

NUMBER

#18-68-22

DATE

September 24, 2018

OF INTEREST TO

County and Tribal Directors
Social Services Supervisors and
Staff
Child Care Assistance Program
Administrative and Client
Access Contacts

ACTION/DUE DATE

Please read information and
prepare for implementation

EXPIRATION DATE

September 24, 2020

Child Care Assistance Program legal nonlicensed (LNL) provider requirements

TOPIC

Legal nonlicensed (LNL) provider requirements for Child Care Assistance Program effective on or after October 1, 2018.

PURPOSE

Provide information and instructions on policy change.

CONTACT

Contact your Child Care Assistance Program policy specialist or submit your question through PolicyQuest.

SIGNED

NIKKI FARAGO
Assistant Commissioner
Children and Family Services

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

The Child Care Assistance Program (CCAP) helps approximately 15,000 families pay for child care for 30,000 children throughout Minnesota.

The federal Child Care and Development Block Grant (CCDBG) Act of 2014, which provides funding for CCAP, requires child care providers to meet health and safety requirements to be eligible for payments from CCAP.

Minnesota implemented federally-compliant health and safety training requirements for legal nonlicensed (LNL) providers on September 30, 2017. See [Bulletin 17-68-19 Federal and State Changes to the Child Care Assistance Program – Phase 1](#). Training requirements established September 30, 2017 are still in place and must be completed in addition to existing requirements in Minnesota state statute.

In addition to training on health and safety topics, legal nonlicensed providers must also meet health and safety standards. Legal nonlicensed providers must attest with each registration and renewal that they have reviewed the [Health and Safety Resource List for Parents and Legal Nonlicensed Providers \(DHS-5192A\)](#). The document includes resources on all federally-required health and safety topic areas.

In addition to these existing requirements, beginning October 1, 2018, legal nonlicensed (LNL) providers must also:

- Develop an emergency preparedness plan,
- Clear a federally-compliant enhanced background study when available in the provider's area, and;
- Demonstrate health and safety requirements are met through an annual monitoring visit (if caring for at least one unrelated child).

Health and safety requirements for other provider types are monitored and enforced through licensing and/or certification statutes and rules. Minnesota licensed providers comply under their licensing requirements and certified license-exempt centers comply under certification requirements. Health and safety requirements for providers licensed by other states and by tribes are monitored and enforced through the state or tribe issuing the license.

II. Policy information

Beginning October 1, 2018, legal nonlicensed (LNL) providers must:

- Develop an emergency preparedness plan,
- Clear a federally-compliant enhanced background study when available in the provider's area, and;
- Demonstrate health and safety requirements are met through an annual monitoring visit (if caring for at least one unrelated child).

A. Emergency preparedness plans

In order to be eligible for CCAP payments, all child care providers must have emergency procedures in place including procedures for:

- Evacuation,
- Relocation,
- Shelter-in-place,
- Lockdown,
- Communications with and reunification of families,
- Continuity of operations,
- Accommodations for infants and toddlers, children with disabilities and children with chronic medical conditions, and;
- Emergency preparedness training and practice drills.

Emergency procedures must be documented. The Minnesota Department of Human Services has created a new template for legal nonlicensed (LNL) providers to document emergency procedures. Providers must use a department-approved template to document their emergency plan. The Legal Nonlicensed (LNL) Child Care Emergency Plan (DHS-7414B) is available on eDocs.

Providers must attest that they will complete and maintain the plan on their provider registration form. Providers are not required to submit their plans as part of the registration process.

B. Background study changes

Background study requirements for legal nonlicensed providers have been aligned with requirements for licensed family child care providers since statute changes in the 2012 legislative session. Additional statutory changes to the background study process and requirements for child care providers passed in the 2017 and 2018 legislative sessions. These changes apply to legal nonlicensed providers who are registered for CCAP payments. Continue to conduct background studies for legal nonlicensed providers using your agency's current procedures until the department instructs you to use NETStudy 2.0. More information on the timeline and implementation of enhanced studies will be provided in fall of 2018.

C. Annual monitoring visits

Legal nonlicensed providers registered and authorized to care for an unrelated child on October 1, 2018

All legal nonlicensed providers registered to receive CCAP with an active Service Authorization to care for an unrelated child as of October 1, 2018 must be monitored by the CCAP agency issuing payments by October 1, 2019.

Special circumstances and considerations

- If the Service Authorization for the unrelated child ends before October 1, 2019, no annual monitoring visit is required.
- If more than one CCAP agency is issuing payments to the provider for an unrelated child, only one CCAP agency must monitor the provider. Results can be shared between CCAP

agencies. NOTE: In these circumstances, agencies should collaborate closely to ensure that the provider is not caring for children from more than one unrelated family at the same time.

- The CCAP agency issuing payments to the provider is responsible for ensuring monitoring visits are completed but does not necessarily need to be the agency that completes the monitoring visit. The department encourages agencies to partner with each other to ensure monitoring visits are completed. Agencies can establish formal written agreements or informal arrangements as needed to share or transfer monitoring duties for providers living in other service areas.

III. Department of Human Services actions

A. Notification

The department will notify all registered legal nonlicensed child care providers of these policy changes. A mailing will be sent to all registered legal nonlicensed providers at the end of September with information about the policy changes and resources providers can use to comply with new requirements. The department will share a copy of this notice with CCAP agencies.

B. Emergency preparedness plans

Technical assistance

If providers have questions about how to comply with new requirements, the department will provide technical assistance via the CCAP provider line, 651-431-4848.

If CCAP agencies have questions about how to comply with new requirements, contact your DHS CCAP policy specialist.

Resources

See section V.B. for new forms and for changes to existing forms to implement these changes.

C. Background study changes

Technical assistance

Questions can be sent to DHS.CCDFReform@state.mn.us.

Resources

The department's background studies division has developed a [comprehensive website](#) with information about enhanced background studies.

D. Annual monitoring visits

Technical assistance

If providers have questions about how to comply with new requirements, the department will provide technical assistance via the CCAP provider line, 651-431-4848.

If CCAP agencies have questions about how to comply with new requirements, contact your DHS CCAP policy specialist.

Resources

The department is developing an annual monitoring guide for inspectors which is expected to be completed in early 2019. The department is evaluating training options. More information will be provided to agencies in a follow up memo in late 2018.

IV. County and tribal agency actions needed

A. Emergency preparedness plans

Registering new legal nonlicensed providers

Agencies must include the Legal Nonlicensed (LNL) Child Care Emergency Plan (DHS-7414B) in all new provider registration packets for legal nonlicensed providers. Providers must attest on their provider registration form they will complete and maintain the emergency plan. Unrelated legal nonlicensed providers will have their emergency plans reviewed as part of their annual monitoring visit.

Renewing registrations for current legal nonlicensed providers

Legal nonlicensed (LNL) providers registered before 10/1/2018 must attest to their compliance with the emergency preparedness plan requirement on the registration form submitted at their next renewal. Unrelated legal nonlicensed providers must have their emergency plans reviewed as part of their annual monitoring visit. In some cases, unrelated legal nonlicensed providers will have their emergency plans reviewed at an annual monitoring visit before they have submitted an updated provider registration form attesting that the plan is completed.

B. Background studies

Agencies must update their internal background study procedures for legal nonlicensed (LNL) providers when they update their process for licensed family child care providers. The department will provide details about timelines and additional implementation information fall of 2018.

C. Annual monitoring visits

Legal nonlicensed providers authorized to care for unrelated children on 10/1/2018

Agencies must perform an annual monitoring visit for all providers who are authorized to care for an unrelated child on 10/1/2018 before 10/1/2019. If a provider's registration closes or authorizations for all unrelated children end before 10/1/2019, a monitoring visit does not need to be performed.

If a provider's registration closes or authorizations for all unrelated children end prior to 10/1/2019 but the provider is later reauthorized retroactively to the closure or Service Authorization end date, the agency must perform an annual monitoring visit by 10/1/2019 or 90 days from the day the Service Authorization is issued, whichever is later. If there is a break in authorizations for unrelated children, follow guidance in the section titled "Subsequent monitoring visits."

Examples

1. Worker authorizes on-going care on 8/2/2018 for an unrelated child with an LNL provider. Care continues to be authorized on 10/1/2018. The agency must perform an annual monitoring visit by 10/1/2019.
2. Worker authorizes on-going care on 8/2/2018 for an unrelated child with an LNL provider. Care continues to be authorized on 10/1/2018. On 5/1/2019, Service Authorizations for the unrelated child close because the family failed to complete the redetermination process. The agency had not performed an annual monitoring visit by 5/1/2019. On 5/30/2019, Service Authorizations reopen retroactive to the family's close date. The agency must perform an annual monitoring visit by 10/1/2019 because 10/1/19 is later than 90 days from the day the Service Authorization was reissued (7/29/2019).
3. Worker authorizes on-going care on 8/2/2018 for an unrelated child with an LNL provider. Care continues to be authorized on 10/1/2018. On 8/1/2019, Service Authorizations for the unrelated child close because the family failed to complete the redetermination process. The agency had not performed an annual monitoring visit by 8/1/2019. On 8/30/2019, Service Authorizations reopen retroactive to the family's close date. The agency must perform an annual monitoring visit by 11/29/2019 because 11/29/2019 (90 days from the day the Service Authorization was reissued) is later than 10/1/2019.

Legal nonlicensed providers authorized to care for unrelated children after 10/1/2018

Agencies must perform an annual monitoring visit for all registered providers who are authorized to care for an unrelated child after 10/1/2018 within 12 months of when care was authorized to start or by 10/1/2019, whichever is later. This includes if an agency authorizes care for unrelated children with a

legal nonlicensed (LNL) provider after 10/1/2018 with a start date retroactive to 10/1/2018 or earlier. If there is a break in authorizations for unrelated children, follow guidance in the section titled “Subsequent monitoring visits.”

Examples

1. Worker authorizes care on 10/26/2018 for an unrelated child with an LNL provider starting 10/29/2018. The agency must perform an annual monitoring visit by 10/29/2019.
2. Worker authorizes care on 10/29/2018 for an unrelated child with an LNL provider starting retroactively 8/6/2018. The agency must perform an annual monitoring visit by 10/1/2019 because 10/1/2019 is later than 12 months after when care was authorized to start (8/6/2019).

Subsequent monitoring visits

After a provider’s initial monitoring visit, the agency must perform subsequent annual monitoring visits within 12 months of the initial visit if care for an unrelated child continues. If care for an unrelated child ends and then a new Service Authorization is issued for an unrelated child (may be for the same or a different unrelated child) for a subsequent period, the annual monitoring visit must be completed within 12 months of the previous visit or 90 days from the day the Service Authorization is issued, whichever is later.

Examples

1. Worker ends care on 10/26/2019 for an unrelated child with an LNL provider. The provider had a monitoring visit on 8/21/2019. A new Service Authorization for an unrelated child is issued to the provider on 11/7/2019 for care beginning 11/4/2019. The agency must perform an annual monitoring visit by 8/21/2020 because 8/21/2020 (12 months from the previous visit) is later than 2/3/2020 (90 days from the day the Service Authorization is issued).
2. Worker ends care on 10/26/2019 for an unrelated child with an LNL provider. The provider had a monitoring visit on 8/21/2019. A new Service Authorization for an unrelated child is issued to the provider on 7/6/2020 for care beginning 7/9/2020. The agency must perform an annual monitoring visit by 10/4/2020 because 10/4/2020 (90 days from the day the Service Authorization is issued) is later than 8/21/2020 (12 months from the previous visit).

V. Training and resources

A. Training opportunities

1. Webinars and recorded trainings

MEC² Mentor meeting – September 12, 2018

This meeting is open to all workers. For more information visit [SIR > MEC² > MEC² Mentors](#). A SIR login is required.

MEC² Mentor meeting – October 10, 2018

This meeting is open to all workers. For more information visit [SIR > MEC² > MEC² Mentors](#). A SIR login is required.

2. In person training opportunities

Minnesota Financial Worker and Case Aide Association (MFWCAA) Conference – October 24-26, 2018

Policy changes for legal nonlicensed (LNL) providers will be addressed at the session, “(Travel) Guide to CCAP 2018 Changes” as one of several policy changes discussed. Participants will have an opportunity to ask questions from presenters.

B. Forms and other documents

1. New forms and other documents

- Legal Nonlicensed (LNL) Child Care Emergency Plan (DHS-7414B). The department will notify agencies when this document is available.
- Local Emergency Contacts: Resource for Legal Nonlicensed (LNL) Providers (DHS-5192D). The department will notify agencies when this document is available.
- Child Emergency Contact Information: Resource for Legal Nonlicensed (LNL) Providers (DHS-5192E). The department will notify agencies when this document is available.

2. Revised forms and other documents

- Minnesota Child Care Assistance Programs Legal Nonlicensed Provider Registration and Acknowledgment (DHS-5192). The department will notify agencies when this revised document is available.
- CCAP Child Care Provider Guide (DHS-5260). The department will notify agencies when this revised document is available.

3. Obsolete forms and other documents

- Child Care Assistance Program Authorization for Release of Background Study (DHS-5193) – NOTE: this form will be discontinued when the department issues new forms and guidance for collecting information to complete background studies in NETStudy 2.0.

C. Other tools and resources

CCAP policy manual

Updates to [the CCAP policy manual](#) will be made in late September to reflect new policy. DHS will notify CCAP agencies when updates have been made.

VI. Legal references

The Child Care Development Block Grant Act of 2014, Public Law Number 113-186.

Federal Child Care and Development Fund, 45 C.F.R. § 98.20

Minnesota Statutes, section 119B

Minnesota Statutes, section 245A

Minnesota Statutes, section 245C

Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-3809 (voice) or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.