

# THE FOUNDATION

## Compliance with Licensing Requirements

Licensing requirements are the foundation of the *Stars* program. Programs must maintain compliance with minimum licensing requirements to qualify for 2, 3, 4, & 5 Star levels.

The following policy is used to evaluate compliance. Programs must:

- have a permit or license AND
- be compliant with licensing requirements. Monitoring visits and substantiated complaints for the last 24 months of operation are reviewed. A request for Star certification may be denied or the Star level reduced when there are numerous, repeated, or serious non-compliances (NRS) with Licensing requirements, a serious incident occurs resulting in injury or imminent risk of harm to a child, an Emergency Order or notice of proposed request for license denial or license revocation is issued, a serious substantiated complaint occurs, or if a program fails to employ a qualified director for six months or more, or Star certification level criteria are not met.

The following defines NRS per OAC 340:110-1-9.3:

A. Numerous non-compliance is any monitoring visit with six or more items documented as non-compliant on the monitoring checklist for a program with a licensed capacity of less than 60, or seven or more items for a program with a licensed capacity of 60 or more. Each numbered item on the monitoring report that has been marked as non-compliant is counted once even though there may be more than one non-compliance included in that item.

B. Repeated non-compliance is three or more documented incidents of non-compliance with the same requirement within the last 12 months.

C. Serious non-compliance is a non-compliance with licensing requirements that exposes children to conditions that present an imminent risk of harm. Serious non-compliances are identified through licensing observations, confirmed complaint investigations, and/or self-reported incidences. Some examples of non-compliance that may be considered serious are: staff-child ratio, child supervision, infant sleep environments and safe-sleep training, prohibited disciplinary actions, licensed capacity, transportation, water activities, pools and other water hazards, multiple hazards, weapons, failure to report child abuse or human trafficking, knowingly permitting access to children by individuals identified as restricted or Restricted Registry registrants, failure to obtain background investigations or Restricted Registry searches, medication administration, room temperatures, heat sources and/or loss of any utility service, and cardio-pulmonary resuscitation and first aid training.

A non-compliance may qualify in more than one category in determining numerous, repeated, or serious and the same non-compliance, though only counted once, may qualify in more than one category. *Example*: an understaffing is considered serious and may be part of repeated and numerous non-compliance.

For more information you may refer to the policy listed at:  
<https://oklahoma.gov/okdhs/library/policy/current/oac-340.html>