not notified in this manner are not present, their names and addresses contact information are obtained and Form 07LC088E is mailed provided to them.~~

### **340:110-1-9.5. Consent agreement**

Revised 7-4-0811-1-25

(a) **Purpose.** ~~The Oklahoma Department of Human Services (OKDHS) may offer to enter into a consent agreement with a facility in In lieu of license denial or revocation recommendation, Oklahoma Human Services may offer to enter into a consent agreement with a child care program, residential program, or child-placing agency (agency) operator.~~ If such action has already taken place a consent agreement may be used during the appeal process if the ~~facility comes into~~ operator establishes compliance with licensing Licensing requirements. ~~The use of a A~~ consent agreement is not required prior to ~~denying or revoking a license~~ denial or revocation processes.

(b) **Process.** ~~When the documented evidence reflects that the facility operator is unable or unwilling to comply with minimum requirements, the Oklahoma Child Care Services (OCCS) licensing Licensing staff discusses the use and terms of a consent agreement with the licensing Licensing supervisor and regional programs manager (RPM), or programs supervisor.~~ ~~If~~ When the licensing regional programs manager RPM, programs supervisor, and the statewide licensing coordinator or designee concur with this action, a meeting an office conference is scheduled with the operator. ■-4

~~(1) The operator is asked to provide the names and addresses of all children currently enrolled at the facility. Prior to the office conference, the Licensing supervisor, RPM or programs supervisor, and statewide licensing coordinator or designee discuss acceptable consent agreement terms. The statewide licensing coordinator or designee develops the agreement terms and time frames based on the nature and severity of the program's or agency's non-compliance history.~~

(A) The agreement may include voluntary restrictions, such as:

(i) prohibition on future children's enrollment or resident's admissions;

(ii) restriction on the ages and number of children or residents accepted into care;

(iii) reduction in the facility's capacity or operating hours; or

(iv) restriction of transportation or other services provided by the program or agency.

(B) The agreement may also require additional terms, such as:

(i) professional development;

- (ii) drug testing or medical evaluation;
- (iii) additional staffing and supervision procedures; or
- (iv) additional record keeping.

(C) Time frames to initiate and conclude the agreement are established and may be extended with the statewide Licensing coordinator's or designee's approval.

~~(2) During the meeting, areas of non-compliance~~ Non-compliances and the terms of the consent agreement terms are discussed during the office conference. ■ 1 and 2 The meeting conference is documented on Form 07LC080E, Licensing Services Supplemental Information, and is signed by the operator, licensing staff and Licensing representatives, and any witness present. A copy is provided to the operator.

~~(3) An agreement is written by the statewide licensing coordinator or designee. Terms and time frames of the agreement are based upon the nature and severity of the non-compliance. The agreement may include voluntary restrictions, such as a ban on future admissions of children to the facility, a restriction on the ages of children cared for in the facility, a reduction in the number of children attending the facility or the number of hours the facility may operate each day, specific staff training, drug testing, and medical or psychological evaluation. Time frames to initiate and conclude the terms of the agreement are established and may be extended upon approval of the statewide licensing coordinator or designee and the OKDHS Legal Division.~~

~~(4) The operator is advised to prominently post a copy of the consent agreement in the child care facility or agency. During the next monitoring visit, the licensing Licensing staff verifies that the consent agreement is posted. If it is When not posted, the licensing Licensing staff documents it as a violation of the terms of the consent agreement terms.~~ ■ 3

~~(5)(4) The licensing staff mails a copy of the consent agreement, with a cover letter, to parents of children currently enrolled at the facility. Upon enrollment of new children, the facility must provide those names and addresses to licensing staff. Licensing staff mails a copy of the consent agreement and cover letter upon receipt of this information. If the operator has not provided children's names and addresses, the licensing staff records the information from the children's records during the next monitoring visit.~~ ■ 3 Parent and guardian notifications are provided, per (A) through (C) of this paragraph.

(A) Operators are requested to provide parent or legal guardian addresses for:

- (i) currently enrolled children or residents within five-business days of the consent agreement effective date; and
- (ii) new children or residents upon enrollment or admission to the program.

(B) When the operator has not provided the parent or guardian information, Licensing staff records the information from the children's or resident's records during the next monitoring visits.

(C) Upon information receipt, the Licensing staff mails a cover letter with a copy of the consent agreement to:

- (i) parents of children currently or newly enrolled at the program; or
- (ii) parents or guardians of current or newly admitted residents.

~~(c) **Violations of the terms of the consent** Consent agreement violations. Any violation of the terms of the consent agreement terms is considered grounds for~~

~~proceeding with license revocation, denial, or refusal to renew~~ recommending license denial or revocation. ■ 43

(d) **Appeals.** ~~The child care facility is not entitled to an appeal of the terms of the consent agreement, as participation in the agreement~~ As consent agreement participation is voluntary, the operator cannot appeal the agreement.

## **INSTRUCTIONS TO STAFF 340:110-1-9.5**

**Revised 7-1-0711-1-25**

1. ~~The licensing~~ Licensing supervisor is ~~and regional programs manager (RPM) or programs supervisor~~ is present at ~~during the meeting~~ office conference. ~~The licensing regional programs manager is notified of the meeting and may be present. If notice of revocation or denial has been issued, the statewide licensing coordinator or designee is present. The RPM or programs supervisor discusses the consent agreement terms with the operator.~~
2. ~~Negotiations between the operator and licensing~~ Licensing may occur ~~prior to~~ during the office conference. The statewide licensing coordinator or designee determines the minimum terms that are acceptable to avoid negative sanctions, including the appropriate monitoring frequency plan request for license denial or license revocation. A consent agreement remains in effect for 12 months; including a six-month review. Licensing staff documents the office conference and consent agreement and uploads the consent agreement in the Licensing database.
3. (a) ~~The licensing staff documents the consent agreement on the licensing database.~~  
(b) ~~When conducting monitoring visits while~~ While the consent agreement is in effect, the same witness accompanies the licensing staff Licensing staff, whenever possible.  
(b) Any consent agreement violation is documented on Form 07LC080E, Licensing Services Supplemental Information, and provided to the statewide licensing coordinator.
4. ~~Any violation of the terms of the consent agreement is documented on Form 07LC080E, Licensing Services Supplemental Information. A copy is sent to the statewide licensing coordinator.~~

## **340:110-1-10. Revocation or denial of license**

**Revised 7-1-1111-1-25**

(a) **Failure to meet requirements.** When numerous, repeated, or serious non-compliance with licensing Licensing requirements is ~~observed and documented, or the facility operator fails to adequately protect the health and safety of children the children's health and safety,~~ Oklahoma Department of Human Services (OKDHS) may deny the application request for license or revoke the license.

(1) ~~Denial of application~~ Request for license denial. ~~If a facility~~ When an operator has filed an ~~application~~ a request for an initial license, OKDHS may deny the application request for licensure. ■ 1

(2) ~~Revocation of license~~ License revocation. ~~If~~ When a license or provisional license is currently in effect, the licensing Licensing staff may recommend that the

license be revoked. ■ 1

(b) **Licensing staff recommendation.** The licensing ~~Licensing~~ staff consults with the licensing ~~Licensing~~ supervisor or ~~programs supervisor~~ regarding his or her recommendation for ~~revocation or denial or revocation~~. If ~~When~~ the licensing ~~Licensing~~ supervisor or ~~programs supervisor~~ concurs with the recommendation, the decision is discussed with the licensing ~~regional programs manager (RPM)~~, ~~when applicable~~, and the statewide licensing coordinator, or designee. If ~~they~~ ~~When all~~ concur with the decision, licensing ~~Licensing~~ staff prepares the case for review by the statewide licensing coordinator or designee. ■ 2 Licensing staff submits the ~~complete case record~~ to the licensing ~~Licensing~~ supervisor ~~who reviews or programs supervisor reviewing~~ the case to ensure all monitoring visits, complaints, correspondence, and relevant documents are included. The ~~facility owner~~ is notified in writing that the case ~~has been~~ ~~was~~ referred to the statewide licensing coordinator. ■ 3

(c) **Approval of recommendation Recommendation and notification approval.** The ~~case record and summary are reviewed by the~~ statewide licensing coordinator or designee ~~reviews the case and revocation or denial letter~~. Licensing staff's ~~recommendation of revocation or denial or revocation recommendation~~ is either approved, disapproved, or the decision delayed pending further investigation.

(1) ~~When the recommendation is approved by the~~ statewide licensing coordinator, ~~it approves the recommendation, the record~~ is submitted to OKDHS Legal Division Services (LS) for review of the legal adequacy of the ~~notice of pending action that is mailed to the owner~~. The ~~director of Child Care Services director~~ or designee ~~has provides~~ final of the ~~revocation or denial approval~~.

(2) The statewide licensing coordinator ~~sends a~~ ~~provides~~ written notice of the ~~pending proposed~~ action to the owner by certified mail at least 30-calendar days prior to the effective date of the action ~~date~~. The notice includes:

(A) ~~a copy of the summary reasons for proposed denial or revocation;~~

(B) ~~a statement regarding the owner's right to appeal the decision;~~

(C) ~~a statement that requires written notification to parents of the action taken, and instruction to for the owner to submit the enrolled children's names and addresses of children currently enrolled for parent or legal guardian notification, per the Oklahoma Child Care Facilities Licensing Act, Section 407 of Title 10 of the Oklahoma Statutes (10 O.S. § 407);~~

(D) a sign ~~providing notice of proposed revocation or denial that is required to be prominently posted in the facility or agency providing notice of proposed denial or revocation actions;~~ and ■ 4

(E) a statement regarding the ~~facility's program's~~ reduction in Stars status, if ~~when~~ applicable.

(3) During the next monitoring visit, the licensing ~~Licensing~~ staff and a witness verify that the sign ~~providing notice of regarding proposed revocation or denial or revocation~~ is posted. If ~~When~~ the sign is not posted, the licensing ~~Licensing~~ staff ~~sends documents a non-compliance and provides~~ a letter to the owner documenting the ~~violation of the legal notice violation~~.

(4) If ~~When~~ the owner does not provide children's names and addresses, the licensing ~~Licensing~~ staff records the information ~~from the children's records~~ during the next monitoring visit.



(5) Questions from the owner regarding the action request for license denial or license revocation and appeal process are referred to the statewide licensing coordinator or designee.

(6) ~~If~~ When the owner does not appeal the decision within the designated time period, the statewide licensing coordinator ~~sends~~ provides a letter to the owner giving notice of the denial or revocation ~~and stating the effective date~~. ~~The closure date is entered into the database by the statewide licensing coordinator or designee~~ enters the closure date in the Licensing database. ~~A copy of the~~ The correspondence is sent to ~~the licensing provided to Licensing staff and to the licensing records office for potential restricted registration forwarded to Restricted Registry Review Committee for potential Restricted Registry procedures, per Oklahoma Administrative Code (OAC) 340:110-1-10.1.~~

(7) ~~The licensing~~ Licensing staff conducts a follow-up visit to ~~confirm that confirming child care has been discontinued. The~~ or agency operation has ceased, and the statewide licensing coordinator or designee is notified ~~of the visit~~.

(8) ~~If~~ When the owner continues to maintain and operate the facility for child care after a final decision ~~revoking or denying or~~ revoking licensure, after consultation with RPM, licensing or programs supervisor, Licensing staff contacts a Council on Law Enforcement Education and Training (CLEET)-certified officer for assistance and submits a ~~referral to the~~ district attorney (DA) referral on Form 07LC098E, District Attorney Referral, for further action.

(9) **Citation Request.** ~~A referral is made on Form 07LC097E, Citation Request, for the assistance of a CLEET-certified officer~~ is completed on Form 07LC097E, Citation Request. ~~The following procedures are followed:~~

(A) Licensing staff contacts a CLEET-certified officer to schedule a ~~visit to the facility or agency visit~~.

(B) ~~Upon violations of conditions set forth in the Emergency Order, or following~~ Following the revocation, or denial or revocation of a license, a citation ~~may be issued by the CLEET-certified officer~~ for not less than \$100, nor more than \$500 for every day the facility program maintains and, receives, or serves children may be issued by the CLEET-certified officer.

(C) Licensing staff and a CLEET-certified officer monitor the facility program until ~~care of children~~ care or child-placing activity has ceased.

(10) **Referral to the District Attorney (DA) referral.** ~~If violation of an Emergency Order occurs, licensing~~ When a program or agency continues operation after a citation is issued, Licensing staff consults with RPM assistant licensing coordinator or programs supervisor and statewide licensing coordinator for the necessity of a ~~referral to DA referral~~. ~~Should a referral be~~ When necessary, Licensing staff ~~complete~~ completes Form 07LC098E, District Attorney Referral, that includes ~~documentation of the facts of the case including facility or agency information~~. ~~A copy is sent to the~~ The statewide licensing coordinator who ~~informs the OKDHS Legal Division of the referral~~ is provided Form 07LC098E and notifies LS.

(11) **Referral to the Attorney General referral.** ~~If~~ When no action is taken by a DA of the county where the facility is operating, a ~~referral may be made to the Attorney General by the statewide licensing coordinator or designee~~ may initiate an Attorney General referral.

(d) **Appeal process.** The appeal process regarding denial of application or revocation of license is described in (1) through (6) of this subsection.

(1) The appeal is submitted to the Oklahoma Commission for Human Services by the ~~owner~~ owner submits an appeal to the statewide licensing coordinator within 30-calendar days of receipt of the notice receipt. LS is notified of appeal requests.

(2) If When the owner appeals, a hearing is scheduled by the OKDHS Appeals Unit.

(3) The facility owner may continue to operate during any appeal process unless an Emergency Order, per OAC 340:110-1-9.4, is in effect.

(A) The ~~licensing~~ Licensing staff conducts monitoring visits at least once a month, unless advised otherwise by the statewide licensing coordinator or designee, and is accompanied by the same witness whenever possible. ■ 5 During monitoring Licensing staff obtains an updated list of enrolled children or residents and parent or legal guardian names and contact information. Information is then forwarded to state office to provide proper parent or legal guardian notification, per the Oklahoma Child Care Facilities Licensing Act, Section 407 of Title 10 of the Oklahoma Statutes (10 O.S. § 407).

(B) If at any time during the appeal process ~~OKDHS Licensing~~ Licensing believes that the children's health, safety, or well-being of children cannot be ensured:

~~(A)(i)~~ (i) an Emergency Order is requested; or

~~(B)(ii)~~ (ii) following consultation with the statewide licensing coordinator or designee, the licensing Licensing supervisor or programs supervisor contacts the DA and requests that an injunction be filed.

(4) If When the decision of ~~OKDHS to revoke or deny or revoke~~ a license is upheld during all appeals, the statewide licensing coordinator ~~sends~~ provides a letter to informing the owner that child care must immediately cease to cease care or child-placing activity immediately. A copy of the The cease and desist letter is forwarded to the ~~licensing records office~~ for potential restricted Restricted Registry registration procedures, per OAC 340:110-1-10.1. The licensing Licensing staff conducts a follow-up visit to ~~confirm that child care~~ confirming care or child-placing activity has been discontinued ceased. If When the owner continues to ~~operate the child care facility, the licensing field operation,~~ Licensing staff, in consultation with the statewide licensing coordinator or designee, may request that the:

(A) ~~local DA pursue an injunction or initiate criminal proceedings; or the statewide licensing coordinator may pursue legal action through the~~

(B) Attorney General pursue legal action.

(5) If When the decision of ~~OKDHS to revoke or deny or revoke~~ a license is not upheld, OKDHS takes action to implement the decision within ~~ten~~ 10-calendar days.

(6) When OKDHS denies or revokes a facility's or agency's license, the responsible entity ~~can not make application for~~ cannot request a new child care facility or agency license within Oklahoma for five years following notification to the responsible entity ~~of the license denial or revocation~~ and during an appeal process.

(e) **Change in ownership during appeal process.** If there is When a change in ownership occurs during the appeal process, the owner must provide documentation verifying the change. This information is reviewed by the ~~RPM~~ assistant licensing coordinator or programs supervisor. The statewide licensing coordinator may proceed with the previous owner's denial or revocation.

## INSTRUCTIONS TO STAFF 340:110-1-10

Revised 7-1-1111-1-25

1. Denial and revocation letters for family child care indicate the denial or revocation is for both a Family Child Care Home and a Large Child Care Home.
2. ~~(a) The assistant statewide licensing coordinator will determine if a licensing summary will be written by the licensing staff and submitted with the case record. The licensing summary contains a detailed summary of monitoring visits, complaints, correspondence, and office conferences conducted with the facility. The summary is considered a priority and the time frame for completion is established by the regional programs manager (RPM) in consultation with the statewide licensing coordinator or designee. The summary and is reviewed by the licensing supervisor before it is sent along with the case record to the RPM and statewide licensing coordinator. In consultation with the statewide coordinator, the assistant licensing coordinator or programs supervisor determines the time frame for case preparation. Case preparation is given a high priority as Licensing staff prepares the case for review. Case information from the previous two years is prepared, including:~~
  - ~~(1) request for license and addendum information;~~
  - ~~(2) ownership documentation;~~
  - ~~(3) previously issued permits and licenses;~~
  - ~~(4) all monitoring visits and complaint documentation;~~
  - ~~(5) any program or child-placing agency correspondence, including plans of corrections, Form 07LC037E, Notice to Comply, and documentation supporting proposed denial or revocation; and~~
  - ~~(6) supporting information and documentation evidence, including:
    - ~~(A) photographs;~~
    - ~~(B) Child Welfare Services reports;~~
    - ~~(C) law enforcement correspondence and reports;~~
    - ~~(D) court documents;~~
    - ~~(E) internal and external agency documents; and~~
    - ~~(F) list of enrolled children or residents' names and parent or legal guardian names including contact information.~~~~
  - ~~(b) Licensing staff submits the case information to the appropriate supervisor or programs supervisor before forwarding to the RPM, when applicable, the assistant statewide licensing coordinator and the statewide licensing coordinator.~~
  - ~~(c) The RPM or programs supervisor develops the denial or revocation letter.~~
3. A complete copy of the case record is maintained in the Human Service Center Licensing database.
4. A copy of the written notice of the pending proposed action is sent provided to:
  - (1) the licensing staff, licensing Licensing staff, Licensing supervisor, licensing RPM, programs supervisor, assistant licensing coordinator, and director of Child Care Services (CCS) director;
  - (2) the Oklahoma Department of Human Services (OKDHS) Legal Division Services;

~~(3) Family Support Services Division, Child Care Subsidy Section CCS subsidy contract staff;~~

~~(4) the county director Adult and Family Services field managers;~~

~~(5) the Indian tribe that has issued a license to the facility tribal agency having a cooperative monitoring agreement with CCS and a contract with the program, if when applicable;~~

~~(6) OKDHS Office of Communications; and~~

~~(7) the child care resource and referral organization Oklahoma Child Care Resource and Referral Association.~~

5. ~~If, after~~ **After** the facility has ~~requested~~ **requests** an appeal, ~~if~~ a non-compliance letter is deemed necessary due to the non-compliance observed during a monitoring visit, the letter includes the statement that “the non-compliance observed during the visit may be added to the summary of violations mailed **provided** to the **facility owner** on (enter the date the notice was mailed) as notice of the reasons for ~~revocation or denial of the license or revocation~~, and failure to correct the violations may lead to the ~~issuance of an Emergency Order issuance~~, the filing of an injunction, or both”.

### **340:110-1-11. ~~Voluntary case~~ Facility and child-placing agency closures**

Revised ~~7-01-09~~11-1-25

~~(a) Voluntary program or child-placing agency (agency) closures.~~ When an operator requests program or agency closure, the Licensing case is closed, unless denial or revocation was recommended. ■ 1

~~(a)(b) Child care centers, part-day children's programs, and school-age programs~~ **Changes of ownership.** When a facility or agency is sold to a new owner ~~or discontinues providing child care, the case record,~~ the Licensing case is closed, unless the case has been recommended for revocation ~~or denial or revocation was recommended.~~ Changes of ownership procedures are followed, per Oklahoma Administrative Code (OAC) 340:110-1-9 or 340:110-1-47. A facility's case is closed when care has not been provided for more than 12 consecutive months in accordance with OAC 340:110-1-9(n). State Office is consulted for appropriate action. A license is not transferable; however, transitional change of ownership, per OAC 340:110-1-9 or 340:110-1-47, may be applicable.

~~(c) Licensing-initiated closures.~~ After multiple attempts to establish contact with an operator to verify continued program or agency operation, Licensing may initiate closure procedures. A letter is provided indicating closure will occur if the operator does not contact the licensing staff within 10-calendar days of letter receipt. If the caregiver fails to respond, a second letter verifying case closure is provided as soon as possible. ■ 1

~~(b)(d) Family child care home~~ **Inactive care.** A family child care home case is closed when the caregiver discontinues care or care has not been provided for more than 12 consecutive months in accordance with OAC 340:110-1-9(o). When a family child care home is sold to a new owner, the case record is closed, unless the case has been recommended for revocation or denial. When child care was not provided for more than 12-consecutive months, closure procedures, per OAC 340:110-1-9 or 340:110-1-47, may be applicable. State Office The regional programs manager or programs supervisor is consulted for appropriate action. ■-4

~~(c)(e) Reopening a closed family child care home facility or agency.~~ Policy regarding reopening a family child care home is at Reopening procedures for facilities and agencies are followed, per OAC 340:110-1-6(e).

## **INSTRUCTIONS TO STAFF 340:110-1-11**

**Revised 7-1-0811-1-25**

~~1. Case Licensing case closure. If a caregiver is not contacted at home or by telephone after several attempts, a letter is sent stating that the case will be closed if the caregiver does not contact the licensing staff within a specified period of time. A second letter verifying case closure is sent if the caregiver fails to respond. The licensing Licensing staff follows the procedure closure procedures in (1) through and (3)(2) to close a case.~~

~~(1) Update database. The closure effective date is not backdated. When a licensed child care facility or child-placing agency (agency) closes voluntarily, the licensing, Licensing staff updates the licensing database as soon as possible and sends to the licensing supervisor a copy of the letter that was sent to the facility verifying closure forwards the closure letter to the Licensing supervisor or programs supervisor. The closure effective date may not be backdated. The closure date is written on the case folder file tab.~~

~~(2) Confirm discontinuance Program or agency closure confirmation. If When concerns exist, the licensing Licensing staff visits the facility or agency to confirm that children are no longer in care child care or child-placing activity has ceased.~~

~~(3) Closed files. A file is marked "Do Not Destroy" and stored in the Human Service Center if the case was closed following a history of numerous, repeated, or serious non-compliance, confirmed child abuse, or when the file may be needed in the future for reasons such as a fraud investigation or unresolved lawsuit. All other files are sent to the Oklahoma Department of Human Services Records Management archives three years after closure and after verification of a computer record of the case.~~

## **340:110-1-13. Unlicensed facilities**

**Revised 7-1-1211-1-25**

~~(a) **Legal basis and authority.** Pursuant to Per Section 405 of Title 10 of the Oklahoma Statutes (10 O.S. § 405) the Oklahoma Child Care Facilities Licensing Act, no child care facility may be operated or maintained in this state, unless licensed or given permission to operate by the Oklahoma Department of Human Services (OKDHS).~~

~~(b) **Procedure for investigating the operation of an unlicensed Unlicensed facility investigation procedures.** When information is received regarding the operation of an unlicensed facility operation, Licensing staff conducts a full monitoring visit no later than three facility-business days to assess the necessity of a license necessity, unless an unlicensed duplicate complaint is determined, per Oklahoma Administrative Code (OAC)~~

~~340:110-1-9.2. ■ 1 through 10~~

~~(1) If When care is being provided, Licensing staff informs the facility they have not been given operator permission to operate has not been granted, and they are in violation of the operator is violating the Oklahoma Child Care Facilities Licensing Act,~~

10 O.S. § 405. During the visit the facility operator is informed on Form 07LC095E, Notice Regarding Unlicensed Care, that:

(A) care must cease by the end of the current business day unless imminent risk indicates the need for warrants the facility operator to cease care immediately; or

(B) permission to operate may be granted, ~~when the facility:~~

~~(i) is in compliance with health and safety requirements without serious non-compliances as referenced in OAC 340:110-1-9.3;~~

~~(ii) has submitted a completed application in accordance with OAC 340:110-1-6; ■ 11~~

~~(iii) provides all required background information per OAC 340:110-1-8.1; and~~

~~(iv) has staff present who meet the following licensing requirements:~~

~~(I) documented current cardio-pulmonary resuscitation and first aid certification;~~

~~(II) required health and safety training completed; and~~

~~(III) minimum educational qualifications for the position held per OAC 340:110-1-6.~~

(2) ~~If a facility~~ When an operator is not granted permission to operate, a follow-up visit is conducted within one facility-business day to ~~verify the~~ verifying termination of care. The follow-up visit timeframe may be extended up to five facility-business days with supervisory approval, and the approval is documented on Form 07LC080E, Licensing Services Supplemental Information. ~~When care of children has not ceased, Licensing staff proceed~~ proceeds, per OAC 340:110-1-9.4. ■ 1211

(3) ~~When the necessity of a license is not required, licensing~~ Licensing staff documents the ~~investigation of unlicensed operation~~ investigation on Form 07LC080E, Licensing Services Supplemental Information. ■ 1312

(c) **Documentation of Findings documentation.** ~~Following the unlicensed complaint investigation licensing~~ Licensing staff ~~proceed with procedures in~~ proceeds, per OAC 340:110-1-9.2(k) for unlicensed complaint finding documentation. All ~~case~~ facility staffings and ~~discussions of case~~ actions are documented on Form 07LC080E, Licensing Services Supplemental Information, and maintained in the case file.

## **INSTRUCTIONS TO STAFF 340:110-1-13**

### **Revised 4-1-17 11-1-25**

- 1. The regional programs manager (RPM) is notified of all situations involving a request for voluntary cease care. When there are serious allegations indicating children could be at risk, ~~the situation is staffed with the supervisor~~ is consulted for the appropriate time frame to visit the facility. Concerns regarding licensing Licensing staff's safety are discussed with the supervisor ~~to determine when for~~ utilization of a witness and/or or law enforcement officials is appropriate.**
- 2. When information is received from the ~~individual or program~~ operator providing unlicensed care, it is documented as a complaint. When this information is received by phone, licensing Licensing staff informs the ~~unlicensed program~~ they are not authorized operator authorization to operate is not granted and must cease care must cease. A visit is ~~made to the facility~~ conducted within three-program facility-business days.**

3. Other complaint allegations are not addressed when the program operator is not providing care or is exempt from ~~licensing~~ Licensing. When exempt care is provided, ~~licensing requests~~ a written statement verifying operating hours is requested. When the program operator is pursuing a license, all allegations are investigated.
4. When applicable, documentation of non-compliance includes, "the program does not have a license as required by law." This is documented in "additional areas of non-compliance" section with the added written notation of "necessity and issuance of a license." Documentation does not include the statement "continued non-compliance may result in the revocation of a license or reduction of star level" as the program is not licensed.
5. When a ~~caregiver~~ an operator is exempt from ~~licensing~~ Licensing due to providing relative care, the degree of relationship verification is documented on Form 07LC080E, Licensing Services Supplemental Information, in ~~a statement~~ statements obtained from the:
  - (1) ~~caregiver as to the degree of relationship to the child;~~ operator and
  - (2) ~~the child's parent or guardian as to the degree of relationship to the caregiver.~~
6. When the unlicensed program operator is advertising only and has no children in care, request for license procedures, per Oklahoma Administrative Code (OAC) 340:110-1-6 are followed.
7. When there is no response at the unlicensed program facility, a notice is left requesting the program operator contact ~~licensing~~ Licensing within 24 hours. When the ~~unlicensed program operator~~ is uncooperative in assisting ~~licensing staff~~ verify the necessity of a with verifying license ~~the situation is staffed with necessity,~~ the RPM is consulted.
8. Licensing staff offers technical assistance and consultation to assist the ~~caregiver~~ operator with meeting ~~licensing~~ Licensing requirements.
9. When children are at imminent risk of harm, ~~licensing~~ Licensing staff refers to OAC 340:110-1-9.4 for cease care procedures.
10. When conducting a joint unlicensed investigation with Child Welfare Services (CWS) and care is:
  - (1) exempt from licensure, ~~licensing~~ Licensing staff:
    - (A) completes the licensing investigation;
    - (B) does not continue investigation coordination with CWS; and
    - (C) does not have access to ~~or~~ and does not request the child welfare report; or
  - (2) not exempt from licensure, ~~licensing~~ Licensing staff:
    - (A) requests cease care;
    - (B) completes the licensing investigation;
    - (C) continues to remain involved with CWS when the program operator indicates ~~they a~~ plan to request licensure; and
    - (D) follows up with CWS to obtain Form 04CP004E, Child Welfare Investigative Summary Notification to Child Care Licensing Services, and Form 04K1003E, Report to District Attorney.
11. ~~Form 07LC004E, Request for License Child Care Program, is considered~~

**complete when all:**

- (1) necessary items of information are completed; and**
- (2) supporting documentation is provided.**

**12. The monitoring frequency plan of unlicensed facilities is 12 until licensing Licensing staff verifies child care has ceased. ~~Cases are staffed with a supervisor~~ Supervisors are consulted for appropriate follow-up, as necessary. ~~When care is unlicensed, documentation~~ Documentation referencing denial of request for license, revocation of a license, or reduction in star status is not appropriate as care is currently unlicensed.**

**1312. When a ~~complaint allegation is received regarding unlicensed care, and care was verified, the complaint is ruled substantiated even when unlicensed care ceased. However, a complaint is ruled unsubstantiated when care is exempt from licensure.~~**

### **340:110-1-14. ~~Public inspection of licensing files~~ Licensing record availability and confidentiality**

Revised ~~7-1-11~~ 11-1-25

(a) **Legal basis.** The Oklahoma Department of Human Services (OKDHS) is subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes (51 O.S. §§ 24A.1), which ~~mandates that public records are open for public inspection unless they are~~ requiring records be released to the public, unless confidentiality is required by law to be kept confidential.

(b) **Licensing records.** All (OKDHS) records of licensed facilities required to be licensed under 10 O.S. § 401 et seq. that are considered public records are open and available for public inspection during reasonable hours. Information obtained concerning a report of a violation of a licensing requirement is confidential pursuant to 10 O.S. § 406 with the exception of a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but permits the public to evaluate the facility.

(c) **~~Location of case records~~ Licensing record location.** Child care facility licensing records are located and inspected in the OKDHS Human Service Center where licensing staff reside. If a parent resides in another county, the licensing staff makes the record available in that county. Licensing record information is maintained in the Child Care Services (CCS) database.

(d)(c) **~~Preparation of case files for inspection~~ Licensing record availability.** Licensing information maintained on the OKDHS website is not confidential and available to the public. Licensing records maintained in the CCS database are also public records; however, some information is confidential. The licensing When information other than what is maintained on the OKDHS website is requested by the public, Licensing staff carefully reviews the entire Licensing record and removes confidential information. ■ 1

(e)(d) **~~Records of complaints~~ Complaint information.** To allow persons inspecting a licensing record to have individuals access to complaint information regarding complaints, Form 07LC081E, Licensing Complaint Report Summary, is included in the file not confidential. However, Form 07LC012E, Licensing Complaint, is removed from the file that is open for public inspection confidential. If information regarding a When complaint information is requested prior to completion of the during an investigation, the licensing Licensing staff explains that information regarding the allegation and findings information



is released after the investigation is complete completion. The allegation summaries and findings do not disclose identities but permits the public to evaluate the facility or child-placing agency.

~~(f) **Supervision of files during inspection.** Facility records are inspected in the presence of OKDHS staff persons who are available to provide clarification on licensing policy and requirements.~~

~~(g)~~**(e) Fees for photocopying Photocopying fees.** Guidelines for photocopying fees Photocopying fee guidelines are provided, per Oklahoma Administrative Code (OAC) 340:2-21-16.

(1) A Licensing record summary maintained on the OKDHS website as recorded in public view is provided upon request at no fee. Correspondence provided with the Licensing record summary states the provided information does not include the complete Licensing record.

(2) When additional public record information maintained in the CCS database is requested, photocopying fees per (e) of this subsection apply.

~~(h)~~**(f) Release of confidential information.** Release of confidential information procedures are listed in (1) and (2) of this subsection.

(1) A complete case file that includes Complete Licensing record information containing confidential information is not released to the public, and may be provided only to certain persons according to individuals, per applicable laws and regulations, for example, OKDHS Legal Division Services, Children and Family Services Division Child Welfare Services, Office of Client Advocacy, law enforcement officials, and upon order of a court of competent jurisdiction. ■ 2 & 3

(2) The name or other identifying information of a complainant information listed on Form 07LC012E, Licensing Complaint, or Form 04K1001E, CWS-KIDS-1, is confidential and released only upon order of a court of competent jurisdiction.

~~(i) **Computer licensing record.** A summary of the facility licensing record maintained on the OKDHS Web site as recorded in public view may be provided upon request at no charge. A cover letter is sent with the licensing summary that notes that the summary does not include the complete case record, and that the complete case record may be reviewed in the OKDHS Human Service Center where the facility is located.~~

~~(j)~~**(g) Release of information over the telephone phone.** Information on OKDHS website public view information may be released over the telephone phone, including completed complaint information. If When more Licensing information is requested, the file may be viewed at the county office refer to (c) of this Section. ■ 4

## **INSTRUCTIONS TO STAFF 340:110-1-14**

**Revised 7-1-1111-1-25**

**1. Oklahoma Child Care Services (OCCS) licensing staff prepares a case to be available for inspection within 24 hours Licensing staff prepares Licensing record information requests within 10-Oklahoma Human Services (OKDHS) business days of the request.**

**(1) Information that is maintained in a confidential manner and is not made a part of released to the public record includes:**

**(A) names and identifying information regarding children, their the children's parents, and relatives;**

~~(B)~~ documentation of collateral interviews collateral interview documentation regarding non-compliance or a complaint;

~~(C)~~ reports from Child Welfare Services (CWCWS), Adult Protective Services, and law enforcement officials regarding an abuse investigation. ~~If~~ When an investigation was conducted by CWCWS, ~~a summary of the allegations and findings of an investigation that does not disclose~~ allegation summaries and investigation findings not disclosing identities but ~~permits~~ permitting the public to evaluate the facility ~~is part of or child-placing agency~~ are released to the public record. ~~The name of the CW worker~~ CWS staff names may be included;

~~(D)~~ in addition for residential licensing staff:

~~(i)~~ reports from Office of Client Advocacy (OCA), Oklahoma Commission on Children and Youth, or law enforcement officials regarding an abuse investigation. When an investigation was conducted by OCA, allegation summaries and investigation findings not disclosing identities but permitting the public to evaluate the facility are released to the public. OCA staff names may be included; and

~~(ii)~~ any reports from OCA; and

~~(D)~~~~(E)~~ any criminal history investigation report regarding a juvenile;

~~(E)~~~~(F)~~ a criminal history waiver request. The letter granting or denying the waiver ~~may remain in~~ is released to the public file unless it ~~contains~~ containing information regarding a juvenile;

~~(F)~~~~(G)~~ information regarding a child with a disability;

~~(G)~~~~(H)~~ ~~name and identifying information of a complainant~~ name and identifying information;

~~(H)~~~~(I)~~ documents containing staff facility or child-placing agency personnel salary information;

~~(I)~~~~(J)~~ Social Security, federal identification, Internal Revenue Service information, and employee identification numbers;

~~(J)~~~~(K)~~ ~~copies of computer checks of Oklahoma Department of Human Services (OKDHS) database records~~ record checks;

~~(K)~~~~(L)~~ ~~letters to the police~~ law enforcement regarding drug allegations unless the ~~police~~ investigation is complete or has been declined, and copies of ~~police~~ law enforcement reports that are part of a current investigation or ~~that the police have~~ law enforcement requested to remain confidential. However, ~~police incident reports that are made available to the general public may remain in the public record~~ also be released by Child Care Services (CCS);

~~(L)~~~~(M)~~ ~~information regarding a complaint~~ information, prior to the completion of an investigation completion;

~~(M)~~~~(N)~~ a draft denial or revocation ~~summary~~ notice that has not been issued by ~~OCCS~~ CCS State Office. ~~If~~ When the ~~summary~~ notice has been issued, it ~~may be part of~~ is released to the public record, but the names of children, complainants complainant, and perpetrators perpetrator names in a CWCWS or OCA investigation are ~~purged~~ redacted from the record; and

~~(N)~~~~(O)~~ a letter from a parent or the public about a facility ~~that the writer does not want released~~ or child-placing agency when requested to remain

**confidential.** Letters and information from training consultants or CCS quality coaches may remain in the public record, unless included with complaint allegations or containing parents' or children's identifying information.

(2) Confidential information is protected by:

(A) removing all ~~protected~~ confidential information from the file record, such as the ~~CWCWS~~ report, Form 07LC012E, Licensing Complaint, and Form 08AD006E, Certification for Special Needs Child Care Rate; or

(B) Licensing staff must not mark through confidential alter information on original documents, ~~for example, Social Security numbers, children's names on a monitoring report, or staff named in a CW investigation. Whenever possible, forms remain in the file with confidential information marked out so that the public has access to as much information as permissible before uploading into the CCS database.~~

2. ~~Release of confidential files. If a licensing file~~ When a Licensing record is subpoenaed, licensing Licensing staff immediately contacts the statewide licensing coordinator or designee who consults with OKDHS ~~legal division~~ Legal Services Division.
3. Confidential records ~~that have been~~ provided by other OKDHS divisions or other agencies, ~~such as CW, Family Support Services,~~ and law enforcement, are kept maintained in a confidential manner.
4. Completed complaint information ~~that may be released to the public~~ includes:
  - (1) complaint keywords;
  - (2) complaint findings; and
  - (3) the number of complaints received within a specific time period.

## **PART 3 LICENSING SERVICES – RESIDENTIAL CARE AND AGENCIES**

### **340:110-1-46. Types of issuances**

Revised ~~11-1-19~~ 11-1-25

(a) **Six-month permit.** New residential ~~child care~~ programs or child-placing agencies (agency) may be issued a six-month permit. When the program was previously licensed at another location and ~~had~~ maintained a pattern of compliance, the six-month permit may be waived. The owner's Licensing compliance history is considered.

(1) Licensing staff may recommend a permit when the program is in compliance with Licensing requirements, regarding:

- (A) the number of qualified personnel;
- (B) completed criminal history review results for all required individuals;
- (C) professional development, including current cardio-pulmonary resuscitation (CPR) and first aid certifications;
- (D) hazards indoors and outdoors;
- (E) liability insurance coverage;
- (F) fire safety; and
- (G) other areas affecting ~~children's~~ residents' safety.

(2) Licensing staff conducts a full-monitoring visit documenting compliance with Licensing requirements no more than 60-calendar days, prior to six-month permit issuance.

**(b) Documentation for six-month permit.**

(1) ~~The items required on file~~ Information required for a six-month permit issuance include:

~~(A) Form 07LC040E, Request for License Child Placing Agency and Residential Child Care submission of request for license information;~~

(B) proof of ownership; ■ 1

(C) current personnel list;

(D) Form 07LC041E, Personnel Information, for each personnel;

(E) required background investigations documentation, per Oklahoma Administrative Code (OAC) 340:110-1-8.1, including completed criminal history review results for all required individuals;

~~(F) State Fire Marshal's approval for residential programs within the previous 12 months; ■ 2~~

~~(G) health department approval for residential programs within the previous 12 months, when meals are prepared and served;~~

~~(H) Form 07LC057E, Physical Plant, for residential programs;~~

~~(I)(F)~~ completed applicable compliance review questionnaire with supporting documentation; and

~~(J)(G)~~ applicable policy, per applicable Licensing requirements;

~~(H)~~ letter from licensed public accountant;

~~(I)~~ budget for 12 months of operation and reserve funds; and

~~(J)~~ for residential programs:

~~(i) State Fire Marshal's approval within the previous 12 months; ■ 2~~

~~(ii) Oklahoma State Department of Health approval within the previous 12 months, when meals are prepared and served; and~~

~~(iii) physical drawing or architectural plans including Licensing measurement calculations.~~

(2) During the six-month permit period, ~~at least three monitoring visits are completed to document Licensing requirements are met, and observe child care or child placing activity where applicable~~ Licensing staff completes a minimum of three monitoring visits documenting requirement compliance. Residents in care or child-placing activity must be observed during at least one monitoring visit, when applicable.

**(c) Second and subsequent six-month permits.** When subsequent permits are recommended, the procedures in this subsection are followed. ■ 3

(1) ~~Programs manager~~ Licensing coordinator approval is needed for second and subsequent permits when programs are recommended for, or are in the process of, a consent agreement or request for license denial.

(2) Licensing staff consults with the programs ~~manager~~ supervisor prior to recommending a second or subsequent permit.

~~(3)~~ Licensing coordinator approval is needed for third and subsequent permits.

~~(3)(4)~~ Licensing staff provides a letter to the applicant notifying ~~him or her~~ each time a second or subsequent permit is recommended. The ~~reason for the~~ recommendation

reason is clearly stated in the letter, with each non-compliance area listed separately, and any missing documents required for license issuance.

~~(4)(5)~~ When the subsequent permit is due to repeated or serious non-compliance with ~~Licensing requirements~~, Licensing staff monitors the program, at least monthly and is accompanied by a witness, when possible. When the non-compliance indicates the program is unable or unwilling to meet Licensing requirements, the programs ~~manager~~ supervisor is consulted.

~~(5)(6)~~ When requirements are met prior to the second or subsequent six-month permit expiration, license issuance may be recommended, per (a)(1) of this Section.

~~(6)(7)~~ When ~~children~~ residents were not in care on a regular basis or no child-placing activity occurred during the previous 12 months, the applicant is requested to withdraw the request for license, per OAC 340:110-1-45 1-6.

(d) **License issuance.** When Licensing staff determines the program or agency is operating in compliance ~~with the program's or agency's own policy and procedures and~~ in compliance with Licensing requirements, a ~~recommendation is made to issue a license~~ issuance is recommended. ~~Prior to recommending license issuance, Licensing staff completes at least three monitoring visits. A monitoring visit must be conducted within 60-calendar days of the issuance date, and children in care must be observed during at least one monitoring visit, when applicable. A license is in effect unless revoked or the program or agency voluntarily closes.~~

(e) **Documentation for license** License issuance documentation. In addition to the items listed in (a) thru ~~through~~ (c)~~(6)(7)~~ of this Section for permit issuance, the items required ~~on file before license issuance include,~~ an updated personnel list is required before license issuance.

(f) **Evaluation and disposition.** The programs supervisor reviews all case action recommendations for approval. When a permit or license is approved, owner notification is provided. ■ 4

~~(1) The programs manager reviews Licensing staff case action recommendations before forwarding to the statewide licensing coordinator or designee.~~ ■ 4

~~(2) The statewide licensing coordinator or designee reviews all case action recommendations. When a license or permit is approved, owner notification is provided.~~

## **INSTRUCTIONS TO STAFF 340:110-1-46**

**Revised ~~11-1-19~~11-1-25**

### **1. Types of ownership include:**

- (1) sole proprietor;
- (2) corporation;
- (3) partnership;
- (4) limited liability company; or
- (5) school, faith-based, or government entity.

2. ~~(a) The statewide licensing coordinator or designee submits a request for an inspection to the~~ program or agency requests a State Fire Marshal inspection. When an inspection was conducted but the fire department report ~~copy~~ is not available, Licensing staff contacts the fire department by phone to obtain verbal approval. The conversation is documented on Form 07LC080E, Licensing

**Services Supplemental Information.**

**(b) The statewide licensing coordinator or designee requests an Oklahoma State Department of Health inspection.**

3. ~~Date subsequent~~ **Subsequent permits are effective the last calendar day of the expiring permit month.**
4. **When the programs manager supervisor disagrees with the recommendation, the disagreement areas are discussed with Licensing staff. The programs manager supervisor makes the final recommendation.**

**340:110-1-47.2. Non-compliance with requirements**

Revised 11-1-19 ~~11-1-25~~

(a) **Non-compliance documentation.** Licensing staff clearly and concisely documents non-compliance areas on the monitoring checklist and summary, including operator discussion. ■ 1

~~(1) A plan of correction, including Plans of correction documented on the monitoring summary include a specific agreed-on time period for non-compliance correction is documented on the monitoring summary. Each non-compliance or documentation indicates a plan of correction will be submitted by the executive or program director. Plans of correction for serious non-compliances or substantiated complaints also include methods to maintain compliance. When a previous non-compliance was not corrected by the agreed-on time period, the non-compliance is documented again with a shorter plan of correction date reduced correction time frame.~~ ■ 2

(2) Immediate correction is required when the non-compliance directly impacts children's health, safety, or well-being.

(3) Licensing staff requests the ~~operator's~~ signature of the operator or individual in charge on the monitoring summary, explaining the signature indicates acknowledgment of recorded information. Licensing staff documents in discussion when the operator or individual in charge declines to sign the monitoring summary.

~~(4) When the operator or individual in charge refuses to sign, the refusal is documented on the monitoring summary.~~

~~(5)~~(4) The operator is provided a the monitoring summary copy.

~~(6)~~(5) Timeframes for filing a grievance regarding non-compliance with requirements are provided on the monitoring summary. Grievance time frames may be discussed with the operator or individual in charge. Refer to grievance procedures, per Oklahoma Administrative Code (OAC) 340:110-1-5415.

(b) **Referrals to fire and health officials.** When non-compliance regarding fire or health requirements places children at risk of harm or remains uncorrected, Licensing staff requests an ~~inspection~~ by a fire, health, or Oklahoma Department of Environmental Quality official inspection.

(c) **Repeated and serious non-compliance.** Procedures for repeated and serious non-compliance documentation are followed.

(1) Repeated non-compliance is three or more documented incidents of non-compliance with the same requirement within the last 12 months. ■ 3

(2) Serious non-compliance is non-compliance with Licensing requirements exposing children to ~~conditions presenting~~ an imminent risk of harm based on the child's age, the amount of time the program or agency child-placing agency (agency) was out of

compliance, and the program or agency efforts to mitigate the risk. Serious non-compliance is identified through Licensing observations, ~~and/or~~ or confirmed complaint investigations. Failure to comply with ~~licensing~~ Licensing requirements that may be considered as serious non-compliance include:

- (A) ~~when applicable~~, staff-child ratio;
- (B) child or resident supervision;
- (C) infant sleep environments; ■ 4
- (D) prohibited disciplinary actions;
- (E) licensed capacity;
- (F) transportation; ■ 5
- (G) water activities; ■ 6
- (H) pools and other water hazards;
- (I) multiple hazards;
- (J) weapons;
- (K) failure to report child abuse or human trafficking;
- (L) knowingly permitting access to children by individuals identified as prohibited, restricted, or Restricted Registry registrants;
- (M) failure to obtain background investigations or Restricted Registry searches;
- (N) medication administration; ■ 7
- (O) room temperatures;
- (P) heat sources ~~and/or~~ or loss of any utility service;
- (Q) cardio-pulmonary resuscitation and first aid training; or ■ 8
- (R) required behavior management training.

(d) **Case management responses to non-compliant facilities.** One or more responses in this subsection are used ~~when there is~~ for repeated or serious non-compliance. ■ 9

(1) **Technical assistance.** Licensing staff offers technical assistance, including referrals to consultants or professional development resources, and assisting the operator ~~in~~ with meeting and maintaining Licensing requirements.

(2) **Follow-up phone call to the program.** Phone calls regarding non-compliance follow-up are documented on Form 07LC080E, Licensing Services Supplemental Information, and ~~a copy~~ provided to the program operator.

(3) **Non-compliance letter.** A non-compliance letter may be ~~written~~ provided to the operator. Licensing staff provides a monitoring summary ~~copy~~ with the non-compliance letter to the governing board or owner, when applicable. ■ 10

(4) **Return monitoring visit.** A return monitoring visit may be conducted when there is repeated or serious non-compliance with Licensing requirements or when non-compliance places children at imminent risk of harm. When the non-compliance is associated with a specific time of day, ~~such as understaffing after school or a lack of early morning supervision~~, the return monitoring visit is conducted at the approximate time. ■ 11

(5) **Use of witnesses.** A witness may accompany Licensing staff when the program had repeated or serious non-compliance or considered for request for license denial or license revocation. The witness may be an Oklahoma Department of Human Services employee, a representative from the fire or health department, or law enforcement. The witness signs the monitoring summary.

(6) **Increased monitoring visits.** Licensing staff may increase monitoring frequency

plans when there was repeated or serious non-compliance or when the need for additional technical assistance is indicated.

(7) **Notice to comply.** Licensing staff provides the operator with Form 07LC037E, Notice to Comply, and the operator documents the plan of correction. Immediate correction may be required when the non-compliance places children's health, safety, or well-being at risk. ■ 12

(A) When the plan submitted is unacceptable, Licensing staff negotiates a revised plan and requests submission within 10-calendar days.

(B) When Form 07LC037E, Notice to Comply, is not submitted within the specified time period, Licensing staff contacts the operator and documents the conversation.

(C) When non-compliances continue to place children or residents at risk, Licensing staff provides a letter stating non-compliances ~~and/or~~ or continued failure to correct non-compliances may result in request for license denial, license revocation, filing of an injunction, or issuance of an Emergency Order.

(8) **Office conference.** Licensing staff may schedule an office conference with the program owner or operator. The programs ~~manager~~ supervisor is present at the office conference.

(A) Program status, non-compliance areas, and progress toward meeting the plan(s) of correction are reviewed and technical assistance is offered.

(B) The office conference is documented on Form 07LC080E, Licensing Services Supplemental Information and signed by Licensing staff, the operator, and witnesses. This documentation includes a list of individuals present, conference purpose, and re-verification of ownership documentation.

(C) Form 07LC037E, Notice to Comply, is completed when one addressing these issues was not previously completed.

(9) **Consent agreement.** ~~Child Care Services (CCS) and the program owner may enter into a~~ A consent agreement may be established when the program owner agrees to specific conditions in lieu of request for license denial or license revocation, per OAC 340:110-1-529.5.

(10) **Revocation or denial.** Licensing staff may recommend the request for license be denied or license revoked when repeated or serious non-compliance ~~with requirements was observed and~~ documented or the ~~program~~ operator failed to adequately protect children, per OAC 340:110-1-5210. ■ 13

(11) **Voluntary cease care.** With Child Care Services (CCS) State Office approval, the owner is ~~asked~~ requested to voluntarily cease caring for children or child-placing activity. The programs ~~manager~~ supervisor is notified of ~~every~~ any situation involving a request for voluntary cease care or child-placing activity.

(12) **Voluntary closure.** With CCS State Office approval, the owner is ~~asked~~ requested to voluntarily close the program, per OAC 340:110-1-10.

(e) **Case management responses when children are at risk.** When ~~Licensing staff documents non-compliance with requirements or is investigating a complaint that children may be~~ complaint allegations may place children's health, safety, or well-being at imminent risk of harm, options to consider with the operator and the programs manager are outlined in this subsection. Licensing staff consults with the programs supervisor for appropriate actions.

(1) The operator is ~~asked~~ requested to immediately correct the non-compliance; such



~~as, the personnel will not be present or work alone with children or at the program pending the outcome of an investigation. ■ 14~~

~~(2) With CCS State Office approval, the owner is asked requested to voluntarily:~~  
~~(A) cease care until the non-compliance is corrected or the investigation is complete; or~~

~~(3) With CCS State Office approval, the owner is asked to voluntarily (B) close the program or agency.~~

~~(4)(3) When immediate action is needed to protect children, Licensing staff requests an Emergency Order, per OAC 340:110-1-529.4.~~

~~(5)(4) CCS and the owner may enter into a A consent agreement is established when the program owner agrees to specific conditions in lieu of request for license denial or license revocation, per OAC 340:110-1-529.5.~~

~~(6)(5) Licensing staff may recommend the request for license be denied or license be revoked when repeated or serious non-compliance with requirements was observed and documented or the program operator failed to adequately protect children, per OAC 340:110-1-5210.~~

~~(7)(6) An injunction may be requested when the residential program or child-placing agency is:~~

~~(A) unlicensed;~~

~~(B) on request for license status;~~

~~(C) licensed;~~

~~(D) violating an Emergency Order;~~

~~(E) operating during an appeal following request for license denial or license revocation and children or residents are at risk of harm; or~~

~~(F) violating the notice to cease and desist care following request for license denial or license revocation.~~

**(f) Notification to programs manager supervisor when children are at risk.** ~~When during~~ During a monitoring visit when Licensing staff is concerned the children's health, safety, or well-being is at imminent risk, the programs ~~manager~~ supervisor or CCS State Office staff is contacted immediately. ■ 1415

**(g) Alternative method of compliance.** ~~CCS~~ The statewide licensing coordinator or designee may approve an alternative method of compliance to a minimum Licensing requirement.

~~(1)~~ (1) An alternative method of compliance may be authorized when Licensing determines the alternative method of compliance:

~~(A)~~ (A) offers equal protection of children's health, safety, or well-being;:

~~(B)~~ (B) meets the requirement's basic intent for the requested alternative compliance;:

~~and~~

~~(C)~~ (C) does not violate statutory requirements.

~~(1)(2)~~ (2) An applicant or licensee submits a written request for each requirement identified with supporting documentation on Form 07LC061E, Alternative Compliance Request, to Licensing staff. ~~A separate alternative method of compliance request is submitted for each requirement identified.~~ ■ 1516

~~(2)(3)~~ (3) Licensing staff completes Form 07LC105E, Alternative Compliance Referral, and submits all documentation to the statewide licensing coordinator or designee.

~~(3)(4)~~ (4) Approval of an alternative method of compliance does not set a precedent; and

is independently evaluated ~~on the merits of each request.~~

~~(4)~~(5) The program's compliance record history is considered when determining approval.

~~(5)~~(6) An alternative method of compliance is not authorized for requirements affecting children's health and safety, such as exceeding licensed capacity of a residential program, staff-child ratios, fire safety, or behavior and guidance.

~~(6)~~(7) Form 07LC075E, Notice of Alternative Compliance, ~~stating~~ indicating the nature of the exception, is posted with the license. ■ ~~46~~17

## **INSTRUCTIONS TO STAFF 340:110-1-47.2**

**Revised ~~11-1-19~~11-1-25**

### **1. When documenting non-compliance ~~on the monitoring checklist~~, Licensing staff:**

(1) documents what is observed rather than what is needed, such as Licensing staff documents "milk was not served with lunch" instead of "milk must be served at lunch";

(2) does not document personnel names associated with non-compliance ~~on the monitoring checklist~~. Personnel names may be included in the monitoring summary discussion area and in the plan of correction as provided by the operator; and

(3) provides a monitoring summary ~~copy~~ to the operator and governing board or owner, as applicable.

### **2. ~~Plan of correction.~~ (a) Plans of correction for serious non-compliances and substantiated complaints not only address the time period for correction but also the operators' plans to maintain requirements.**

~~(4)~~(b) When ~~the time period suggested by the operator~~ suggests unacceptable time frames for non-compliance correction is ~~unacceptable~~, Licensing staff discusses the expectation and negotiates an acceptable time period. ~~Correction due dates are realistic.~~ The following statement may be ~~utilized~~ used when facilities are not meeting the plan of correction timeframes: "The program continues ~~to be in~~ having non-compliance without an acceptable plan of correction," however, the program must meet and comply with Licensing requirements. Licensing staff discusses concerns with the programs ~~manager~~ supervisor.

(2) The plan of correction may include an agreement with the administrator or director to specific conditions, such as agreeing to restrict an individual, or agreeing not to allow certain personnel to transport children because of a prior conviction for driving under the influence (DUI). ~~The agreement is placed in a prominent location in the program's file and includes conditions that must be complied with, but does not include confidential information.~~ Licensing staff documents these types of specific conditions on Form 07LC080E, Licensing Services Supplemental Information, and identifies subject content as "Special Circumstances". Form 07LC080E is maintained in the database.

### **3. When a non-compliance is documented a second time during an agreed-on plan of correction, it is not considered again in determining repeated or serious non-**

- compliance.
4. Sleep environment may include developmentally appropriate activities and equipment.
  5. Serious non-compliance includes passenger restraints, drivers without a valid driver license, and vehicle liability insurance.
  6. Serious non-compliance includes swimming pools and certified life guard or water safety personnel per Licensing requirements.
  7. Serious non-compliance includes medication:
    - (1) administration by non-designated staff;
    - (2) documentation; and
    - (3) accessible to children.
  8. Serious non-compliance includes residential programs not having any personnel on facility premises or during a program sponsored field trip with current cardio-pulmonary resuscitation and first aid training.
  9. Licensing staff ~~assess~~ assesses the type of non-compliance observed during ~~monitoring visits~~ or substantiated complaint investigations. Response Licensing response is based on the non-compliance seriousness and the operator's demonstrated ability and willingness to comply.
    - ~~(1) Licensing staff responses go beyond non-compliance and plan of correction documentation for monitoring visits involving repeated or serious non-compliance.~~
    - (2) Licensing staff advises the programs manager supervisor of the planned response and, when the programs manager supervisor disagrees, the case history is reviewed and a different or additional response may be utilized used.
  10. ~~Within 10-Department of Human Services business days, Licensing staff provides a non-compliance letter that includes~~ Non-compliance letters are provided within 10-Oklahoma Human Services business days, and include the monitoring visit date, non-compliance area(s), and grievance timeframes. When a non-compliance remains uncorrected at the next monitoring visit, a letter documenting both monitoring visits and a follow-up monitoring visit are required.
  11. ~~The timing of a return~~ Return monitoring visit is determined by the risk level to children, per Oklahoma Administrative Code (OAC) 340:110-1-47.2. A return monitoring visit does not routinely result in a change in the monitoring frequency plan. When subsequent monitoring visits require a follow-up:
    - (1) increased monitoring is discussed with the programs manager supervisor; and
    - (2) ~~Licenisng~~ Licensing staff conducts:
      - (A) a partial monitoring visit, per OAC 340:110-1-47(a), including documenting correction of previous non-compliance; or
      - (B) a full monitoring visit, per OAC 340:110-1-47(a), when repeated or serious non-compliance is observed.
  12. When Form 07LC037E, Notice to Comply, is completed, the plan of correction on the monitoring summary is also completed. When an acceptable Form 07LC037E is completed during a monitoring visit, it is not necessary to include

this with the non-compliance letter. Form 07LC037E may be completed for repeated non-compliances; however, completion is necessary for:

- (1) serious non-compliances;
- (2) substantiated complaint allegations; or
- (3) additional non-compliances found during a complaint investigation.

~~13. Procedure and documentation for request for license denial or license revocation.~~ Licensing staff:

(1) ensures the non-compliance and a plan of correction are clearly documented on the monitoring summaries, and the program's action to implement previous plans of correction are clearly documented on the monitoring summaries.

(2) documents on the monitoring summary that failure to correct the non-compliance may result in request for license denial, license revocation, filing an injunction, or issuance of an Emergency Order, as applicable; and

(3) conducts monitoring visits at least monthly. Whenever possible, the same witness accompanies Licensing staff on monitoring visits.

14. Examples of immediate correction of a non-compliance may include requesting the operator for program personnel not to be present or work alone with residents at the facility pending the outcome of an investigation.

~~1415.~~ Examples warranting supervisory contact include severe overcapacity, an incapacitated caregiver, a caregiver a provider appearing under the influence of alcohol or drugs or incapacitated, or children appear appearing to be left alone.

~~1516.~~ Licensing staff reviews all submitted documentation and may request additional information.

~~1617.~~ An alternative method of compliance does not replace plans of correction negotiated between Licensing staff and operators. Operators are not encouraged to request alternative methods of compliance when the non-compliance can feasibly be corrected in a reasonable time frame.

### **340:110-1-52. Legal actions [REVOKED]**

Revised 7-1-10

~~(a) Failure to meet requirements.~~ When numerous, repeated, or serious non-compliance with licensing requirements is observed and documented, or when an operator is unable to comply with the requirements, or fails to protect the health and safety of children, the Oklahoma Department of Human Services (OKDHS) may deny or revoke the license. Denial or revocation of a license is based on observation, investigation, and documentation that the operator is unable or unwilling to comply with minimum requirements.

~~(1) Denial of a license is recommended for a facility or agency that has filed an application for license.~~

~~(2) Revocation of a license is recommended for a facility or agency that is currently licensed.~~

~~(b) Consent agreement.~~ OKDHS may offer to enter into a consent agreement with a facility in lieu of license denial or revocation. If such action has already taken place, a consent agreement may be used during the appeal process if the facility comes into

~~compliance with licensing requirements. The use of a consent agreement is not required prior to denying or revoking a license. ■-1~~

~~(1) An office conference with the operator is scheduled to develop the consent agreement. The programs manager is present at the meeting. The operator may bring legal representation.~~

~~(A) The programs manager determines the minimum terms that are acceptable to avoid negative sanctions. Terms and time frames of the agreement are based upon the nature and severity of the non-compliance.~~

~~(B) The agreement may include emergency voluntary restrictions, such as a ban on future admissions of children to the facility, a restriction on the ages of children cared for in the facility, a reduction in the number of children attending the facility, and specific staff training, drug testing, and medical or psychological evaluation.~~

~~(C) Time frames to initiate and conclude the terms of the agreement are established and may be extended upon approval of the programs manager and the OKDHS Legal Division.~~

~~(2) The operator is required to prominently post a copy of the consent agreement in the residential facility or child placing agency. During the next monitoring visit, the licensing staff verifies that the consent agreement is posted. If it is not posted, the licensing staff documents it as a violation of the terms of the consent agreement.~~

~~(3) The licensing staff mails a copy of the consent agreement, with a cover letter to parents or guardians of children currently housed at the facility. If the operator has not provided children's names and addresses, the licensing staff records the information from the children's records during the next monitoring visit.~~

~~(4) The licensing staff conducts monitoring visits at least monthly while the consent agreement is in effect. The same witness accompanies the licensing staff on monitoring visits whenever possible.~~

~~(5) Any violation of the terms of the consent agreement is:~~

~~(A) documented on Form 07LC080E, Licensing Services Supplemental Information; and~~

~~(B) considered grounds for proceeding with license revocation or denial.~~

~~(6) The residential child care facility or child placing agency is not entitled to an appeal of the terms of the consent agreement, as participation in the agreement is voluntary.~~

~~(c) **Denial or revocation of license.** The licensing staff consults with the programs manager regarding the denial or revocation recommendation.~~

~~(1) The licensing staff prepares a summary of non-compliance and submits it to the programs manager for review, with a recommendation to approve, disapprove, or delay decision pending further investigation.~~

~~(2) When the programs manager approves the denial or revocation, it is reviewed by the OKDHS Legal Division. The director of Child Care Services or designee has final approval of denial or revocation.~~

~~(3) Notification of proposed denial or revocation is sent by certified mail to the operator, and to the OKDHS Legal Division, at least 30 days prior to the effective date of the proposed action, and includes a:~~

~~(A) copy of the recommendation summary;~~

~~(B) notice of the operator's right to appeal the decision; ■-2~~

~~(C) statement that the law requires notice in writing of the denial or revocation be~~

~~given to parents or custodians of children attending the facility. The operator is instructed to submit to OKDHS the names and addresses of currently enrolled children; and~~

~~(D) sign providing notice of proposed denial or revocation that must be prominently posted in the facility.~~

**(d) Appeal.**

~~(1) An appeal of the decision to deny or revoke license must be submitted to the Oklahoma Commission for Human Services by the operator within 30 days of receipt of the notice. If the operator does not appeal the decision within the time period, the programs manager sends to the operator by regular mail a notice of denial or revocation that includes the effective date. This is also forwarded to the licensing records office for potential restricted registration procedures per OAC 340:110-1-10.1.~~

~~■-3~~

~~(2) If an appeal is made by an operator to OKDHS, a hearing is scheduled by the OKDHS Appeals Unit. The operator is notified of the hearing by personal service, or by delivery to the proper address by certified mail, at least two weeks prior to the date of the hearing.~~

~~(3) If the administrative hearing officer upholds the OKDHS decision, the hearing officer provides a written notice at the conclusion of the hearing, which contains an explanation of appeal rights.~~

~~(4) The facility may continue to operate during any appeal process unless an Emergency Order is in effect.~~

~~(A) The licensing staff conducts monitoring visits at least once a month, unless advised otherwise in writing by the programs manager or designee, and is accompanied by the same witness whenever possible.~~

~~(B) If at any time during the appeal process OKDHS believes the health, safety, or well-being of children is at risk:~~

~~(i) an Emergency Order is requested; or~~

~~(ii) following consultation with the programs manager or designee, the licensing staff contacts the district attorney (DA) of the local county or Attorney General and requests that an injunction be filed.~~

**(e) Child care discontinued.**

~~(1) If the decision of OKDHS to deny or revoke is upheld during all appeals, the programs manager informs the operator in a letter that child care must immediately cease. This is also forwarded to the licensing records office for potential restricted registration procedures per OAC 340:110-1-10.1.~~

~~(A) The licensing staff conducts a follow-up visit to confirm that child care has been discontinued. The programs manager or designee is notified of the visit.~~

~~(B) If the operator continues to maintain and operate the residential child care facility or child-placing agency after a final decision to deny or revoke license, the licensing staff consult with the programs manager regarding following procedures in (i)–(l) of this Section.~~

~~(2) If the OKDHS decision to deny or revoke is not upheld, OKDHS takes action to implement the decision within ten days.~~

~~(3) When OKDHS denies or revokes a facility's license, the responsible entity can not make application for a new residential child care facility or child-placing agency license~~

within Oklahoma for five years.

(f) **Emergency Order.** An Emergency Order may be issued by OKDHS when immediate action is needed to protect the health, safety, or well-being of children in a child care facility or served by a child-placing agency.

(1) If the operator is unwilling to voluntarily correct the hazardous situation, the licensing staff notifies the programs manager of the circumstances. If the programs manager agrees that an Emergency Order is warranted, all supporting documentation is given to the director of Oklahoma Child Care Services (OCCS) for review. The written order is issued and signed by the programs manager. If the risk is such that children must be immediately removed from the residential facility or placement through a child-placing agency, the director of OCCS may give verbal approval for removal of children.

(A) The administrator or director and parents or custodians are told that the facility will not be open on the following day; or parents or custodians are contacted to pick up their children immediately.

(B) If every effort has been made to reach the parents or custodians, and children are at immediate risk of harm, the programs manager contacts law enforcement to remove the children.

(2) The Emergency Order states the existence of an emergency and sets forth remedies such as removal of children from the facility or closure of a facility. The order is effective immediately and includes the right to appeal the decision.

(3) Licensing staff verify compliance with Emergency Order for a period of 30 days after the action becomes final, unless the Emergency Order is rescinded within that timeframe.

(4) The Emergency Order may be rescinded when the programs manager verifies correction of the hazardous situation. Upon receipt of such documentation, the director of OCCS notifies the operator in writing that the order has been rescinded.

(5) The operator may request a hearing by filing a written request within ten days of receipt of the Emergency Order. The hearing is conducted within ten days from receipt of the operator's request.

(6) If operator disagrees with the results of the administrative hearing, the operator may appeal to the district court within 30 days of the decision of the administrative hearing officer.

(g) **Rescinding the order.** The Emergency Order may be rescinded when the licensing staff verifies correction of the hazardous situation. Upon receipt of such documentation, the programs manager notifies the operator in writing that the order has been rescinded.

(h) **Hearing process.**

(1) The operator may request a hearing by filing a written request within ten days of receipt of the Emergency Order. The hearing is conducted within ten days from receipt of the operator's request. An OKDHS hearing officer conducts the hearing.

(2) If the results of the OKDHS hearing are disputed, the operator may file an appeal in district court within ten days of the decision.

(i) **Violation of the Emergency Order.** If an operator violates the conditions set forth in the Emergency Order, the licensing specialist, after consultation with the programs manager, contacts a Council on Law Enforcement Education and Training (CLEET)-certified officer for assistance and makes a referral to the DA for further action.

~~(j) **Citation Request.** A referral is made on Form 07LC097E, Citation Request, for the assistance of a CLEET-certified officer. Procedures regarding citation request are:~~

- ~~(1) Licensing staff contacts a CLEET-certified officer to schedule a visit to the facility.~~
- ~~(2) Upon violations of conditions set forth in the Emergency Order, or following the revocation, or denial of a license, a citation may be issued by the CLEET-certified officer for not less than \$100, nor more than \$500 for every day the facility maintains and receives children.~~
- ~~(3) Licensing staff and a CLEET-certified officer monitor the facility until care of children has ceased.~~

~~(k) **DA referral.** If violation of an Emergency Order occurs, licensing staff consults with Programs Manager for the necessity of a referral to DA. Should a referral be necessary, licensing staff completes Form 07LC098E, District Attorney Referral, which includes documentation of the facts of the case. A copy is sent to the statewide licensing coordinator who informs the OKDHS Legal Division of the referral.~~

~~(l) **Referral to the Attorney General.** If no action is taken by a DA of the county where the facility is operating, a referral may be made to the Attorney General by the statewide licensing coordinator or designee.~~

## **INSTRUCTIONS TO STAFF 340:110-1-52 [REVOKED AND RENUMBERED 340:110-1-11]**

**Revised 7-1-08**

- ~~1. The licensing staff documents the consent agreement on the database.~~
- ~~2. Questions from the operator regarding the action and appeal process are referred to the programs manager or designee.~~
- ~~3. The closure date is entered into the computer by the programs manager or designee. A copy of the correspondence is sent to the licensing staff.~~

## **340:110-1-53. Case closures [REVOKED]**

**Revised 7-1-08**

~~(a) A case is closed when:~~

- ~~(1) the residential child care facility or child-placing agency is sold to a new owner unless a case is in the appeal process;~~
- ~~(2) care of children is discontinued, or in a child-placing agency, operation is discontinued unless the case is in the appeal process; or~~
- ~~(3) the license is revoked or the application for license is denied.~~

~~(b) When a licensed child care facility closes of its own accord, the licensing staff updates the database and submits to the licensing programs manager a narrative and a copy of the letter sent to the facility verifying closure.~~

~~(c) If the case is closed because of denial or revocation, the facility may not make application for a new child care facility license in Oklahoma for five years following closure of the facility.~~

## **340:110-1-54.1. Unlicensed facilities**

**Revised 7-1-12/11-1-25**

~~(a) **Legal basis and authority.** Pursuant to Per Section 405 of Title 10 of the Oklahoma Statutes (10 O.S. § 405) the Oklahoma Child Care Facilities Licensing Act, no child care~~



facility may be operated or maintained in this state, unless licensed or given permission to operate by the Oklahoma Department of Human Services (OKDHS).

(b) ~~Procedures for investigating the operation of an unlicensed~~ **Unlicensed residential facility and child-placing agency (agency) investigation procedures.**

When information is received regarding the operation of an unlicensed residential facility or agency operation, Licensing staff conducts a full monitoring visit no later than three facility or agency-business days to assess the necessity of a license necessity, unless an unlicensed duplicate complaint is determined, per Oklahoma Administrative Code (OAC) 340:110-1-47.1. ■ 1 through 7

(1) If ~~When care or child-placing activity is being provided, Licensing staff informs the facility they have not been given operator permission to operate has not been granted, and they are in violation of the operator is violating~~ the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 405. During the visit, the facility operator is informed on Form 07LC095E, Notice Regarding Unlicensed Care, that:

(A) care or agency activity must cease by the end of the current facility or agency business day unless imminent risk indicates the need for the facility operator or agency to cease care or operation immediately; or

(B) permission to operate may be granted, when the facility:

(i) is in compliance with health and safety requirements without serious non-compliances as referenced in OAC 340:110-1-46(a)(1);

(ii) has submitted a completed application in accordance with OAC 340:110-1-45; ■ 8

(iii) provides all required background information per OAC 340:110-1-51; and

(iv) has staff present who meet the following licensing requirements:

(I) documented current cardio-pulmonary resuscitation and first aid certification;

(II) completed behavioral intervention training; and

(III) minimum educational qualifications for the position held per procedures in OAC 340:110-1-6.

(2) If a facility ~~When an operator is not granted permission to operate, a follow-up visit is conducted within one facility or agency business day to verify the verifying termination of care or operation.~~ The follow-up visit timeframe may be extended up to five facility or agency-business days with programs manager supervisor approval, and the approval is documented on Form 07LC080E, Licensing Services Supplemental Information. When care of children or operation has not ceased, Licensing staff ~~proceed~~ proceeds, per OAC 340:110-1-52(f). ■ 98

(3) When the necessity of a license is not required, licensing Licensing staff documents the investigation of unlicensed operation investigation on Form 07LC080E, Licensing Services Supplemental Information. ■ 409

(c) ~~Procedures for investigating the operation of an unlicensed child placing agency.~~ When information is received regarding the operation of an unlicensed child placing agency, staff makes contact with the agency representative within three agency business days to assess the necessity of license. ■ 11 through 13

(1) If child placing activity is being provided, staff informs the agency they have not been given permission to operate and they are in violation of the Oklahoma Child Care Facilities Licensing Act (Act). Licensing staff document on Form 07LC080E:

~~(A) child placing activity must cease by the end of the current business day, unless imminent risk indicates the need for the agency to cease operation immediately;~~  
or

~~(B) permission to operate may be granted when the agency:~~

~~(i) has submitted a completed application per OAC 340:110-1-45; ■-8~~

~~(ii) provides all required background information per OAC 340:110-1-51; and~~

~~(iii) has staff who meet minimum educational qualifications for the position held.~~

~~(2) If an agency is not granted permission to operate, a follow-up visit is conducted within one agency business day to verify the termination of child placing activity. The follow-up visit timeframe may be extended up to five days with programs manager approval and is documented on Form 07LC080E. When child placing activity has not ceased, staff proceed per OAC 340:110-1-52(f). ■-9~~

~~(3) When the necessity of a license is not required, licensing staff documents the investigation of an unlicensed operation on Form 07LC080E.~~

~~(d) **Documentation of Findings documentation.** Following the unlicensed complaint investigation, licensing Licensing staff proceed with procedures in proceeds, per OAC 340:110-1-47.1(h) for unlicensed complaint finding documentation. All case facility and agency staffings and discussions of case action actions are documented on Form 07LC080E, Licensing Services Supplemental Information, and maintained in the case file.~~

~~(e)(d) **Procedures for investigating unlicensed out of state Out-of-state child-placing agencies agency investigating procedures.**~~

~~(1) The licensing Licensing staff mails to the owner the licensing provides Licensing requirements and a letter that includes information about licensure and information to the owner, with a request for a response within 14-calendar days.~~

~~(2) If When a response is not received within 14-calendar days, several contacts are made or attempted to encourage Licensing staff follows up with the owner of an unlicensed facility to comply with the Act.~~

~~(3) If When the owner fails to apply for licensure as required by the Act, the licensing Licensing staff consults with the programs manager supervisor and statewide licensing coordinator for appropriate action which could include the issuance of an Emergency Order.~~

## **INSTRUCTIONS TO STAFF 340:110-1-54.1**

**Revised 4-1-1711-1-25**

- 1. The programs manager supervisor is notified of all situations involving a request for voluntary cease care. When there are serious allegations indicating children could be at risk, the ~~situation is staffed with the programs manager supervisor is consulted~~ for the appropriate time frame to visit the facility. Concerns regarding licensing Licensing staff's safety are discussed with the programs manager to determine when supervisor for the utilization of a witness and/or and law enforcement is appropriate.**
- 2. Other complaint allegations are not addressed when the program operator is not providing care or child-placing activity and is exempt from licensing Licensing. When exempt care is provided, a written statement is requested, verifying operating hours is requested. When the program operator pursues a license then all allegations are investigated.**

3. When applicable, documentation of non-compliances includes "the program or child-placing agency (agency) does not have a license as required by law." This is documented in the area of "additional areas of non-compliances" section with the added, written notation of "necessity and issuance of a license." Documentation does not include the statement "continued non-compliance may result in the revocation of a license," as the program or agency is not licensed.
4. When the unlicensed residential program operator is only advertising and no children are in care, request for license procedures, per Oklahoma Administrative Code (OAC) 340:110-1-456 are followed.
5. When information is received from the person operator providing unlicensed care or child-placing activity, the information is documented as a complaint. When the information is received by phone, Licensing staff informs the unlicensed program ~~they were not given~~ operator permission to operate has not been granted and must cease care must cease. A visit is made to the facility or agency within three ~~program-~~ facility or agency- business days.
6. When there is no response at the unlicensed program facility or agency, a notice is left requesting the program operator contact licensing Licensing within 24 hours. When the unlicensed program operator is uncooperative ~~with licensing staff efforts to verify the necessity of a~~ with verifying license ~~the situation is staffed with~~ necessity, the programs manager supervisor is consulted.
7. Licensing staff offers technical assistance and consultation to assist the caregiver meet licensing Licensing requirements. When children are at imminent risk of harm, licensing Licensing staff refers to OAC 340:110-1-52 for cease care procedures.
8. ~~Form 07LC040E, Request for License Child Placing Agency and Residential Child Care, is complete when:~~
  - ~~(1) necessary items of information are complete on the request for license;~~
  - ~~and~~
  - ~~(2) supporting documentation is provided.~~
9. The monitoring frequency plan of unlicensed programs is 12 until licensing Licensing staff verifies the care of children resident care or unlicensed child-placing activity ceased. ~~Cases are staffed with the~~ The programs manager supervisor is consulted for appropriate follow-up.
109. ~~When a complaint allegation is received regarding unlicensed care and care or child-placing activity was verified, the complaint is ruled substantiated even when unlicensed care or activity ceased. However, a complaint is ruled unsubstantiated when care is exempt from licensure.~~
11. ~~When there are serious allegations indicating children could be at risk, the situation is staffed with the programs manager to determine an appropriate time frame for visiting the child-placing agency. Concerns regarding the safety of licensing staff are discussed with the programs manager to determine when utilization of a witness and/or law enforcement is appropriate.~~
12. ~~When it is determined there is no immediate risk to children, licensing staff sends a letter to the child-placing agency. The letter includes licensure information including requirements, and requests a response within 14-calendar days.~~

~~13. When a response is not received within 14 calendar days, a visit is made to the child-placing agency to determine if child-placing activity is being conducted.~~

~~340:110-1-55. Public inspection of licensing files [REVOKED and RENUMBERED 340:110-1-14]~~

~~Revised 7-1-10~~

~~(a) **Legal basis.** The Oklahoma Department of Human Services (OKDHS) is subject to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, which mandates that public records are open for public inspection unless they are required by law to be kept confidential.~~

~~(b) **Licensing records.** All OKDHS records of facilities required to be licensed under Sections 401 through 410 of Title 10 of the Oklahoma Statutes that are considered public records are open and available for public inspection during reasonable hours. However, information obtained concerning a report of a violation of a licensing requirement is confidential pursuant to Section 406 of Title 10 with the exception of a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits the public to evaluate the facility.~~

~~(c) **Location of case records.** Child care facility licensing records are located in the OKDHS Human Service Center of the licensing staff and are inspected at that location. Licensing records may be inspected by the public in the presence of licensing staff.~~

~~(d) **Preparation of case files for inspection.** The licensing staff carefully reviews the entire record and removes confidential information. ■-1~~

~~(e) **Fees for photocopying.** For photocopy fee information refer to OAC 340:2-21-16.~~

~~(f) **Release of confidential information.** A complete case file that includes confidential information may be provided only to certain persons according to applicable laws and regulations, such as the OKDHS Legal Division and Division of Children and Family Services, law enforcement officials, and upon order of a court of competent jurisdiction. ■-2~~

~~(g) **Computer licensing record.** A summary of the facility licensing record maintained on the computer database may be provided upon request at no charge. A cover letter is sent with the licensing summary that notes the summary does not include the complete case record, and the complete case record may be reviewed in the OKDHS Human Service Center where the facility is located.~~

~~INSTRUCTIONS TO STAFF 340:110-1-55 [REVOKED and RENUMBERED 340:110-1-14]~~

~~Revised 7-1-11~~

~~1. **Oklahoma Child Care Services (OCCS) licensing staff prepares a case to be available for inspection within 24 hours of the request. Information maintained in a confidential manner and not made a part of the public record includes:**~~

~~(1) **names or information regarding children, their parents, or relatives;**~~

~~(2) **documentation of collateral interviews regarding non-compliance or a complaint;**~~

~~(3) **reports from Office of Client Advocacy (OCA), Oklahoma Commission on Children and Youth, or law enforcement officials regarding an abuse investigation. If an investigation was conducted by OCA, a summary of the**~~

~~allegations and findings of an investigation that does not disclose identities but permits the public to evaluate the facility is part of the public record. The name of the OCA worker may be included;~~

~~(4) any criminal history investigation report involving a juvenile;~~

~~(5) a criminal history waiver request if it contains information regarding a juvenile;~~

~~(6) information regarding a child with a disability;~~

~~(7) name and identifying information of a complainant;~~

~~(8) staff reference letters when confidentiality is requested by the person providing the reference;~~

~~(9) Social Security numbers, federal identification numbers, Internal Revenue Service information, and employee identification numbers;~~

~~(10) copies of computer checks of Oklahoma Department of Human Services (OKDHS) records;~~

~~(11) letters to the police regarding drug allegations unless the police investigation is completed or has been declined, and copies of police reports that are part of a current investigation or that the police have requested remain confidential. Police incident reports that are made available to the general public may remain in the public record;~~

~~(12) a draft denial or revocation summary that has not been issued by OKDHS State Office. If the summary has been issued, it may be part of the public record, but the names of children, complainants, and perpetrators in an OCA investigation are purged from the record;~~

~~(13) a letter from a parent or the public about a facility that the writer does not want released; and~~

~~(14) reports from OCA.~~

- ~~2. Release of confidential files. If a licensing file is subpoenaed, licensing staff immediately contacts the statewide licensing coordinator or designee who consults with OKDHS Legal Division.~~

### SUBCHAPTER 3. LICENSING STANDARDS FOR CHILD CARE FACILITIES

#### PART 15. REQUIREMENTS FOR CHILD CARE CENTERS, DAY CAMPS, DROP-IN PROGRAMS, OUT-OF-SCHOOL TIME PROGRAMS, PART-DAY PROGRAMS, AND PROGRAMS FOR SICK CHILDREN

##### **340:110-3-300. Facility**

Revised ~~6-1-22~~11-1-25

(a) **Location.** The facility is located in an area minimizing children's health and safety hazards.

(b) **Other business.** When the program shares the facility with another business, requirements are met, per Oklahoma Administrative Code (OAC) 340:110-3-277(b).

(c) **Construction.** The facility complies with the building and fire codes of the local or state governmental authority having jurisdiction applicable at permit or license issuance. Programs operating 24-hours per day comply with additional codes.

(1) New construction and reconstruction, such as building remodeling or area not previously licensed for child care, complies with current requirements and building and fire codes.

(A) Construction plans for a new building, an addition, or reconstruction of an existing building are submitted to the local or state fire governmental authority having jurisdiction for approval prior to construction.

(B) Construction, reconstruction, or alterations occurring during operating hours is conducted safely.

(C) When existing or new surfaces are painted, the lead paint content is not above 0.06 percent.

(2) Mobile or permanently situated manufactured and mobile homes are prohibited. However, a program licensed in a manufactured home before February 1, 1981, is exempt unless the program has an address change.

(d) **Floors.** Floor surfaces are:

(1) easily cleaned;

(2) sealed when made of absorbent material, such as concrete and wood; and

(3) smooth and non-carpeted within food service areas and restrooms.

(e) **Walls and ceilings.** Wall and ceiling surfaces are:

(1) easily cleaned; and

(2) smooth and washable up to the highest level reached by splash or spray in areas where:

(A) food is prepared;

(B) food-contact items are washed; and

(C) food service personnel wash his or her hands, such as walls behind sinks and counters.

(f) **Electrical.** The electrical system is installed, per the Oklahoma Electrical Licensing Act.

(1) Electrical systems installed and maintained after June 1, 1987, comply with current electrical codes of the local or state governmental authority having jurisdiction.

(2) Temporary wiring, used as permanent wiring is prohibited.

(3) Extension cords, used as permanent wiring are prohibited, unless equipped with built-in circuit breakers or fuses, such as surge protectors with a built-in fuse.

(4) Unused electrical outlets accessible to children 5 years of age and younger are equipped with safety devices, such as outlet covers.

(g) **Lighting.** The lighting:

(1) levels provide comfort and safety, including observing children's facial features; and

(2) fixtures in food preparation and service areas are shielded.

(h) **Heating and cooling.** The systems pose no risk and comply with building and fire codes of the local or state governmental authority having jurisdiction.

(1) The indoor temperature in children's areas is between 65 and 80 degrees Fahrenheit (F).

(2) Electric baseboard heaters may be used when wired directly into the electrical system and no objects have heating element contact.

(3) Prohibited use of heating equipment includes:

(A) portable fuel-burning space heaters;

- (B) open flame heaters, such as gas-fed, wall mounted heaters, wood-burning fireplaces and stoves, fireplace inserts, pellet stoves, and other devices producing open flames;
  - (C) unvented and vent-free fuel-burning heaters; and
  - (D) equipment not specifically designed or installed as a typical heat source, such as cooking equipment.
- (4) The prohibited equipment controls, such as the knobs, are removed or inaccessible during operating hours.
- (5) Portable, electric space heaters, including electric, oil-filled heaters, may be used as supplemental heat provided the equipment:
- (A) has Underwriters Laboratory (UL) approval;
  - (B) has an automatic shut off feature for tipping over and overheating;
  - (C) has an external protective covering protecting hands and objects from the electric heating elements;
  - (D) is used, per the manufacturer's instructions;
  - (E) is not used with an extension cord, including extension cords equipped with built-in circuit breakers or fuses;
  - (F) does not overload the electrical circuits, such as causing flickering lights or continuously shutting the electric power off;
  - (G) placement is:
    - (i) on a flat floor only;
    - (ii) at least three feet from flammable materials, such as paper, curtains, and furniture; and
    - (iii) inaccessible, including the electrical power cord; and
  - (H) is attended while in use, such as personnel present in the room or classroom.
- (6) Guards protect children from hot heater surfaces, including floor furnaces.
- (i) **Ventilation.** Rooms are properly ventilated, such as with a central heat and air system.
- (1) Rooms, including the kitchen have sufficient ventilation keeping rooms free from heat, steam, vapors, smoke, and fumes.
  - (2) Ventilation systems comply with building and fire codes of the local or state governmental authority having jurisdiction.
- (j) **Plumbing.** The plumbing is installed, per the Oklahoma Plumbing Licensing Act.
- (1) Plumbing systems installed and maintained after June 1, 1987, are installed, per the current plumbing codes of the local or state governmental authority having jurisdiction.
  - (2) Cross-connections are prohibited between the safe drinking water supply and non-safe or questionable drinking water supply or pollution source contaminating the safe drinking water.
- (k) **Water supply.** The water supply:
- (1) is adequate, safe, sanitary, and from a:
    - (A) public water supply; or
    - (B) non-public water supply, such as well water, meeting local and Oklahoma Department of Environmental Quality (DEQ) testing requirements. The program obtains at least total coliform bacteria, nitrate, and lead test results every 12 months from a DEQ accredited drinking water laboratory. Documentation is maintained, per OAC 340:110-3-281.2(c); and

(2) has hot and cold running water under pressure in food preparation areas or where food-contact items and surfaces are washed.

(l) **Sewage disposal.** Sewage, including mop water, is disposed in a public sewage system or, in its absence, a manner approved by DEQ.

(m) **Toileting facilities.** The toileting facilities requirements in (1) and (2) of this subsection are met.

(1) For every 15 children 2 years of age and older, the facility has at least one toilet, excluding urinals and potty chairs, easily accessible and in the same building where care is provided.

(2) The toileting facilities:

(A) have operable toilets;

(B) have toilet paper within easy reach of children;

(C) with doors meet the door requirements in (q) of this Section; and

(D) used by 6-year-olds or older provide privacy, such as being equipped with doors or having children take turns while supervision is maintained.

(n) **Hand washing facilities.** The hand washing facilities requirements in (1) through (3) of this subsection are met.

(1) Required sinks are plumbed, per (j) of this Section.

(A) For every 15 children of any age, the facility has at least one sink, excluding food service areas and portable sinks, easily accessible and in the same building where care is provided.

(B) Diaper changing areas have at least one sink, excluding portable sinks in the same classroom or a restroom opening directly into the classroom when the classroom has 2-year-olds or younger in diapers. However, a sink is not required when the:

(i) classroom has 2-year-olds or older with disposable or cloth training pants, provided adequate supervision and sanitation provisions are made; or

(ii) licensed capacity is 15 or less and the facility was originally designed as a family residence provided:

(I) a centrally located restroom sink with a diaper changing area is nearby; and

(II) children in diapers play throughout the house rather than an assigned classroom.

(C) The food service areas have at least one hand washing sink, excluding portable sinks:

(i) with a mixed-valve faucet, in programs licensed after June 1, 1987; and

(ii) that is separate and in addition to food preparation and dishwashing sinks.

(2) Portable sinks do not replace required sinks, per (1) of this subsection. However, portable sinks may be used in addition to required sinks, provided sanitary conditions are maintained, including obtaining water from an appropriate water supply, per (k) of this Section.

(3) Hand washing facilities have:

(A) operable sinks with running water between 80 and 120 degrees Fahrenheit;

(B) soap, paper towels, or mechanical hand dryers, and trash containers within children's easy reach; and

(C) posted procedures, per OAC 340:110-3-281.1(g).



- (o) **Kitchens.** Kitchens are in a separate area discouraging unsupervised children and unauthorized individuals.
- (p) **Basements.** Basements used for children meet the requirements, per OAC 340:110-3-301(b).
- (q) **Exits, doors, windows, and screens.** The requirements in (1) through (7) of this subsection are met.
- (1) Exits and exit routes are not blocked by equipment, furniture, or other objects.
  - (2) Interior and exterior evacuation exit doors:
    - (A) open from the inside without a key; and
    - (B) unlock, unlatch, and open with a single motion.
  - (3) Restroom doors unlock from the outside in an emergency, with an opening device readily accessible to personnel.
  - (4) Closet doors can be opened from the inside by children.
  - (5) Clear glass doors and windows beginning at ground level are plainly marked at children's eye level.
  - (6) Exterior screen or storm doors have a self-closing apparatus.
  - (7) Opened exterior doors and windows have properly fitted screens.
- (r) **Stairways.** Interior and exterior stairways with four or more steps have at least one handrail.
- (s) **Barriers.** Barriers:
- (1) are provided on porches, elevated walkways, and elevated play areas of more than two feet in height; and
  - (2) have openings less than:
    - (A) two and 3/8 inches when accessible to 1-year-olds and younger; and
    - (B) four inches when accessible to 2-year-olds and older.
- (t) **Individual smoke alarms.** Individual smoke alarms are:
- (1) required when the facility is not equipped with a central detection and alarm system for smoke, per (v) of this Section;
  - (2) mounted, per the manufacturer's instructions and fire governmental authority having jurisdiction; and
  - (3) tested and maintained, per OAC 340:110-3-279(f).
- (u) **Individual carbon monoxide alarms.** At least one individual carbon monoxide alarm is:
- (1) required when a fuel burning appliance is in the building and the facility is not equipped with a central detection and alarm system for carbon monoxide, per (v) of this Section;
  - (2) mounted, per the manufacturer's instructions and fire governmental authority having jurisdiction; and
  - (3) tested and maintained, per OAC 340:110-3-279(f).
- (v) **Central detection and alarm system for smoke and carbon monoxide.** The facility may be equipped with hard-wired or wireless detectors connected to a central control panel. When equipped, the system is:
- (1) installed, per the manufacturer's instructions and fire governmental authority having jurisdiction; and
  - (2) tested and maintained, per OAC 340:110-3-279(f).
- (w) **Fire extinguishers.** Fire extinguishers:

- (1) are portable and Class ABC;
  - (2) are the quantity, size, type, and installation required by the fire governmental authority having jurisdiction;
  - (3) have locations posted, per OAC 340:110-3-281.1(i); and
  - (4) are tested and maintained, per OAC 340:110-3-279(f).
- (x) **Phone.** The program provides an operable landline or cellular phone in each building and on each floor.
- (y) **Utilities.** The facility has operable utilities.
- (z) **Maintenance of facility.** The facility is structurally sound, with interior and exterior in good repair, such as:
- (1) floors without broken tile, torn carpet, and holes;
  - (2) walls and ceilings without holes and peeling paper and paint; and
  - (3) windows and doors without broken glass and other hazards.

## PART 16. REQUIREMENTS FOR COMMUNITY HOPE CENTERS

### **340:110-3-400. Community Hope Centers [REVOKED]**

Revised 6-1-22

~~(a) **Program definition.** Community hope centers are programs operating more than 15 hours per week, serving children and youth 5 through 17 years of age. Programs provide access to mental health professionals and resources meeting children's and youths' social and emotional well-being, the science of hope, and connections to additional community resources for families.~~

~~(b) **Request for license.** Programs complete Form 07LC004E, Request for License-Child Care Program.~~

~~(c) **Inspections and approvals.** Programs meet inspection and approvals in (1) through (3) of this subsection.~~

~~(1) The program is inspected and approved by Oklahoma Human Services (OKDHS) Child Care Services (CCS), per Oklahoma Administrative Code (OAC) 340:110-3-400 (a) through (u).~~

~~(2) A fire inspection and approval is required.~~

~~(3) An Oklahoma State Department of Health (OSDH) inspection and approval is required when meals are prepared and served.~~

~~(d) **Personnel qualifications.** Personnel meet qualifications in (1) through (3) of this subsection.~~

~~(1) **Program or site director.** Program or site directors are at least 21 years of age and responsible for the day-to-day program operation. Program or site directors meet one of the educational and experience qualifications in (A) and (B) of this paragraph. Program or site directors:~~

~~(A) have obtained a bachelor's degree from an accredited college or university with at least nine college credit hours in family focus, child or youth development, sociology, social work, or a closely related subject, and six months children's and youth's services experience; or~~

~~(B) in lieu of a bachelor's degree have five years of experience in children's or youth's services; including care of children or youth with complex emotional needs and daily program operations.~~

~~(2) **Personnel meeting staff child and youth ratio.** Personnel possess adequate education, professional development, and experience to perform the position's essential functions. Personnel are at least 18 years of age and have a high school diploma or General Education Development (GED).~~

~~(3) **Personnel in charge.** Program personnel left alone with children or youth must meet personnel qualifications, be at least 21 years of age, and have a good understanding of licensing requirements and program policy.~~

~~(e) **Background investigations.** Background investigation requirements are met.~~

~~(1) **Required individuals.** Background investigations are required, per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. §§ 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), unless an exception, per (3) of this subsection applies for:~~

~~(A) owners, prior to authorization to operate;~~

~~(B) responsible entities, prior to authorization to operate and, when there is a change in responsible entity;~~

~~(C) personnel applicants, prior to hire. However, the program may hire individuals, when:~~

~~(i) the program has submitted a criminal history review request to the Office of Background Investigations (OBI);~~

~~(ii) only awaiting the national criminal history records search, based on fingerprint submission;~~

~~(iii) criminal history review results from OBI are received by the program. However, until complete results are received, the individual does not have unsupervised access to children or youth; and~~

~~(iv) coming from another licensed program owned by the same business entity. Individuals are not required to repeat the background investigation process, unless required, per (2) of this subsection, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity; and~~

~~(D) individuals with unsupervised access to children and youth, prior to having access to children and youth, unless an exception per (3) of the subsection applies;~~

~~(E) adults living in the facility, prior to authorization to operate or moving into the facility of an existing program. This includes children and youth, who become 18 years of age while living in the facility; and~~

~~(F) individuals having access to, or review of, fingerprint results, prior to access to or review of results.~~

~~(2) **Resubmission of criminal history reviews as of November 2, 2017.** Effective November 2, 2017, programs request a criminal history review process, excluding fingerprinting, for required individuals every five years. However, criminal history reviews requested prior to November 2, 2017, are resubmitted by November 1, 2022.~~

~~(3) **Non-required individuals.** Background investigations are not required for:~~

~~(A) specialized service professionals who are not program personnel, parent releases are signed and dated with an indication of understanding unsupervised access prior to children or youth seeing each professional.~~

~~(B) volunteer drivers transporting children or youth on an irregular basis and not filling another position, parent releases are signed and dated with an indication of~~

~~understanding unsupervised access prior to children or youth having access to each volunteer driver;~~

~~(C) contracted drivers not filling another position or having unsupervised access to children or youth; and~~

~~(D) contracted non-personnel not having unsupervised access to children or youth, such as when the program contracts for special activities or facility repair.~~

~~(4) **Restricted Registry.** The program conducts an online search of the Restricted Registry, also known as Joshua's List, when required, per (1) of this subsection.~~

~~(A) **Non-registrants.** Non-registrants are individuals not recorded on the Restricted Registry.~~

~~(B) **Registrants.** Registrants are individuals recorded on the Restricted Registry, who are prohibited from licensure, ownership, employment, unsupervised access to children or youth, or residence in a facility, or program licensed, certified, operated or contracted with by the Department or the Office of Juvenile Affairs, and prohibited individuals, per (8) of this subsection.~~

~~(5) **Criminal history.** The program and required individuals complete the criminal history review process. The program receives the completed criminal history review results from OBI when required, per (1) of this subsection.~~

~~(A) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited, per (8) of this subsection. Criminal history prohibitions include:~~

~~(i) required registration under the:~~

~~(I) Sex Offenders Registration Act, including state and national repositories; or~~

~~(II) Mary Rippy Violent Crime Offenders Registration Act; or~~

~~(ii) pleas of guilty or nolo contendere (no contest), or convictions of felonies involving:~~

~~(I) murder, as defined in Section 1111 of Title 18 of United States Code;~~

~~(II) child or youth neglect or abuse;~~

~~(III) crimes against children and youth, including child and youth pornography;~~

~~(IV) spousal abuse;~~

~~(V) crimes involving rape or sexual assault;~~

~~(VI) kidnapping;~~

~~(VII) arson;~~

~~(VIII) physical assault or battery; or~~

~~(IX) a drug-related offense committed during the preceding five years, unless a criminal history restriction waiver, per (6) of this subsection is granted; or~~

~~(iii) pleas of guilty or nolo contendere (no contest), or convictions of violent misdemeanors committed as adults against a child or youth involving:~~

~~(I) child or youth abuse or child or youth endangerment; or~~

~~(II) sexual assault; or~~

~~(iv) pleas of guilty or nolo contendere (no contest), or convictions of misdemeanors involving child or youth pornography; or~~

~~(v) when an individual:~~

~~(I) refuses to consent to background investigations, per (1) of this subsection; or~~

~~(II) knowingly makes a materially false statement in connection with criminal background investigations.~~

~~(B) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited, per (8) of this subsection, unless a criminal history restriction waiver is granted. Criminal history restrictions include pending charges, pleas of guilty or nolo contendere (no contest), or convictions of criminal activity involving:~~

~~(i) gross irresponsibility or disregard for the safety of others;~~

~~(ii) violence against an individual;~~

~~(iii) sexual misconduct;~~

~~(iv) child and youth abuse or neglect;~~

~~(v) animal cruelty;~~

~~(vi) illegal drug possession, sale, or distribution; or~~

~~(vii) a pattern of criminal activity.~~

~~(6) **Criminal history restriction waivers.** Restriction waivers are described in (A) through (D) of this paragraph.~~

~~(A) Restriction waivers may be requested for individuals having criminal history restrictions. The owner, responsible entity, or director completes requests on an OKDHS-provided form.~~

~~(B) Restriction waivers are not requested or granted for:~~

~~(i) Restricted Registry registrants;~~

~~(ii) individuals with criminal history prohibitions; or~~

~~(iii) individuals whose sentence has not expired for criminal history restrictions.~~

~~(C) Individuals identified in pending or denied restriction waiver requests are prohibited, per (8) of this subsection.~~

~~(D) Granted criminal history restriction waiver notifications are maintained at the facility.~~

~~(7) **References.** The program obtains at least three, non-relative references prior to hiring personnel applicants, with at least two references from the most recent employers, when applicable.~~

~~(8) **Prohibited individuals.** Prohibitions are described in (A) through (F) of this paragraph.~~

~~(A) **Background investigation of required individuals.** The program does not allow a required individual to be the owner or responsible entity, to be employed, to live in the facility, or have:~~

~~(i) access to children and youth, such as being present at the facility during the hours of operation or present with the children or youth in care while off-site, when the individual has:~~

~~(I) criminal history prohibitions;~~

~~(II) criminal history restrictions, unless a criminal history restriction waiver is granted. Individuals identified in a pending or denied restriction waiver request are prohibited; or~~

~~(III) a substantiated heinous and shocking abuse finding; or~~

~~(ii) unsupervised access to children or youth, when the individual is a Restricted Registry registrant.~~

~~(B) **Background investigation of drivers.** In addition to (A) of this paragraph, the program does not allow an individual who is required to obtain a background investigation to transport children or youth when the individual has entered a plea of guilty or nolo contendere (no contest), or been convicted of driving under the influence of alcohol or drugs or another impaired driving offense within the last five years.~~

~~(C) **Background of any individual.** The program does not allow any individual to have access to children and youth, such as being present at the facility during the hours of operation or present with the children and youth in care while off-site, when the program is aware the individual has criminal history prohibitions, per (5) of this subsection. However individuals may drop-off and pick-up children and youth in care.~~

~~(D) **Behavior or health of any individual.** The program does not allow any individual to have access to children and youth or live in the facility when the individual's behavior or health could endanger the health, safety, or well-being of children and youth.~~

~~(E) **Health of food service personnel.** In addition to (A) and (D) of this paragraph, the program does not allow any individual to work in any capacity in any area of food service whose health could endanger the health, safety, or well-being of children and youth, including communicable disease and infestation symptoms, other than head lice.~~

~~(F) **Treating medical personnel statement.** When it is reported or observed an individual has a physical, mental, or emotional condition that may negatively impact the children and youth or impair individual's ability to perform his or her assigned job responsibilities, the program may be required to submit a treating medical personnel statement to Licensing.~~

~~(f) **Personnel forms.** All program personnel, including program and site directors, complete an OKDHS provided personnel form.~~

~~(g) **Responsibilities.** Personnel meet the general responsibility requirements in (1) through (2) of this subsection.~~

~~(1) **Complying with requirements.** Personnel comply with the requirements.~~

~~(2) **Caring for and educating children and youth.** Personnel:~~

~~(A) individualize the care and learning opportunities to meet each child's or youth's needs based upon the child's or youth's age and abilities, including reviewing the information provided by parents while respecting confidentiality;~~

~~(B) recognize and act to correct hazards to physical safety, both indoors and outdoors;~~

~~(C) demonstrate good judgment as evidenced by prudent and responsible behavior that reasonably ensures the health and safety of children and youth;~~

~~(D) demonstrate realistic expectations for behavior based on the age, abilities, and needs of children and youth; and~~

~~(E) work with children and youth without physical, psychological, or emotional punishment, mistreatment, or abuse.~~

~~(h) **Professional development.** Personnel meet professional development requirements in (1) through (5) of this subsection.~~

~~(1) All program personnel, including program and site directors, obtain an OKDHS-approved orientation, online video within one week of employment and prior to having sole responsibility of children or youth.~~

~~(2) At least one personnel is present in each building where children or youth are in care, off-site, or in vehicles during transportation; with current, age-appropriate cardio-pulmonary resuscitation and first aid (CPR/FA). When personnel do not currently have CPR/FA, obtaining at least online CPR/FA training is required.~~

~~(3) All program personnel, including program and site directors, receive Science of Hope training.~~

~~(4) At least one person per site is certified as a Hope Navigator.~~

~~(5) All program personnel, including program and site directors, obtain job-related professional development annually that includes health and safety topics as well as emergency preparedness. Documentation is maintained on-site and includes the topic, training source, length of training, and date received. Topics include:~~

~~(A) prevention and control of infectious disease;~~

~~(B) administration of medication, consistent with standards for parental consent;~~

~~(C) prevention and response to emergencies due to food and allergic reactions;~~

~~(D) appropriate precautions in transporting children, when applicable;~~

~~(E) building and physical premises safety; including identification of, and protection from, hazards, bodies of water, and vehicular traffic;~~

~~(F) emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event, such as violence at the facility, within the meaning of those terms, per Section 602(a)(1) of the Robert T. Stafford Disaster Relief And Emergency Assistance Act, per Section 5195a(a)(1) of Title 42 of the United States Code, that includes procedures for evacuation, relocation, shelter-in-place and lockdown, personnel and volunteer emergency continuity of operations and, accommodation of children and youth with disabilities and chronic medical conditions;~~

~~(G) handling and storage of hazardous materials and appropriate disposal of bio-contaminants;~~

~~(H) age-appropriate CPR/FA; and~~

~~(I) recognition and reporting of child abuse and neglect, per (j) of this Section.~~

~~(i) **Child and youth records.** Programs maintain child and youth information on an OKDHS-provided form.~~

~~(j) **Reporting.** Programs meet reporting requirements in (1) through (3) of this subsection.~~

~~(1) **Licensing.** The owner, responsible entity, or program or site director notifies Licensing by the next OKDHS business day of:~~

~~(A) a known legal action, such as a Victim Protection Order, arrest, or criminal investigation or charge, involving the program, owner, responsible entity, personnel, or an individual living in the facility;~~

~~(B) a known child or youth neglect or abuse investigation involving the owner, responsible entity, personnel, or an individual living in the facility that is pending or has a disposition;~~

~~(C) an unscheduled, temporary or permanent program closure or relocation;~~

~~(D) facility damage affecting the amount of usable square footage or compliance with requirements;~~

~~(E) an incident that exposes children or youth to an imminent risk of harm, such as a child or youth leaving the facility without program knowledge, or being left alone on or off-site or in a vehicle;~~

~~(F) an animal bite to an individual that occurs on-site at any time or off-site when participating in program activities;~~

~~(G) an accident involving transportation, unless there were no injuries and only minor damage to the vehicles;~~

~~(H) a child or youth injury requiring emergency medical attention; and~~

~~(I) a child or youth death or near death, occurring while in care.~~

~~(2) **Child or youth abuse and neglect and human trafficking.**~~

~~(A) Abuse and neglect. Any person who has reason to believe a child or youth has been abused or neglected, per 10A O.S. § 1-1-105, is required to report the matter promptly to the OKDHS Child Abuse and Neglect Hotline at 1-800-522-3511, per 10A O.S. § 1-2-101. Failure to report is a misdemeanor offense and, upon conviction, is punishable by law. Failure to report with prolonged knowledge, six months or more, of ongoing abuse or neglect is a felony offense.~~

~~(B) Human trafficking. Per 21 O.S. § 870, every person having reason to believe that a person or child placing agency is engaging in the crime of trafficking in children or youth, as described in 21 O.S. § 866, reports the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control.~~

~~(3) **Heinous and shocking abuse notification.** OKDHS notifies programs of a substantiated finding of heinous and shocking abuse by a person responsible for a child's health, safety, or welfare, as defined, per 10A O.S. § 1-1-105. Upon receiving the notice, the facility owner or primary caregiver provides notification to parents or legal guardians of children attending the facility using an OKDHS-provided form.~~

~~(A) Notification is:~~

~~(i) immediately attempted but not later than 72 hours of notice receipt from OKDHS; and~~

~~(ii) provided by certified mail.~~

~~(B) The program maintains the list of notified parents and legal guardians for at least 12 months.~~

~~(k) **Staff to child and youth ratio.** Children and youth are adequately supervised at all times whether on or off the facility premises. Ratios and age groups of children and youth are maintained, per (1) and (2) of this subsection.~~

~~(1) Children 5 through 12 years of age have one personnel to 20 children.~~

~~(2) Youth 13 through 17 years of age have one personnel to 25 youth.~~

~~(l) **Facility and premises.** Facility requirements are met, per (1) through (16) of this subsection.~~

~~(1) **Utilities.** Programs have operable utilities, including hot water.~~

~~(2) **Square footage and capacity.** Indoor square footage and areas are maintained, per (A) through (C) of this paragraph.~~

~~(A) **Indoor square footage for licensed capacity.** A minimum of 35 square feet of indoor floor space per child and or youth is required for routine use by children and youth.~~



~~(B) **Areas not counted toward licensed capacity or limited for children's and youth's use.** Some areas may not be suitable for children's and youth's use or only under the conditions listed in (i) through (iii) of this subparagraph.~~

~~(i) Areas not counted toward the licensed capacity are:~~

~~(I) restrooms, kitchens, and hallways;~~

~~(II) storage closets and supply rooms;~~

~~(III) personnel offices, work rooms, and break rooms;~~

~~(IV) areas occupied by furniture not for children's or youth's use; and~~

~~(V) supplemental areas or rooms used exclusively for eating, rest time, gross motor activities, or care of ill children or youth.~~

~~(ii) Basements, areas partially below ground level, and floors above ground level are only counted toward the licensed capacity when approved by the local or state fire governmental authority having jurisdiction. Fire inspection approval is also required before children or youth use the area for any reason, except as part of the emergency plans and procedures, such as during tornados or lock-downs. Fire inspection reports indicate age restrictions. When used by children or youth, basements are finished, dry, and ventilated.~~

~~(iii) Large areas, such as gymnasiums are only counted toward the licensed capacity when divided into rooms for children 5 years of age and older; however, they may be used as a supplemental area for any age.~~

~~(C) **Room capacity.** Rooms are not routinely occupied by more children or youth than can be accommodated by the square footage, per (A) of this paragraph.~~

~~(3) **Hazards.** Hazards mean anything that may inflict injury or cause harm.~~

~~(A) The facility is free of hazards.~~

~~(B) Hazardous items are inaccessible, including those in personal belongings, such as backpacks and purses.~~

~~(C) Personnel recognize and act to correct hazards to physical safety, both indoors and outdoors.~~

~~(4) **Illegal drugs.** The facility and vehicles used to transport children or youth are free of illegal drugs and paraphernalia.~~

~~(5) **Tobacco products.** Tobacco and simulated tobacco products and related items, such as ashtrays and cigarette butts are inaccessible.~~

~~(6) **Matches and lighters.** Matches and lighters are inaccessible.~~

~~(7) **Open flames.** Items with open flames, such as candles are not used during the hours of operation.~~

~~(8) **Weapons and ammunition.** Any weapons and ammunition, such as firearms, cap pistols, bows and arrows, and hunting knives are kept in an inaccessible area. In addition:~~

~~(A) weapons are kept unloaded in locked containers or cabinets;~~

~~(B) ammunition is kept in locked containers or cabinets, separate from weapons;~~

~~(C) keys, combinations, and codes used for locked storage are inaccessible; and~~

~~(D) parents are informed of weapons.~~

~~(9) **Vehicle items.** When transported, children or youth are protected from items in the vehicle that may become a hazard during vehicle operation or in the event of an accident.~~

~~(10) **Miscellaneous.** The requirements in (A) and (B) of this paragraph are met.~~

- ~~(A) Fireworks are inaccessible.~~
  - ~~(B) Compressed gas cylinders are secured to prevent falling over.~~
- ~~(11) **Animals.** Animals on the premises do not pose a health or safety risk to children and youth. Current vaccination records are maintained at the facility.~~
- ~~(12) **Water safety.** Pools and other bodies of water are inaccessible.~~
  - ~~(A) On-site indoor and outdoor swimming pools are enclosed and secured to prevent unsupervised access. Doors and gates leading to the pool are locked.~~
  - ~~(B) Outdoor in-ground pools are fenced and fencing:
    - ~~(i) is sturdy;~~
    - ~~(ii) cannot be easily climbed;~~
    - ~~(iii) is at least four feet high and starts at ground level; and~~
    - ~~(iv) may include a building wall, provided doors are kept locked and any windows are unable to be opened by children or youth.~~~~
  - ~~(C) Outdoor above-ground pools have:
    - ~~(i) a fence that meets the in-ground pool fencing requirements;~~
    - ~~(ii) at least four feet of non-climbable pool sidewalls; or~~
    - ~~(iii) a combination of pool sidewalls and fencing, with the fence attaching to and extending above the pool sidewalls, for a total height of at least four feet.~~~~
  - ~~(D) Outdoor above-ground pools with steps leading to the pool have the steps removed or otherwise protected to prevent unsupervised access.~~
- ~~(13) **Bathrooms.** Bathrooms meet sink and toilet requirements. Programs may request an alternative compliance, when needed. OKDHS approvals are granted on a case-by-case basis. The facility has:
  - ~~(A) one toilet and one sink for every 25 children and youth; and~~
  - ~~(B) separate restrooms for male and female youth 13 through 17 years of age.~~~~
- ~~(14) **Toileting facilities.** The toileting facilities:
  - ~~(A) have operable toilets;~~
  - ~~(B) have toilet paper within easy reach of children and youth;~~
  - ~~(C) with doors, unlock from the outside in an emergency; and~~
  - ~~(D) used by children 6 years of age and older provide privacy, such as being equipped with doors or having children or youth take turns while supervision is maintained.~~~~
- ~~(15) **Hand washing facilities.** The hand washing facilities requirements in (A) and (B) of this paragraph are met.
  - ~~(A) Required sinks are plumbed, per the Oklahoma Plumbing Licensing Act.~~
  - ~~(B) Hand washing facilities have:
    - ~~(i) operable sinks with running water between 80 and 120 degrees Fahrenheit; and~~
    - ~~(ii) soap, paper towels or mechanical hand dryers, and trash containers within easy reach of children and youth.~~~~~~
- ~~(16) **Food storage.** Programs maintain adequate food storage.~~
- ~~(m) **Children and youth health.** Programs meet medication and health requirements, per (1) through (9) of this subsection.~~
  - ~~(1) **Program policy.** The program maintains medication policy that includes procedures for:
    - ~~(A) storing, administering, returning, and disposing of medications;~~~~

- ~~(B) storing, using, returning, and disposing of medical waste, such as syringes, needles, and lancets;~~
- ~~(C) using sun safety methods, such as sunscreen; and~~
- ~~(D) using insect repellent.~~
- ~~(2) **Parent provides.** Prescription and over-the-counter medications are provided by the individual child's or youth's parent.~~
- ~~(3) **Parental permission.** Parental permission is obtained prior to administering the medication. Documentation is maintained at the facility.~~
- ~~(4) **Administration.** Medications are administered, per the requirements in (A) through (F) of this paragraph.~~
  - ~~(A) Medications are only administered:
    - ~~(i) by the designated personnel; and~~
    - ~~(ii) to the child or youth whose full name is on the container label.~~~~
  - ~~(B) Expired medication is not administered.~~
  - ~~(C) Prescription medications are administered according to the container instructions, including only administering when the medication is part of a prescribed therapeutic treatment.~~
  - ~~(D) Over the counter medications are administered according to the:
    - ~~(i) container instructions; or~~
    - ~~(ii) physician instructions.~~~~
  - ~~(E) Oral medications are administered with a measuring device designed to measure medication.~~
  - ~~(F) Each dose administered is immediately documented.~~
- ~~(5) **Inaccessible.** Medications are inaccessible to children and youth.~~
- ~~(6) **Labeling and storing.** Medications are:
  - ~~(A) maintained in the original container;~~
  - ~~(B) labeled with the child's or youth's full name;~~
  - ~~(C) stored according to the container label, including temperature; and~~
  - ~~(D) stored in locations, such as cabinets or drawers, clearly labeled "medication."~~In addition:
  - ~~(i) refrigerated medications are stored in a container clearly labeled "medication"; and~~
  - ~~(ii) life-threatening condition medications, such as epinephrine pens and rescue inhalers, are in close proximity to the child or youth for immediate administration when needed, such as being in the same classroom or supplemental activity area as the child or youth, outdoors when the child or youth is outside, or on field trips.~~~~
- ~~(7) **Return to parents.** Medications are returned to parents:
  - ~~(A) daily;~~
  - ~~(B) when the parental permission period ends as documented;~~
  - ~~(C) when the medication expires; or~~
  - ~~(D) when the child or youth is withdrawn from the program.~~~~
- ~~(8) **Insect repellents and sunscreens.** Insect repellents and sunscreens are not considered medications. The program maintains insect repellent and sun safety policies.~~

- ~~(9) **COVID-19 virus guidelines.** Programs follow the Center for Disease Control (CDC) or Oklahoma State Department of Health COVID-19 virus guidelines for hand washing, group sizes, and use of personal protective equipment (PPE).~~
- ~~(n) **Food and nutrition.** Programs provide two meals and snacks per day and meet Child and Adult Care Food Program (CACFP) guidelines. Nutritional weekend food supplements are provided to children and youth.~~
- ~~(1) **Required meals and snacks.** The program ensures children and youth are served meals and snacks according to program hours of operation and children's and youth's attendance, regardless of the program or parents providing the food.~~
- ~~(A) **Full day care.** Morning meal or snack, mid-day meal, and afternoon snack are served.~~
- ~~(B) **Evening care.** Evening meal and evening snack are served.~~
- ~~(C) **Overnight care.** Evening meal, evening snack, and morning meal are served.~~
- ~~(D) **Children's and youth's attendance.** Children or youth in care over a four-hour period are served a meal.~~
- ~~(2) **Nutritional quality and quantity.** The nutritional requirements in (A) and (B) of this paragraph are met.~~
- ~~(A) **Meals and snacks.** Meals and snacks are required to meet the current CACFP guidelines, per OAC 340 Appendix LL – Meal and Snack Patterns.~~
- ~~(B) **Additional servings.** Additional servings:~~
- ~~(i) are available when the child or youth remains hungry;~~
- ~~(ii) meet the nutritional requirements, per this subsection; and~~
- ~~(iii) are not required to be the same food as the first serving.~~
- ~~(3) **Water.** Safe drinking water is freely available to children and youth at all times. Children and youth are encouraged to drink water throughout the day, especially before, during, and after outdoor activities.~~
- ~~(4) **Program provided meals and snacks.** When the program provides the meals, snacks, or both, the parents may be requested and allowed to provide for:~~
- ~~(A) their own children or youth who:~~
- ~~(i) have special dietary needs, including health or religious restrictions; or~~
- ~~(ii) are participating in a field trip; and~~
- ~~(B) a group of children or youth on special occasions.~~
- ~~(5) **Allergies.** Programs request child and youth food allergy information from parents.~~
- ~~(o) **Discipline and personnel interaction.** Discipline is developmentally appropriate, responsive to the circumstances, constructive, and provides an opportunity to learn and meets requirements in (1) through (3) of this subsection.~~
- ~~(1) **General.** Personnel do not seek or accept parental permission that does not comply with requirements.~~
- ~~(2) **Appropriate discipline.** Personnel use appropriate discipline methods.~~
- ~~(A) **Assessment.** Personnel evaluate the environment, atmosphere, and activities before considering specific child or youth interventions.~~
- ~~(B) **Interaction.** Personnel interact with an attitude of understanding and firmness.~~
- ~~(C) **Fairness and consistency.** Personnel use fair and consistent rules.~~
- ~~(D) **Perspective.** Personnel maintain perspective and recognize every behavior does not require the teaching personnel's attention or intervention.~~

~~(E) **Expressing acceptance and disapproval.** Personnel speak so children and youth understand they and their feelings are acceptable, but their action or behavior may be unacceptable.~~

~~(F) **Self-control.** Personnel encourage children and youth to develop self-control.~~

~~(G) **Relevant.** Personnel choose discipline relevant to the behavior.~~

~~(H) **Redirect.** Personnel provide alternatives when the behavior is unacceptable.~~

~~(I) **Consequences.** Personnel use safe, natural, and logical consequences to help children and youth take responsibility for their actions.~~

~~(J) **Individualize.** Personnel recognize every discipline method is not effective with every child or youth, circumstance, or both.~~

~~(3) **Inappropriate discipline.** Personnel are prohibited from using or threatening to use inappropriate discipline.~~

~~(A) **Physical.** Examples of inappropriate physical discipline include:~~

~~(i) actions that could cause pain, such as shaking, striking, spanking, swatting, thumping, pinching, popping, shoving, spitting, hair pulling, yanking, and slamming;~~

~~(ii) biting a child or youth;~~

~~(iii) putting anything in, or on, a child's or youth's mouth;~~

~~(iv) exposure to extreme temperatures;~~

~~(v) excessive or forced exercise; and~~

~~(vi) restraining a child or youth by any means other than holding, and then for only as long as necessary for the child or youth to regain self-control.~~

~~(B) **Psychological and emotional.** Examples of inappropriate psychological and emotional discipline, include:~~

~~(i) humiliating, rejecting, or neglecting a child or youth;~~

~~(ii) making derogatory or sarcastic remarks about a child's or youth's family, race, gender, religion, or cultural background;~~

~~(iii) yelling at a child or youth out of anger or using harsh or profane language;~~

~~(iv) punishing or threatening a child or youth in association with:~~

~~(I) education, such as writing repetitive sentences and homework;~~

~~(II) withdrawing, denying or forcing food, rest, or toileting; and~~

~~(III) withdrawing or denying outdoor activity or a weather alternate activity;~~

~~or~~

~~(v) isolating a child or youth without supervision;~~

~~(vi) placing a child or youth in a dark area;~~

~~(vii) allowing a child or youth to discipline other children or youth; or~~

~~(viii) punishing an entire group due to the actions of one or a few children or youth.~~

~~(p) **Child and youth programming and equipment.** Program activities are age-appropriate and provide enrichment activities to address social and emotional well-being and the science of hope.~~

~~(1) Program personnel help facilitate children and youth's remote and virtual learning; including assistance with homework and class assignments.~~

~~(2) Activities for children 5 through 12 years of age meet requirements in (A) through (D) of this paragraph. Each child or youth is:~~

~~(A) provided an inclusive environment that:~~

- ~~(i) meets the child's and youth's needs and encourages full participation; and~~
  - ~~(ii) is equipped and prepared for learning, based on each child's or youth's age, needs, and interests;~~
- ~~(B) provided multiple opportunities to engage individually or in small, informal groups for the majority of the day;~~
- ~~(C) allowed to choose an activity, whether teaching personnel-directed or child- or youth-selected; and~~
- ~~(D) encouraged, but not forced, to participate in program activities, with adaptations made to ensure safety and participation.~~
- ~~(3) **Electronic and print media.** Media may be used with children and youth, provided these restriction requirements are met.~~
  - ~~(A) Electronic and print media are chosen with discretion and selectivity and are:
    - ~~(i) non-violent;~~
    - ~~(ii) non-vulgar;~~
    - ~~(iii) non-sexually explicit;~~
    - ~~(iv) culturally sensitive; and~~
    - ~~(v) age-appropriate, according to widely accepted rating systems.~~~~
  - ~~(B) When the Internet is accessible for children's or youth's use, the program ensures children and youth do not have access to inappropriate websites, email, instant messaging, and similar technology.~~
  - ~~(C) Screen time is:
    - ~~(i) viewing electronic media with a screen, such as television (TV), digital video display (DVD), videos, video games, phones, and computers. Screen time includes children and youth watching the screens while others use the media, such as game playing or watching videos;~~
    - ~~(ii) not used during meal and snack times; however, snacks may be provided during occasional special activities; and~~
    - ~~(iii) limited for all other groups whether a teaching personnel-directed or child- or youth-selected activity.~~~~
  - ~~(D) Technology and media do not replace hands on learning activities. Instead technology aligns and is integrated with other core lesson plan experiences and opportunities in the child or youth care program.~~
  - ~~(E) Recommended daily screen time for limited screen time activities outside of virtual learning activities should not exceed:
    - ~~(i) one hour and 45 minutes a day for pre-kindergarten and kindergarten;~~
    - ~~(ii) two hours and 10 minutes a day for 1st and 2nd grades;~~
    - ~~(iii) two hours and 20 minutes a day for 3rd through 5th grades; or~~
    - ~~(iv) four hours a day for 6th grade and above.~~~~
  - ~~(F) Personnel do not use electronic media for personal use in the presence of children or youth, with the exception of an e-reader when used during rest time for reading, provided supervision is maintained.~~
- ~~(4) **Equipment for children 5 through 12 years of age.** Equipment meets developmental needs of children in care. When obtaining and maintaining basic activity equipment, the requirements in this paragraph are met.~~
  - ~~(A) **Type and quantity.** The equipment is:~~

~~(i) of appropriate type and size to meet the physical, cognitive, emotional, and social development needs of the age group, individual children, or youth in care; and~~

~~(ii) provided in type and quantity, per OAC 340 Appendix MM— Equipment, utilizing the equipment chart for children 6 years of age and older. An exception to the book quantity requires only five books for every 20 children.~~

~~(B) **Condition.** The equipment is:~~

~~(i) safely constructed, and lead free;~~

~~(ii) installed, maintained, and used according to the manufacturers' instructions;~~

~~(iii) maintained in a safe condition that prevents hazards, such as splinters, loose parts, protrusions, and sharp edges;~~

~~(iv) complete and in good working condition and repair, without holes and tears; and~~

~~(v) clean and sanitary.~~

~~(5) **Equipment for youth 13 through 17 years of age.** Equipment is adequate for the number of youth in care and provides a variety of appropriate activities.~~

~~(q) **Transportation.** When children or youth in care are transported in a vehicle, whether provided, arranged, or contracted by the program, requirements in (1) through (8) of this subsection are met.~~

~~(1) **General.** Programs meet requirements in (A) through (C) of this paragraph.~~

~~(A) When the program contracts for transportation, including the use of public transportation, the program is responsible for ensuring the contracted entity meets the transportation requirements, including child passenger safety training.~~

~~(B) Children and youth are not transported in vehicles or parts of vehicles not designed for transporting people, such as truck beds, campers, and trailers.~~

~~(C) Drivers and vehicles used to transport children and youth are in compliance with all applicable state laws, including vehicle insurance. Insurance documentation is maintained at the facility.~~

~~(2) **Driver, child passenger safety, and CPR/FA.** Driver and professional development requirements in (A) through (D) of this paragraph are met.~~

~~(A) **Drivers.** The program may employ individuals or use volunteers or other personnel who meet these position specific requirements. Drivers:~~

~~(i) are at least 21 years of age;~~

~~(ii) are not youth in care;~~

~~(iii) have a valid driver or commercial driver license (CDL) in his or her state of residence, appropriate for the type of vehicle driven. License documentation is maintained at the facility;~~

~~(iv) who are contracted personnel or volunteers, may not be required to obtain criminal history reviews, per (e)(3); and~~

~~(v) are prohibited when required, per (e)(8).~~

~~(B) **Position specific responsibilities.** Drivers:~~

~~(i) transport children and youth; and~~

~~(ii) meet the transportation requirements, per this subsection.~~

~~(C) **Position specific professional development.** Drivers, excluding volunteers who transport on an irregular basis and do not fill another position, obtain within three months of transporting children or youth:~~

- (i) ~~child passenger safety training, from the program's trained personnel or an OKDHS-approved child passenger safety course or a trained personnel is in the vehicle with the contracted driver, unless the vehicle used is exempt, per (7)(E) of this subsection. In addition, personnel who assist with child passenger restraints obtain this training from the options indicated, within three months of assisting; and~~
- (ii) ~~vehicle safety training:~~
  - (I) ~~for the safe operation of the type of vehicle driven, when driving a vehicle designed to transport 10 or more passengers; and~~
  - (II) ~~from any training source, excluding owner manuals.~~
- (D) ~~CPR/FA. The CPR/FA certification requirements are met.~~
- (3) ~~Parental permission and attendance documentation.~~ ~~Permission and attendance requirements in (A) and (B) of this paragraph are met.~~
  - (A) ~~Transportation and field trip permission is maintained at the facility.~~
  - (B) ~~Attendance documentation is maintained at the facility.~~
- (4) ~~Ratios and supervision.~~ ~~Ratios and supervision requirements in (A) through (D) of this paragraph are met.~~
  - (A) ~~The driver may count in ratios.~~
  - (B) ~~Children and youth are never left unattended in vehicles.~~
  - (C) ~~Supervision during transportation:~~
    - (i) ~~begins at the pre-arranged pick-up time or when the child or youth is actually picked up, whichever is earlier. When the child or youth is not present or there is a contradiction about who is responsible for picking up the child or youth, the program informs the parent; and~~
    - (ii) ~~ends at the pre-arranged drop-off time or when the child or youth is actually dropped off, whichever is later. The child or youth is only left at the pre-arranged drop-off location or with the individual designated by the parent.~~
  - (D) ~~Children's and youth's entire bodies remain in the vehicle.~~
- (5) ~~Communication.~~ ~~Communication device requirements in (A) and (B) of this paragraph are met.~~
  - (A) ~~An operable phone is in each vehicle when children or youth are transported.~~
  - (B) ~~Drivers do not use any communication device while driving.~~
- (6) ~~Safety and tobacco-free.~~ ~~Safety requirements in (A) through (E) of this paragraph are met.~~
  - (A) ~~Vehicles have a first aid kit.~~
  - (B) ~~Vehicles are free of hazards.~~
  - (C) ~~Safe conduct to, and from the vehicles, and safe off-street loading spaces are provided to protect children and youth from:~~
    - (i) ~~backing vehicles;~~
    - (ii) ~~being between vehicles; and~~
    - (iii) ~~traffic hazards.~~
  - (D) ~~The vehicle door locks are activated when the vehicle is moving.~~
  - (E) ~~Tobacco use is prohibited.~~
- (7) ~~Passenger restraint, seating, and airbags.~~ ~~Passenger restraint, seating, and airbag requirements in (A) through (E) of this paragraph are met.~~



~~(A) Vehicle maximum capacity and seating space, per manufacturers' designations is not exceeded.~~

~~(B) Children and youth sit in seats behind the front seat. However, when all these positions are taken by other children or youth in care, children and youth may sit in the front seat, provided requirements in (i) and (ii) of this subparagraph are met.~~

~~(i) When there is a front seat passenger airbag and children 12 years of age and younger are in the front seat, the airbag is deactivated by a weight-sensitive seat when equipped with such, or a manual switch.~~

~~(ii) When the airbag cannot be deactivated, the front seat is pushed back as far as possible and only a child whose age and weight requires a forward facing car seat with a harness, per manufacturers' instructions may sit in the front seat.~~

~~(C) Child passengers remain properly secured in child passenger restraint system, such as a booster seat or an individual seat belt in compliance with applicable state laws, unless the vehicle is exempt, per (E) of this paragraph. Children or youth do not share a seat belt.~~

~~(i) Booster seats are:~~

~~(I) federally approved;~~

~~(II) installed according to the manufacturers' instructions;~~

~~(III) appropriate to the height, weight, and physical condition of the child, per manufacturers' instructions; and~~

~~(IV) properly maintained, such as not expired or previously involved in a vehicle accident.~~

~~(ii) Seat belts:~~

~~(I) are properly anchored to the vehicle; and~~

~~(II) fit the child appropriately, per child passenger safety training.~~

~~(D) Adult passengers, including the driver, remain properly secured in an individual seat belt unless:~~

~~(i) unable, due to medically documented reasons; or~~

~~(ii) the vehicle is exempt, per (E) of this paragraph.~~

~~(E) The vehicle exemption to passenger restraints is for buses, unless designed for, or equipped with seat belts, or the Lower Anchors and Tethers for Children (LATCH) system. Passengers remain seated in exempt vehicles.~~

~~(8) **Vehicles and vehicle maintenance.** Vehicle maintenance requirements in (A) through (C) of this paragraph are met.~~

~~(A) The vehicle requirements apply to:~~

~~(i) program vehicles at all times; and~~

~~(ii) personal vehicles when transporting children or youth.~~

~~(B) Vehicle maintenance is:~~

~~(i) conducted at least quarterly on:~~

~~(I) program vehicles; and~~

~~(II) personal vehicles used on a regular basis; and~~

~~(ii) documented and maintained at the facility.~~

~~(C) The vehicles:~~

~~(i) are identified with the program or business entity name and phone number that is easily read by the public, unless using contracted transportation;~~

- (ii) ~~are in a safe operating condition;~~
  - (iii) ~~have an operable heater used during cold weather to maintain an interior temperature of at least 65 degrees Fahrenheit;~~
  - (iv) ~~have a ventilation system used during hot weather, such as air conditioning or operable windows; and~~
  - (v) ~~have stationary padded seats, with a back properly anchored to the vehicle.~~
- (r) ~~**Family communication and community resources.** Parents are informed of children's and youth's activities and health, per (1) through (4) of this subsection.~~
- (1) ~~**Immediately.** The program immediately notifies parents of:~~
- (A) ~~a child or youth who does not arrive on his or her own at the facility as scheduled, such as when walking to the facility;~~
  - (B) ~~a child or youth not present at the pick-up location as scheduled;~~
  - (C) ~~a child, youth, or individual at the pick-up location who believes the child or youth is to be transported by the program, when the program is not providing this transportation;~~
  - (D) ~~administration of a life-threatening condition medication only administered as needed;~~
  - (E) ~~an injury that may need a licensed physician's evaluation;~~
  - (F) ~~poison exposure; and~~
  - (G) ~~an animal bite to a child or youth, when the skin is broken or when a licensed physician's evaluation may be needed.~~
- (2) ~~**Promptly.** The program notifies parents promptly of a child or youth who is separated from the group due to an illness or infestation or when exclusion is required, per OAC 340 Appendix JJ – Exclusion Criteria for Children Who Are Ill.~~
- (3) ~~**Upon child and youth pick up.** The program notifies parents upon child or youth pick-up of:~~
- (A) ~~changes in the child's or youth's physical or emotional state;~~
  - (B) ~~known minor injuries;~~
  - (C) ~~illness or infestation symptoms that developed or changed;~~
  - (D) ~~a communicable disease or infestation exposure;~~
  - (E) ~~an animal bite to a child or youth, when the skin is not broken; and~~
  - (F) ~~implemented emergency plans and procedures, except for drills.~~
- (4) ~~**Prior.** Parental permission is required prior to:~~
- (A) ~~medication administration;~~
  - (B) ~~transportation;~~
  - (C) ~~field trips including the date, time, and location; and~~
  - (D) ~~volunteer drivers transporting children or youth, per (e)(3) of this Section.~~
- (s) ~~**Emergency preparedness.** Programs meet (1) through (7) of this subsection.~~
- (1) ~~**Emergency plans and procedures.** Emergency plans and procedures requirements are met.~~
- (A) ~~**General.** The program is required to have emergency plans that are:~~
    - (i) ~~individualized to the program and hours of operation;~~
    - (ii) ~~followed, unless children's or youth's safety is at risk or emergency personnel provide alternative instructions during an emergency; and~~
    - (iii) ~~maintained in a readily available and portable manner for emergencies.~~
  - (B) ~~**Situations.** Emergency plans include procedures for:~~

- ~~(i) serious injuries;~~
- ~~(ii) serious illnesses;~~
- ~~(iii) poison exposure;~~
- ~~(iv) outbreaks of communicable diseases, including pandemics, such as influenza and Covid-19 virus;~~
- ~~(v) weather conditions, including tornados, floods, blizzards, and ice storms;~~
- ~~(vi) fires, including wildfires;~~
- ~~(vii) man-made disasters, including chemical and industrial accidents;~~
- ~~(viii) human threats, including individuals with threatening behaviors, bomb threats, and terrorist attacks;~~
- ~~(ix) lost or abducted children and youth;~~
- ~~(x) utility disruption; and~~
- ~~(xi) other natural or man-made disasters that could create structural damage to the facility or pose health hazards.~~

~~(C) **Children and youth needs.** Emergency plans include procedures for addressing each child's or youth's needs, with additional considerations for children and youth with disabilities or chronic medical conditions.~~

~~(D) **Account for children and youth.** The emergency plans include procedures to account for each child's and youth's location during an emergency.~~

~~(E) **Shelter-in-place.** Emergency plans include shelter-in-place procedures for short and extended stay situations that require children and youth to stay in the building, such as during tornados and other weather emergencies.~~

~~(F) **Lock-down.** Emergency plans include lock-down procedures for situations threatening children's, youth's and personnel's safety. Lock-down procedures include:~~

- ~~(i) notifying personnel;~~
- ~~(ii) keeping children and youth in designated safe locations in the building;~~
- ~~(iii) encouraging children and youth to remain calm and quiet;~~
- ~~(iv) securing building entrances;~~
- ~~(v) preventing unauthorized individuals from entering the building. When the program is in a shared facility, the program entrances are secured; and~~
- ~~(vi) responding when outdoors and on field trips.~~

~~(G) **Evacuation.** Emergency plans include evacuation procedures for situations, such as building fires, requiring children, youth, and personnel to leave the building. Evacuation procedures:~~

- ~~(i) include at least two evacuation routes labeled on the floor plan of the program;~~
- ~~(ii) are posted in each area of the program utilized by children, youth, and personnel; and~~
- ~~(iii) identify pre-determined meeting locations.~~

~~(H) **Relocation.** Emergency plans include relocation procedures for situations requiring children and youth move to an alternate location, such as bomb threats and wildfires. Relocation procedures include:~~

- ~~(i) pre-determined primary and secondary alternate locations, with prior approval from the contact individual at the alternate locations;~~

- (ii) ~~relocating children and youth, including a pre-determined transportation plan; and~~
- (iii) ~~reuniting parents with children and youth.~~
- (I) **Reporting.** ~~Emergency plans include procedures for notifying:~~
  - (i) ~~emergency authorities, including the poison control center, when necessary;~~
  - (ii) ~~parents, including a method and backup method for how and when parents are notified; and~~
  - (iii) ~~Licensing, per (j) of this Section.~~
- (J) **Personnel.** ~~Emergency plans include procedures for ensuring personnel are familiar with the:~~
  - (i) ~~current emergency plans and procedures, including roles and responsibilities in an emergency;~~
  - (ii) ~~location of the emergency plans and procedures;~~
  - (iii) ~~location of the posted emergency information;~~
  - (iv) ~~location of the first aid and emergency supply kits; and~~
  - (v) ~~location and use of the fire extinguishers.~~
- (2) **Phones.** ~~Phone requirements in (A) through (C) of this paragraph are met.~~
  - (A) **On-site.** ~~The program provides an operable phone in each building and on each floor.~~
  - (B) **Off-site.** ~~An operable phone is available at off-site activities.~~
  - (C) **Vehicles.** ~~An operable phone is in each vehicle when children or youth are transported.~~
- (3) **Posted emergency information.** ~~Emergency information is posted, per (A) through (C) of this paragraph.~~
  - (A) **Program information and emergency numbers.** ~~Information and numbers are posted in a prominent location for personnel and all areas utilized for children, youth, and personnel. Items to post include:~~
    - (i) ~~the program name and address, with main cross streets or directions to the facility;~~
    - (ii) ~~911, where available; or local law enforcement, fire department, and ambulance services and~~
    - (iii) ~~poison control, 1-800-222-1222.~~
  - (B) **First aid kit, emergency supply kit, and fire extinguisher locations.** ~~Locations of first aid and emergency supply kits and extinguishers are posted in all areas used by children and youth.~~
  - (C) **Evacuation routes.** ~~Routes are posted, per (1)(G) of this subsection.~~
- (4) **First aid kits.** ~~First aid kits meet requirements in (A) through (E) of this paragraph.~~
  - (A) **Location.** ~~First aid kits are located in each building and in vehicles when transporting children and youth.~~
  - (B) **Accessibility.** ~~First aid kits are accessible to personnel at all times and inaccessible to children and youth.~~
  - (C) **Replacement.** ~~First aid kit supplies are replaced as needed, including expired items.~~
  - (D) **Sanitary.** ~~First aid kit supplies are maintained in a clean and sanitary manner, including sanitizing re-usable supplies.~~
  - (E) **Supplies.** ~~First aid kit supplies are stored together in a portable container.~~

(i) ~~Supplies include, at least:~~

- ~~(I) non-medicated adhesive strips;~~
- ~~(II) sterile gauze pads;~~
- ~~(III) rolled flexible or stretch gauze;~~
- ~~(IV) bandage tape;~~
- ~~(V) disposable non-porous, latex-free gloves;~~
- ~~(VI) blunt-tipped scissors;~~
- ~~(VII) tweezers;~~
- ~~(VIII) a non-glass and non-mercury thermometer. The appropriate thermometer and method are used to take a child's or youth's temperature when there is a concern;~~
- ~~(IX) a current first aid guide; and~~
- ~~(X) a copy of the posted program information and emergency numbers, per (3) of this subsection.~~

(ii) ~~In addition, the first aid kits in vehicles include, at least:~~

- ~~(I) a cold pack;~~
- ~~(II) liquid soap and water or individually packaged moist, disposable towelettes, for cleaning wounds;~~
- ~~(III) hand sanitizer and moist, disposable towelettes, for hand hygiene;~~
- ~~(IV) plastic bags for disposal of items contaminated with blood or other body fluids; and~~
- ~~(V) a pen or pencil and note pad.~~

~~(5) **Emergency supply kit.** Emergency supply kits meet requirements in (A) and (B) of this paragraph.~~

~~(A) **Records.** Records available during an emergency include, at least the:~~

- ~~(i) emergency plans and procedures and alternate location addresses, phone numbers, and contacts;~~
- ~~(ii) emergency contacts; and~~
- ~~(iii) full names of children, youth, and personnel currently in attendance.~~

~~(B) **Supplies.** Emergency supplies gathered at the time of an emergency or maintained in a portable container at all times include, at least:~~

- ~~(i) a first aid kit; and~~
- ~~(ii) children's and youth's prescribed medications, including life-threatening condition medications.~~

~~(6) **Testing and maintaining emergency equipment.** Equipment is tested and maintained, per (A) through (C) of this paragraph.~~

~~(A) **Individual smoke and carbon monoxide alarms.** When the facility is equipped with individual alarms and not a central detection system the alarms are:~~

- ~~(i) operable; and~~
- ~~(ii) tested at least monthly. Documentation is maintained in writing at the facility and includes the testing date.~~

~~(B) **Central detection and alarm system for smoke and carbon monoxide.** When the facility is equipped with a hard-wired or wireless detectors connected to a central control panel, the system is:~~

- ~~(i) fully functional;~~

- ~~(ii) checked at least monthly by viewing the control panel and documentation is maintained in writing at the facility and includes the date checked. This is not required when a company continuously monitors the system for full-function as documented per the contract; and~~
- ~~(iii) inspected and tagged at least every 12 months by a state-licensed authority.~~

~~(C) **Fire extinguishers and automatic sprinkler systems.** Fire extinguishers and automatic sprinkler systems are:~~

- ~~(i) fully functional; and~~
- ~~(ii) inspected and tagged at least every 12 months by a state-licensed authority.~~

~~(7) **Drills and reviews.** Drills and reviews are conducted, per (A) through (E) of this paragraph.~~

~~(A) **General.** Drills and reviews are documented in writing and maintained at the facility, including the dates of the activity and the personnel in charge of conducting the drill. The drills are conducted:~~

- ~~(i) at various times throughout the hours of operation, such as morning, mid-day, afternoon, and evening, so children, youth, and personnel in attendance at various times are involved in each type of drill at least one time every three months;~~
- ~~(ii) by following the pre-determined emergency plans and procedures; and~~
- ~~(iii) per required scheduling.~~

~~(B) **Monthly drills.** Monthly drills include:~~

- ~~(i) fire drills conducted by evacuating and meeting at pre-determined locations; and~~
- ~~(ii) tornado drills conducted by sheltering in pre-determined on-site locations.~~

~~(C) **Annual drills.** Annual drills include:~~

- ~~(i) locking down by sheltering in pre-determined on-site locations;~~
- ~~(ii) relocating according to procedures of preparation to relocate, but do not require physical relocation;~~
- ~~(iii) sheltering in place, requiring children, youth, and personnel stay inside the facility, such as during tornados and other weather emergencies; and~~
- ~~(iv) evacuating and meeting at pre-determined locations.~~

~~(D) **Lock-down and relocation procedures review.** Personnel review the procedures at least once every 12 months.~~

~~(E) **Emergency plans and procedures review.** The director updates as necessary, and reviews emergency plans and procedures:~~

- ~~(i) at least once every 12 months;~~
- ~~(ii) upon enrollment of children and youth with disabilities or chronic medical conditions;~~
- ~~(iii) after a drill when procedure issues are identified; and~~
- ~~(iv) after an emergency, as identified in this subsection.~~

~~(t) **Required postings and policy.** Items in (1) and (3) are posted at the program's main entrance where the parents and public enter and posted in a conspicuous location within clear view.~~

~~(1) **Notice to parents.** OKDHS Publication No. 14-01, Notice to Parents, is posted.~~

~~(2) **Program liability insurance policy.** Program liability insurance is maintained, unless an exception, per Section 404.3 of Title 10 of the Oklahoma Statutes, Oklahoma Child Care Facilities Licensing Act, is posted, per (3) of this subsection.~~

~~(3) **Program liability insurance exception notification.** The OKDHS provided form is posted when program liability insurance is not maintained or program reports being self-insured.~~

~~(u) **Parental notifications.** Compliance file and insurance notification requirements are met, per (1) and (2) of this subsection.~~

~~(1) **Compliance file.** Items are originals or copies and are maintained together, with the most recent on top and all child and youth identifying information removed. The compliance file includes items within the last 120-calendar days, at a minimum, from the date on the document or the investigation completion date on the form, unless requirements specifically state otherwise. The compliance file only contains:~~

~~(A) compliance monitoring from Licensing, Stars, and tribal agencies, such as:~~

~~(i) monitoring visit forms, including most recent visit; and~~

~~(ii) case status information, such as forms and correspondence regarding:~~

~~(I) issuance of permits and licenses;~~

~~(II) non-compliances and Stars violations;~~

~~(III) notices to comply;~~

~~(IV) complaint findings;~~

~~(V) office conferences with Licensing, Stars, and tribal agencies;~~

~~(VI) Stars alternative settlements and reductions; and~~

~~(VII) consent agreements, denials of a request for a license, and revocations of a license;~~

~~(B) child welfare investigative summary, regardless of findings. However, confirmed or substantiated findings are maintained in the file for 12 months;~~

~~(C) granted criminal history restriction waiver notifications. However, notification is maintained in the file for as long as the individual is employed or is living in the facility; and~~

~~(D) other documents indicating placement in the compliance file.~~

~~(2) **Compliance file and insurance parental notifications.** Parents are provided information regarding insurance liability and the compliance file.~~

~~(A) Parents complete OKDHS provided forms every 12 months regarding insurance liability and the compliance file. Forms are maintained at the facility.~~

~~(B) When the child or youth is enrolled, parents are provided copies of OKDHS provided Form 07LC093E, Insurance Exception Notification, and OKDHS Publication No. 14-01, Notice to Parents.~~

## **SUBCHAPTER 5. REQUIREMENTS FOR CHILD-PLACING AGENCIES**

### **PART 5. REQUIREMENTS FOR FOSTER HOME AGENCIES**

#### **340:110-5-61.1. Alternative care arrangements**

Revised ~~12-17-18~~11-1-25

(a) **Informal arrangements.** The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional child care for no more than seven-

consecutive calendar days.

(1) The foster parent:

(A) ensures informal care providers ~~possess the maturity and skills to address~~ are able to meet the needs of the child in foster care;

(B) secures prior authorization for informal care from the foster home agency (agency). Prior authorization may apply ~~to multiple events when the same informal provider is used~~ when using an informal provider for multiple events;

(C) does not ~~utilize~~ use a child in foster care to ~~babysit~~ care for a younger child unless approved by the agency;

(D) provides the informal provider ~~information for contacting the foster parent and other emergency contacts~~ contact information; and

(E) uses reasonable and prudent parent standards when selecting an informal caregiver.

(2) The informal provider who is living:

(A) outside of the foster home must be at least 18 years of age; or

(B) in the foster home must be ~~at least 16 years of age and a foster parent's relative~~ at least 16 years of age.

(3) An informal provider ~~cannot be an individual excluded by Child Welfare Services~~ must provide a safe and constructive environment.

~~(4) An individual providing care for more than seven consecutive days must be approved as alternate care.~~

(b) **Alternate care.** An individual providing care for more than seven consecutive days must be approved as alternate care. Alternate care is used for temporary care only, not for permanent placement. The foster family ~~is~~ and agency are encouraged to develop a relationship with another family as an alternate provider who can provide care for the child in foster care in case of emergencies, vacations, or ~~needed respite care~~ as needed.

(1) The agency must approve the alternate care and ~~have~~ obtain documentation the alternate provider:

~~(1)~~(A) is at least 21 years of age;

~~(2)~~(B) obtained a criminal history records search within the last 12 months conducted by:

(A)(i) the Oklahoma State Bureau of Investigation (OSBI) that includes a search of Oklahoma Department of Corrections files maintained by OSBI, per the Sex Offenders Registration Act for each household member, 18 years of age or older; and

(B)(ii) the authorized agency in the ~~(B)~~(ii) previous state of residence when the person resided in Oklahoma less than ~~one year~~ five years; and

~~(3)~~(C) meets the foster home requirements, per Oklahoma Administrative Code (OAC) 340:110-5-60(e) and (f);

(D) completed an Oklahoma Human Services-provided physical environment safety checklist;

(E) received agency-provided professional development regarding:

(i) confidentiality;

(ii) mandatory child abuse and neglect reporting;

(iii) grievance process; and

(iv) fire and disaster plans; and



~~(4)(F) provides~~ provided one reference; and  
~~(5)(G)~~ complies with discipline and behavior management requirements, per OAC 340:110-5-62.

(2) When arranging care, the foster parent or agency ensures requirements, per (a)(1) of this Section, are met.

(3) Child records are maintained by the alternate care provider for 12 months after providing care. Records at least, include:

(A) the child's name and date of birth;

(B) foster parents' and agency personnel's names, addresses, and phone numbers;

(C) medical information, such as current medications or known allergies; and

(D) medical treatment authorization.

## **PART 9. REQUIREMENTS FOR INDEPENDENT LIVING PROGRAMS**

### **340:110-5-115. Independent living**

Revised 6-4-06~~11-1-25~~

(a) **Independent living program definition.** An independent living program is a program in which youth, who are at least 16 years of age, are placed in living situations supervised by a licensed child-placing agency to prepare the youth to live independently without supervision provides living environments for youth 16 years of age up to 18 years of age, preparing the youth to live independently. Independent living programs are a service provided by a licensed child-placing agency (agency).

(b) **Policy.** The agency maintains a written policy regarding:

(1) placement philosophy;

(2) placement selection criteria;

(3) independent living placement assessment for continued appropriateness;

(4) available programs and services;

(5) description of living environments provided;

(6) grievances and youth rights;

(7) youth supervision;

(8) behavior management;

(9) youth and adult supervision plan when using any shared physical program space; and

(10) crisis response procedure, ensuring youth have 24-hour access to agency personnel.

(c) **Agency responsibilities.** Agency responsibilities include:

(1) evaluating each youth's ability to assume responsibility and achieve independence within a specified time frame;

(2) obtaining written placement approval from the:

(A) parents or legal guardian; or

(B) court, when applicable; and

(3) providing to each youth:

(A) grievance information; and

(B) youth's rights; and

(4) reviewing the service agreement every three months and revising when necessary;

- (5) maintaining physical environment safety;
- (6) developing a monthly budget and reviewing monthly with the youth. After six months, when the youth demonstrates ability to maintain the budget, reviews may occur less frequently;
- (7) providing two monthly face-to-face contacts for youth counseling and support, including at least one monthly contact at the youth's residence; and
- (8) releasing discharged youth prior to the age of 18 to parents or legal guardians, with court notification when appropriate.

(d) **Youth training and life skills assessment.** Prior to youth's placement, appropriate training and a life-skills assessment are required and documented. The assessment identifies potential risk areas associated with independent community life and includes:

- (1) money management and consumer awareness;
- (2) grocery shopping and meal planning;
- (3) personal appearance and hygiene;
- (4) health services;
- (5) housekeeping skills;
- (6) transportation skills and concerns;
- (7) future housing pursuit;
- (8) educational planning, when appropriate;
- (9) vocational training;
- (10) employment attainment skills;
- (11) community involvement and available resources; and
- (12) knowledge of legal rights.
- (13) emergency awareness and preparedness;
- (14) drug and alcohol use;
- (15) matters of a sexual nature; and
- (16) interpersonal skills.

(e) **Service agreement** Prior to youth's placement, a written service agreement is completed.

- (1) A service agreement includes:
  - (A) agency, youth, and other involved parties' respective roles and responsibilities;
  - (B) agency-provided or arranged goals and services, including youth and agency personnel contact;
  - (C) any financial arrangements regarding placement; and
  - (D) youth and agency representative signatures.
- (2) When a youth reaches 18 years of age, agency services may continue through service agreement conclusion.

(f) **Emergency procedures.** Within one week of a youth's placement, the agency documents emergency procedure training was provided. Training includes:

- (1) emergency equipment use, such as fire extinguishers and smoke detectors;
- (2) an evacuation plan;
- (3) police, fire, and other emergency service contacts;
- (4) fire and accident prevention; and
- (5) tornados and natural disaster response.

(g) **Supervision and support.** The staff to youth ratio is based upon youth's supervision needs and location.

(1) The agency ensures agency personnel and youth contact, per the youth's service agreement or plan.

(2) Daily contact occurs with youth.

(3) During routine residence visits, the agency documents:

(A) observations do not indicate concerns regarding youth's health and safety or environmental hazards;

(B) the youth is receiving necessary medical care; and

(C) the current program plan provides appropriate and sufficient services.

(h) **Direct care personnel requirements.** Agency personnel providing direct care for youth in independent living programs:

(1) are at least 21 years of age and have a high school diploma or General Education Development (GED);

(2) receive agency-provided training regarding:

(A) agency policy;

(B) confidentiality;

(C) mandatory child abuse and neglect reporting;

(D) grievance process;

(E) emergency medical procedures;

(F) fire and disaster plans; and

(G) application of reasonable and prudent parent standards; and

(3) obtain and maintain current age-appropriate first aid and cardiopulmonary resuscitation documentation prior to direct care of youth;

(4) obtain and maintain current certification in Oklahoma Human Services approved behavioral intervention techniques prior to direct care of youth; and

(5) comply with discipline and behavior management policy; and

(6) do not use prohibited punishments, such as:

(A) acts of physical nature;

(B) emotional abuse;

(C) exploitation of a sexual nature;

(D) youth disciplining other youth;

(E) denying meals, sleep, or mail; and

(F) placing a youth in a locked room.

(i) **Participation conclusion.** Independent living program participation concludes when youth:

(1) achieve independence where financial support and social services are no longer needed;

(2) voluntarily decide to no longer participate in the program;

(3) demonstrate unwillingness or inability to meet requirements and agreement terms;

or

(4) reach service plan completion.

**340:110-5-117. Program description [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 11-1-20

The child-placing agency (agency) has a written statement describing the agency's:

(1) philosophy on independent living placements;

- (2) independent living placement selection criteria;
- (3) approach used to assess the appropriateness of independent living placement;
- (4) supervision provided to youth in the program;
- (5) available programs and services;
- (6) living environments provided;
- (7) crisis response system, ensuring youth have 24-hour access to agency personnel;
- and
- (8) supervision plan for youth and adults when utilizing any shared physical program space.

**340:110-5-118. Responsibilities of the agency [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

Responsibilities of the child placing agency (agency) are to:

- (1) evaluate each youth's ability to assume responsibility and work towards the goal of independence within a specified time frame;
- (2) obtain written approval from:
  - (A) the parents or custodian regarding the youth's participation in the program; or
  - (B) the court if the youth's placement is court-ordered;
- (3) release the youth who is discharged from the program prior to the age of 18 to the youth's custodian with notification to the court when appropriate;
- (4) review the service agreement every three months and revise and update as necessary;
- (5) develop a monthly budget with the youth and meet monthly with the youth to review the budget. Budget reviews may occur less frequently after the first six months if the youth demonstrates ability to maintain the budget; and
- (6) provide counseling and support to the youth at least twice a month through face-to-face contact, which includes at least one meeting per month at the youth's residence.

**340:110-5-119. Training and life-skills assessment [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

(a) **General.** Prior to placement in an independent living program, appropriate training and a life-skills assessment are required and documented.

(b) **Life-skills assessment.** The assessment identifies potential areas of risk associated with independent life in the community and includes:

- (1) money management and consumer awareness;
- (2) food management;
- (3) personal appearance and hygiene;
- (4) health services;
- (5) housekeeping and personal belongings;
- (6) housing search skills;
- (7) transportation skills and issues;
- (8) educational planning, if appropriate;
- (9) vocational training;
- (10) job seeking skills;

- (11) skills in emergency situations;
- (12) drug and alcohol use;
- (13) sexuality;
- (14) interpersonal skills;
- (15) community involvement and knowledge of resources; and
- (16) legal issues and knowledge of legal rights.

**340:110-5-120. Service agreement [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

~~Prior to placement of the youth in an independent living program, a written service agreement is completed that includes:~~

- ~~(1) respective roles and responsibilities of the child placing agency (agency), the youth, and other involved parties;~~
- ~~(2) goals and all services to be provided or arranged by the agency, including the plan for contact between the youth and agency staff;~~
- ~~(3) any financial arrangements related to the placement; and~~
- ~~(4) signatures of the youth and a representative of the agency.~~

**340:110-5-121. Physical facility [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

~~The child placing agency approves each living unit based upon written policy.~~

**340:110-5-122. Supervision and support [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

~~(a) The ratio of staff to youth is based upon the needs and location of the youth under supervision.~~

~~(b) The agency ensures regular contact between agency personnel and each youth as documented in the youth's service agreement or plan.~~

~~(c) There is daily contact with youth participating in a transitional living program.~~

~~(d) The agency, through routine visits to the living situation, documents that:~~

- ~~(1) there is no reasonable cause for believing that the youth's residence or life style presents any unacceptable risks to the youth's health or safety;~~
- ~~(2) the youth is receiving necessary medical care; and~~
- ~~(3) the current program plan provides appropriate and sufficient services to the youth.~~

**340:110-5-123. Emergency procedures [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

~~The child placing agency documents that training in emergency procedures was provided to each youth within one week of placement in the independent living program.~~

~~Such training includes:~~

- ~~(1) use of emergency equipment, such as fire extinguishers and smoke detectors, and a plan for evacuation from the living situation;~~
- ~~(2) contacting police, fire, and other emergency services;~~
- ~~(3) fire and accident prevention; and~~

(4) response to tornadoes and natural disasters.

**340:110-5-124. Conclusion of participation [REVOKED AND RENUMBERED 340:110-5-115]**

Revised 6-1-06

Participation in the independent living program is concluded when the youth:

- (1) achieves independence to the extent that financial support and social services are no longer needed;
- (2) makes a voluntary decision to no longer participate in the program; or
- (3) demonstrates unwillingness or inability to meet the requirements of the program and terms of the agreement.

**APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL [REVOKED]  
APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL [NEW]**

<b>Level</b>	<b>General Education</b>	<b>Early Childhood Education (ECE) Child Development (CD) School-Age (SA) Knowledge and Skills</b>	<b>Administration (admin) Management (mgt) Knowledge and Skills</b>	<b>Experience</b>	<b>Annual Renewal Clock Hours</b>
<b>Platinum</b>	PhD, EdD <sup>1</sup> MS, MA <sup>2</sup> BS, BA <sup>3</sup>	15 ECE/CD/SA credit hours <sup>4</sup>	9 admin/mgt credit hours <sup>4</sup>	3 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Gold</b>	AA, AS, AAS <sup>7</sup>	12 ECE/CD/SA credit hours <sup>4</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup>	6 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Silver</b>	3 credit hours <sup>4</sup> in English Composition I	Certificate of Mastery <sup>9</sup> -or- 9 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup> -or- Director's Certificate of Completion <sup>11</sup> -or- Pathway Director Training <sup>12</sup>	9 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Copper</b>	BS, BA <sup>3</sup> , or	Not required	Not required	12 months	30 hours

<b>Effective 11/1/16</b>	any advanced degree beyond bachelors level				job related training <sup>6</sup>
<b>Bronze</b>	High School Diploma -or- GED	6 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup> -or- Oklahoma Competency Certificate in ECE <sup>13</sup>	3 admin/mgt credit hours <sup>4</sup> -or- approved admin/mgt credential <sup>14</sup> -or- 40 admin/mgt Clock-hours <sup>15</sup>	12 months <sup>5</sup>	20 hours job related training <sup>6</sup>

### Footnotes

1. Doctoral Degree of Philosophy, Doctoral Degree of Education earned at a regionally-accredited college or university.
2. Master Degree of Science, Master Degree of Art earned at a regionally-accredited college or university.
3. Bachelor Degree of Science, Bachelor Degree of Art earned at a regionally-accredited college or university.
4. Approved college credit hours must be on the Recommended Approved Coursework List ([www.cecpcd.org](http://www.cecpcd.org)) and be earned at a regionally-accredited college or university.
5. Qualifying experience must be as a teacher, master teacher, family child care home primary caregiver, assistant director, or director in a licensed or legally exempt child care setting (30 hours per week).
6. **No more than 6 clock-hours of informal professional development are counted toward annual renewal hours.** Training in the core content areas identified in "Oklahoma Core Competencies for Early Childhood Practitioners": 1) child growth and development; 2) health, safety, and nutrition; 3) child observation and assessment; 4) family and community partnerships; 5) learning environments and curriculum; 6) interactions with children; 7) program planning, development, and evaluation; and/or 8) professionalism and leadership.  
NOTE: Entry Level Child Care Training-(ELCCT) cannot be used to meet level or renewal criteria.
7. Associate in Arts, Associate in Science, Associate in Applied Science earned at a regionally-accredited college or university.
8. Directors' Leadership Academy is available through the Center for Early Childhood Professional Development ([www.cecpcd.org](http://www.cecpcd.org)).
9. The Certificate of Mastery in child development or early childhood education is a minimum 18 credit hour certificate awarded by an Oklahoma community college.
10. Current Child Development Associate (CDA) or Certified Childcare Professional (CCP) credential.

11. Certificate of Completion for directors and assistant directors is issued by the Scholars for Excellence in Child Care ([www.okhighered.org/scholars/](http://www.okhighered.org/scholars/)).
12. Early Care and Education: Directors' Pathway to Program Administration is available through Oklahoma Career Technology Centers ([www.okhighered.org/scholars/career-tech.shtml](http://www.okhighered.org/scholars/career-tech.shtml)).
13. Master Teacher or Director Competency Certificate only awarded by Oklahoma Department of Career Technology.
14. Approved administration/management credential, such as the National Administrator Credential (NAC).
15. Training approved through the Oklahoma Professional Development Registry, with at least 10-clock hours in any three management core knowledge areas: Educational Programming & Family Support; Personnel & Professional Self-Awareness; Staff Management & Human Relations; Leadership & Advocacy; Program Operation & Facilities Management; Legal Management; or Fiscal Management.

NOTE: Completion of Directors' Entry Level Training (DELT) course meets 20-clock hours of this requirement. Informal professional development is not counted toward meeting this requirement.



**APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL [REVOKED]  
APPENDIX EE. OKLAHOMA DIRECTOR'S CREDENTIAL [NEW]**

<b>Level</b>	<b>General Education</b>	<b>Early Childhood Education (ECE) Child Development (CD) School-Age (SA) Knowledge and Skills</b>	<b>Administration (admin) Management (mgt) Knowledge and Skills</b>	<b>Experience</b>	<b>Annual Renewal Clock Hours</b>
<b>Platinum</b>	PhD, EdD <sup>1</sup> MS, MA <sup>2</sup> BS, BA <sup>3</sup>	15 ECE/CD/SA credit hours <sup>4</sup>	9 admin/mgt credit hours <sup>4</sup>	3 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Gold</b>	AA, AS, AAS <sup>7</sup>	12 ECE/CD/SA credit hours <sup>4</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup>	6 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Silver</b>	3 credit hours <sup>4</sup> in English Composition I	Certificate of Mastery <sup>9</sup> -or- 9 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup>	6 admin/mgt credit hours <sup>4</sup> -or- Directors' Leadership Academy I & II <sup>8</sup> -or- Director's Certificate of Completion <sup>11</sup> -or- Pathway Director Training <sup>12</sup>	9 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Copper Effective 11/1/16</b>	BS, BA <sup>3</sup> , or any advanced degree beyond bachelors level	Not required	Not required	12 months <sup>5</sup>	30 hours job related training <sup>6</sup>
<b>Bronze</b>	High School Diploma -or- GED	6 ECE/CD/SA credit hours <sup>4</sup> -or- CDA/CCP <sup>10</sup> -or- Oklahoma Competency Certificate in ECE <sup>13</sup>	3 admin/mgt credit hours <sup>4</sup> -or- approved admin/mgt credential <sup>14</sup> -or- 40 admin/mgt clock-hours <sup>15</sup>	12 months <sup>5</sup>	20 hours job related training <sup>6</sup>

## Footnotes

1. Doctoral Degree of Philosophy, Doctoral Degree of Education.
2. Master Degree of Science, Master Degree of Art.
3. Bachelor Degree of Science, Bachelor Degree of Art.
4. Approved college credit hours must be on the Recommended Approved Coursework List ([www.cecpcd.org](http://www.cecpcd.org)) and articulate to a two- or four-year college or university.
5. Qualifying experience must be as a teacher, master teacher, family child care home primary caregiver, assistant director, or director in a licensed or legally exempt child care setting (30 hours per week).
6. **No more than 6-clock hours of informal professional development are counted toward annual renewal hours.** Training in the core content areas identified in "Oklahoma Core Competencies for Early Childhood Practitioners": 1) child growth and development; 2) health, safety, and nutrition; 3) child observation and assessment; 4) family and community partnerships; 5) learning environments and curriculum; 6) interactions with children; 7) program planning, development, and evaluation; and/or 8) professionalism and leadership.  
NOTE: Entry Level Child Care Training-(ELCCT) cannot be used to meet level or renewal criteria.
7. Associate in Arts, Associate in Science, Associate in Applied Science.
8. Directors' Leadership Academy is available through the Center for Early Childhood Professional Development ([www.cecpcd.org](http://www.cecpcd.org)).
9. The Certificate of Mastery in child development or early childhood education is a minimum 18-credit hour certificate awarded by an Oklahoma community college.
10. Current Child Development Associate (CDA) or Certified Childcare Professional (CCP) credential.
11. Certificate of Completion for directors and assistant directors is issued by the Scholars for Excellence in Child Care ([www.okhighered.org/scholars/](http://www.okhighered.org/scholars/)).
12. Early Care and Education: Director's Pathway to Program Administration is available through Oklahoma Career Technology Centers ([www.okhighered.org/scholars/career-tech.shtml](http://www.okhighered.org/scholars/career-tech.shtml)).
13. Master Teacher or Director Competency Certificate only awarded by Oklahoma Department of Career Technology.
14. Approved administration/management credential, such as the National Administrator Credential (NAC).
15. Training approved through the Oklahoma Professional Development Registry, with at least 10-clock hours in any three management core knowledge areas: Educational Programming & Family Support; Personnel & Professional Self-Awareness; Staff Management & Human Relations; Leadership & Advocacy; Program Operation & Facilities Management; Legal Management; or Fiscal Management.

NOTE: Completion of Director's Entry Level Training (DELT) course meets 20-clock hours of this requirement. Informal professional development is not counted toward meeting this requirement. Family Child Care Home Entry Level Training (FHELT), Director's Entry Level Training (DELT), and Out-of-School Time Entry Level Training (OST-ELT) can only be counted one time toward renewal hours.