

Pending Reopening instructions for county agency licensors

When a licensor becomes aware that a program is not operating or not serving children, is unable to operate in its originally approved space, or intends to temporarily stop providing care due to a significant life event, the license may be considered for placement into Pending Reopening status. County licensors should first evaluate whether the situation meets the criteria for Pending Reopening based on the examples listed below. We encourage you to contact Triage if you are uncertain. After completing this assessment, the county submits a recommendation to DCYF, which then makes the final determination on whether the license will be placed in Pending Reopening status.

Examples of when to use Pending Reopening status

Please note this list is not all-inclusive.

- **Loss of space:** The program is unable to operate due to loss of space, or the program is moving to a new space that is not yet ready. This includes internal and external damage to the home.
- **Parental leave:** The program is temporarily not operating due to the arrival of a child.
- **Closed for the summer:** The program will be closed for the summer.
- **Medical leave:** The provider, or a family member, has a medical issue that will prevent the program from operating for a period of time.
- **Extended leave:** The provider needs to close for an extended amount of time due to a long vacation or a family situation that is not medical.

A license should only be in a Pending Reopening status for 12 months (MS 142B.25). County / agency licensors must reach out to DCYF if a program has been in a Pending Reopening status for longer than 12 months. No further action should be taken on the license (including closure under MS 142B.25 or voluntary closure by the license holder) without consulting with DCYF licensing.

Licensor instructions

1. Contact the DCYF FCC Unit via triage explaining the circumstances of the Pending Reopening request.
2. Once DCYF has determined that the Pending Reopening status is appropriate, the DCYF FCC Unit Coordinator will communicate the decision to the licensor and provide the Pending Reopening Licensor Letter.
3. The licensor will communicate with the program that the status of Pending Reopening has been approved. To communicate this, the licensor will edit the License Holder Letter for the specific program. The letter includes the following information.

- a) The Pending Reopening status will:
 - i. Change the state of their license from an active state to an inactive one, therefore the program cannot operate until they reach out to their licensor and request to change their license back to an active status.
 - ii. Prevent the program from being able to do things that an active license can do, such as bill for Child Care Assistance Payments, receive publicly funded grants, or receive reimbursements from a food program.
 - iii. Have a maximum timeframe of 12 months (MS 142B.25). **Note:** MS 142B.25 says we may close a program that has not been serving clients for 12 months, so we are communicating a maximum timeframe, but we do have leeway to make decisions before we close a program.
 - iv. Require the program to pay the renewal fee, if applicable, if the license renewal fee period falls within Pending Reopening timeframe.
 - v. If a license was in a conditional status the time clock for the conditional is paused during the period the program is in Pending Reopening. The conditional status will commence when the program reopens and is serving children.
 - vi. Keep the program's roster active in NETStudy 2.0.
4. Save a copy of the letter in the program's file.
5. Complete and submit a 3324 form. Choose Update. In the "Explain changes and updates requested" section, add "Pending Reopening as approved on (add the date the FCC Coordinator emailed the approval)."
6. Manage the Pending Reopening timeframe using your calendar. Create a calendar appointment to prompt you to reach out to the program at certain points in time:
 - a) Set an appointment for the date the program has told you they plan reopen.
 - b) If the program is going to be in Pending Reopening long term, set a recurring appointment for every 3 months up to the one-year point after they went into Pending Reopening.
 - c) Each time the appointment comes up on your calendar, check in with the provider and ask how they are tracking towards reopening their program. Document these communications. Keep in mind if the program is making changes or there are changes in the requirements, you will want the program to start working with you in advance of the date they want to reopen. At each status check in, remind the provider that they cannot begin operating again until they have contacted their licensor and been given approval to change their license status.
 - d) If after 12 months, the program is not able to open, consult with DCYF.
7. Each program is required to have an annual licensing visit.
 - o Under continuous licenses, annual visits must be completed before December 31 each year.

- If possible, conduct the annual licensing visit before the program enters a Pending Reopening Status.
- If a program did not have an annual licensing visit due to the status of Pending Reopening, please contact DCYF to discuss.

8. Reopening the program

- a) Prior to completing the scheduled visit, check NETStudy 2.0 to determine the status of each study currently affiliated with the program. Be prepared to discuss background studies that have expired or need to be submitted prior to reopening.
- b) When the program is ready to operate, the licensor will complete a scheduled visit using the ELICI, Change in License, checklist.
- c) Once all items are in compliance, and the program is ready to reopen, complete and submit a 3324 form. Choose Update. In the “Explain changes and updates requested” section, add “Ending Pending Reopening.” Make note of any other updates if applicable.