

General Rules For All Child Care Facilities

Rules Advisory Committee #1

10.18.23

OCC Staff Present	
Facilitator	Roni Pham
Subject Matter Experts	Katrina Gannon-Peterson and Scott Alto
Notetaker	Allison Delorey

Introduction:

Notes:

Introductions of CCLD staff, and RAC participates.
 The agenda was reviewed.
 The goals for this RAC were clarified.

Notes:

- There was a recap of the types of care that this rule set applies to
- There was a recap of the new sections in these rules.
- The purpose and scope of the RAC was recapped.

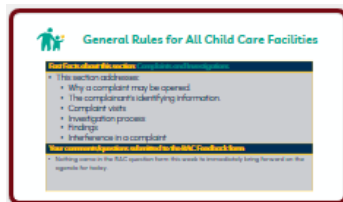
Notes:

- Group norms were reviewed.
- The group was asked to provide fiscal impacts, equity impacts, unclear rule language, any unintended consequences of a rule change. Questions to ask during the RAC is:
 - Is the rule language clear enough to understand intent?
 - Are there unintended consequences of the rule change/addition?
 - Are the identified fiscal impacts accurate and are there additional resources that will be required?
 - Are there any unintended impacts
- Anything outside of this topic or this rule set, will need to go to a parking lot and we will discuss at the end if time allows.



Notes:

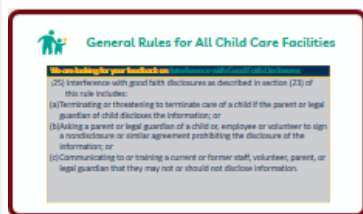
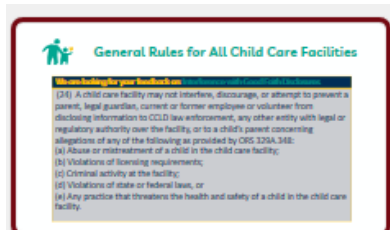
- Discussion of what can and can not be changed.



Notes:

This section includes:

- Why a complaint may be opened.
- A complainant's Identification
- Complaint visits
- Investigation process
- Findings
- Interference in a complaint



Notes:

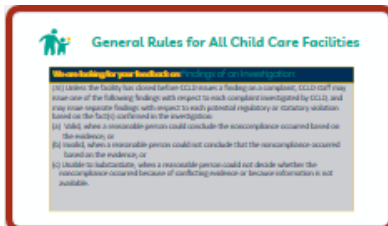
(24) A child care facility may not interfere, discourage, or attempt to prevent a parent, legal guardian, current or former employee or volunteer from disclosing information to CCLD law enforcement, any other entity with legal or regulatory authority over the facility, or to a child’s parent concerning allegations of any of the following as provided by ORS 329A.348:

- (a) Abuse or mistreatment of a child in the child care facility;
- (b) Violations of licensing requirements;
- (c) Criminal activity at the facility;
- (d) Violations of state or federal laws, or
- (e) Any practice that threatens the health and safety of a child in the child care facility.

(25) Interference with good faith disclosures as described in section (23) of this rule includes:

- (a) Terminating or threatening to terminate care of a child if the parent or legal guardian of child discloses the information; or
- (b) Asking a parent or legal guardian of a child or, employee or volunteer to sign a nondisclosure or similar agreement prohibiting the disclosure of the information; or
- (c) Communicating to or training a current or former staff, volunteer, parent, or legal guardian that they may not or should not disclose information.

- The section on Interference with Good Faith Disclosures in the Complaints and Investigations section was reviewed with the RAC.
- This information is in statute and the content was added to the chat. ORS 329A.348(1):
- This section is not new to the statute but the 2023 legislature updated some of the content in HB 3558. This is why it is added to this rule section.
- The RAC participants asked how CCLD staff would validate “good faith”.
- The Provider would be able to communicate/articulate the WHY they are terminating care. Clarified that this was only applies to termination due to reporting only.



Notes:

(20) Unless the facility has closed before CCLD issues a finding on a complaint, CCLD staff may issue one of the following findings with respect to each complaint investigated by CCLD, and may issue separate findings with respect to each potential regulatory or statutory violation based on the fact(s) confirmed in the investigation:

- (a) Valid, when a reasonable person could conclude the noncompliance occurred based on the evidence; or
- (b) Invalid, when a reasonable person could not conclude that the noncompliance occurred based on the evidence; or
- (c) Unable to Substantiate, when a reasonable person could not decide whether the noncompliance occurred because of conflicting evidence or because information is not available.

Participants wondered IF programs requested to have a findings review after a finding, and IF they went to a contested case hearing, and IF none of these efforts were favorable to the program, and IF they went to court it could cost more to hire an attorney and to be away (or close) their facilities.

CCLD staff reiterated the finding review process, timeline to respond, what types of findings show up on the portal, etc.



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 **Next RAC Meeting**

October 25th 9:00 – 10:30am

Agenda to Include:

- 1) Follow up to questions not answered
- 2) Review of Operating Hours and Care not Requiring a License
- 3) Final Definitions