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December 28, 1999

Mr. John A. Johnson
Commissioner
Office of Children and Family Services
Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Re: Report 99-F-20

Dear Mr. Johnson:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have reviewed the actions taken by officials of the Office of Children and Family Services (OCFS) as of May 31, 1999 to implement the recommendations contained in our prior audit report "*Monitoring Health And Safety At Child Care Providers*" (Report 96-S-88). Our report, which was issued June 10, 1998, examined whether OCFS' Bureau of Early Childhood Services' (Bureau) oversight activities were effective in ensuring the health and safety of children in State registered and State licensed day care facilities.

Background

The Bureau is responsible for overseeing the provision of day care services in the State to ensure that children are cared for in a secure and healthy environment. When we conducted our audit in 1997, the Bureau's central office directed the oversight activities of seven regional offices, 23 registration counties, 17 subcontractors, and the New York City Department of Health.

Bureau child day care regulations required that facilities which provide day care services for three or more children for more than three hours a day must be registered or licensed. Whether a provider is registered or licensed depends primarily on the size and location of the provider's facility. Regional offices approve providers' initial and renewal applications for registration and licensing, and are responsible for ensuring that providers in the region comply with relevant Bureau regulations. As of January 1, 1999, there were more than 22,800 child day care providers statewide, with a capacity to serve more than 400,000 children ages six weeks through 12 years. In New York City, there were nearly 10,500 providers with a capacity to serve more than 220,000 children.

Summary Conclusion

Our prior report found that Bureau oversight activities were generally effective in ensuring the health and safety of children in State registered and State licensed day care facilities. However, we identified certain opportunities for improvement which we believed would strengthen the Bureau's oversight of day care facilities and lead to a safer environment for children. For example, during our audit we found that regional office personnel were not logging all the complaints they received on the Bureau's complaint tracking system. In addition, we found that complaints were not always investigated within required time limits.

We also found that Bureau controls were effective in ensuring that providers complied with regulations regarding health and safety issues. However, our site visits identified a small number of health and safety exceptions, and while few in number, they could ultimately have caused harm to a child.

Finally, we found five providers that may have had criminal histories that were not identified by the Bureau and could affect their ability to care for children.

Summary of Status of Prior Audit Recommendations

Our follow-up review found that the Bureau has made progress in implementing the recommendations in our prior report. Bureau officials have fully implemented five recommendations, and partially implemented two recommendations. One recommendation has been revised.

Follow-up Observations

Recommendation 1

Ensure that regional offices make timely updates to the status of complaints on the Bureau's complaint tracking system to ensure system information is accurate

Status - Partially Implemented

Agency Action - OCFS contracted for the development of a new tracking system that incorporates the Tracking and Complaint System with OCFS' Inspection System, and will be also on-line with the regional offices and available to subcontractors. The system is near completion and is expected to be operational by February 2000. In addition, OCFS has begun making quarterly visits to regional offices and subcontract agencies to ensure that Bureau policies and procedures are being followed. This action should help strengthen procedures to monitor complaint reports and ensure that complaints are followed up in a timely manner.

Recommendation 2

Improve registration county and registration subcontractor access to the regional offices' complaint tracking system.

Status - Partially Implemented

Agency Action - The Bureau has contracted for the development of a new tracking system that incorporates the Tracking and Complaint System with OCFS' Inspection System. This system should be on-line by February 2000 and will allow better access to regional counties and to subcontractors.

Recommendation 3

Take appropriate steps to ensure that inspections are completed in a timely manner and that the inspections are documented.

Status - Implemented

Agency Action - OCFS has recently completed a comprehensive inspection procedures manual for the registration counties and subcontractors performing inspections. Bureau officials have also initiated a series of training programs for both Bureau staff and contract staff throughout the State. In addition, the Bureau is conducting program reviews of key regional office operations. According to officials, these reviews are performed on a regular basis and focus on compliance with program procedures such as procedures for conducting timely inspections.

Recommendation 4

Determine the extent to which the possible criminal histories of the above five providers would affect their ability to care for children and take appropriate actions.

Status - Implemented

Agency Action - OCFS officials reviewed the criminal histories of the five providers and determined that these providers did not pose a risk to the children under their care.

Recommendation 5

Evaluate alternatives ensuring that the backgrounds of child care providers are reviewed to minimize the risk that they will not pose a risk to the children under their care.

Status - We revised this recommendation.

Agency Action - OCFS officials advised us that: "The Governor has proposed legislation to allow for full criminal background checks on all employees, volunteers and household members of all regulated child care providers."

Recommendation 6

Ensure that regional office officials reinforce the need for providers to comply with all health and safety regulations.

Status - Implemented

Agency Action - The Bureau has recently completed a comprehensive procedures manual for staff who license/register/inspect child care facilities. This manual includes all required checklist, performance standards and timeliness standards which guide the inspectors' work. In addition, the Bureau is conducting quarterly reviews of regional office procedures to ensure compliance with Bureau policies and procedures. These reviews include checking if the inspectors completed the health and safety checklist as required in the Bureau policies and procedures.

Recommendation 7

Follow up on the items we found to ensure that corrective actions are taken.

Status - Implemented

Agency Action - OCFS officials have taken corrective actions and completed follow-up activities regarding the potential health and safety issues cited in our prior report.

Recommendation 8

Instruct employees of the Yonkers Regional Office to ensure that all day care providers comply with applicable licensing and registration requirements.

Status - Implemented

Agency Action - As stated previously, the Bureau recently completed a comprehensive procedures manual for staff who license/register/inspect child care facilities. This manual provides licensing and registration staff in Yonkers with the required checklists, and performance and timeliness standards they need to guide their work. In addition, the Bureau conducts quarterly reviews of regional office procedures, including the Yonkers office, to ensure compliance with Bureau policies and procedures.

Major contributors to this report were Richard Sturm, Ron Skantze and Donald Wilson.

We would appreciate your response to this report within 30 days, indicating any action planned or taken to address any unresolved matters discussed in this report. We also thank the management and staff of Office of Children and Family Services for the courtesies and cooperation extended to our staff during this review.

Very truly yours,

William P. Challice
Audit Director

cc: Charles Conaway
Kevin Robinson