

Child care provider responsibilities and rights

What is a Child Care Assistance Program agency? A family's county or tribal social services agency is responsible for administering the Child Care Assistance Program and registering providers. In some cases, the social services agency may contract with another local agency to provide child care assistance. We call the local agency that is administering child care assistance for the family **the agency**.

Your responsibilities

As a Child Care Assistance Program provider, you must:

- Agree to follow all Child Care Assistance Program statutes, rules and policies.
- Complete and return all forms promptly to your local Child Care Assistance Program agency (hereafter referred to as "the agency" or "your agency").
- Notify the agency immediately of any changes to the information submitted on your registration form. You can use the Provider Registration Change Form (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7196-ENG>) to report changes.
- Keep attendance records for six years for children receiving child care assistance at the site where services are delivered, and make records available to the county, tribe or the Minnesota Department of Human Services immediately upon request. Attendance records must include the times that the child arrived and departed. Times must be entered by the person dropping off or picking up the child to the extent possible.
- Keep records of family copayments that are waived by you or paid to you by a third party.
- Complete a W-9 form when first authorized and after a period of inactivity.
- Be authorized as a child care assistance provider and receive a Service Authorization for a family before payment can be made for care you provide.
- Not charge families receiving child care assistance more than private, full-paying families for like services.
- Give parents unlimited access to their children and to the provider who cares for their children during all hours the children are in care.
- Notify the agency when children in the program have been absent for more than seven days in a row, when a child's attendance falls to less than half of the child's authorized hours or days for a four-week period, when child care has ended, or when you believe that child care will be ending. When a child's attendance drops to less than half of their authorized hours for a four-week period, you must report this in the comments section of the Billing Form.

- Notify the agency when a child has died or been seriously injured in your care.
- Report any maltreatment of minors as required in Minnesota Statutes, chapter 260E. Notify the agency if child maltreatment has been determined for a child in your care.

Additional responsibilities for legal nonlicensed child care providers

You must:

- Be in compliance with state and local health ordinances, and building and fire codes applicable to the premises where child care is provided.
- Be eligible to provide legal nonlicensed care under Minnesota Statutes, section 245A.03.
- Complete a background study with other household members. You and your household members 13 years of age or older must undergo a background study to determine if anyone meets factors listed in Minnesota Statutes, section 119B.125, subdivision 2, that prevents authorization of a legal nonlicensed child care provider.
- Complete a first aid and CPR course, and provide current documentation. Complete additional training requirements as necessary based on the age and relation of children you care for.
- Obtain immunization records for each child in care within 30 days of the child starting care and update the records with information from the family.
- Complete the registration process, including a background study, every two years. You also must complete a new background study when a household member reaches the age of 13 or when a new member joins your household.
- Be responsible for all care provided at your site and be present during the hours care is provided. Legal nonlicensed child care providers are considered the primary care provider at the listed site.

Additional responsibilities for licensed and certified license exempt centers

- Your center cannot require employees to have children who are eligible for child care assistance in order to keep their jobs, or make hiring decisions about new employees based on whether the employee receives child care assistance.
- Your center cannot be paid by the Child Care Assistance Program for more than 25 children of your center employees.

Penalty warning

If you become a child care provider for a family receiving child care assistance, do not give false information or hide information to:

- Become or to continue to be a child care provider for a family receiving child care assistance
- Receive or continue to receive payment from the Child Care Assistance Program
- Help someone else receive or continue to receive child care assistance payments they are not eligible for.

The state may bar a person who breaks any of these rules from being paid as a child care provider for a family receiving child care assistance. The bar lasts three years for the first fraud offense and is permanent for any subsequent offense. The maximum penalty is a fine of \$100,000, 20 years in jail, or both. **Wrongfully obtaining child care assistance will be investigated and may lead to your disqualification from caring for children receiving child care assistance, and may be charged as a crime. Disqualification may also affect your ability to clear a background study, hold a child care license or certification, have direct contact or access to children in a child care setting, and/or participate in other Department of Human Services programs.**

Your rights

Your right to privacy

Your private information is protected by state and federal laws. Your agency has given you a Tennessean warning for Child Care Assistance Program providers (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-3985-ENG>).

Please read it carefully. This sheet explains:

- Your privacy rights
- How we may use the private information
- Who we can share this information with
- How you can get access to this information.

How we use information

Our public assistance staff and other agencies the law allows will use the information to see if you can be authorized as a provider for a family receiving child care assistance. We will also use it to make payments for care provided by you. If you stop caring for children from families receiving child care assistance, we will keep your information until federal, state and county or tribal rules let us destroy it.

Your right to see information

You may review all of the information we get about you, except for information that is legally classified as "confidential." (Confidential information is information such as certain psychological or medical evaluations, records that agencies use to prosecute a crime, etc. Agencies cannot share it with the person it affects.) You have the right to disagree with information that you think is wrong. For more information about your data privacy rights, ask your agency.

Your right to appeal

If you are affected by an agency or Department of Human Services decision taken against you, you may be able to appeal.

Fair hearing

You may ask for a fair hearing if:

- Your registration is closed or denied (unless you receive an administrative review);
- You are charged with an overpayment or monetary recovery or recoupment;
- An administrative disqualification process is started against you; or
- You are paid an amount you disagree with.

Your appeal needs to include:

- Each item you disagree with, the reason you disagree with each item or action, and, if applicable, an estimate of the dollar amount involved for each disputed item;
- The calculation you believe to be correct, if applicable;
- The legal authority (statute or rule) you relied on for each disputed item; and
- The name, address and phone number of the person to contact at your place of business regarding your appeal.

You must submit your appeal in writing to the Appeals Division at the Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941 within 30 days of the date the notice of the action being appealed was mailed. You can use the Child Care Assistance Program Provider Appeal to State Agency form (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-8075-ENG>) to request a fair hearing.

Administrative review

You may ask for an administrative review if your payments are temporarily stopped or suspended due to an investigation. You may submit written argument and written proof to the Minnesota Department of Human Services, Financial Fraud and Abuse Investigation Division, Attn: CCAP Provider Investigations, P.O. Box 64982, St. Paul, MN 55164-0982.

Your right to notice from your agency

In most cases, your agency must give you at least a 15-day written notice of the following events:

- Termination of a family's child care assistance
- Termination of child care assistance payments to you because the family has decided to stop using you as its provider
- Reduction in a family's authorized hours of care
- Increase in a family's copayment fee
- A determination that you received an overpayment
- Any determination that you are ineligible to provide care under the Child Care Assistance Program.

When 15-day written notice is not required from the agency or the family

A parent and the agency must give you at least a 15-day notice of the intent to end care. A parent may end care immediately or the agency or the Department of Human Services may deny payments immediately without complying with the 15-day notice requirement in cases where:

- A provider's Minnesota child care license has been temporarily immediately suspended
- There is imminent risk of harm to the health, safety or rights of a child in the care of a provider not licensed by Minnesota
- The agency or the Department of Human Services has suspended a provider's payment if the provider intentionally gave materially false information on billing forms, provided false attendance records and/or met the criteria for payment suspension under Minnesota Statutes, chapter 245E.

Civil Rights Notice

Discrimination is against the law. The Minnesota Department of Human Services (DHS) does not discriminate on the basis of any of the following:

- race
- color
- national origin
- creed
- religion
- sexual orientation
- public assistance status
- marital status
- age
- disability
- sex
- political beliefs

Civil Rights Complaints

You have the right to file a discrimination complaint if you believe you were treated in a discriminatory way by a social services agency.

Contact **DHS** directly only if you have a discrimination complaint:

Civil Rights Coordinator
Minnesota Department of Human Services
Equal Opportunity and Access Division
P.O. Box 64997
St. Paul, MN 55164-0997
651-431-3040 (voice) or use your preferred relay service

Minnesota Department of Human Rights (MDHR)

In Minnesota, you have the right to file a complaint with the MDHR if you believe you have been discriminated against because of any of the following:

- race
- color
- national origin
- religion
- creed
- sex
- sexual orientation
- marital status
- public assistance status
- disability

Contact the **MDHR** directly to file a complaint:

Minnesota Department of Human Rights
540 Fairview Avenue North, Suite 201
St. Paul, MN 55104
651-539-1100 (voice)
800-657-3704 (toll free)
711 or 800-627-3529 (MN Relay)
651-296-9042 (fax)
Info.MDHR@state.mn.us

U.S. Department of Health and Human Services' Office for Civil Rights (OCR)

You have the right to file a complaint with the OCR, a federal agency, if you believe you have been discriminated against because of any of the following:

- race
- color
- national origin
- age
- disability
- sex
- religion

Contact the **OCR** directly to file a complaint:

Office for Civil Rights
U.S. Department of Health and Human Services
Midwest Region
233 N. Michigan Avenue, Suite 240
Chicago, IL 60601
Customer Response Center: Toll-Free: 800-368-1019
TDD Toll-Free: 800-537-7697
ocrmail@hhs.gov

