

Variations: Potential Administrative / Legislative Actions that could be Task Force Recommendations:

Address Liability Issues

- A1. Commission a study about the possible ways to address concerns about liability and their legal implications
- A2. Change liability for counties / individual licensors

Structural Changes:

- B1. Move approval of all variations to DHS (would require funding)
- B2. Allow for an appeals process for denied variations– within county or to DHS (if at DHS, would require funding)
- B3. Allow for “emergency variations” which can be granted by email

Collect Data about Existing Process:

- C1. Counties report to DHS if variations are requested / what for and if approved / denied
- C2. Counties provide copies of approved variations to DHS
- C3. Counties report on criteria / policies for granting variations to DHS
- C4. If data is reported to DHS, require DHS to include this information in a report to the legislature

Require Counties to Implement Formal Processes and Increase Communication:

- D1. Require counties to develop criteria / policies for approving variations – under what circumstances and process, including who has authority (licensor, county board, etc.)
- D2. Require counties to use uniform criteria / policies, developed collaboratively by counties and DHS
- D3. Require counties to post criteria / policies on their websites
- D4. Require counties to distribute criteria / policies to license holders

Provide education/ encouragement and support to counties surrounding variations:

- E1. DHS to communicate with County Attorneys / County Boards to educate and encourage use of variations
- E2. DHS collaborate with counties to develop guidance for licensors to ensure that licensors and counties understand alternatives to variations
- E3. DHS collaborate with counties to develop best practices for counties and licensors on the circumstances under which variations are or are not appropriate
- E4. DHS provide training on variations for Licensors
- E5. Engage a non-government entity to create tools / resources

If we were to require criteria or policies to be created by counties or DHS, they could include:

1. Who is eligible:
 - a. How long licensed
 - b. Compliance history
 - c. What type of license do they have
 - d. Already has variance(s)
 - e. Is there a current investigation of the provider?
 - f. Look at history of complaints and/or parent reviews(?)
2. What can be varied:
 - a. Types of variances they'll consider
 - b. How long variances can be good for
 - c. If there are opportunities to renew variance and/or whether it can be a continuous variance
 - d. Are variances specific to certain children / families or more general (allowance for Suzie's infant vs. allowance for any infant)
3. Process for applying
 - a. What needs to be submitted
 - i. Provider needs to explain methods for ensuring children's health and safety without following rule
 - ii. When / how many days a week, etc. variance is needed
 - b. Who approves
 - c. Timeline for steps in process