

.40 INSPECTIONS

A. The Office shall inspect each family day care home:

- (1) Before issuing an initial certificate of registration;
- (2) At least once every 2 years thereafter before renewing the certificate of registration; and
- (3) On an unannounced basis, at least once each year in which an initial application inspection or a registration renewal inspection of the home does not take place.

INTENT: Your home must be inspected for compliance with family day care regulations before an initial or a renewed registration can be approved. Maryland law requires an unannounced inspection of each home during each year that the registration is not due to be renewed.

Note: Information about the Office's biennial ("off-year") unannounced inspection procedures is found in Circular Letter [99-02](#), "Unannounced Inspections (Registration Off-Year)."

B. The provider shall permit inspection of the home by the agency representative during the provider's hours of operation.

INTENT: Under Maryland law, it is the duty of the Office to inspect each home to determine if the home and the child care program comply with family day care regulations. You must allow inspection of the home by Office licensing staff during approved program hours.

INSPECTION REPORT ITEM: "CCA permitted to inspect"

COMPLIANCE CRITERIA: You allow inspection by CCA licensing staff at any time during the home's approved hours of operation.

ASSESSMENT METHOD: An inspection is either permitted or not.

Notes:

- Except as noted under Section E below, if you fail to permit inspection of your home during approved hours of care, your registration may be suspended or revoked. If entry to the home is refused, the Licensing Specialist should notify the Regional Manager, and the Regional Manager should notify the Office of Program Standards
- The scope of an inspection shall be as follows:
 - Inspection of your entire home shall be done for purposes of initial registration and resumption of service registration (i.e., registration at a new address or after a break in service – see [Section .04F](#) of this Manual).
 - Except as noted below (see "NOTE"):
 - ◇ Inspections done for registration renewals, off-year unannounced visits, and monitoring visits shall be confined to the areas approved for child care. However, if the registration certificate specifies that certain parts of the home (which may include the outdoor area) are restricted from use, the Licensing Specialist doing the inspection should verbally confirm to you (and note as a comment in the inspection report) that those restrictions remain in effect.
 - ◇ Follow-up inspections to determine if a previously cited noncompliance has been corrected shall be confined to the approved child care area(s) unless the noncompliance was observed in another part of the home (in which case, the inspection may include that part in order to determine if correction has occurred).
 - ◇ Complaint investigation inspections shall be confined to the approved child care areas unless the nature of the complaint (for example, an allegation of overcapacity, or an unreported resident, or violation of a non-access agreement) suggests that another area of the home may be involved. In that case, the Licensing Specialist shall inspect the entire home, and, if a follow-up inspection is required, the entire home may also be inspected at that time.

NOTE: During any inspection, if the Licensing Specialist hears sounds (for example,

thumps, crying, children's voices) coming from a part of the home not approved for child care, the Specialist should ask if there is anyone else present in the home and, if someone else is present, who that person is. If the person has not been reported to CCA as a resident of the home, the Specialist should observe the area where the person is located. The Specialist's observations should be recorded on a Comment Sheet if the area is observed.

- All findings of compliance and noncompliance shall be noted by the Licensing Specialist on the "Family Child Care Inspection Report" form. Details or explanations of findings shall be written on an "Additional Comments" sheet.
- The entire inspection report consists of the completed "Inspection Report" form and all "Additional Comments" sheets that were needed. At the end of each inspection visit, the Licensing Specialist must give you a copy of the entire inspection report.

C. The agency representative may make inspections, in addition to the unannounced inspection specified in §A(3) of this regulation, without prior notice to the provider.

INTENT: To determine if all children in care are safe and receiving proper care and supervision, Office licensing staff may make an unannounced inspection of your home at any time during the home's approved hours of operation.

D. Upon request, the provider shall make the records required by these regulations available to the agency representative for inspection and copying.

INTENT: You must allow Office licensing staff to inspect all records maintained in connection with the child care program and, if necessary, to remove any record from the home temporarily in order to copy it.

INSPECTION REPORT ITEM: "Records available"

COMPLIANCE CRITERIA:

- All records are freely available for inspection by Office licensing staff.
- Upon request, you release a record temporarily for copying.

ASSESSMENT METHOD: Records are either made available or not.

E. A provider may request satisfactory identification from the agency representative before admitting the person for an inspection.

INTENT: For your own protection and the protection of residents and the children in care, you may ask Office licensing staff for identification before permitting entry to your home.

Notes:

- At all times while on duty, each Office licensing staff member shall carry and be prepared to display valid State of Maryland employee identification.
- If an Office staff member cannot or will not produce valid State of Maryland employee identification, you may deny the staff member entry to the home.

F. A provider may appeal a finding of noncompliance with these regulations by requesting a review of findings by the regional office or the central office of the Agency.

INTENT: If you believe that a finding of noncompliance was wrong or unfair, you may ask for a review of that finding by Office of Licensing management staff.

Note: The following steps should be taken in appealing a noncompliance:

- On the last page of the Inspection Report, you indicate that you want a review of findings.
- The Licensing Specialist notifies the Regional Manager of your request.
- The Regional Manager contacts you to arrange a review meeting.
 - If you agree to the meeting, but your issues are not able to be resolved, the Regional Manager contacts the Central Licensing Office to arrange a second review involving Central Office staff.
 - If you refuse to meet with the Regional Manager, you may contact the Central Licensing Office directly. In this event, the Regional Manager shall:

- ◇ Give you the name and telephone number of the Director of Licensing, and
- ◇ Call the Director of Licensing to summarize the situation, provide pertinent background information, and present the recommendation of the Regional Office.