

**Report to the Governor and Legislature  
on Family Day Care and School Age Child Care Registration:  
April 1, 2006 – March 31, 2009  
(Pursuant to Chapter 750 of the Laws of 1990)**

**New York State Office of Children and Family Services  
Division of Child Care Services  
July, 2010**

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## 1. Executive Summary

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There have been pronounced improvements in child day care in New York State resulting from the passage of *The Quality Child Care and Protection Act* of 2000, which mandated pre-licensure and pre-registration inspections for child day care programs as well as stronger training requirements and criminal history checks for prospective child care providers, and the statewide implementation (in 2001) of the *Child Care Facility System* (CCFS), which is New York State's database of record for regulated child care. Many of those changes owe their existence, ultimately, to Chapter 750 of the Laws of 1990 which helped to enable all of the improvements in monitoring, accountability and child health and safety protection that were to come, by mandating a consistent system of registration for family day care (FDC) and school age child care (SACC) programs. Chapter 750 of the Laws of 1990 also required annual reporting on key indicators of the new system's implementation – including registrant numbers, complaint handling and administrative activities such as inspections – the focus of this report, compiled from CCFS data.

For the three years ending March 31, 2009, those indicators showed the following:

### Registered Providers

- Over the entire period, registered FDC provider counts<sup>1</sup> *decreased* in New York City (10%), the balance of the state (12%) and statewide (11%) – continuing 2003 – 2006 trends,<sup>2</sup> but at slower rates roughly uniform across the state.
- In contrast, SACC provider counts *increased* statewide (3%) – also continuing prior-years' trends, but more slowly and uniformly across regions (4% for New York City versus 3% elsewhere), as compared to the preceding three years.
- Compared with the prior report period, the slowing of change during this period appears to reflect the emergence, over time, of a consistently-sized, relatively stable (and presumably more viable) population of providers.

### Complaint Handling

- Complaint counts declined moderately (9% – 29%) in all regions except the Long Island and Syracuse regions (16%, 12% gains, respectively), suggesting a stabilization of complaint activity compared with the prior report period.
- Complaint counts in and outside of New York City appeared disproportionate in view of the statewide distribution of providers. By 2008 – 2009 (the final year of the period), the ratio of complaints filed outside the City, to those filed within the City, reached 5:1; standardized complaint *rates* outside the City were about four times greater than those in the City, for two of the three years.
- Complaint categorizations across the state showed limited, yet clear, differences between New York City and the balance of the state: 1) New York City designated over 90% of each year's complaints as "imminent danger" while the balance of the state designated 2%

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<sup>1</sup> Counts here are based on providers registered *at any point during the respective intervals* (see report body).

<sup>2</sup> For convenience, this report occasionally references findings from the prior report in this series (see n.18) as "2003 – 2006" or "prior-years" trends.

in that category annually, and increasing proportions (from 68% – 86%) as "serious"; 2) statewide, roughly similar proportions of complaint investigations (increasing over time) confirmed one or more additional regulatory violations beyond those originally reported for the complaints.

- New York City consistently initiated complaint investigations in timely fashion (from 95% – 99% per year), compared with performance almost as timely in the balance of the state (89% – 91% per year). Areas outside the City concluded investigations according to required timeframes as often as they initiated investigations on time (89% – 90% per year), while New York City reported performance almost as timely in concluding investigations as for initiating investigations (89% – 93% per year).<sup>3</sup>
- There were regional differences in dispositions of investigations, but only in relation to complaints rated as "serious." For these, substantiation rates in New York City were 10 or more percentage points lower than elsewhere during each year of the period, but reflected far smaller New York City sample sizes offering less confidence about the conclusion.

### Application Processing

- Statewide, application counts increased moderately during the reporting period, perhaps contributing to the slowing declines in registered providers already noted. (New York City and the balance of the state showed increases of 33% and 17%, respectively, during the period). Driving much of the increase were the gains already noted for New York City (33%)<sup>4</sup> as well as increases for three other regions – Rochester (38%), Albany (27%) and Syracuse (19%).
- Similar, though not identical patterns of increase occurred during each year of this report period for FDC applications (16%) and SACC applications (82%), statewide. (Cf. Figure 4.3.)
- Statewide, the proportion of applications processed in timely fashion rose modestly each year of the reporting period, for a cumulative gain of 8 percentage points this period. (This compares with a 19 percentage point gain for the 2003 – 2006 reporting period.) Virtually all of this period's net gain in timeliness was attributable to larger gains in New York City (21 percentage points); statewide, each modality shared in the timeliness gains, with timeliness also reported consistently high across different regions of the state.
- By the final year of the reporting period, the 20% gap in timeliness between applications processed in New York City and in the balance of the state that had been reported for 2005–6 (72% vs. 92%) had been closed.

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<sup>3</sup> See the section, *Background* (under Complaints) for details on complaint timeliness calculations for this review.

<sup>4</sup> Each percentage cited refers to the increase between the first and last years of the reporting period (as in Figure 4.2).

### "50% Inspections"

Section 390(4)(a) of Social Services Law requires annual inspections of at least 50% of all registered providers of each modality per county, in order to maintain compliance with regulatory and statutory quality-of-care requirements.

- Both New York City and the balance of the state completed far more of these "50% inspections" than required, each year of the reporting period. New York City's goal for such inspections was met and exceeded by two or three times over for each year of the period, while that for the balance of the state was exceeded by 40 – 90 % each year.
- Mirroring patterns seen in the prior review, the proportion of 50% inspections identifying violations of applicable statutes and regulations continued to fall, modestly, throughout this reporting period. Over the six years of this and the prior review periods, a substantial but consistently declining proportion of 50% inspections (ranging from 49% – 70%) identified violations – both statewide and for each modality of care except SACC in New York City – suggesting that the additional oversight provided through the inspections has paid off by helping to support broader compliance with New York's quality-of-care requirements.

# 1. Introduction and Background

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## **a) Purpose and Focus of the Study**

Chapter 750 of the Laws of 1990 (SSL 390) established a system of mandatory registration for family day care (FDC) and school age child care (SACC) programs in New York State. It replaced a patchwork system marked by varying rules and authorities for registration with a single consistent system that was more capable of exerting strong emphases on training, support services and the protection of children's health and safety.<sup>5</sup> The legislation included the following reporting requirements:

"The commissioner of social services shall prepare an annual report to the Governor and legislature on the implementation of this act. Such report shall include information on

1. the number and types of child care providers registered and licensed,
2. the number and types of orientation sessions offered,
3. the number and types of complaints received and a summary of the department's responses to and resolution of the same, and
4. the number of registrants and applicants for licensing awaiting inspection or other administrative action.<sup>6</sup>"

This report is a continuation of the series of registration reports previously submitted to comply with the above statutory requirement for the years through March 31, 2006. Throughout, the focus of reporting is on FDC and SACC providers – those to whom the legislation's registration mandate applied – rather than other types of providers already subject to more regulation prior to 1990.<sup>7</sup> For readers' convenience, the present study presents information on the *three years from April 1, 2006 through March 31, 2009*, but with each year broken out separately in the analysis, consistent with the Law's annual reporting requirement.

Beginning with the prior report covering the three-year period ending March 31, 2006, all subsequent reports in the series depart from the original reporting charge as described above, due to legislative changes made after 1990. Effective early in 2001, the *Quality Child Care and Protection Act* lifted the 1990 legislation's requirement of mandatory orientation sessions by the New York State Office of Children and Family Services (OCFS) or contracted entities as a condition for new registrations of FDC and SACC programs in favor of mandatory pre-registration inspection as well as health and safety training for such registrants.<sup>8</sup> Because orientation is no longer a prerequisite for registration, that topic cannot remain a focus for

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<sup>5</sup> Under the prior system, e.g., SACC programs operating relatively few hours were exempt from registration, while FDC programs were regulated through a confusing joint state–county system.

<sup>6</sup> *McKinney's 1990 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1531. Numbering added.

<sup>7</sup> See *Background ...*, below, for an overview of different modalities of care and the corresponding regulatory framework.

<sup>8</sup> Chapter 416 (S. 7837-A), amending Section 390 of SSL, approved 9/6/2000, in *McKinney's 2000 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1028. The requirement of pre-registration health and safety training applied to FDC, but not to SACC, registrants.

reporting. Instead, readers will find substituted, beginning with the prior report, detailed information on the analogous, equally critical process of handling registration applications.

Following the Introduction, then, this Review includes three major sections, corresponding to the legislative requirements above:

- a) Registered Providers – the number and types of child care providers registered and licensed;
- b) Complaints – the number and types of complaints received and a summary of the department's responses to and resolution of the same; and
- c) Administrative Actions – the number of registrants and applicants for licensing awaiting inspection or other administrative action.

## **b) Background on Child Care and Registration**

In New York State, persons caring for fewer than three children within home settings are considered “license-exempt” and are not subject to regulation. When persons provide care for more than three children for more than three hours a day in a home setting, that care *is* regulated by the state and is categorized as either “family day care” (FDC; up to eight children, depending on the ages of the children) or “group family day care” (GFDC; up to 14 children, depending on the ages of the children).<sup>9</sup> Programs in which children receive care outside of a home setting include “day care centers” (DCC; seven or more children) and “school age child care” (SACC; six or more school-age children receiving care during non-school hours, holidays or school vacations). Both DCC and GFDC programs are regulated by the state through a process known as *licensing*, while FDC and SACC programs are regulated through the analogous process of *registration*, the focus of this study.

Whether through licensing or registration, regulation of child care providers in New York State entails an array of detailed activities including application processing, background checks, safety and facility inspections, documentation of mandated and other training, ongoing monitoring and supervision – all aimed at protecting the health and safety of children in care by requiring that providers comply with minimum standards for care established in regulation (e.g., safety, sanitation, nutrition, prevention of child maltreatment). For FDC and SACC programs, these “registration services” have been provided under one of several arrangements, depending on local department of social services (LDSS) preferences. As of 2006, **New York State** – through OCFS' seven regional child care offices<sup>10</sup> – provided registration services directly in 20 counties.<sup>11</sup> The same year, OCFS contracted with LDSS's that chose to subcontract with **not for**

<sup>9</sup> Well after the present report period (in June, 2010), Chapter 117 of the Laws of 2010 revised New York law to enable larger capacity limits for FDC and GFDC programs under limited circumstances when OCFS assesses individual programs to insure that they are able to accommodate the specific number of children in care. After inspection and approval, FDC programs previously limited to caring for no more than two children under the age of two were permitted to care for more than two such children if at least one caregiver was available for each two children under that age who were in care. GFDC programs, similarly, were permitted to serve up to 16 total children, including up to four school-age children, after requesting such a change and being approved (following an inspection).

<sup>10</sup> Figure 1, below (repeated in Appendix A.1) maps the seven regions of the Division of Child Care Services (DCCS) whose offices oversee the regulation of child care providers in New York.

<sup>11</sup> See Figure 2, pg. 7 (green cross-hatch).

**profit agencies, primarily Child Care Resource and Referral (CCR&R) agencies,** to provide these services in 31 other counties.<sup>12</sup> OCFS contracted with **LDSS's that chose to provide registration services directly** in another 6 counties,<sup>13</sup> and OCFS contracted with the **New York City Department of Health & Mental Hygiene (NYCDOHMH)** to provide the services in New York City.<sup>14</sup> By 2009, three additional counties previously serviced by LDSS's were provided registration services either by CCR&R's or directly by New York State,<sup>15</sup> continuing the trends toward LDSS disengagement and state expansion in this respect, seen in the prior report. *Figure 1 maps and defines the seven DCCS regions, while Figure 2 documents the declining LDSS role (dark blue) and growing state and CCR&R roles (green, light blue, respectively) in providing registration services during the entire six years spanning the current and prior report periods.*

One possible consequence of these variations in who provides registration services could be differences (e.g., number of workers and/or skill-levels) among the workforces performing registration services in different geographic areas. For example, if disparities in wages, credentials, technology, or resources exist among New York State, CCR&R, LDSS or other employees charged with this work, performance of registration activities and the resulting statistics summarizing that performance could be affected, making comparisons that ignore such factors ill-advised. In order to mitigate this issue and provide the most equitable comparisons, this review, like the prior report, emphasizes comparisons among larger areas (e.g., New York City versus the balance of the state), rather than county-level contrasts that easily could involve (for example) exclusively New York State, versus exclusively CCR&R, staff.<sup>16</sup>

Other consequences of these different registration service arrangements flow from DCCS' implementation of performance-based contracting for this work late in the prior three-year report period. Effective January 1, 2005 and continuing into 2006 and beyond, all contracts for the provision of registration services by non-State entities such as CCR&R's, NYCDOHMH or LDSS's were converted into performance-based arrangements in an effort to maximize accountability and oversight by conditioning payments for services on localities' attainment of a variety of accepted standards in completing the work. Integral to this change, all contractors were required to use a common reporting system of record, described below, and DCCS developed a series of automated "performance standards," keyed to that reporting system, to enable rigorous, routine monitoring (on an as-needed, usually quarterly, basis) of all key registration activities by those performing the services.

The transition to performance-based contracting probably had both *direct* and *indirect* effects on registration statistics, potentially contributing to differences in performance between those

<sup>12</sup> *Ibid.*, (light blue hatch).

<sup>13</sup> *Ibid.*, (dark blue hatch).

<sup>14</sup> *Ibid.*, (orange cross-hatch).

<sup>15</sup> Two counties (Monroe and Rockland) moved to provision by CCR&R's and one (Broome) to state-provision.

<sup>16</sup> Where informative for policy purposes, DCCS Regional results - *typically referred to by abbreviation, as detailed in Figure 1 and Appendix A.1* - are also offered, but illustrate the difficulty. For 2006, e.g., the percent of each DCCS Region's counties which involved New York State-provided registration services ranged from 0% (Spring Valley Region) to 50% (Long Island and Syracuse Regions); for CCR&R-provided services, the corresponding proportions ranged from 43% (Syracuse Region) to 86% (Spring Valley Region). As a result, the role of potential staffing differences always warrants consideration when weighing certain comparisons.

counties with and those without performance-based contracts (e.g., counties with NYCDOHMH, LDSS or CCR&R-provided services and those with New York State-provided services, respectively). Almost certainly, this shift in administration produced direct salutary effects on the performance of key registration activities in those locales affected, by improving oversight. But performance-based contracting probably also influenced registration activities indirectly, such as by contributing to gains in staff skills and/or counts, and thereby leading to better caseload management and presumably better performance by those registration workers affected. Whether it was a result of the shift to performance-based contracting or not, it remains a fact that, as of 2001 (just after passage of the *Quality Child Care and Protection Act*), 327 workers were employed statewide providing registration services, both in State and contracted agencies, compared with 471 such workers in 2005 – a 44% increase. It seems reasonable to conclude, however, that these contracting changes during the prior report period contributed to other changes, and to expectations of progress on the key performance indicators for registration activities now required for FDC and SACC providers under the law.

### **c) Methodology and Data Sources**

This report places primary emphasis on quantitative data from the database of record for child care services in New York State – the *Child Care Facility System (CCFS)* – in order to provide clear, replicable measurements addressing the specific reporting requirements at issue (above), for each year of the current report period. As a result, this report affords clear comparisons of progress with the prior report period (April 1, 2003 – March 31, 2006).

For each topic reviewed, this involved either creating new reports keyed to CCFS data or modifying DCCS' existing performance standards, when feasible, to produce measures analogous to the originals, but customized and sometimes enhanced to fit the descriptive task at hand. For example, the analysis of "response to complaints" in this report closely resembles – with some distinctions – the methodology used to assess the timeliness of complaint investigations in DCCS' corresponding "performance standard," but also includes: a) all counties throughout the state and; b) only FDC and SACC programs and c) enhanced detail to facilitate regional comparisons, viz., standardized rates of complaints received<sup>17</sup>. For readers' reference, each chapter below overviews any computational details pertinent to understanding the respective chapter findings, while Appendix A.3 provides narrative descriptions of all such rules and calculations employed for measures featured throughout the report.

Although first operational in 2000 in New York City, CCFS only went statewide as New York's child care database of record in April 2001. As late as 2005 – the middle of the prior reporting period – reporting in CCFS remained incomplete, especially for certain topics and time-frames. However, performance-based contracts began to require the use of CCFS as the data system of

<sup>17</sup> Two standardized "complaint rate" measures are provided in this report: a "one-year" rate relating the number of complaints in a year to the number of providers *ever registered* during that year, and a "three-year" rate relating complaints received during a three-year period to providers ever registered during that period, with each measure expressed as the number of complaints "per 100" such providers. Aside from such refinements, the three major differences between measures presented here and DCCS' existing ones are: a) the inclusion of all counties (rather than just those with performance contracts, as in the original measures); b) the restriction to just FDC and SACC settings; and c) the focus on annual report periods here. Readers should note that this makes results here look decidedly different from performance measures typically published by DCCS.

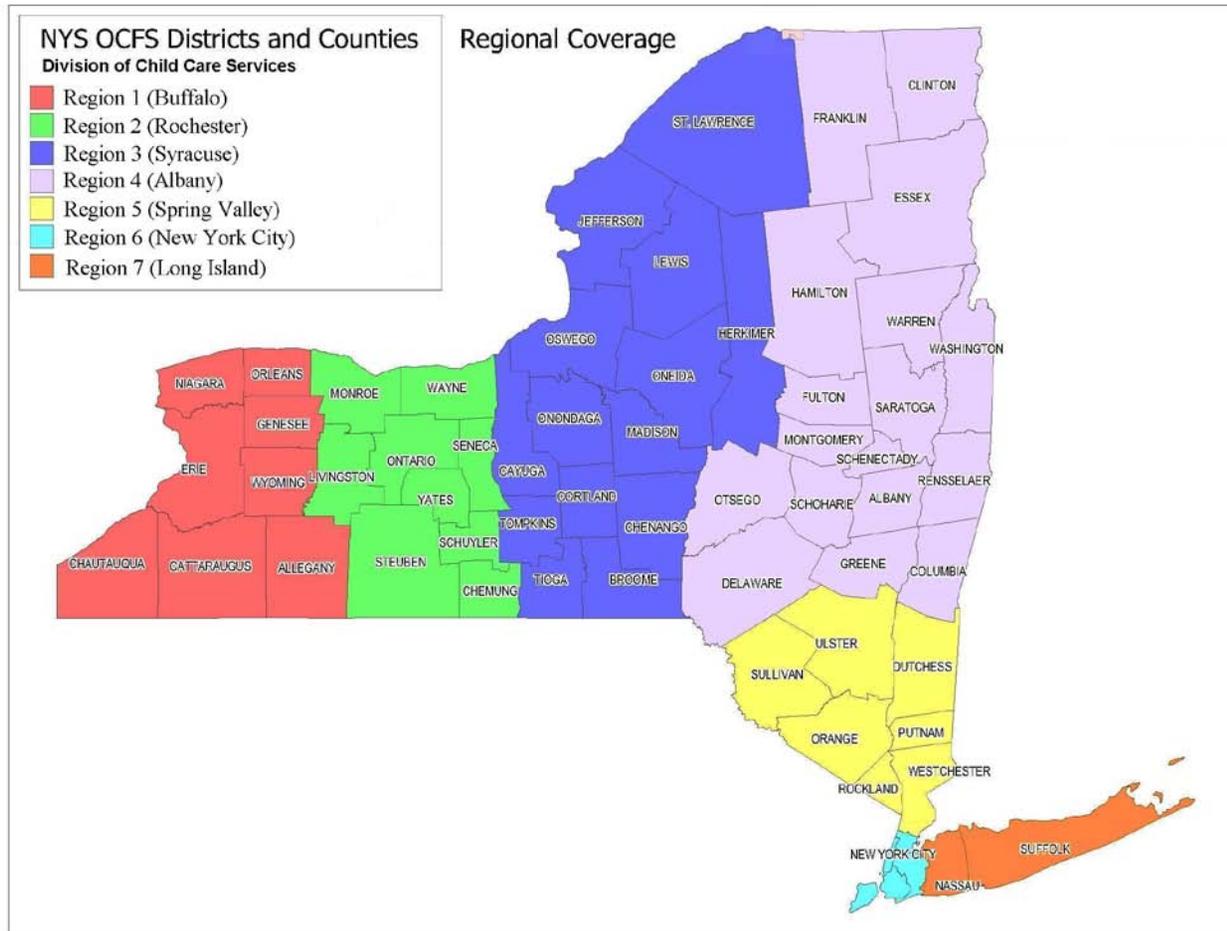
record, effective on January 1, 2005, and this seems to have had a big effect on reporting before and after. For example, the number of complaints CCFS showed for New York City FDC and SACC providers grew by over 150% between the years ending March 31 for 2003 and 2006, respectively,<sup>18</sup> probably due more to a combination of reporting changes and the requirement to use CCFS than to any actual surge in complaint activity during the prior report period.<sup>19</sup> Even by the start of the present report period, the number of complaints CCFS showed for New York City versus the balance of the state appeared somewhat disproportionate, with smaller counts for the City than might be expected based on its 40%-50% share of the population of providers. Given CCFS' status as the database of record for child care in New York, this report necessarily relies on that data set, but calls attention to such findings, where potentially useful. For other data fields, such as registered provider and registration applications counts, reporting under CCFS was more complete relatively soon after implementation of CCFS.

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<sup>18</sup> From 158 in the year ending March 31, 2003 to 396 in that ending March 31, 2006, respectively. See Table 3.1 from the prior report in this series, *Report to the Governor and Legislature on Family Day Care and School Age Child Care Registration: April 1, 2003 – March 31, 2006* (DCCS, 2010).

<sup>19</sup> See the discussion under *Methodology and Data Sources* in the prior report, *Ibid.*

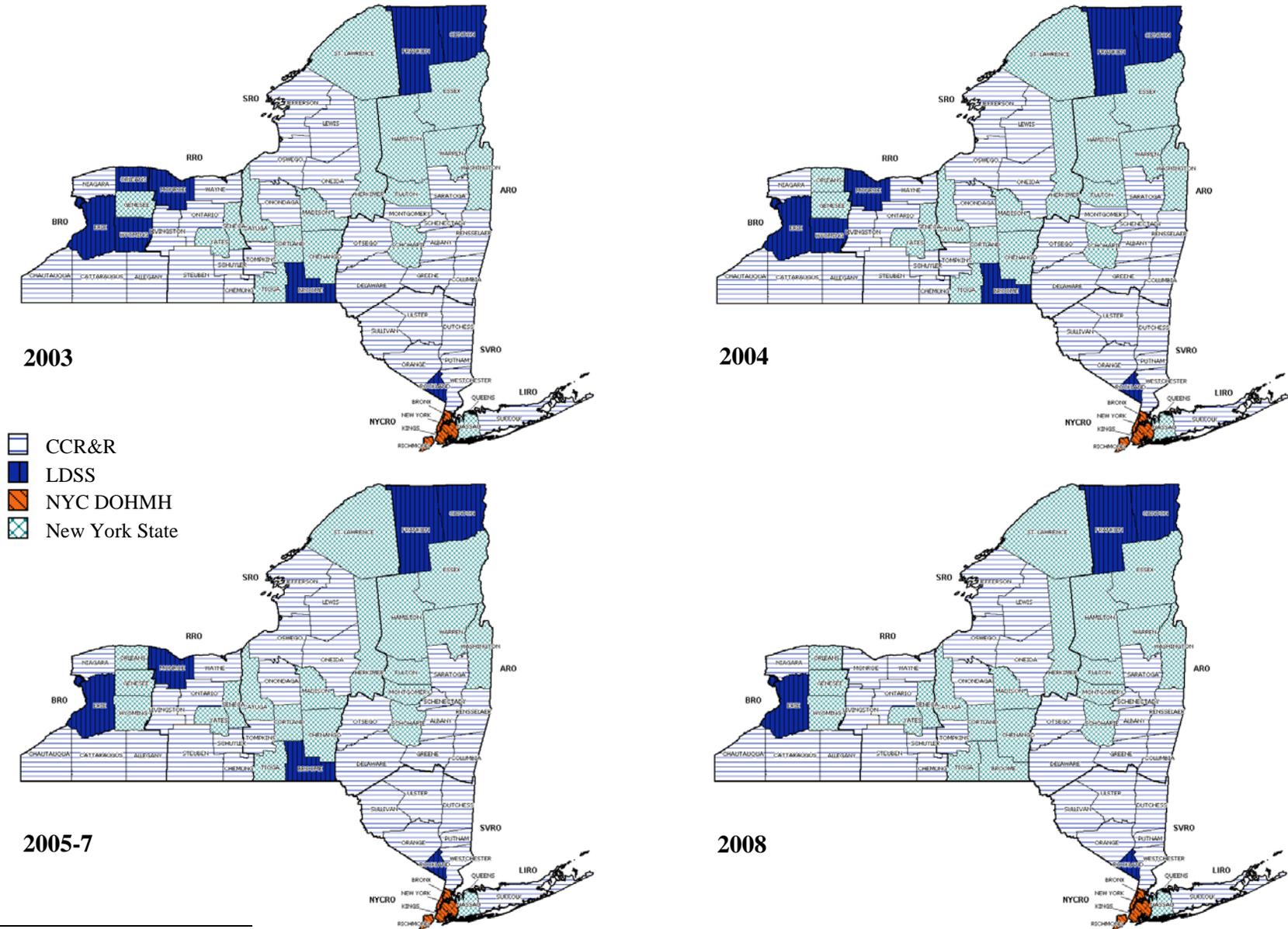
**Figure 1. OCFS Division of Child Care Services Regions and Constituent Counties<sup>20</sup>**



DCCS Regions / Counties	
<b>Albany Region</b>	<b>Rochester Region</b>
Albany	Chemung
Clinton	Livingston
Columbia	Monroe
Delaware	Ontario
Essex	Schuyler
Franklin	Seneca
Fulton	Steuben
Greene	Wayne
Hamilton	Yates
Montgomery	<b>Westchester-</b>
Otsego	<b>Lower-Hudson*</b>
Rensselaer	Dutchess
Saratoga	Orange
Schenectady	Putnam
Schoharie	Rockland
Warren	Sullivan
Washington	Ulster
<b>Buffalo Region</b>	Westchester
Allegany	<b>Syracuse Region</b>
Cattaraugus	Broome
Chautauqua	Cayuga
Erie	Chenango
Genesee	Cortland
Niagara	Herkimer
Orleans	Jefferson
Wyoming	Lewis
<b>Long Island Region</b>	Madison
Nassau	Oneida
Suffolk	Onondaga
<b>New York City Region</b>	Oswego
Bronx	St. Lawrence
Kings	Tioga
New York	Tompkins
Queens	* Also known as
Richmond	DCCS Spring Valley Region

<sup>20</sup> Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are referred to by abbreviation – ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCDOHMH (New York City's registration service provider; see *Background on Child Care and Registration*), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).

**Figure 2. Changes in Registration Service Provider by County Over Time: 2003 – 2009<sup>21</sup>**



<sup>21</sup> Status at the end of each year. See Appendix A.2 for note on maps, and for full-page versions of maps.

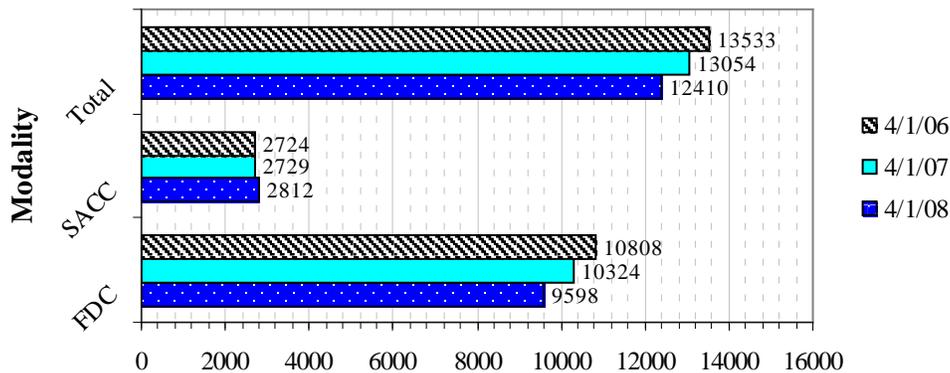


## 2. Registered Providers

### a) Overview

The period from April, 2006 through March, 2009 saw a clear continuation of trends reported in the prior review but an equally clear slowing of those trends, in most respects. Just as in the last review, statewide counts of total FDC/SACC programs registered at any point during the year decreased each year of this reporting period, while FDC counts declined and SACC numbers increased modestly (for cumulative changes of -8%, -11% and +3%, respectively).<sup>22</sup> Figure 2.1 displays the corresponding changes in numbers of providers ever registered during the present three-year period, by modality.<sup>23</sup>

**Figure 2.1**  
**Total (FDC/SACC) Providers Registered at Any Point**  
**During Reporting Period, By Modality, For Year Beginning:**



As described in the prior report in this series,<sup>24</sup> some of the factors influential to net declines in registered providers in recent years are probably no longer applicable, contributing to the growing stability of counts during this report period (e.g., fluctuations after New York City's incorporation into CCFS; changes in standards implemented under the *Quality Child Care and Protection Act* of 2000). Other factors, such as transitions of existing FDC to GFDC programs for business reasons, probably now account for relatively stable, rather than growing, proportions of providers. Taken together with this review's findings of continuing improvements in performance on key registration activities, this stability seems to confirm the emergence – seen in the prior report – of a consistently-sized, presumably more viable (over the long term) population of providers in response to the more systematic regulation now required.

<sup>22</sup> This compares with corresponding changes of -16%, -21% and +10% for the 2003 – 2006 period, respectively. See Figure 2.1 in *Report to the Governor and Legislature*, op cit., n. 18, above.

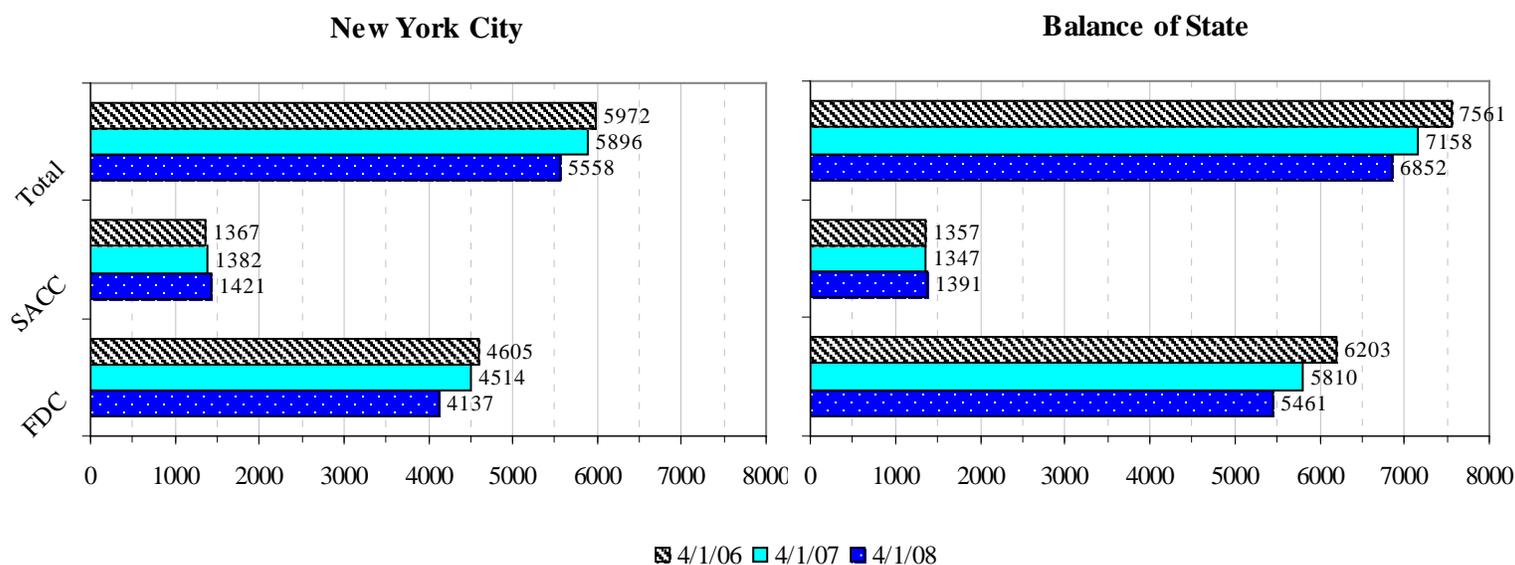
<sup>23</sup> For both this and the following Figure, each year's counts represent those registered during that same year. Also, note the distinction between the "ever registered" counts cited and *point in time* counts, such as at the end of each year. Table 2.1 provides both types of counts, and just as in the prior review, reveals consistent declines in FDC providers "within" each year of the period (compare the "first day" and "last day" counts shown).

<sup>24</sup> *Report to the Governor and Legislature*, op cit.

## b) Regional Detail

When broken down further by region (New York City versus the balance of the state), each area of the state partook about equally in these trends of modest decrease, and modest increase, respectively, among FDC and SACC providers during this report period. Figure 2.2 displays the corresponding changes in counts of providers by modality for the two regions, for each year of the report period, as summarized more completely in Table 2.1. Unlike during the 2003 – 2006 report period, New York City and other individual regions showed relatively similar rather than diverging patterns of change in numbers of providers, between 2006 and 2009.<sup>25</sup>

**Figure 2.2**  
**Total (FDC/SACC) Providers Registered at Any Point During Reporting Period,**  
**By Major State Region and Modality, For Year Beginning:**



Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC
New York City	2006	4,605	1,367	5,972	3,892	1,190	5,082	3,739	1,214	4,953
	2007	4,514	1,382	5,896	3,739	1,214	4,953	3,537	1,244	4,781
	2008	4,137	1,421	5,558	3,535	1,244	4,779	3,358	1,268	4,626
Balance of State	2006	6,203	1,357	7,561	5,198	1,252	6,450	4,834	1,262	6,097
	2007	5,810	1,347	7,158	4,840	1,263	6,104	4,606	1,269	5,876
	2008	5,461	1,391	6,852	4,605	1,269	5,874	4,429	1,292	5,721

<sup>25</sup> Appendix A.4 documents generally similar and modest changes (continuing declines in registered FDC programs and stability or minor increases in registered SACC programs) for specific DCCS regions, wherever located.

Table 2.1. Number of Registered Providers (FDC/SACC), By Major State Region and Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/06 – 3/31/09										
Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC
Total	2006	10,808	2,724	13,533	9,090	2,442	11,532	8,573	2,476	11,050
	2007	10,324	2,729	13,054	8,579	2,477	11,057	8,143	2,513	10,657
	2008	9,598	2,812	12,410	8,140	2,513	10,653	7,787	2,560	10,347

### 3. Complaints

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#### **a) Background**

In New York State, complaints about child care are received through a variety of channels by a variety of staff ranging from those in OCFS' central and regional offices, to local or subcontracted staff responsible for registration services in particular localities,<sup>26</sup> to individual child care programs, but in every instance, are required to be immediately entered into CCFS to ensure appropriate handling. Under its authority for implementing the Law and regulation in this area, OCFS categorizes complaints into three types, corresponding to their degree of "seriousness": non-emergency, serious or imminent danger. The classification of a complaint determines how quickly it must be investigated. As detailed in the Appendix, both the measurements of timeliness for initiating, and for determining, investigations, that are used for this review, are conservative in the sense of slightly *understating* the timeliness of performance involved, as compared with the corresponding OCFS performance standards.<sup>27</sup> The findings on timeliness of complaint "determinations," in particular, concern a wider range of agency activity (were complaints *closed and corrected* within 60 days?) than that involved in OCFS' compliance monitoring (were complaint allegations *judged substantiated or not* within 60 days?), but for convenience are referenced throughout this report under the abbreviation, "determination."

Based on an investigation, a complaint is found to be: 1) either substantiated or unsubstantiated (regarding the original allegation[s]), and 2) either involving or not involving additional regulatory violation(s) requiring corrective action in order for the program to continue operating.

Two audits by the Office of the State Comptroller (OSC), which looked at the handling of complaints reported prior to the present review period, were still undergoing review and response during the present review period, with findings that may be pertinent to, and may even have influenced,<sup>28</sup> the present review's data.<sup>29</sup> Where useful for interpreting specific trends or analyses, very limited references to those audits are included in this report.

#### **b) Types of Complaints Received**

For the three years ending March 31, 2009, the number of complaints received for FDC and SACC programs decreased for five of seven DCCS regions (including New York City) and increased modestly for two others. Figure 3.1 details the numbers of complaints received during this reporting period, showing decreases ranging from 9% to 29% (five regions) and increases

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<sup>26</sup> See the section, *Background on Child Care and Registration*, for a discussion of the entities responsible for registration services in different locales.

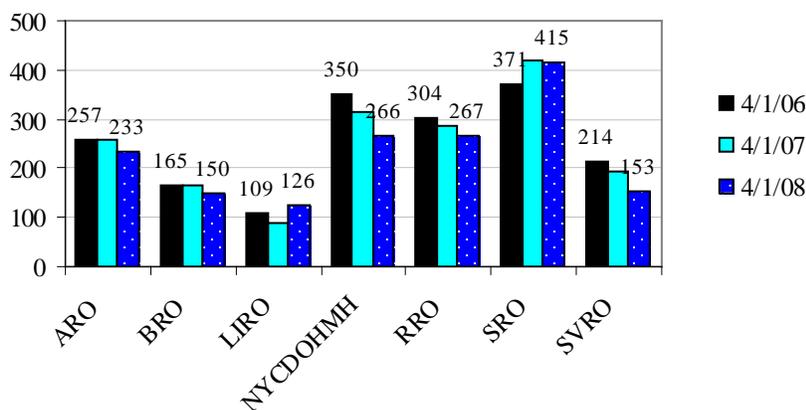
<sup>27</sup> Appendix A.3 details the specific timeframes applicable for initiating and completing complaint investigations, as used in OCFS's performance standards and as implemented for the *Response to Complaints* section, below. See pg. 38, especially, for details on the (slight) understatement of timeliness in relation to complaint processing, in this review.

<sup>28</sup> For example, through the sharing of recommendations and responses.

<sup>29</sup> Although nominally covering prior periods, both audits were still undergoing active response and review as of late 2008. See *New York City Day Care Complaints* (Office of the New York State Comptroller (OSC), Report 2005-S-40), covering the period, January, 2004 – September, 2005; and *Day Care Complaints Outside of New York City* (OSC, Report 2005-S-55), covering the period, January, 2005 – February, 2006.

ranging from 12% to 16% (Syracuse and Long Island regions [SRO, LIRO], respectively) between the first and last years of the report period. Based on New York City's moderate and steady decrease during the report period (24%), it would appear that reporting there is relatively complete, after earlier problems in reporting suggested by the OSC audit just described may have been resolved.<sup>30</sup>

**Figure 3.1**  
**Total Complaints (FDC/SACC), By Region, for Year**  
**Beginning:**



One consistent finding from the present and prior reviews concerns the relative numbers of complaints filed in New York City and the balance of state during the 2003 – 2006 and 2006 – 2009 periods. Figure 3.2 (next page) shows the six-year trend in numbers of total complaints reported during the two report periods. For all six years, this shows a large preponderance of complaints filed among areas outside of New York City; for the latest year represented (2008 – 2009), the ratio of complaints filed outside of New York City, to those filed within the City, reached 5:1 for registered providers.

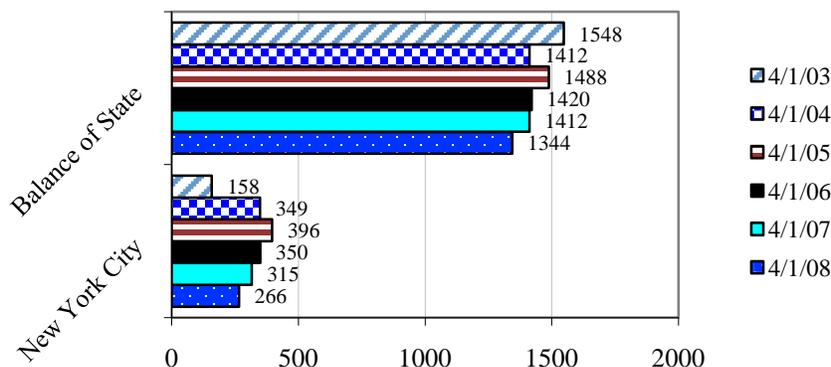
In addition to the differing complaint counts reported for New York City and the balance of the state during this report period, the two regions also reported different mixes of "seriousness" among complaint categorizations but – once investigations had occurred – relatively similar (and increasing) proportions of complaint investigations that confirmed one or more additional regulatory violations beyond those originally reported.<sup>31</sup> Table 3.1, further below, details the numbers of complaints filed during this report period, by initial seriousness ratings and additional violations status, for New York City and the balance of the state. Figure 3.3 reveals extremely stable, low proportions of imminent danger classifications, and gradually increasing proportions of serious complaints (at the expense of non-emergency complaints) filed outside of

<sup>30</sup> *Ibid.*, Report 2005-S-40. For its New York City review, OSC judged reporting into CCFS to be incomplete or tardy, to which OCFS responded that clear policies requiring immediate reporting and monitoring of performance had been re-emphasized. Based on the release date of the audit, it was far more likely to have influenced reporting for the present period (2006 – 2009) than for the prior one, but was not followed by any uptick in complaint numbers in the City, suggesting that relatively complete reporting had been achieved.

<sup>31</sup> Here and below, "additional violations" refers to regulatory violations confirmed during investigation, but not included among the original complaint allegation(s).

New York City, but a heavy concentration of imminent danger classifications within the City.<sup>32</sup> Figure 3.4, finally, illustrates broadly similar, somewhat increasing proportions of complaints judged to involve additional regulatory violations for each of the state's regions, during this report period.

**Figure 3.2**  
**Six-Year Trend in Number of Complaints Per Year**  
**(FDC, SACC), By Major State Region, for Year**  
**Beginning:**

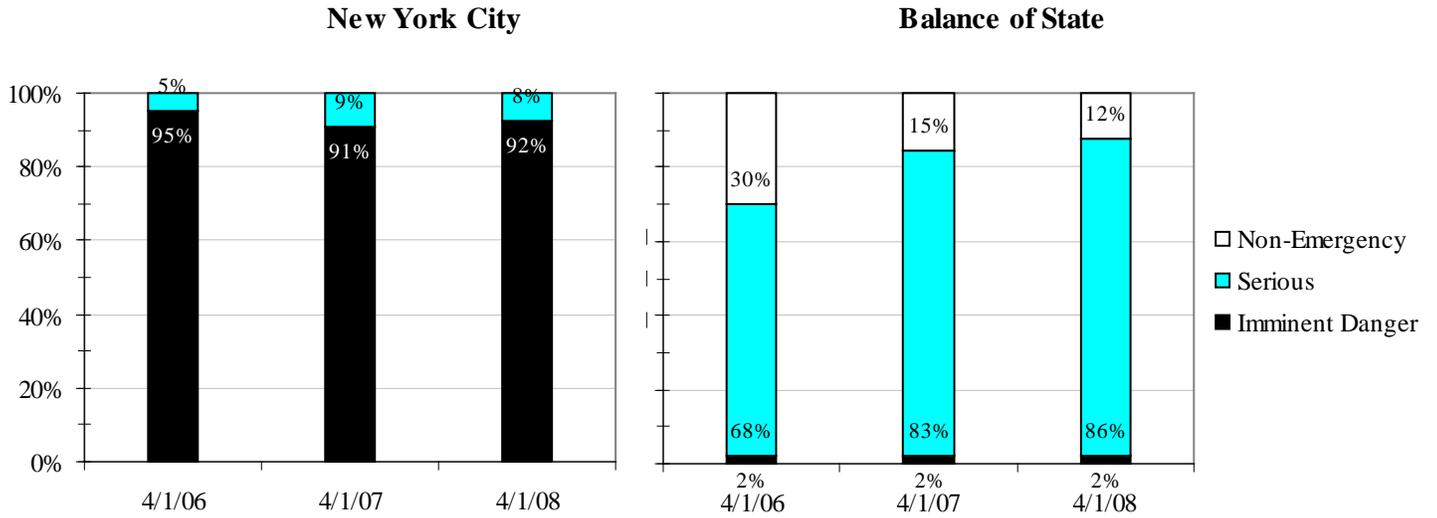


**Table 3.1. Number of Complaints by Seriousness and Whether Additional Regulatory Violation(s) Involved, By Major State Region, For Years, 4/1/06 – 3/31/09**

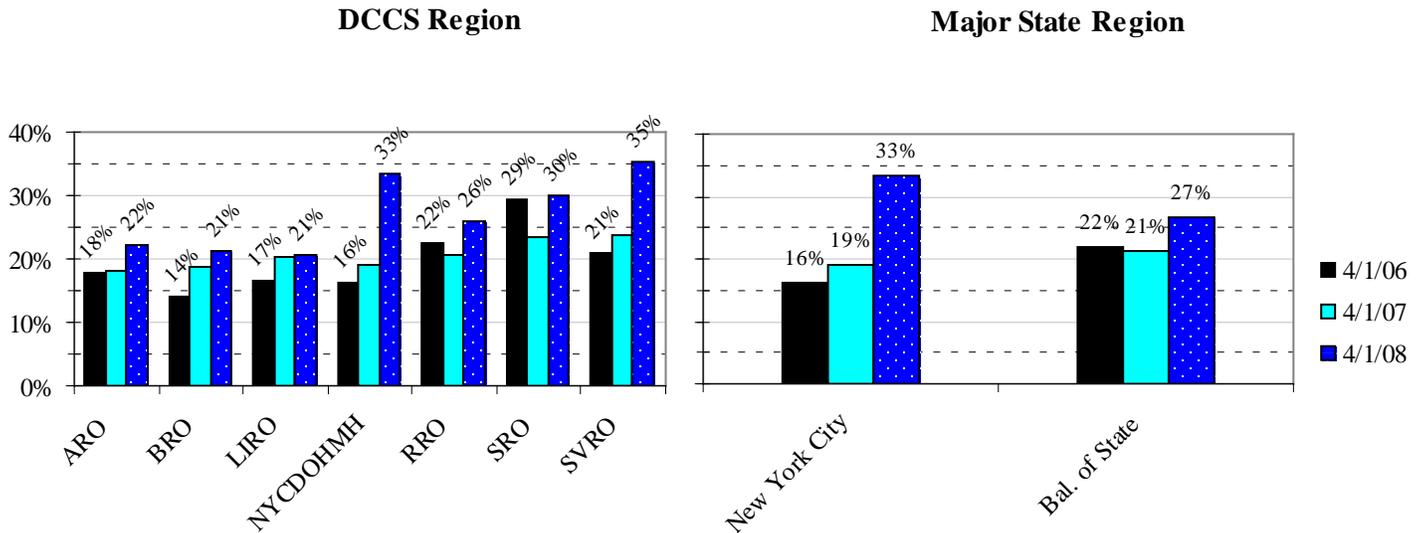
Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints				
		By Seriousness			With Additional Violation(s)	Total	By Seriousness			With Additional Violation(s)	
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger		
New York City	2006	0	16	334	57	350	0%	5%	95%	16%	
	2007	0	28	287	60	315	0%	9%	91%	19%	
	2008	0	20	246	89	266	0%	8%	92%	33%	
Balance of State	2006	425	963	32	309	1,420	30%	68%	2%	22%	
	2007	216	1,165	31	299	1,412	15%	83%	2%	21%	
	2008	166	1,152	26	358	1,344	12%	86%	2%	27%	
Total	2006	425	979	366	366	1,770	24%	55%	21%	21%	
	2007	216	1,193	318	359	1,727	13%	69%	18%	21%	
	2008	166	1,172	272	447	1,610	10%	73%	17%	28%	

<sup>32</sup> As discussed in the prior review, rather than reflecting a shift in the characteristics of complaints filed, the concentration of imminent danger classifications for New York City complaints reflects a policy shift toward emphasizing that categorization, introduced just before this report period. See *Types of Complaints Received* section, *Report to the Governor and Legislature*, op cit., n. 18, above.

**Figure 3.3. Percent Distribution of Complaints (FDC/SACC) By Seriousness, For Major State Regions, For Year Beginning:**



**Figure 3.4. Percent of Complaints (FDC/SACC) with Additional Regulatory Violation(s) Reported, By DCCS and Major State Regions, for Year Beginning:<sup>33</sup>**



**c) Rate of Complaints and Department Response to Complaints**

Once a complaint is received, it is classified and investigated according to the timeframes for initiating and completing investigations set for the classification (see *Background*, pg. 12). Table 3.3 provides information (by major state region) on the number of complaints received, the timeliness of response to those complaints, and standardized rates of complaints (number of

<sup>33</sup> See Appendix A.5 for the underlying numbers of complaints by individual DCCS region, seriousness and additional violation status (Table 3.2).

complaints per 100 providers registered at any point during an interval) that facilitate comparisons among geographic areas and over time.<sup>34</sup> Figure 3.5 and Figure 3.6 then summarize the information relating to timeliness of response and rate of complaints received for the 2006 – 2009 report period, respectively.

Major Region	Year Starting April 1,	Number of Complaints			Percent of Complaints:		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
New York City	2006	350	10	26	97%	93%	5,972	6
	2007	315	16	31	95%	90%	5,896	5
	2008	266	3	30	99%	89%	5,558	5
Balance of State	2006	1,420	132	151	91%	89%	7,561	19
	2007	1,412	159	157	89%	89%	7,158	20
	2008	1,344	141	138	90%	90%	6,852	20
<b>Total</b>	<b>2006</b>	<b>1,770</b>	<b>142</b>	<b>177</b>	<b>92%</b>	<b>90%</b>	<b>13,533</b>	<b>13</b>
	<b>2007</b>	<b>1,727</b>	<b>175</b>	<b>188</b>	<b>90%</b>	<b>89%</b>	<b>13,054</b>	<b>13</b>
	<b>2008</b>	<b>1,610</b>	<b>144</b>	<b>168</b>	<b>91%</b>	<b>90%</b>	<b>12,410</b>	<b>13</b>

Figure 3.5 (next page) shows a relative plateauing of timeliness (at high levels ranging from 89% – 91%) for the balance of the state and, for New York City, small gains in timeliness for already largely punctual complaint initiations (from 97% to 99%) and marginal declines in timeliness (to still high levels) for complaint determinations (from 93% to 89%). Given the short timeframe allowed for initiating investigations of imminent danger complaints, the City's increasing use of that classification since the prior report period makes its continued improvement in that respect noteworthy for this reporting period.

<sup>34</sup> As already noted, see Appendix A.3 for the specific timeframes for initiating and completing complaint investigations pertinent to each complaint category (non-emergency, etc.) used in all calculations in this section. Also, note that Table 3.3 groups all complaints relating to FDC or SACC providers (with calculations specific to the category of complaint), while the complaint rates shown are based on combined numbers of FDC/SACC providers registered at any point during the respective years. Readers will find numbers here corresponding to those shown in the *Registered Providers* and *Types of Complaints* sections, above.

**Figure 3.5. Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Major State Region, for Year Beginning:**

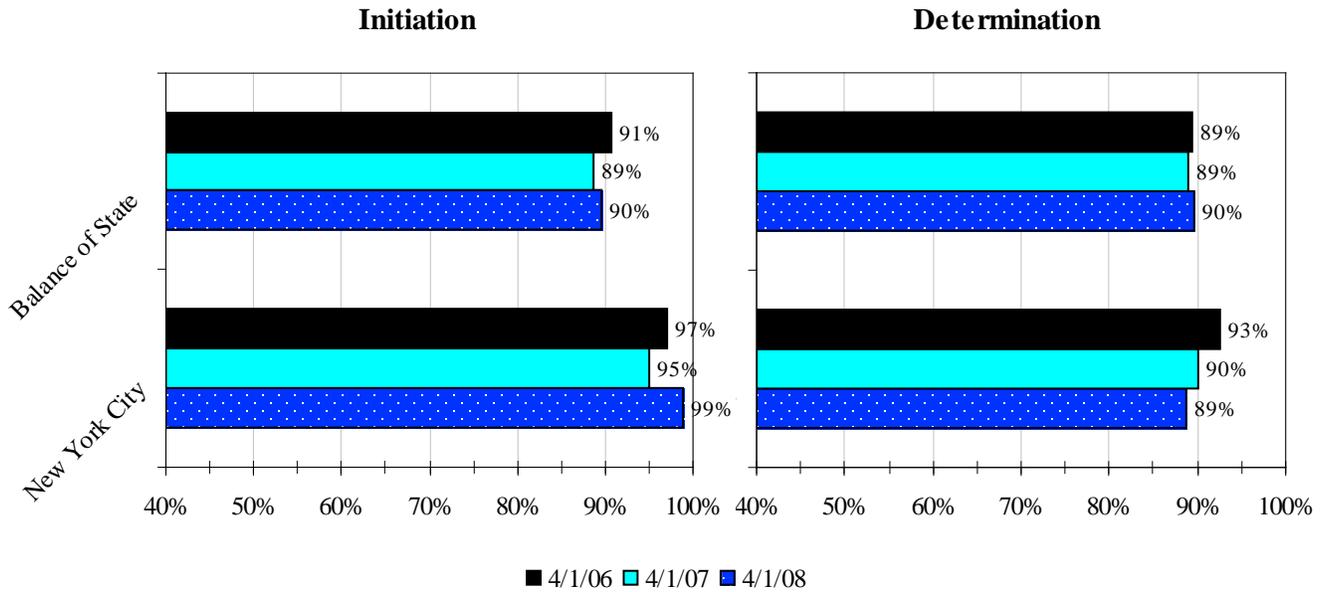
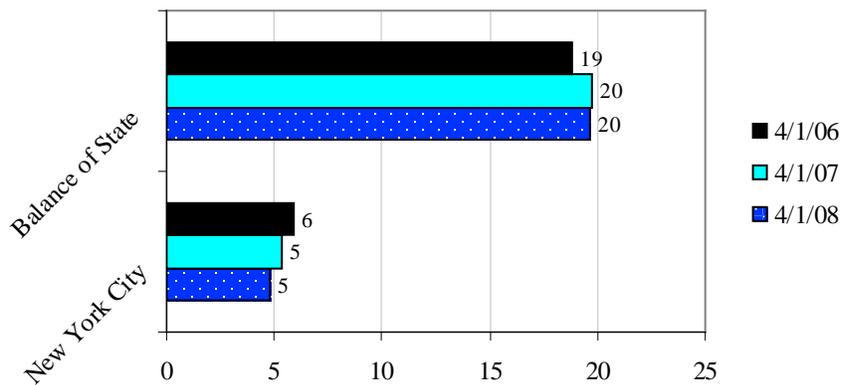


Figure 3.6 below provides a rigorous metric that illustrates the disproportionate number of complaints reported for New York City and the balance of the state. Except for the first year shown, four times more complaints were reported for every 100 registered FDC/SACC providers outside of New York City than for every 100 such providers within the City, during this reporting period.

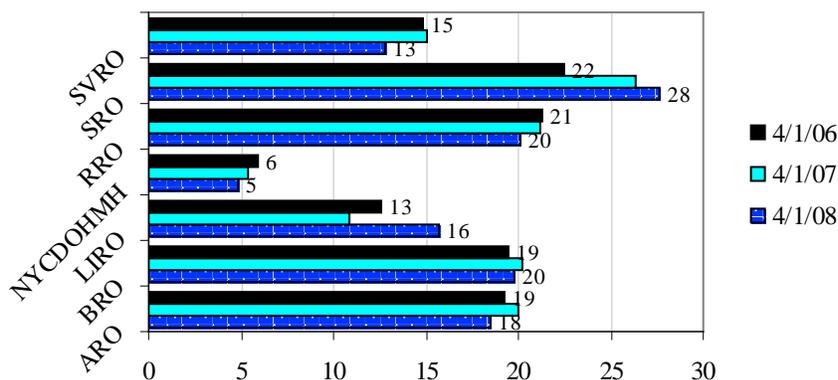
**Figure 3.6  
Number of Complaints (FDC, SACC) Per Year Per 100 Registered Providers, By Major State Region, for Year Beginning:**



In addition, although large proportions of complaint investigations in regions outside of New York City were reported initiated and resolved in timely fashion during this report period, these overall performance benchmarks masked other potentially significant differences among these regions' complaint-handling profiles. While DCCS regions outside of New York City reported

consistently timely complaint processing,<sup>35</sup> there was also substantial variation in their complaint *rates* during this report period. Compared with the overall "Balance of state" complaint rate reported for 2008 – 2009 (20 per 100 registered providers, Figure 3.6), rates for some regions outside New York City ranged from as low as 35% less (13 per 100, for the Spring Valley region [SVRO]) to as high as 40% more (28 per 100, for the Syracuse region [SRO]). Figure 3.7 summarizes this information (as detailed in Appendix A.6).

**Figure 3.7**  
**Number of Complaints Per Year Per 100 Registered**  
**Providers (FDC, SACC), By Region, for Year**  
**Beginning:**



Since there are far fewer SACC than FDC programs (and correspondingly fewer complaints), this review also looked at the handling of complaints by modality by focusing on performance during the three-year report period as a whole rather than during individual years (to insure adequate sample sizes). Table 3.5 details this information for New York City and the balance of the state, while Figure 3.9 and Figure 3.10 summarize the specific findings on timeliness of response and complaint rates by modality.<sup>36</sup>

Table 3.5. Handling & Rate of Complaints, By Major Region & Modality: Summary for Apr. 1, 2006 – Mar. 31, 2009

Major Region	Modality	Number of Complaints			Percent of Complaints:		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
New York City	FDC	623	17	46	97%	93%	5,983	10
	SACC	308	12	41	96%	87%	1,712	18

<sup>35</sup> Five of the six DCCS regions outside of New York City reported over 90% of investigations initiated timely each year of the report period, compared with only slightly lower proportions for completing investigations in a timely fashion. See Appendix A.6 for detailed results on timeliness of response and rates of complaints for individual DCCS regions.

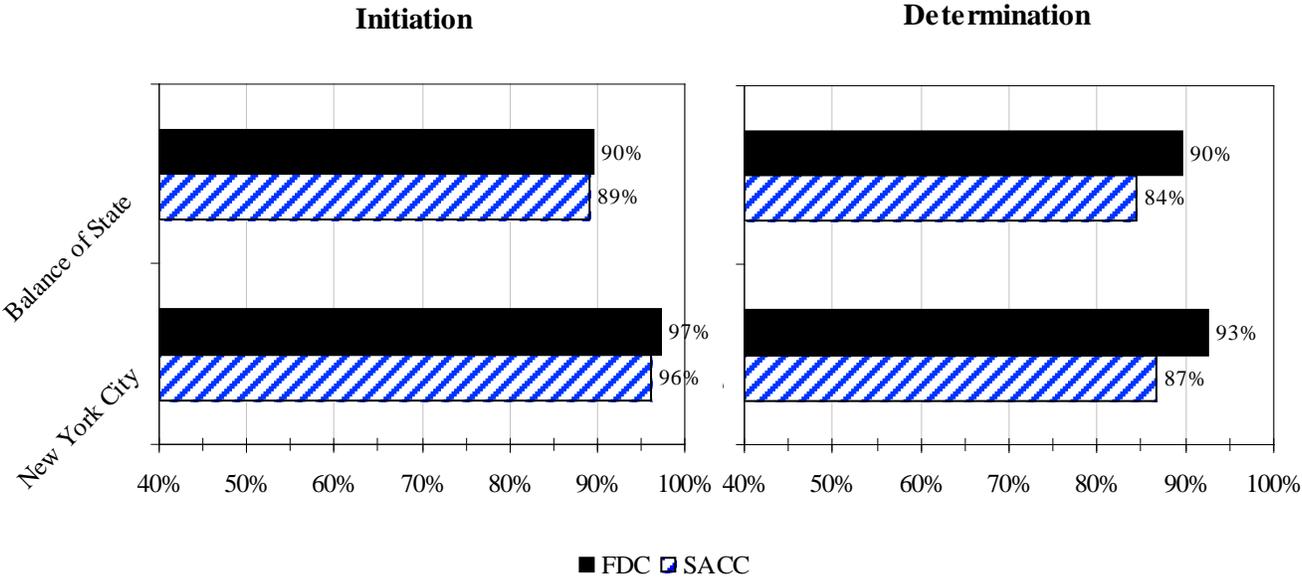
<sup>36</sup> Note that counts of complaints by modality for this report period do not sum to the totals of counts shown above due to one complaint (in the LIRO region) showing "small day care center" for modality – the only such complaint observed throughout the state for this report period. Appendix A.7 details the three-year results on handling and rates of complaints by specific DCCS region and modality.

Major Region	Modality	Number of Complaints			Percent of Complaints:		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
Balance of State	FDC	3892	401	401	90%	90%	8039	48
	SACC	283	31	44	89%	84%	1564	18

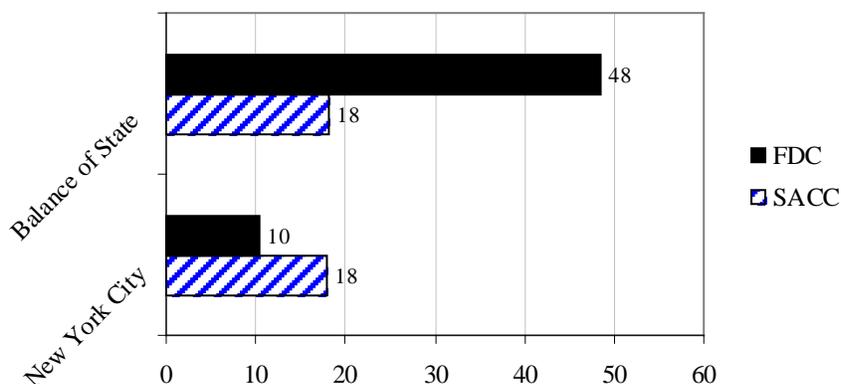
\* Note that "total providers" and complaint rates shown in this table are *not* directly comparable to those shown earlier. The former are *unduplicated* counts of providers (by modality) registered at any point during the three years and are far smaller than the sums of those registered in *each* of the three years. (For example, compare this table's New York City sum [7,695] with that [FDC + SACC] from Table 2.1 [17,426].) In contrast, numbers of complaints here represent three-year totals. As a result, the three-year rates shown are considerably larger than the one-year rates shown previously.

Figure 3.9 shows somewhat greater timeliness, statewide, in completing complaint investigations concerning FDC settings than for those concerning SACC programs, but marginal if any differences in initiating investigations. While both areas report better timeliness for FDC complaints than for SACC complaints, in New York City the complaint rates per provider are lower for FDC providers than for SACC providers while elsewhere in the state the complaint rates are higher for FDC than for SACC providers (Figure 3.10, next page) – a pattern consistent with the prior review findings.

**Figure 3.9. Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Major State Region and Modality: 4/1/06 – 3/31/09**



**Figure 3.10**  
**Three-Year Number of Complaints Per 100**  
**Registered Providers, By Major State Region and**  
**Modality: 4/06 - 3/09**



To a very limited extent, regional differences appeared in the disposition of investigations reported during this reporting period – i.e., whether complaint allegations were substantiated or not substantiated – with larger proportions of complaints found to be substantiated outside of New York City than within the City, but only in relation to complaints rated as "serious."<sup>37</sup> Table 3.6 details the proportion of each category of complaints (non-emergency, serious, etc.) judged to be unsubstantiated, substantiated or classed under other dispositions, by major state region, while Figures 3.11 – 3.13 illustrate the regional contrasts in dispositions reported for each category of complaint, separately.<sup>38</sup>

**Table 3.6. Percent of Complaints by Seriousness and Major Disposition Category,**  
**By Major State Region, For Years, 4/1/06 – 3/31/09**

Region	Year Starting April 1,	Seriousness of Complaints								
		Non-Emergency			Serious			Imminent Danger		
		Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other
New York City	2006	na	na	na	75%	19%	6%	69%	23%	5%
	2007	na	na	na	68%	25%	7%	67%	28%	4%
	2008	na	na	na	80%	15%	5%	65%	29%	4%
Balance of State	2006	61%	36%	3%	58%	35%	7%	63%	16%	22%
	2007	59%	36%	5%	60%	35%	5%	48%	26%	23%
	2008	57%	41%	2%	61%	33%	6%	42%	27%	27%

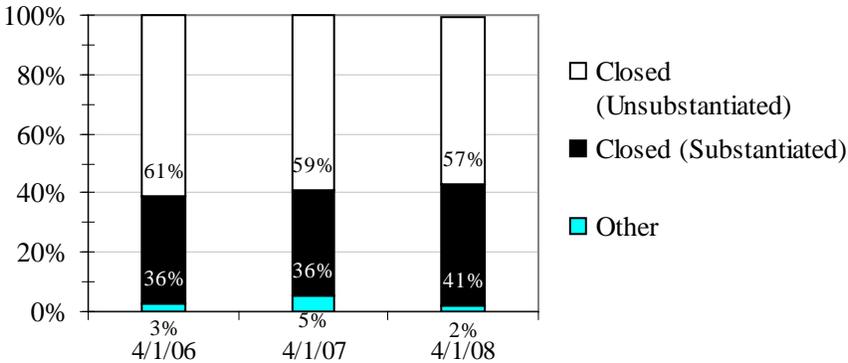
<sup>37</sup> A variety of dispositions other than the major two cited are possible in connection with complaint investigations, of course (such as facility closings), but sometimes account for only small numbers of complaints; these were grouped together under the "Other" disposition shown, for this review. For all tables, additionally, "Closed, unsubstantiated" and "Closed, substantiated" counts shown actually pool all relevant complaints showing such dispositions, as well (e.g., "Open, substantiated").

<sup>38</sup> See either Table 3.1 or Table 3.3 for the total annual complaint counts used to calculate the percentages shown for each bar in Figures 3.11 – 3.13. These are highlighted in the Figures' footnotes.

Table 3.6. Percent of Complaints by Seriousness and Major Disposition Category, By Major State Region, For Years, 4/1/06 – 3/31/09										
Region	Year Starting April 1,	Seriousness of Complaints								
		Non-Emergency			Serious			Imminent Danger		
		Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other
Total	2006	61%	36%	3%	58%	35%	7%	69%	22%	6%
	2007	59%	36%	5%	60%	35%	5%	65%	28%	6%
	2008	57%	41%	2%	62%	32%	6%	63%	29%	6%

For complaints rated as serious, substantiation rates reported for New York City were 10 or more percentage points lower than elsewhere in the state for each year of the reporting period, but reflected marginal New York City sample sizes that reduce confidence in this finding (Figure 3.12, next page); for imminent danger complaints, in contrast, marginally higher substantiation rates were reported for the City than for elsewhere (Figure 3.13). But upon examination, exceptional circumstances probably argue for discounting the latter comparison, to some extent, as well.<sup>39</sup>

**Figure 3.11. Percent Distribution of Non-Emergency Complaints (FDC/SACC) For Balance of State Outside of New York City, By Disposition, for Year Beginning:**<sup>40</sup>



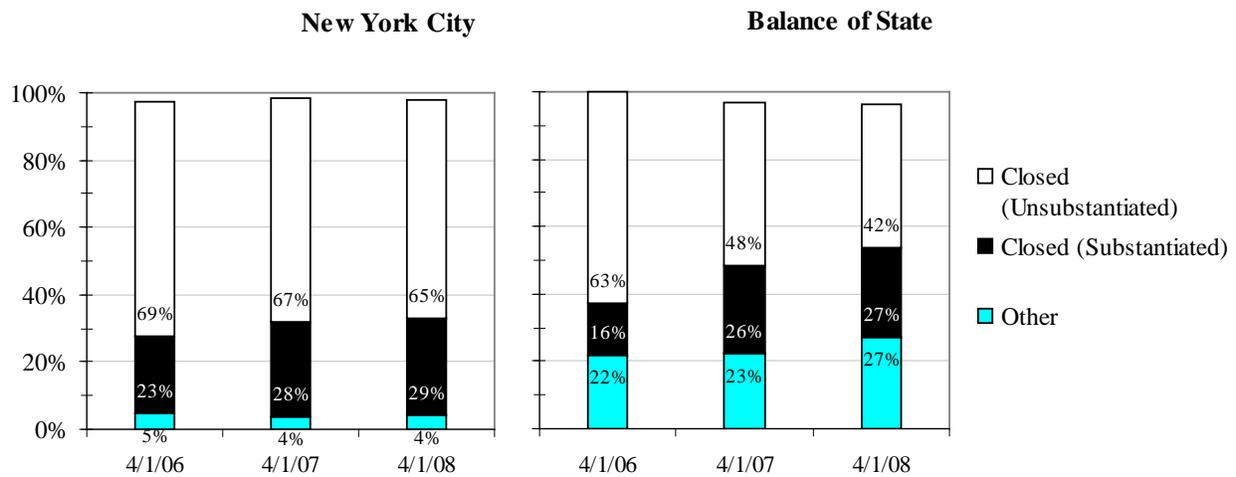
<sup>39</sup> Upon examination, larger-than-usual numbers of complaints outside New York City were reported resolved for the reason "facility closed" for each year of the present report period, accounting for Figure 3.13's unusually high proportions of "Other" dispositions for that region. In the absence of this circumstance, the direction of difference observed for regional substantiation rates would likely have been reversed for these complaints.

<sup>40</sup> New York City is not displayed because it reported no non-emergency complaints for these years. As shown in Table 3.1 (col. 1), the numbers of non-emergency complaints represented for each year/bar displayed for the balance of the state are: 425, 216 and 166, respectively.

**Figure 3.12. Percent Distribution of Serious Complaints (FDC/SACC) For Major State Regions, By Disposition, for Year Beginning:<sup>41</sup>**



**Figure 3.13. Percent Distribution of Imminent Danger Complaints (FDC/SACC) For Major State Regions, By Disposition, for Year Beginning:<sup>42</sup>**



<sup>41</sup> As shown in Table 3.1 (col. 2), the numbers of serious complaints represented for each bar in this Figure are: 16, 28, 20, 963, 1165 and 1152, respectively.

<sup>42</sup> As shown in Table 3.1 (col. 3), the numbers of imminent danger complaints represented for each bar in this Figure are: 334, 287, 246, 32, 31 and 26, respectively.

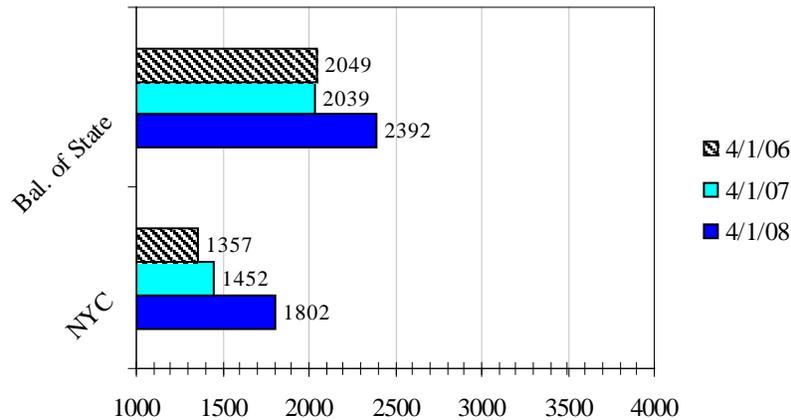
## 4. Administrative Actions Including Applications and Inspections

### a) Registration Applications

After receipt of an application to operate a regulated child care facility, workers responsible for registration services in the county are expected to process and completely resolve the application within six months of receipt by satisfying a wide array of requirements including pre-registration facility safety inspections, clearing personnel on criminal background and other checks, arranging for mandatory training on health, safety and other issues, when appropriate, and providing applicants with all appropriate notifications regarding the status of their applications, to name just a few. Applications not resolved within this timeframe are considered not handled timely (provided that applicant issues are not responsible).<sup>43</sup>

Perhaps contributing to the slowing decline in the number of total registered FDC/SACC programs during this reporting period, both New York City and the balance of the state reported modest growth in the number of applications filed during the period (+33%, +17%, respectively).<sup>44</sup> Figure 4.1 displays the trend in applications filed in the two major state regions for these years.

**Figure 4.1<sup>45</sup>. Number of Applications (FDC/SACC) Received, By Major State Region, for Year Beginning:**



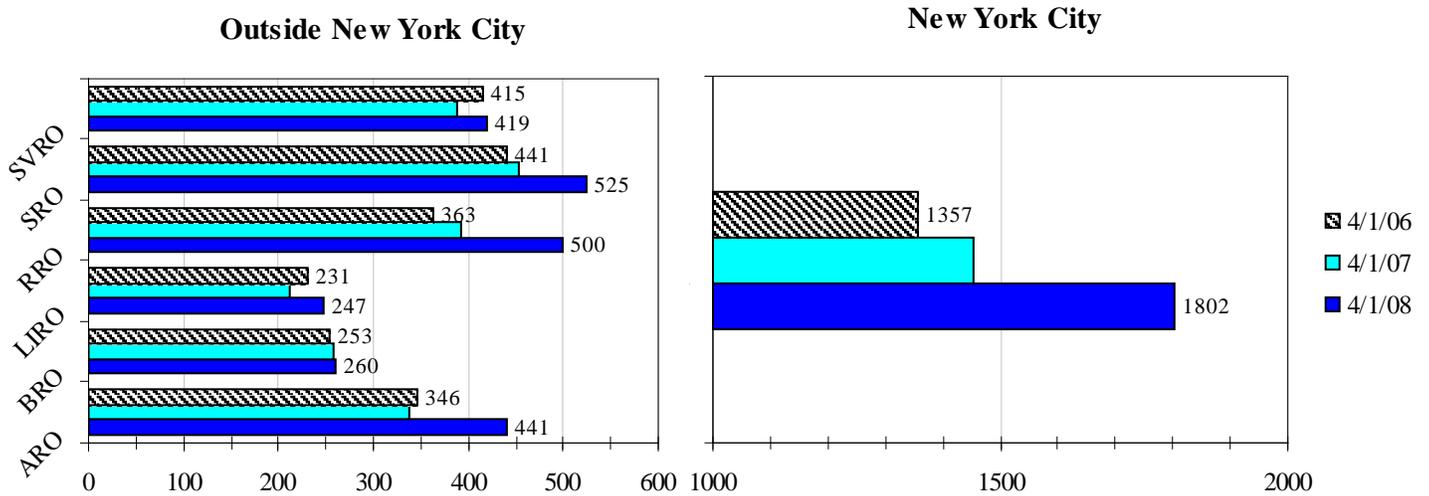
<sup>43</sup> As part of its quality assurance efforts, OCFS requires statistically valid quarterly samplings and reviews of registration services within each district to assess compliance with this and other standards for registration activities. In districts with performance-based contracts, contractors not achieving 95% compliance with the six-month application standard face the prospect of financial penalties (partial withholding of contract monies) as a means of encouraging continued improvements in applications-processing.

<sup>44</sup> Each percentage cited refers to the increase between the first and last years of the report period. Even by the end of the reporting period, however, application counts remained well below levels for the 2005 – 2006 year for both major state regions and each modality. (See *Report to the Governor and Legislature*, op cit.)

<sup>45</sup> Throughout this section, total applications counts (on which percentages are based) include tiny numbers of applications with "small day care center" reported for modality (n = 1 for each year of this reporting period), which were not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. This results in small discrepancies which are evident in breakdowns by modality, e.g., where the sums of modality counts for a given year may be exceeded by the corresponding annual state totals reported. (For example, compare corresponding annual sums from Figure 4.1 and Figure 4.3, below.)

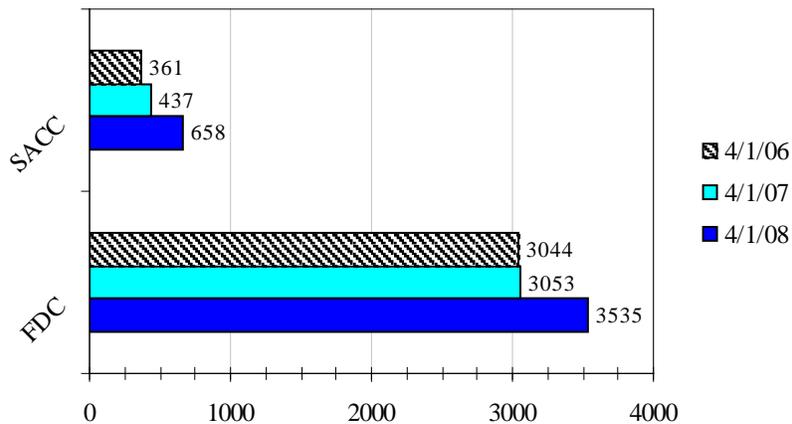
Upon examination, driving much of the increase in applications during this reporting period was the increase already cited for New York City (33%)<sup>46</sup> as well as gains in three of the six other DCCS regions – Rochester ([RRO], 38%), Albany ([ARO], 27%), and Syracuse ([SRO], 19%) – as detailed in Figure 4.2.

**Figure 4.2. Number of Applications (FDC, SACC) Received, By Region, For Year Beginning:**



Considering each modality of care separately, application volumes showed similar patterns of increase during this reporting period, increasing especially in the last year of the period (2008 – 2009). Figure 4.3 documents these statewide trends in applications by modality.

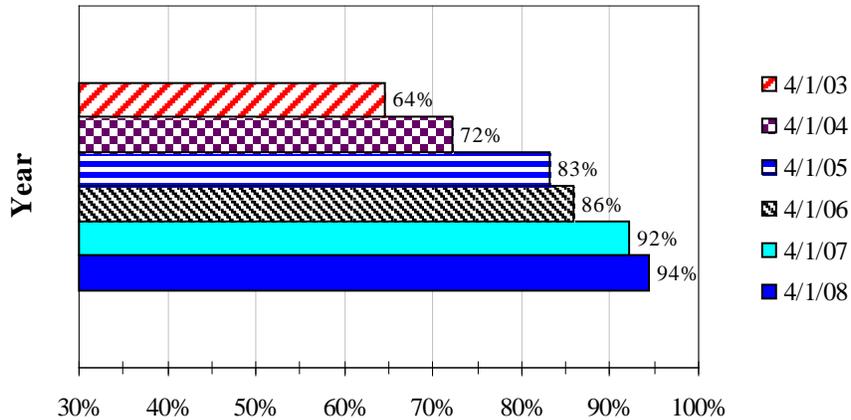
**Figure 4.3  
Number of Applications (FDC/SACC) Received,  
By Modality of Care, for Year Beginning:**



<sup>46</sup> See n. 44 on percentages.

Statewide, the proportion of all FDC/SACC applications that were processed in accordance with the six-month standard continued to increase steadily – if a bit more slowly – from levels seen at the end of the prior review. Figure 4.4 shows the entire six-year trend (+30 percentage points), including successive increases of 19 and 8 percentage points within the two report periods, respectively.

**Figure 4.4**  
**Six-Year Trend in Percent of Applications Processed**  
**Timely, for Year Beginning:**



Upon examination, virtually all of the net gain in timeliness during the current period can be attributed to continued improvements to application-processing within New York City, where 20% fewer applications than elsewhere were handled in timely fashion at the end of the prior reporting period. Figure 4.5 illustrates the closure of this gap in timeliness between the two major regions during the last six years, including gains of 21 percentage points within the City but little change in the balance of the state, at least overall, during the three years of the present report period. Table 4.1 details the application results underlying these changes for the 2006 – 2009 period.

**Figure 4.5**  
**Six-Year Trend in Percent of Applications Processed**  
**Timely, By Major State Region, for Year Beginning:**

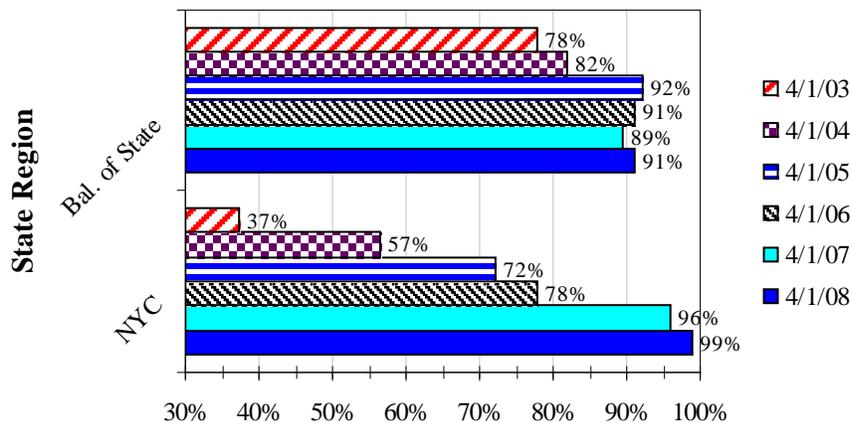
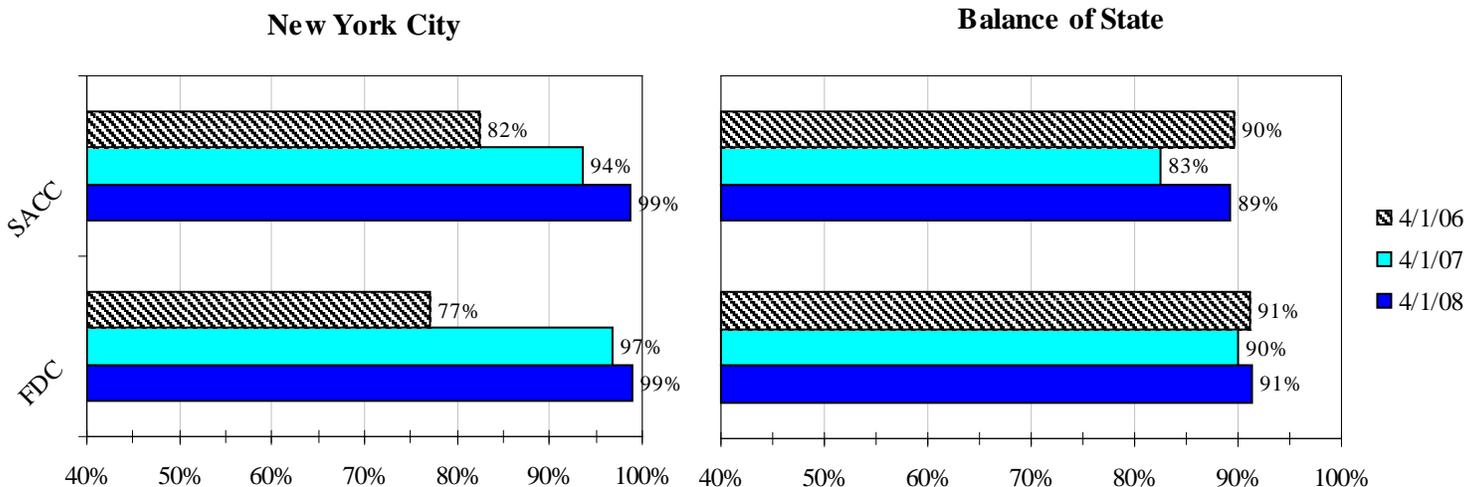


Table 4.1. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Major State Region And Year: 4/1/06 – 3/31/09					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
New York City	2006	1,056	301	1,357	78%
	2007	1,395	57	1,452	96%
	2008	1,782	20	1,802	99%
Balance of State	2006	1,867	182	2,049	91%
	2007	1,823	216	2,039	89%
	2008	2,177	215	2,392	91%
State Total	2006	2,923	483	3,406	86%
	2007	3,218	273	3,491	92%
	2008	3,959	235	4,194	94%

Contributing to these New York City-centered gains in timeliness were relatively comparable timeliness gains (and timeliness levels) for each modality in the City, as well as continued uniformly strong performance elsewhere in the state. Table 4.2 reveals a 10 percentage point improvement statewide in this respect among SACC providers (85% to 95%), and a gain of 8 percentage points among FDC providers (86% to 94%) for the three years beginning April 1, 2006 – each after steady improvements in the prior (2003 – 2006) reporting period, as well. Figure 4.6 breaks down these improvements by region and modality, showing, for New York City, similar levels of timeliness and similar gains for each modality (ranging from 17 – 22 percentage points) during this reporting period. Elsewhere in the state, Figure 4.6 shows sustained strong performance in resolving applications in the balance of the state as a whole. Figure 4.7, further below, illustrates the consistent timeliness of applications-processing among individual regions outside of New York City during this reporting period, with only one of the six regions (Long Island [LIRO], at 80%) reporting less than 87% of applications handled in a timely fashion by the final year of the period.

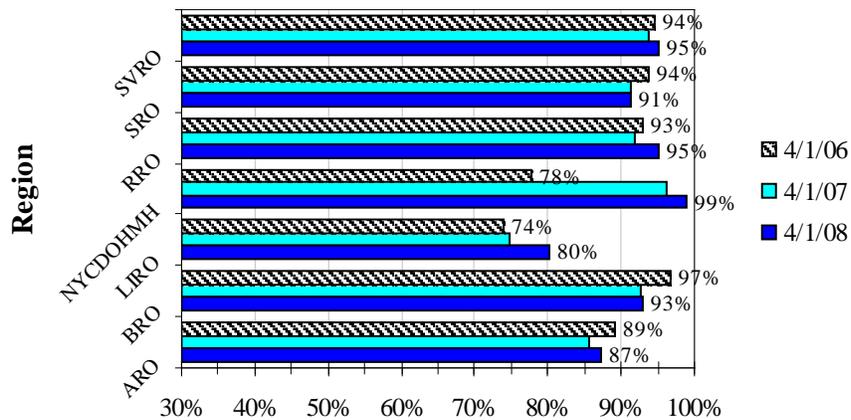
**Figure 4.6. Percent of Applications Processed Timely, By Major Region and Modality of Care, for Year Beginning:**



**Table 4.2. Number and Timeliness of Processing of Registration Applications, By Major State Region, Modality and Year: 4/1/06 – 3/31/09**

Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2006	FDC	1,130	258	77%
		SACC	227	40	82%
	2007	FDC	1,170	38	97%
		SACC	282	18	94%
	2008	FDC	1,386	14	99%
		SACC	416	5	99%
Balance of State	2006	FDC	1,914	168	91%
		SACC	134	14	90%
	2007	FDC	1,883	189	90%
		SACC	155	27	83%
	2008	FDC	2,149	186	91%
		SACC	242	26	89%
State Total	2006	FDC	3,044	426	86%
		SACC	361	54	85%
	2007	FDC	3,053	227	93%
		SACC	437	45	90%
	2008	FDC	3,535	200	94%
		SACC	658	31	95%

**Figure 4.7<sup>47</sup>**  
**Percent of Applications (FDC, SACC) Processed Timely, By Region, for Year Beginning:**



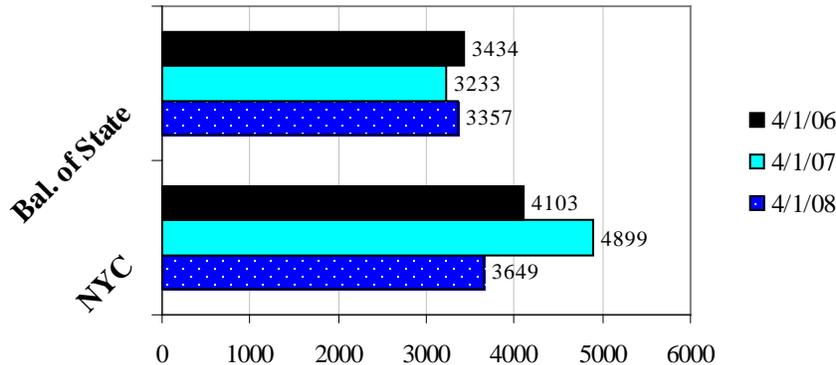
<sup>47</sup> See Appendix A.8 (Table 4.3) for the underlying results on application handling by specific DCCS regions.

**b) "50% Inspections"**

Section 390(4)(a) of Social Services Law, effective December 31, 2001, requires that DCCS (or contractors designated as registration service providers in a given locale) inspect at least 50% of all registered providers of a given modality per county, annually, in order to maintain compliance with the regulatory and statutory requirements protecting the quality of care in New York. Such "50% inspections" need to be understood as distinct from others – e.g., those required during the application process that is described above – and represent a critical additional tool in regulating and monitoring care.<sup>48</sup> Each year, this requirement involves the identification of literally thousands of providers throughout the state who are scheduled for such inspections.

Between April, 2006 and March, 2009, New York City showed substantial year-to-year fluctuations in the number of these inspections reported, while the balance of the state showed relatively more stable numbers. By the last year of the reporting period, each region documented small declines in the number of 50% inspections, compared with levels reported for the first year of the period (11% decline for New York City, 2% for the balance of the state; Figure 4.8).

**Figure 4.8**  
**Number of 50% Inspections Conducted**  
**(FDC/SACC), By Major State Region, for Year**  
**Beginning:**

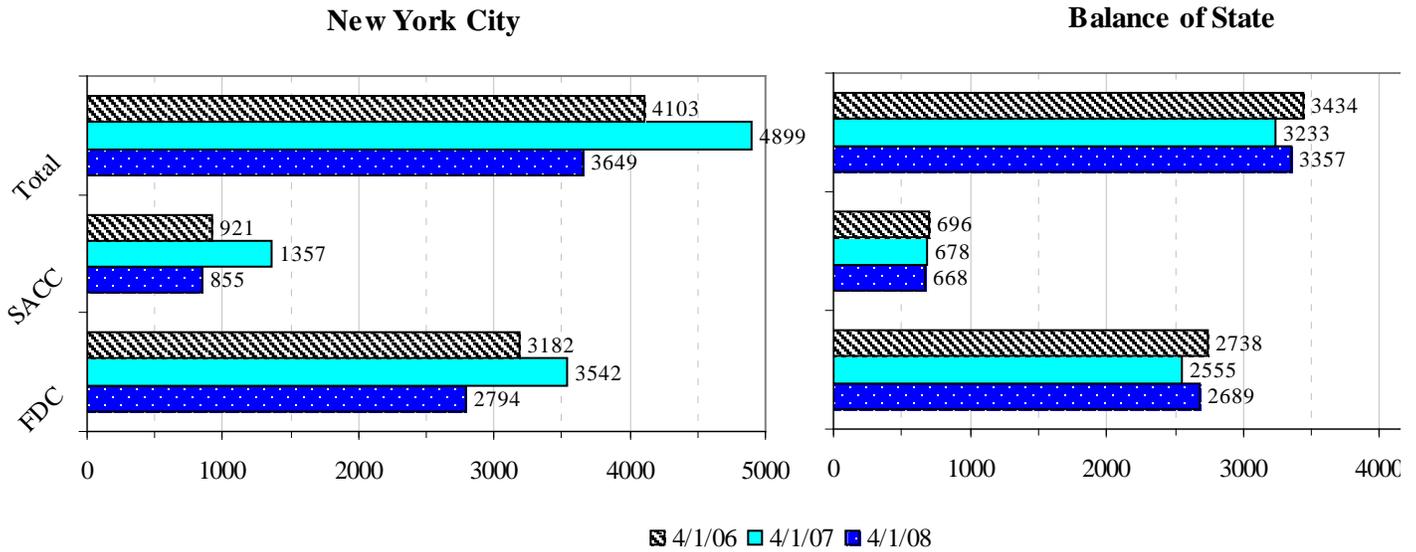


When broken down by modality, 50% inspection activity showed almost identical patterns of change for each type of care within each region (greater annual fluctuations culminating in larger declines for New York City, versus relative stability for the balance of the state; Figure 4.9).<sup>49</sup>

<sup>48</sup> See Appendix A.3 for additional details defining these inspections (and other measurements used in the report).

<sup>49</sup> See Appendix A.9 (Table 4.5) for the 50% inspection results by major state region, modality and year, charted in Figure 4.9.

**Figure 4.9. Number of "50% Inspections" Conducted, By Major State Region and Modality of Care, For Year Beginning:**



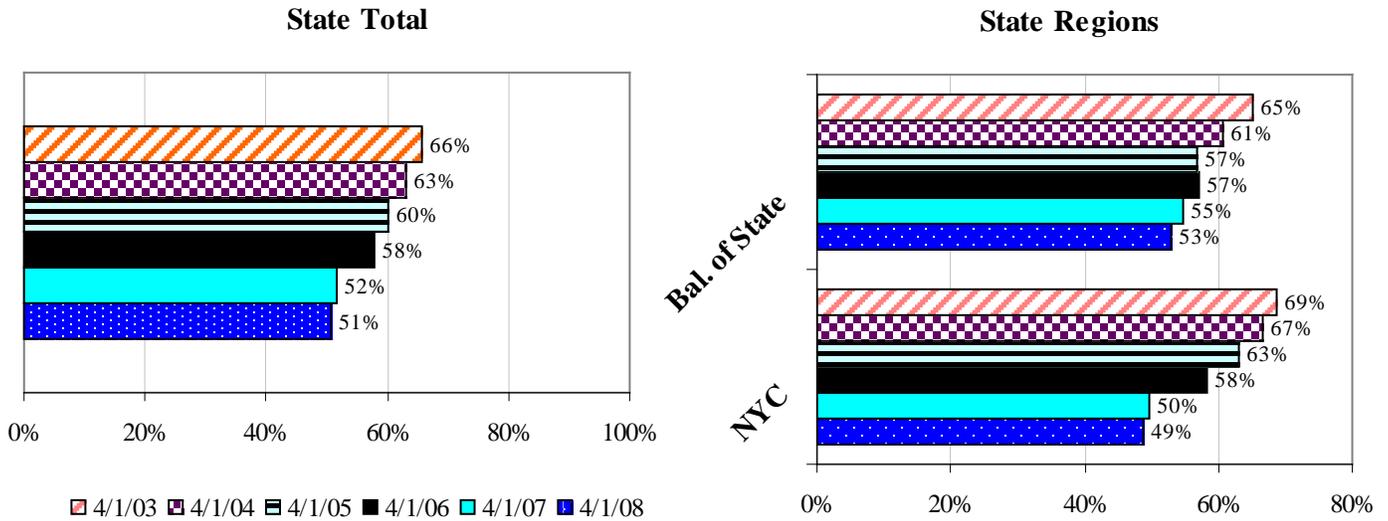
Despite the nominal declines in 50% inspections reported for these years, both New York City and the balance of the state reported conducting well more than the required 50% inspections for each year of the reporting period. Specifically, New York City's "50% inspection goal" was met and exceeded by two or three times over, each year of the period, while that for the balance of the state was exceeded by 40 – 90 % for each of these years. Table 4.4 details the inspection results underlying these and the preceding two Figures' trends.

Region	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
			Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
New York City	2006	2,758	1,379	4,103	2,394	298%	58%
	2007	3,229	1,615	4,899	2,430	303%	50%
	2008	3,864	1,932	3,649	1,782	189%	49%
Balance of State	2006	3,614	1,807	3,434	1,962	190%	57%
	2007	4,094	2,047	3,233	1,772	158%	55%
	2008	4,842	2,421	3,357	1,774	139%	53%
Total	2006	6,372	3,186	7,537	4,356	237%	58%
	2007	7,323	3,662	8,132	4,202	222%	52%
	2008	8,706	4,353	7,006	3,556	161%	51%

Mirroring patterns seen in the prior review, the proportion of 50% inspections in which violations of applicable regulations were identified continued falling modestly throughout this reporting period (Figure 4.10). Given the purpose of these inspections, discussed above, such declines appear to reinforce the last review's conclusion that the additional oversight afforded by 50% inspections has paid off by helping to support broader compliance with quality-of-care

requirements. Figure 4.10 confirms substantial but gradually declining proportions of 50% inspections identifying such violations, throughout the six years depicted, both statewide and within the major state regions.<sup>50</sup> With one exception (SACC within New York City), Appendix A.9 (Figure 4.11) shows a similar yearly decline in violations reported in connection with 50% inspections for each modality of care for each major region.

**Figure 4.10. Percent of 50% Inspections (FDC/SACC) Involving Regulatory Violations For State and Major Regions, For Year Beginning:**



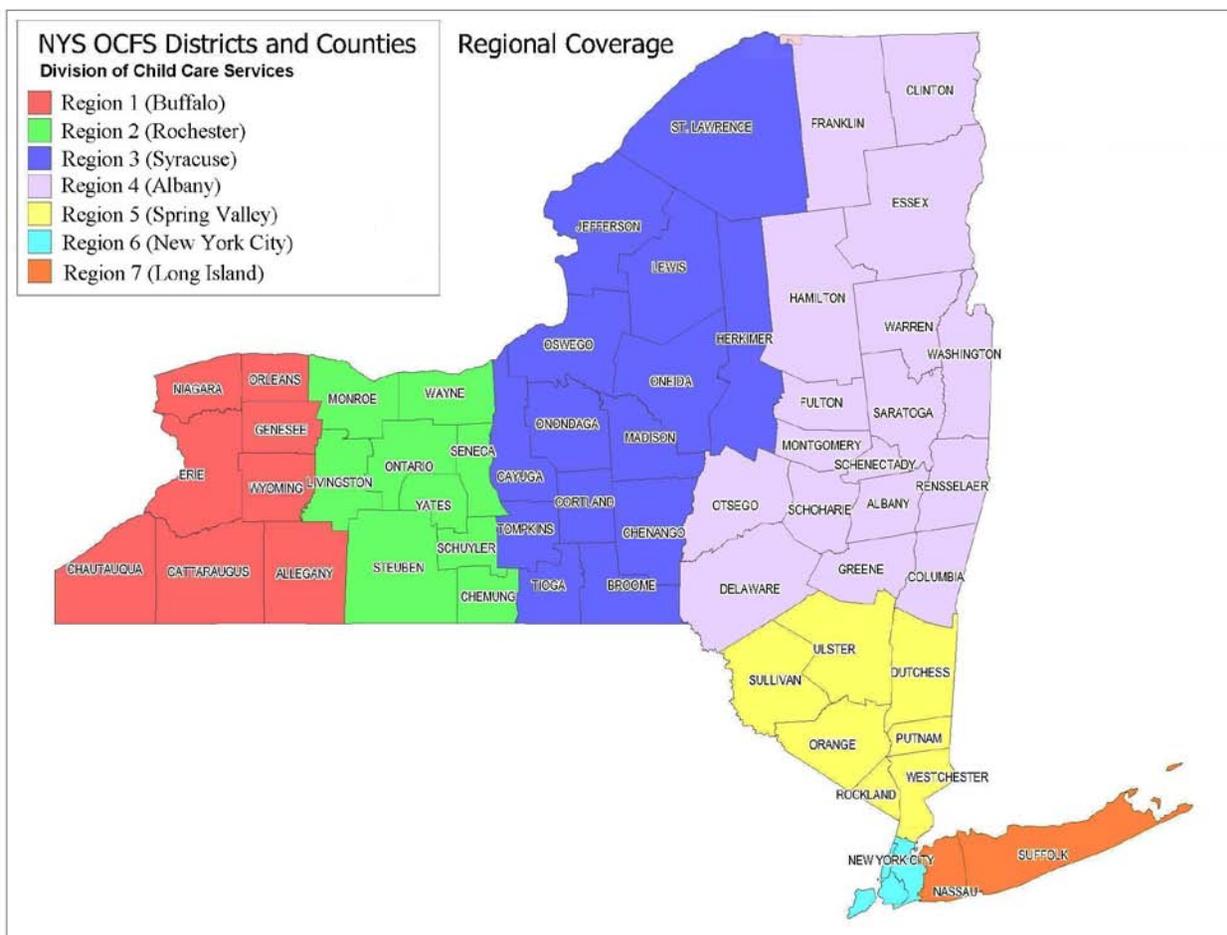
<sup>50</sup> Table 4.4, above, details the current-period numbers underlying these results. See Table 4.4 in *Report to the Governor and Legislature*, op cit., for the corresponding 2003 – 2006 source data involved.

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### OCFS Division of Child Care Services Regions and Constituent Counties<sup>51</sup>



DCCS Regions / Counties	
<b>Albany Region</b>	<b>Rochester Region</b>
Albany	Chemung
Clinton	Livingston
Columbia	Monroe
Delaware	Ontario
Essex	Schuyler
Franklin	Seneca
Fulton	Steuben
Greene	Wayne
Hamilton	Yates
Montgomery	<b>Westchester-</b>
Otsego	<b>Lower-Hudson*</b>
Rensselaer	Dutchess
Saratoga	Orange
Schenectady	Putnam
Schoharie	Rockland
Warren	Sullivan
Washington	Ulster
<b>Buffalo Region</b>	Westchester
Allegany	<b>Syracuse Region</b>
Cattaraugus	Broome
Chautauqua	Cayuga
Erie	Chenango
Genesee	Cortland
Niagara	Herkimer
Orleans	Jefferson
Wyoming	Lewis
<b>Long Island Region</b>	Madison
Nassau	Oneida
Suffolk	Onondaga
<b>New York City Region</b>	Oswego
Bronx	St. Lawrence
Kings	Tioga
New York	Tompkins
Queens	* Also known as
Richmond	DCCS Spring Valley Region

<sup>51</sup> Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are referred to by abbreviation - ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCDOHMH (New York City's registration service provider; see *Background on Child Care and Registration*), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).  
New York State Office of Children and Family Services

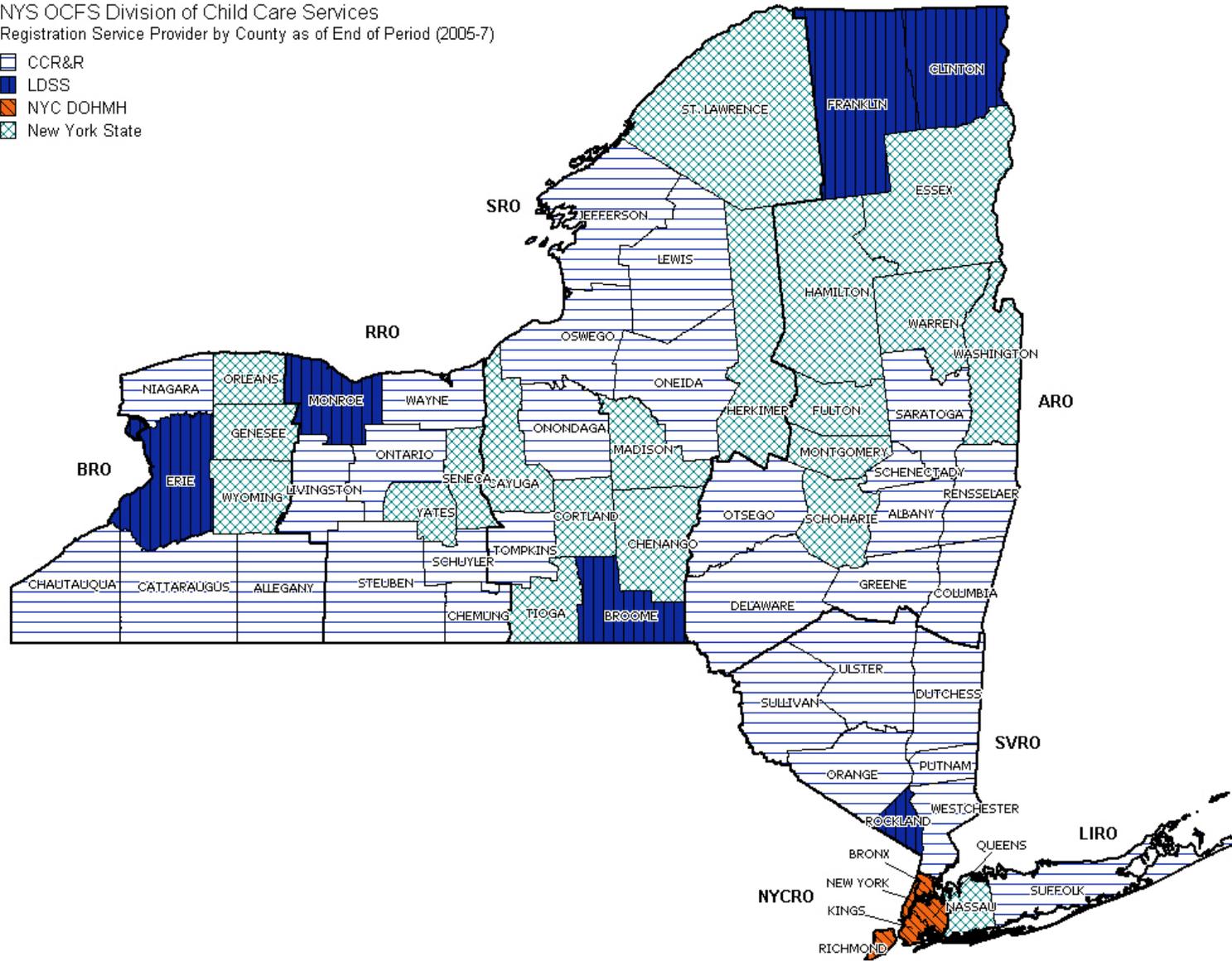




### Registration Service Provider by County: 2005 – 2007

NYS OCFS Division of Child Care Services  
 Registration Service Provider by County as of End of Period (2005-7)

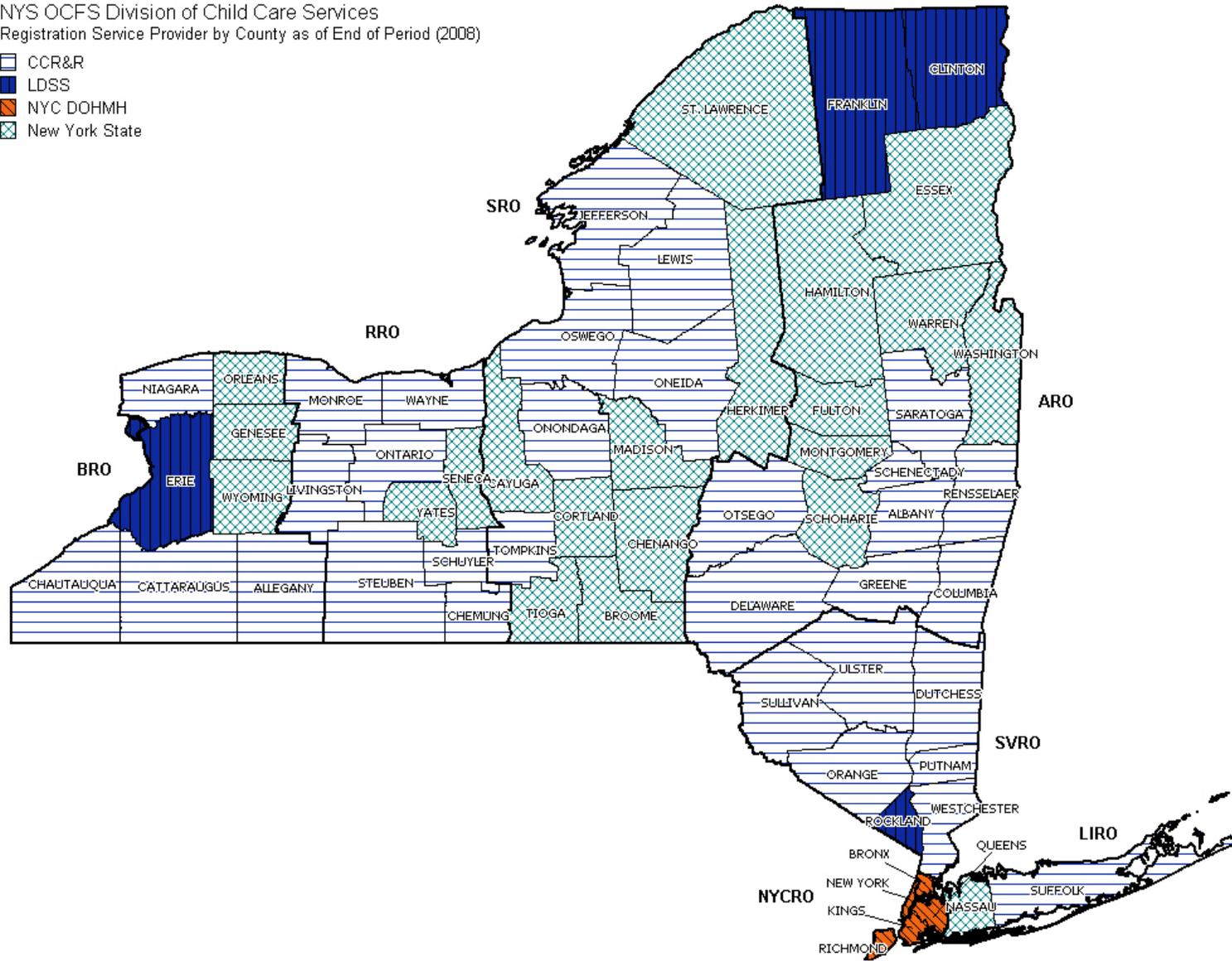
-  CCR&R
-  LDSS
-  NYC DOHMH
-  New York State



### Registration Service Provider by County: 2008

NYS OCFS Division of Child Care Services  
 Registration Service Provider by County as of End of Period (2008)

-  CCR&R
-  LDSS
-  NYC DOHMH
-  New York State





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## **Bases for Key Measurements (from *DCCS Registration Performance Standards Measures*)**

### **I. Department Response to Complaints (Complaint Investigations)**

For this report, timeliness of complaint investigations is based on data for family day care and school age child care providers, although a negligible number of "small day care center" (SDCC) providers sometimes appear for particular time periods. Two time frames are involved in assessing complaint investigations: time to initiate the investigation and time to make a final determination (or disposition) on the complaint. For purposes of OCFS' performance standards, registration service providers are expected to initiate investigations within **1 business day** (for complaints rated in the **imminent danger** category of severity) or within **5 or 15 calendar days** (for those rated as **serious or non-emergency**, respectively) and to make final determinations on complaints within **60 calendar days**. Complaints showing CPS investigation involvement are exempted from these timeframes for determining timeliness.

In comparison to the corresponding performance standards, two aspects of the measurement of the timeliness of response to complaints used for this report need to be understood: one relating to the requirements for initiating investigations, and one relating to the requirements for determining the findings of investigations.

Regarding the timeliness of *initiating* investigations, for years prior to 2009, the adjustment for business days (i.e., taking account of weekends and holidays) was *not* made, leading to a very small understatement of timeliness calculated throughout this report with respect only to this requirement. Since this bias would be expected to affect each such year about equally, on average, findings of clear, marked trends toward greater timeliness across such years (as found for this report) would not be invalidated by this factor. But differences in timeliness at initiating investigations which appeared between 2009 and prior years would be expected to be slightly exaggerated by this issue.

A different type of understatement also applies to this review's measurements of timeliness of determinations on investigations. Because *CCFS* provides only a single field ("Complaint\_Status\_Date") capturing the date for the latest status recorded for a complaint, all measurements calculated on that basis for complaints already reported closed – probably all of the complaints reviewed for this report – could include time associated with activities conducted prior to the formal "closing" date for the complaint, but following the key determination presumably at issue under the 60-day requirement (i.e., were complaint allegations substantiated or not?). Just like the issue in measuring initiations, discussed above, this limitation would not invalidate clear trends observed over time, making the review's measurements on this score somewhat more conservative than those based on the analogous OCFS performance standards but still eminently appropriate for the examinations required.

### **II. Registration Applications**

The timeliness of initial registration applications, like all measures included in this report, is based on data for family day care and school age child care providers (with the same proviso above regarding SDCC providers). Registration workers are expected to process and resolve

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registration applications within **six months** of receipt, including providing applicants with all appropriate notifications regarding the status of their applications.

### **III. "50% Inspections"**

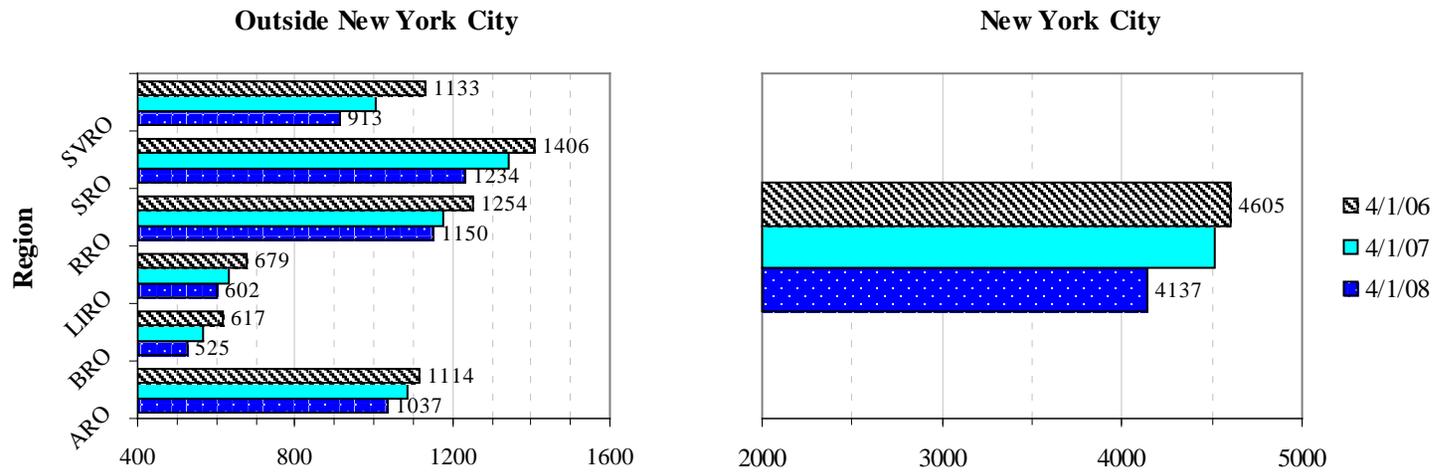
Section 390(4)(a) of Social Services Law requires that OCFS on an annual basis shall inspect "at least fifty percent of all registered family day care homes, licensed child day care centers and registered school age child care programs" to determine compliance with applicable statutes and regulations.<sup>53</sup> Only inspections covering all such statutory or regulatory program requirements (not those more limited in focus) can qualify as "50% inspections." In addition, either the primary or secondary reason for inspection reported in CCFS must be "50% sample." Finally, only one inspection of a particular registered provider per year can count toward the required number, but localities at their discretion can elect to inspect more than their minimum numbers.

Unless small county provider populations require the pooling of counties, facilities to be inspected under this requirement are typically identified by randomly selecting those to be inspected in numbers equivalent to 50% (or more) of all providers (*not applicants*) of a given modality currently registered/licensed in the respective counties.

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<sup>53</sup> OCFS, BECS Policy Statement 03-2 (12/5/03), *Registered Child Day Care Programs: 50% Inspection Requirement*.

**Figure 2.3. Number of FDC Providers Registered at Any Point During Interval, By Region, for Year Beginning:**



**Figure 2.4. Number of SACC Providers Registered at Any Point During Interval, By Region, for Year Beginning:**

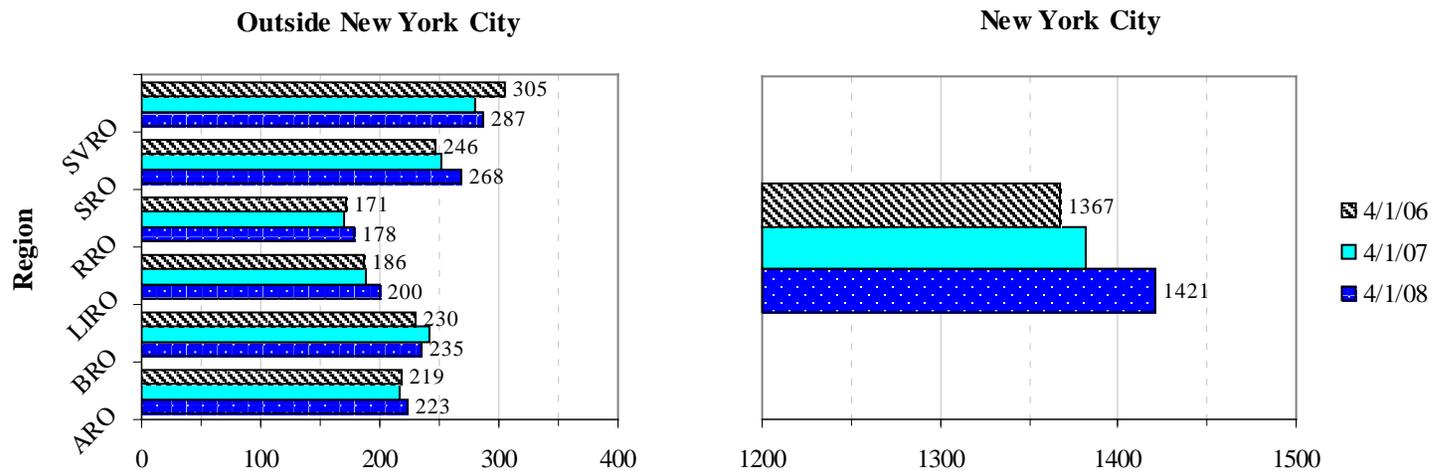


Table 2.2. Number of Registered Providers (FDC/SACC), By Region, Modality and Year: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/06 – 3/31/09										
Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC
ARO	2006	1,114	219	1,333	928	208	1,136	891	204	1,095
	2007	1,085	216	1,301	891	204	1,095	885	204	1,089
	2008	1,037	223	1,260	885	204	1,089	835	201	1,036
BRO	2006	617	230	847	523	207	730	467	216	683
	2007	568	242	810	473	217	690	457	216	673
	2008	525	235	760	456	216	672	434	215	649
LIRO	2006	679	186	865	544	176	720	542	184	726
	2007	631	188	819	542	184	726	509	182	691
	2008	602	200	802	509	182	691	480	196	676
NYCDOH	2006	4,605	1,367	5,972	3,892	1,190	5,082	3,739	1,214	4,953
	2007	4,514	1,382	5,896	3,739	1,214	4,953	3,537	1,244	4,781
	2008	4,137	1,421	5,558	3,535	1,244	4,779	3,358	1,268	4,626
RRO	2006	1,254	171	1,425	1,071	154	1,225	993	158	1,151
	2007	1,178	170	1,348	993	158	1,151	949	165	1,114
	2008	1,150	178	1,328	949	165	1,114	948	159	1,107
SRO	2006	1,406	246	1,653	1,180	232	1,412	1,100	235	1,336
	2007	1,343	251	1,595	1,100	235	1,336	1,035	239	1,275
	2008	1,234	268	1,502	1,037	239	1,276	1,012	254	1,266
SVRO	2006	1,133	305	1,438	952	275	1,227	841	265	1,106
	2007	1,005	280	1,285	841	265	1,106	771	263	1,034
	2008	913	287	1,200	769	263	1,032	720	267	987
Total	2006	10,808	2,724	13,533	9,090	2,442	11,532	8,573	2,476	11,050
	2007	10,324	2,729	13,054	8,579	2,477	11,057	8,143	2,513	10,657
	2008	9,598	2,812	12,410	8,140	2,513	10,653	7,787	2,560	10,347

Table 3.2. Number of Complaints by Seriousness and Whether Additional Regulatory Violation(s) Involved,\*  
By Region, For Years, 4/1/06 – 3/31/09

Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints:			
		By Seriousness			With Additional Violation(s)	Total	By Seriousness			With Additional Violation(s)
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger	
ARO	2006	134	117	6	46	257	52%	46%	2%	18%
	2007	39	216	5	47	260	15%	83%	2%	18%
	2008	32	194	7	52	233	14%	83%	3%	22%
BRO	2006	27	136	2	23	165	16%	82%	1%	14%
	2007	15	145	4	31	164	9%	88%	2%	19%
	2008	10	136	4	32	150	7%	91%	3%	21%
LIRO	2006	29	78	2	18	109	27%	72%	2%	17%
	2007	13	74	2	18	89	15%	83%	2%	20%
	2008	25	96	5	26	126	20%	76%	4%	21%
NYCDOH	2006	0	16	334	57	350	0%	5%	95%	16%
	2007	0	28	287	60	315	0%	9%	91%	19%
	2008	0	20	246	89	266	0%	8%	92%	33%
RRO	2006	61	232	11	68	304	20%	76%	4%	22%
	2007	61	213	11	59	285	21%	75%	4%	21%
	2008	41	222	4	69	267	15%	83%	1%	26%
SRO	2006	114	251	6	109	371	31%	68%	2%	29%
	2007	58	358	4	98	420	14%	85%	1%	23%
	2008	50	365		125	415	12%	88%	0%	30%
SVRO	2006	60	149	5	45	214	28%	70%	2%	21%
	2007	30	159	5	46	194	15%	82%	3%	24%
	2008	8	139	6	54	153	5%	91%	4%	35%
Total	2006	425	979	366	366	1,770	24%	55%	21%	21%
	2007	216	1,193	318	359	1,727	13%	69%	18%	21%
	2008	166	1,172	272	447	1,610	10%	73%	17%	28%

\* As described in the body of the report, "additional" violations shown in this and other tables on complaint-processing refers to regulatory violations confirmed during the complaint investigation but not reported within the original complaint allegation(s).

**Figure 3.8. Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Region, For Year Beginning:**

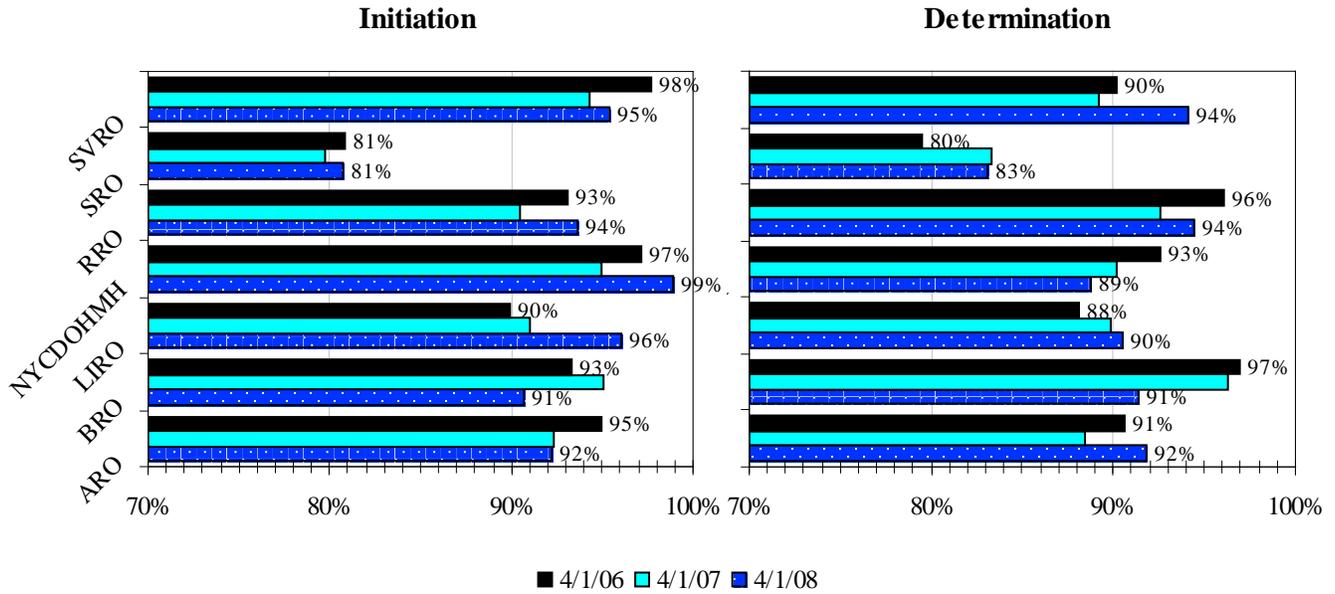


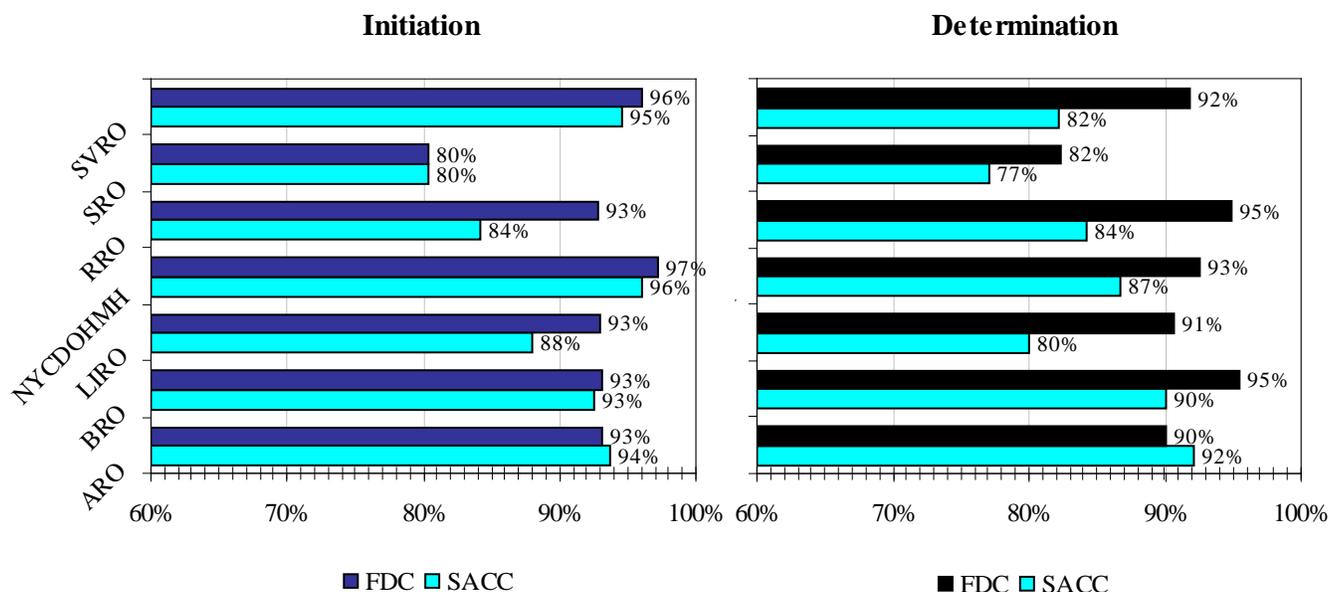
Table 3.4. Handling and Rate of Complaints, By Region and Year: Apr. 1, 2006 – Mar. 31, 2009

Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO	2006	257	13	24	95%	91%	1,333	19
	2007	260	20	30	92%	88%	1,301	20
	2008	233	18	19	92%	92%	1,260	18
BRO	2006	165	11	5	93%	97%	847	19
	2007	164	8	6	95%	96%	810	20
	2008	150	14	13	91%	91%	760	20
LIRO	2006	109	11	13	90%	88%	865	13
	2007	89	8	9	91%	90%	819	11
	2008	126	5	12	96%	90%	802	16
NYCDOH	2006	350	10	26	97%	93%	5,972	6
	2007	315	16	31	95%	90%	5,896	5
	2008	266	3	30	99%	89%	5,558	5
RRO	2006	304	21	12	93%	96%	1,425	21
	2007	285	27	21	91%	93%	1,348	21
	2008	267	17	15	94%	94%	1,328	20
SRO	2006	371	71	76	81%	80%	1,653	22
	2007	420	85	70	80%	83%	1,595	26
	2008	415	80	70	81%	83%	1,502	28
SVRO	2006	214	5	21	98%	90%	1,438	15
	2007	194	11	21	94%	89%	1,285	15
	2008	153	7	9	95%	94%	1,200	13

Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
<b>Total</b>	<b>2006</b>	<b>1,770</b>	<b>142</b>	<b>177</b>	<b>92%</b>	<b>90%</b>	<b>13,533</b>	<b>13</b>
	<b>2007</b>	<b>1,727</b>	<b>175</b>	<b>188</b>	<b>90%</b>	<b>89%</b>	<b>13,054</b>	<b>13</b>
	<b>2008</b>	<b>1,610</b>	<b>144</b>	<b>168</b>	<b>91%</b>	<b>90%</b>	<b>12,410</b>	<b>13</b>

\* All rates in this table are based on counts of providers registered *as of any point* during the respective periods.

**Figure 3.14**  
**Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Region and Modality of Care: Three-Year Summary (4/1/06 – 3/31/09)**



**Table 3.7. Handling and Rate of Complaints, By Region and Modality: Summary for Apr. 1, 2006 – Mar. 31, 2009**

Region	Modality	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO	FDC	687	47	68	93%	90%	1,460	47
	SACC	63	4	5	94%	92%	250	25
BRO	FDC	439	30	20	93%	95%	788	56
	SACC	40	3	4	93%	90%	275	15
LIRO**	FDC	298	21	28	93%	91%	862	35
	SACC	25	3	5	88%	80%	208	12
NYCDOH	FDC	623	17	46	97%	93%	5,983	10
	SACC	308	12	41	96%	87%	1,712	18
RRO	FDC	818	59	42	93%	95%	1,640	50
	SACC	38	6	6	84%	84%	196	19
SRO	FDC	1,145	224	202	80%	82%	1,848	62
	SACC	61	12	14	80%	77%	291	21
SVRO	FDC	505	20	41	96%	92%	1,441	35
	SACC	56	3	10	95%	82%	344	16
Total	FDC	4515	418	447	91%	90%	14022	32
	SACC	591	43	85	93%	86%	3276	18

\* Based on *unduplicated* three-year counts of providers, as discussed under Table 3.5 in the body of the report. As described there, three-year rates shown here are not directly comparable to the single-year rates computed elsewhere in the report.

\*\* For LIRO, counts of complaints by modality do not sum to other totals due to one complaint in that region showing "small day care center" for modality – the only such complaint observed throughout the state for this time-period.

Table 4.3. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Region and Year: 4/1/06 – 3/31/09 <sup>54</sup>					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2006	308	38	346	89%
	2007	289	49	338	86%
	2008	385	56	441	87%
BRO	2006	245	8	253	97%
	2007	238	19	257	93%
	2008	242	18	260	93%
LIRO	2006	171	60	231	74%
	2007	158	53	211	75%
	2008	198	49	247	80%
NYCDOH	2006	1,056	301	1,357	78%
	2007	1,395	57	1,452	96%
	2008	1,782	20	1,802	99%
RRO	2006	337	26	363	93%
	2007	360	32	392	92%
	2008	475	25	500	95%
SRO	2006	414	27	441	94%
	2007	414	39	453	91%
	2008	479	46	525	91%
SVRO	2006	392	23	415	94%
	2007	364	24	388	94%
	2008	398	21	419	95%
Total	2006	2,923	483	3,406	86%
	2007	3,218	273	3,491	92%
	2008	3,959	235	4,194	94%

<sup>54</sup> Registration applications counts in this table and elsewhere in the report include minimal numbers of applications with "small day care center" (SDCC) reported for modality (n=1 for each year here), which were not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. See n. 45 in body of report.

Region	Modality	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
				Goal	Conducted	With Violations	Goal Achieved	Inspections with Regulatory Violations
New York City	FDC	2006	1,890	945	3,182	1,883	337%	59%
		2007	2,240	1,120	3,542	1,703	316%	48%
		2008	2,716	1,358	2,794	1,231	206%	44%
	SACC	2006	868	434	921	511	212%	55%
		2007	989	495	1,357	727	274%	54%
		2008	1,148	574	855	551	149%	64%
	Total	2006	<b>2,758</b>	<b>1,379</b>	<b>4,103</b>	<b>2,394</b>	<b>298%</b>	<b>58%</b>
		2007	<b>3,229</b>	<b>1,615</b>	<b>4,899</b>	<b>2,430</b>	<b>303%</b>	<b>50%</b>
		2008	<b>3,864</b>	<b>1,932</b>	<b>3,649</b>	<b>1,782</b>	<b>189%</b>	<b>49%</b>
Balance of State	FDC	2006	2,594	1,297	2,738	1,526	211%	56%
		2007	3,010	1,505	2,555	1,353	170%	53%
		2008	3,650	1,825	2,689	1,384	147%	51%
	SACC	2006	1,020	510	696	436	136%	63%
		2007	1,084	542	678	419	125%	62%
		2008	1,192	596	668	390	112%	58%
	Total	2006	<b>3,614</b>	<b>1,807</b>	<b>3,434</b>	<b>1,962</b>	<b>190%</b>	<b>57%</b>
		2007	<b>4,094</b>	<b>2,047</b>	<b>3,233</b>	<b>1,772</b>	<b>158%</b>	<b>55%</b>
		2008	<b>4,842</b>	<b>2,421</b>	<b>3,357</b>	<b>1,774</b>	<b>139%</b>	<b>53%</b>
State Total	FDC	2006	4,484	2,242	5,920	3,409	264%	58%
		2007	5,250	2,625	6,097	3,056	232%	50%
		2008	6,366	3,183	5,483	2,615	172%	48%
	SACC	2006	1,888	944	1,617	947	171%	59%
		2007	2,073	1,037	2,035	1,146	196%	56%
		2008	2,340	1,170	1,523	941	130%	62%
	Total	2006	<b>6,372</b>	<b>3,186</b>	<b>7,537</b>	<b>4,356</b>	<b>237%</b>	<b>58%</b>
		2007	<b>7,323</b>	<b>3,662</b>	<b>8,132</b>	<b>4,202</b>	<b>222%</b>	<b>52%</b>
		2008	<b>8,706</b>	<b>4,353</b>	<b>7,006</b>	<b>3,556</b>	<b>161%</b>	<b>51%</b>

**Figure 4.11. Percent of "50% Inspections" Involving Regulatory Violations, By Major State Region and Modality of Care, For Year Beginning:**

