

Child care provider licensing committee

Minutes: May 8, 2024



The audio recording of this meeting can be found on dlbc.utah.gov and on the [Utah Public Notice website](#).

Members present: Jody Zabriskie, Mindy Brown, Bree Murphy, Holly Kingston, Ariel Baker, Alanna Brickley, Alan Rice, Monica Gailey, Astrid Arias, Tamara Thomas.

Members excused: Marissa Bernard

Executive secretary: Crystal Knippers

Welcome – Jody Zabriskie

- Committee roll call was conducted.

Minutes

- It was acknowledged that April meeting minutes were approved by email.

Committee vacancies

- It was addressed that there is still 1 open position on the child care provider licensing committee for a pediatrician or health care provider with pediatric experience.
- Chair and Co-Chair election
 - Jody offered to continue as the Chair of the committee and suggested Holly Kingston as Co-Chair.
 - Members expressed support for Jody and Holly, with some emphasizing the importance of having both in-home and care center providers represented.
 - A unanimous vote elects Jody as the Chair and Holly as the Co-Chair.
 - Jody went over Chair and Co-Chair duties

Agency and committee report

- Office of Child Care (OCC) - Karrie Phillips
 - Provided updates on their budget and final CCQs framework.
 - For more information, join their OCC Advisory Committee meeting, which is coming up next Wednesday.
- Office of Licensing (OL) - Florencia
 - Discussed updates on non-compliance processes and technical assistance.
 - Explained the new guidance for offering technical assistance instead of citations for low and moderate risk non-compliances. We are now creating training for our staff on when to provide technical assistance and how to document it in our system.
 - Holly asked about the process for licensors to determine whether to offer technical assistance or issue citations. Florencia clarified that the decision will not be based on the licensor's discretions but on clear guidelines.
 - Ariel asked about transparency in the process and whether providers will know the outcomes of non-compliances. Florencia and Travis assured that clear guidance will be provided to licensure and that the process will be transparent.
 - Tamara emphasized the importance of transparency and suggested adding guidance to the interpretation manual.
 - Holly suggested sending a mass email to providers explaining the appeal process for non-compliances.
 - Mindy questioned the lack of information on how to appeal non-compliances. Crystal explained that the appeal process is outlined in the inspection report and encourages providers to familiarize themselves with it.
 - That wording is " Pursuant to DHHS Administrative Hearing Procedures set out in Administrative Rule R497-100-6, you may request an administrative hearing if you disagree with the agency action taken in this notice and there is a disputed issue or fact. You must submit your request to the Department through your provider portal at dlbc.utah.gov under "Request for Administrative Hearing" within 15 calendar days of the date of this report. Any administrative proceeding shall be conducted informally in accordance with Utah Code § 63G-4-203 and Utah Administrative Code Rule R497."
 - Florencia also stated that OL is reviewing the CMP charge per child when citing a non compliance on ratios, OL is leaning towards charging one CMP per non compliance instead of charging per child over ratio.
 - Florencia and Shannon each stated that the OL is actively reviewing the severity scale of rule violations and that "several" violations are being changed from Medium or High severity to Low, or a combination of such given individual circumstances.

Assignments

- OL - Draft updated wording for the interpretation manual (IM) Section 11: Child Supervision and Security, to clarify the assessment of active supervision requirements.
 - (IM) Section 11

Caregivers must know the number of children in their care at any time. The Office of Licensing (OL) will assess compliance with this requirement during inspections by asking caregivers how many children are in their care at the moment. If a caregiver wants to ensure that they report an accurate number, they may consult any readily available record listing the number of children in care, or conduct a quick headcount of their children.

After a caregiver has reported how many children are in their care, a licensor will verify that number by conducting a headcount of each child observed in the area, including any children that the caregiver may have reported to be temporarily absent (for example, a child currently using the bathroom).

- This information will go in the interpretation manual.
 - Committee members think this wording is more clear than before.

New business

- Training Open and Public Meeting Act - Brittany Huff
 - Brittany provided training on the Open and Public Meeting Act. She explained the requirements for Public Notice, Minutes and Recordings, Emergency Meetings, Closed Meetings and Electronic Meetings.
 - She also covered the legal penalties for violating the Open and Public Meeting Act and the importance of transparency in committee decisions.
 - A summary of key provisions was provided.
- Update on new rules and public comments - Janice
 - There were no public comments on the rules. The rules are in the process of being uploaded to the website.
- Child Care Interpretation of 26B-2-406(3) - Daphne
 - This specific statute applies to residential settings and we realized this portion of the statute was being incorrectly applied. When someone was denied, we were allowing them to still reside, just not be there or present during child care hours.
 - (3) Except as provided in Subsections (4) and (5), a licensee under this part, a person described in Subsection 26B-2-405(1)(a)(viii) that is not a certified provider or a licensed provider, or an exempt provider may not permit a person who has been convicted, has pleaded no contest, or is currently subject to a plea in abeyance or diversion agreement for any felony or misdemeanor, or if the provisions of Subsection (2)(b) apply, who has been adjudicated in juvenile court of committing an act which if committed by an adult would be a felony or a misdemeanor, to:
 - (a) provide child care;
 - (b) provide volunteer services for a child care program or an exempt provider;
 - (c) reside at the premises where child care is provided;** or

(d) function as an owner, director, or member of the governing body of a child care program or an exempt provider.

- Going forward, if someone is not eligible/denied, they cannot reside at the premises. This is a statute that the legislature made a policy. We (OL) have only been given the charge to execute it.
- New Owner/Change of Ownership (CHOW) and Insurance - Jody
 - Jody introduced the topic of CHOW and its impact on non-compliance records.
 - Crystal explained the current process of reviewing CHOW requests and the need for clear guidelines.
 - The committee would like to discuss the New Owner/CHOW process further during the next meeting in July.
 - The impact of non-compliance records on insurance and the need for better communication with insurance companies was also discussed.
 - The Department is in the process of putting together a meeting for all provider types (Child Care, Health & Human Services) to brainstorm this issue.
- Medication Administration and Parent Communication. Challenges and suggestions for improving medication management in child care settings.
 - Jody introduced the issues of parents not bringing medications in the original container with the prescription.
 - Holly suggests allowing parents to send pictures of the prescription and medication bottle.
 - Alana raised concerns about the socioeconomic impact of requiring families to buy medications twice.
 - Committee members emphasized the need for clear communication with parents about the requirements for medication administration.
 - Mindy stated that parents often forget to request medication information when their child gets sick. She also suggested that inhalers be provided in a bag or with a doctor's note for better management.
 - Jody agrees that a doctor's note or printout of the prescription would be acceptable for inhalers. She also mentioned the need for formal documentation for ADHD medications and controlled substances due to their serious nature.
 - Mindy proposed adding clarification to the interpretation manual about medications that can be in a bag alongside the original prescription or doctor's note.
 - Bree supported this idea, stating it would help parents maintain compliance without affecting their income.

- Jody added that medications expire frequently, and providing them in a zip-lock bag could save parents money.
- Mindy suggested bringing back the wording for the proposal to the office of licensing for further discussion.
- Administrative hearing process - Sarah
 - Sarah provided a step by step guide on how to file an administrative hearing through the provider portal.
 - She explained the internal dispute resolution process and the need for a fillable PDF form to be uploaded with the request. The new system only accepts PDFs for uploading documents.
- Corrective action and CMP process (April 9th follow-up)
 - Holly raised concerns about the short timeframe for paying civil money penalties and the impact on providers. Crystal clarified that providers have 30 days to pay the penalty, as stated in the documentation providers receive.
 - The need for better communication and transparency with providers regarding the administrative hearing process was acknowledged.
 - Jody suggested providing official documentation from the OL to help providers understand the process better.
 - Holly questioned the rationale behind implementing a stiffer citation process without changing the rules first. They also expressed concerns about the timing of enforcement and the need for clear communication with providers.
 - Shannon explained that the changes are guidance documents and not rule changes, aiming to provide a better system for provider compliance. However, she agreed to work on a communication strategy to address providers' concerns and improve transparency.
 - Committee members questioned and expressed disagreement with the decision by the department not to revert the chart/grid until future changes are finalized and training has occurred. Committee members also voiced concern that continuing to use the current chart/grid in the interim, despite acknowledged issues, could lead to inconsistent or unfair findings.

The department stated the current chart/grid will remain in place and no changes will be made based on the committee's recommendation and while reviewing harm levels, they will not re-evaluate any centers that might receive a finding now but potentially wouldn't under the revised rules being considered. Shannon stated that the department is adding additional clarifying language and guidance for staff and providers to see on the public page.

Action Items

- Provide clear guidance to licensors on when to offer technical assistance instead of citations.
- Review and update the interpretation manual section on child supervision and security requirements.
- Schedule a meeting with providers, child care, human services, and health to discuss insurance company education on licensing violations.
- Continue discussing new owner transitions and licensing history implications.
- The Office of Licensing (OL) will work on providing a clear communication timeline for when the updated interpretation manual will be available.
- The OL will consider ways to address provider concerns about the CMP process, including the possibility of not requiring payment during the administrative hearing process.
- The OL will create a clearly labeled transition notice on the manual or website to indicate when pages are being updated to reflect changes.

Upcoming meetings

- July 10, 2025 (9:30 a.m. - 11:30 a.m.)
- A full calendar of upcoming meetings can be found on the [child care provider licensing committee webpage](#).

Reminders

- To add items to the agenda, please click [Request to add items](#)
- Committee meetings are conducted virtually, but members of the public are able to attend at a physical location upon request. To attend a future committee meeting in-person, please contact Crystal Knippers (cdknippers@utah.gov) no later than 48 hours prior to the start of the committee meeting.

Documentation

- [Committee by-laws \(2023\)](#)
- [Committee members](#)