

Standards Alignment, Weighted WAC, Enforcement FAQ

Enforcement

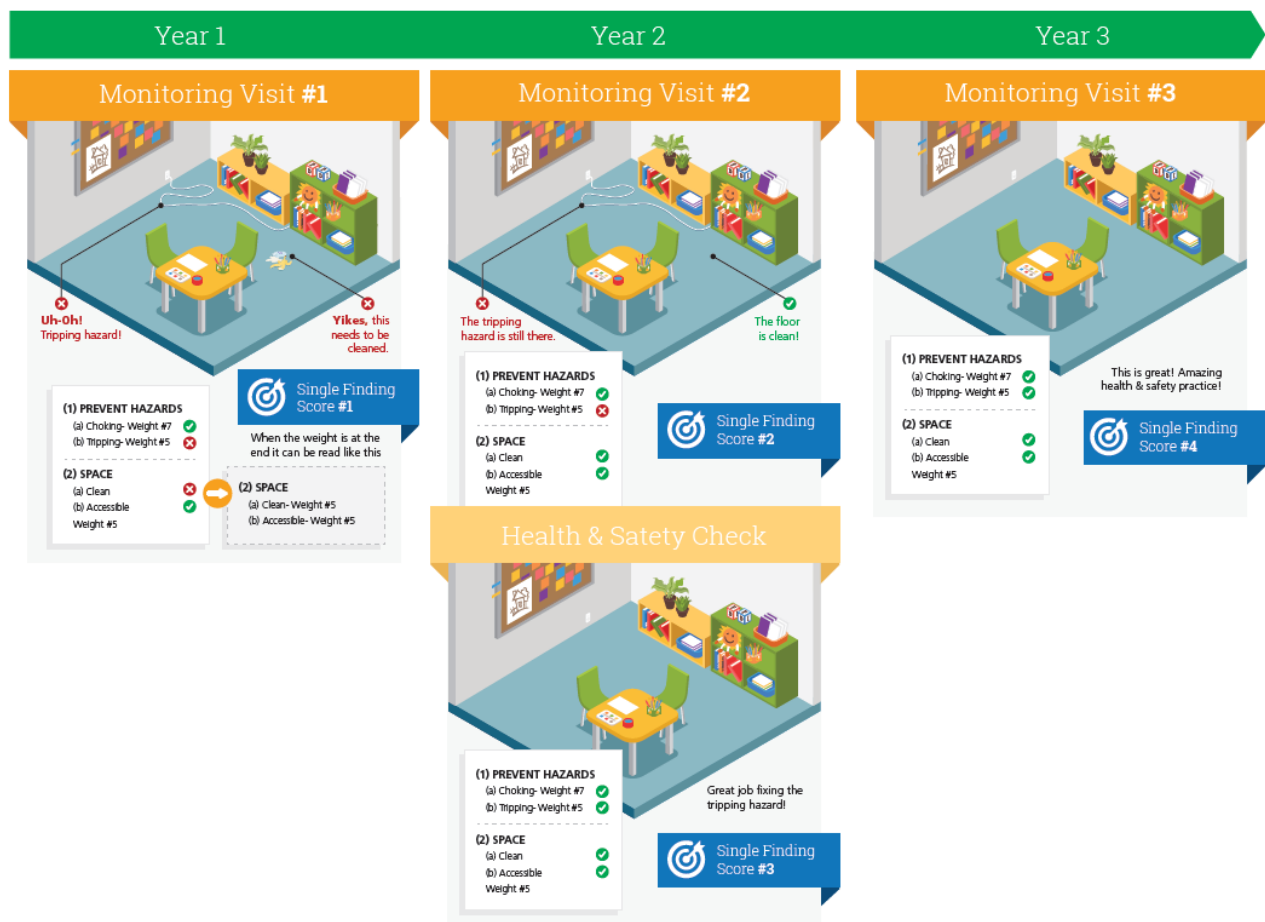
1. How will DEL make sure the enforcement of the new scoring system and the weights are fair?
Prior to rollout of proposed enforcement model, a pilot and series of validation tests will be completed to validate the weights and scoring system and inform adjustments as needed.
2. Does the new weighted WAC enforcement model mean a violation of every WAC can result in a civil penalty?
No. Civil penalties are enforcement actions that *could* be that *may only be* taken by the Department upon **repeated** violations of WAC weighted 4-6 and single violations of WAC weighted 7 and 8. Individual violations of WAC weighted 1-3 will never assess a civil penalty.
3. Where does the money collected from civil penalties go?
Monies collected from civil penalties are deposited into the Washington State General Fund. DEL doesn't directly profit or benefit from collected money.
4. If a program violates a WAC weighted 7 or 8, will it automatically be shut down?
No. There are a few options in DEL's "toolbox" that can be used when a high-risk WAC is violated. Suspending a program is a *possible* enforcement action that *could* be taken by a licensor pending the nature of the violation of a WAC with the weight 7 or 8 and the program's readiness to correct the violation.
5. If enforcement actions are "options available to the licensors", what's to stop one licensor from always offering Technical Assistance while another licensor makes their programs pay civil penalties?
In addition to statewide training on the new WAC and weights, licensors will be documenting their citations and enforcement actions into the new computer system, making it easier to track how particular licensors or regions are applying the enforcement approach. Weights indicate the level of risk, which is designed to create a transparent assessment of each violation and the corresponding risk of harm or death to a child. All civil penalties and revocations will go through a supervisory review process.
6. It seems like the more WAC that are weighted, the higher the overall enforcement score, and the harder it is for providers to stay in business. Is this the case?
The enforcement approach is not designed to make it difficult for providers to stay in business. In fact, it is trying to make it *easier* for providers to stay in business. This new approach creates transparency in the licensing review process of each WAC embeds technical assistance throughout the enforcement process, and adds clarity to when more severe enforcement actions may be taken. The higher the overall potential score, the more flexible the approach will be for providers. This process is like an exam. For example:
Missing 1 question on a 10-question exam is a score of 90%
Missing 1 question on a 100-question exam is a 99%.
Lastly, the cumulative scores are calculated on a curve. Once weights are negotiated and piloted, DEL will recalculate the cumulative score ranges and cutoff points (i.e. establishing a new "curve" for what is considered a "good" score).
7. I see if I violate a WAC with a weight of 6 twice or more, I may get a civil penalty. Does this apply only to a single WAC at a weight of 6 (i.e. I violate "WAC A" twice) or different WACs at weights of 6 (i.e. I violate "WAC A" and "WAC B" once, but both are weighted a 6)?
Possible enforcement actions based on repeat violations apply to a repeated violation of the single WAC (i.e. "WAC A" must be violated twice within a three year history before a penalty would be assessed).

Scoring

8. What's the difference between the single finding score and the cumulative score?
 Single finding scores are the weight amount assigned to each single violation found during any visit kind. The cumulative score is calculated using your most recent 3 monitoring visits and all non-monitoring visit scores within the past 36 months. This means that your cumulative score will be adjusted after each licensur visit that results in a single finding score.

9. How will DEL use a program's single finding scores and cumulative scores?
 Scores will be used to more readily and objectively identify which programs are in need of technical assistance and support to ensure the safety of the children in care. These scores will also readily identify programs that demonstrate ongoing noncompliance where further action is needed.

10. Is the weighted scoring unfair to larger programs? Isn't the risk higher when there are more kids present?
 No. A statistical review of violations and noncompliance from programs of all sizes across Washington found large programs were no more risky or likely to be cited for violations than small programs.



The Cumulative Score is composed of all Single Finding Scores in a 36 month period and is recalculated when a new Single Finding is recorded.

