

9543.0140 COUNTY CERTIFICATION.

Subpart 1. **County agency certification.** The commissioner shall determine whether a county agency is in compliance with parts 9543.0040 to 9543.0130 at least once every four years. When the county agency is in compliance with parts 9543.0040 to 9543.0130, the commissioner shall certify the county agency for four years.

Subp. 2. **Notification of noncompliance.** The commissioner shall notify the county agency when the county agency has failed to comply with parts 9543.0040 to 9543.0130. The notice must include:

- A. the deficiencies in the county agency's licensing procedures;
- B. the corrective action necessary to correct the deficiencies; and
- C. the time frame for correction of the deficiencies.

Subp. 3. **County compliance.** Within 30 calendar days after receiving a notice of noncompliance, the county shall:

- A. demonstrate compliance with parts 9543.0040 to 9543.0130; or
- B. submit to the commissioner for approval a corrective action plan.

Subp. 4. **Review of corrective action plan.** The commissioner shall review and approve or disapprove the corrective action plan within 30 calendar days after receiving the plan.

Subp. 5. **Provisional certification.** If the county agency does not fully comply with parts 9543.0040 to 9543.0130, but the failure to comply does not constitute a risk to persons served by licensed programs, the commissioner may issue a provisional certification of the county agency upon approval of the corrective action plan submitted under subpart 3, item B.

Subp. 6. **County agency decertification based on demonstrated risk of harm to program participants.** When the commissioner determines that a county agency's failure to comply with parts 9543.0040 to 9543.0130 demonstrates a risk of harm to persons served by licensed programs, the commissioner shall immediately revoke certification of the county agency and initiate sanctions as provided in subpart 7.

Subp. 7. **Funding sanction.** If the county agency is decertified, the commissioner shall certify a funding reduction according to Minnesota Statutes, section 245A.16, subdivision 6.

Subp. 8. **Expiration of certification.** A certification issued to a county agency expires at 12:01 a.m. on the day after the expiration date stated on the certification.

Subp. 9. **Contracting licensing functions.** A county agency must receive prior approval from the commissioner before contracting with an authorized private agency or

another county agency to perform licensing functions delegated under part 9543.0030, subpart 1, and remains subject to the certification provisions in part 9543.0140. This subpart does not apply to purchase of service contracts which have as their primary purpose to provide foster care services for individual clients.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 245A.16*

History: *15 SR 2105; 30 SR 585*

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