

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 (DHS-7196) 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, section 626.556. 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, including your health information, is protected by state and federal laws. Your 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 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 charged with an overpayment or receive a notice of administrative disqualification, you may appeal.

- For an administrative disqualification, you must appeal within 30 days from the date the notice is mailed by sending a letter saying you do not agree with the disqualification. You must send this letter to the State Appeals Division at the Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941.
- For an overpayment, 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 your 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 the overpayment 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 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.

The 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.

Your right to notice when a family ends care

A parent and the 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 and/or
- 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 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
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>

Attention. If you need free help interpreting this document, ask your worker or call the number below for your language.

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

သတိ။ ဤစာရွက်စာတမ်းအားအခမဲ့ဘာသာပြန်ပေးခြင်း အကူအညီလိုအပ်ပါက၊ သင့်လူမှုရေးအလုပ်သမား အားမေးမြန်း ခြင်းသို့ မဟုတ် 1-844-217-3563 ကိုခေါ်ဆိုပါ။

අំណត់សំគាល် ၁ ၊ ပြီးနောက်ထပ်မံသိရှိလိုသူများအားအကူအညီပေးနိုင်ရန်အတွက် ၁-၈၈၈-၄၆၈-၃၇၈၇ ၊

請注意，如果您需要免費協助傳譯這份文件，請告訴您的工作人員或撥打1-844-217-3564。

Attention. Si vous avez besoin d'une aide gratuite pour interpréter le présent document, demandez à votre agent chargé du traitement de cas ou appelez le 1-844-217-3548.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces nug koj tus neeg lis dej num los sis hu rau 1-888-486-8377.

ဟ်သုတ်ဟ်သးဘဉ်တက့ၢ်. ဝဲနမ့ၢ်လိာ်ဘဉ်တၢ်မၤစၢၤကလီၤလၢတၢ်ကကျိးထံဝဲဒၣ်လၢ် တီလံာ်မိတၢ်အံၤန့ၣ်,သံက့ၢ်ဘဉ်ပုၤဂ့ၢ်ဝိအပုၤမၤစၢၤတၢ်လၢနဂီၢ်မ့တ မ့ၢ်ကိးဘဉ် 1-844-217-3549 တက့ၢ်.

알려드립니다. 이 문서에 대한 이해를 돕기 위해 무료로 제공되는 도움을 받으시려면 담당자에게 문의하시거나 1-844-217-3565으로 연락하십시오.

ໂປຣດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ພໍ, ຈົ່ງຖາມພະນັກງານກຳກັບການຊ່ວຍເຫຼືອຂອງທ່ານ ຫຼື ໂທໂປຣໂບທີ 1-888-487-8251.

Hubachiisa. Dokumentiin kun tola akka siif hiikamu gargaarsa hoo feete, hojjettoota kee gaafadhu ykn afaan ati dubbattuuf bilbili 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, обратитесь к своему социальному работнику или позвоните по телефону 1-888-562-5877.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, hawlwadeenkaaga weydiiso ama wac lambarka 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, comuníquese con su trabajador o llame al 1-888-428-3438.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi nhân viên xã hội của quý vị hoặc gọi số 1-888-554-8759.

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For accessible formats of this information, ask your county worker. For assistance with additional equal access to human services, contact your county's ADA coordinator. ADA4 (2-18)