

PROVIDERS RIGHTS (from CARE website)

PROVIDERS HAVE A RIGHT:

- To deny entry to the family child care home or child care center to a Licensor while the child care is closed for business.
- To limit the search of your premises to the department approved indoor and outdoor licensed child care space, or space that is otherwise accessible to children only. The department may request access to unlicensed areas that are inaccessible to children but the Provider may refuse access without a search warrant.
- To request to record licensing visits – is not limited to video and audio recording – and are subject to DEL conditions.
- To deny the removal of original documents from the premises. DEL may request to remove original documents after completing & signing form DEL 10-390. DEL may make copies and has the right to requested information or access to your licensed space, child and program files, or staff and children in care. You must maintain all records and reports required by WAC in an up-to-date manner in the licensed space of the facility.
- To opt out of Professional Liability Insurance per WAC 43.215.535 and defined in RCW 48.88.020.
- To disagree with the cited violations of a Facility Licensing Compliance Agreement (FLCA). Even though WAC 170-296-0370(2)(a) mandates that a Provider must sign the FLCA (or be in violation of yet another WAC), the Provider may sign the FLCA writing on the form that she/he denies the violation and requests a Supervisory Review.
- To know that once a Provider signs a Facility Licensing Compliance Agreement, they are agreeing that they were in fact in violation of the cited WAC.
- To know that a Facility Licensing Compliance Agreement is a legal binding agreement/document and can be used against a Provider creating a history of non-compliance resulting in the issuance of a probationary license, modification, denial or a revocation.
- To request an appeal for an Administrative Hearing if your license has been denied, suspended, revoked or MODIFIED in any way. Your Licensor can NOT legally without cause modify the capacity, change or add additional

limitations to the original license without written notice stating the reasons. If you do not agree or give your consent, you have the right to request an appeal in writing regardless of whether the department has notified you of your rights or not. WAC 170-296-0480 and RCW 43.215.305

- After a license revocation is issued, to request an Administrative hearing and remain open during the Hearing Process and until the final order is issued. The presiding or reviewing officer may permit the department to implement part or all of the action while the proceedings are pending if the appellant causes an unreasonable delay in the proceedings or for other good cause. RCW 43.215.305(4)(a)(b)
- To be made aware that even though the Department will state that a Provider may represent themselves at a Hearing, the Department will be represented by an Assistant Attorney General giving the Department an unfair advantage over the Provider.
- To be informed that the Department can only summarily suspend the license (immediately shut the business down) when necessary to protect the public health, safety, or welfare. If the Department shuts a childcare business down the Provider can make a request for an Expedited STAY to re-open and remain open for the duration of any investigation and until the completion of the Hearing process. An Expedited Stay Hearing will only be successful if the ALJ rules in favor of the Provider. RCW 43.215.305 (4)(b)
- To be licensed under RCWs and WACs which, when enforced, are not left to the interpretation of individual DEL staff. When a Provider is penalized for a WAC interpretation, the Provider can request policy clarification via legislators and/or DEL Policy Administrator. There is no Hearing process for disputing a FLCA other than a Supervisory Review Request.
- To challenge the finding of a FOUNDED DLR/CPS complaint by requesting a Supervisory review and/or an Administrative Hearing. There is no Hearing process for Inconclusive Findings. Provider may want to consider a Supervisory Review on Inconclusive Findings.
- To defend, have council and/or advocacy, during any meeting or investigation with DEL and/or DLR/CPS.
- To accuracy on every entry made by DEL and/or DLR/CPS and to respond and submit documentation refuting inaccurate entries. Inaccurate entries will not be removed from the licensing file or CAMIS.
- To request Public Disclosure on every home visit conducted by DEL and or DLR/CPS at the time of the home visit. (CARE encourages Providers to request their full records on an annual basis; hard copy and CAMIS)

- To full disclosure of any "complaint" or "non-compliance" entry and/or investigation by DEL and/or DLR/CPS once the investigation is completed.
- To timely written notification that you are the subject of an investigation.
- To be aware that surrendering the license will result in giving up your Administrative Hearing Rights.
- To be aware that there are dangers in accepting a probationary license. Please contact CARE or an Attorney before agreeing to a probationary license.
- To be aware that there is not a statute mandating that a change in residence means the Provider must accept an INITIAL license.
- To be aware that people may be on the premises during childcare hours without a background check if they do not have unsupervised access to children.