Child care provider responsibilities and rights

Your responsibilities

All Child Care Assistance Program (CCAP) providers must:

■ Agree to follow all CCAP statutes, rules and policies.
■ Complete and return all forms promptly to the CCAP agency.
■ Notify the CCAP agency immediately of any changes to the information submitted on your registration form. You can use the Provider Registration Change Form (DHS-7196) to report changes.
■ Keep attendance records for children on CCAP at the site where services are delivered for six years and make them 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 CCAP provider and receive a Service Authorization for a family before payment can be made for care you provide.
■ Not charge CCAP families 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 CCAP agency when children 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.
■ Notify the CCAP agency when a child has died or been seriously injured in your care.
■ Report any maltreatment of minors as required in Minnesota Statutes, section 626.556. Notify the CCAP agency if child maltreatment has been determined for a child in your care.

Additional responsibilities for legal nonlicensed family 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.

What is a Child Care Assistance Program agency?

A family’s county or tribal social services agency is responsible for administering CCAP and registering providers. In some cases, the social services agency may contract with another local agency to provide child care assistance. We call the agency that is administering child care assistance for the family the CCAP agency.

■ 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 family 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 the registration process when a household member reaches the age of 13; when there are any changes in your situation; and when you have not provided care for a CCAP family for more than two years and want to start providing CCAP care again.
■ Be responsible for all care provided at your site and be present during the hours care is provided. Legal nonlicensed family child care providers are considered the primary care provider at the listed site.

Additional responsibilities for licensed and 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 for children of center employees if more than half of the children attending your center are receiving CCAP and are children or dependents of center employees. After April 23, 2018, a center cannot be paid by CCAP for more than 25 children of 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 one year for the first fraud offense, two years for the second offense, and is permanent for the third 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 CCAP children and may be charged as a crime.**

If you have been excluded or debarred from a Minnesota Department of Human Services program, you cannot become a provider in another program, including CCAP.

**Your rights**

**Your right to privacy**

Your private information, including your health information, is protected by state and federal laws. The CCAP agency has given you a “Notice of Privacy Practices” information sheet. Please read it carefully. This sheet explains:

- Your privacy rights
- How we may use the health and other 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 which 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 CCAP agency.

**Your right to appeal**

If you are charged with an overpayment, you may appeal the overpayment to a state human services judge. You must appeal within 30 days from the date you received the notice of overpayment by sending a letter saying you do not agree with the overpayment. You can send this letter to the CCAP agency or directly to the State Appeals Division at the Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941. (If you show good cause for not appealing within 30 days, the agency can accept your appeal for up to 90 days from the date you receive the notice).

If you are unhappy with any other action taken, you may appeal to district court.

**Your right to notice from the CCAP agency**

In most cases, the CCAP 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 have an overpayment
- Any determination that you are ineligible to provide care under CCAP.

The CCAP agency may deny payments to a provider immediately without complying with the 15-day notice requirement in cases where:

- The state has issued a temporary immediate suspension of the provider’s child care license
- 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 CCAP agency may delay payments to a provider 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.

In these cases, a parent may end care immediately without complying with the 15-day notice requirement.

**Your right to notice when a family ends care**

A parent and the CCAP agency must give you at least a 15-day notice of the intent to end care except 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.

In these cases, a parent may end care immediately without complying with the 15-day notice requirement.
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 human 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
- creed
- religion
- sexual orientation
- marital status
- public assistance status
- disability

Contact the MDHR directly to file a complaint:

Minnesota Department of Human Rights
Freeman Building, 625 North Robert Street
St. Paul, MN 55155
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 (email)

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:

Director, U.S. Department of Health and Human Services’ Office for Civil Rights
200 Independence Avenue SW, Room 509F
HHH Building
Washington, DC 20201
800-368-1019 (voice) 800-537-7697 (TDD)
Complaint Portal: https://ocrportal.hhs.gov/ocr/portal/lobby.jsf

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. mail: U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or
3. email: program.intake@usda.gov

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Malaysia: 1-800-358-0377

تملجه: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اطلب ذلك من مشرفك أو اتصل على الرقم 1-800-358-0377.

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للمزيد من المعلومات، تواصل مع مساعي مساعدتك في اللغة العربية أو باللغة الإنجليزية.

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