



BUREAU OF CHILD CARE

GUIDELINES FOR COMPLETING CORRECTIVE ACTION PLANS REQUIRED BY ARTICLE 47 OF THE NEW YORK CITY HEALTH CODE

The following guidelines are offered to assist group child care services in developing Corrective Action Plans as required by §47.19(g) of the New York City (NYC) Health Code

NOTIFICATION REQUIREMENTS

Subsections 47.19(g) & 47.27(c) of the NYC Health Code require a child care provider to notify the Bureau of Child Care (BCC) within 24 hours of becoming aware of:

- an indicated child abuse/ maltreatment report from the State Central Register for Child Abuse and Maltreatment (SCR);
- an employee report that an allegation has been filed against the employee;
- a record or report of criminal conviction(s), pending criminal action, or arrest or criminal charge for any misdemeanor or felony for any person required to have a criminal record review or SCR screening;
- upon the death or serious injury of a child in care, or in the care of individuals connected to the child care service.

CORRECTIVE ACTION PLAN SUBMISSION REQUIREMENTS

Subsection 47.21 of the NYC Health Code requires a child care provider to submit a corrective action plan (CAP) to demonstrate the permittee's willingness and ability to continue operating in accordance with applicable law. The permit holder or other responsible party with the authority to implement the terms of the CAP is responsible for the submission of the plan.

A permittee must submit a CAP to the BCC for review and approval within **five** business days of becoming aware of any of the aforementioned incidents or conditions.

CAPs must be submitted:

- prior to the permittee hiring, retaining or using the services of a person:
 - reported as having a criminal conviction or pending criminal charges as specified in §47.19(h);

- SCR reported incidents of child abuse or maltreatment that have been indicated or are under investigation;
- when there is a death or serious injury of a child while in the care of an applicant for a permit or current permittee; or in the care of any owner, director, employee, or volunteer of the applicant or permittee; or while in the care of any agent of the permittee; or if a related criminal or civil action has already been adjudicated or adjudication is pending in any jurisdiction with respect to such death or serious injury; and
- when required by the Department after the permittee has been cited for violations or conditions deemed imminent health hazards.

A Corrective Action Plan (CAP) consists of three parts:

- Incident Description
- Response Report
- Action Taken or Planned in Response to the Incident and to Safeguard the Wellbeing of Children

Incident Description

The Incident Description should include a detailed description of the incident or matter of concern that contains the following:

- Description of incident;
- Date, time, and location of incident;
- Age and gender of child(ren) involved;
- Extent of any injury to the child(ren);
- Nature of any criminal activity, conviction, arrest or arraignment;
- Nature of any incident of child abuse/maltreatment which has been indicated or is under investigation;
- Nature of a condition deemed an Imminent Health Hazard and its current status;
- Identification and relationship of all individuals involved to the child care service;
- Date of filing of a Child Abuse/Maltreatment report if applicable;
- Identity and extent of involvement of any law enforcement or child protective agency; and
- Disposition or determination by any court, child protective services agency or medical practitioner

Response Report

The second part of a CAP should consist of a response report that documents the permittees' assessment of the potential continued risk of harm to children in their care from continued exposure to the staff member(s) involved in the incident, and an assessment of the appropriateness of the response of the staff to the incident.

The Response Report should include the following:

- An assessment of the incident's impact upon the child care program's ability to deliver safe child care services;
- An assessment of the current or potential risk to the health, safety, or welfare of children and/or property by the continued exposure to the individual involved in the arrest, conviction, abuse/maltreatment allegation or indication;
- An assessment of the actions taken by the child care provider or child care staff in response to the incident or occurrence, which shall include:
 - ❑ the adequacy of child supervision by staff;
 - ❑ any deficiencies or failures of staff to comply with established procedures of the child care service's Written Safety Plan;
 - ❑ the reasons for failure of the child care service to have established procedures to respond to the incident or occurrence in the Written Safety Plan, if applicable; and
 - ❑ any deficiencies in the child care service's Written Safety Plan that requires revision or modification.

Action Taken or Planned in Response to the Incident

The Plan of Corrective Action should include a detailed explanation of actions taken to address the event, including but not be limited to:

- Actions taken by the specific implicated individuals to mitigate or respond to incident;
- Proposals for the type and extent of staff training that will be offered as a result of an incident or occurrence;
- Proposed revisions of the child care service's Written Safety Plan;
- Steps taken to improve and increase supervision of staff;
- Steps taken to improve and increase supervision of children;
- Staff reassignments, suspensions, or terminations, if applicable;
- Identification of current or proposed policies in the Written Safety Plan to prevent or mitigate the recurrence of such incidents in the future;
- A timeframe for implementing the Corrective Action Plan; and
- Steps taken to monitor the effectiveness and compliance with any new policies by staff and individuals associated with the child care service.