

**NYS Office of Children and Family Services
Bureau of Early Childhood Services
Policy Statement**

ID Number : 03-1

Topic: Streamlining the licensing process for family based programs when they move to a different site.

Modalities Impacted: Group Family Day Care and Family Day Care Programs

Applicable Regulations: 413.4 416.2, 417.2 416.3, 417.3, 416.4 (a), 417.4(a) 417.7, 416.7 416.15 (a)(3), 417.15 (a)(3)

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Effective:

This policy statement is effective immediately and cancels all previous memos or statements on the topic.
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All family based registrations and licenses are issued to a specific provider operating at a specific address. When the provider moves from the address or location printed on their license/registration to a different site, an application for a new license/registration must be completed and approved before the program may begin operation at the new address.

Day care regulation 18 NYCRR 416.15(a)(3) reads as follows:

A new application for a license must be submitted to the Office when there is a change in the name, address, or operator, when the operator will be providing an additional shift of care, when reinstatement of a withdrawn application is sought, or when a license is sought following the Office's revocation of, or denial of an application to renew, a license; (emphasis added)

Policy

This policy statement is intended to explore the options that the regional offices must use to streamline the application process for those providers **who appropriately notify the Office of their intention to move their day care program to a different address.** The Office anticipates that the streamlining process will also help to maintain the continuity of child care services to families and children and ease the burden on the business operations of the family providers.

Documents That Can Be Transferred To A New Application File

The Bureau of Early Childhood Services (BECS) collects information regarding the provider, the day care curriculum and the day care program site when the provider applies for his or her original license/registration. This information is kept on file and must be transferred to the newer application as long as its content remains the same. The Bureau shall only request submission of documents pertinent to the change in physical location when an existing provider is simply moving to a new address.

Applicant Qualifications

Updated personal references, qualifications, criminal history checks, and medical statements will not be required as part of the application process when a new license/registration is requested solely as a result of an address change. Those documents will be transferred to the new file. However, the Office reserves the right to request these updates when the Office feels such updates are necessary to protect the health, safety and welfare of children in care.

Two additional steps are required of the licensor/registrar in regard to the criminal history portion of the file:

1. A safety assessment change form must be completed by the licensor/registrar and submitted to the criminal history review unit (Linda Fylak) so that all search and retain fingerprinting data pertinent to the provider, his or her employees, and family household members will be updated according to the correct licensing/registration number.
2. In addition, all previous criminal history decisions must be updated in the CCFS database. The Home Office enforcement unit must be notified of the new entry in CCFS whenever restrictions and or limitations were the results of a safety assessment.

A level one State Central Register (SCR) database check is to be completed by the licensor/registrar in the regional office to expedite the screening process. The SCR form will only be forwarded to the SCR for a level two search if the licensor/registrar identifies a match in the database. Results of this updated check of the SCR database must be made part of the provider's new file.

Any Training credit hours that a provider/employee has accrued under the old registration/license must be evaluated for potential transfer to the new licensing/registration cycle. The method to evaluate the transfer of training hours is as follows:

The provider and his or her employees are required to accrue 30 hours of training during a two-year licensing/registration cycle. The licensor/registrar will evaluate the total

number of hours the provider/employee has accrued since the start date of the former license/registration and see if that number exceeds the number of hours a provider/employee would likely accrue if he or she had spread the hours out evenly across the two-year licensing/registration period.

Thirty hours spread evenly over a two-year period equates to one hour and 15 minutes a month (1.25 hour a month) per employee. Using this prorating model, if a provider can verify that he or she has attained in excess of this amount of training in the months that he or she was open under the old license/registration, those excess hours may be credited to the new licensing/registration period.

Transfer of Training Hours Example:

In this example, a family day care provider has been open for one year when they request an application for a new registration because they are moving to a new address. This same provider has already completed thirty hours of training during the first year he or she was originally registered. If all 30 hours are approved, the licensor/registrar will transfer fifteen (15) of those 30 hours to the new registration period. The provider must now complete another 15 hours before the end of the new two-year registration period to meet the 30 hour requirement necessary in any new registration cycle.

Any and all credit hours approved for transfer under the conditions listed above may be used to satisfy the 15 required hours of training in the first six months of initial licensing/registration.

If the provider has already been credited with the mandatory Health and Safety Training, he or she does not need to repeat Health and Safety Training. If the provider has never received the Health and Safety Training, he or she must schedule and complete this training. If the provider chooses to establish competency in the Health and Safety curriculum, a licensor/registrar who is authorized to test across all competencies of health and safety training may evaluate the provider. The licensor/registrar will decide if the provider needs further study or practice in this topic, or if he or she meets the qualifications.

Program Information

Program routine, discipline guidelines, health care plans, guidelines and the child support obligation statement may be transferred to the new application as long as there are no planned changes in any of these categories.

The following is a list of documents that must be resubmitted when the provider changes his or her address:

Site Information And Compliance Agreement

- A completed application must be submitted. That application may be comprised of both transferred documents and documents submitted based on the new site, including the required attestations, on forms furnished by the Office or approved equivalents. The application and attestations must include an agreement by the applicant to operate the family/group family day care home in conformity with applicable laws and regulations
- A certification, on forms provided by the Office, that the dwelling, its property, its premises, and the surrounding neighborhood and environment are free from environmental hazards. Where the historical or current use of the dwelling, its property and its premises, or the surrounding neighborhood indicate that an environmental hazard may be present, inspection or testing must be completed by the appropriate local official or authority to determine if such a hazard exists. Documentation of the inspection or testing must be appended to the statement required by this paragraph and include a statement from the appropriate local official or authority following the inspection and/or testing that the dwelling, its property and its premises, and the surrounding neighborhood meet applicable standards for sanitation and safety. Environmental hazards that require such an inspection or statement include but are not limited to, dry cleaners, gas stations, nuclear laboratories, power plants, property designated as a federal superfund clean-up site, and any property with known contaminated ground or water supplies.
- A statement from the appropriate local official or authority that the dwelling meets standards for sanitation and safety, where the Office notifies the applicant that such a statement is required.
- Where a provider is moving to property using a private water supply, the following also must be submitted:
 1. A report from an individual or state licensed laboratory based on tests performed within the 12 months preceding the date of the application, showing that the water meets standards for drinking water established by the New York State Department of Health; or,
 2. If the water does not meet such standards, a description of how water for all the necessary purposes will be provided by another method acceptable to the Department of Health.

- An inspection report and approval by local authorities within the 12 months preceding the date of application, of any wood stove, coal burning stove, fireplace, or permanently installed gas space heater in use at the home
- A diagram of the proposed family or group family day care home showing: all rooms in the home, including the rooms which will be used for day care and the purposes for which such rooms will be used; the number and location of exits and alternate means of egress; and the outdoor play areas available to the children in care.
- A written plan for the emergency evacuation of children from the premises for each shift of care provided (day, evening, night), using forms furnished by the Office or an approved equivalent form. Primary emphasis must be placed on the immediate evacuation of children. The plan, as approved by the Office, must be posted in a conspicuous place in the home or filed in a place in the home which is available to the parents of the children in care.
- A new registration or license may not be issued until an inspection of the family or group family day care home has been conducted. The inspection should be made a priority whenever possible. Licensors/registrars will ascertain that the following conditions exist at the new site:
 1. Rooms that will be used by the children must be well-lighted and well-ventilated. Heating, ventilating and lighting equipment must be adequate for the protection of the health of the children. When night care is provided, there must be sufficient light in the rooms where children are sleeping to allow supervision
 2. A temperature of at least 68 degrees Fahrenheit must be maintained in all rooms to be occupied by children.
 3. Toxic paints or finishes must not be used on room surfaces, furniture, or any other equipment, materials or furnishings which may be used by children or are within their reach.
 4. Peeling or damaged paint or plaster must be repaired promptly. Concrete floors used by the children must be covered with appropriate material.
 5. The home must have adequate indoor space for the comfort of the children and to accommodate a variety of activities for the number of children in care.
 6. Each home must have access to outdoor space which is adequate for active play.
 7. A bathroom, not more than one floor level away from the program area, must be accessible to children.
 8. All toilets and potty chairs must be located in rooms separate from those used for cooking, playing, sleeping or eating.
 9. An adequate and safe water supply and sewage facilities must be provided and must comply with State and local laws. Hot and cold running water must be available and accessible at all times.

10. All residences used as family and group family day care homes must remain in compliance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
11. Suitable precautions must be taken to eliminate all conditions which may contribute to or create a fire hazard.
12. Suitable precautions must be taken to eliminate all conditions in areas accessible to children which pose a safety hazard.
13. The new site must comply with Alysa's Law and an inspection must be made of any water hazards located at the new property.

Streamlining the procedure should never mean shortchanging the process of program evaluation. Regional Office staff and their supervisors must consider the overall quality, compliance and enforcement record of each program requesting a new license/registration. If that record is satisfactory, our assistance in expediting the new license/registration is yet another way to support day care programs. **If, however, a program with multiple complaints, questionable quality, or enforcement actions is looking for support to reopen at a different site, this may be a time to consider a denial action or other limitation on the provider's permit if sufficient evidence exists to support such action. This is especially true in cases where the provider moved without applying for a new license and has begun to operate illegally. In these situations, consultation with the Home Office enforcement unit and Legal is required.**

APPROVED BY:

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