

3400.0185 NOTICE REQUIREMENTS.

Subpart 1. [Repealed, 47 SR 391]

Subp. 2. [Repealed, 47 SR 391]

Subp. 3. [Repealed, 47 SR 391]

Subp. 4. [Repealed, 47 SR 391]

Subp. 5. [Repealed, L 2019 1Sp9 art 1 s 43; 47 SR 391]

Subp. 6. **Notice of eligibility approval to family.** A CCAP agency must notify a family in writing of the CCAP agency's approval of the family's eligibility.

A. The approval notice must include:

- (1) the date that the family's eligibility began;
- (2) the family's gross annual income as determined under part 3400.0170;
- (3) the family's copayment amount, including how and when the family must pay the copayment;
- (4) the family's responsibility for paying child care provider charges that exceed the maximum amount of child care payments in addition to the copayment;
- (5) the reporting requirements under part 3400.0040, subpart 4; and
- (6) the provisions for recoupment or recovery of an overpayment if the family does not meet the reporting requirements in subitem (5).

B. The approval notice must state that once a family selects a child care provider who is eligible to receive payment from the child care fund, the child care provider and the family will receive notice from the CCAP agency stating the number of hours of child care that the CCAP agency authorizes and the maximum rate payable under the child care fund.

C. The approval notice must state that, except in cases in which the license of a child care provider licensed by Minnesota has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, or in which there is an imminent risk of harm to the health, safety, or rights of a child in the care of a legal nonlicensed child care provider, certified license-exempt child care center, or child care provider licensed by an entity other than the state of Minnesota, the family must report any change in child care provider to the CCAP agency and the child care provider at least 15 calendar days before the change occurs and include the overpayment implications for not reporting the change.

D. The approval notices must state that when a CCAP agency terminates a participant's child care assistance eligibility, the CCAP agency must inform the participant of the reason for the termination and the participant's appeal rights.

Subp. 7. **Notice of eligibility denial to family.** A CCAP agency must notify a family in writing of a denial of a family's eligibility. The denial notice must include:

- A. the reason for the denial;
- B. the provision in statute, rule, or the CCAP agency's child care fund plan that forms the basis of the denial; and
- C. the parentally responsible individual's right to a fair hearing under part 3400.0230 and Minnesota Statutes, section 119B.16.

Subp. 8. **Notice of authorization to family.** A CCAP agency must notify a family in writing when the CCAP agency authorizes a family's child care with a child care provider that meets the criteria in part 3400.0120, subpart 1. The authorization notice must include:

- A. the family's name;
- B. a statement that the CCAP agency approves of the family's request for child care assistance;
- C. the number of hours of child care that the CCAP agency authorizes per service period;
- D. the maximum rate payable under the child care fund;
- E. the number of absent days that the CCAP agency has paid for the child during the calendar year as of the date of the notice; and
- F. the amount of the family's copayment.

Subp. 9. **Notice of authorization to child care provider.** A CCAP agency must notify a child care provider in writing when the CCAP agency approves of a family's eligibility and authorizes child care with a child care provider that meets the criteria in part 3400.0120, subpart 1. The authorization notice must include:

- A. the family's name;
- B. a statement that the CCAP agency approves of the family's request for child care assistance;
- C. the number of hours of child care that the CCAP agency authorizes per service period;
- D. the maximum rate payable under the child care fund;
- E. the number of absent days that the CCAP agency has paid for the child during the calendar year as of the date of the notice;
- F. how the CCAP agency will issue child care assistance payments to the child care provider; and
- G. the amount of the family's copayment.

Subp. 10. Notice to family of adverse action.

A. A CCAP agency must give a participant written notice of any action that adversely affects the participant's child care assistance eligibility or authorization.

B. The notice must include:

- (1) a description of the adverse action;
- (2) the effective date of the adverse action;
- (3) the reason for the adverse action;
- (4) the provision in statutes, rules, or the CCAP agency's child care fund plan that supports the adverse action;
- (5) a statement that the participant has the right to appeal the adverse action and the procedure for an appeal; and
- (6) a statement that if the participant appeals the adverse action before the effective date of the action, the participant may:

(a) continue receiving the same level of benefits while the appeal is pending, subject to recoupment or recovery if the adverse action is upheld; or

(b) receive the level of benefits indicated by the adverse action while the appeal is pending and have an eligible child care provider under part 3400.0120, subpart 1, receive reimbursement for documented eligible child care expenditures pending appeal if the adverse action is reversed when the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c).

C. A CCAP agency must mail the notice to the participant's last known address at least 15 calendar days before the effective date of the adverse action.

D. If the participant corrects the conditions underlying the adverse action before the effective date of the adverse action, the adverse action must not take effect.

Subp. 11. Notice to child care provider of action adverse to family. A CCAP agency must give a child care provider written notice of a reduction in the hours of authorized child care or an increase in the family's copayment. A CCAP agency must mail the notice to the child care provider at least 15 calendar days before the effective date of the adverse action and include:

A. the family's name;

B. a description of the adverse action that omits information about the reasons for the adverse action;

C. the effective date of the adverse action; and

D. a statement that unless the family appeals the adverse action before the effective date, the adverse action will occur on the effective date.

Subp. 12. Notice of termination of child care assistance to family.

A. A CCAP agency must notify a participant in writing of the termination of the participant's child care assistance. The notice must include:

- (1) the date that the termination is effective;
- (2) the reason that the CCAP agency is terminating the participant's child care assistance;
- (3) the provision in statutes, rules, or the CCAP agency's child care fund plan that supports terminating the participant's assistance;
- (4) a statement that the participant has a right to appeal the termination and the procedure for an appeal; and
- (5) a statement that if the participant appeals the proposed action before the effective date of the termination, the participant may:
 - (a) continue receiving the same level of benefits while the appeal is pending, subject to recoupment or recovery if the termination is upheld; or
 - (b) not receive benefits while the appeal is pending and have an eligible child care provider under part 3400.0120, subpart 1, receive reimbursement for documented eligible child care expenditures made or incurred pending appeal if the termination is reversed when the child care provider bills according to Minnesota Statutes, section 119B.13, subdivision 6, paragraphs (a) to (c).

B. A CCAP agency must mail the notice to the participant's last known address at least 15 calendar days before terminating the participant's child care assistance.

C. If the CCAP agency terminates the participant's child care assistance under part 3400.0183, subpart 2, item A, subitem (1), and, before the effective date of termination, the participant requests to continue receiving child care assistance, the termination must not take effect. If a CCAP agency terminates the participant's child care assistance under part 3400.0183, subpart 2, item A, subitem (2), and, before the effective date of termination, the participant reestablishes eligibility for child care assistance, the termination must not take effect.

Subp. 13. Notice of termination of child care assistance to child care provider.

A. A CCAP agency must notify a family's child care provider in writing when a CCAP agency terminates a family's child care assistance. The CCAP agency must mail the termination notice to the child care provider at least 15 calendar days before the effective date of the termination and include:

- (1) the family's name;
- (2) a statement that the CCAP agency has terminated the family's child care assistance;
- (3) the effective date of the termination; and

(4) a statement that the CCAP agency will no longer issue child care payments for the family's child care that a child care provider provides after the date of termination, unless the family requests to continue receiving child care assistance pending an appeal.

B. A CCAP agency must notify a family's child care provider in writing when the family decides to no longer use the child care provider. A CCAP agency must mail a termination notice to a child care provider at least 15 calendar days before the effective date of the termination and must include:

- (1) the family's name;
- (2) a statement that the family has decided to no longer use the child care provider;
- (3) the effective date when the child care assistance authorization will end; and

(4) a statement that the CCAP agency will no longer issue child care payments for the family's child care that a child care provider provides after the date of the termination.

C. This item applies to child care providers licensed in Minnesota. Except in cases in which the provider's license has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, a CCAP agency must mail a notice of termination to a child care provider at least 15 calendar days before terminating payment to the child care provider. When a child care provider's license has been temporarily immediately suspended under Minnesota Statutes, section 245A.07, a CCAP agency must send a notice of termination to the child care provider that is effective on the date of the temporary immediate suspension.

D. This item applies to legal nonlicensed child care providers, certified license-exempt child care centers, and child care providers licensed by an entity other than the state of Minnesota. Except in cases in which there is an imminent risk of harm to the health, safety, or rights of a child in child care, a CCAP agency must mail a notice of termination to a child care provider at least 15 calendar days before terminating payment to the child care provider. In cases in which there is an imminent risk of harm to the health, safety, or rights of a child in child care, a CCAP agency must send a notice of termination to the child care provider that is effective on the date of the notice.

E. When a child care provider's payment is suspended under Minnesota Statutes, chapter 245E, or a child care provider's registration is denied or revoked under Minnesota Statutes, section 119B.13, subdivision 6, paragraph (d), clause (1) or (2), a CCAP agency or the commissioner must send a notice of termination to the child care provider effective on the date that the CCAP agency or the commissioner creates the notice.

Statutory Authority: *MS s 119B.02; 119B.04; 119B.06; 256.01*

History: *26 SR 253; 33 SR 695; 47 SR 391*

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