

9543.0040 LICENSE APPLICATION PROCEDURES.

Subpart 1. **Licensure information.** The agency shall provide information on license application procedures to prospective applicants according to items A to D.

A. The agency shall provide in writing to all prospective applicants, the information in subitems (1) to (3):

- (1) a summary of license requirements;
- (2) a description of the agency's licensing study process; and
- (3) the agency's timelines for processing license applications.

B. The agency shall provide the license application form prescribed by the commissioner to every prospective applicant who requests an application.

C. An agency that requires prospective applicants to attend an informational meeting before receiving a license application form must ensure that meetings take place at least every two months on either a group or individual basis.

D. Upon receiving a completed and signed license application form, the agency shall provide the applicant a copy of the program rules.

Subp. 2. **Licensing study.** The agency shall perform a licensing study of the applicant that includes:

- A. a background study performed according to subpart 3;
- B. a written record of a home study that includes:
 - (1) on-site inspection of the residence;
 - (2) home visits necessary to fully evaluate the applicant's qualification for licensure; and
 - (3) when an applicant has been operating a program:
 - (a) an in-home visit to observe compliance with program requirements;
 - (b) documented requests for program evaluations from parents or legal guardians of children in family day care; and
 - (c) evaluations from placement workers for foster care;
- C. three letters of reference;
- D. where the agency has knowledge the applicant was previously licensed, a reference from that previous agency;
- E. reports from the fire marshal, building officials, and health officials that are required by rules governing the program;

F. for foster care licensing applicants, the information in part 9543.0060, subpart 4; and

G. any other reports or evaluations necessary to fully evaluate the applicant's qualifications for licensure and compliance with applicable laws and rules.

Subp. 3. [Repealed, L 2004 c 288 art 1 s 83]

Subp. 4. **Completed application.** An application is completed when all studies, reports, and evaluations in subparts 2 and 3 have been completed and received by the agency.

Subp. 5. **Licensing recommendation.** The agency shall forward its licensure recommendation to the commissioner within 20 working days after an application is completed. The agency shall make its recommendation according to items A to C:

A. The agency shall recommend that the commissioner issue a license when the agency determines that the applicant fully complies with laws and rules governing the program and is qualified for licensure.

B. The agency may recommend that the commissioner issue a license and grant a variance according to part 9543.0050.

C. The agency shall recommend that the commissioner deny a license application if the agency determines the applicant fails to fully comply with laws or rules governing the program and variance requirements. The agency shall submit evidence to support its recommendation. Evidence may include:

(1) documentation of specific facility deficiencies that endanger the health or safety of persons served by the program;

(2) documentation of any disqualification that has not been set aside;

(3) reports of agency investigations and on-site observations;

(4) reports from law enforcement agencies;

(5) reports from county child or adult protection services;

(6) reports from fire, building, or health officials;

(7) complaints that relate to the program; or

(8) any other evidence that the applicant is not in compliance with applicable laws or rules governing the program.

Subp. 6. **License renewal.** Before the expiration date of a license, the agency shall:

A. at least 30 days before the license expiration date, provide an application form and notice of the license expiration date to the license holder;

B. conduct a licensing renewal study that includes information under subpart 2, items A, B, E, and F; and

C. make a licensing recommendation to the commissioner.

Subp. 7. **License extension.** Before the expiration date of a program that is being investigated or a program that is appealing an order of revocation or suspension, the agency shall request the commissioner to extend the license pending disposition of the investigation or appeal.

Subp. 8. **Tracking licensing progress.** The agency shall track the progress of each application for licensure on a form approved by the commissioner including:

A. the dates and documentation of all events described in subparts 2 to 7;

B. the status of the license application 120 calendar days after receipt of a signed application form;

C. the date and circumstances when a license application is withdrawn or a license is returned or not renewed by the license holder;

D. the date the license is issued or denied; and

E. if a license is issued, the date the license is effective and the expiration date of the license.

Statutory Authority: *MS s 245A.09; 245A.16*

History: *15 SR 2105; L 2001 1Sp9 art 14 s 35*

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