

3400.0120 ELIGIBLE PROVIDERS AND PROVIDER REQUIREMENTS.

Subpart 1. **Eligible providers.** Providers who meet the definition of provider in Minnesota Statutes, section 119B.011, subdivision 19, are eligible for payment from the child care fund. Within the limitations specified in Minnesota Statutes, sections 119B.09, subdivision 5, and 119B.25, parents may choose child care providers that best meet the needs of their family. Parents may choose more than one provider. A county may not deny a parent eligible for child care assistance the use of a provider holding a valid child care license.

Subp. 1a. **Provider acknowledgment.** A provider must sign a provider acknowledgment and the county must have a signed provider acknowledgment before the provider or parent may receive payment under the child care fund. The provider acknowledgment must include the following information:

A. the provider's rate, charges for child absences and holidays, any notice days required before a child discontinues care, and any required registration or activity fees;

B. documentation of the provider's license status and, if the provider is seeking the provider accreditation rate bonus, any accreditation or credential held by the provider;

C. a statement acknowledging that charging child care assistance participants more than families not receiving child care assistance for like services or wrongfully obtaining child care assistance may be a crime;

D. a statement acknowledging that parents must be given unlimited access to their children and to the provider caring for the children during all hours that the children are in the provider's care;

E. a statement acknowledging that the provider is responsible for notifying the county as provided in subpart 5 of child absence days and the end of care;

F. a statement acknowledging that the provider is responsible for immediately notifying the county of any changes to the information supplied by the provider in the provider's acknowledgment;

G. a statement acknowledging that the provider is a mandated reporter of maltreatment of minors under Minnesota Statutes, chapter 260E; and

H. a statement acknowledging that when the county knows that a particular provider or child care arrangement is unsafe, the county may deny child care assistance payments to that provider.

Subp. 1b. [Repealed, 33 SR 695]

Subp. 2. Authorization of legal nonlicensed providers.

A. A legal nonlicensed provider must be authorized by the county before the provider or parent may receive a payment under the child care fund. To be authorized by the county, a provider must provide the county with the following information:

- (1) the provider's name, age, and address;
- (2) the provider acknowledgment required by subpart 1a;
- (3) an assurance that the provider is eligible to provide unlicensed care under Minnesota Statutes, section 245A.03, subdivision 2, paragraph (a);
- (4) a release to permit information on substantiated parental complaints concerning the health and safety of children in the provider's care to be disclosed to the public according to Minnesota Statutes, chapter 13;
- (5) an assurance that the provider is in compliance with state and local health ordinances and building and fire codes applicable to the premises where child care is provided; and
- (6) an acknowledgment that the parent and the legal nonlicensed provider have reviewed the health and safety information provided by the county.

B. Legal nonlicensed providers who will receive payment from the county must provide the county with the provider's Social Security or tax identification number. The county may ask legal nonlicensed providers who will not receive payment from the county for their Social Security numbers; but legal nonlicensed providers who will not receive payment from the county are not required to disclose this information. Before asking for a legal nonlicensed provider's Social Security number, the county must tell the legal nonlicensed provider whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and how the number will be used.

C. Legal nonlicensed family child care providers also must provide the county with an assurance that the provider will obtain an immunization record for each child in the provider's care within 90 days of starting to care for the child.

Subp. 2a. **Release for in-home providers.** To be authorized, an in-home provider must sign a release allowing the parent employing that provider to see information on the remittance advice about the amount of any funds being withheld from the payment for the provider and the reason for those withholdings.

Subp. 3. **Parental access to children in care.** Providers must permit parents unlimited access to their children and to the provider caring for their children during all hours the children are in the care of the provider.

Subp. 4. [Repealed, 26 SR 253]

Subp. 5. **Notice to county required when care has terminated.** When a provider knows that a family has ended care with the provider, the provider must notify the county that care has been terminated. When a provider believes that a family will be ending care with the provider, the provider must immediately notify the county of the date on which the provider believes the family will end care. A provider must also notify the county if a child or children have been absent for more than seven consecutive scheduled days.

Subp. 6. Legal nonlicensed child care provider capacity and age distributions.

A. A legal nonlicensed child care provider, as defined by Minnesota Statutes, section 119B.011, subdivision 16, is eligible for payment from the child care fund for up to eight children who are 11 years of age and younger and for any additional children who are 12 years of age and older under Minnesota Statutes, section 119B.011, subdivision 4. The children must be:

- (1) related to the child care provider;
- (2) unrelated to the child care provider from a single family; or
- (3) related to the child care provider and unrelated to the child care provider from a single family.

B. When a legal nonlicensed child care provider cares for children, the children must be within the following age distributions to be eligible for payment from the child care fund:

- (1) there must be no more than two children who are at least six weeks old but less than 12 months old;
- (2) there must be no more than three children who are less than 24 months old within the age limits of subitem (1); and
- (3) there must be no more than six children who are five years of age or younger within the age limits of subitems (1) and (2).

C. An administering agency must consider the following factors when authorizing child care with a legal nonlicensed child care provider:

(1) Children who are 11 years of age and younger count toward the eight-child limit. An administering agency may authorize child care for children who are 12 years of age and older up to the ages allowed by Minnesota Statutes, section 119B.011, subdivision 4. Children who are 12 years of age and older do not count toward the eight-child limit.

(2) The total number of children who are 11 years of age and younger must include the legal nonlicensed child care provider's own children when the child care provider's own children are present at the child care site.

(3) The limit of eight children who are 11 years of age and younger applies at all times to the child care site.

Statutory Authority: *MSs 14.388; 119B.02; 119B.04; 119B.06; 256.01; 256H.01 to 256H.19*

History: *14 SR 519; 18 SR 1144; L 1999 c 205 art 5 s 21; 26 SR 253; 33 SR 695; 46 SR 323*

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