

TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #03-233(F)

DIGEST

Adds 470 IAC 3-18 to establish the eligibility requirements and standards child care providers, who want to participate in the Child Care and Development Fund voucher program, must meet, prior to participation in the Child Care and Development Fund voucher program, in order to be eligible to receive a voucher payment under the Child Care and Development Fund voucher program. Effective 30 days after filing with the secretary of state.

470 IAC 3-18

SECTION 1. 470 IAC 3-18 IS ADDED TO READ AS FOLLOWS:

Rule 18. Child Care Development Fund Voucher Program; Provider Eligibility

470 IAC 3-18-1 General definitions

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 1. For the purpose of this rule only, the following definitions apply:

- (1) "Applicant" means the individual who will receive payment from the CCDF program or the individual authorized to sign for a corporation, partnership, or sole proprietor's business.
- (2) "Approved water source" means a municipal water supply or well water supply with documented annual water quality tests indicating the water is free of coliform bacteria and any other known contaminant that is above safe drinking water standards, or demonstrated compliance with Indiana department of environmental management drinking water standards.
- (3) "Caregiver" means an individual who is assigned by a provider the responsibility of supervising or participating in the daily routine of a specific child in the care of the provider.
- (4) "CCDF" means the Child Care and Development Fund program administered under 45 CFR 98.
- (5) "Certification" means a provider has demonstrated compliance with the requirements of this rule.
- (6) "Child" means any individual under eighteen (18) years of age.
- (7) "Child care" means a service to families that provides for the health, safety, and supervision of a child's social, emotional, and educational growth during the time that children are in the care of a provider.
- (8) "Child care program" means the activities provided for children during the time that children are in the care of the provider.
- (9) "CPR" means cardiopulmonary resuscitation.
- (10) "Decertification" means a CCDF program provider who is no longer eligible to participate.
- (11) "Division" means the division of family and children.
- (12) "DOT" means the U.S. Department of Transportation.
- (13) "Employee" means an individual who performs services for compensation other than an allowance, stipend, or other support under the federal Foster Grandparent Program.
- (14) "Facility" means the location where child care is provided.
- (15) "Hazardous materials" are those materials defined as hazardous under the rules of the fire prevention and building safety commission.
- (16) "Hot water" means water with a temperature of at least one hundred (100) degrees Fahrenheit.
- (17) "Inaccessible" means the material shall be stored in a remote area of the facility in a location that is out of a child's reach or maintained in locked storage.
- (18) "Ineligible provider" means a provider who fails to meet the requirements of this rule.
- (19) "Legally licensed exempt" means a child care program that can operate legally without obtaining a license or registration under IC 12-17.2.

(20) "Poisons" means any material labeled harmful or fatal if swallowed and any prescription or nonprescription medication.

(21) "Provider" means an individual who provides child care services and is directly paid for the provision of child care under the federal CCDF voucher program administered under 45 CFR 98 and 45 CFR 99 regardless of whether the child care facility is licensed or registered.

(22) "Related" means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins.

(23) "Supervision" means children shall be within sight and sound of a caregiver at all times including children related to the provider under seven (7) years of age.

(24) "Temporary eligibility" means the provider eligibility period not to exceed forty-five (45) days.

(25) "Valid expiration date" means a fire extinguisher that has been recharged in the previous twelve (12) months or a single use extinguisher that has been purchased in the previous twenty-four (24) months.

(26) "Verifying agency" means the state, an agency of the state, or other entity designated by the state to verify compliance with minimum standards of this rule.

(27) "Volunteer" means an individual who, without compensation, provides services to a provider regardless of whether the facility is licensed or registered.

(28) "Volunteer caregiver" means an individual who provides or participates in the child care of a specific child without compensation.

(29) "Voucher agent" means the state, an agency of the state, a person, or an entity that contracts with the division to operate any function of the CCDF program.

(30) "Voucher payment" means payment for child care services through the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.

(31) "Voucher program" means the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.

(32) "Voucher provider" means a child care provider that has been approved by the division as eligible to receive child care reimbursement through the CCDF program.

(Division of Family and Children; 470 IAC 3-18-1; filed Oct 14, 2004, 2:50 p.m.: 28 IR 950)

470 IAC 3-18-2 Exclusion from participation

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 2. As follows, a provider is ineligible to participate in the CCDF program if the provider:

(1) Has been convicted of a felony or a misdemeanor related to the health or safety of a child.

(2) Allows any person to care for children in the child care facility who has been convicted of a felony or a misdemeanor related to the health or safety of a child.

(3) Has any person over eighteen (18) years of age who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.

(4) Has any person under eighteen (18) years of age and previously waived to adult court who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.

(5) Fails to meet any of the requirements of this rule.

(Division of Family and Children; 470 IAC 3-18-2; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)

470 IAC 3-18-3 Fire and smoke detection systems

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 3. (a) A provider providing care in a residential building must have working smoke detectors that meet the standards adopted by rule for licensed child care homes at 470 IAC 3-1.1-46(l).

(b) A provider providing care in a nonresidential building must have fire alarm and suppression systems as required by the applicable rule of the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-18-3; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

470 IAC 3-18-4 Fire extinguishers

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 4. A provider must provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher with valid expiration date that shall be located on each floor of the facility in which child care services are provided and an additional extinguisher located in the kitchen area of the facility. *(Division of Family and Children; 470 IAC 3-18-4; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

470 IAC 3-18-5 Exits

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 5. (a) As follows, a facility where a provider operates a child care program must have two (2) exits that:

- (1) Do not require passage through a garage or storage area where hazardous materials are stored.
- (2) Are not windows.
- (3) Are on different sides of the facility.
- (4) Are not blocked.
- (5) Are operable from the inside without the use of a key or any special knowledge using a one-step process.
- (6) Have a permanently attached stairway or ramp if not at ground level.

(b) This section does not apply to a provider's facility where care was being provided and CCDF payments were received prior to June 30, 2002, as long as CCDF health and safety certification has been maintained. *(Division of Family and Children; 470 IAC 3-18-5; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

470 IAC 3-18-6 Fire drills

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 6. (a) A provider shall conduct a monthly fire drill in accordance with the rules of the fire prevention and building safety commission that includes complete evacuation of all children and adults who provide child care in the facility.

(b) The provider shall maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including the following:

- (1) The date and time of the fire drill.
- (2) The name of the individual who conducted the fire drill.
- (3) The weather conditions at the time of the fire drill.
- (4) The amount of time required to fully evacuate the facility.

(Division of Family and Children; 470 IAC 3-18-6; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)

470 IAC 3-18-7 Certification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 7. (a) The provider, employee, and volunteer caregivers shall maintain current certification in first aid procedures, provided by a certified trainer or licensed health professional.

(b) The certified first aid procedures shall include the following:

- (1) Control of bleeding.
- (2) Treatment of shock.
- (3) Artificial respiration.
- (4) Treatment for poisoning.
- (5) Procedures for choking.
- (6) Treatment for seizure.

(c) The provider shall ensure that at least one (1) individual is present at all times who maintains annual certification in CPR for all age groups of children receiving care. The CPR certification must meet Journal of American Medical Association (JAMA) standards. (Division of Family and Children; 470 IAC 3-18-7; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-8 Running water

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 8. (a) The child care facility shall have hot and cold running water from an approved water source from a sink that is available in the area of the facility where the provider operates a child care program.

(b) The provider must notify the verifying agency of any change in water supply immediately. (Division of Family and Children; 470 IAC 3-18-8; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-9 Telephone service

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 9. (a) The provider shall have at least one (1) working analog landline telephone, or a division approved conversion method for a nonanalog landline telephone, at all times in the facility when care is being provided.

(b) The telephone must be on the premises where care is being provided and accessible to any individual providing care during all operational hours.

(c) The provider must supply the verifying agency with the telephone number for the facility.

(d) The provider must notify the verifying agency immediately of any changes in the telephone service.

(e) The provider must maintain a record of continuous phone service. (Division of Family and Children; 470 IAC 3-18-9; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-10 Safe environment

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 10. (a) A provider shall provide for a safe environment by ensuring that firearms and ammunition are secured in a locked area, by key or combination, where children cannot gain access.

(b) A provider shall provide for a safe environment by ensuring that poisons, chemicals, bleach, and cleaning materials are stored in areas that are inaccessible to children. (Division of Family and Children; 470 IAC 3-18-10; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-11 Supervision

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 11. The provider shall ensure that each child in the provider's care shall be continually supervised including children related to the provider under seven (7) years of age. (Division of Family and Children; 470 IAC 3-18-11; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-12 Emergency plans

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 12. (a) The provider shall have written plans posted in the facility where the provider operates a child care program

notifying the parent of the following:

- (1) Illness, serious injury, or death of the provider.
- (2) How care will be provided in an emergency.
- (3) The identity of the person or persons responsible for notifying parents.
- (4) The identity of the person or persons responsible for providing care should the provider be unable to provide care due to an emergency.

(b) The provider must have written emergency evacuation plans posted in the facility where the provider operates a child care program that identify the following:

- (1) Safe shelter in the case of emergency evacuation.
- (2) Safe area or areas for shelter in severe weather.

(Division of Family and Children; 470 IAC 3-18-12; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)

470 IAC 3-18-13 Mantoux tuberculin skin test; requirement

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 13. (a) The following individuals must provide to the verifying agency the results of an intradermal tuberculin skin test with documented results prior to residence, employment, or volunteer service:

- (1) The provider.
- (2) All individuals eighteen (18) years of age or older residing in the home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) An individual with a history of latent or active tuberculosis shall provide documentation of an annual health assessment by a physician reflecting the results of symptom screening. *(Division of Family and Children; 470 IAC 3-18-13; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

470 IAC 3-18-14 Criminal history information

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5; IC 12-17.2-4-35; IC 12-17.2-5-35

Sec. 14. (a) The provider shall, at the provider's expense, provide the verifying agent a statewide criminal history dated within sixty (60) days prior to receipt of initial application by the verifying agency or hire date for the following:

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided or individuals less than eighteen (18) years of age living in the home, if that individual has been waived from juvenile to adult court.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) A provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer caring for children at the facility or no longer resides with the provider, if an individual for whom a limited criminal history is required under this section has been convicted of any of the following:

- (1) A felony.
- (2) A misdemeanor related to the health or safety of a child.
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (4) A misdemeanor for operating child care home without a license under IC 12-17.2-5-35.

(c) As follows, the provider that meets the other eligibility requirements of this rule is temporarily eligible to receive voucher payments even though the provider has not provided the criminal history required under this rule from the state police department if:

- (1) The provider has applied for the limited criminal history required under this rule.
- (2) The provider obtains a local criminal history for the individuals described in this rule.
- (3) The local criminal history does not reveal that an individual has been convicted of any of the following:
 - (A) A felony.
 - (B) A misdemeanor related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) The provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer cares for children at the facility or no longer resides with the provider, if an individual for whom a local criminal history is required under this section has been convicted of any of the following:

- (1) A felony.**
- (2) A misdemeanor related to the health or safety of a child.**
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.**
- (4) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.**

(e) The provider shall report to the verifying agency any of the following information not listed on the criminal history or changes to the criminal history for all persons required by this rule to provide a statewide criminal history:

- (1) Police investigations.**
- (2) Arrests.**
- (3) Criminal convictions.**

(f) The provider shall maintain a written policy requiring an individual providing a criminal history to report any criminal convictions to the provider. (Division of Family and Children; 470 IAC 3-18-14; filed Oct 14, 2004, 2:50 p.m.: 28 IR 953)

470 IAC 3-18-15 Drug testing

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 15. (a) The provider shall, at no expense to the verifying agency, provide to the verifying agency a copy of drug testing results for the following:

- (1) The provider.**
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.**
- (3) All employees and volunteer caregivers at the facility where child care is provided.**

(b) If the test results provided under this section indicate the presence of an illegal controlled substance, the provider is ineligible to receive voucher payments until the individual is suspended or dismissed from employment, no longer cares for children at the facility, or no longer resides with the provider.

(c) The provider shall maintain a written policy providing for reinstatement of a suspended individual following rehabilitation and drug testing results that are negative for illegal controlled substances.

(d) Drug tests must meet the following criteria:

- (1) Urine panel that tests for amphetamines, cocaine, opiates, phencyclidine, and THC metabolites.**
- (2) Urine collection that is consistent with chain of custody guidelines established by the DOT.**
- (3) Specimen processing by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).**
- (4) Evaluation of urine panel results by a certified medical review officer using positive cutoffs established by the DOT.**
- (5) Completed no more than sixty (60) days prior to receipt of initial application by the verifying agency or employee hire date.**
- (6) Employees hired prior to July 1, 2002, may provide drug test results that have been completed after July 1, 2002, or no more than sixty (60) days prior to employment.**

(e) The provider shall perform or submit to a random drug testing program on a protocol established by or approved by the division.

(f) The division may require the provider to perform additional drug testing.

(g) The verifying agency shall keep drug test results confidential and will not use drug test results for any other purpose other than for this rule. (Division of Family and Children; 470 IAC 3-18-15; filed Oct 14, 2004, 2:50 p.m.: 28 IR 953)

470 IAC 3-18-16 State central registry check

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5; IC 31-33-17-6

Sec. 16. (a) The provider must provide evidence that the following individuals have not been named in the state central registry identified at IC 31-33-17-6(7):

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) If information obtained by the verifying agency indicates that an individual has been named in the state central registry, the provider is ineligible to receive voucher payment until the individual named in the state central registry:

- (1) is dismissed from employment with the provider;
- (2) no longer cares for children at the facility; or
- (3) no longer resides with the provider.

(Division of Family and Children; 470 IAC 3-18-16; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)

470 IAC 3-18-17 Immunization records

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 17. (a) The provider shall maintain and annually update documentation provided by a health care professional for each child who is cared for in a facility indicating that the child has received complete age appropriate immunizations as determined by the state department of health including the following:

- (1) Conjugated pneumococcal vaccine.
- (2) Varicella vaccine or a demonstrated immunity to varicella.

(b) The provider's records must include the following:

- (1) A current list of all children cared for at the facility.
- (2) The child's date of birth.
- (3) The month, day, and year of each immunization received or:
 - (A) a written statement from the child's physician, updated annually, stating a medical reason the child should not be immunized; or
 - (B) written documentation, updated annually, that the parent objects to immunizations for religious reasons.

(c) The documentation required by this section shall be made available to the verifying agency. *(Division of Family and Children; 470 IAC 3-18-17; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)*

470 IAC 3-18-18 Tobacco and substance policy

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 18. (a) A provider, other than a child care center or child care ministry, shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

- (1) Tobacco.
- (2) Alcohol.
- (3) A potentially toxic substance in a manner other than the substance's intended purpose.
- (4) An illegal substance or the possession of an illegal substance.

(b) A provider that is a child care center or child care ministry shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

- (1) Tobacco.
- (2) Alcohol or the possession of alcohol.
- (3) A potentially toxic substance in a manner other than the substance's intended purpose.
- (4) An illegal substance or the possession of an illegal substance.

(Division of Family and Children; 470 IAC 3-18-18; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)

470 IAC 3-18-19 Records

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 19. The provider shall maintain the following records and documents at the facility, which shall be made available to the verifying agency upon request:

- (1) A current list of all persons living in a child care home.
- (2) A current list of all employees and volunteer caregivers.
- (3) Staff records.
- (4) Drug test results.
- (5) A Mantoux tuberculin test or tuberculin screening, or both, if appropriate.
- (6) Statewide criminal history checks.
- (7) Current first aid certification.
- (8) State central registry results.
- (9) Annual age appropriate CPR certification.
- (10) A signed tobacco/substance policy.
- (11) A signed criminal history policy.
- (12) A written drug testing policy.
- (13) A current list of all children cared for at the facility.
- (14) Children's emergency contact information.
- (15) Children's immunization records updated annually.
- (16) Emergency assistance telephone numbers near a telephone, including the following:
 - (A) Police.
 - (B) Fire.
 - (C) Ambulance.
 - (D) Poison control.
- (17) A posted record of monthly fire drills.
- (18) A written and posted plan for notification of serious injury/death of a provider.
- (19) A written and posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.
- (20) A record of continuous telephone service.
- (21) A record of an annual water quality test, if applicable.

(Division of Family and Children; 470 IAC 3-18-19; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)

470 IAC 3-18-20 Application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 20. (a) A provider must complete the application process prior to participation in the CCDF voucher program.

(b) The provider must apply on forms provided by the verifying agency.

(c) The provider must submit the required information as part of the application.

(d) The provider must submit the information required under this rule to the verifying agency as part of the application process.

(e) The provider must apply annually to continue participation in the CCDF program.

(f) The provider remains eligible to participate in the CCDF program when the provider submits a timely application to renew participation, unless the division issues a notice of order terminating the provider participation in the CCDF program.

(Division of Family and Children; 470 IAC 3-18-20; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)

470 IAC 3-18-21 Incomplete application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 21. (a) The verifying agency will not act upon an incomplete application.

(b) The verifying agency shall return an incomplete application with a notation as to omissions.

(c) The return of an incomplete application shall be without prejudice. *(Division of Family and Children; 470 IAC 3-18-21; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)*

470 IAC 3-18-22 Inspections

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 12-17.2-3.5

Sec. 22. (a) The verifying agency shall conduct at least an annual inspection of the facility for any provider applying for participation in the CCDF voucher program.

(b) An announced or unannounced inspection shall be conducted any time during the facility's hours of operation.

(c) Activities may include on-site inspections, record review, observation, and interviews.

(d) The verifying agency shall require that evidence of compliance with this rule be presented in a form and manner specified by this rule.

(e) The CCDF program provider shall maintain and make available verification of the following:

- (1)** A current list of all employees and individuals providing care.
- (2)** A current list of all persons living in a child care home.
- (3)** A current list of all children cared for at the facility.
- (4)** Records documenting that all employees and volunteer caregivers have complied with the requirements of this rule.
- (5)** Records documenting that all household members have complied with the requirements of this rule.
- (6)** Parent or custodial adult contact information for each child in the provider's care.
- (7)** Records documenting that all children have received complete age appropriate immunizations.
- (8)** Emergency assistance telephone numbers posted near the telephone that include the following:
 - (A)** Police.
 - (B)** Fire.
 - (C)** Ambulance.
 - (D)** Poison control.
- (9)** Documentation that water is from an approved water source.
- (10)** Records of continuous phone service.
- (11)** A posted record of monthly fire drills.
- (12)** A posted plan for notification of serious injury/death of a provider.
- (13)** A posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.

(f) Failure of a provider to allow the verifying agency access to their facility may result in a denial or decertification from the CCDF program. *(Division of Family and Children; 470 IAC 3-18-22; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)*

470 IAC 3-18-23 Denial of application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15
Affected: IC 4-21.5-3; IC 12-17.2-3.5

Sec. 23. (a) The division shall deny an application when an applicant fails to meet the requirements of this rule.

(b) The division shall provide written notification of denial in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the denial.

- (c) An administrative hearing concerning the denial shall be provided upon written request by the applicant.
- (d) A request for an administrative hearing for a denial must be made prior to the effective date of the order.
- (e) The administrative hearing shall be scheduled within sixty (60) calendar days of the written request.
- (f) The administrative hearing shall be held in accordance with 470 IAC 1-4.

(g) The division shall issue a decision within sixty (60) calendar days after the conclusion of the hearing. *(Division of Family and Children; 470 IAC 3-18-23; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)*

470 IAC 3-18-24 Grounds for denial

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 24. Any of the following constitute sufficient grounds for a denial of an application:

- (1) A failure to meet any of the requirements of this rule.
- (2) A failure to allow the verifying agency access to the provider's facility during normal business hours.
- (3) A determination by the division that the applicant made false statements in the provider's application for participation in the CCDF program.
- (4) A determination by the division that the applicant made false statements in the applicant's records required by the division.

(Division of Family and Children; 470 IAC 3-18-24; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)

470 IAC 3-18-25 Maintenance of compliance and insufficiencies

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 25. (a) The provider shall maintain compliance with the requirements of this rule.

(b) A provider determined to be not in compliance with this rule may be given up to twenty-one (21) calendar days by the division to correct the insufficiency.

(c) The provider's failure to document compliance within the prescribed time shall result in denial or decertification of the provider's participation in the CCDF program. *(Division of Family and Children; 470 IAC 3-18-25; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)*

470 IAC 3-18-26 Decertification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 4-21.5-3; IC 12-17.2-3.5

Sec. 26. (a) The division shall decertify CCDF participation when a provider fails to comply with the requirements of this rule.

(b) The division shall provide the provider written notification of decertification in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the decertification.

(c) An administrative hearing concerning the revocation shall be provided upon written request by the applicant.

(d) A request for an administrative hearing for a decertification must be made prior to the effective date of the order.

(e) The administrative hearing shall be scheduled within sixty (60) calendar days after receiving the written request.

(f) The administrative hearing shall be held in accordance with 470 IAC 1-4. *(Division of Family and Children; 470 IAC 3-18-26; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)*

470 IAC 3-18-27 Grounds for decertification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 27. Any of the following constitute sufficient grounds for decertification as a CCDF program provider:

- (1) Failure to meet any of the requirements of this rule.**
- (2) Failure to allow the verifying agency access to the facility during normal business hours.**
- (3) A determination by the division that the applicant made false statements in the applicant's application for certification.**
- (4) A determination by the division that the applicant made false statements in the applicant's records required by the division.**
- (5) Failure to correct an insufficiency within the prescribed time.**
- (6) Multiple insufficiencies regardless of whether they were corrected within the prescribed time.**

(Division of Family and Children; 470 IAC 3-18-27; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)

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IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: 45 CFR 98; 45 CFR 99.