

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**SOME CONNECTICUT CHILD DAY CARE
CENTERS DID NOT ALWAYS COMPLY
WITH STATE HEALTH AND SAFETY
LICENSING REQUIREMENTS**

*Inquiries about this report may be addressed to the Office of Public Affairs at
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**Gloria L. Jarmon
Deputy Inspector General**

**April 2014
A-01-13-02506**

Office of Inspector General

<https://oig.hhs.gov>

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EXECUTIVE SUMMARY

Two of the three providers that we reviewed did not always comply with applicable State licensing requirements to ensure the health and safety of children.

WHY WE DID THIS REVIEW

The Administration for Children and Families provides Federal grants through several programs, including Head Start and the Child Care and Development Fund (CCDF). In a recent report summarizing the results of 24 audits of Head Start grantees, we described multiple health and safety issues that put children at risk. To determine whether similar health and safety risks exist at childcare providers that received CCDF funding, we audited three licensed child day care centers (providers) that received CCDF funding in Connecticut. We conducted this review in conjunction with our review of 20 family day care homes (report number A-01-12-02504).

The objective of this review was to determine whether the Department of Social Services' (State agency) onsite monitoring ensured that providers that received CCDF funds complied with State licensing requirements related to the health and safety of children.

BACKGROUND

The CCDF (authorized by the Child Care and Development Block Grant Act and the Social Security Act, section 418) assists low-income families, families receiving temporary public assistance, and families transitioning from public assistance to obtain childcare so that they may work or obtain training or education. Combined funding for the CCDF program for fiscal year 2012, including the block grant's discretionary fund and the CCDF mandatory and matching funds, is approximately \$5.2 billion.

The State agency is the lead agency and sponsor of the "Care 4 Kids" program, which helps low-to moderate-income families in Connecticut pay for childcare. Parents may select a childcare provider that satisfies the applicable State and local requirements, including basic health and safety requirements.

As the lead agency, the State agency must monitor licensed providers. According to the *Child Care and Development Fund Plan for Connecticut*, the State Department of Public Health (State licensing agency) is responsible for childcare licensing and enforcement personnel, who conduct inspections to ensure that providers meet basic health and safety standards. State regulations mandate the State licensing agency to conduct unannounced inspections of providers at least every 2 years.

WHAT WE FOUND

Although the State agency conducted the required inspections at all three of the providers that we reviewed, this onsite monitoring did not ensure that providers that received CCDF funds complied with State licensing requirements related to the health and safety of children. We

determined that two of the three providers that we reviewed did not comply with one or more State licensing requirements to ensure the health and safety of children. Specifically, we found that the two providers did not always comply with State licensing requirements related to the physical conditions of the child day care centers and did not comply with required criminal records and protective services checks.

WHAT WE RECOMMEND

We recommend that the State agency work with the State licensing agency to:

- ensure through more frequent and thorough onsite monitoring that providers comply with health and safety regulations and
- ensure that all providers' employees who provide direct services to children have had criminal records and child abuse and neglect registry checks.

STATE AGENCY COMMENTS

In written comments on our draft report, the State agency concurred with our findings and explained its plans for addressing our recommendations.

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INTRODUCTION

WHY WE DID THIS REVIEW

The Administration for Children and Families (ACF) provides Federal grants through several programs, including Head Start and the Child Care and Development Fund (CCDF). In a recent report summarizing the results of 24 audits of Head Start grantees,¹ we described multiple health and safety issues that put children at risk. To determine whether similar health and safety risks exist at childcare providers that received CCDF funding, we audited three licensed child day care centers² (providers) that received CCDF funding in Connecticut. We conducted this review in conjunction with our review of 20 family day care homes (report number A-01-12-02504).

OBJECTIVE

Our objective was to determine whether the Connecticut Department of Social Services' (State agency) onsite monitoring ensured that providers that received CCDF funds complied with State licensing requirements related to the health and safety of children.

BACKGROUND

Authorized by the Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. 9858 et seq.) and section 418 of the Social Security Act (42 U.S.C. 618), the CCDF assists low-income families, families receiving temporary public assistance, and families transitioning from public assistance to obtain childcare so that they may work or obtain training or education. Combined funding for the CCDF program for fiscal year 2012, including the block grant's discretionary fund and the CCDF mandatory and matching funds, was approximately \$5.2 billion.

The CCDBG Act and implementing Federal regulations require the State to maintain a plan that certifies that the State has requirements in State or local law to protect the health and safety of children, and the plan must certify that procedures are in effect to ensure that childcare providers comply with these requirements (42 U.S.C. 9858c(c)(2)(F) through (G) and 45 CFR 98.15(b)(5)-(6)).

Federal regulations (45 CFR 98.10) require States to designate a lead agency to administer the CCDF program.

Connecticut Childcare Services

The State agency is the lead agency and sponsor of the "Care 4 Kids" program, which helps low- to moderate-income families in Connecticut pay for childcare. Parents may select a childcare

¹ *Review of 24 Head Start Grantees' Compliance With Health and Safety Requirements* (A-01-11-02503, issued December 13, 2011).

² "Child day care center" means a program of supplementary care for more than 12 related or unrelated children outside their own homes on a regular basis (Connecticut General Statutes, §19a-77(a)(1)).

provider that satisfies the applicable State and local requirements, including basic health and safety requirements.

As the lead agency, the State agency must monitor licensed providers. According to the *Child Care and Development Fund Plan for Connecticut FFY 2012–2013*, the State Department of Public Health (State licensing agency) is responsible for childcare licensing and enforcement personnel, who conduct inspections to ensure that providers meet basic health and safety standards. State regulations mandate the State licensing agency to conduct unannounced inspections of providers at least every 2 years (Regulations of Connecticut State Agencies (Conn. Agencies Regs.), section 19a-79-2a(c)(7)).

National Association of Child Care Resource & Referral Agencies

The National Association of Child Care Resource & Referral Agencies³ (NACCRRA) published a 2013 update, *We Can Do Better*, that reviewed and ranked State childcare center regulations and oversight.⁴ NACCRRA stated that effective monitoring policies are important for child safety and provider accountability for compliance with State licensing requirements. NACCRRA added that making inspection reports public is an important form of consumer education because parents cannot make informed selections among childcare settings unless they have access to compliance information. Otherwise, they assume that a State license is a seal of approval. NACCRRA also suggested that given the important role effective monitoring plays in promoting child safety and program compliance with licensing, the number of programs that each licensing inspector monitors needs to be reduced, not increased. NACCRRA recommended that States increase inspections of providers to at least once a year and that States reduce the caseload for licensing inspectors to a ratio of 1:50 (1 inspector for 50 cases).

Administration for Children and Families Proposed Regulations

ACF recently proposed amending current CCDF regulations to improve childcare health, safety, and quality.⁵ The proposed changes include a requirement that State lead agencies perform an initial onsite monitoring visit and at least one annual unannounced onsite visit of providers that have received CCDF subsidies. The proposal also requires providers responsible for the health and safety of children to receive specific and basic training commensurate with their professional responsibilities. In addition, ACF stated that it strongly encourages lead agencies to establish requirements for ongoing training.

³ NACCRRA is now known as Child Care Aware of America.

⁴ NACCRRA works with more than 600 State and local Child Care Resource and Referral agencies nationwide. NACCRRA leads projects that increase the quality and availability of childcare professionals, undertakes research, and advocates childcare policies that positively impact the lives of children and families.

⁵ 78 Fed. Reg. 29441 (May 20, 2013).

HOW WE CONDUCTED THIS REVIEW

Of the 936 providers that received CCDF funding for the month of July 2012, we selected 3 providers for our review. We based this selection on the consideration of certain risk factors, including previous health and safety findings and the number of children being served by the provider.

We conducted fieldwork at three different providers. The selected providers were located in Waterbury, New Britain, and Hartford, Connecticut. We conducted these unannounced site visits from October 17 to October 25, 2012.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains details of our audit scope and methodology, Appendix B contains details on the Federal regulations and State licensing health and safety requirements that pertain to providers, and Appendix C contains photographic examples of noncompliance with physical conditions requirements.

FINDINGS

Although the State agency conducted the required inspections at all three of the providers that we reviewed, this onsite monitoring did not ensure that providers that received CCDF funds complied with State licensing requirements related to the health and safety of children. We determined that two of the three providers that we reviewed did not comply with one or more State licensing requirements to ensure the health and safety of children. Specifically, we found that the two providers did not always comply with one or more requirements related to the physical conditions of the child day care centers and did not comply with required criminal records and protective services checks.

Appendix D displays a table that contains the instances of noncompliance at each provider we reviewed.

PROVIDERS DID NOT ALWAYS COMPLY WITH PHYSICAL CONDITIONS REQUIREMENTS

State Requirements

A prospective provider applies for a child day care center license by completing, signing, and submitting to the State licensing agency an application to obtain a child day care center license (Conn. Agencies Regs., section 19a-79-2a). The application form includes an acknowledgement from the applicant that the applicant has read the State licensing regulations, agrees to abide by them, and will allow full unannounced inspections by the State licensing agency's staff. State

licensing regulations include the following requirements related to the physical conditions of child day care centers:

- first-aid kits must be kept out of the reach of children (Conn. Agencies Regs., section 19a-79-6a(c));
- rugs must be maintained in a state of good repair and secured to the floor (Conn. Agencies Regs., section 19a-79-7a(e)(5));
- potentially hazardous substances must be stored in a separate locked area (Conn. Agencies Regs., section 19a-79-7a(e)(10));
- garbage receptacles must be in good repair (Conn. Agencies Regs., section 19a-79-7a(e)(11));
- the building, equipment, and services must be maintained in a good state of repair and kept free from health and safety hazards (Conn. Agencies Regs., section 19a-79-7a(c)(2));
- fuse boxes must be inaccessible to children (Conn. Agencies Regs., section 19a-79-7a(g)(4));
- the playground must be free from hazards (Conn. Agencies Regs., section 19a-79-7a(h)(3)); and
- protruding bolts must be covered or protected (Conn. Agencies Regs., section 19a-79-7a(h)(4)).

Appendix B contains all relevant State licensing regulations.

Providers Did Not Comply With Physical Conditions Requirements

We determined that two of the three providers we reviewed had one or more instances of noncompliance with requirements to protect children from potentially hazardous conditions. Specifically, we found 34 instances of noncompliance with State licensing requirements related to physical conditions. Examples of noncompliance included:

- first-aid kits found within the reach of children (Appendix C, photograph 1);
- rugs not secured to the floor (Appendix C, photograph 2),
- health and safety hazards posed by shaving cream and hair gel left within the reach of children (Appendix C, photograph 3),
- garbage cans with sharp rusted metal edges (Appendix C, photograph 4),

- health and safety hazards presented by an employee’s pocketbook with unknown contents left within the reach of children (Appendix C, photograph 5),
- rugs not in state of good repair and water-damaged and stained carpets used in classrooms (Appendix C, photograph 6),
- wires and electrical cords accessible to children (Appendix C, photograph 7), and
- a fuse box accessible to children (Appendix C, photograph 7).

In addition, we found that the two providers did not keep playground areas free from hazards. Examples of these hazards included:

- landscape edging and aluminum fencing with sharp edges and not in good repair (Appendix C, photograph 8),
- exposed wiring in a gazebo used by children (Appendix C, photograph 9), and
- a protruding bolt without a protective covering in a playground area (Appendix C, photograph 10).

PROVIDERS DID NOT ALWAYS COMPLY WITH REQUIRED CRIMINAL RECORDS AND CHILD ABUSE REGISTRY CHECKS

State Requirements

In Connecticut, both Federal and State criminal records checks with the use of fingerprints are required for child day care center employees (Conn. Agencies Regs., section 19a-79-4a(b)(1)). In addition, the regulations require that the employee file also include a check of the State child abuse registry (Conn. Agencies Regs., section 19a-79-4a(b)(2)).

Providers Did Not Comply With Required Criminal Records and Child Abuse Registry Checks

We determined that four employees at two providers lacked some or all of the required criminal records and child abuse and neglect checks. Specifically:

- two employees did not have the required Federal- or State-level criminal records checks and a check of the State’s child abuse registry,
- one employee lacked a State-level criminal records check, and
- one employee lacked a check of the State’s child abuse registry.

Appendix D contains the number of instances and categories of noncompliance at each provider.

CAUSES OF NONCOMPLIANCE

On the basis of our discussion with State officials, we determined that noncompliance with State requirements occurred because the inspections are too infrequent and the inspectors are responsible for too many providers, limiting the amount of time spent on each inspection. The State licensing agency is required to make unannounced visits of providers only once every 2 years, and the average ratio of licensing inspectors to programs is 1:332. NACCRRRA recommended that States increase inspections of providers to at least once per year and that States reduce caseloads for licensing inspectors to a ratio of 1:50.

RECOMMENDATIONS

We recommend that the State agency work with the State licensing agency to:

- ensure through more frequent and thorough onsite monitoring that providers comply with health and safety regulations and
- ensure that all providers' employees who provide direct services to children have had criminal records and child abuse and neglect registry checks.

STATE AGENCY COMMENTS

In written comments on our draft report, the State agency concurred with our findings and explained its plans for addressing our recommendations. The State agency's comments are included in their entirety as Appendix E.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

Of the 936 providers that received CCDF funding for the month of July 2012, we selected 3 providers for our review. We based this selection on the consideration of certain risk factors, including previous health and safety findings and the number of children being served by the provider.

We conducted fieldwork at three different providers. The selected providers were located in Waterbury, New Britain, and Hartford, Connecticut. We conducted these unannounced site visits from October 17 to October 25, 2012.

METHODOLOGY

To accomplish our objective, we:

- reviewed applicable Federal laws, State statutes, and regulations for licensing child day care centers and the most recent Connecticut CCDF State plan approved by ACF;
- interviewed the CCDF program manager to determine how Connecticut monitored its child day care center providers;
- obtained a letter from the State agency that explained our audit to give to the providers in our review;
- interviewed the Chief of the Connecticut Department of Public Health's Community Based Regulation Section regarding licensing requirements for providers;
- developed a health and safety checklist as a guide for conducting site visits;
- conducted unannounced site visits (inspections) at the three providers we selected for review;
- interviewed providers to obtain a listing of center employees whose salaries were funded by CCDF (and who had direct access to children) to determine whether all required criminal history records checks were conducted; and
- discussed the results of our review with each of the providers, State licensing officials, and State agency officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX B: FEDERAL REGULATIONS AND STATE LICENSING REGULATIONS

FEDERAL REGULATIONS

One of the goals of CCDF is to assist States in implementing the health, safety, licensing, and registration standards established in State regulations (45 CFR 98.1(a)(5)).

The lead agency must certify that there are in effect within the State (or other area served by the lead agency) under State or local (or tribal) law, requirements designed to protect the health and safety of children that are applicable to childcare providers that provide services for which assistance is made available under the CCDF (45 CFR 98.15(b)(5)).

STATE STATUTES AND REGULATIONS

According to the CCDF Plan for Connecticut, the State licensing agency is responsible for conducting inspections to ensure that providers meet basic health and safety requirements. The State licensing agency is the State agency responsible for licensing of child day care centers.

General Statutes of Connecticut

Section 19a-77(a)(1) – Child Day Care Services

Child day care services must include a “child day care center,” which offers or provides a program of supplementary care to more than 12 related or unrelated children outside their own homes on a regular basis.

Section 19a-79 (formerly section 19-43d) – Regulations and Exemptions

The Commissioner of Public Health must adopt regulations to ensure that child day care centers meet the health, educational, and social needs of children utilizing such child day care centers.

Regulations of Connecticut State Agencies

The following regulations are applicable to this audit report’s identification of instances of noncompliance:

Sections 19a-79-4a(b)(1) and (2) – Criminal Records Check

For each prospective employee, the file must include:

1. a completed State and a completed Federal fingerprint card that must be submitted to the department for a State Police Bureau of Identification and a Federal Bureau of Investigation criminal records check and
2. a completed form approved by the department that must be submitted to the department for a check of the State child abuse registry.

Section 19a-79-6a(c) – First-Aid Kits

The provider must maintain at least one portable, readily available first-aid kit wherever children are in care, including field trips, outdoor play areas, and one to remain at the facility if all the children do not attend the field trip. Each kit shall be a closed container for storing first-aid supplies, accessible to staff at all times but out of the reach of children. First-aid kits must be restocked after use, and an inventory must be conducted at least monthly.

Section 19a-79-7a(c)(2) – General Requirements

The building, equipment, and services must be maintained in a good state of repair. A maintenance program must be established that ensures that the interior, exterior, and grounds of the building are maintained, kept clean and orderly, free from accumulations of refuse, dampness, stagnant water, dilapidated structures, and other health and safety hazards.

Sections 19a-79-7a(e)(5), (10), and (11) – Environmental Requirements

Walls, ceilings, floors, and rugs must be maintained in a state of good repair and be washable or easily cleanable. Rugs, if used, must be secured to the floor.

Potentially hazardous substances in child day care centers and group day care homes must be stored in a separate locked area.

Garbage and rubbish must be kept in containers constructed of durable material approved by the local health director. Receptacles must be in good repair to prevent infestations by rodents, insects, and other pests, and to prevent odors, injuries, and other nuisance conditions. The garbage and rubbish must be moved to an exterior waste storage area at least daily.

Section 19a-79-7a(g)(4) – Equipment

Hardware, such as air conditioners, water heaters, or fuse boxes, must be inaccessible to children.

Sections 19a-79-7a(h)(3) and (4) – Outdoor Play Area

The playground must be free of glass, debris, holes, and other hazards.

Nuts, bolts, and screws must be tight; those that protrude must be covered or protected.

Department Access and Unannounced Inspections

Section 19a-79-2a(c)(7) – Unannounced Inspections

At least every 2 years, the commissioner and the local health director must make unannounced visits, inspections, or investigations of a licensed child day care center, including viewing the records required by sections 19a-79-1a to 19a-79-13, inclusive, of the Regulations of Connecticut State Agencies.

APPENDIX C: PHOTOGRAPHIC EXAMPLES OF NONCOMPLIANCE WITH PHYSICAL CONDITIONS REQUIREMENTS



Photograph 1: First-aid kit (backpack) on top of a low storage shelf next to children's toys.



Photograph 2: A rug in a classroom that was not properly secured to the floor.



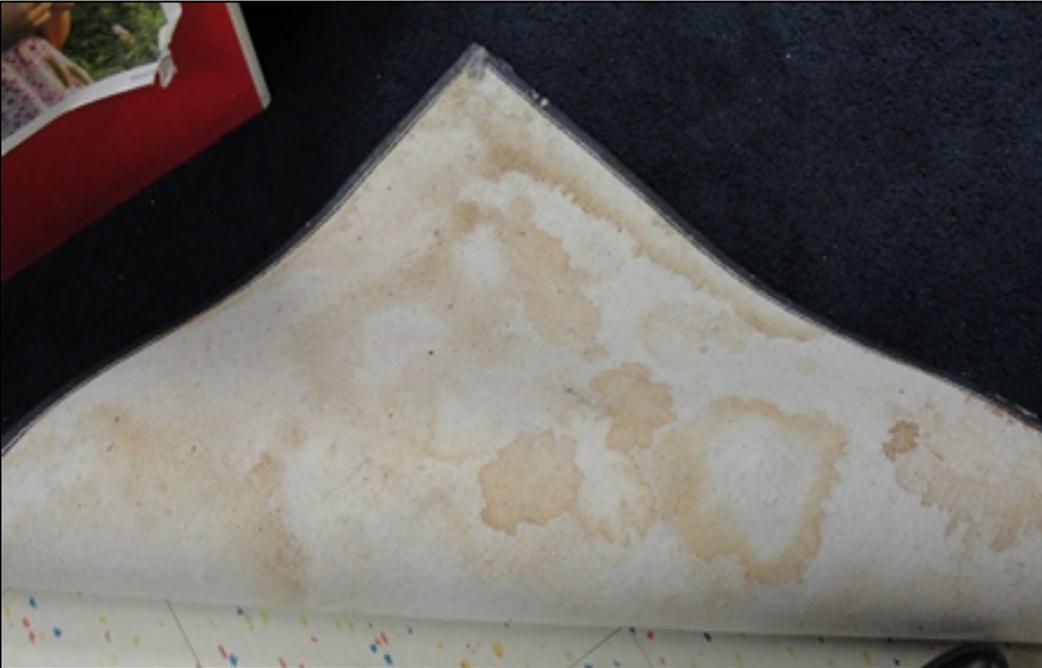
Photograph 3: Potentially hazardous substances (shaving cream) within the reach of children.



Photograph 4: Dented garbage can with sharp edges in a classroom.



Photograph 5: An employee pocketbook within the reach of children.



Photograph 6: Underside of a classroom rug that is stained and has water damage.



Photograph 7: Fuse box located in a classroom and accessible to children.



Photograph 8: Sharp edges on the bottom of a playground fence.



Photograph 9: Exposed wiring in an outdoor play area gazebo.



Photograph 10: Protruding bolt without a protective covering in an outdoor play area.

**APPENDIX D: INSTANCES OF NONCOMPLIANCE AT EACH
CHILD DAY CARE CENTER**

Provider #	Date of Last Inspection Prior to OIG Audit	Potentially Hazardous Conditions	Playground Safety	Criminal Records and Child Abuse Registry Checks	Total
1	9/26/2012	11	5	1	17
2	9/9/2011	18	0	3	21
3	9/19/2012	0	0	0	0
Total		29	5	4	38

Note: We provided to the State agency under separate cover the names of the providers that we audited.

APPENDIX E: STATE AGENCY COMMENTS



RODERICK L. BREMBY
Commissioner

February 24, 2014

STATE OF CONNECTICUT
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Dear Mr. Nedder,

This letter provides the Connecticut response to your January 2014 draft report #A-01-13-02506 entitled: *Connecticut Child Day Care Centers Did Not Always Comply With State Health and Safety Licensing Requirements*.

I wish to thank you and your staff for the thorough review completed on Connecticut's administration of the Child Care and Development Block Grant (CCDBG). I am most appreciative to how you maintained ongoing communication with Peter Palermino, our CCDF Administrator, throughout your review process.

I was very pleased to learn of your positive and complimentary statements regarding our agency financial and reporting controls along with the administration of our child care subsidy program called Care 4 Kids. We have and continue to be very proud of our CCDBG efforts since the block grant was passed in 1990.

As it pertains to the draft report listed above, we have attached our formal response to your two recommendations. We do concur with your findings and have communicated how we plan to move forward.

Recently Governor Dannel Malloy established the Office of Early Childhood (OEC) which began operation on July 1, 2013. The OEC will consolidate several child care programs and services including child-day center licensing, child care subsidy and eventually will include CCDBG administration. We have begun our transition planning and we expect the OEC will assume leadership for Connecticut's response to the issues cited in your draft report. We have briefed Ms. Myra Jones-Taylor, who was appointed as the OEC Executive Director.

We look forward to any further questions you may have.

Sincerely,

Roderick L. Bremby
Commissioner

C: Jewel Mullen, CT Department of Public Health, Commissioner
Myra Jones-Taylor, Office of Early Childhood, Executive Director
Raymond Singleton, Deputy Commissioner
Peter Palermino, CT CCDF Administrator

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**Connecticut Response
to
Office of Inspector General
Draft Report # A-01-13-02506**

OIG Recommendation #1 - Ensure through more frequent onsite monitoring that providers comply with health and safety regulations

CT Response #1 - The State of Connecticut concurs with this finding. Connecticut supports the concept of increased inspections of licensed child day care programs to improve regulatory compliance. Current resources enable the Department of Public Health to meet the statutory mandates of inspecting child day care centers every two years. Increasing the presence of inspectors in programs will improve the health and safety of children in these settings by identifying deficiencies before children are negatively impacted and providing more opportunities for the provision of technical assistance to child care providers to achieve and maintain full compliance. The Governor's proposed budget, announced on February 6, 2014, demonstrates a commitment to early childhood by providing much needed resources to support improvements to Connecticut's child care licensing system, including the addition of licensing staff to support annual inspections.

OIG Recommendation #2 – Ensure that all providers' employees who provide direct services to children have had criminal records and child abuse and neglect registry checks.

CT Response #2 - The State of Connecticut concurs with this finding. Connecticut General Statute 19a-80[c] requires "each prospective employee of a child day center... to submit to a state and national criminal history records and child abuse registry check". The State of Connecticut is carefully reviewing all options to improve the process, including legislation, and improved policies and procedures. Resulting outcomes will need to be considered against available State appropriations. Factors lying outside the Department's control have significantly impacted the agency's ability to identify an immediate solution. Such factors include restricted access to Live Scan machines throughout the state and an integrated and automated process for analyzing and disseminating criminal history check results. The Governor's proposed budget, announced on February 6, 2014, provides much needed resources to support improvements to Connecticut's child care licensing system, including the addition of licensing staff to process background checks.