Supplemental Course 4

Program Monitoring Systems Trainer Guide

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Overview of Course

The Program Monitoring Systems course is one of four courses designed to supplement the core NARA National Regulatory Professional Credential (NRPC) courses. This course is designed to take 180 minutes of instructional time.

Summary

The Program Monitoring Systems course introduces qualitative and quantitative measurement systems within regulatory administration. Information includes the historical movement from qualitative toward quantitative systems. Learners will explore the development of instrument-based program monitoring (IPM) including development of licensing indicator systems and weighting systems. The relationship between regulations and measurement instruments is provided, including the importance of validity and reliability to ensure credibility and transferability.

Modules

The Program Monitoring Systems course is presented in two modules:

- Module 1: Overview of Regulatory Compliance Measurement Systems
- Module 2: Regulations and Instruments

Learning Objectives

By the end of the Program Monitoring Systems course, learners should be able to:

- Identify important influences on measurement systems used in human care regulation.
- Define instrument-based program monitoring tools.
- Explain the importance of aligning measurement tools with regulations.

Training Basics

Training Basics
To help facilitate an efficient, organized, and effective learning environment, trainers should:

Before the Training

- Review all training materials and write notes or highlight important concepts, and conduct additional research, if necessary, to ensure a high-level of understanding.
- Create a participant agenda that includes periodic breaks.
- Arrive at the training location to allow enough time to connect and test all electronic equipment.
- Set up the training room to ensure each learner can easily view the presentation and instructor.
- Organize all training materials and supplies so that they are easily and quickly distributed during activities.
- Adjust the thermostat to a comfortable level, if possible.

During the Training

- Welcome learners as they arrive and provide them with a participant guide.
- Review the agenda and provide the location of restrooms, vending machines, or other areas learners may need to access.
- Plan an ice breaker or other activity to help participants feel welcome, get to know each other, and feel comfortable.
- Use the slide deck to present the information electronically while encouraging learners to take notes in their participant guide and use the guide to study for the NRPC credential exam.
- Tell the learners about course elements (e.g., QR codes, activities) and explain their importance.

After the Training

- Distribute, collect, and score the final quiz (participants must pass the final quiz to receive in-service training credit).
- Clean the training room and return the tables and chairs to the configuration in which they were found upon arrival.
- Submit documentation of completion for all learners to NARA.

Course Elements

This course includes many elements beyond the content presented on PowerPoint slides, including:

QR codes

QR codes are black and white squares used to store URLs accessible by scanning using a smartphone. Within this course, trainers should encourage learners to scan QR codes and bookmark the web-based resource in their browser to create a professional resource library. If time permits, trainers should use the web address in the slide notes to visit the QR's website resource and review with learners briefly.

Activities

There are activities within each module to help learners assess their grasp of content presented. Each activity aligns with a module learning objective and information presented in the previous section. Trainers should use these activities to review content if needed for learner comprehension.

Trainer Notes

Trainer notes are the main content aligned with the course learning objectives, regulator competencies, and learner assessment. Trainers are expected to use the information in the PowerPoint slide deck trainer notes or this trainer guide throughout their instruction. However, trainer notes **SHOULD NOT** just be read to the learners. Doing this can be frustrating and boring for learners and trainers alike. Trainers should present the information in their own words. Reviewing the trainer notes several weeks prior to the scheduled training date, making notes, highlighting terminology, adding sticky notes as reminders, and using other strategies can help trainers synthesize the course content.

Participant Guides

Participant guides include some of the content presented throughout the training. Participant guides are used by learners to take notes, fill in missing information, and record answers to activities. Trainers should encourage learners to use these to study for the NRPC credential exam.

Knowledge Check Questions

At the end of each module, learners can assess their understanding of the information presented by answering knowledge check questions. Knowledge check questions align with the module's learning objectives and provide an opportunity for additional discussion and review.

Final Quiz

The final quiz should be given once all course materials have been covered. The final quiz questions align with the course content and learning objectives. To successfully complete the course and receive in-service training hours, learners must pass the final quiz.

Training Materials Needed

Presentation Materials and Supplies

- PowerPoint slide deck
- Trainer's Guide
- Participant Guide
- Agenda
- Chart paper
- Markers
- Masking tape
- Sticky Notes
- Index cards
- Calculators

Activity Specific Materials

Activity: Should You Use a Qualitative or Quantitative Measurement System?

- Chart papers with Qualitative on one and Quantitative on the other
- Index cards with scenarios
- Tape

Activity: Identify the Influences on Regulatory Measurement Systems?

- Chart papers with influence categories
- Index cards with examples
- Tape

Activity: Licensing Indicator Systems

- Signs with steps
- Signs with numbers
- Tape

Activity: Practice Finding the Mean and Median
Activity: Practice Transforming the Weights Question 1 and 2
Activity: Practice Applying Standard Deviation Scenario 1 and 2

- Scratch paper
- Writing instrument
- Calculator for each group

Activity: Which Step Is It?

- Chart paper with each step
- Index cards with each example

Activity: Which System Is It?

- Activity displays on screen

Activity Specific Materials (continued)

Activity: Using Management Procedures and Processes

- Index cards with each procedure/process
- Index cards with examples

Activities: Is It Describing Validity or Reliability?

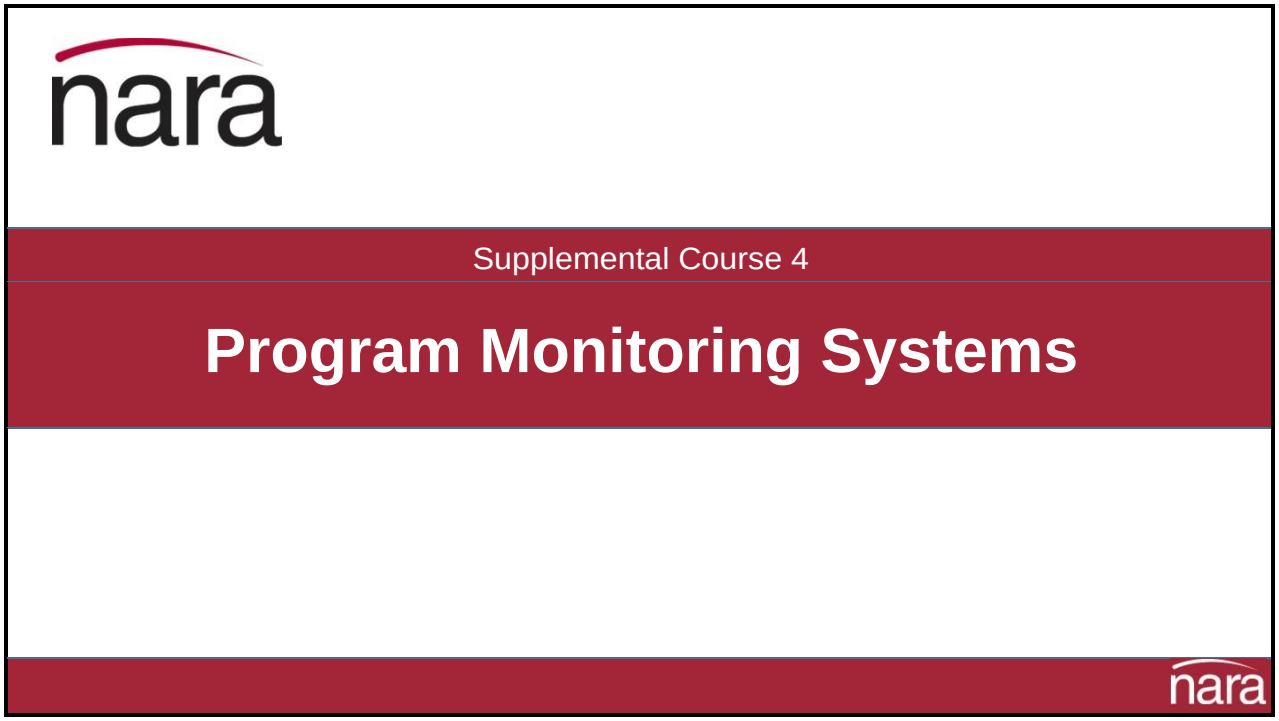
- Venn Diagram chart paper
- Tape
- Markers
- Paper or index cards with each example

Activity: Deciding the Validity and Reliability

- Activity displays on screen

Activity: Which Relationship Is It?

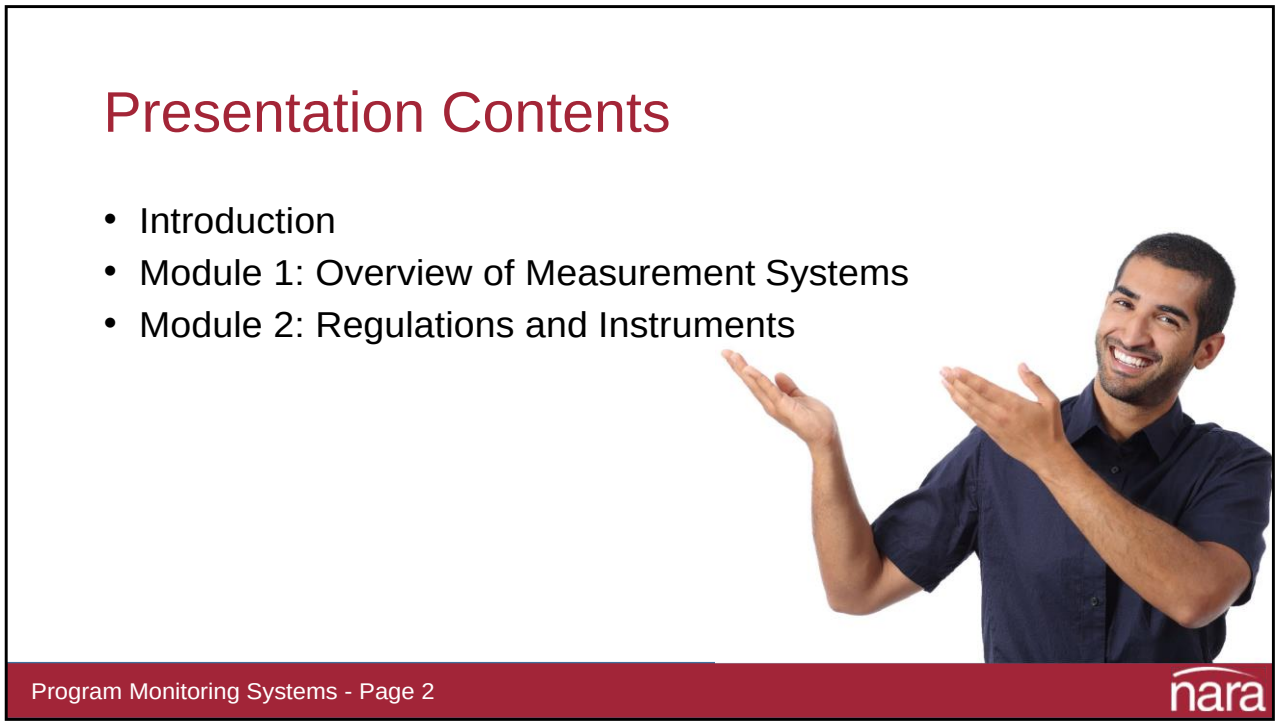
- Index cards with an example
- Chart paper for each relationship



Notes to Instructor:

Welcome all participants and review the course goal.

Course Goal:
The goal of this course is to provide the human care regulators with information related to the science and art of regulatory compliance and measurement systems as they relate to regulatory administration.



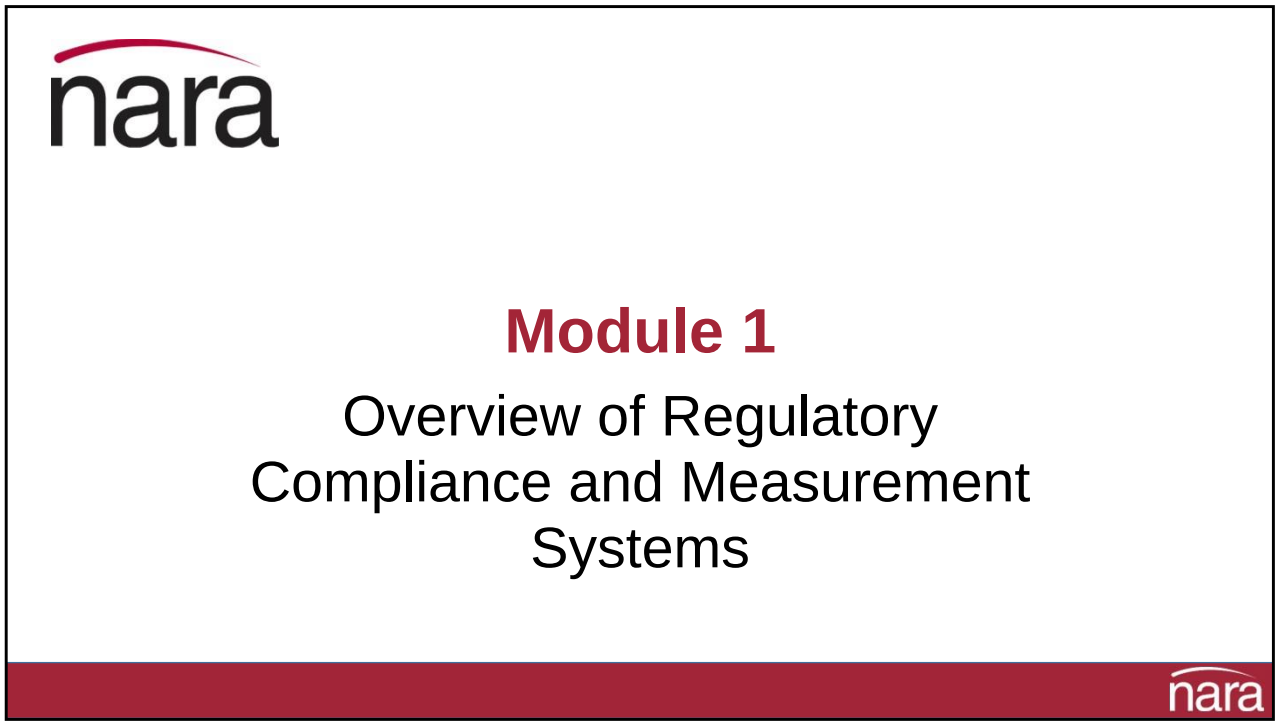
Notes to Instructor:

Review the presentation layout with course participants.

Introduction
This course will take approximately three hours to complete the two modules. Each module explores important topics in understanding program monitoring systems for human care regulation.

Course Modules:
- Module 1: Overview of Regulatory Compliance and Measurement Systems
- Module 2: Regulations and Instruments

In this course, the term government areas will be used in reference to US states, territories, tribal nations, and Canadian provinces collectively.



Notes to Instructor:

Introduce module

Module 1: Overview of Regulatory Compliance and Measurement Systems

Learning Objective

- Identify important influences on measurement systems used in human care regulation.
- Define instrument-based program monitoring tools.

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Notes to Instructor:

Review learning objectives with course participants.

Learning Objectives:

- Identify important influences on measurement systems used in human care regulation.
- Define instrument-based program monitoring tools.

This session is based on best practices and NARRA's standard methodology. The methodology does allow for some process variations based on the licensing agency's goals, technology, and resources. If an agency can meet the critical goals such as applying the appropriate statistics, there is some flexibility in other areas.

Add a page/slide with critical terms:

Inspection:

Full Inspection:

Complaint investigation:

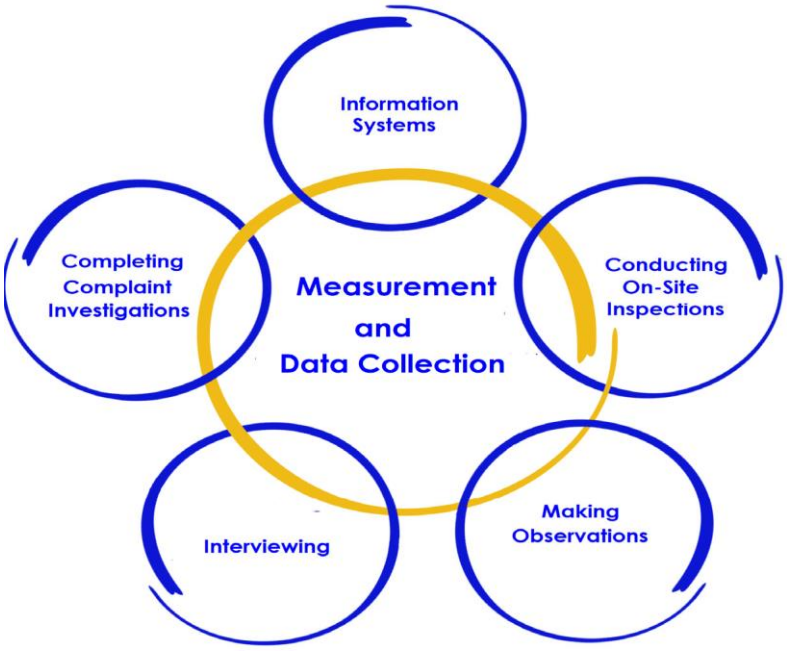
Monitoring: A systematic review of compliance with regulation, rules or standards, including an observation of the program's or individuals practice and environment
The person or entity that gratns the license and owns or has permission to

Licensor:

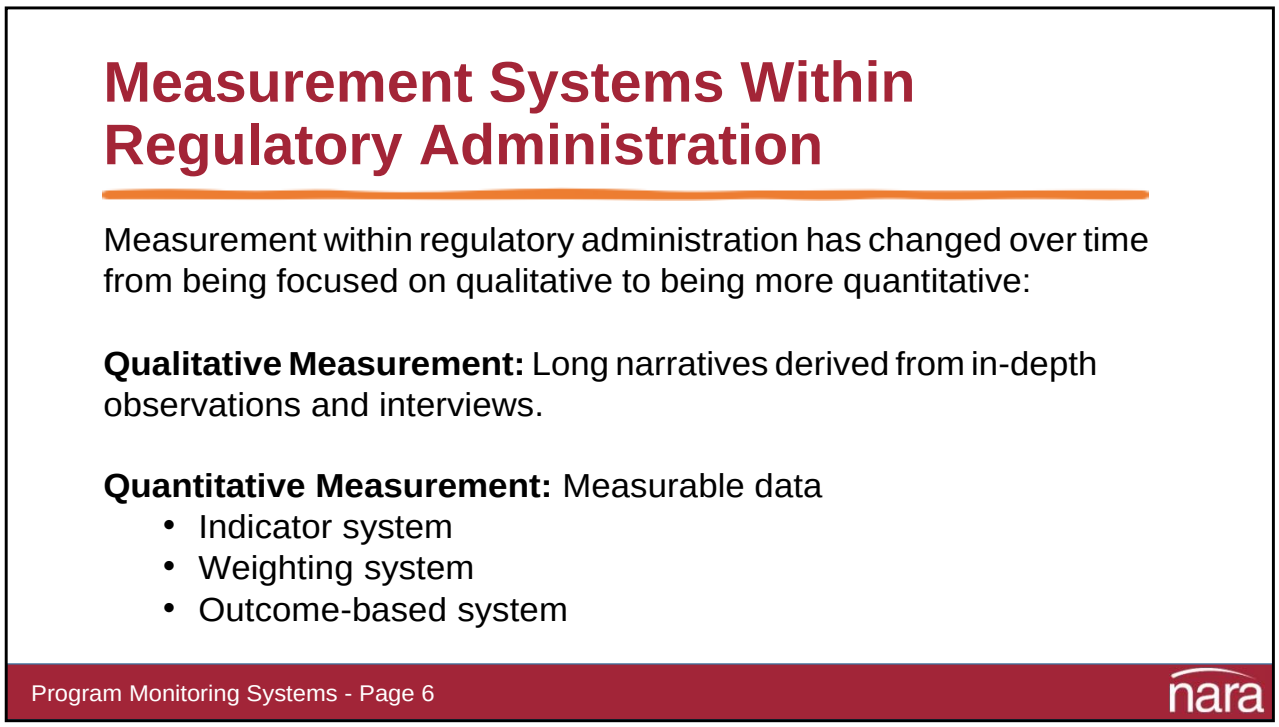
There may be other terms that are different between this training and your agency.

Measurement Systems and Licensors

Measurement and data collection are key components of compliance analysis.



It is critical that licensing administrators have knowledge of measurement methods. Measurement and data collection are key components of regulatory compliance analysis. They are the basis for the design and implementation of information systems, conducting on-site inspections, making observations, interviewing, completing complaint investigations, and determining licensing actions. Establishing a reliable measurement system requires an upfront commitment of valuable resources, such as time and effort. However, licensing agencies using a data-driven measurement system and research-based methodologies are better positioned to apply the regulations and adverse actions in a fair and balanced manner.



Measurement within regulatory administration has changed over time from being focused on qualitative to being more quantitative:

Qualitative Measurement

Qualitative measurement in regulatory administration involves collecting non-numerical data, often through interviews, observations, case studies, or focus groups, to assess the effectiveness and impact of regulations.

Pros:

- *Provides in-depth insights into stakeholder experiences and perspectives.*
- *Captures context-specific information that may not be revealed through quantitative data.*
- *Flexible and adaptable to complex situations.*
- *Can identify unintended consequences or nuanced regulatory impacts.*

Cons:

- *Subjective and open to interpretation, which can lead to bias.*
- *Harder to generalize findings due to smaller sample sizes or contextual specificity.*
- *Time-consuming and resource-intensive to collect and analyze.*
- *Difficult to standardize across different regulatory environments.*

Quantitative Measurement

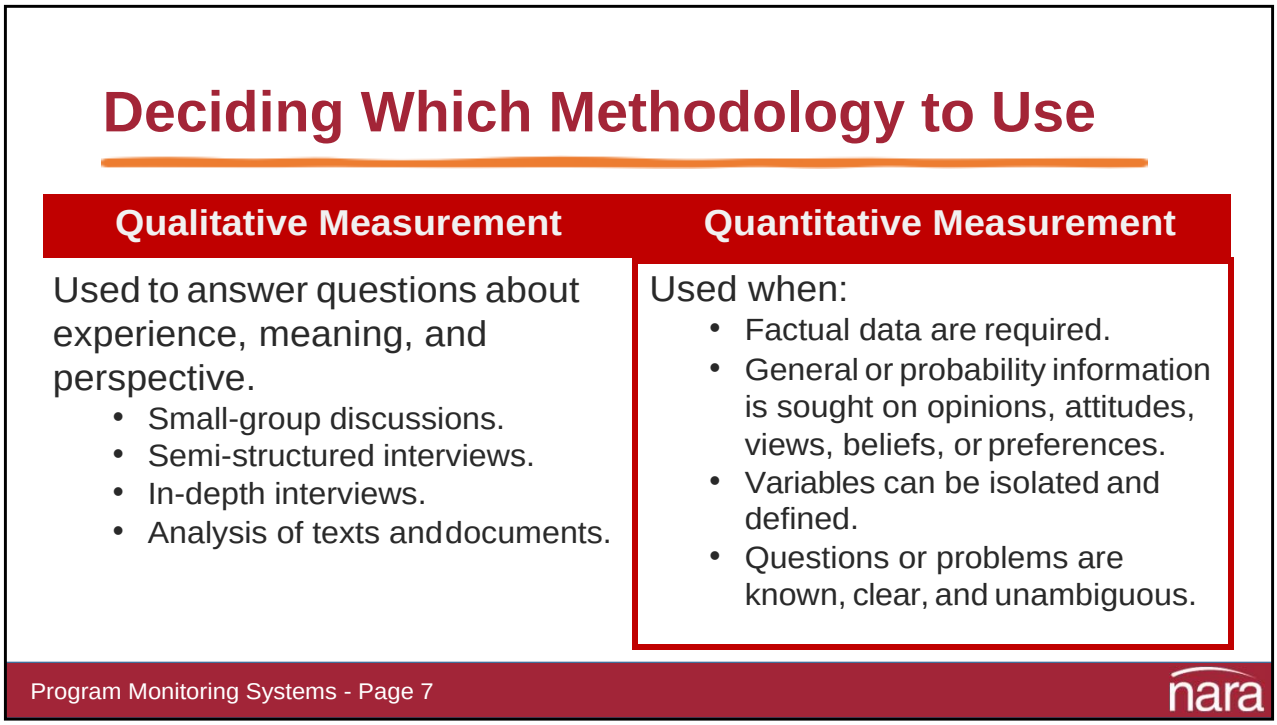
Quantitative measurement systems rely on quantifiable data rather than descriptions of traits or characteristics and include indicator, weighting, and outcome-based system methods. Quantitative measurement systems are key components of most governmental monitoring and licensing functions. They include:

- **Indicator system:** Scientific, statistically based measurement tools that are predictive of overall regulatory compliance, valid and reliable.

- **Weighting system:** Determines the relative risk of non-compliance with specific regulations.

- **Outcome-based system:** Places emphasis on outcomes rather than adherence to specific components of the regulatory process.

Indicator and weighting systems help us to find the “right rules” that protect clients and increase the quality of services provided. It is not about more or less rules, it is all about identifying the right rules.



Qualitative measurement is used to answer questions about experience, meaning, and perspective, most often from the standpoint of the participant. These data are usually not amenable to counting or measuring.

Qualitative research techniques include:

- Small-group discussions for investigating beliefs and attitudes.
- Semi-structured interviews on a focused topic with key informants for background information or an institutional perspective.
- In-depth interviews to understand a condition, experience, or event from a personal perspective.
- Analysis of texts and documents (e.g., government reports, media articles, websites, or diaries) to gain information.

Example of When to Use Qualitative Measurement

When regulatory professionals need to collect richer and more comprehensive data than can be collected in preformatted checklists. This type of measurement often occurs during complaint inspections to gain information beyond a facility's adherence to the standards.

Quantitative measurement is appropriate when:

- Factual data are required.
- General or probability information is sought on opinions, attitudes, views, beliefs, or preferences.
- Variables can be isolated and defined.
- Questions or problems are known, clear, and unambiguous.

Examples of When to Use Quantitative Measurement

Factual Data

Criteria is either met or it is not met by answering “yes” or “no” during an inspection of the standards or regulations.

Probability Information

A rating scale based on the opinion of regulatory professionals of the relative risk to consumers for a regulatory violation.

Activity: Should You Use a Qualitative or Quantitative Measurement System?

Which measurement system?

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Note to Instructor:

Supplies needed: Chart paper, index cards or cardstock with pre-generated scenarios, and tape

Before class: Label chart paper: One sheet with Qualitative and one sheet with Quantitative. Print each scenario on a card.

Break into small groups. Give each group one sheet of chart paper with Qualitative and one sheet with Quantitative.

Explain that choosing the right methodology when collecting and analyzing data is critical. Their group should work together to match the scenario with the measurement system designed to produce the data needed and place each scenario either on the Qualitative or Quantitative sheets.

Once groups are done discussing and have matched all scenarios, discuss answers as a large group.

Introduce the mixed methods approach which combines qualitative and quantitative approaches and is being used in research literature more often. See if participants have heard about the mixed methods approach. This approach has been suggested where case notes and narratives are used along with an instrument-based program

monitoring approach. It can provide a really nice balance between qualitative and quantitative approaches.

In the below scenarios, see if participants can think of ways to combine the qualitative and quantitative scenarios.

Qualitative

Scenario #1
The regulatory agency needs to understand why a high percentage of human care programs have difficulty meeting a set of standards. The agency schedules small-group discussions with program owners and administrators to investigate their beliefs and attitudes.

Scenario #2
During a complaint investigation involving repeated non-compliance for a specific standard, the regulatory professional meets individually with consumers and their families. The goal is to gain a deeper understanding of the events and get personal perspectives by those directly impacted by the violation.

Scenario #3
The regulatory agency meets semi-regularly with human care operators. These key informants offer background information and an institutional perspective. The agency uses the information gathered to train their licensing staff and when rolling out new regulations.

Quantitative

Scenario #1
The regulatory agency has identified problems with several licensing standards. They need to collect data related to those standards to identify and isolate variables negatively impacting compliance.

Scenario #2
The regulatory agency is moving toward using a weighting system for measuring compliance. They gathered probability information by surveying regulatory professionals state-wide to gauge their opinions and beliefs regarding a set of standards.

Scenario #3
The regulatory agency monitors human care facilities using an indicator system that is valid and reliable.

The Move Toward Quantification of Measurement

Governmental oversight began incrementally with the:

- Introduction of the Federal Interagency Day Care Regulations (FIDCR)
- Amendment of the Social Security Act
- Use of digital tools

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Prior to the regulation of human care facilities, consumers were cared for by family or by unregulated providers in the neighborhood. These types of programs operated without consistent standards and varied widely in the quality of care without established guidelines and oversight.

Governmental oversight began incrementally with the:

- Introduction of the Federal Interagency Day Care Regulations (FIDCR)
- Amendment of the Social Security Act
- Use of digital tools (e.g., electronic databases, hand-held devices, and cloud-based computing)

Federal Interagency Day Care Regulations (FIDCR)

1968

Federal Panel on Early Childhood established many of the standards recognized for human care facilities today.

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The move to quantification of measurement in human care licensing began with the Federal Interagency Day Care Regulations (FIDCR). The first FIDCR, drafted in 1968 by the Federal Panel on Early Childhood, established for the first time many of the standards recognized for human care facilities today including client-staff ratios, safety and sanitation codes, nutrition and wellness criteria, and staff training. From the outset, panel members divided into two groups: one favoring comprehensive developmental day care, the other advocating minimum cost day care to ease the employment of welfare mothers. The need to reconcile developmental targets with cost concerns led to the first comprehensive studies of the impact of regulations on child care providers.

Title XX Amendment of the Social Security Act

1972

- Raised the issue of day care standards.
- Changed the way states received federal social welfare aid funding.
- Gave states more flexibility in how the funds were allocated.
- Distributed block grants based on the identified needs of each individual state.
- Gave more enforcement authority to regulatory agencies.

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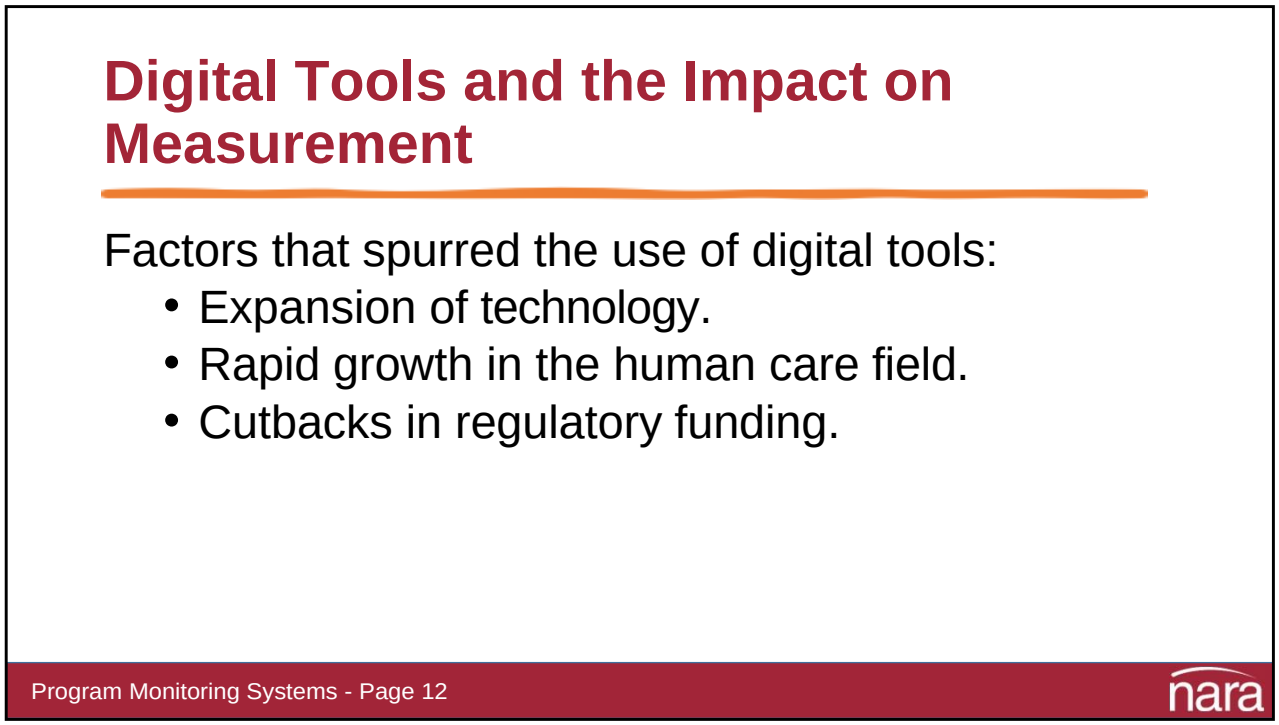
In 1972, passage of the Title XX amendment to the Social Security Act once again raised the issue of day care standards. Title XX changed the way states received federal social welfare aid funding and gave states more flexibility in how the funds were allocated. The federal funding received by the states in the form of block grants could be distributed based on the identified needs of each individual state.

Title XX also altered enforcement procedures for the FIDCR. Instead of requiring administrative hearings before actions could be taken against a facility that was out of compliance with health and safety standards, action in the form of sanctions and withholding of subsidies was allowed to take effect immediately. This gave regulators much more authority to enforce licensing standards which led licensing agencies to explore the implementation of program monitoring and licensing systems.



The expansion of technology, rapid growth in the human care field, coupled with cutbacks in regulatory funding spurred the use of digital tools as regulators had more facilities to regulate with less funding available. Digital tools such as electronic databases, hand-held devices, and cloud-based computing, have all opened the door to the availability of more detailed and comprehensive quantitative data for monitoring programs. Regulatory monitoring moved from observation-based qualitative information to instrument-based quantitative monitoring.

Activity: Identify the Influences on Regulatory Measurement Systems

Name the influence on regulatory measurement

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Note to Instructor:

Supplies needed: Piece of paper or chart paper with the influences written as categories, index cards or strips of paper with the examples, and tape.

Before class: Create a set of Influences/Examples for each small groups or pairs

Break into small groups or pairs. Give each group a set of examples and a piece of paper or chart paper the influence categories. Give the groups time to discuss and match the examples with the correct influence, then discuss as a larger group.

There have been many influences on regulatory measurement systems over the years. Match the example with its influence.

Influence: Federal Interagency Day Care Regulations (FIDCR)

Examples:

- Established the first human care standards.
- Conducted studies on the impact of regulation on human care facilities.

Influence: Title XX

Examples:

- Changed federal funding for human care programs to state block grants.
- Allowed enforcement actions for health and safety violations without administrative hearings.

Influence: Digital Tools

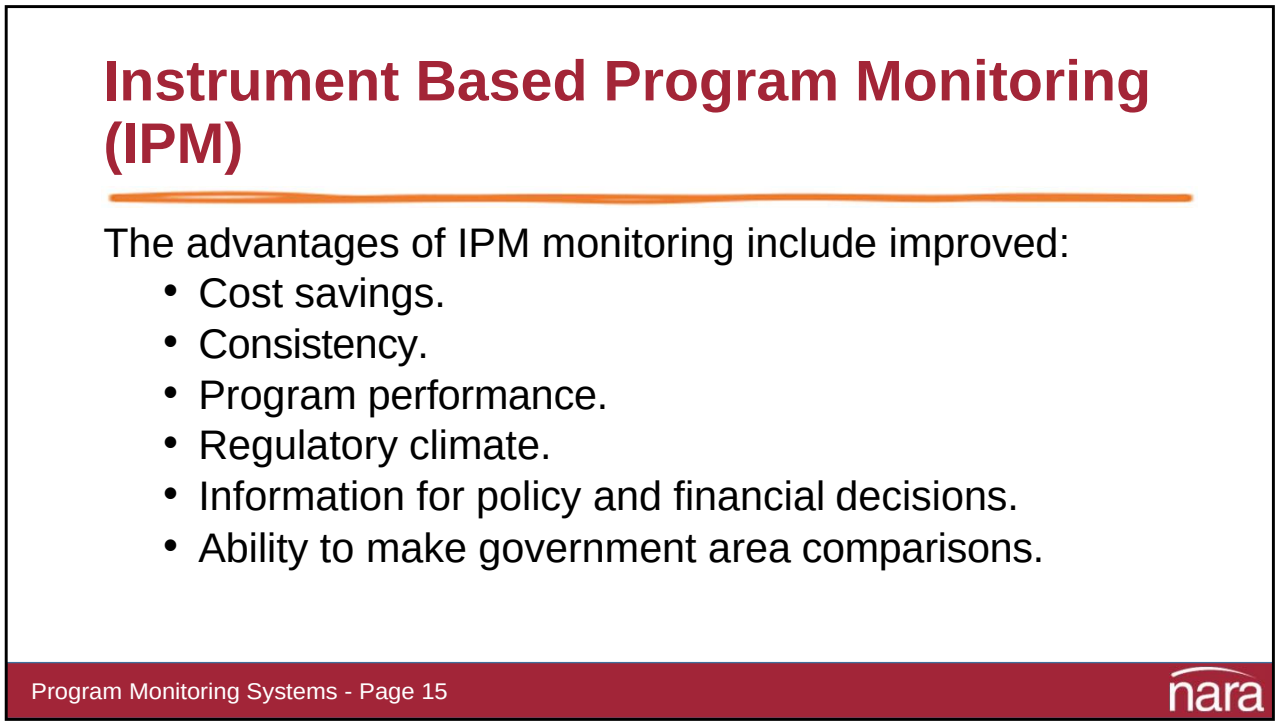
Examples:

- Allowed for more detailed and comprehensive quantitative data collection.
- Moved monitoring from observation-based qualitative data to instrument-based monitoring.

Instrument Based Program Monitoring (IPM)

Objective systems-oriented method for measurement and assessment that lends itself to automation and efficiency.

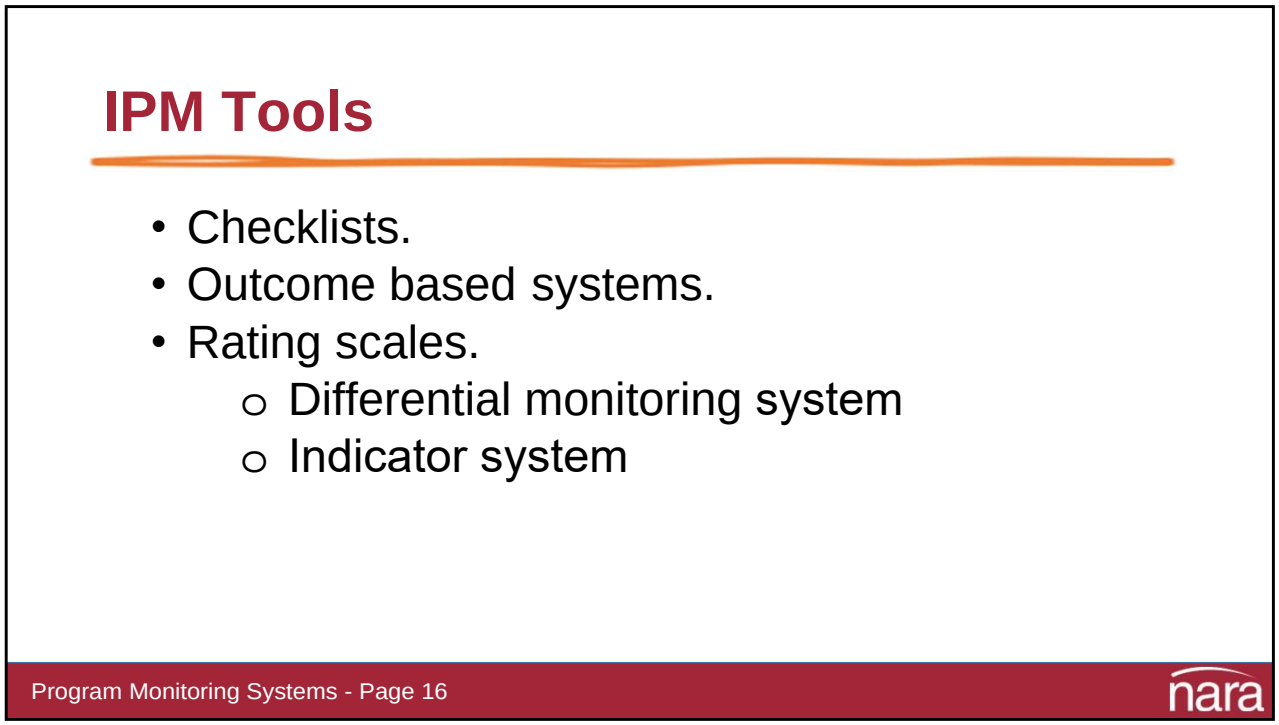
Instrument Based Program Monitoring (IPM) is a method for measurement and assessment that lends itself to automation and efficiency. IPM is an objective system-oriented method of quantitative assessment.



Instrument Based Program Monitoring (IPM) is a method for measurement and assessment that lends itself to automation and efficiency. IPM is an objective system-oriented method of quantitative assessment.

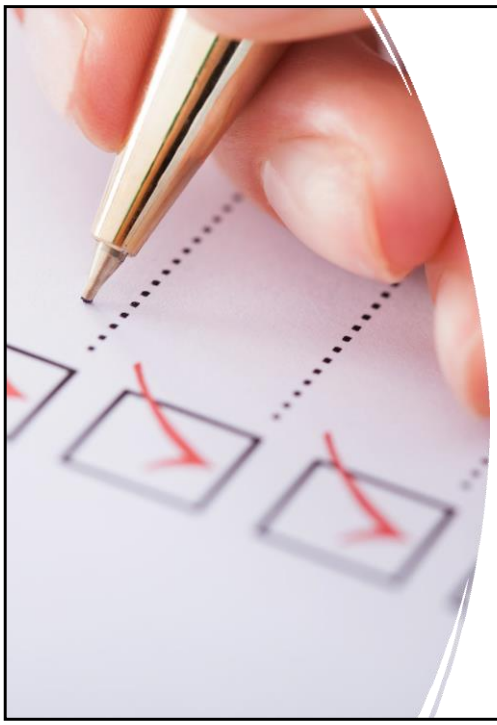
The advantages of instrument-based program monitoring include improved:

- Cost savings.
- Consistency.
- Program performance.
- Regulatory climate.
- Information for policy and financial decisions.
- Ability to make government area comparisons.



IPM includes the use of:

- Checklists.
- Rating scales.
- Differential monitoring systems.
  - Indicator systems
  - Weighting systems
- Outcome based system.



Checklists

There are steps that need to be followed in the development of the checklist. This four-step process includes:

- **Step 1:** Reviewing the regulations.
- **Step 2:** Identifying the regulations to be included.
- **Step 3:** Considering the organization of the checklist.
- **Step 4:** Deciding what type of record keeping will be used.

Checklists are simple measurement tools that evaluate compliance with regulations in a yes or no format. Either the human care program is in compliance with regulations or not in compliance. There is no partial compliance with checklists.

Checklists are the predominant means of collecting licensing data. It simplifies the process, making it quantifiable. This is one of its strengths. However, a drawback is that some of the richness of the description of a particular facility is lost.

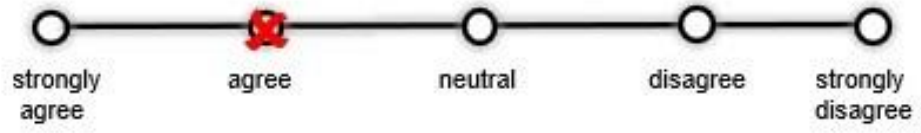
There are steps that need to be followed in the development of the checklist.

This four-step process includes:

- **Step 1:** Reviewing the rules, which may also include interpretations of the regulations as part of the overall manual for measurement of the comprehensive set of regulations.
- **Step 2:** Identifying the regulations to be included in the checklist.
- **Step 3:** Considering the organization of the checklist—the flow of the investigation to the facility.
- **Step 4:** Deciding what type of record keeping will be used—Computers and handheld devices, etc.

Rating Scales

Rating scales use a Likert type of rating—going from more to less, or high to low. A rating scale is always used in the development of weighting systems.



Rating scales are a measurement tool that is more complex than checklists because they give users more than a "yes" or "no" answer option. Rating scales use a Likert type of rating—going from more to less, or high to low.

Likert-type scale: Scaled survey or questionnaire responses scored along a range.

A rating scale is always used in the development of weighting systems. It is not used in measuring compliance with regulations. However, rating scales are used widely in other types of program quality assessment systems, such as accreditation and research.

Applicability of rating scales to licensing measurement is limited. Only in cases where a licensing administrator is interested in some form of partial compliance would rating scales make sense. The National Association for the Education of Young Children (NAEYC) accreditation system is one example of the use of a rating scale of full, partial, or non-compliance with accreditation standards. While a partial compliance rating may be useful in accreditation standard measurement, it is generally not appropriate for use in licensing regulation measurement.

Most licensing agencies do not use partial compliance, and the current practice within the regulatory administration field is to consider partial compliance as being equivalent to non-compliance. Either a facility meets the regulation or does not meet the regulation. There is no middle ground. The only time middle ground may be significant is with regard to how much effort is required to come into full compliance.

Differential Monitoring System

Differential monitoring systems include those that measure compliance using:

- **Indicator systems:**
  Identifies a subset of licensing regulations that statistically predict compliance with the entire set of regulations.
- **Weighting systems:**
  Assigns weighted scores to licensing regulations based on the level of risk to persons in care in the event of regulatory noncompliance

Differential monitoring by licensing agencies were developed as a time saving technique and to focus regulatory efforts on facilities that require additional inspections or technical assistance. This is an approach where key indicators and weighted methodologies are the key components. Sometimes risk (weights) and prediction (indicators) get confused in their use for differential monitoring.

Differential monitoring systems include those that measure compliance using:

- **Indicator systems:** . Identifies a subset of licensing regulations that statistically predict compliance with the entire set of regulations.

- **Weighting systems:** Assigns weighted scores to licensing regulations based on the level of risk to persons in care in the event of regulatory noncompliance.

It's important to note here that NARA recommends using both systems in a differential monitoring system.

An abbreviated inspection utilizing a select set of regulations to be reviewed is an example of differential monitoring. Abbreviated licensing instruments help to refocus licensing investigation which lead to cost efficiency, consistencies and overall effectiveness.

Indicator Systems

Improves the efficiency and effectiveness of an existing licensing system by focusing on a subset of regulations related to the licensing process that statistically predict overall compliance.

Indicator systems work in conjunction with an existing licensing measurement system, they do not replace it.

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The purpose of a licensing indicator system is to improve the efficiency and effectiveness of an existing licensing system by focusing on a subset of regulations related to the licensing process. This subset can be used to statistically predict compliance with the entire set of regulations and can help emphasize certain critical aspects of care during inspections. Indicator systems work in conjunction with an existing licensing measurement system, they do not replace it.

Through use of the licensing indicator system, less time is spent conducting inspections of eligible facilities with a history of high compliance with the licensing rules. This enables licensing staff to spend more time providing technical assistance to help facilities comply with licensing rules and conducting additional inspections of facilities and agencies with low compliance with licensing rules.

Developing a Licensing Indicator System

The basic steps:

- Identify regulations to predict compliance.
- Assign weighted scores.
- Select facilities for pilot testing.

The basic steps to developing a licensing indicator system include:

- Identifying a subset of regulations from an existing set of regulations that statistically predict compliance with the entire set of regulations.
- Assigning weighted scores to regulations or identifying high risk rules based on the level of risk to persons in care in the event of regulatory non-compliance. Remember, weighted score are not indicators, they are key elements when full compliance is not required to use an abbreviated checklist. This will be explained further in another section.
- Selecting facilities to be used in determining the indicators.

Selecting Facilities

Criteria for determining the number of facilities selected, includes:

- If the total number of licensed facilities is less than 200, all facilities should be used.
- If the total number of licensed facilities exceeds 200, sampling must be done.

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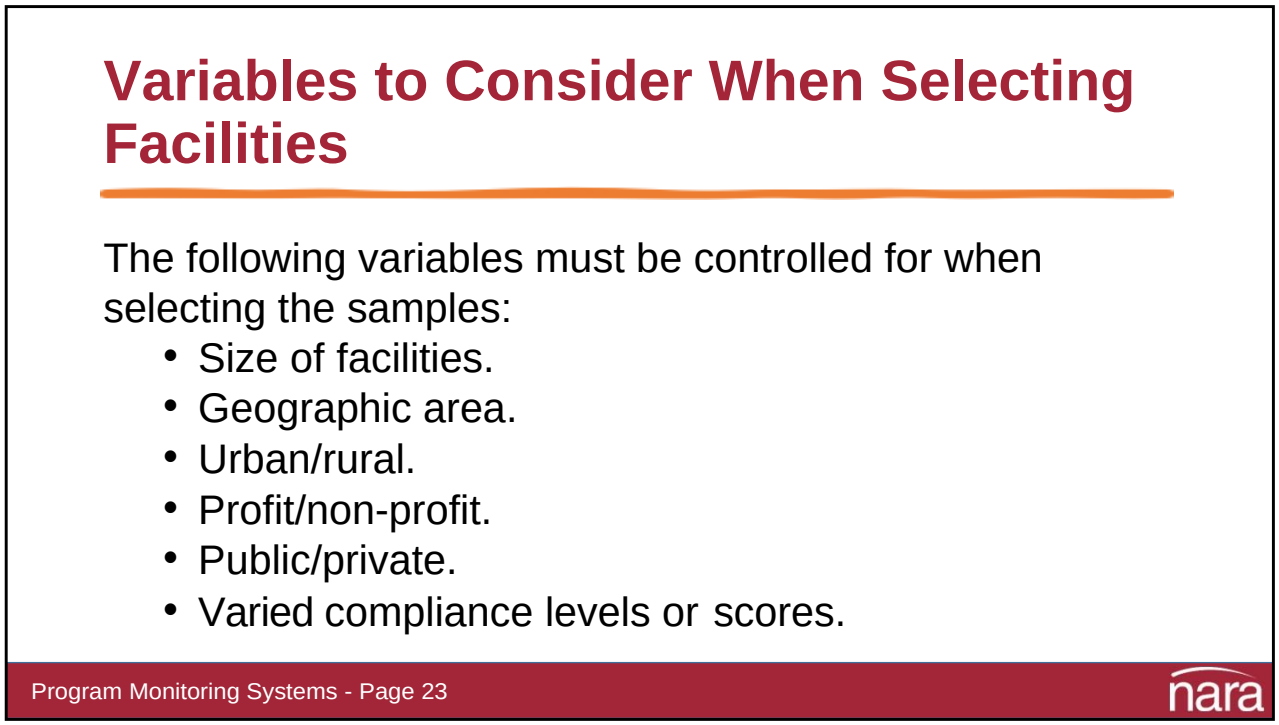
If the licensing agency has existing data on the full population, a sample is not needed. However, if data is not available and the total number of licensed facilities exceeds 200, the licensing agency should pull a sample. Generally, a sample of at least 200 facilities or 10 percent is acceptable. The following variables must be controlled for when selecting the samples.

Controlling for a variable means that the sample is chosen in such a way that the "controlled" variable in the sample is representative of the population.

- Size of facilities
- Geographic area
- Urban/rural
- Profit/non-profit
- Public/private
- Varied compliance levels or scores



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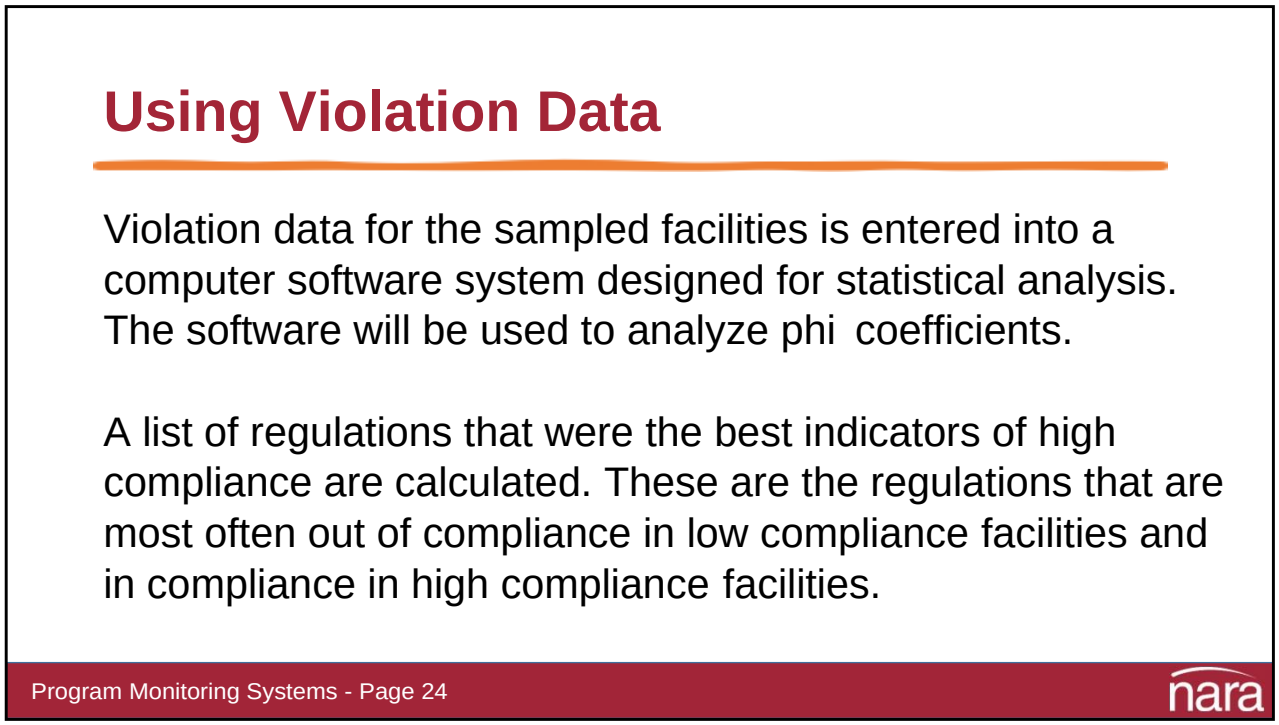

Violation data for the sampled facilities is entered into a computer software system designed for statistical analysis.

The following are common examples of statistical analysis software:

- **Statistical Package for the Social Sciences (SPSS):** Manages data, performs advanced analytics, and multivariate analysis.
- **Statistical Analysis System (SAS):** Retrieves and manages data, produces graphs, and performs statistical analysis.
- **Stata:** Manipulates data, assists with data visualization, runs statistical reports, and produces automated reports.

The statistical software is used to analyze phi coefficients or correlation coefficent. Phi-coefficients are the measure of association between two binary variables (e.g., yes/no or in- compliance/not in compliance).

A list of regulations that were the best indicators of high compliance are calculated. These are the regulations that are most often out of compliance in low compliance facilities and in compliance in high compliance facilities.

Example of Using Violation Data

Groups	Individual Rule	
	Number In Compliance	Number Out of Compliance
Overall High Compliance	65	7
Overall Low Compliance	4	55

Selecting the Final Regulations

A small number of additional regulations are added to the statistically selected indicators.

The final licensing indicator system instrument should include:

- Indicator regulations or rules
- High-risk regulations or rules
- Supplemental regulations or rules
- Random regulations

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When utilizing the full differential system, a small number of additional regulations, are added to the statistically selected indicators. They include 2 sub-categories:

- Supplemental Rules. These fall into 2 sub-categories:
  - ✓ High-risk rules. These are the rules that pose the highest risk to persons in care if violated. They are usually determined through the weighting process, but can be identified using other means based on the agency's resources.
  - ✓ Rules measured for compliance with other state and federal requirements. Examples include, but are not limited to, regulations used for subsidy audits, fire-safety or health code laws, and child protective services laws.
- Random Rules.

The purpose of this step is to ensure face validity of the instrument. By adding a smaller number of carefully selected regulations to the instrument, the regulatory agency helps ensure that critical regulations are always measured.

To ensure that full compliance with all the regulations is maintained, between five

and eight items selected at random should also be applied as part of the licensing indicator system although each state much ultimately decide on how many random rules to include.

The total number of regulations on an indicator checklist will vary but will range from 25-30% of all items measured during a full inspection.

Ideally, the final licensing indicator system tool should include:

- Indicator regulations.
- High-risk regulations.
- Supplemental regulations.
- Random regulations

Revision of the Licensing Indicator System

To achieve the intended purpose of the licensing indicator system of refocusing the emphasis of licensing effort from facilities with high compliance to facilities with low compliance, constant review, evaluation, and revision of the licensing indicator system is essential.

The licensing indicator system should be continually reevaluated for its effectiveness. The system should be completely revised at least every five years or upon a revision of the regulations. To achieve the intended purpose of the licensing indicator system of refocusing the emphasis of licensing effort from facilities with high compliance to facilities with low compliance, constant review, evaluation, and revision of the licensing indicator system is essential.

Other types of differential monitoring systems, of which the licensing indicator system is only one, will not be addressed in this chapter because differential systems other than the licensing indicator system have not been determined to be statistically valid or reliable.

As licensing administrators may potentially need to defend their actions in a court of law, it is essential that the methodology or technique utilized is scientifically sound. When it comes to differential monitoring systems only those instruments based upon an indicator or weighting methodology can stand up to this rigorous testing.

Criteria for Use of Licensing Indicator Systems

- The program has had a full or regular license and no negative sanctions within the previous two years.
- The program has had a score or percentage of compliance above a specified threshold for the previous year.
    - Full compliance (100%) if using indictors without a weighted system.
    - Substantial compliance (98-99%) if using with a weighted system.
- All previous violations have been corrected according to the program's plan of correction.
- No significant validated complaints have been found within the past year.

The development of specific criteria that specifies which facilities qualify for use of the licensing indicator system is perhaps the most critical step of the design process. This is the step at which the agency determines when the licensing indicator system can be used. The determination of use of the system should be standardized and not based upon licensing inspector discretion.

However, each licensing agency must develop its own criteria based upon its own historical licensing data and experience.

The following criteria are examples for consideration when developing and using an indicator system at human care programs:

- The program has had a full or regular license and no negative sanctions within the previous two years.
- The program has had a score or percentage of compliance above a specified threshold for the previous year.

  *It is important to note that the percentage of compliance that is specified is determined on if a weighted system is used or not. If the differential system does not use the weighted system then full compliance must be utilized.

- All previous violations have been corrected according to the program's plan of correction.
- No significant validated complaints have been found within the past year.
- The total number of consumers served has not increased by more than a specified percentage during the past year.
- There has not been significant staff turnover at the program within the past year. This may be targeted to certain levels of staff turnover, such as direct care staff or facility directors, depending on which staff are particularly key for program stability.
- A full inspection using the comprehensive licensing measurement instrument is used at least every three years.
- There are no pending complaint investigations.

Criteria for Use of Licensing Indicator Systems (continued)

- The total number of consumers served has not increased by more than a specified percentage during the past year.
- There has not been significant staff turnover at the program within the past year. This may be targeted to certain levels of staff turnover, such as direct care staff or facility directors, depending on which staff are particularly key for program stability.
- A full inspection using the comprehensive licensing measurement instrument is used at least every three years.
- There are no pending complaint investigations.

The development of specific criteria that specifies which facilities qualify for use of the licensing indicator system is perhaps the most critical step of the design process. This is the step at which the agency determines when the licensing indicator system can be used. The determination of use of the system should be standardized and not based upon licensing inspector discretion.

The length following lengths of time are determined using NARA's historical data. However, each licensing agency must develop its own criteria based upon its own historical licensing data and experience.

The following criteria are examples for consideration when developing and using an indicator system at human care programs:

- The program has had a full or regular license and no negative sanctions within the previous two years.

- The program has had a score or percentage of compliance above a specified threshold for the previous year.

- All previous violations have been corrected according to the program's plan of correction.
- No significant validated complaints have been found within the past year.
- The total number of consumers served has not increased by more than a specified percentage during the past year.
- There has not been significant staff turnover at the program within the past year. This may be targeted to certain levels of staff turnover, such as direct care staff or facility directors, depending on which staff are particularly key for program stability.
- A full inspection using the comprehensive licensing measurement instrument is used at least every three years.
- There are no pending complaint investigations.

Activity: Licensing Indicator Systems

Taking the right steps!

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Notes to Instructor:

Supplies needed: Steps on signs, numbers on signs, tape

Before class: Write each step on a piece of paper

Group discussion: Regulatory agencies implement licensing indicator systems to improve productivity. It is important to implement a licensing indicator system in the correct order. Break the large group into smaller groups of five. If there are not enough learners for several groups of five, divide the large group into pairs or conduct activity as a large group.

- Place all steps (out of order) in front each group. Each team or pair should be in a line behind the steps.

- Tell the learners this is a sprint to see which group can put the steps in order first, but safety and accuracy are essential. When you say go, the first person in the line, should turn over the first step and tape it to the wall under the number it corresponds with, then go back to their group.

- The next person in line then takes the next step and tapes that to the wall under the corresponding number, and they can switch the steps, placing them in a different order if they think that previous learners have placed a step in the wrong order.

- Once each person in the group has had a chance to place and correct the steps, they should indicate that they are done.

The instructor should verify that the group has the correct order while encouraging the other groups to continue.

Correct Order

1. Develop specific criteria based on historical licensing data and experience
2. Select a sample size of facilities
3. Conduct statistical analysis
4. Ensure validity of the instrument
5. Revise the system based on changes to the regulations

Weighting Systems

Weighting systems are:

- An enhancement of the IPM checklist system.
- Are used to increase the amount of variance in licensing compliance data.
- Are used so that each regulation does not have an equal weight.

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A technique related to indicator systems is the use of weighting systems to determine the relative risk of specific regulations related to non-compliance. The reason for the development of weighting systems is the nature of regulatory compliance data. Because compliance data measure foundational health, safety and well-being regulations, the data are highly skewed with very little variance. The use of weighting systems helps to increase the amount of variance in the regulatory data sets.

What sometimes gets lost while using this approach is the deep structure around weighting of rules and regulations. The weighting process is and has always been a key element of the key indicator and risk assessment methodologies. Through weighting, a more robust scoring system accounts for the differences of regulatory compliance databases based upon the theory of regulatory compliance (Fiene, 2019).

A weighting measurement system is also a Likert type of measurement tool that utilizes a modified Delphi technique. A Delphi technique determines the relative risk to individuals if there are violations of regulations. Weighting systems are developed by sending a survey to a selected sample of persons for them to rank the relative risk of violation with specific regulations.

Likert-type scale: Scaled survey or questionnaire responses scored along a range (e.g., strongly agree, agree, neutral, disagree, strongly disagree)

Delphi technique: Method used to make decisions based on feedback from experts.

(e.g., Asking licensing staff, supervisors, facility owners, directors, and other stakeholders to rate each licensing rule to determine risk to consumers if it is not met.

Weighting systems are an enhancement of the instrument-based program monitoring checklist system. Weighting systems are used to increase the amount of variance in licensing compliance data. Because licensing data are nominal data (i.e., “yes” or “no” compliance) and are generally highly in compliance, there is little variance in the data set from any particular set of regulations. To increase the variance in data, weighting systems are used so that each regulation does not have an equal weight. When regulations are not weighted, they are all given equal importance making data collection ineffective.

Developing a Licensing Weighting System

A licensing weighting system assigns a numerical score or weight to each individual licensing regulation or section of a regulation, based upon the relative health, safety, and welfare risk to the consumers if a facility is not in compliance with the regulation.

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A licensing weighting system is a regulatory administration tool designed for use in implementing human care licensing regulations. A licensing weighting system assigns a numerical score or weight to each individual licensing regulation or section of a regulation, based upon the relative health, safety, and welfare risk to the consumers if a facility is not in compliance with the regulation. The type of license issued is based on the sum of the numerical weights for each regulation that is not in compliance.

Objectives of a Licensing Weighting System

- To standardize decision-making about the type of license to be issued.
- To consider the relative importance of each individual regulation.
- To ensure that regulations are enforced consistently.
- To improve the protection of consumers through more equitable and efficient application and enforcement of the licensing regulations.

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The specific objectives of a licensing weighting system are:

- To standardize decision-making about the type of license to be issued.
- To consider the relative importance of each individual regulation.
- To ensure that regulations are enforced consistently.
- To improve the protection of consumers through more equitable and efficient application and enforcement of the licensing regulations.

Implementing a Licensing Weighting System

A licensing weighting system can be developed and should be implemented only if one of the following applies:

- Regular Licenses are Issued With Less than Full Compliance.
- Licensing Regulations With Degrees of Associated Risk.
- Standardized Measurement Tools are Used.

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A licensing weighting system can be developed and should be implemented only if:

Regular Licenses are Issued With Less than Full Compliance
Use of a weighting system should be used if the government issues regular or full licenses are issued with less than 100% compliance with regulations. A weighting system is useful if a facility is issued a license with outstanding violations with a plan to correct the non-compliance areas by the time of license issuance.

Licensing Regulations With Degrees of Associated Risk
Use of a weighting system can be appropriate if there are many licensing regulations with a variation of degrees of risk associated with various regulations. If there are only a few regulations with equal or similar risk associated with each regulation, a weighting system is not necessary.

Standardized Measurement Tools are Used
Use of a weighting system can be appropriate if the regulatory agency employs a standardized measurement system or inspection instrument to measure compliance

with licensing regulations. It is impossible to measure anything without a common understanding of the parameters (e.g., level of risk, indicators of compliance). A standardized measurement tool offers consistently quantifiable results. Agencies should develop and use a standardized measurement instrument or tool before developing a weighting system.

Steps in Development of a Weighting System

- Development of a survey instrument.
- Dissemination of surveys.
- Collection of survey data.
- Analysis of survey data.
- Pilot testing or application.
- Computation and application of the standard deviation.

Regulatory agencies use the following process when developing a weighting system:

- Development of a survey instrument.
- Dissemination of surveys.
- Collection and analysis of survey data.
- Pilot testing or application.
- Computation and application of the standard deviation.

Step 1: Development of a Survey Instrument

The survey should contain:

- Each regulation or section of a regulation.
- How it is measured in the inspection instrument.
- Purpose of the survey.
- Instructions for completing the instrument.

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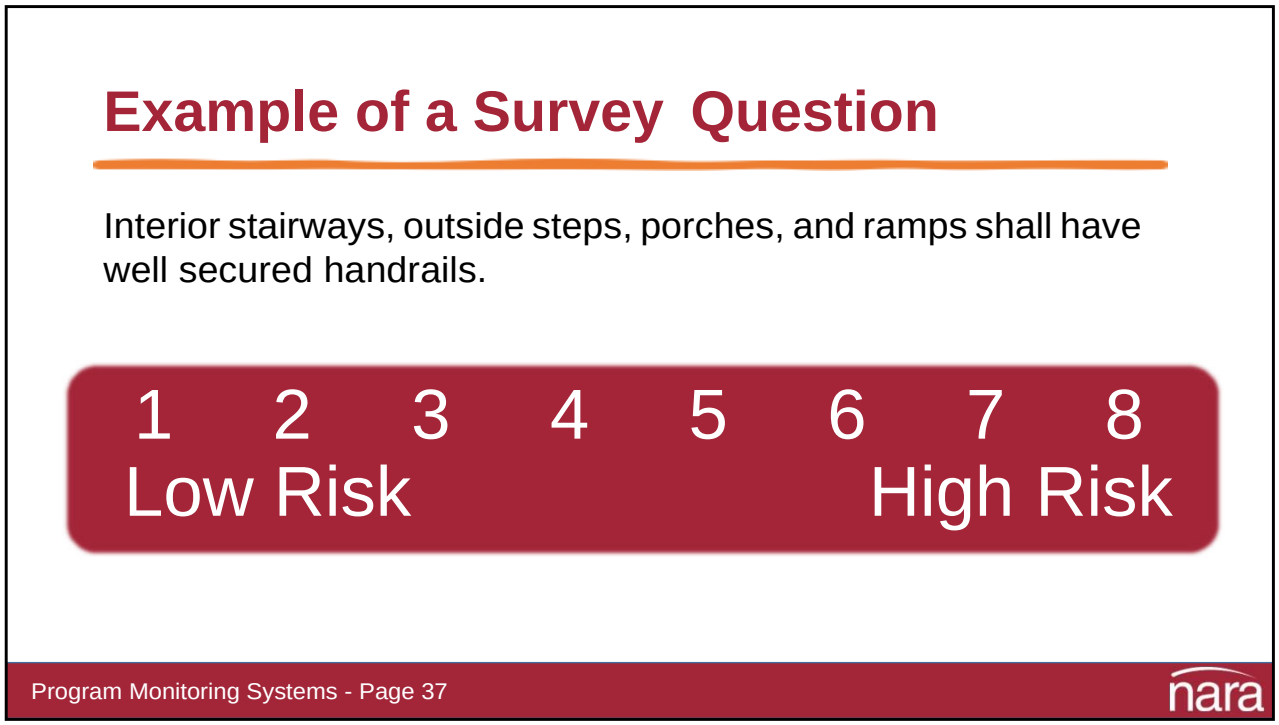
The first step in developing a licensing weighting system involves creating a survey instrument. NARA recommends using online survey tools to collect these data. Often current licensing inspection instruments or measurement tools can be adapted into a online survey tool.

The survey should contain:
- Each regulation or section of a regulation.
- How it is measured in the inspection instrument.
- Purpose of the survey.
- Instructions for completing the instrument.

Survey participants should rate each regulation section from 1-8 with 1 identified as posing the least and 8 representing the most risk to the health, safety, and welfare of the consumer if the regulation is not met.



Example of a Survey Question

Interior stairways, outside steps, porches, and ramps shall have well secured handrails.

1 2 3 4 5 6 7 8
Low Risk High Risk

Step 2: Disseminating Surveys

Surveys should be disseminated to at least 100 individuals and include at a minimum; licensing staff, providers, consumers, advocacy associations, and partner agencies. If an area has more than 3,000 licensed facilities in the type of service being surveyed, consideration for surveying more than 100 individuals should be given.

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Who Should be Surveyed

- Providers of service
- Consumers of service
- Advocacy associations
- Partner agencies (e.g., health, sanitation, fire safety, medical, nutrition)
- Program area professionals
- Licensing agency staff including policy/administrative staff
- Licensing Inspectors
- Funding agency staff

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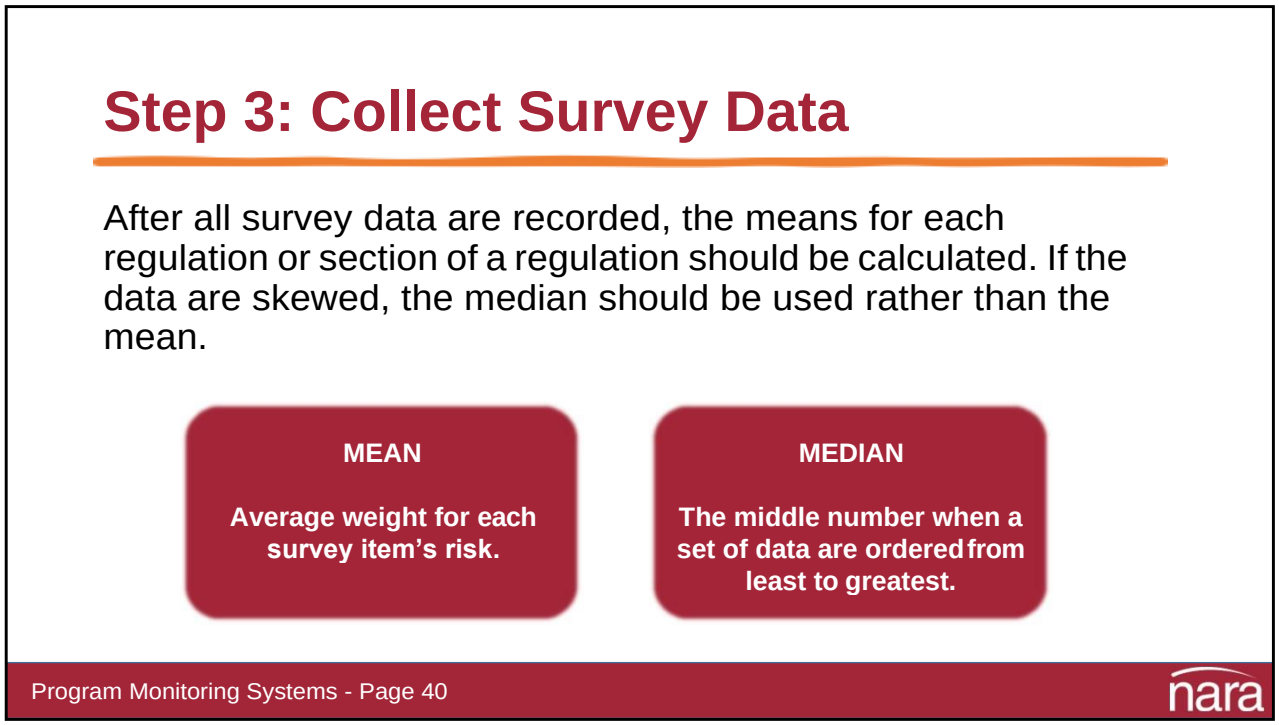
Surveys should be disseminated to at least 100 individuals and include at a minimum, licensing staff, providers, consumers, advocacy associations, and partner agencies. If an area has more than 3,000 licensed facilities in the type of service being surveyed, consideration for surveying more than 100 individuals should be given.

Suggested individuals surveyed should include:

- Providers of service
- Consumers of service
- Advocacy associations
- Partner agencies (e.g., health, sanitation, fire safety, medical, nutrition)
- Program area professionals
- Licensing agency staff including policy/administrative staff
- Licensing Inspectors
- Funding agency staff

In order to ensure a higher return rate, individuals selected as survey participants should be contacted prior to the survey to explain the weighting system and request not only their willingness to complete a survey but to complete it timely.



Results from each survey should be collected and entered into a database. After all survey data are recorded, the means for each regulation or section of a regulation should be calculated. If the data are skewed, the median should be used rather than the mean.

Mean: Average weight for each survey item's risk.

Median: The middle number when a set of data are ordered from least to greatest.

Example of Mean and Median

Use the following data set to find the mean and median:

4, 2, 1, 8, 6, 10, 5, 7

Mean

- Step 1: Add all numbers
- Step 2: Divide by the number of data

Median

- Step 1: Order the number from least to greatest
- Step 2: Choose the number in the middle

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Example of Mean and Median
Use the following data set to find the mean and median: 4, 2, 1, 8, 6, 10, 5, 7

Mean

- Step 1: Add all numbers to get a total of 43
- Step 2: Divide by the number of data 43 ÷ 8 = 5.375 (mean)

Median

- Step 1: Order the number from least to greatest – 1,2,4,5,6,7,8,10
- Step 2: Choose the number in the middle – 6 (median)

If the data set has an even number of data points, average the two middle values.

If the means vary widely enough, individual regulation means can be rounded to the nearest whole number. Fractions may need to be retained if the average weights are similar. When comparing mean weights between the various groups surveyed there should be a similarity in rating among all of the groups, supporting the use of the weights as a reliable measure of risk.

Activity: Practice Finding the Mean and Median

1. The regulatory agency recently surveyed human care stakeholders. They gathered the following data set 6, 9, 7, 3, 1, 5, 9, 7, 2, 1. What is the mean?
   a. 5
   b. 5.5
   c. 9
   d. 50

2. Using the same set of numbers, what is the median?
   a. 4.7
   b. 5.5
   c. 6
   d. 33

Notes to Instructor:

Supplies needed: Learners may need paper, a writing instrument, and a calculator for each group.

Large Group: Now it is time to practice finding the mean and median. Read each question and select an answer.

Break the large group into small groups or pairs. Ask each group to read the questions, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

Question #1: The regulatory agency recently surveyed human care stakeholders. They gathered the following data set 6, 9, 7, 3, 1, 5, 9, 7, 2, 1. What is the mean?

- **a. 5 (CORRECT)**
- b. 5.5
- c. 9
- d. 50

Feedback: When finding the *mean*, add all numbers in the data set together, then divide by the number of data in the set.

6 + 9 + 7 + 3 + 1 + 5 + 9 + 7 + 2 + 1 = 50
50 ÷ 10 = 5 (mean)

Question #2: Using the same set of numbers, what is the median?

a. 4.7
b. 5.5 (CORRECT)
c. 6
d. 33

Feedback: When finding the *median,* put the numbers in the data set from least to greatest, then choose the number in the middle. When there is an even number of data points, average the two middle values.

1, 1, 2, 3, **5, 6**, 7, 7, 9, 9
5 + 6 = 11
11 ÷ 2 = 5.5 (median)

Step 4: Pilot Test or Apply the Weights

Once the weights have been developed, the next step is to test the weights using actual program data. Agencies can either conduct a pilot test or apply the newly developed weights to historical data.

During pilot testing regulatory agencies:

- Collect data from a select group.
- Apply the weights.
- Examine approach.
- Study the outcomes
- Ensure fidelity before implementation.

When applying the weights, regulatory agencies:

- Measure the weights to historical data.
- Determine if the expected outcome aligns with what actually occurred in the past.

Once the weights have been developed, the next step is to test the weights using actual program data. Agencies can either conduct a pilot test or apply the newly developed weights to historical data. In a pilot test, regulatory agencies collect data from a representative group of human care programs and apply the weights. A representative group should reflect the general characteristics of all licensed programs (e.g., those from rural/urban areas, small/large programs, individual owner/corporate/nonprofit). This allows regulatory agencies to examine their approach and study the outcomes to ensure fidelity before full implementation. Applying the weights to historical data allows regulators to determine if the expected outcome aligns with what actually occurred in the past.

Steps to Pilot Testing

During pilot testing regulatory agencies:

- Collect data from a select group.
- Apply the weights.
- Examine approach.
- Study the outcomes
- Ensure fidelity before implementation.

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Once the weights have been developed, the next step is to test the weights using actual program data. Regulators can either conduct a pilot test or apply the newly developed weights to historical data. In a pilot test, regulatory agencies collect data from a representative group of human care programs and apply the weights. A representative group should reflect the general characteristics of all licensed programs (e.g., those from rural/urban areas, small/large programs, individual owner/corporate/nonprofit). This allows regulatory agencies to examine their approach and study the outcomes to ensure fidelity before full implementation. Applying the weights to historical data allows regulators to determine if the expected outcome aligns with what actually occurred in the past.

Steps to Applying the Weights

When applying the weights, regulatory agencies:

- Compare the weight measurements to historical data.
- Determine if the expected outcome aligns with what actually occurred in the past.

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Once the weights have been developed, the next step is to test the weights using actual program data. Regulators can either conduct a pilot test or apply the newly developed weights to historical data. In a pilot test, regulatory agencies collect data from a representative group of human care programs and apply the weights. A representative group should reflect the general characteristics of all licensed programs (e.g., those from rural/urban areas, small/large programs, individual owner/corporate/nonprofit). This allows regulatory agencies to examine their approach and study the outcomes to ensure fidelity before full implementation. Applying the weights to historical data allows regulators to determine if the expected outcome aligns with what actually occurred in the past.

Pilot Testing

The intent of the pilot application is to collect data to use as the basis for determining statistical cut-off points for the issuance of specific types of licenses or for administration of various negative sanctions.

Regulatory agencies should pilot test the weights with new licensing data for about six months. The intent of the pilot application is to collect data to use as the basis for determining statistical cut-off points for the issuance of specific types of licenses or for administration of various negative sanctions. This can be done using comprehensive datasets using the entire licensed population if the agency has those data available or with a sample as discussed earlier.

Example of Pilot Testing

The regulatory agency selects human care facilities that represent the overall make up of licensed facilities to test the new weighting system.

When regulatory professionals inspect the facilities, they use the existing measurement method to evaluate compliance with the standards and establish baseline data and simultaneously use the new weighting system to assess compliance with standards and compare the data.

The regulatory agency either uses comprehensive datasets if available or selects human care facilities that represent the overall make up of licensed facilities to test the new weighting system. When regulatory professionals inspect the facilities, they use the existing measurement method to evaluate compliance with the standards and establish baseline data and simultaneously use the new weighting system to assess compliance with standards and compare the data.

Applying the Weights

A total weighted score for each facility based upon the combined weights of all violations should be calculated.

Regulatory agencies should apply the weights to historical data from the previous 12 months. A total weighted score for each facility based upon the combined weights of all violations should be calculated. Since a violation either occurs or does not occur, the facility would get either zero (no violation) points, or points equal to the weight of the violation if one has occurred.

Example of Applying the Weights

Weight Calculations:

Rule Violations	Weights
#1	7
#2	6
#3	8
Sum of Weights	21

A perfect compliance score equals zero while non-compliance on every rule results in a score of 21. Results of less than perfect compliance but with compliance in some areas would result in a score that falls between the two extreme values–the higher the score, the lower the compliance.

A perfect compliance score equals zero while non-compliance on every rule results in a score of 21. Results of less than perfect compliance but with compliance in some areas would result in a score that falls between the two extreme values–the higher the score, the lower the compliance.

Transforming the Weights

A higher score is usually associated with more compliance. Transforming the weights inverts the scores to accommodate this understanding.

In common usage, a higher score is usually associated with more compliance. Transforming the weights inverts the scores to accommodate this understanding. This is more intuitive to individuals as they think about scores and measurement.

Example of Transforming the Weights

Initial Weight Calculations

Rule Violations	Weights
#1	7
#2	6
#3	8
Sum of Weights	21

Transforming the Weight Calculations

Set Maximum Score	100
Subtract the Sum of Weights	minus 21
Final Calculation	79

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Setting a maximum score of 100, a weighted non-compliance score of 21 will convert to a positive score of 79. A facility with no violations will have a perfect score of 100.

Activity: Practice Transforming the Weights - Question 1

Out of a maximum possible score of 50, the following weights were assigned to licensing standards during an inspection.

Rule Violations	Weights
#1	1
#2	5
#3	4

What is the transformed final score?

a. 3.3
b. 10
c. 40
d. 90

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Notes to Instructor:

Supplies needed: Learners may need paper and a writing instrument

Large Group: Regulatory agencies typically transform the weights since higher scores are usually associated with more compliance. Transforming the weights helps regulatory professionals better understand results. Read each question and select an answer.

Break the large group into small groups or pairs. Ask each group to read the questions, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

Question #1: Out of a maximum possible score of 50, the following weights were assigned to licensing standards during an inspection. What is the transformed final score?

a. 3.3
b. 10
c. 40 (CORRECT)

d. 90

Feedback: The sum of the weights is 10 out of a possible score of 50.

50 – 10 = 40

Activity: Practice Transforming the Weights - Question 2

Out of a maximum possible score of 100, the following weights were assigned to licensing standards during an inspection.

Rule Violations	Weights
#1	9
#2	7
#3	2

What is the transformed final score?

a. 6
b. 18
c. 32
d. 82

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Notes to Instructor:

Supplies needed: Learners may need paper and a writing instrument

Large Group: Regulatory agencies typically transform the weights since higher scores are usually associated with more compliance. Transforming the weights helps regulatory professionals better understand results. Read each question and select an answer.

Break the large group into small groups or pairs. Ask each group to read the questions, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

Question #2: Out of a maximum possible score of 100, the following weights were assigned to licensing standards during an inspection. What is the transformed final score?

a. 6
b. 18
c. 32

d. 82 (CORRECT)

Feedback: The sum of the weights is 18 out of a possible score of 100.

100 – 18 = 82

Step 5: Compute and Apply the Standard Deviation

The last step in developing a weighted system is to compute and apply the standard deviation to the mean or, if the data are skewed, to the median.

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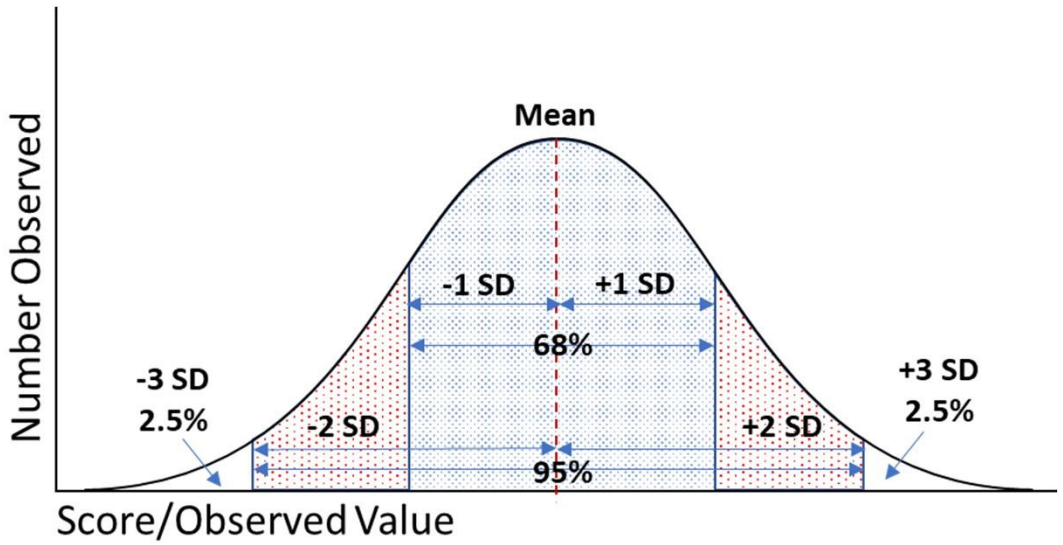
The last step in developing a weighted system is to compute and apply the standard deviation to the mean or if the data are skewed, to the median.

Standard Deviation (SD): Measure of the amount, on average, that observed results differ from the mean (average weight for each survey item).

There are many software programs that can be used to compute standard deviation. Some of these include anything from Microsoft Excel to highly advanced statistical software packages (e.g., Statistical Analysis Software (SAS), Statistical Package for the Social Sciences (SPSS), Stata).

Example of Standard Deviation
In a normal distribution of results, 68 percent are within one standard deviation of the mean, with some falling above or below the mean. A total of 95 percent of results fall within two standard deviations of the mean. Only five percent of results fall more than two standard deviations away from the mean.

Example of Standard Deviation



In a normal distribution of results, 68 percent are within one standard deviation of the mean, with some falling above or below the mean. A total of 95 percent of results fall within two standard deviations of the mean. Only five percent of results fall more than two standard deviations away from the mean.

Applying the Standard Deviation

Regulatory agencies may decide to issue a:

- **Regular license:** Final weighted score falls no more than one standard deviation below the mean.
- **Provisional license or intermediate sanctions:** Final weighted score falls between one and two standard deviations below the mean.

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The mean and standard deviation of all final weighted scores obtained in the pilot study in step four should be calculated. The application of the standard deviation calculations helps to identify human care programs meeting critical health and safety standards. Regulatory agencies may decide to issue a:

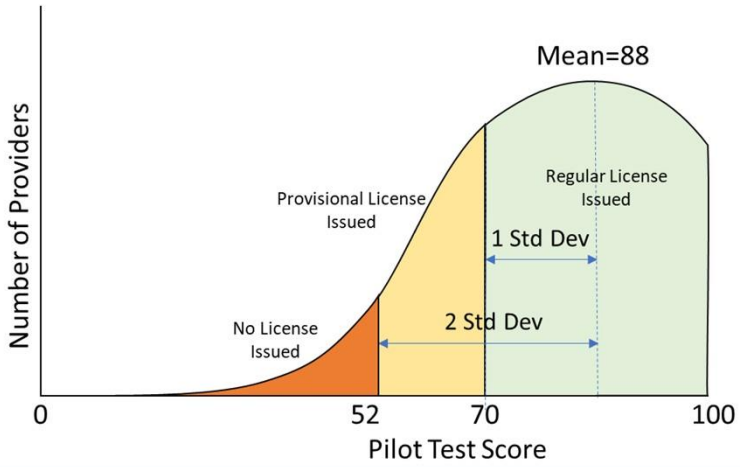
- **Regular license:** Final weighted score falls no more than one standard deviation below the mean.

- **Provisional license or intermediate sanctions:** Final weighted score falls between one and two standard deviations below the mean.

The regulatory agency should always consider the severity of the non-compliance when deciding to issue any license. When issuing a provisional license, regulatory agencies may also administer intermediate negative sanctions.

If a score falls more than two standard deviations below the mean, a more severe negative sanction should be administered, or no license should be issued.

Example of Applying the Standard Deviation



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The regulatory agency used the following information to determine the type of license to be issued:

- Set maximum score of 100
- Standard deviation (SD) is 18
- Mean is 88

Score/Outcome

- **100-70:** Regular License issued.
- **69-52:** Provisional license or intermediate sanctions issues (e.g., warnings, administrative fines, or restriction on admissions).
- **Below 52:** No license issues or severe sanction (e.g., revocation.

Activity: Practice Applying Standard Deviation – Scenario 1

Scenario #1

A facility received a licensing score of 61. The average pilot test score was 87. The standard deviation was 18.

What type of license would the facility receive?

a. No license issues or severe sanction
b. Provisional license or intermediate sanctions
c. Regular license issued

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Notes to Instructor:

Supplies needed: Learners may need paper and a writing instrument

Large Group: Now it is time to practice applying standard deviation. Read each scenario and select the type of license or action required

Break the large group into small groups or pairs. Ask each group to read the scenarios, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

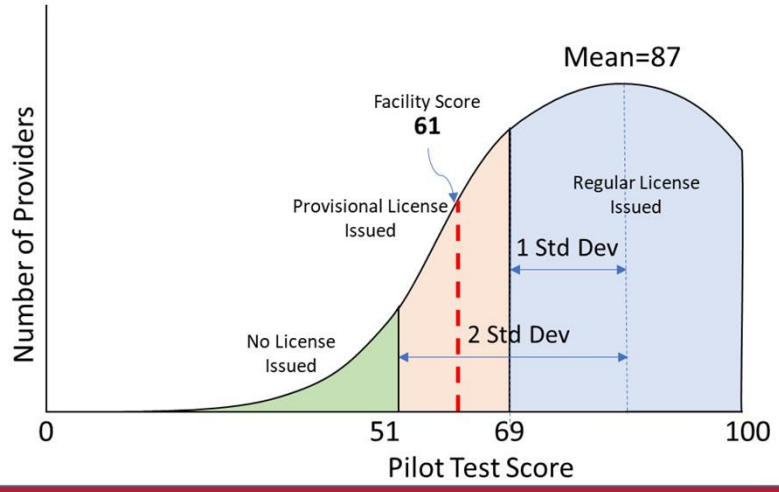
Scenario #1: What type of license would the facility receive?

a. No license issues or severe sanction
b. Provisional license or intermediate sanctions (CORRECT)
c. Regular license issued

Feedback: Provisional. Since 61 is more than one standard deviation below the mean (87-18 =69) but higher than two standard deviations below the mean (87-36=51), the facility would receive a provisional license.

Activity: Practice Applying Standard Deviation – Scenario 1

Answer: b
The facility should receive a provisional license or intermediate sanctions.



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Scenario #1: What type of license would the facility receive?

a. No license issues or severe sanction
b. Provisional license or intermediate sanctions (CORRECT)
c. Regular license issued

Feedback: Provisional. Since 61 is more than one standard deviation below the mean (87-18 =69) but higher than two standard deviations below the mean (87-36=51), the facility would receive a provisional license.

Activity: Practice Applying Standard Deviation – Scenario 2

Scenario #2
Assuming a maximum possible score of 100, using the following pilot test scores, determine the range of scores to receive a regular license, a provisional license, or no license. The Standard Deviation = 12.

86, 85, 77, 58, 57, 67, 83, 85, 73, 87, 78, 77, 100, 67, 85, 84, 62, 81, 61, 54, 91, 85, 92, 79

What is the range of scores required for issuance of a regular license?

a. 41-53
b. 53-65
c. 65-100
d. 77-100

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Notes to Instructor:

Supplies needed: Learners may need paper and a writing instrument

Large Group: Now it is time to practice applying standard deviation. Read each scenario and select the type of license or action required

Break the large group into small groups or pairs. Ask each group to read the scenarios, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

Scenario #2: Assuming a maximum possible score of 100, using the following pilot test scores, determine the range of scores to receive a regular license, a provisional license, or no license. The Standard Deviation = 12.

86, 85, 77, 58, 57, 67, 83, 85, 73, 87, 78, 77, 100, 67, 85, 84, 62, 81, 61, 54, 91, 85, 92, 79

What is the range of scores required for issuance of a regular license?

a. 41-53
b. 53-65
c. 65-100 (CORRECT)
d. 77-100

Activity: Practice Applying Standard Deviation – Scenario 2

Scenario #2
Assuming a maximum possible score of 100, using the following pilot test scores, determine the range of scores to receive a regular license, a provisional license, or no license. The Standard Deviation = 12.

86, 85, 77, 58, 57, 67, 83, 85, 73, 87, 78, 77, 100, 67, 85, 84, 62, 81, 61, 54, 91, 85, 92, 79

What is the range of scores indicating issuance of a provisional license is required?

a. 41-53
b. 53-65
c. 65-100
d. 77-100

Notes to Instructor:

Supplies needed: Learners may need paper and a writing instrument

Large Group: Now it is time to practice applying standard deviation. Read each scenario and select the type of license or action required

Break the large group into small groups or pairs. Ask each group to read the scenarios, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

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86, 85, 77, 58, 57, 67, 83, 85, 73, 87, 78, 77, 100, 67, 85, 84, 62, 81, 61, 54, 91, 85, 92, 79

What is the range of scores indicating issuance of a provisional license is required?

a. 41-53
b. 53-65 (CORRECT)
c. 65-100
d. 77-100

Activity: Practice Applying Standard Deviation – Scenario 2

Scenario #2
Assuming a maximum possible score of 100, using the following pilot test scores, determine the range of scores to receive a regular license, a provisional license, or no license. The Standard Deviation = 12.

86, 85, 77, 58, 57, 67, 83, 85, 73, 87, 78, 77, 100, 67, 85, 84, 62, 81, 61, 54, 91, 85, 92, 79

What is the range of scores indicating the program is not eligible for issuance of any license?

a. 53-65
b. 65-100
c. 77-100
d. None of the above

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Notes to Instructor:

Supplies needed: Learners may need paper and a writing instrument

Large Group: Now it is time to practice applying standard deviation. Read each scenario and select the type of license or action required

Break the large group into small groups or pairs. Ask each group to read the scenarios, then discuss and choose the correct answer. When all groups have answers to both questions, discuss as a large group

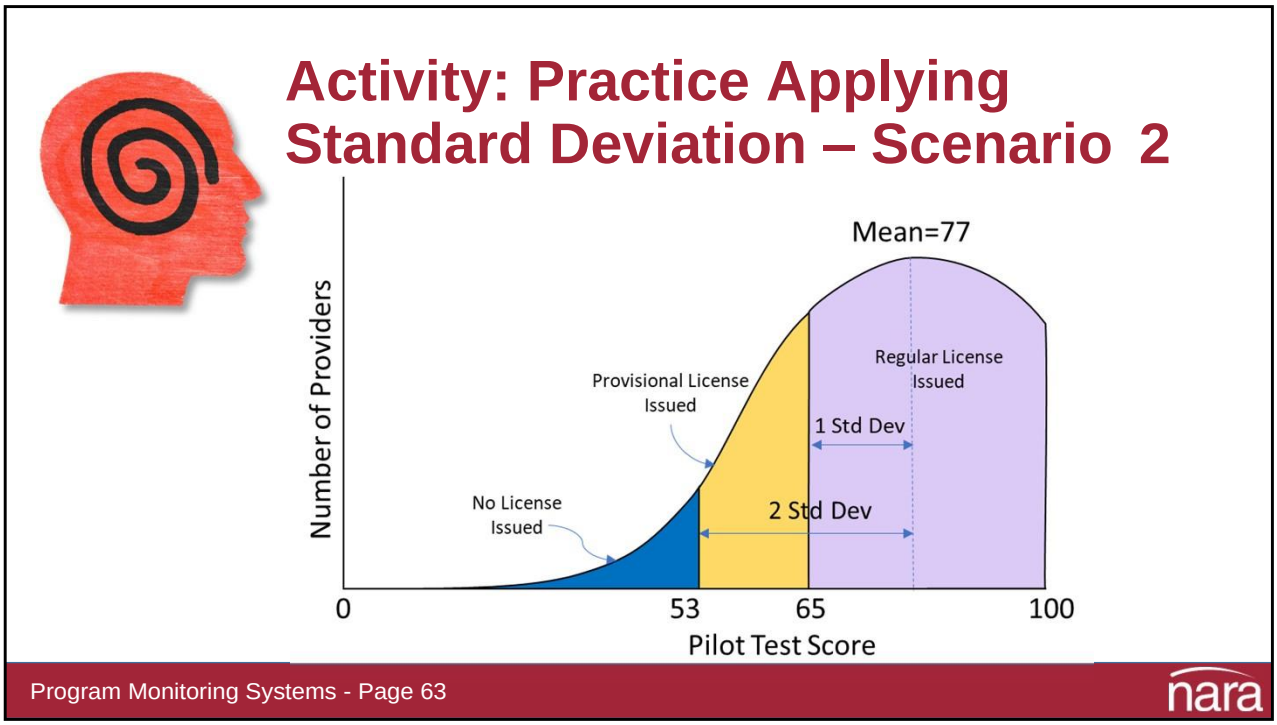
Scenario #2: Assuming a maximum possible score of 100, using the following pilot test scores, determine the range of scores to receive a regular license, a provisional license, or no license. The Standard Deviation = 12.

86, 85, 77, 58, 57, 67, 83, 85, 73, 87, 78, 77, 100, 67, 85, 84, 62, 81, 61, 54, 91, 85, 92, 79

What is the range of scores indicating the program is not eligible for issuance of any

license?

a. 53-65
b. 65-100
c. 77-100
d. None of the above (CORRECT)



Feedback: To determine the cutoff points, the mean must first be calculated (sum all the values and divide by the number of values). The mean is 77. Since the standard deviation is 12, scores between 65-100 would get a regular license, scores between 53 and 65 would receive a provisional license and scores below 53 would not be issued a license.

Determine the *mean*:
86 + 85 + 77 + 58 + 57 + 67 + 83 + 85 + 73 + 87 + 78 + 77 + 100 + 67 + 85 + 84 + 62 + 81 + 61 + 54 + 91, 85 + 92 + 79 = 1854

1854 ÷ 24 = 77.25 (round down to 77)

Regular License
77 – 12 (standard deviation) = 65 (scores between 65 and 100 receive a regular license)

Provisional License
65 – 12 = 53 (scores between 53 and 65 receive a provisional license)

No License
Below 53 (scores lower than 53 are not eligible for issuance of a license)

Activity: Which Step Is It?

Matching the step with an example

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Notes to Instructor:

Supplies needed: Chart paper with each step, index cards with each example for each small group or pair.

Group discussion: It is important to understand the process for developing a weighting system. Match the example with the step in the process.

Break the large group into small groups of five learners or into pairs if the group is small. Give each person in the group an example of a step on an index card or piece of paper. Ask the group to discuss which step each example aligns with, then each learner in the group should stand in the designated part of the room for their step. Ask each group to state their step and the example and encourage them to provide more examples or facilitate a large group discussion.

Step 1: Develop a survey instrument
Example: Adapt current inspection instrument in order to measure or rate each regulation section.

Step 2: Disseminate surveys
Select and contact at least 100 individuals to gauge their willingness to participate.

Step 3: Collect data
Record all feedback and complete applicable calculations.

Step 4: Test or apply
Use historical data to examine the weights and ensure fidelity.

Step 5: Compute and apply standard deviation
Determine and use the amount that results differ from the weights.

Applying the Standard Deviation

Before implementing the licensing weighting system, the following additional licensing factors should be considered and incorporated as necessary into the licensing system:

- Repeated violations from the previous licensing inspection.
- Violation with high-risk items (e.g., a weight of 8.0 or above).
- Failure to implement an approved corrective action plan.
- Discretion of licensing inspector to recommend variance from licensing weighting system.

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Before implementing the licensing weighting system, the following additional licensing factors should be considered and incorporated as necessary into the licensing system:

- Repeated violations from the previous licensing inspection.
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- Failure to implement an approved corrective action plan.
- Discretion of licensing inspector to recommend variance from licensing weighting system.

Re-computing and Re-evaluating Weighting Systems

Using an existing weighting system for a new set of standards will provide inaccurate results and will negatively impact the regulatory agency, human care professionals, and consumers.

Weighting systems should be re-evaluated at least every five years and include input from regulators and human care professionals. Their feedback can help identify issues with the current system and help correct any identified imbalances.

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Regulatory agencies use indicator and weighting systems to statistically measure regulatory compliance based on a specific set of regulations. When the set of regulations is amended (e.g., some standards being removed, new standards being added, or the context of existing standards language is significantly changed), the weights must be recomputed, and the weighting system re-evaluated. Using an existing weighting system for a new set of standards will provide inaccurate results and will negatively impact the regulatory agency, human care professionals, and consumers.

Even when the regulatory standards have not been changed, the weighting system should be re-evaluated at least every five years. The human care field is dynamic, with facilities closing, new ones opening, innovations and improvement in care services, and turnover of regulatory staff. The five-step weighting system development process includes input from regulators and human care professionals. Their feedback can help identify issues with the current system and help correct any identified imbalances.

Putting it Together

- Differential monitoring is either done via key indicators and/or a risk assessment.
- Weighting is required when a differential monitoring approach employs a substantial regulatory compliance scale. Substantial compliance means any inspection that is *less than* 100% in-compliance.

Relationship of Key Indicators and Risk Assessment and Weighting in Differential Monitoring Matrix

			Key Indicators	Key Indicators
				No
			Differential	Uniform Monitoring
Weighting	Yes	Differential Monitoring	Substantial Regulatory Compliance	Risk Assessment
Weighting	No	Uniform Monitoring	Full Regulatory Compliance	Comprehensive Review

Differential monitoring is either done via key indicators and/or a risk assessment. But pay close attention to the importance of how weighting of rules/regulations plays in this process. Weighting is required when a differential monitoring approach employs a substantial regulatory compliance scale. Substantial compliance means any inspection that is less than 100% in-compliance. Something that is typically not found in regulatory environments. For this reason, NARA recommends that agencies use both key indicators and risk assessments when employing a differential system.

But, exactly, how do these methodologies complement each other? The matrix will provide some guidance in thinking about these relationships and clear up confusion in how they can be used in tandem or alone.

Based on the theory of regulatory compliance (the top left cell); but it is not required, although recommended, when full 100% regulatory compliance scale is used (bottom left cell). If weighting is utilized bu key indicators are not, then the resultant method is a risk assessment rule/regulation method (top right cell). This is an effective method but not as efficient and effective when both risk assement and indicators are utilized together.

Prerequisites for Implementing a Differential Monitoring System

- Licensing regulations must be comprehensive, well written, and measurable.
- There must be a measurement tool.
- There should be a licensing weighting system.

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Before developing and implementing differential monitoring system it is important that the existing licensing system is comprehensive and well established. The following are prerequisites to implementation of an indicator system:

Licensing regulations must be comprehensive, well written and measurable
Regulations are the building blocks for any licensing system. If the regulations are not well written and measurable (e.g., overly general rules that allow for personal interpretation and subjectivity) a licensing indicator system should not be pursued. Also, if the total number of regulations is small, a shortened inspection tool is not valuable.

There must be a measurement tool
The measurement must be designed to standardize the application and interpretation of the regulations. Use of one approved licensing inspection tool across a governmental area to ensure consistency in the application of the regulations is essential prior to implementing a licensing indicator system.

There should be a licensing weighting system
There should be a licensing weighting system designed to assess the relative risk to

consumers if the regulation is not met. This system may be a formal weighting system or a simple classification system which categorizes regulations by degree of risk.

Examples of High and Low Degrees of Risk

- High degree of risk: A consumer's accessibility of heat sources or toxins.
- Low-degree of risk: Requiring a signature in a record.

At least one year of data on regulation violations for individual facilities should be collected prior to implementing an indicator system. These data are needed to enter into a database system to determine the regulations that are the indicators or predictors of high compliance.

Outcome Based Systems

Outcome based systems measure results, not processes, so a facility would be assessed by the outcomes it produced with individuals.

Example of an Outcome Based Measurement System:

- Number of consumers developing to their fullest potential.
- Free from abuse.
- Not in placement.
- Involved actively in the community.

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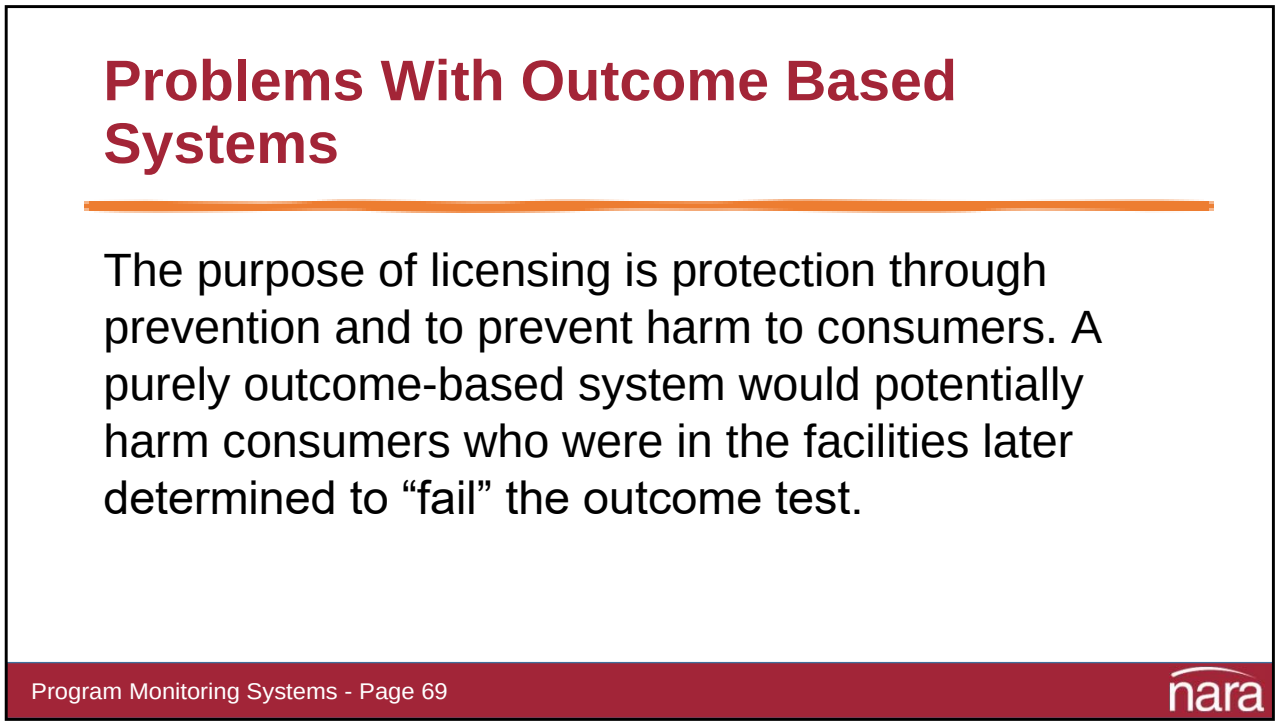
A development that first became prevalent in the 1990s is use of outcome-based systems for licensing. This is where a licensing agency places more emphasis on outcomes rather than processes. The focus is on the effectiveness of services to children and families by measuring consumer outcomes. For example, in child welfare programs the most frequently cited outcomes to determine government accountability are safety, permanency, and well-being. This has always been controversial, particularly for the field of human care licensing. This is a measurement method based upon results, not processes, so a facility would be assessed by the outcomes it produced with individuals.

Example of an Outcome Based Measurement System

- Number of consumers (e.g., children or adults) developing to their fullest potential.
- Free from abuse.
- Not in placement.
- Involved actively in the community.

Determining the outcome for individuals can lead to less need to measure processes

directly and is appealing in many respects. It does focus on results, something the human services field has typically not focused on outside of accreditation or quality initiatives. However, there is a fallacy in this approach. Results are the product, but processes are still necessary to get to the product.



The purpose of licensing is protection through prevention and to prevent harm to consumers. A purely outcome-based system would potentially harm consumers who were in the facilities later determined to “fail” the outcome test.

Other problems with outcome-based systems include:

- There is Insufficient agreement on what are acceptable outcomes.
- Outcomes may not manifest for years.
- Outcomes may contaminate other variables.

Tying Outcomes to Regulatory Systems

Outcomes should be linked to specific regulatory processes that are in a causal or at least a correlational relationship.

Example
The following regulatory variables link to positive outcomes in child care:

- Low staff:child ratios
- Staff training
- Highly qualified staff
- Small group size

Outcomes should be linked to specific regulatory processes that are in a causal or at least a correlational relationship. When regulatory agencies clearly link specific results (I.e., outcomes) to specific regulations (i.e., processes), there is the ability to focus on regulations that produced positive results for consumers and families and eliminate all other unnecessary regulations.

Example

The following regulatory variables link to positive outcomes in child care:

- Low staff:child ratios.
- Staff training.
- Highly qualified staff.
- Small group size.

Activity: Which System Is It?

Scenario #1
The regulatory agency selected about 10% of the total number of licensed facilities. They were careful to choose programs representative of the overall population. They conducted statistical analysis to measure the association between compliance and non-compliance for the set of regulations chosen. A small number of additional regulations were added to ensure instrument validity. When used, the new measurement tool will evaluate certain critical aspects of care during inspections, hopefully improving efficiency and effectiveness of the licensing system.

Which system is the regulatory agency using?

a. Indicator system
b. Outcome-based system
c. Weighting system

Notes to Instructor:

Supplies needed: Activity displayed for all learners to read.

Group discussion: Display the activity slide so that all learners can read it. Now it is time to apply what you have learned based on regulatory scenarios. Read the scenario, then discuss with your group, and choose an answer. Once all groups have completed their discussion and chosen an answer, review with the entire class and discuss.

Scenario 1
The regulatory agency selected about 10% of the total number of licensed facilities. They were careful to choose programs representative of the overall population. They conducted statistical analysis to measure the association between compliance and non-compliance for the set of regulations chosen. A small number of additional regulations were added to ensure instrument validity. When used, the new measurement tool will evaluate certain critical aspects of care during inspections, hopefully improving efficiency and effectiveness of the licensing system.

Which system is the regulatory agency using?

a. Indicator system (CORRECT)
b. Outcome-based system
c. Weighting system

Feedback: Indicator systems use a sample size of 100 programs or 10 percent of the total number of programs. Variables must be controlled for, such as size of facilities, geographic area represented, and more to ensure a representative sample. A select group of regulations are chosen based on statistical analysis of violation data, along with other random regulations for a total of 25-30% of all items making up the final licensing indicator system instrument.

As mentioned earlier, agencies have been able to use their full regulatory compliance data set which means there is no need to sample the data. Please refer the participants to the NARA Key Indicator and the RIKI Research Data Lab websites for additional technical details.

Activity: Which System Is It?

Scenario #2
The regulatory agency uses a measurement system focused on the results of compliance or non-compliance for consumers. The agency tracks many different variables, including the number of consumers who:

- Reach their fullest potential
- Are free from abuse or neglect
- Are not in a state-required placement
- Are actively involved in the community

Which system is the regulatory agency using?

a. Indicator system
b. Outcome-based system
c. Weighting system

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Notes to Instructor:

Supplies needed: Activity displayed for all learners to read.

Group discussion: Display the activity slide so that all learners can read it. Now it is time to apply what you have learned based on regulatory scenarios. Read the scenario, then discuss with your group, and choose an answer. Once all groups have completed their discussion and chosen an answer, review with the entire class and discuss.

Scenario 2
The regulatory agency uses a measurement system focused on the results of compliance or non-compliance for consumers. The agency tracks many different variables, including the number of consumers who:

- Reach their fullest potential
- Are free from abuse or neglect
- Are not in a state-required placement
- Are actively involved in the community

Which system is the regulatory agency using?

a. Indicator system
b. Outcome-based system (CORRECT)
c. Weighting system

Feedback: Outcome-based measurement systems focus on results, not processes. Human care facilities are assessed by the outcomes it produced to consumers.

Activity: Which System Is It?

Scenario #3
The regulatory agency wants to determine the risk of non-compliance related to specific regulations. They also want to use data to determine the type of license to issue programs to ensure objective and data-based decisions are being made. Upon analyzing information collected, it is determined that there is very little variance in the data, making it difficult to determine relative risk of non-compliance for the chosen regulations. To resolve this problem, the agency disseminates a survey to regulatory professionals, asking them to rate the health and safety risk of each regulation. The survey data are recorded and an average weight for each item's risk is calculated. The agency conducts pilot testing for the next six months.

Which system is the regulatory agency using?

a. Indicator system
b. Outcome-based system
c. Weighting system

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Notes to Instructor:

Supplies needed: Activity displayed for all learners to read.

Group discussion: Display the activity slide so that all learners can read it. Now it is time to apply what you have learned based on regulatory scenarios. Read the scenario, then discuss with your group, and choose an answer. Once all groups have completed their discussion and chosen an answer, review with the entire class and discuss.

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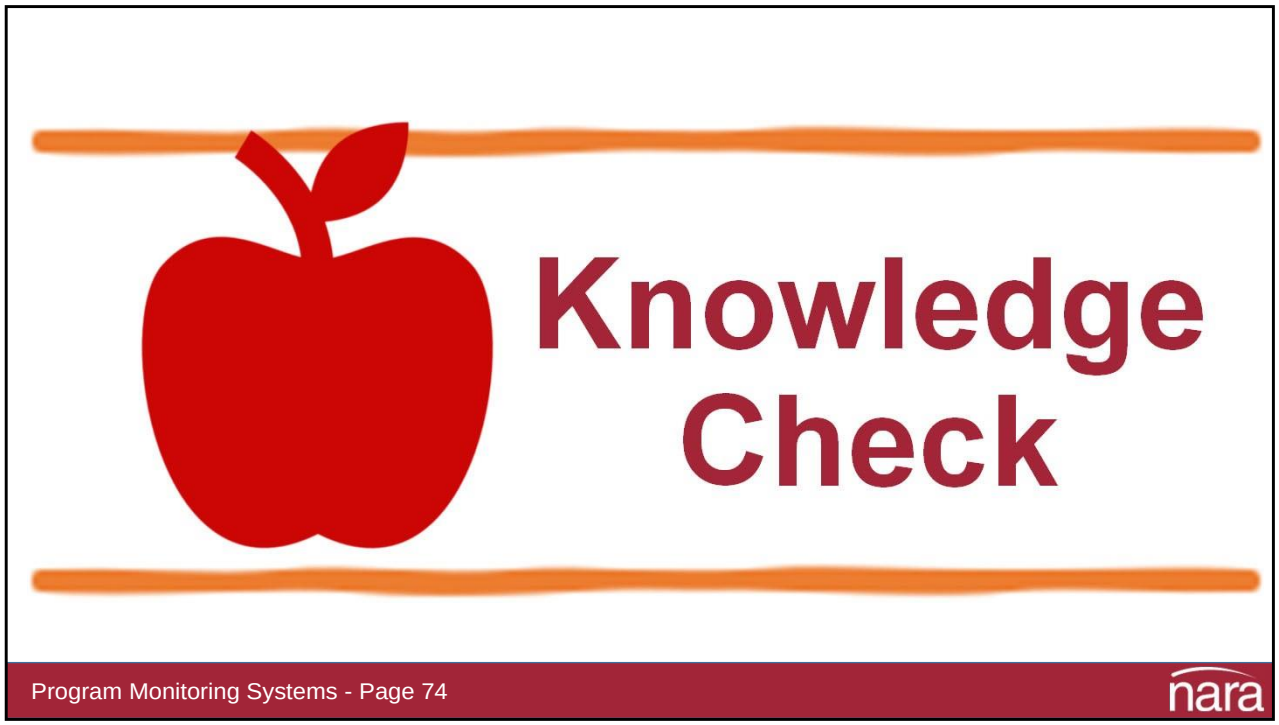
The regulatory agency wants to determine the risk of non-compliance related to specific regulations. They also want to use data to determine the type of license to issue programs to ensure objective and data-based decisions are being made. Upon analyzing information collected, it is determined that there is very little variance in the data, making it difficult to determine relative risk of non-compliance for the chosen regulations. To resolve this problem, the agency disseminates a survey to regulatory professionals, asking them to rate the health and safety risk of each regulation. The survey data are recorded and an average weight for each item's risk is

calculated. The agency conducts pilot testing for the next six months.

Which system is the regulatory agency using?

a. Indicator system
b. Outcome-based system
c. Weighting system (CORRECT)

Feedback: Weighting systems are related to indicator systems. This type of system determines the relative risk of specific regulations. Regulatory agencies using weighting systems use survey data, pilot testing, and apply standard deviation to determine the type of license that should be issued.



Note to instructor:

Large group activity: Explain to the group that it is time to check their knowledge. Questions on the next slides are aligned with the module's learning objectives. Read the question and all answer options that appear on the slide. Once everyone has heard the question and thought of an answer, ask for a volunteer to give their answer. Discuss as a group and/or go back to the relevant slides to review the content if needed.

Go to next slide for the first question.

Knowledge Check

Learning Objective: Identify important influences on measurement systems used in human care regulation.

Question #1

Measurement and data collection are key components of compliance analysis?

a. True
b. False

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Note to instructor:

Question:

Measurement and data collection are key components of compliance analysis?
a. True (CORRECT)
b. False

Review the following slides if needed:
- Measurement Systems and Licensors

Instructor Note: Ask a follow up question if time and interest allows:

Bonus Question: What are the components of compliance analysis?
Answers:
- Implementing of information systems
- Conducting on-site inspections
- Making observations
- Interviewing
- Completing complaint investigations
- Determining licensing actions

Knowledge Check

Learning Objective: Identify important influences on measurement systems used in human care regulation.

Question #2

Qualitative measurement includes

a. data rather than descriptions of traits or characteristics.
b. long narratives derived from in-depth observation and interviews.
c. scientific, statistically based measurement tools.
d. All of the above

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Note to instructor:

Question:

Qualitative measurement includes
a. data rather than descriptions of traits or characteristics.
b. long narratives derived from in-depth observation and interviews. (CORRECT)
c. scientific, statistically based measurement tools.
d. All of the above

Review the following slide if needed:
- Measurement Systems Within Regulatory Administration

Instructor Note: Ask a follow up question if time and interest allows:

Bonus Question: What is quantitative measurement?
Answers:
- Data rather than descriptions of traits or characteristics
- Scientific, statistically based measurement tools
- Indicator, weighing, and outcome-based measurement systems

Knowledge Check

Learning Objective: Identify important influences on measurement systems used in human care regulation.

Question #3

Which of the following spurred the use of digital tools in human care regulation?

a. Creation of human care standards
b. Distribution of block grants to states
c. Rapid growth in the human care field along with cutback in regulatory funding
d. All of the above

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Note to instructor:

Question:

Which of the following spurred the use of digital tools in human care regulation?

a. Creation of human care standards
b. Distribution of block grants to states
c. Rapid growth in the human care field along with cutback in regulatory funding (CORRECT)
d. All of the above

Review the following slide if needed:

- Digital Tools and the Impact on Measurement

Knowledge Check

Learning Objective: Identify important influences on measurement systems used in human care regulation.

Question #4

Which of the following changed the way states received federal welfare aid funding and gave states more flexibility in how the funds were allocated?

a. Family First Prevention Services Act (FFPSA)
b. Federal Interagency Day Care Regulations (FIDCR)
c. Lanham Act
d. Title XX amendment to the Social Security Act

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Note to instructor:

Question:

Which of the following changed the way states received federal welfare aid funding and gave states more flexibility in how the funds were allocated?

a. Family First Prevention Services Act (FFPSA)
b. Federal Interagency Day Care Regulations (FIDCR)
c. Lanham Act
d. Title XX amendment to the Social Security Act (CORRECT)

Review the following slide if needed:

- XX Amendment of the Social Security Act

Instructor Note: Ask a follow up question if time and interest allows:

Bonus Question: Can you briefly explain a-c?

Answers:

a. Family First Prevention Services Act (FFPSA): (2018) Seeks to prevent trauma associated with a child being removed from their home and placed in out-of-home care. Provides access to mental health and substance use treatment and resources for better parenting skills.

b. **Federal Interagency Day Care Regulations (FIDCR): (1968)** Established many of the current human care facilities standards, including ratios, safety, sanitation, nutrition, wellness, and staff training.
c. **Lanham Act:** (1941) States were given 50-50 matching funds to provide social services in areas impacted by World War II, including child care services.

Knowledge Check

Learning Objective: Define instrument-based program monitoring tools.

Question #5

Instrument Based Program Monitoring (IPM) is an objective systems-oriented method of quantitative assessment.

a. True
b. False

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Note to instructor:

Question:

Instrument Based Program Monitoring (IPM) is an objective systems-oriented method of quantitative assessment.

a. True (CORRECT)
b. False

Review the following slide if needed:

- Instrument-Based Program Monitoring (IPM)

Knowledge Check

Learning Objective: Define instrument-based program monitoring tools.

Question #6

Which type of IPM was developed as a time saving technique and to focus regulatory efforts on facilities that require additional inspections or technical assistance?

a. Checklist
b. Differential monitoring system
c. Outcome based system
d. Rating scales

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Note to instructor:

Question:

Which type of IPM was developed as a time saving technique and to focus regulatory efforts on facilities that require additional inspections or technical assistance?

a. Checklist
b. Differential monitoring system (CORRECT)
c. Outcome based system
d. Rating scales

Review the following slide if needed:

- Differential Monitoring Systems

Instructor Note: Ask a follow up question if time and interest allows:

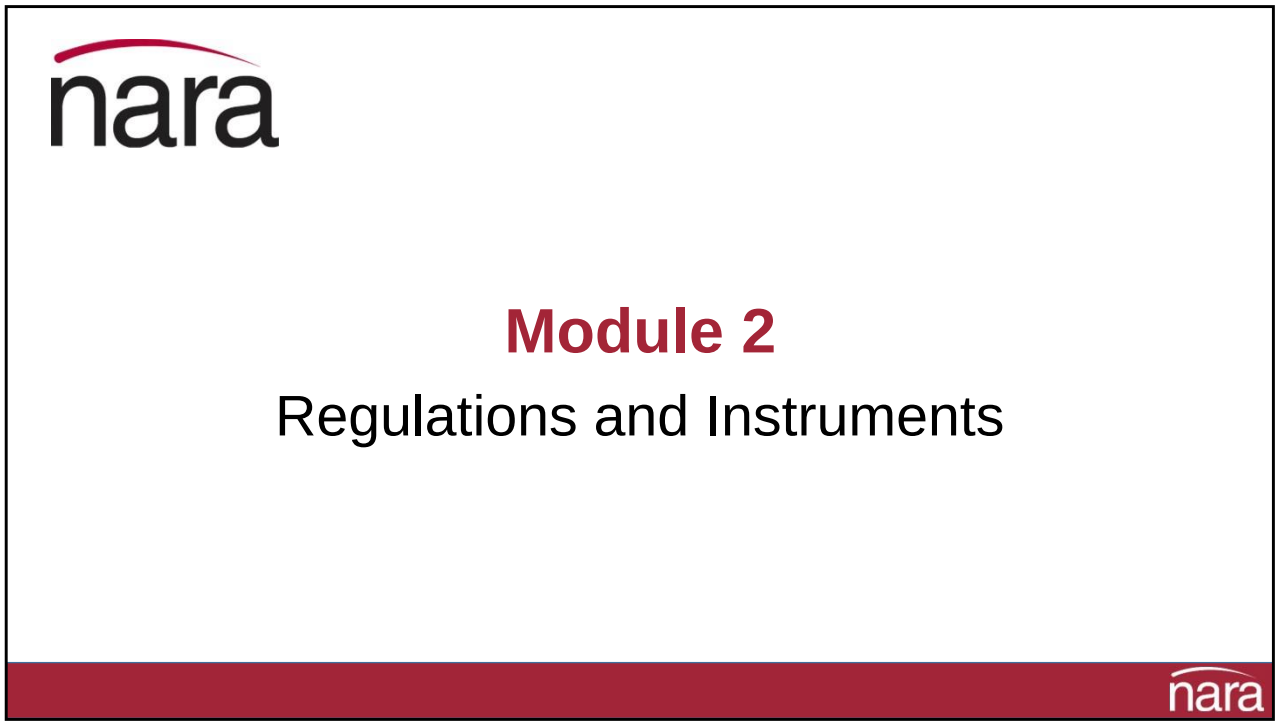
Bonus Question: Can you explain a, c, and d?

Answers:

a. **Checklist:** Type of IPM that includes a measurement tool that evaluates compliance in a yes or no format

c. **Outcome based system:** Type of IPM that places more emphasis on consumer results or consequences rather than on processes

d. **Rating scales:** Type of IPM that uses a Likert type of rating – going from more to less, or high to low



Notes to Instructor:

Introduce module

Module 2: Regulations and Instruments

Learning Objective

- Explain the importance of aligning measurement tools with regulations.

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Notes to Instructor:

Review learning objectives with course participants.

Learning Objectives:

- Define the types of rules used in the human care regulatory field.
- Describe substantive, procedural, and interpretive rules.

Relationship Between Regulations and Instruments

To help clarify alignment and relationship between the regulations and measurement instrument, many regulatory agencies include interpretive guides:

- Administrative rules or codes.
- Rules and regulations handbooks.

This helps to increase the reliability of the instrument and does not negatively impact the overall validity of the tool.

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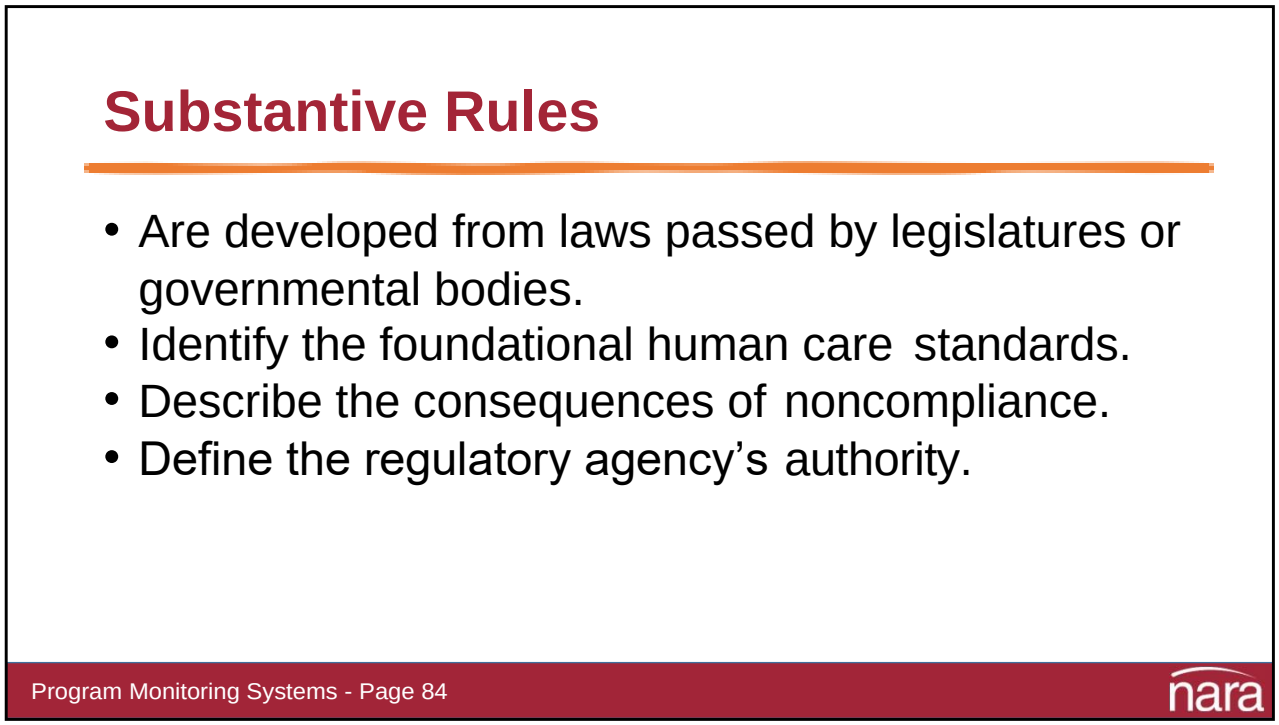
Regulatory agencies must ensure that the instruments developed are the exact reflection of the regulations. To help clarify alignment and relationship between the regulations and measurement instrument, many regulatory agencies include interpretive guides (e.g., administrative rules or codes or rules and regulations handbooks). This helps to increase the reliability of the instrument and does not negatively impact the overall validity of the tool.

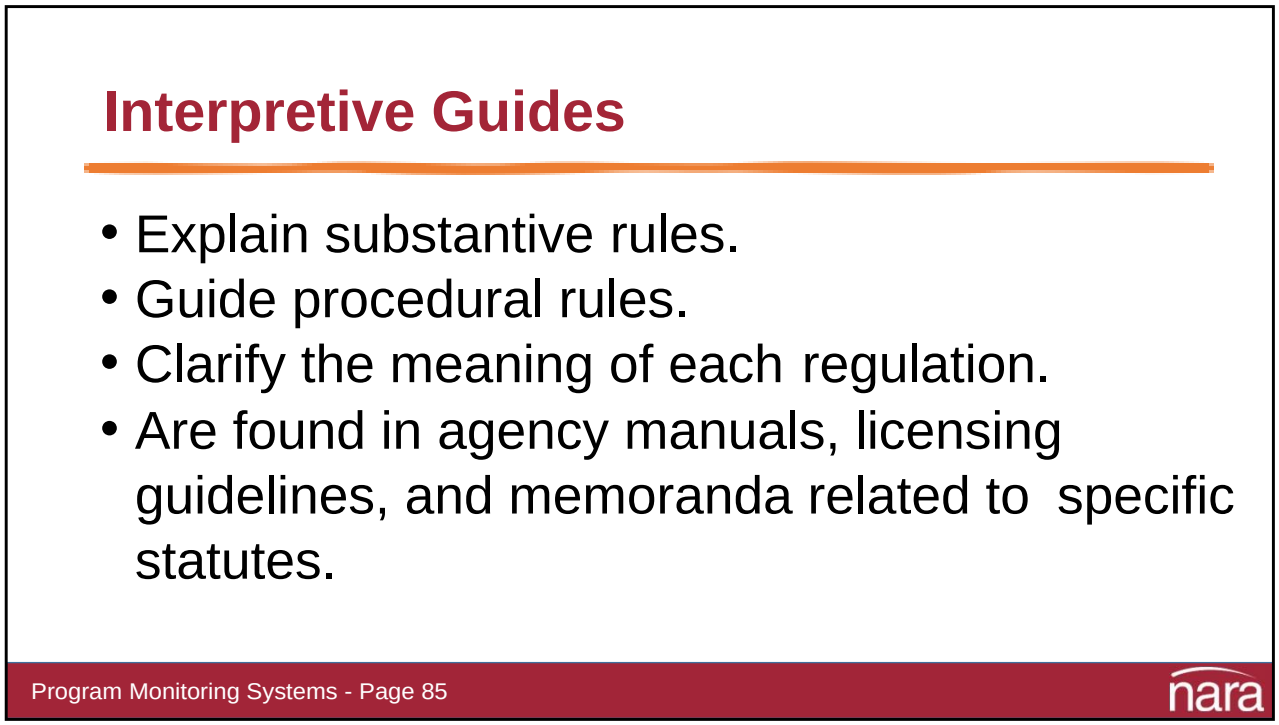
Failure to establish strong links between instrument development and regulation formulation can cause problems (e.g., inconsistent application of licensing regulations, difficulty defending adverse actions taken during an administrative hearing) for regulatory agencies, facility owners, and consumers. These issues may not become evident for many years, until defending poorly designed regulatory systems in court.



Substantive rules and interpretive guides help regulatory professionals as they inspect human care facilities.

Substantive rules:

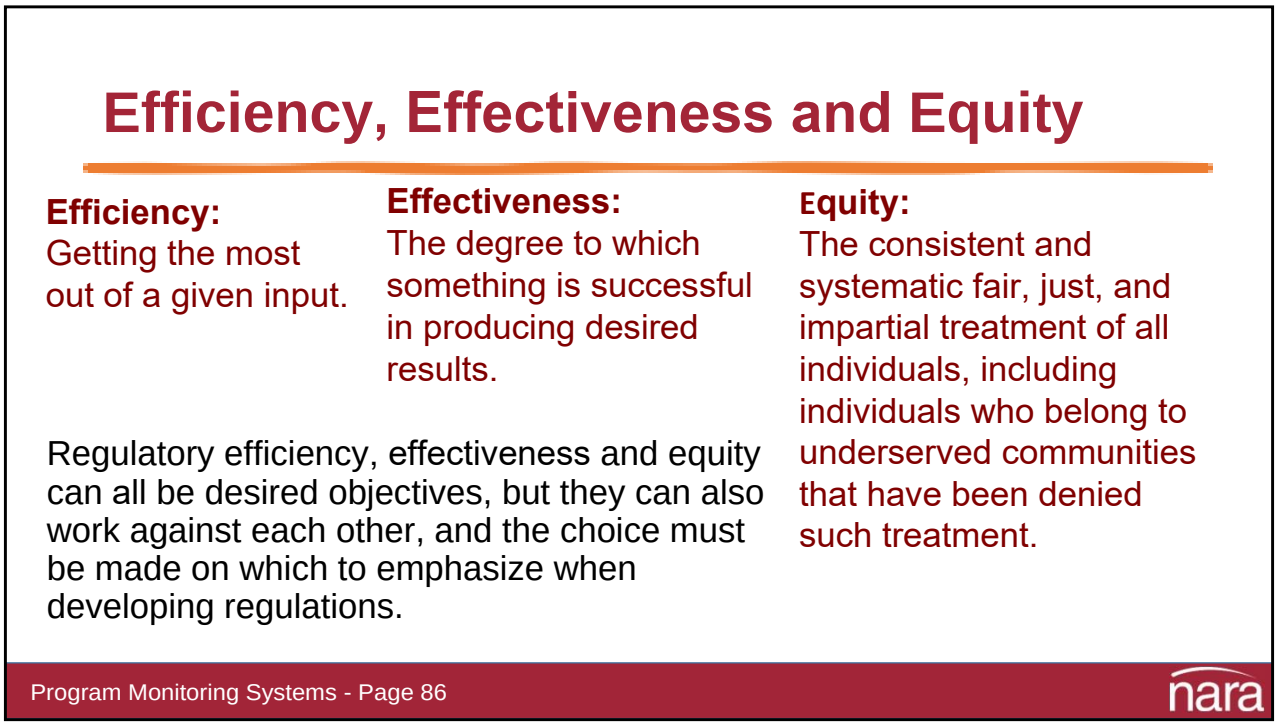
- Are developed from laws passed by legislatures or governmental bodies aimed at protecting the health, safety, and well-being of children and vulnerable adults.
- Identify the minimum human care standards required to operate a regulated facility (e.g., ratios, staff qualifications, nutrition, etc.).
- Describe the consequences of noncompliance with required standards.
- Define the regulatory agency's authority to enforce standards and apply consequences of noncompliance.



Substantive rules and interpretive guides help regulatory professionals as they inspect human care facilities. Interpretive guides are in some ways the data collection manual for licensing staff.

Interpretive guides:

- Explain substantive rules used when interacting with regulated operations.
- Guide procedural rules that direct applicant activities within the licensing process (e.g., fees, application process, appeal procedures, and enforcement).
- Clarify the meaning of each regulation using language that may be easier to understand than legal statutes passed by governments.
- Are typically found in agency manuals, licensing guidelines, and memoranda related to specific statutes.



Efficiency
Getting the most out of a given input.

Effectiveness:
The degree to which something is successful in producing desired results.

Equity
The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment (Exec. Order No. 13985, 2021).

Licensing agencies and governments are often faced with making decisions based on efficiency, effectiveness and equity during the development and implementation of regulations. Regulatory efficiency, effectiveness and equity can all be desired objectives, but they can also work against each other, and the choice must be made on which to emphasize when developing regulations and finding the right balance to meet the agency need while maintaining strong licensing systems. For example, an efficient regulation may keep the costs of compliance low, while further entrenching existing societal inequities, while a regulation that emphases equity and safety may not be as cost-effective or efficient as might be achievable with a different emphasis. It is also possible that too many indicators may address effectiveness and equity issues but substantially lower efficiency. You can learn more about this on page 64 of the textbook.

- **Example of efficiency and effectiveness:** Gaining the highest level of regulatory compliance with available licensing agency staff and resources.

- **Example of equity:** Making sure a regulation does not unfairly burden human care facilities in underserved communities.

Management Procedures and Processes

- Implementing day-to-day practices.
- Creating and using documentation.
- Establishing organizational systems.
- Communicating with other stakeholders.

Regulators are never 100 percent certain that all facilities are compliant with all the regulations. However, there are certain management procedures and processes that can reduce uncertainty. Establishing a clear link between regulations and measurement tools is one example.

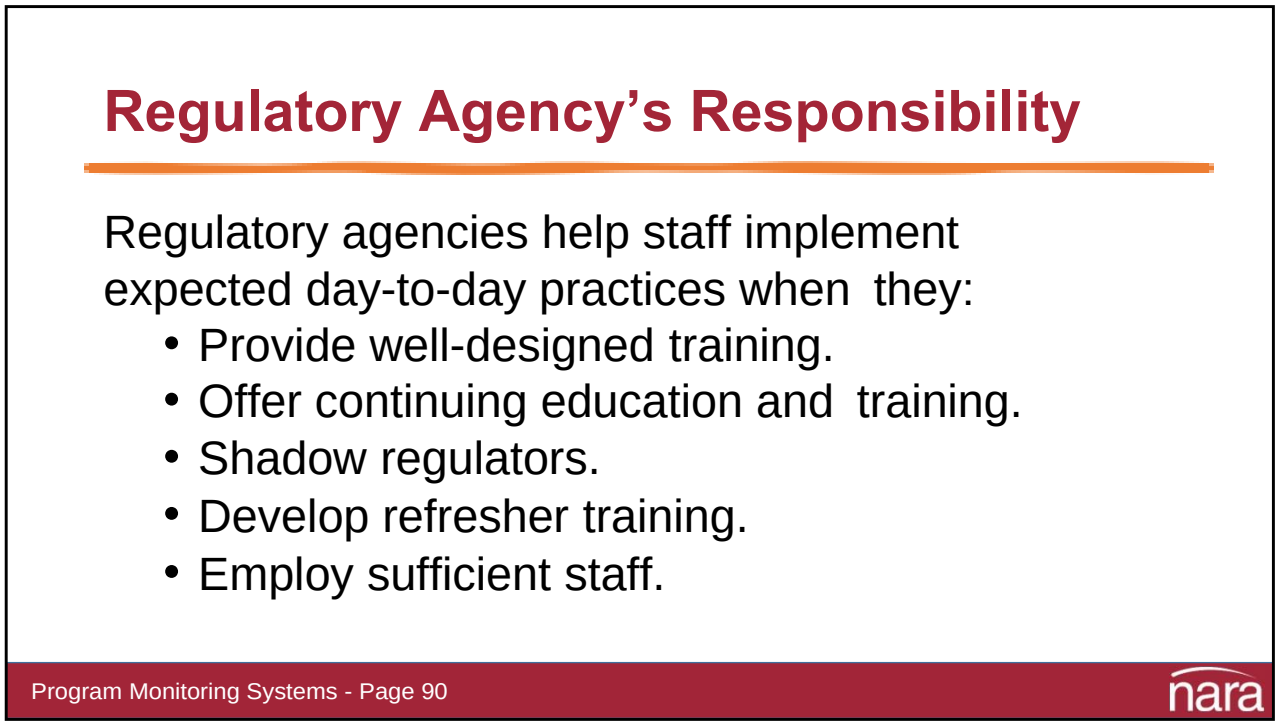
Regulators work to establish links between regulations and measurement tools when they:

- Implement day-to-day practices
- Create and use documentation
- Establish organizational systems
- Communicate with other stakeholders

Implementing Day-to-Day Practices

Internal departmental policies, procedures, and interpretive guides to help direct regulatory staff day-to-day practices.

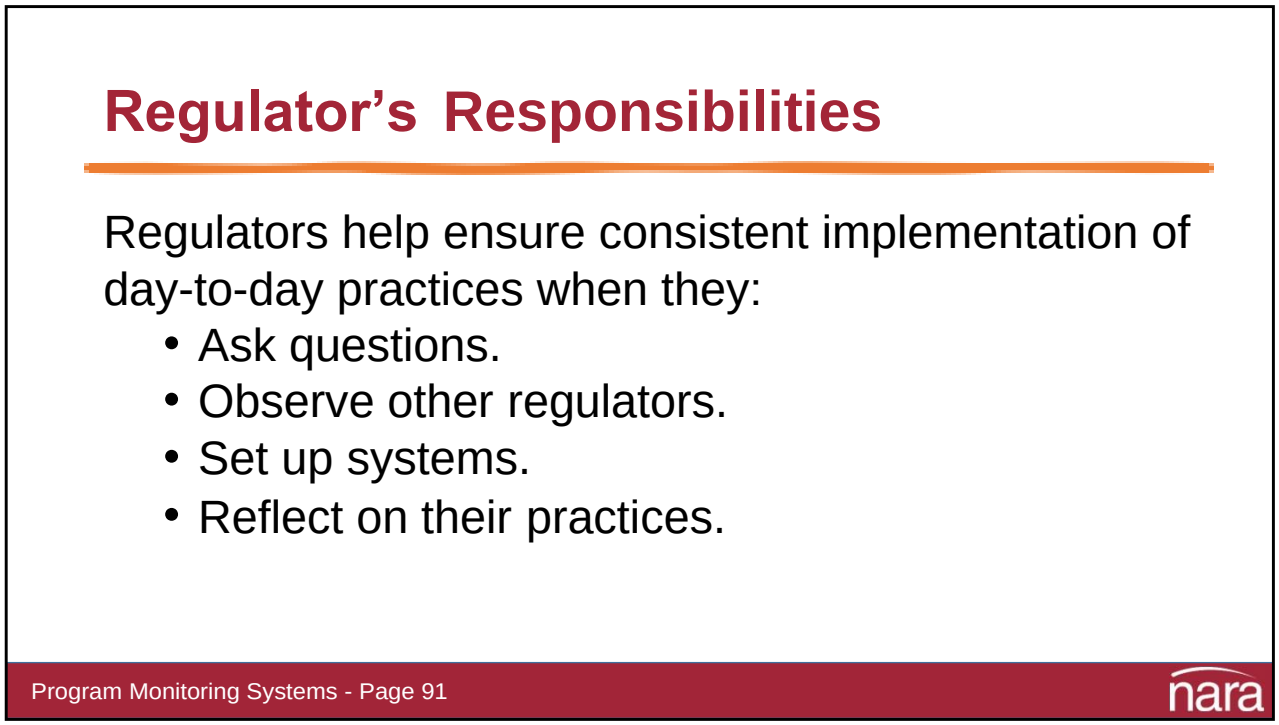
Governments and regulatory agencies use internal departmental policies and procedures, as well as interpretive guides, to guide regulatory staff day-to-day practices. Policies, procedures, and interpretive guides are written guidelines that inform regulatory staff and consumers of the agency's values, expectations, and help ensure consistent communication and professional behavior throughout the department or agency.



Regulatory Agency's Responsibility

Regulatory agencies help their staff implement expected day-to-day practices when they:

- Provide well-designed training for new regulators.
- Offer continuing education and training opportunities for veteran regulators.
- Shadow regulators periodically to assess compliance.
- Develop refresher training when gaps in knowledge or skills are identified.
- Employ sufficient staff to achieve a manageable caseload and ensure that inspections are done timely.



Regulator's Responsibility

Regulators help ensure consistent implementation of day-to-day practices when they:

- Ask supervisory staff or veteran colleagues questions related to job expectations.
- Observe other regulators as they conduct inspections, offer technical assistance, or perform other regulatory job duties.
- Set up personal organizational systems designed to meet the policies, procedures, and interpretive guides.
- Reflect on their practices to ensure alignment with the agency's values.

Creating and Using Documentation

To ensure robust documentation, regulatory staff should:

- Review the human care program's file.
- Record questions or concerns and feedback given.
- Inform program administrators of regulatory changes.
- Write down resources or assistance offered.
- Review compliance data and reach out to facilities that appear to be struggling with compliance.

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Regulators know that without documentation, it is impossible to support findings of noncompliance, issue fines, revoke licensure, or prove that technical assistance was provided. Many regulatory agencies provide regulators with systems of documenting compliance during inspections. Many regulators use laptops or tablets during inspections that include standard language regulators use to document findings, communication, and resources provided. It is helpful when regulators identify gaps in the standard documentation provided, and make suggestions for system improvement.

To ensure robust documentation, regulatory staff should:

- Review the human care program's file, making note of past compliance issues. During inspections, pay close attention to these areas and document findings on the inspection report and any technical assistance offered to help ensure continued compliance.

- Record questions or concerns raised by the human care administrator and feedback given.

- Inform program administrators of regulatory changes and write down resources or assistance offered.

- Review compliance data and reach out to facilities that appear to be struggling with compliance to offer additional assistance or one-on-one training and record the activity in the facility's file.

Regulators really cannot document too much, and it can be difficult to know when regulatory staff will need comprehensive documentation. It is best practice to assume there is a need for documentation in all tasks associated with measuring compliance. That way, it is available when it is actually needed.

Establishing Organizational Systems

Organizational systems should be easy to use and increase efficiency. Overly complicated systems may be difficult to use daily and may take more time than they save. All organizational systems require some extra work to set up but should save time and effort in the future.

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It is critical that regulators use organizational systems. Regulators maintain caseloads of facilities and are tasked with conducting inspections, generating reports, and following up on compliance issues, all within specific timeframes. Above all organizational systems should be easy to use and increase efficiency. Overly complicated systems may be difficult to use daily and may take more time than they save. All organizational systems require some extra work to set up but should save time and effort in the future.

When setting up organizational systems, regulators should consider setting up command centers in their office, vehicle, and while on-site at the facility. No matter the location, regulators should have access to basic supplies (e.g., pens, pencils, markers, paper, ruler, calculator, provider resources, copies of regulations) at all times. Regulators need different tools and supplies based on the activities performed in each location.

These can include:

In Office

- **Computerized systems:** Create an organized digital filing system that makes it easy

to store and retrieve documents, evidence, and reports.

- **Filing cabinet:** Maintain physical records and evidence collected during complaint investigations when computerized systems are not available. Color coding files or labels can help find or file documentation quickly.

- **Calendar (physical or digital):** Schedule inspection due dates and let supervisory staff and colleagues know anticipated movements.

- **Phone call log:** Record all incoming and outgoing calls as documentation of communication, resources provided, and assistance given.

While Away from the Office

- **Digital system:** Use an agency issued or approved, password protected, and encrypted laptop or other portable device to store links to resources, such as community partners, common technical assistance, and the rules and regulations. Licensing staff should be able to access facility contact information so that resources can be sent electronically.

- **Portable file organizer:** Store pamphlets, copies of regulations, and other resources helpful to human care programs when a secure digital system is not available. These can also be used to sort evidence and transport it back to the office.

- **Daily schedule (physical or digital):** Plan inspections and other regulatory activities and refer to it often. The plan should include which programs need inspections, follow-up, or assistance and the most efficient or appropriate order of visit, and where to have lunch and take bathroom breaks.

Communicating With Other Stakeholders

- Facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
- Share information as permitted by established agency-to-agency agreements or as directed by supervisory staff.
- Work collaboratively to improve conditions for consumers in care at facilities.
- Schedule joint investigations as appropriate.
- Respect the perspective and role of stakeholders.
- Communicate positively and professionally.

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Regulators often communicate with other stakeholders (e.g., agency legal counsel, law enforcement, adult or child protective services, advocacy organizations, building, health, or fire safety agencies) while performing regulatory tasks.

When communicating with other stakeholders, regulators should:

- Facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
- Share information as permitted by established agency-to-agency agreements or as directed by supervisory staff.
- Work collaboratively to improve conditions for consumers in care at facilities.
- Schedule joint investigations as appropriate.
- Respect the perspective and role of stakeholders.
- Communicate positively and professionally.

Activity: Using Management Procedures and Processes

Find Your Match!

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Notes to Instructor:

Supplies needed: Index cards or paper with the procedure/process and index cards or paper with the examples.

Management procedures and processes help establish links between regulations and measurement tools. Break the large group into smaller groups and give a set of procedure and example cards to the group. Ask the group to match the example with the procedure or process. Provide time for the group to match each example and procedure and discuss their experience with management procedures and processes.

As a large group, solicit examples of how the participants:

- Implement day-to-day practices.
- Create and use documentation.
- Establish organizational systems.
- Communicate with other stakeholders.

Procedure or Process: Implementing day-to-day practices

Examples:
- Ensuring all new regulators are trained and understand the agency's policies, procedures, and interpretive rules.
- Asking for help understanding the regulatory job expectations.

Procedure or Process: Creating and using documentation

Examples:
- Recording human care administrator questions and the feedback given.
- Informing human care administrators of upcoming regulatory changes and writing down resources offered.

Procedure or Process: Establishing organizational systems

Examples:
- Maintaining in-office and in-the-field command centers.
- Coding files using different colors or labels.

Procedure or Process: Communicating with other stakeholders

Examples:
- Sharing information based on intra-agency agreements.
- Scheduling joint investigations.

The Importance of Aligning Measurement Tools With Regulations

When there is poor alignment, regulatory agencies cannot trust that inspection results and other data will align with desired outcomes.

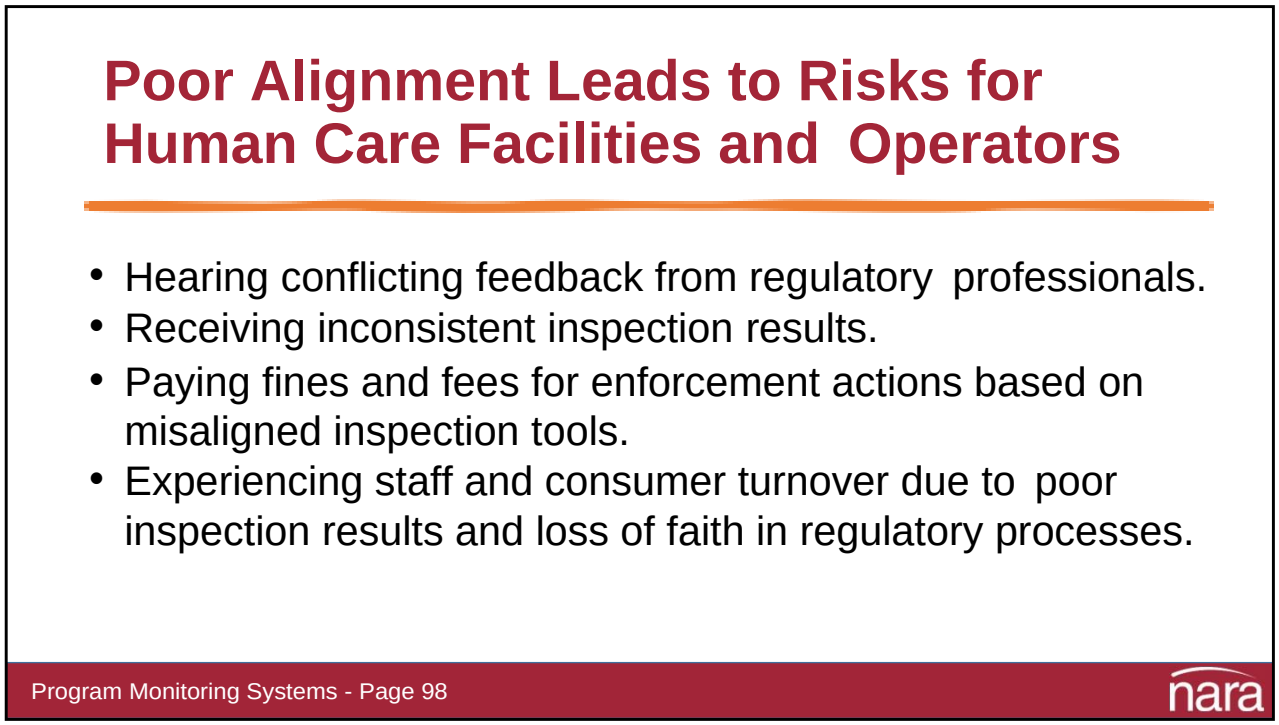
It is critically important that measurement tools align with regulations. Measurement tools include record reviews, checklists, and formal and informal observations of program activities. When there is poor alignment, regulatory agencies cannot trust that inspection results and other data will align with desired outcomes.

Poor alignment leads to risks to regulatory agencies, human care facilities, operators, and consumers, including:

- Regulatory agencies.
- Facilities.
- Consumers and their families.

Poor alignment leads to risks to regulatory agencies, including:

- Issuing licenses when the facility does not meet the regulatory requirements.
- Denying licenses when the facility meets the regulatory requirements.
- Defending enforcement actions and appeals in hearings and court proceedings unsuccessfully.



Poor alignment leads to risks to human care facilities and operators, including:

- Hearing conflicting feedback from regulatory professionals.
- Receiving inconsistent inspection results.
- Paying fines and fees for enforcement actions based on misaligned inspection tools.
- Experiencing staff and consumer turnover due to poor inspection results and loss of faith in regulatory processes.

Poor Alignment Leads to Risks for Consumers and Their Families

- Losing trust in their human care facility.
- Being exposed, potentially, to substandard care.

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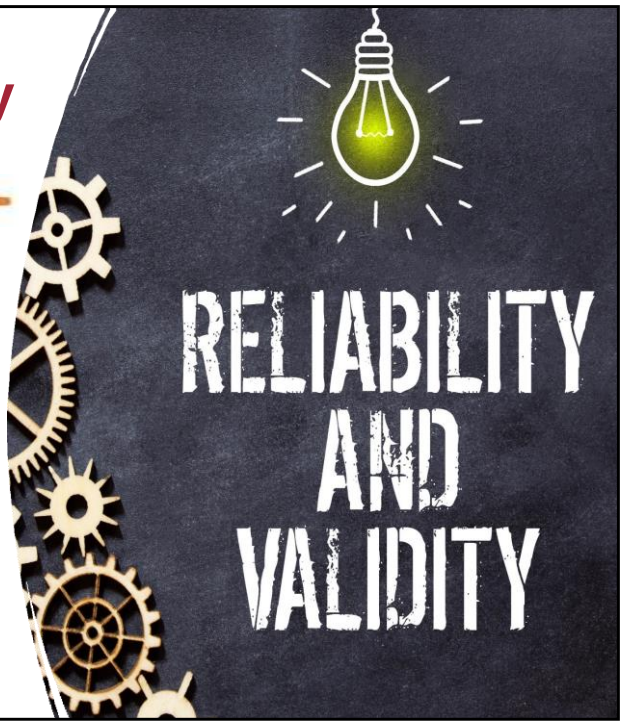
Poor alignment leads to risks to consumers and their families, including:

- Losing trust in their human care facility.
- Being exposed, potentially, to substandard care.

Reliability and Validity Ensure Alignment

Reliability and **validity** ensure measurement tools align with regulations.

If either of these concepts is violated, the measurement system is at best open to question and can be at worst virtually meaningless.



Reliability and **validity** ensure measurement tools align with regulations. The concepts of reliability and validity are critical to developing effective licensing measurement systems. If either of these concepts is violated, the measurement system is at best open to question and can be at worst virtually meaningless.

Validity

Validity deals with the content of a tool or instrument.

Validity demonstrates whether the tool serves the purpose for which it is to be used and how accurate it is as a measurement tool.

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Validity deals with the content of a tool or instrument. Validity demonstrates whether the tool serves the purpose for which it is to be used and how accurate it is as a measurement tool. Regulatory measurement tools that are based on regulations are typically considered to be valid. When the tools are not based on the regulations, they are usually not valid and produce results that should be trusted.

Reliability

Reliability demonstrates the tool or instrument is consistent and objective.

Reliability testing should be done methodologically and scientifically. Inter-rater reliability should be established for the tools that are used by regulators. Inter-rater reliability measures the consistency with which different people determine compliance with a regulation.

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Reliability deals with the administration of the tool or instrument. Reliability demonstrates that the tool is consistent and objective. Tools that appear to produce inconsistent results or are based on subjective judgments may apply regulations in a biased, unequal, and unfair manner. Reliability testing should be done methodologically and scientifically. Inter-rater reliability should be established for the tools that are used by regulators. Inter-rater reliability measures the consistency with which different people determine compliance with a regulation.

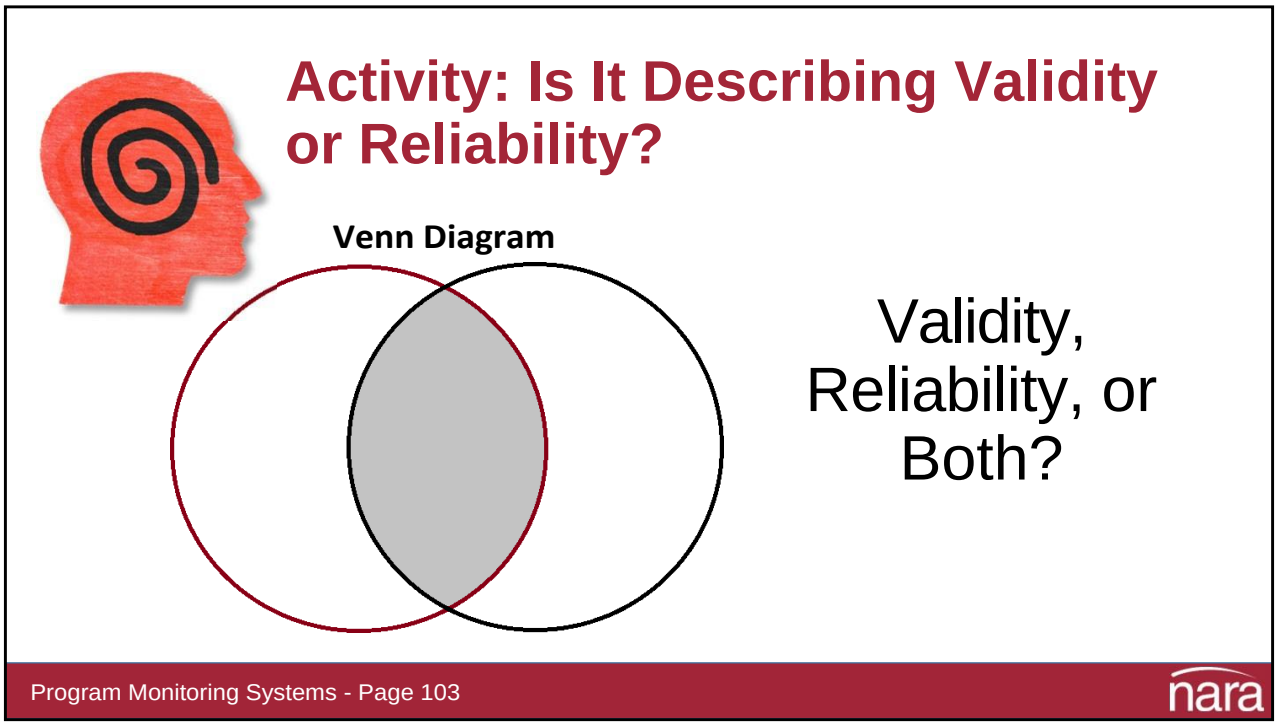
To establish inter-rater reliability, regulatory staff should:

- Go out to human care programs in pairs assessing the same facility at the same time and compare results.

- Provide written scenarios or snippets of a video demonstrating an inspection and ask licensing professionals to conduct a mock inspection, then provide feedback.

When there is not at least 90 percent agreement for each regulation, additional interpretation of that specific regulation is needed. All staff should receive measurement tool training and be assessed by well-trained licensing staff,

supervisors, or through data collection to ensure they meet the set inter-rater reliability standards. Training should be considered when new staff are hired, when regulations change, or as needed as a refresher.



Notes to Instructor:

Supplies needed: Chart paper with a Venn Diagram drawn, tape, markers, pieces of paper with each example

Group discussion:
The terms *validity* and *reliability* are often used interchangeably, however, when discussing measurement tools, it is important to understand their differences and how they work together within regulatory systems.

Activity:
Explain the Venn Diagram and pass out pieces of paper with the examples. Ask the learners to place the paper in the section of the Venn Diagram they think it goes. Allow learners to work together and discuss as they place the pieces of paper on the diagram. Provide markers for learners who would like to add additional examples and as a group decide which category or section of the Venn Diagram they go.

Review the Venn Diagram, discuss, and move examples as appropriate.

Validity

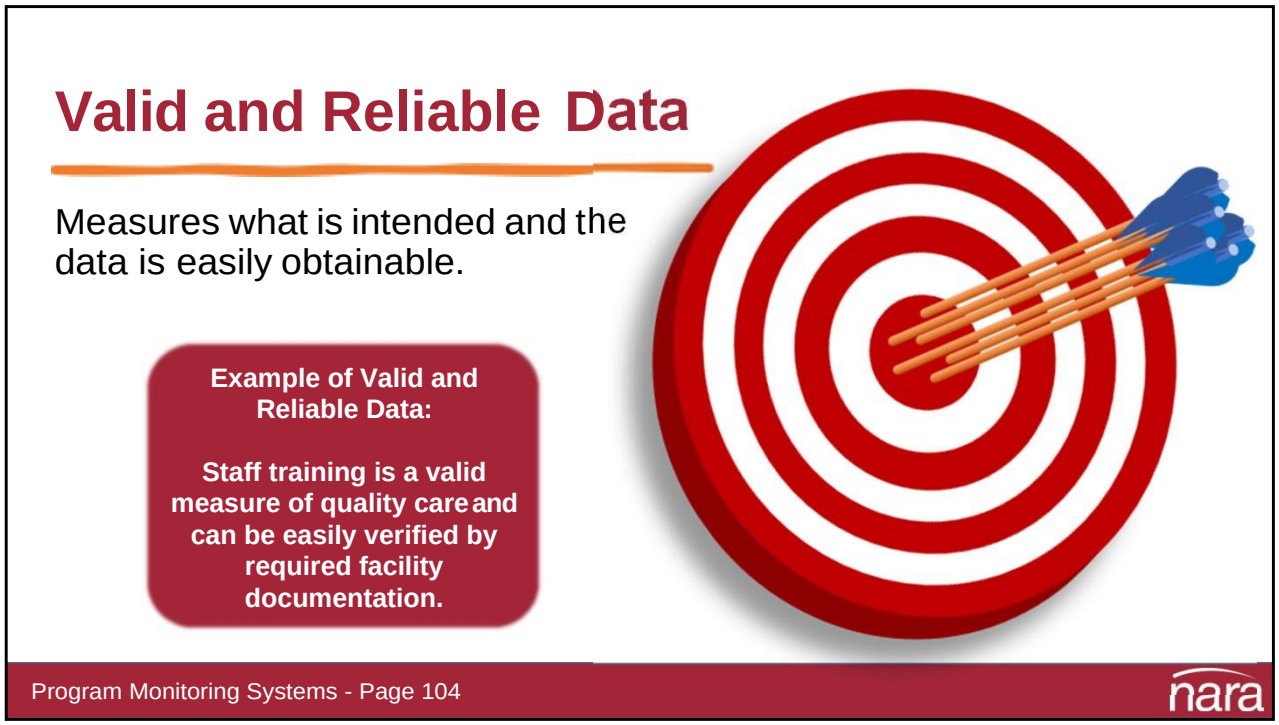
- Demonstrates the tool being used meets its purpose.
- Describes the accuracy of the measurement tool.

Reliability

- Demonstrates that the tool being used is consistent.
- Measures objectivity of judgments of compliance.

Both Valid and Reliable (middle overlapping section of the Venn diagram)

- Critical to developing effective licensing measurement systems.

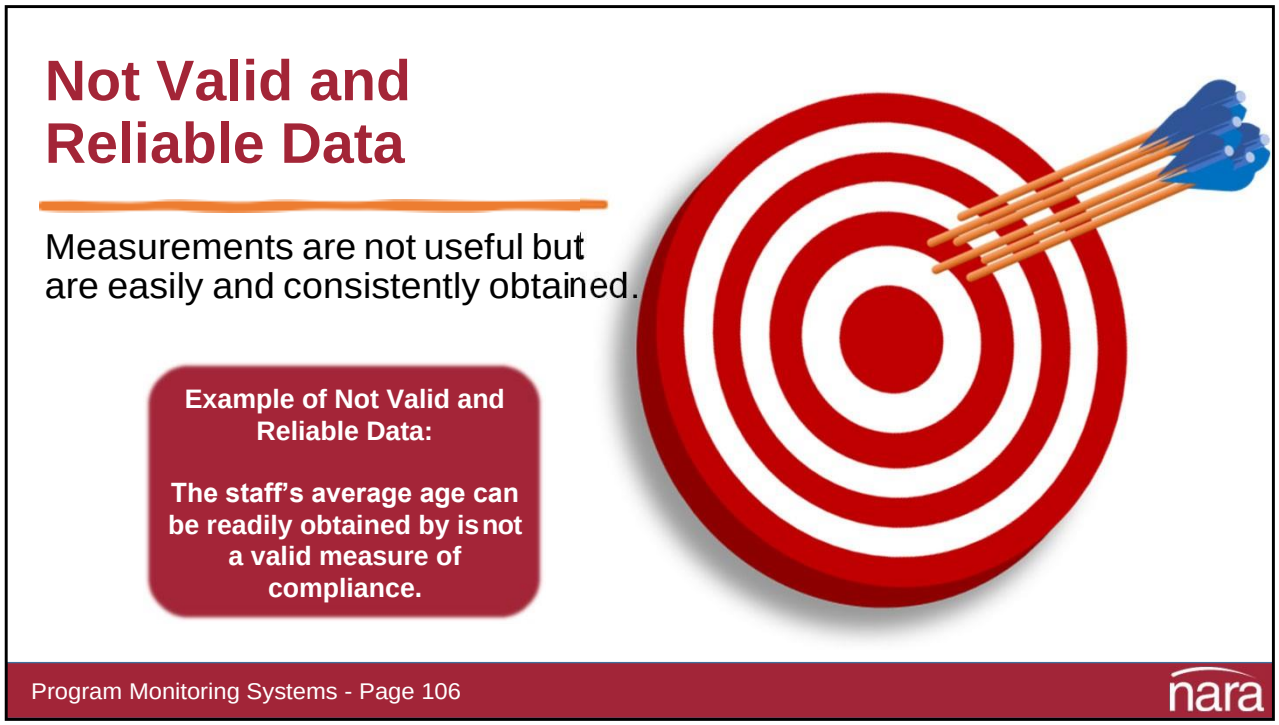


Valid and reliable data measures what is intended and the data is easily obtainable.

Example of Valid and Reliable Data:
Staff training is a valid measure of quality care and can be easily verified by required facility documentation.

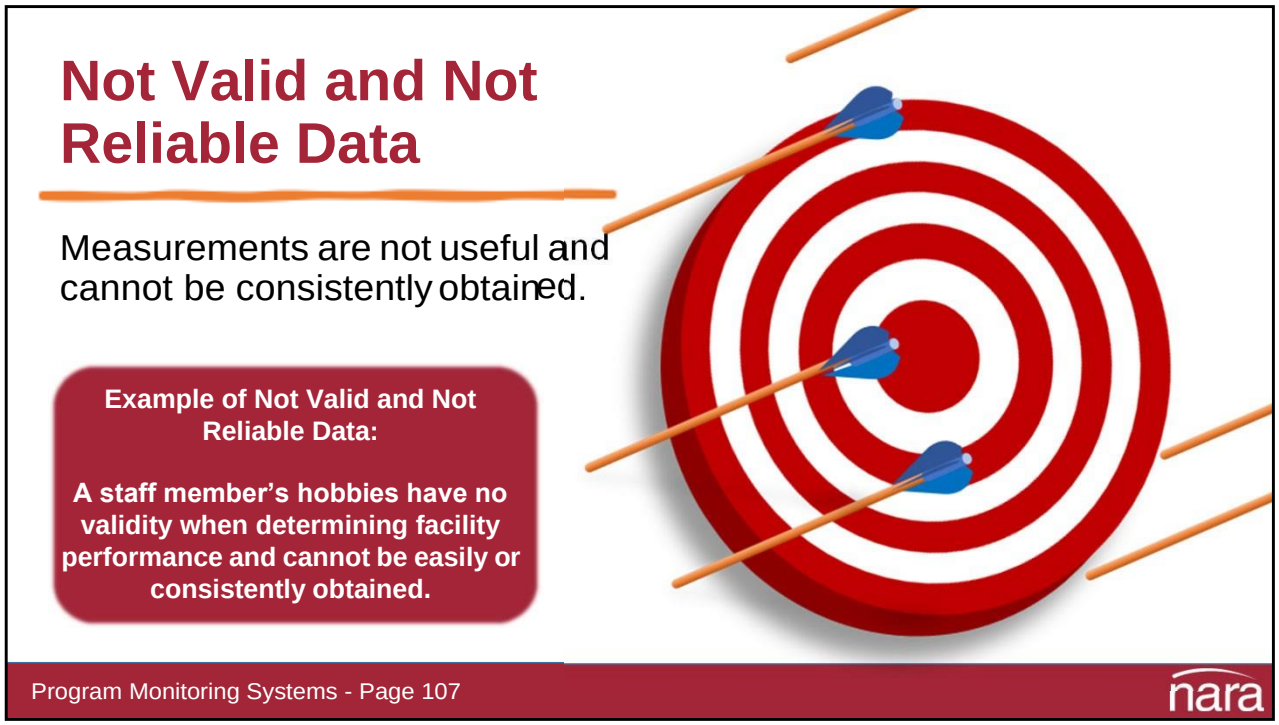
Valid and not reliable data measure what is intended but cannot be obtained easily or cannot be obtained on a consistent basis.

Example of Valid and Not Reliable Data:
Withholding food from a person in care is a valid example of poor quality but must be observed and reported by an inspector or whistleblower.



Not valid and reliable data are not useful but are easily and consistently obtained.

Example of Not Valid and Reliable Data:
The staff's average age can be readily obtained but is not a valid measure of compliance.



Not valid and not reliable data are not useful and cannot be consistently obtained.

Example of Not Valid and Not Reliable Data:
A staff member's hobbies have no validity when determining facility performance and cannot be easily or consistently obtained.

Activity: Deciding the Validity and Reliability Scenario #1

Scenario #1
Staff at licensed facilities are required to complete wellness activities. The idea behind the new standard is the belief that people with less stress and are physically and mentally fit, provide better care. Each staff must meditate for at least five minutes, eat healthy meals, drink plenty of water, and participate in light exercise at least three times per week.

Which best describes the data being collected?

a. Valid and reliable data
b. Valid and not reliable data
c. Not valid and reliable data
d. Not valid and not reliable data

Notes to Instructor:

Supplies needed:

Group discussion: Now it is time to apply what you have learned about validity and reliability. Read each scenario, then choose an answer.

Scenario 1
Staff at licensed facilities are required to complete wellness activities. The idea behind the new standard is the belief that people with less stress and are physically and mentally fit, provide better care. Each staff must meditate for at least five minutes, eat healthy meals, drink plenty of water, and participate in light exercise at least three times per week.

Which best describes the data being collected?

a. Valid and reliable data
b. Valid and not reliable data
c. Not valid and reliable data
d. Not valid and not reliable data (CORRECT)

Feedback: Not valid and not reliable data are not useful and cannot be consistently obtained. While few would dispute that stress reduction has overall benefits, it does necessarily not mean that consumers will experience a higher level of care. Also, how is a person's stress level measured? Everyone has differing capabilities of handling stress, therefore, it is not easily measurable.

Activity: Deciding the Validity and Reliability Scenario #2

Scenario #2

The facility is required to conduct and document several emergency evacuations per year. They must also conduct at least one during an inspection.

Which best describes the data being collected?

a. Valid and reliable data
b. Valid and not reliable data
c. Not valid and reliable data
d. Not valid and not reliable data

Notes to Instructor:

Supplies needed:

Group discussion: Now it is time to apply what you have learned about validity and reliability. Read each scenario, then choose an answer.

Scenario 2

The facility is required to conduct and document several emergency evacuations per year. They must also conduct at least one during an inspection.

Which best describes the data being collected?

- **a. Valid and reliable data (CORRECT)**
- **b.** Valid and not reliable data
- **c.** Not valid and reliable data
- **d.** Not valid and not reliable data

Feedback: Valid and reliable data measures what is intended, and the data is easily obtainable. The regulatory professional can easily observe documentation of past

evacuations, but they are not present during them, making the data potentially unreliable. However, the facility must conduct an evacuation during at least one inspection. During this evacuation, the regulatory professional can easily observe whether staff, volunteers, and children know the procedure, making this scenario both valid and reliable.

Activity: Deciding the Validity and Reliability Scenario #3

Scenario #3

The facility is required to have at least one first aid kit. The kit is supposed to be well stocked with specific items. The facility being observed has a first aid kit that always meets compliance. However, it is learned, that the first aid kit being presented during the inspection is not the actual kit used by the program. The program administer explains that the kit given to the inspector is hidden from staff so that it is always in compliance.

Which best describes the data being collected?

a. Valid and reliable data
b. Valid and not reliable data
c. Not valid and reliable data
d. Not valid and not reliable data

Notes to Instructor:

Supplies needed:

Group discussion: Now it is time to apply what you have learned about validity and reliability. Read each scenario, then choose an answer.

Scenario 3

The facility is required to have at least one first aid kit. The kit is supposed to be well stocked with specific items. The facility being observed has a first aid kit that always meets compliance. However, it is learned, that the first aid kit being presented during the inspection is not the actual kit used by the program. The program administer explains that the kit given to the inspector is hidden from staff so that it is always in compliance.

Which best describes the data being collected?

a. Valid and reliable data
b. Valid and not reliable data
c. Not valid and reliable data (CORRECT)

d. Not valid and not reliable data

Feedback: Not valid and reliable data are not useful but are easily and consistently obtained. While it is easy to observe the required first aid kit, making the data collected reliable, it is not valid because the kit being inspected is not the actual kit used by the program. Further, the kit observed during inspections is hidden from staff. For the scenario to be valid, the inspector should also observe the first aid kit actually being used by the teachers.

Activity: Deciding the Validity and Reliability Scenario #4

Scenario #4
The facility offers meals and snacks throughout the day. They are required to post a menu in a conspicuous location within the facility.

Which best describes the data being collected?
a. Valid and reliable data
b. Valid and not reliable data
c. Not valid and reliable data
d. Not valid and not reliable data

Notes to Instructor:

Supplies needed:

Group discussion: Now it is time to apply what you have learned about validity and reliability. Read each scenario, then choose an answer.

Scenario 4
The facility offers meals and snacks throughout the day. They are required to post a menu in a conspicuous location within the facility.

Which best describes the data being collected?
a. Valid and reliable data
b. Valid and not reliable data (CORRECT)
c. Not valid and reliable data
d. Not valid and not reliable data

Feedback: Valid and not reliable data measure what is intended but cannot be obtained easily or cannot be obtained on a consistent basis. While the regulatory

professional can easily observe documentation of meals served, they cannot verify that the meals documents were actually served unless they are at the facility conducting an inspection. To help boost the reliability of the data, regulatory professionals must often interview consumers, their families, staff, and others familiar with the program to determine the menu's reliability. Other ways reliability is boosted, is to conduct at least one inspection during a meal or snack time, review grocery receipts, observe food inventory.

Credibility

Credibility deals with how well a measure captures the regulatory objective. While a measure can be both valid and reliable, it also needs to credible.

Key factors used in helping ensure credibility include:

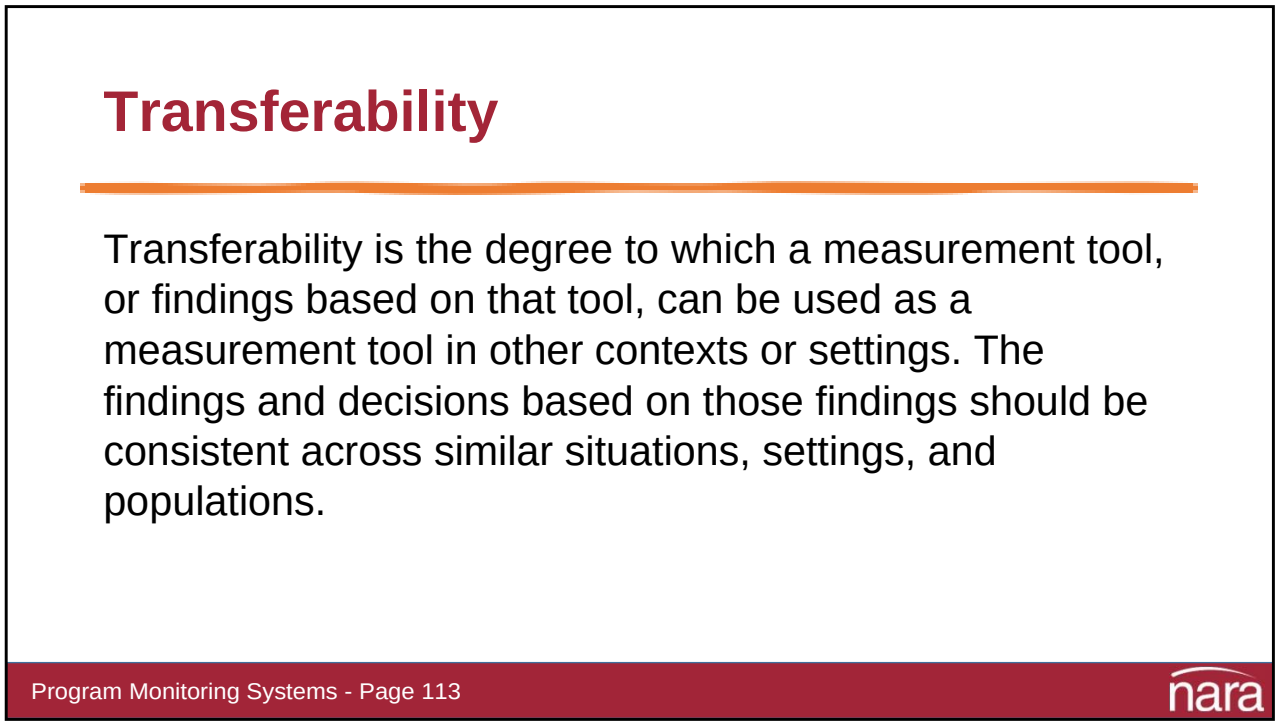
- Timeliness.
- Authority.
- Perspective.

Credibility deals with how well a measure captures the regulatory objective. While a measure can be both valid and reliable, it also needs to credible. Key factors used in helping ensure credibility include:

- **Timeliness:** The measure can be collected and reported in a timely manner and is relevant to the current regulations.
- **Authority:** The measure was developed and established through a professionally accepted process (e.g., stakeholder surveys, industry standards).
- **Perspective:** The measure must be non-biased and accurately and equitably apply to all regulated entities.

Example of Credible Data:
Regulatory professionals use tablets to record inspection data and upload reports daily. Compliance data is reviewed, analyzed, and used when:

- Designing training opportunities for human care program operators and regulatory staff.
- Making shifts in regulatory staffing.
- Revising regulations, policies, and procedures.



Transferability is the degree to which a measurement tool, or findings based on that tool, can be used as a measurement tool in other contexts or settings. The findings and decisions based on those findings should be consistent across similar situations, settings, and populations. Transferability is the main rationale for differential monitoring systems. The indicators and measures chosen provide findings that are transferable and can be used to determine the overall performance of a facility.

Example of Transferability:
A large and diverse human care provider sample was chosen to pilot newly developed regulatory standards. Data collected during the pilot testing indicated that regulatory professionals applied the new standards consistently and the results were reliable across the entire sample size. Cliff: Can you help me think of an example

Activity: Which Relationship Is It?

Which is it?

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Notes to Instructor:

Supplies Needed: Index cards or pieces of paper with an example and a posted chart paper or other kind of signage with each relationship (validity, reliability, credibility, transferability)

Large Group Discussion: Measurement tools should always align with regulations and be valid, reliable, credible, and transferable.

Activity: Ensure each learner has an example by passing them out randomly. The learner must decide which relationship the example aligns with, then move to that area of the room designated with signage (validity, reliability, credibility, transferability). Encourage these smaller groups to discuss why they align and give other examples, then discuss as a large group.

Relationship: Validity
Example: Data collected using the new measurement tool indicates that it meets its intended purpose.

Relationship: Reliability
Example: While shadowing regulators, the agency found that the new measurement tool was being used consistently across the area.

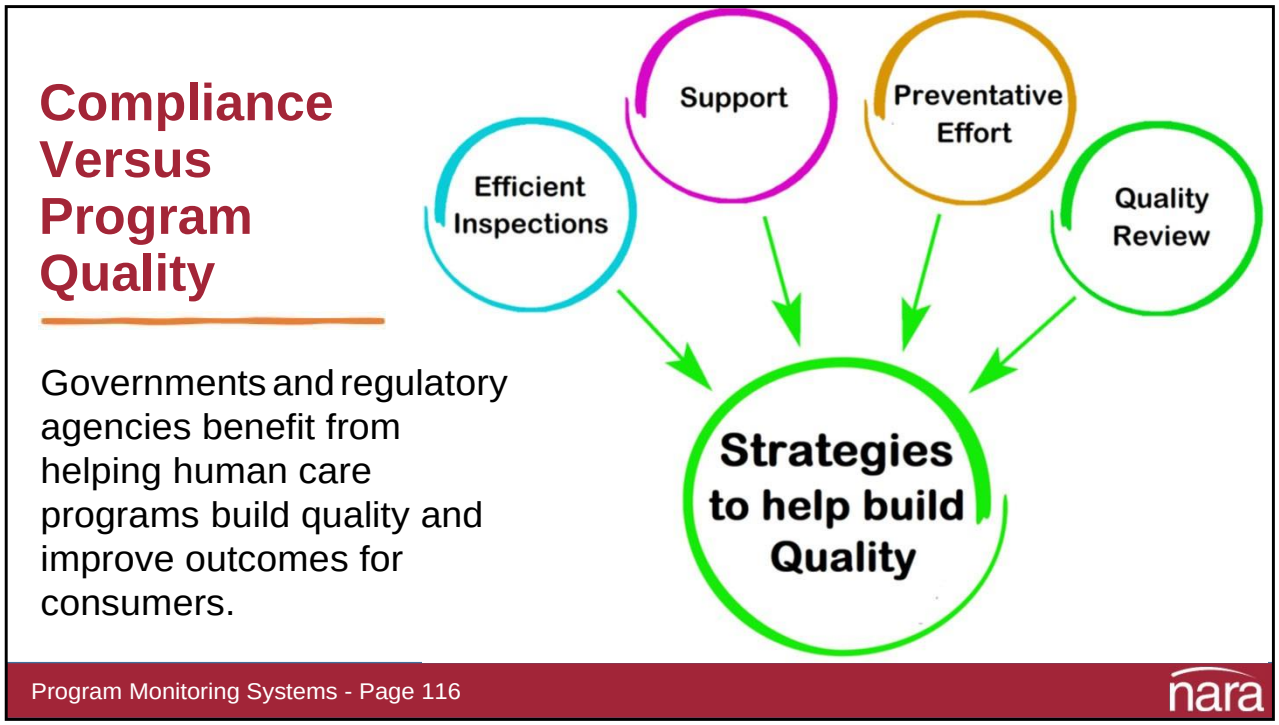
Relationship: Credibility
Example: The new measurement tool collects and reports data quickly, accurately, and equitably.

Relationship: Transferability
Example: The new measurement tool pilot testing found consistent implementation and results across diverse settings and populations.

Compliance and Program Quality

Most regulatory agencies' legal authority targets the foundational standards for health, safety, and well-being of consumers.

Consumers, families, advocates, and the public often assume that compliance with human care regulations equates to program quality. However, most regulatory agencies' legal authority targets the foundational standards for health, safety, and well-being of consumers. Few, if any regulations apply to areas considered to impact a program's quality. Funding for regulatory agencies may not routinely include additional resources (e.g., money, staff, time) to address quality indicators.



Governments and regulatory agencies benefit from helping human care programs build quality and improve outcomes for consumers.

Strategies to help build program quality include:

- **Efficient inspections:** Use an indicator system to save time when conducting inspections. Using an indicator checklist approach saves up to 50 percent of on-site inspection time and is a reliable predictor of compliance.
- **Pre-licensure and new program support:** Conduct additional visits, initiate communication, provide resources prior or just after licensure.
- **Preventative effort:** Provide ongoing technical assistance to programs before they become out of compliance or pose a high risk.
- **Quality review:** use a program quality assessment tool to observe areas of the program.

Strategies to Align Compliance and Program Quality

Regulatory agencies conducting quality reviews must carefully plan to ensure that regulatory staff's primary focus on licensing inspections is not negatively impacted by the time necessary to assess quality.

Regulatory agencies conducting quality reviews must carefully plan to ensure that regulatory staff's primary focus on licensing inspections is not negatively impacted by the time necessary to assess quality. Another concern is that government funding may be impacted when data show regulatory staff use only half their time performing their assigned regulatory responsibilities, with the other half devoted to quality enhancement. Legislators may use the data to cut funding, negatively impacting staffing, and other resources. Establishing partnerships with other agencies to assist with the quality assessments may be an option in some states.

Overall, the strongest licensing monitoring systems are about finding the right rules that produce the best outcomes with time and resources saved in regulatory compliance reviews - this includes the incorporation of quality indicators and integrated program monitoring systems; to be addressed in future modules. If you are interested in learning more, please visit the resources on the NARA KIS Website.

It is about finding the right rules that produce the best outcomes and with the time saved in regulatory compliance reviews to balance that with the introduction of quality indicators.

Aligning Compliance

When governments and regulatory agencies align compliance duties with program quality activities, they help avoid negatively impacting the funding for regulatory staff.

Alignment occurs when:

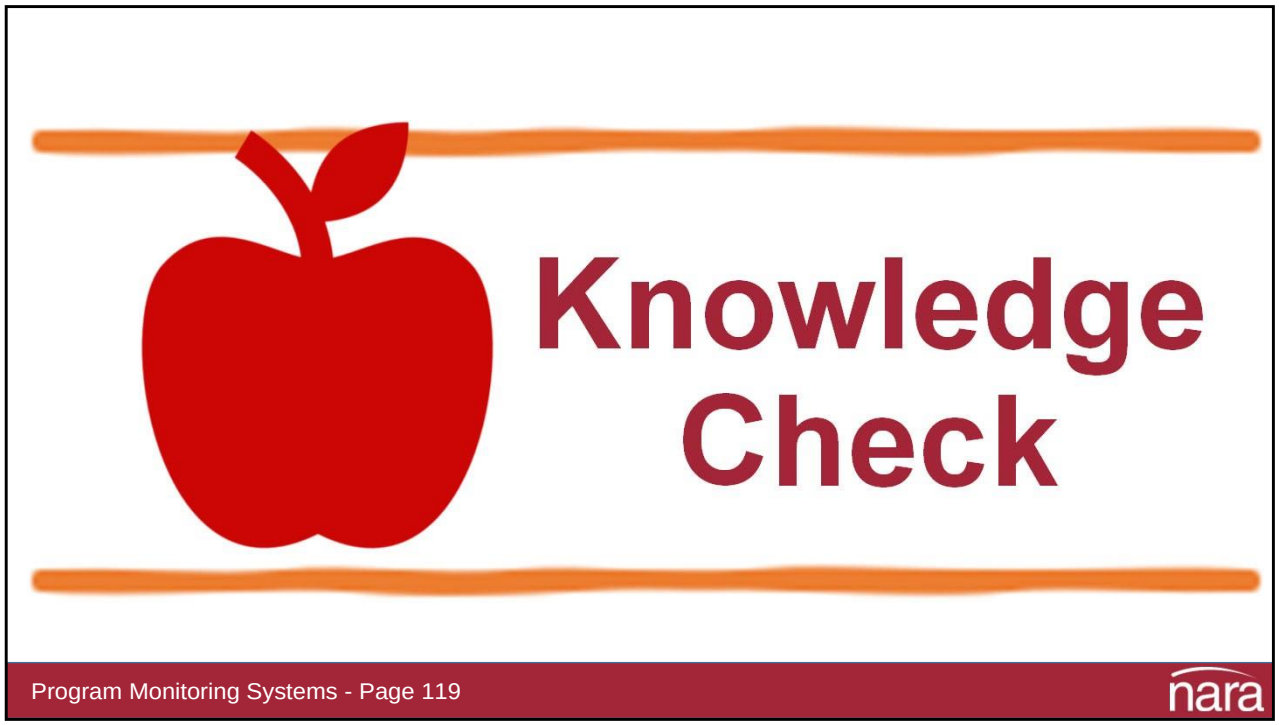
- Indicator systems are used to measure compliance.
- Staff have knowledge, experience, and expertise related to program quality.

When governments and regulatory agencies align compliance duties with program quality activities, they help avoid negatively impacting the funding for regulatory staff.

Alignment occurs when:

- **Indicator systems are used to measure compliance.** This type of measurement system is efficient, allowing existing regulatory staff to spend some of their time at the human care facility offering technical assistance for compliance and program quality enhancements.

- **Staff have knowledge, experience, and expertise related to program quality.** Regulatory agencies hire new regulators with a background in the human care industry and offer comprehensive training, shadowing, coaching, and mentoring to ensure regulatory staff are able to offer compliance and program quality assistance, supports, and promote overall improvement.



Note to instructor:

Large group activity: Explain to the group that it is time to check their knowledge. Questions on the next slides are aligned with the module's learning objectives. Read the question and all answer options that appear on the slide. Once everyone has heard the question and thought of an answer, ask for a volunteer to give their answer. Discuss as a group and/or go back to the relevant slides to review the content if needed.

Go to next slide for the first question.

Knowledge Check

Learning Objective: Explain the importance of aligning measurement tools with regulations.

Question #1

Interpretive guidelines

a. are developed from laws passed by legislatures or governmental bodies aimed at protecting the health, safety, and well-being of consumers.
b. clarify the meaning of each regulation using language that may be easier to understand than legal statutes passed by governments.
c. identify the foundational human care standards required to operate a regulated facility.
d. All of the above

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Note to instructor:

Question:

Interpretive guidelines

a. are developed from laws passed by legislatures or governmental bodies aimed at protecting the health, safety, and well-being of consumers.
b. clarify the meaning of each regulation using language that may be easier to understand than legal statutes passed by governments. (CORRECT)
c. identify the foundational human care standards required to operate a regulated facility.
d. All of the above

Review the following slides if needed:

- Substantive and Interpretive Regulations

Instructor Note: Ask a follow up question if time and interest allows:

Bonus Question: What kind of guidelines or rules are a and c?
Answers: a and c are describe of substantive rules

Knowledge Check

Learning Objective: Explain the importance of aligning measurement tools with regulations.

Question #2

Validity deals with the administration of the measurement tool and demonstrates that the tool is consistent and objective.

a. True
b. False

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Note to instructor:

Question:

Validity deals with the administration of the measurement tool and demonstrates that the tool is consistent and objective.

a. True
b. False (CORRECT)

Review the following slide if needed:

- Validity

Instructor Note: Ask a follow up question if time and interest allows:

Bonus Question: How can you make this statement true?
Possible Answers:

- **Validity** deals with the content of a tool or instrument. Validity demonstrates whether the tool serves the purpose for which it is to be used and how accurate it is as a measurement tool.
- **Reliability** deals with the administration of the measurement tool and demonstrates that the tool is consistent and objective.

Knowledge Check

Learning Objective: Explain the importance of aligning measurement tools with regulations.

Question #3

Transferability deals with how well a measure captures the regulator objective.

a. True
b. False

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Note to instructor:

Question:

Transferability deals with how well a measure captures the regulator objective.
a. True
b. False (CORRECT)

Review the following slide if needed:
- Transferability

Instructor Note: Ask a follow up question if time and interest allows:

Bonus Question: How can you make this statement true?
Possible Answers:
- **Transferability** deals with the degree to which a measurement tool, or findings based on that tool, can be used as a measurement tool in other contexts or settings. Findings should be consistent across similar situations, settings, and populations.
- **Credibility** deals with how well a measure captures the regulatory objective.

Course References

- Course Textbook: Fiene (2024). Regulatory Compliance and Monitoring Systems, Research Institute for Key Indicators/Penn State Data Lab/National Association for Regulatory Administration.
- Executive Order 13985, Vol. 86 Fed. Reg. Page 7009 (June 25, 2021).
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- Federal Series on Program Monitoring available on the following website: https://rikinstitute.com
- The theory and foundational research for this course and others can be found on the NARA website: https://www.naralicenFsing.org/key-indicators

Course References

- Course Textbook: Fiene (2024). Regulatory Compliance and Monitoring Systems, Research Institute for Key Indicators/Penn State Data Lab/National Association for Regulatory Administration.
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- *What is Trustworthiness in Qualitative Research?* (2022). Statistics Solutions. https://www.statisticssolutions.com/what-is-trustworthiness-in-qualitative- research/
- Federal Series on Program Monitoring available on the following website: https://rikinstitute.com
- The theory and foundational research for this course and others can be found on the following NARA website: https://www.naralicenFsing.org/key-indicators

Supplemental Course 4: Program Monitoring Systems
Final Quiz

1. Licensing agencies using a data-driven measurement system using research-based methodologies are better positioned to apply the regulations and adverse actions in a fair and balanced manner.
    a. True
    b. False

2. Which type of measurement system is interpretive based and uses a running record format?
    a. Qualitative
    b. Quantitative
    c. Quarrion
    d. Query

3. Which type of measurement system includes indicator, weighting, and outcome-based systems?
    a. Qualitative
    b. Quantitative
    c. Quarrion
    d. Query

4. Licensing agencies collect qualitative measurements when they need
    a. comprehensive and detailed information related to beliefs and attitudes.
    b. probability information about provider preferences.
    c. to isolate and define variables.
    d. All of the above

5. Introduction of the Federal Interagency Day Care Regulations (FIDCR)
    a. established many of the standards recognized for human care facilities today.
    b. gave regulators much more authority to enforce licensing standards.
    c. increased child care availability.
    d. All of the above

6. Title XX Amendment of the Social Security Act
    a. established many of the standards recognized for human care facilities today.
    b. gave regulators much more authority to enforce licensing standards.
    c. led to the first comprehensive studies of the impact of regulations on child care providers.
    d. All of the above

Continue to next page

Supplemental Course 4: Program Monitoring Systems
Final Quiz

7. Which of the following describes a checklist?
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

8. Which of the following describes rating scales?
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

9. Which of the following describes a differential monitoring system?
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

10. Which of the following describes an outcome-based system?
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

11. A critical step in developing an indicator system includes identification of specific criteria which qualifies facilities for use of the measurement system.
    a. True
    b. False

12. Licensing agencies should implement a weighting system only if
    a. licensing regulations have variation of degrees of associated risk.
    b. regular licenses are issued with less than full compliance.
    c. standard measurement tools are used.
    d. All of the above

13. Interpretive guidelines define the regulatory agency's authority to enforce standards and apply consequences of noncompliance.
    a. True
    b. False

Continue to next page

Supplemental Course 4: Program Monitoring Systems
Final Quiz

14. It is a regulators job to be certain that 100 percent of facilities are compliant with all regulations.
    a. True
    b. False

15. To ensure consistent day-to-day procedures, licensing staff should
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

16. To ensure robust documentation, licensing staff should
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

17. When setting up organizational systems, licensing staff should
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

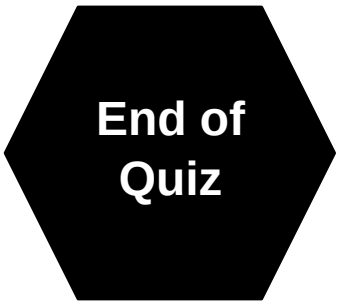
18. To maintain open lines of communication with internal and external partners, licensing staff should
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

Continue to next page

Supplemental Course 4: Program Monitoring Systems
Final Quiz

19. Which is a potential negative outcome for regulatory agencies when there is poor alignment of measurement tools and regulations?
    a. Being exposed to substandard care
    b. Experiencing staff and consumer turnover due to poor inspection results and loss of faith in regulatory processes
    c. Issuing a license when the facility does not meet the regulatory requirements
    d. All of the above

20. Which is an example of valid and reliable data related to a program's level of quality?
    a. Documenting the average age of a facility's staff
    b. Knowing a staff member's hobbies
    c. Requiring all staff to complete training
    d. Withholding food from a person in care



Supplemental Course 4: Program Monitoring Systems
Final Quiz Answer Key
Page 1 of 4

1. Licensing agencies using a data-driven measurement system using research-based methodologies are better positioned to apply the regulations and adverse actions in a fair and balanced manner. [Module 1 LO#1 Measurement Systems and Licensors]
    a. True
    b. False

2. Which type of measurement system is interpretive based and uses a running record format? [Module 1 LO#1 Measurement Systems Within Regulatory Administration]
    a. Qualitative
    b. Quantitative
    c. Quarrion
    d. Query

3. Which type of measurement system includes indicator, weighting, and outcome-based systems? [Module 1 LO#1 Measurement Systems Within Regulatory Administration]
    a. Qualitative
    b. Quantitative
    c. Quarrion
    d. Query

4. Licensing agencies collect qualitative measurements when they need [Module 1 LO#1 Deciding Which Methodology to Use]
    a. comprehensive and detailed information related to beliefs and attitudes.
    b. probability information about provider preferences.
    c. to isolate and define variables.
    d. All of the above

5. Introduction of the Federal Interagency Day Care Regulations (FIDCR) [Module 1 LO#1 Federal Interagency Day Care Regulations (FIDCR)]
    a. established many of the standards recognized for human care facilities today.
    b. gave regulators much more authority to enforce licensing standards.
    c. increased child care availability.
    d. All of the above

Supplemental Course 4: Program Monitoring Systems
Final Quiz Answer Key
Page 2 of 4

6. Title XX Amendment of the Social Security Act [Module 1 LO#1 Title XX Amendment of the Social Security Act]
    a. established many of the standards recognized for human care facilities today.
    b. gave regulators much more authority to enforce licensing standards.
    c. led to the first comprehensive studies of the impact of regulations on child care providers.
    d. All of the above

7. Which of the following describes a checklist? [Module 1 LO#2 Checklists]
    a. **Evaluates compliance in a yes or no format**
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

8. Which of the following describes rating scales? [Module 1 LO#2 Rating Scales]
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

9. Which of the following describes an inferential inspection system? [Module 1 LO#2 Inferential Inspection Systems]
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

10. Which of the following describes an outcome-based system? [Module 1 LO#2 Outcome Based Systems]
    a. Evaluates compliance in a yes or no format
    b. Focuses efforts on critical health and safety standards
    c. Measures results or consequences rather than processes
    d. Uses scaled survey or questionnaire responses scored along a range

11. A critical step in developing an indicator system includes identification of specific criteria which qualifies facilities for use of the measurement system. [Module 1 LO#2 Criteria for Use of Licensing Indicator Systems]
    a. True
    b. False

Supplemental Course 4: Program Monitoring Systems
Final Quiz Answer Key
Page 3 of 4

12. Licensing agencies should implement a weighting system only if [Module 1 LO#2 Implementing a Weighting System]
    a. licensing regulations have variation of degrees of associated risk.
    b. regular licenses are issued with less than full compliance.
    c. standard measurement tools are used.
    d. All of the above

13. Interpretive guidelines define the regulatory agency's authority to enforce standards and apply consequences of noncompliance. [Module 2 LO#1 Interpretive Guides]
    a. True
    b. False

14. It is a regulators job to be certain that 100 percent of facilities are compliant with all regulations. [Module 2 LO#1 Management Procedures and Processes]
    a. True
    b. False

15. To ensure consistent day-to-day procedures, licensing staff should [Module 2 LO#1 Implementing Day-to-Day Practices]
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

16. To ensure robust documentation, licensing staff should [Module 2 LO#1 Creating and Using Documentation]
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

Supplemental Course 4: Program Monitoring Systems
Final Quiz Answer Key
Page 4 of 4

17. When setting up organizational systems, licensing staff should [Module 2 LO#1 Establishing Organizational Systems]
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

18. To maintain open lines of communication with internal and external partners, licensing staff should [Module 2 LO#1 Communicating With Other Stakeholders]
    a. facilitate information sharing to ensure stakeholders understand the regulatory agency's role, and vice versa.
    b. record questions or concerns raised by the human care administrator and feedback given.
    c. reflect on their practices to ensure alignment with the agency's values.
    d. use an agency issued portable device to store links to resources.

19. Which is a potential negative outcome for regulatory agencies when there is poor alignment of measurement tools and regulations? [Module 2 LO#1 The Importance of Aligning Measurement Tools With regulations]
    a. Being exposed to substandard care
    b. Experiencing staff and consumer turnover due to poor inspection results and loss of faith in regulatory processes
    c. Issuing a license when the facility does not meet the regulatory requirements
    d. All of the above

20. Which is an example of valid and reliable data related to a program's level of quality? [Module 2 LO#1 Valid and Reliable Data]
    a. Documenting the average age of a facility's staff
    b. Knowing a staff member's hobbies
    c. Requiring all staff to complete training
    d. Withholding food from a person in care