

.69 Administrative Responsibilities of Operator.

An operator shall:

A. Unless specified otherwise by this regulation, maintain records identified by the office and required by these regulations for at least 2 years;

INTENT: A center's program records must undergo a full compliance review by OCC at least every two years. Records must be retained for at least 2 years to permit this review to occur.

INSPECTION REPORT ITEM: "Maintains records as required"

COMPLIANCE CRITERIA: All required records are retained for at least 2 years unless specified otherwise by regulation.

ASSESSMENT METHOD: Review of records required to be maintained by the center.

B. Document that the parent of each child enrolled in the center has been given a consumer education pamphlet on child care supplied by the office, and display a copy so that it is freely available for reference to parents;

INTENT: Parents must be given written information that includes basic requirements for licensed programs and informs them about their rights and responsibilities. The operator must ensure that each parent of a child in care receives a copy of the parent information brochure provided by OCC, and that a facility copy is displayed for reference purposes.

INSPECTION REPORT ITEM: "Consumer Education Pamphlet given, posted"

COMPLIANCE CRITERIA:

- Each parent of a child currently in care has received a copy of the information brochure, and
- Another copy of the brochure is displayed where it can be seen and used for reference by parents.

ASSESSMENT METHOD:

- Review records of children currently in care to determine if, for each child (or for at least one child from each family), there is signed and dated documentation that the child's parent has received a copy of the brochure.
- Observe to identify if and where a display copy of the brochure is available for parent reference.

C. Notify a child's parent in advance of each field trip and obtain written permission from a child's parent to take the child on field trips;

INTENT: A child's parent must provide written permission in advance for a child to participate in an off-site activity. The operator must retain this written permission in the facility's program records.

INSPECTION REPORT ITEM: "Field trip permission slips on file"

COMPLIANCE CRITERIA: For each child participating in an off-site activity, there is written permission from the child's parent that was signed and dated by the parent prior to the activity.

ASSESSMENT METHOD: Review children's files to determine if written permission slips, signed and dated by the parents, are present.

Note: Center operators may wish to use permission slips that are modeled on the sample "[Off- Site Activity Permission Slip](#)", included in this Manual as Appendix A-27.

D. Maintain enrollment and attendance records as required in Regulation .16C of this chapter;

INTENT: The operator must keep complete, current, and accurate records of all children served by the program.

INSPECTION REPORT ITEM: "Maintains records as required"

COMPLIANCE CRITERIA: The center maintains current and complete enrollment and attendance records.

ASSESSMENT METHOD: Review center records to determine if current and complete attendance and enrollment records are kept.

E. Maintain procedures to ensure that the whereabouts of each child in care is known at all times;

INTENT: The operator must ensure that facility staff know where each child is at all times while the child is in attendance.

INSPECTION REPORT ITEM: "Procedure for ascertaining whereabouts of children"

COMPLIANCE CRITERIA: The center has a procedure to ensure that staff members always know where each child is.

ASSESSMENT METHOD:

- Ask the director if the required procedure exists and whether it is written or verbal. If it is written, ask to see it.
- Interview facility staff to evaluate their knowledge of the procedure.

F. Maintain a written statement of discipline procedures as required in Regulation .70C of this chapter;

INTENT: The center must keep on file the written discipline policy required by Regulation .70C.

INSPECTION REPORT ITEM: "Maintains records as required"

COMPLIANCE CRITERIA: The written discipline procedures are maintained on file.

ASSESSMENT METHOD: If the written procedures are not openly posted, ask a facility staff member where a copy can be found.

G. Maintain a record of injuries and accidents involving children enrolled in the center as required to be reported in Regulation .70D of this chapter;

INTENT: The center must record each incident involving an accident or injury involving a child in attendance, and must maintain these incident records on file.

INSPECTION REPORT ITEM: "Maintains records as required"

COMPLIANCE CRITERIA:

The center:

- Has a written record of every child accident and injury; and
- Maintains all recorded incidents on file.

ASSESSMENT METHOD: Review facility files to determine if the required records are present.

H. During the period of a child's enrollment and for 2 years after the child's disenrollment, maintain a file for each child that includes records of:

- (1) The name, current address, and home and work telephone numbers of the parent;
- (2) Health inventory, immunizations, and allergies, if any;
- (3) Acute illnesses that required excluding the child from care as required in Regulation .45 of this chapter;
- (4) Written information concerning the child's individual needs which is supplied by the child's parent at or before the child's admission to care and is:
 - (a) Used by the operator to meet the child's individual care needs, and
 - (b) Reviewed by the operator and the parent at least every 12 months after the child's admission to care;
- (5) If the child requires a modified diet, the signed prescription or instructions from the parent; and
- (6) Medication administered to the child during care;

INTENT: For each child, the center must maintain a written file containing parent contact information, information about the child's health status and needs, a record of any injuries or accidents involving the child, and documentation that the child's particular needs have been reviewed. If the child does have any identified particular needs, there must also be documentation of how the program has attempted to meet those needs.

INSPECTION REPORT ITEMS: "Complete file for each child"
"Individual needs information"

COMPLIANCE CRITERIA:

- For each child, the center maintains a record containing the following completed items:
 - "Emergency Form" (OCC [1214](#) – see Appendix C-8),
 - "Health Inventory" form (OCC [1215](#) – see Appendix C-9),
 - "Health Inventory Addendum" form (OCC [1215-A](#) – see Appendix C-10), for each child younger than 6 years old admitted to the program,
 - "Medication Order" form (OCC [1216](#) – see Appendix C-11), or equivalent documentation (see [Section 49](#) of this Manual), if the center administers medication to children in care, and

- “Immunization Certificate” form ([DHMH 896](#) – see Appendix C-20).
 - For each child, the file also contains the following:
 - If applicable, documentation of each injury or accident involving the child.
 - Written acknowledgement that the required consumer education pamphlet (also known as the “parent handbook” or “parent brochure”) has been received by the parent, with the date received and the parent’s signature. The parent handbook contains a tear-off section specifically designed for this purpose, but any documentation format may be used as long as it contains the date received and the signature.
 - Documentation that center personnel and the child’s parent have discussed any particular needs the child may have so that the program can be prepared to address those needs. This discussion must occur on or before the first day that child begins in care, and within every 12 months afterward that the child remains in care.
- Note: Documentation may be in any format, but it must include, at a minimum, (1) the date of the discussion, (2) the specific nature of the child’s individual needs, if any, identified by the parent, and (3) the signatures of the parent and the center representative. For the purpose of documentation, the center may wish to use OCC [8506](#), “All About [My Child]”, which is included in this Manual as Appendix C-19. [NOTE: Instructions for completing the form are found in OCC [8505](#), which is included as Appendix C-18.] The form is specifically designed to help the center gather useful information about each child’s needs and to record related discussions with the child’s parent. However, use of the 8506 form is not mandatory – the center may develop and use its own format for recording the required information.

ASSESSMENT METHOD: Review each child’s file to determine if all the required items are present.

Notes: In the case of a child who has been disenrolled, the “two-year retention” requirement applies only to those records that were current at the time of disenrollment. Records that “expired” prior to disenrollment may be archived or discarded two years after expiration.

I. During an individual’s employment at the center and for 2 years after the date of the individual’s last employment there, maintain a record for each individual that includes:

- (1) The individual’s:**
 - (a) Training,**
 - (b) Experience, and**
 - (c) Function or position;**
- (2) Verification that the staff member’s age complies with the minimum required for the position held;**
- (3) Employment medical evaluation;**
- (4) Criminal background check; and**
- (5) Date on which the staff member received the information required by Regulation .19C of this chapter;**

INTENT: During the employment of each person, the operator must maintain a record of the person’s employment medical evaluation, job qualifications and duties, training completed while employed, federal and State criminal background check results, and date when the required staff orientation was received. This record must be maintained for 2 years after the person is no longer employed.

INSPECTION REPORT ITEM: “Complete file for each staff member”

COMPLIANCE CRITERIA:

A record containing the required information is maintained for:

- Each current employee; and
- Each ex-employee for two years after the end of the person’s employment.

ASSESSMENT METHOD: Review the records of current employees and ex-employees to determine if compliance criteria are met.

Notes: Once an employee's completed medical evaluation has been received and approved, the Licensing Specialist should enter the "Medical Report Date" on the Personnel List. That will document receipt of a valid, complete report so that the report itself will not need to be kept in the OCC licensing file any longer.

J. Maintain the required forms regarding substitutes and available adults;

INTENT: The center must have on file a written record of the arrangements made for substitute(s) and available adult(s), and must maintain copies, as applicable, of employment medicals, releases of information, criminal background check results for these persons.

INSPECTION REPORT ITEM: "Record of substitute"

COMPLIANCE CRITERIA:

The center has on file for each substitute and available adult used by the facility:

- Documentation of the arrangements that are currently in effect;
- A copy of the employment medical evaluation;
- A copy of the release of information, if the person was hired on or after October 1, 2005; and
- A copy of the federal and State background check results, if the person is paid.

ASSESSMENT METHOD: Review the facility files for each substitute and available adult used by the facility to determine if the required records are present.

K. Maintain a calendar or other written record of the days a substitute provides care and the staff member in whose place the substitute worked;

INTENT: So that the Regional Office can assess the center's compliance with requirements regarding the use of substitutes, pursuant to Regulation .28 of this chapter, the center must maintain a complete record of why, when, and for how long each substitute has been used.

INSPECTION REPORT ITEM: "Record of substitute"

COMPLIANCE CRITERIA: For each substitute used by the center, there is a record of all of the dates the substitute was used and the name and job title of the person(s) the substitute was replacing.

ASSESSMENT METHOD: Review the facility files for each substitute used by the facility to determine if the required records are present.

L. Maintain records of food actually served by the center for the most recent 4 weeks as required by Regulation .60H of this chapter;

INTENT: The center maintains records of the last 4 weeks' worth of food actually served to children, as required by Regulation .60H(2).

INSPECTION REPORT ITEM: "Menus of food served on file"

COMPLIANCE CRITERIA: There is a record of the last 4 weeks' worth of food actually served.

ASSESSMENT METHOD: Review facility files to determine if the required records are present.

M. Notify the office immediately of any change at the center which may affect the status of the license, including but not limited to:

- (1) Individuals living on the premises;
- (2) Operation of the center; or
- (3) Telephone number;

INTENT: A license is issued on the basis of certain facts and conditions pertaining to the center, its operator and personnel, and the scope of its operations. The operator must promptly report to the Regional Office any event or circumstance that may affect the basis on which the current license was issued.

INSPECTION REPORT ITEM: "Office notified of changes affecting license"

COMPLIANCE CRITERIA: The Regional Office is immediately notified of any change potentially affecting the status of the license.

ASSESSMENT METHOD: During a facility inspection, observe the facility, facility staff, and facility

operations to determine if any license status-related change has occurred that has not been reported.

N. Ensure that each:

(1) Child's file is accessible to all staff members providing care to the child; and

(2) Staff member providing care to a child is:

(a) Oriented to the child's individual care needs, and

(b) Prepared to provide the appropriate individual care;

INTENT: Child records must be accessible to staff so that they can use that information to help provide appropriate child care and supervision based on individual child needs. Each staff member must be fully oriented to, and ready to meet the care needs of each assigned child.

INSPECTION REPORT ITEM: "Child files accessible to staff"

COMPLIANCE CRITERIA:

- Each child's records are accessible to child care staff members.
- Each staff member is prepared to meet the care needs of each child assigned to him or her.

ASSESSMENT METHOD:

- Observe where child records are located to determine their accessibility to staff.
- Comparing the individual needs information contained in children's records, observe activity groups to determine if, and to what extent, individual needs are being addressed. If observation is not feasible, interview the director and facility staff as needed to determine how individual needs recorded in the children's files are addressed.

O. Maintain and, upon request by the office, submit a current and complete list of personnel, on a form supplied or approved by the office, that includes each individual, whether paid or unpaid, who works at the center on a routine basis;

INTENT: To help ensure the safety of children in care, the operator must maintain a current and complete list of all facility employees and must make that list available to OCC.

INSPECTION REPORT ITEM: "Current, complete personnel list"

COMPLIANCE CRITERIA: A current and complete Personnel List form (OCC [1203](#), included in this Manual as Attachment C-2) is maintained and provided to the Regional Office upon request.

ASSESSMENT METHOD: Review the facility files to determine if a current and complete Personnel List form is present.

Notes: On a routine basis, a center's Personnel List is reviewed by the Regional Office in conjunction with each announced 24-month "anniversary" inspection of the facility, although it is subject to review by the Regional Office at other times as well (for example, in connection with a complaint). The Regional Office may request the center to submit the current Personnel List in advance of an announced 24-month "anniversary" inspection. If not reviewed in advance, the Personnel List will be reviewed on-site during the inspection.

P. For review by the office and by parents who have enrolled their children or are considering enrolling their children, post in a conspicuous location a current and complete staffing pattern, on a form supplied or approved by the office, that specifies:

(1) The number and ages of children enrolled;

(2) The staff/child ratio in relation to the daily schedule; and

(3) By staff name, all child care assignments; and

INTENT: So that OCC, parents of children in care, and visitors may verify that the center is complying with staff/child ratio and maximum group size requirements, the operator must post current and complete staffing pattern form(s).

INSPECTION REPORT ITEM: "Current, complete staffing pattern posted"

COMPLIANCE CRITERIA: A current and complete Staffing Pattern form (either OCC [1206](#), or an alternative form that has been approved by the Regional Office) is posted for each child activity room.

ASSESSMENT METHOD: Observe to determine if all necessary staffing pattern forms are posted.

Review each form for currency and completeness.

Notes:

- A center must post its current staffing patterns in a conspicuous location. They do not have to be posted in each classroom – collective posting at a single location (for example, on a main bulletin board) is acceptable.
- On a routine basis, a center's Personnel List ([OCC1203](#)) is reviewed by the Regional Office in conjunction with each announced 24-month "anniversary" inspection of the facility, although it is subject to review by the Regional Office at other times as well (for example, in connection with a complaint).
- Operators are not required to submit staffing patterns in advance of the 24-month inspection, but they are encouraged to do so. Advance submission of staffing patterns may involve more paperwork for both the center and the Regional Office, but it is likely to result in a much shorter inspection because the Licensing Specialist will have been able to review the information before the inspection even begins. If not reviewed in advance, staffing patterns will be reviewed on-site during the 24-month inspection.
- The Licensing Specialist should be careful to link review of the staffing patterns to review of the Personnel List to ensure that properly trained staff are providing required coverage at all times.

Q. Maintain a current copy of this chapter at the center so that it is displayed and freely available for reference by parents and center staff.

INTENT: A complete copy of current center licensing regulations must be present and displayed for review by center employees and parents.

INSPECTION REPORT ITEM: "Regulations maintained for reference"

COMPLIANCE CRITERIA: A complete copy of current center licensing regulations is displayed where it can be readily accessed by center staff and parents.

ASSESSMENT METHOD: Observe to determine if and where the current regulations are displayed.

R. The operator shall immediately notify the office of an employee's criminal background check result received on or after October 1, 2005, that reports a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime listed at COMAR 12.15.02.07B.

INTENT: The operator must inform the Regional Office immediately upon learning that an employee has been charged with, or adjudicated (i.e., been convicted, received a probation before judgment, etc.) for one or more of a specified list of criminal offenses.

INSPECTION REPORT ITEM: "Notification of CBC result as required"

COMPLIANCE CRITERIA: The Regional Office is notified immediately as required.

ASSESSMENT METHOD: Upon receiving a criminal background check report for a center employee that indicates a charge or an adjudication (i.e., conviction, probation before judgment, etc.) for an offense listed under COMAR 12.15.02.07B, determine if the Regional Office has been contacted by the operator or director of the center as required.

Notes:

- The complete text of [CJIS List of Offenses- COMAR 12.15.02.07B](#) is included in this Manual as Appendix A-4.
- If an operator fails to notify the Regional Office as required, the center license may be subject to an enforcement action.