

Protocol for notification to providers/applicants of prohibition from providing legally unlicensed family child care after a disqualification has not been set aside:

MN Statutes §245A.03, subd. 2b

Not Set Aside

The subject of a background study has been notified of a disqualification and has requested reconsideration. The request for reconsideration and all supporting documentation has been forwarded to DHS.

Not Set Aside/Variance Granted

DHS issues a not set aside but grants a variance on a provider, applicant, or household member.

Disqualification/No Request for Reconsideration

The agency notifies the provider, applicant, or household member of the disqualification and the subject does not request reconsideration.

DHS reviews disqualification and determines to issue a not set aside on a provider, applicant, or household member.

DHS sends the variance letter to the provider or applicant.

The agency must recommend to DHS a revocation or suspension of the license or a denial of the application.

If not already received, DHS contacts the agency to request a recommendation for a revocation, suspension, or denial of the license or application.

An applicant or provider with a variance can continue to pursue the licensing process or continue to operate with a license. This applicant or provider is not eligible to operate legally unlicensed family child care.

DHS issues order for a negative action. Proceed with protocol on page 1.

DHS issues a Not Set Aside and Negative Action Letter. Proceed with protocol on page 1.

If this provider or applicant decides to stop providing licensed care or discontinues the licensing process, the COUNTY AGENCY sends the letter advising the provider or applicant he/she cannot provide unlicensed care. (Sample letter 2.)

In all cases, after notification to the provider has occurred, if the county finds that the provider is still operating, the agency licenser should refer this matter to the city or county attorney.