



How Do I? Guide: Revocation and Cancellation

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Child Development Home Revocation

Making the Decision

Consider the areas of noncompliance and history when thinking about revoking a child development home registration.

- ◆ Does the registered provider have serious violations that cannot be addressed by a safety or corrective action plan?
- ◆ Does the registered provider have a serious health or safety violation that the provider is either unwilling or unable to correct?
- ◆ Does the registered provider show a pattern of repeated noncompliance with multiple items that the provider is either unwilling or unable to correct?

If any of the above are true and you have documentation or facts, discuss revocation with your supervisor.

Once the decision is made to revoke, do not ask for further correction in the compliance letter or complaint form. NOTE: If the provider is given the opportunity to correct, you cannot revoke them. You have to give the provider the opportunity to correct.

Question: Can we revoke a provider in KinderTrack (KT) that has previously given up their registration certificate during the course of a child abuse assessment? (How can we revoke if the provider voluntarily gave up their registration? Can we refuse to allow a provider to voluntarily withdraw their certificate in this circumstance?)

Response: We can't force a person to not give up their registration. However, we should never encourage the person to voluntarily relinquish their registration if it is a revocable action. I suggest waiting a few days before allowing the voluntary relinquishment because the person may change their mind after trying to close down themselves. If the person has given up their registration, we can't revoke the registration. However, the transgression will be found if the person tries to reapply.

Document Findings and Revocation Recommendation

- ◆ A regulatory report is not a friendly letter.
- ◆ Do not include subjective comments in reports or other written documents. Examples to avoid:
 - I enjoyed our visit today. **Not relevant.**
 - It seems you have been very busy painting your home and it is a lovely color. **Not relevant unless also an art project for the children to paint the home.**

- I do hope your daughter’s illness is short lived. **Not relevant and, if more specific, may be a HIPAA issue – public document.**
- You run a great program and your clients just adore you. **Not relevant; not quantifiable.**
- ◆ **Friendly conversation with providers is fine; subjective regulatory writing for public files is not.**
- ◆ **Ask two questions:**
 - Is this a fact or an opinion?
 - What does this have to do with a particular regulation?

Only report facts related to regulations. ONLY state opinions if you ALSO state strong regulatory facts to support the opinions.

- ◆ If the visit both is a complaint and an annual visit, complete the complaint form 470-5281, *Child Care Complaint Report*, and the annual visit findings report in CRIS.
- ◆ Regardless of the findings document required for the type of visit, always add supporting documentation under the resolution or recommendation section in the findings document for all the revocation reasons you are checking on the *Notice of Decision* (NOD).

For example, if you have determined that the provider has repeated or continued noncompliance, include a summary of the history of noncompliance to support this decision. NOTE: Do not mention child abuse or criminal record information from DCI or FBI records because this information is confidential. Iowa Code Section 17A.18 requires that the provider receive the facts that warrant the revocation decision.

[When to Revoke Due to a Record Check Decision](#)

When there is a complaint associated with a child abuse assessment and the child abuse report is founded, work with your local record check decision team to make a record check decision. The procedures for making a child care record check decision are in Employees’ Manual 12-F and the Complaint Record Check Decisions PowerPoint. NOTE: Also review the *How Do I? Guide: On-Site Yearly Compliance and Complaint Visits* under the heading “Not Safe or Safety Risk” for parental notification procedures on founded child abuse in child care.

Revoke when:

- ◆ The provider is the subject of the record check decision and the decision is to prohibit involvement with child care.
- ◆ The provider is refusing to enter into a safety plan or does not follow a safety plan to prevent a person (household member, substitute, assistant or access alone with a child) that is prohibited from involvement with child care from being involved with child care.

Complete the NOD

If there is a record check decision being made as part of the revocation decision, issue:

- ◆ The record check decision (contact) notice to the subject of the decision and
- ◆ A child development home registration revocation notice to the registered child care provider.

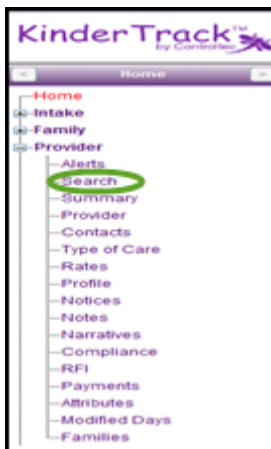
Child abuse and criminal records are confidential information. The provider cannot receive the *Record Check Decision* or documentation that supports the decision unless the provider is the subject of the record check decision.

Issue the notice in KinderTrack. The instructions for issuing notices in KinderTrack are as follows:

1. Select the *Provider* activity from the Navigation tool.



2. Select the *Search* page.



- The *Search* page allows you to find the provider by entering the provider's name or number and clicking the search button. Select the correct provider.

The screenshot shows a search interface with a purple header bar containing 'Search' and 'Clear' buttons. Below the header, there are two radio buttons: 'Provider' (selected) and 'Contact'. The search criteria are organized into two columns:

- Left Column:** Business Name, Last Name, First Name, Role (Select >>), Provider Type (Select >>), Worker (Select >>), Provider Number, Status (Select >>), Tax ID or SSN.
- Right Column:** Phone, Address, City (with a home icon), State, Zip Code, Ext., Languages (Select >>), Missing Documents (checkbox), County of Residence (Select >>), DHS Service Area (Select >>), IWD Region (Select >>).

Notices Page

Before you begin: Are you viewing the provider's *Notices* page? If not, return to the *Search* page and find the correct provider.

- To issue a notice click the "NEW" button on the Command Bar. The *Adding Record* page displays as follows:

The screenshot shows the 'Adding Record' page for a provider named 'Handsprings Child Care (Pending)' with Provider Number 13389. At the top left, 'Save' and 'Cancel' buttons are visible, with 'Save' circled in red. Below the provider information is a 'Notice List' table with columns: S, Issue Date, Eff. Date, Status, Status Date, Action, and Print Status. The main form area contains the following fields:

- Status:** A dropdown menu.
- *Effective Date:** A date field with a calendar icon. A red arrow points to it with the text: 'Type the date or use the Calendar Control.'
- *Overall Action:** A dropdown menu.
- *Overall Reason:** A dropdown menu. A red arrow points to it with the text: 'Use the drop-downs to choose the Overall Action and Overall Reason.'
- Reason Text:** A text area.
- *Office Location:** A dropdown menu.
- *Worker:** A dropdown menu.
- *Phone:** A text field.
- *Issue Date:** A date field with a calendar icon.
- Distribution of Notice:** A dropdown menu.
- Date of Distribution:** A date field with a calendar icon.
- Tracking #:** A text field.
- Comments:** A text area at the bottom.

- Enter the **Effective Date** or use the Calendar Control.

This is the date the notice becomes effective. The effective date is at least 10 days from the day after the notice is mailed when someone is being:

- Prohibited from involvement with child care.
- Revoked (Registered Child Development Home).

If the effective date lands on a weekend or holiday, the next working day is the effective date.

3. Click the **Overall Action** drop down. The possible options are:

- Approval,
- Denial,
- Contact (record check decisions and canceling a *Child Care Assistance (CCA) Provider Agreement* and allowing the provider to continue to be registered),
- Revocation, and
- Cancellation (*CCA Provider Agreement* for providers who are not registered).

Issue the following notices:

- Contact (record check decision as part of a complaint and canceling a *CCA Provider Agreement* and allowing the provider to continue to be registered)
- Revocation (Registered Child Development Home)
- Cancellation (*Child Care Home with CCA Provider Agreement*)
- Approvals for appealing before the effective date for revocation and cancellation notices of decision.

4. After selecting the **Overall Action**, click on the **Overall Reason**.

Overall Reason

Contact

➤ **Absolute prohibition w/cc**

These are transgressions that are a lifetime mandatory prohibition in Iowa Code Section 237A.5.

➤ **CDH/NR CCA – ALLOW involve w/cc: rcheck eval**

Child Development Home/Nonregistered Child Care Assistance – Allow involvement with child care using the six criteria.

- The effective and issue date can be the same for this notice.
- If there are conditions on involvement with child care, send a letter defining the conditions to the person who is the subject of the record check and the provider.

➤ **CDH/NR CCA – prohibit involve w/cc: check eval**

This means the transgressions were evaluated using the six criteria and involvement with child care is prohibited.

➤ **CDH/NR CCA – prohibit involve w/cc – no eval forms**

This means the person did not return form 470-2310.

➤ **RC 5 yr. Physical abuse prohibition**

➤ **RC 5 yr. Substance abuse prohibition**

Iowa Code Chapter 124 convictions

Under **Contact** select the person that is the subject of the record check decision.

Revocation

➤ **Registration/CCA Revoked**

Issued when revoking a registration.

Reason Text

1. The “Reason Text” sometimes requires you to enter “Dates” or “Options” in it. Next to “Options:” click on the highlighted underlined “Select” word to get the option choices.

States:

*Effective Date:

*Overall Action:

*Overall Reason:

Reason Text:

The Department has determined that you are not meeting the registration requirement(s) checked below. In accordance with Iowa Code 237A.8 and 237A.12, the Department therefore revokes your child care registration effective . [options]

This notice must be posted in a conspicuous place where it can be read by parents or any member of the public. The notice shall remain posted until resolution of the action to deny the certificate of registration. The Department of Human Services, under Iowa Code Chapter 237A.8, will notify the parent, guardian or legal custodian of each child enrolled in the child care home of the revocation.

Manual or Rule Reference:
Code of Iowa 237A.3A, 237A.8, 237A.12, 441 IAC 110.7, 441 IAC 170.4(3), Employees' Manual 12F "Adverse Actions," Employees' Manual 13G "Eligible Providers"

Options: Select

*Office Location:

*Worker:

*Phone:

*Issue Date:

Distribution of Notice:

Date of Distribution:

Tracking #:

Comments:

2. The reason options for child development home registration revocation are listed below. Select all relevant reasons.

Multi-Selector -- Webpage Dialog

Select from the list below:
[check-all](#) [clear-all](#)

- The provider does not comply with child development home laws and rules related to the Certificate of Registration and the provider either cannot comply or refuses to comply with all applicable rules;
- The provider operates in a manner the Department determines impairs the safety, health, or well-being of the children in care;
- The provider, assistant, or anyone living in the home or having access to the child alone fails the record check evaluation of transgressions;
- The provider, assistant, or anyone living in the home or having access to the child alone fails to return form 470-2310, Record Check Evaluation, by the date due to the Department;
- The provider gives oral or written information to the Department, knowing the information has been falsified either by the provider or with the provider's knowledge;
- The provider has not obtained an approved Fire Marshal's certificate, has failed to correct noted deficiencies in the time determined appropriate by the Fire Marshal, or the Fire Marshal determines the building is not safe for occupancy.
- Your child development home is not in a single family residence that you own, rent, or lease.

ADDITIONALLY (Check all that apply below)

- You have continually or repeatedly failed to comply with Iowa Code 237A. You may not reapply for licensure until 12 months from the date of revocation.
- You are prohibited from involvement with child care.
- You do not qualify as an eligible CCA provider. Your CCA provider agreement is terminated as of the effective date listed above.

Ok Cancel

Notice Page-Office Location

1. Next pick the correct office location. Make sure your telephone number is correct.
2. Enter today's date for the date issued.
3. Send all child development home revocation notices by certified mail, signed receipt. Enter the date the notice is sent under date of distribution and enter the certified mail tracking number.

*Office Location: POLK - DHS Central Office ▼

*Worker: Von Arb, Jan Select >>

*Phone: (515) 725-0043

*Issue Date: [Calendar icon]

Comments: [Text area]

Distribution of Notice: [Dropdown menu]

Date of Distribution: [Calendar icon]

Tracking #: [Text field]

Notice Page Next Step to Save

1. Click “Save” on the Command Bar. *Result:* The *Notice of Decision* is saved, the *Notices* page refreshes, and the Notice is displayed in the Notice List.
2. Click “Print” on the Command Bar to prepare to preview the *Notice of Decision*. *Result:* The Provider Notice dialog box displays. Do not check the question, “Do you want to print a Certificate for this provider now?” This question is only relevant for initial and renewal approvals.
3. Click the “Print” button at the bottom of the Provider Notice dialog box to preview the *Notice of Decision*. *Result:* The *Notice of Decision* displays in a new window.
4. Review the *Notice of Decision*, close the preview window, and make any necessary changes. To make changes click “Edit” on the Command Bar, make the changes, and click “Save” on the Command Bar.
5. If you are ready to finalize the notice and not edit it further, click “Authorize” on the Command Bar.
6. Click “OK” if you are ready to authorize. *Result:* The Provider Notice dialog box displays.



Printing the Notice

1. Select the notice you want to print.
2. Click “Print” on the Command Bar to generate the notice.
3. The printer icon appears by moving the cursor on the page. The toolbar below will pop up. Click on the printer icon.

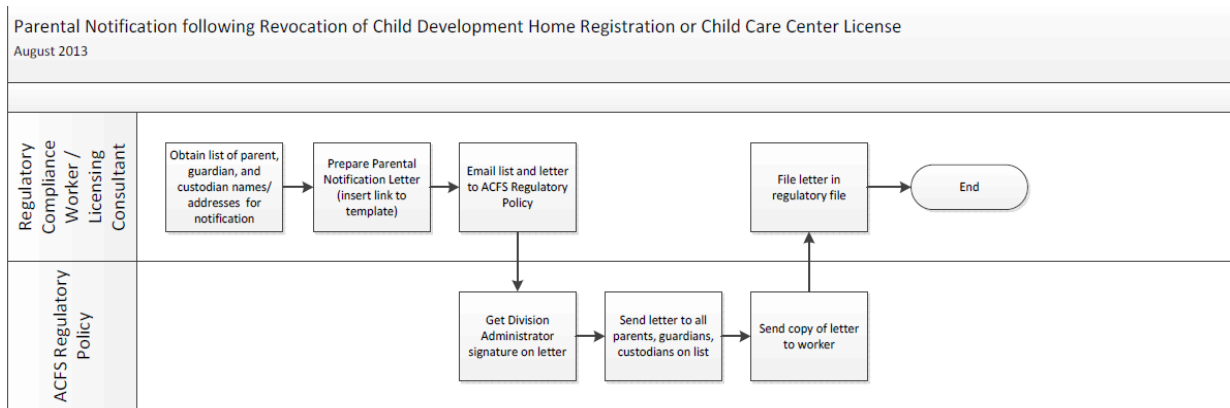


Mailing

The revocation NOD and findings report are sent to the provider by certified mail, signed receipt. Any record check decisions and notices associated with the decision are sent to the subject of the decision by regular mail. If the provider is not the subject of the record check decision, this information cannot be shared with the provider. Child abuse information and criminal records through DCI and FBI are confidential records.

Notifications

1. Notify CCA Registration and CCA Eligibility of the revocation with an email. CCA Eligibility sends notice letters to parents to pick another provider 10 days before the provider closes.
2. Notify CCR&R of the revocation.
3. Parents of children in child care are notified of the revocation. The letter is in the Compliance SharePoint site. Send the parent letters to Ryan Page to get the administrator's signature and mail the letters.



4. Enter revocation and record check decision information into KinderTrack and CRIS notes. The CCA Registration Unit reads KinderTrack notes when receiving applications to process. Writing notes prevents DHS from taking a negative action and approving an application at the same time.

Child Development Home CCA Provider Agreement Cancellation

Making the Decision

Consider the following history when thinking about canceling a *CCA Provider Agreement* and allowing the provider to continue to be registered:

- ◆ The provider is in compliance with the child development home requirements.
- ◆ The compliance worker has a list of the children in care during an on-site visit. Children not present during the on-site visit are on the child care assistance timesheets. The provider is requesting payment stating the children were in care. This does not include one of the four absent days allowed per month.
- ◆ The compliance worker discovered that the provider requested payment for children not in care before and sent in a *Provider Overpayment/Fraud Referral* to DHS, CCA Overpayment. DHS, CCA Overpayment has asked for repayment.
- ◆ The provider continues to request payment for children not in care.

Document Findings

1. Write the provider a letter.
2. Upload the letter to CRIS that documents the compliance worker's findings for continuing to submit timesheets for children when they are not in child care.
3. Identify:
 - ◆ The dates of the on-site visits,
 - ◆ The number of children present, and
 - ◆ Who was not physically present during the visit but listed on the timesheet as being present.

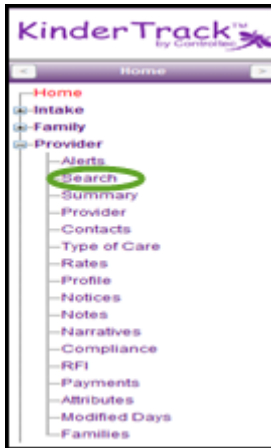
Since this report will contain names or identifying information of CCA-eligible children, these are not public reports.

Complete the NOD

1. Select the *Provider* activity from the Navigation tool.



2. Select the *Search* page.



3. The *Search* page allows you to find the provider by entering the provider's name or number and clicking the search button. Select the correct provider.

 A screenshot of the Search page in the KinderTrack application. At the top, there are 'Search' and 'Clear' buttons. Below them, there are radio buttons for 'Provider' (selected) and 'Contact'. The form contains several input fields and dropdown menus: Business Name, Last Name, First Name, Role (Select >>), Provider Type (Select >>), Worker (Select >>), Provider Number, Status (Select >>), Tax ID or SSN, Phone, Address, City (with a home icon), State, Zip Code, Ext., Languages (Select >>), Missing Documents (checkbox), County of Residence (Select >>), DHS Service Area (Select >>), and IWD Region (Select >>).

Notices Page

Before you begin: Are you viewing the provider's *Notices* page? If not, return to the *Search* page and find the correct provider.

1. To issue a notice click the "NEW" button on the Command Bar. The *Adding Record* page displays as follows:

 A screenshot of the 'Adding Record' page for issuing a notice. At the top, there are 'Save' and 'Cancel' buttons. Below them, the provider information is displayed: 'Provider: Handsprings Child Care (Pending)' and 'Provider Number: 13389'. A 'Notice List' table is shown with columns: S, Issue Date, Eff. Date, Status, Status Date, Action, and Print Status. Below the table, there are several input fields and dropdown menus: Status, Effective Date (with a calendar icon and a red arrow pointing to it with the text 'Type the date or use the Calendar Control.'), Overall Action (dropdown), Overall Reason (dropdown), Reason Text, Office Location (dropdown), Worker (Select >>), Phone, Issue Date (with a calendar icon), Distribution of Notice (dropdown), Date of Distribution (with a calendar icon), and Tracking #. A yellow callout box with red arrows points to the Overall Action and Overall Reason dropdowns with the text 'Use the drop-downs to choose the Overall Action and Overall Reason.'

2. Enter the **Effective Date** or use the Calendar Control.
This is the date the notice becomes effective. The effective date is at least 10 days from the day after the notice is mailed. If the effective date lands on a weekend or holiday, the next working day is the effective date.
3. Click the **Overall Action** drop down and pick “Contact.”
4. After selecting the **Overall Action**, click on the **Overall Reason** “Cancel/Deny CCA Provider Agreement.”
5. Under the **Contact** select the provider.

Notice Page-Office Location

1. Pick the correct office location. Make sure your telephone number is correct.
2. Enter today’s date for the date issued.
3. Enter the date the notice is sent under date of distribution. This notice can be sent by regular mail.

The screenshot shows a web form with the following fields and values:

- *Office Location:** POLK - DHS Central Office (dropdown menu)
- *Worker:** Von Arb, Jan Select >> (text field)
- *Phone:** (515) 725-0043 (text field)
- *Issue Date:** (calendar control)
- Distribution of Notice:** (dropdown menu)
- Date of Distribution:** (calendar control)
- Tracking #:** (text field)
- Comments:** (large text area)

Notice Page Next Step to Save

1. Click “Save” on the Command Bar. *Result:* The *Notice of Decision* is saved, the *Notices* page refreshes, and the Notice is displayed in the Notice List.
2. Click “Print” on the Command Bar to prepare to preview the *Notice of Decision*. *Result:* The Provider Notice dialog box displays. Do not check the question, “Do you want to print a Certificate for this provider now?” This question is only relevant for initial and renewal approvals.
3. Click the “Print” button at the bottom of the Provider Notice dialog box to preview the *Notice of Decision*. *Result:* The *Notice of Decision* displays in a new window.

4. Review the *Notice of Decision*, close the preview window, and make any necessary changes. To make changes click “Edit” on the Command Bar, make the changes, and click “Save” on the Command Bar.
5. If you are ready to finalize the notice and not edit it further, click “Authorize” on the Command Bar.
6. Click “OK” if you are ready to authorize. *Result:* The Provider Notice dialog box displays.



Printing the Notice

1. Select the notice you want to print.
2. Click “Print” on the Command Bar to generate the notice.
3. The printer icon appears by moving the cursor on the page. The toolbar below will pop up. Click on the printer icon.



Mailing

Mail the cancellation notice by regular mail.

Notifications

1. Notify CCA Registration and CCA Eligibility of the cancellation of the *CCA Provider Agreement*. CCA Eligibility sends notice letters to parents to pick another provider 10 days before the provider closes.
2. Enter a note into KinderTrack and CRIS about canceling the *CCA Provider Agreement*.

Nonregistered CCA Provider Agreement Cancellation

Making the Decision

Consider the areas of noncompliance and history when thinking about canceling a child care home (nonregistered) with a *CCA Provider Agreement*:

- ◆ Does the provider have serious violations that cannot be addressed by a safety or corrective action plan?
- ◆ Does the provider have a serious health or safety violation that the provider is either unwilling or unable to correct?
- ◆ Does the provider have a history of noncompliance for which the provider is either unwilling or unable to remain in compliance?

If any of these are true and you have documentation or facts, discuss cancellation with your supervisor.

Once the decision is made to cancel, do not ask for further correction in the compliance letter or complaint form. NOTE: If the provider is given the opportunity to correct, you cannot cancel them. You have to give the provider the opportunity to correct.

Document Findings and Cancellation Recommendation

- ◆ If the visit both is a complaint and an annual visit, complete the complaint form 470-5281, *Child Care Complaint Report*, and the annual visit findings report in CRIS.
- ◆ Regardless of the findings document required for the type of visit, always add supporting documentation under the resolution or recommendation section in the findings document for all the cancellation reasons you are checking on the *Notice of Decision* (NOD).

For example, if you are canceling because the provider has failed to comply with the rules, identify the pattern of repeated noncompliance with the rules that support the decision. NOTE: Do not mention child abuse or criminal record information from DCI or FBI records because this information is confidential.

When to Cancel Due to a Record Check Decision

When there is a complaint associated with a child abuse assessment and the child abuse report is founded, work with your local record check decision team to complete a record check decision. The procedures for completing a child care record check decision are in Employees' Manual 12-F and the Complaint Record Check Decisions PowerPoint. NOTE: Also review the *How Do I? Guide: On-Site Yearly Compliance and Complaint Visits* under the heading "Not Safe or Safety Risk" for parental notification procedures for founded child abuse in child care.

Cancel when:

- ◆ The provider is the subject of the record check decision and the decision is to prohibit involvement with child care.
- ◆ The provider is refusing to enter into a safety plan or does not follow a safety plan to prevent a person (household member, substitute, assistant or access alone with a child) that is prohibited from involvement with child care from being involved with child care.

Complete the NOD

If a record check decision is being made as part of the cancellation decision, issue the:

- ◆ Record check decision (contact) notice to the subject of the decision and
- ◆ Cancellation of the *CCA Provider Agreement* to the child care home provider.

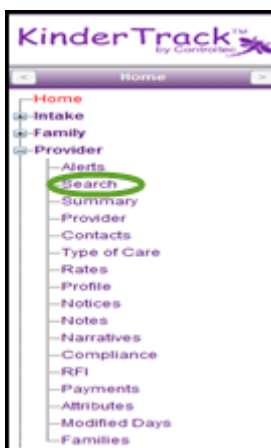
Child abuse and criminal records are confidential information. The provider cannot receive the *Record Check Decision* or documentation that supports the decision unless the provider is the subject of the record check decision.

Issue the notice in KinderTrack. The instructions for issuing notices in KinderTrack are as follows:

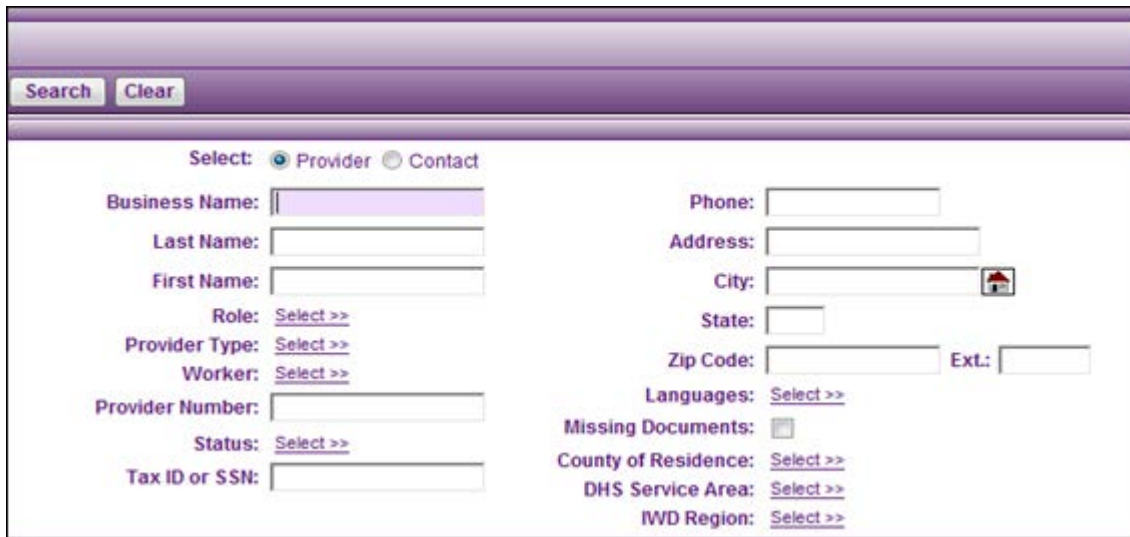
1. Select the *Provider* activity from the Navigation tool.



2. Select the *Search* page.



- The *Search* page allows you to find the provider by entering the name or provider number and clicking the search button. Select the correct provider.



Notices Page

Before you begin: Are you viewing the provider's *Notices* page? If not, return to the *Search* page and find the correct provider.

- To issue a notice click the "NEW" button on the Command Bar. The *Adding Record* page displays as follows:



- Enter the **Effective Date** or use the Calendar Control.

This is the date the notice becomes effective. The effective date is at least 10 days from the day after the notice is mailed. If the effective date lands on a weekend or holiday, the next working day is the effective date.

3. Click the **Overall Action** drop down. The possible options are:
- Approval,
 - Denial,
 - Contact (record check decisions and canceling a *CCA Provider Agreement* and allowing the provider to continue to be registered),
 - Revocation, and
 - Cancellation (*CCA Provider Agreement* for providers who are not registered).

Issue the following notices:

- Contact (record check decision as part of a complaint)
- Cancellation (*Child Care Home with CCA Provider Agreement*)
- Approvals for appealing before the effective date for revocation and cancellation notices of decision

4. After selecting the **Overall Action**, click on the **Overall Reason**.

Overall Reason

Contact

➤ **Absolute prohibition w/cc**

These are transgressions that are a lifetime mandatory prohibition in Iowa Code Section 237A.5.

➤ **CDH/NR CCA – ALLOW involve w/cc: rcheck eval**

Child Development Home/Nonregistered Child Care Assistance – Allow involvement with child care using the six criteria.

- The effective and issue date can be the same for this notice.
- If there are conditions on involvement with child care, send a letter defining the conditions to the person who is the subject of the record check and the provider.

➤ **CDH/NR CCA – prohibit involve w/cc: rcheck eval**

This means the transgressions were evaluated using the six criteria and involvement with child care prohibited.

➤ **CDH/NR CCA – prohibit involve w/cc – no eval forms**

This means the person did not return form 470-2310.

- **RC 5 yr. Physical abuse prohibition**
- **RC 5 yr. Substance abuse prohibition**
Iowa Code Chapter 124 convictions

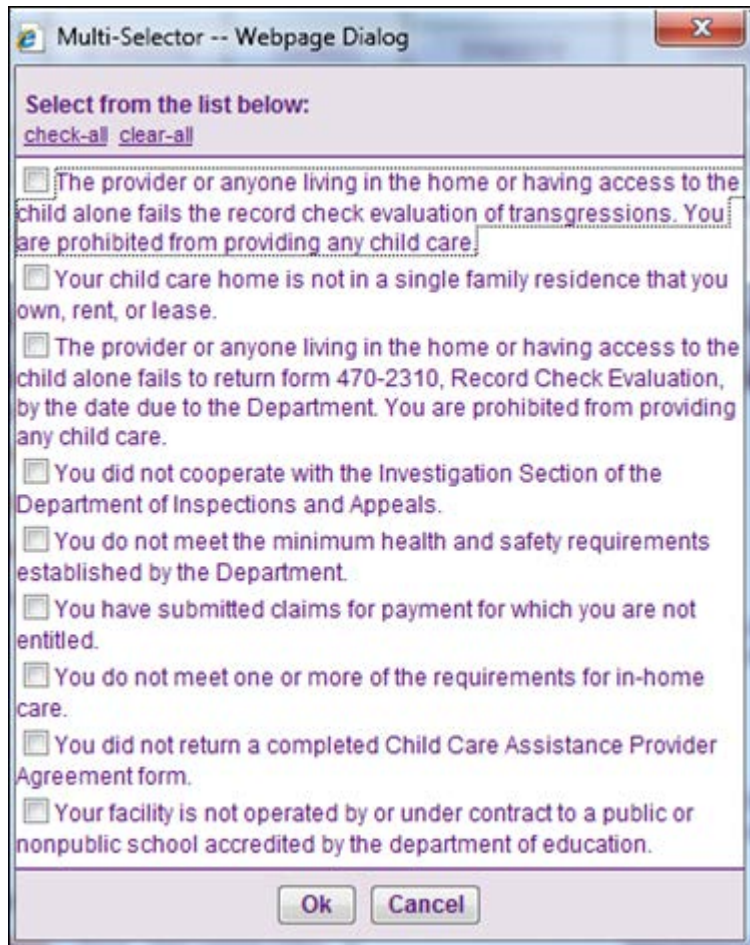
Under **Contact** select the person that is the subject of the record check decision.

Cancellation

The **Overall Action** is “cancellation.” The **Overall Reason** is “NR Cancellation.”

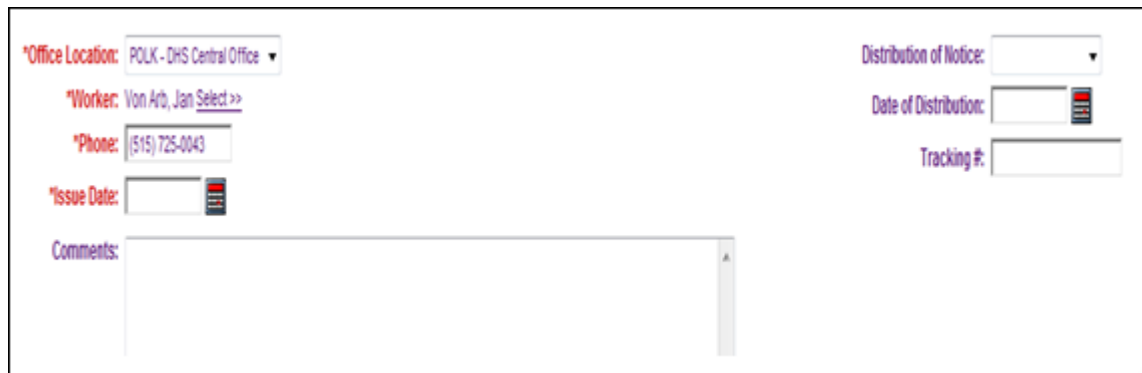
Reason Text

1. The “Reason Text” sometimes requires you to enter “Dates” or “Options.” in the text. Next to “Options:” click on the highlighted underlined “Select” to get the option choices.
2. The reason options for canceling a nonregistered provider's *CCA Provider Agreement* are identified below. Select all relevant reasons.



Notice Page-Office Location

1. Pick the correct office location. Make sure your telephone number is correct.
2. Enter today's date for the date issued.
3. Send all child development home revocation notices by certified mail, signed receipt. Enter the date the notice is sent under date of distribution and enter the certified mail tracking number.



The screenshot shows a web form with the following fields and labels:

- *Office Location:** POLK - DHS Central Office (dropdown menu)
- *Worker:** Von Arb, Jan Select >> (text field)
- *Phone:** (515) 725-0043 (text field)
- *Issue Date:** (calendar icon)
- Comments:** (text area)
- Distribution of Notice:** (dropdown menu)
- Date of Distribution:** (calendar icon)
- Tracking #:** (text field)

Notice Page Next Step to Save

1. Click “Save” on the Command Bar. *Result:* The *Notice of Decision* is saved, the *Notices* page refreshes, and the Notice is displayed in the Notice List.
2. Click “Print” on the Command Bar to prepare to preview the *Notice of Decision*. *Result:* The Provider Notice dialog box displays. Do not check the question, “Do you want to print a Certificate for this provider now?” This question is only relevant for initial and renewal approvals.
3. Click the “Print” button at the bottom of the Provider Notice dialog box to preview the *Notice of Decision*. *Result:* The *Notice of Decision* displays in a new window.
4. Review the *Notice of Decision*, close the preview window, and make any necessary changes. To make changes click “Edit” on the Command Bar, make the changes, and click “Save” on the Command Bar.
5. If there are no more edits and the notice is ready to finalize, click “Authorize” on the Command Bar.

6. Click "OK" if you are ready to authorize. *Result:* The Provider Notice dialog box displays.



Printing the Notice

1. Select the notice you want to print.
2. Click "Print" on the Command Bar to generate the notice.
3. The printer icon appears by moving the cursor on the page. The toolbar below will pop up. Click on the printer icon to print the notice.



Mailing

The cancellation NOD and findings letter are sent to the provider by regular mail. Any record check decisions and notices associated with the decision are sent to the subject of the decision by regular mail. If the provider is not the subject of the record check decision, this information cannot be shared with the provider. Child abuse information and criminal records through DCI and FBI are confidential records.

Notifications

1. Notify CCA Registration and CCA Eligibility of the cancellation of the *CCA Provider Agreement* by email. CCA Eligibility sends notice letters to parents to pick another provider 10 days before the provider closes.
2. Enter cancellation and record check decision information into KinderTrack and CRIS notes. The CCA Registration Unit reads KinderTrack notes when receiving applications to process. This prevents DHS from taking a negative action and approving an application at the same time.

Voluntary Relinquishment of Registration and CCA Provider Agreement

Making the Decision

The decision to voluntarily relinquish a registration or provider agreement is made by a provider when the provider:

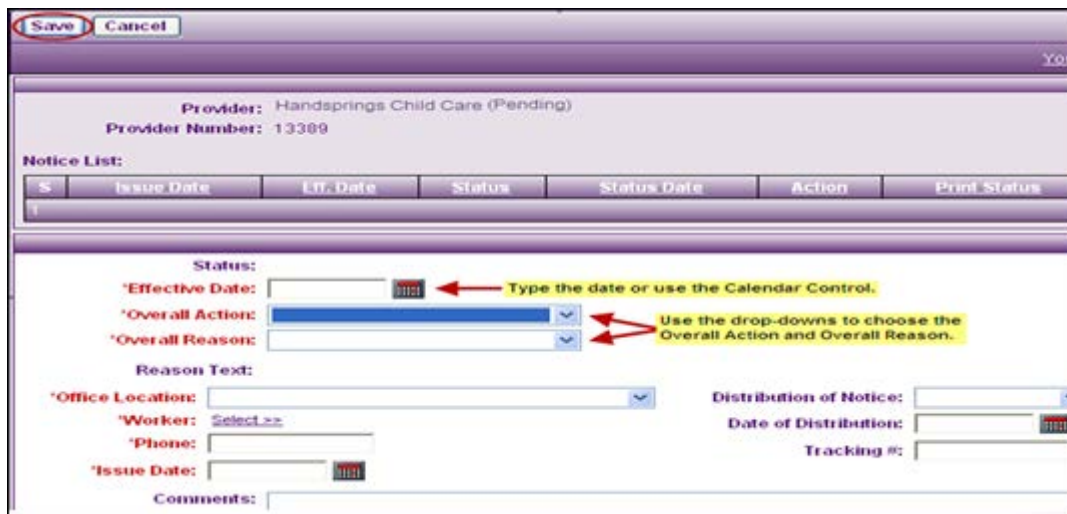
- ◆ Informs you that they want to voluntarily relinquish their child development home registration or a nonregistered provider wants to relinquish their *CCA Provider Agreement*.
- ◆ Is subject to an annual visit and receives a visit attempt letter. The provider fails to return your phone call or their *Certificate of Registration* and *CCA Provider Agreement* in the mail on or before the due date.

The letter tells the provider that the non-action is considered a request to voluntarily cancel their status as a registered child development home or their *CCA Provider Agreement*.

Complete the NOD

Before you begin: Are you viewing the provider's *Notices* page? If not, return to the *Search* page and find the correct provider.

1. To issue a notice click the "NEW" button on the Command Bar. The *Adding Record* page displays as follows:



The screenshot shows a web application interface for adding a new record. At the top, there are 'Save' and 'Cancel' buttons. Below that, the provider information is displayed: 'Provider: Handsprings Child Care (Pending)' and 'Provider Number: 13389'. A 'Notice List' table is shown with columns for 'S', 'Issue Date', 'Eff. Date', 'Status', 'Status Date', 'Action', and 'Print Status'. The main form area contains several fields: 'Effective Date' with a calendar icon and a red arrow pointing to it with the text 'Type the date or use the Calendar Control.'; 'Overall Action' and 'Overall Reason' with dropdown menus and a red arrow pointing to them with the text 'Use the drop-downs to choose the Overall Action and Overall Reason.'; 'Reason Text' with a text input field; 'Office Location' with a dropdown menu; 'Distribution of Notice' with a dropdown menu; 'Worker' with a 'Select...' button; 'Phone' with a text input field; 'Issue Date' with a calendar icon; 'Date of Distribution' with a calendar icon; and 'Tracking #' with a text input field. A 'Comments' field is at the bottom.

2. Enter the **Effective Date** or use the Calendar Control.

This is the date the notice becomes effective. The effective date for these notices is the date the provider has agreed to voluntarily relinquish their registration or *CCA Provider Agreement*.

3. Click the **Overall Action** drop down.
4. Select the “Cancellation” option.
5. After selecting the **Overall Action**, click on the **Overall Reason**.
 - For registered child development homes, the **Overall Reason** is Voluntary Closure “Non NOD” – registration.
 - For nonregistered homes with a *CCA Provider Agreement*, the **Overall Reason** is Voluntary Withdraw NR CCA.

Mailing

Do not mail this notice.

- ◆ If the provider verbally told you they want to voluntarily relinquish, send a letter to the provider documenting this conversation.
- ◆ If the provider sent a letter requesting to be closed, file the provider letter as the basis for closing KinderTrack.
- ◆ If the provider decided at the annual visit to voluntarily relinquish their registration and *CCA Provider Agreement* or nonregistered *CCA Provider Agreement*, have the provider note it on the last page of the checklist. Both the provider and you must sign and date the checklist. The last page of the checklist contains the basis for closing the provider in KinderTrack.
- ◆ If you sent an attempt letter for the yearly visit, the lack of action to this letter is considered a request to voluntarily relinquish. File the attempt letter as the basis for closing KinderTrack.

Notifications

- ◆ Notify CCA Registration and CCA Eligibility by email.
- ◆ Enter a note in KinderTrack and CRIS.

Appeals

The following SharePoint site has information on service Appeals. This is a helpful site to review if you have never participated in a service appeal or want contact information for Appeals Unit staff.

<http://dhssp/depdir/paa/Appeals/SitePages/Table%20of%20Contents%20-%20Service.aspx>

The appeal checklist can be found at the following SharePoint site.

<http://dhssp/depdir/paa/Appeals/SitePages/Appeal%20Checklist.aspx>

The Compliance SharePoint site has a PowerPoint presentation on what to do if a provider appeals. It is called the “Compliance Worker Appeal Training.”

The right to appeal always requires an adverse action made by the Department.

- ◆ Adverse Action – A revocation, cancellation or record check decision prohibiting involvement with child care
- ◆ Provider Response – The Appeal
- ◆ Administrative Action – The Hearing
 - With or without legal counsel for DHS
 - Parties present evidence to administrative law judge
 - May be an in person hearing or telephone hearing (provider’s choice)
 - No action if further appeal occurs timely
- ◆ Request for Review (either party – losing party)
 - Director of DHS review
 - No new evidence (exhibits reviewed and transcripts MAY be reviewed)
 - Final Decision by Director equals immediate action taken (provider reopens if wins, provider closes if loses EVEN IF CONTINUE APPEAL). It is rare that a Stay of Action is given. If you have questions about a Stay of Action, contact the Service Help Desk.
- ◆ Judicial Review Petition (District Court Action)
 - DHS always legally represented for child care cases
 - No new evidence but all exhibits and testimony used in briefs
 - May include oral arguments by parties to Judge
- ◆ Supreme Court Review which can be remanded to the Court of Appeals
 - An option for either party, but rarely happens
 - One case by an appellant in 10 years

Provider or Subject of the Record Check Decision Appeals

Are the facts of a decision associated with a founded child abuse report that is being appealed? Was the complaint associated with a suspected child abuse report that is founded and being appealed? If yes, combine the child care appeal with the child abuse appeal.

Contact Sandy Munson-Hoover in the DHS Appeals Unit and Tabitha Gardner in the Attorney General's office. Alert them that the child care appeal is associated with the child abuse appeal. The Attorney General's office represents DHS on these appeals. When you have representation from the Attorney General's office, do not complete an appeal summary. Work with the Department's attorney in getting the exhibits together.

Otherwise, you are required to complete the appeals summary. Organization is key to keeping track of paperwork in a larger revocation. Come up with a system BEFORE you have a revocation. Chronological, type of document (checklists), confidential and public by date, are good systems. Ask providers for copies of items you may need for file documentation when you see the document, not after revocation.

- ◆ The instructions for completing an appeal summary, assigning exhibit identifications (in the bottom right-hand corner) to supporting documents, and the appeal summary form can be found at the following website:

<http://dhssp/depdir/paa/Appeals/SitePages/Appeal%20Summary%20-%20Services.aspx>

- ◆ Add to the bottom of the Appeal Summary the names of any witnesses you MAY call at hearing. Clearly document this list as the Witness List.
- ◆ It is better to say LESS in the Appeal Summary. Use notes to testify at the hearing rather than saying TOO MUCH in the Appeal Summary and conceding points in writing.
- ◆ The Appeal Summary should not sound like a brainstorming document. It should demonstrate your confidence in your decision.
- ◆ Watch out for confidential information in your paperwork. NEVER use a document with a social security number or date of birth that is not redacted. Do not use the children's first and last names in your exhibits. If you see mental health, financial, medical, or substance abuse treatment information, ask for guidance from your supervisor before proceeding.
- ◆ Upload the Appeal Summary and the exhibits into the Appeals Information System (AIS) within 10 calendar days of being notified of a new appeal.

Did the provider appeal before the effective date? This is known as a timely appeal. The Appeals Unit makes the final decision on whether an appeal is timely or not. Contact the Appeals Unit if you have questions on whether an appeal is timely. When an appeal is requested before the effective date on the notice or is considered to be timely, the provider can remain open pending the outcome of the appeal. The only exception is when there is a district court order or Emergency Adjudicative Proceeding that orders the child care provider to close.

While open under appeal, the child care provider has to provide child care at the same location that was registered or had the *CCA Provider Agreement*. If the provider moves, the provider can no longer be registered or have a *CCA Provider Agreement* pending the outcome of the appeal.

For the provider to remain open pending the outcome of an appeal, do the following:

- ◆ Issue an NOD in KinderTrack that has the same **effective date** as the revocation notice. The **Overall Action** is Approval and the **Overall Reason** is **Registration Approval Open Pending Appeal**. The reason an approval notice is issued is to open the provider in KinderTrack pending the appeal decision. The *Notice of Decision* informs the provider they have a right to remain open pending the outcome of the appeal.
- ◆ Contact the CCA Registration and CCA Eligibility Unit to let them know the provider's appeal was timely and the provider is now open pending the outcome of the appeal.
- ◆ **When a provider is open pending the outcome of an appeal, you may have a safety plan in place that has tasks which will assure that children are safe. If during on-site safety visits, the provider does not comply with the safety plan when children are in child care, contact the Service Help Desk about the legal options available to close the provider. Always write a findings report for each safety visit.**

Before the Hearing

- ◆ Do not call the judge. Ever. No matter what.
- ◆ Do not agree to "meet" with the provider and the provider's attorney before the hearing without talking to your attorney first.
- ◆ Do not allow yourself to be deposed or answer interrogatories by an attorney without talking to your attorney first.
- ◆ Do not speak to the media without Central Office direction and approval.
- ◆ Even if there is no Attorney General representation on the appeal, seek advice from Tabitha Gardner as needed to help prepare exhibits, witness questions, arguments, etc.). Make sure you contact Tabitha Gardner if the appellant has an attorney.

- ◆ Start preparing early for the hearing by organizing and reading your file. Draft an outline of what you want to say or questions you want to ask. Keep the evidence focused on the reasons for revoking. Mark documents with post-its and, if highlighting, using yellow highlighters. (Yellow highlighters will not show up if copies are made.)

The Hearing

- ◆ **Organize your documents and notes so you can easily find what you want to present.** Have pen and paper available to take notes. You may want post-its. Take notes on:
 - Questions the Administrative Law Judge (ALJ) asks,
 - Arguments of appellant (to address in the questions you ask the appellant or rebuttal information), and
 - ALJ requests for things you need to do after the hearing.
- ◆ Remember, people can hear you even when you whisper. Do not ask others how you should answer a question!
- ◆ **Let the ALJ know the identity of anyone present in the room with you** and when they arrive and when they leave.
- ◆ Quietly move your papers and keep them away from the phone. Otherwise, you may sound like you are testifying from inside a tornado!
- ◆ **Begin by summarily stating your reasons for revocation.** Give the dates of the violation and what you tried each time to remediate the problem before the revocation. Show that the provider is unwilling or unable to correct the problem.
- ◆ **Point out your exhibits that support your position.** Tell the judge where all the statements can be found in your exhibits, but don't read the exhibits to the judge.
- ◆ **Follow up with witnesses** and point out where the witness information can be found in the exhibits.
- ◆ **Do not concede issues you do not agree with to make the judge happy or to look "reasonable."** The Director of DHS is the final decision maker but if you concede your issues, the Director can't undo it.

Request for Review

- ◆ When the proposed decision is issued, the losing party can request a DHS Director's review of the proposed decision within 10 calendar days of the date of the decision.
- ◆ DHS social workers start the process by talking with their supervisor and getting approval to request a Director's review. A DHS social worker requests a Director's review by contacting Ryan Page, in child care policy. Ryan needs to be contacted as soon as possible about requesting a review of the proposed decision. If the proposed decision is issued on Thursday, Ryan only has until the following Monday to complete the next steps. The request for a Director's review has to be in the Appeals Unit within 10 days of the date on the proposed decision.
- ◆ Child care policy reviews the proposed decision and decides whether they are going to request that the Appeals Review Committee consider approving a Director's review of the proposed decision. The committee meets every Monday.
- ◆ The Appeals Review Committee makes the final decision as to whether a Director's review of the proposed decision will be requested.
- ◆ If no request for review is made within 10 days of the proposed decision, the proposed decision becomes the final decision.

Final Decision

If the Department's decision is reversed:

1. DHS deletes the NOD in KinderTrack. (The worker's supervisor or DHS Service Help Desk can delete the NOD at the worker's request.)
2. Compliance workers place a note in KinderTrack and CRIS about the findings of the appeal that resulted in the NOD being deleted.
3. The compliance worker contacts CCA Registration about the final appeal decision so that they can start processing required renewal or change applications held up by the appeal.

If the Department's decision is held up on appeal:

1. The compliance worker contacts CCA Registration and CCA Eligibility to report that the provider will be closed in 10 days. CCA Eligibility needs to give parents 10 days to select another provider.

2. The compliance worker enters a note in KinderTrack and CRIS summarizing the facts of the case. If the provider is prohibited from involvement with child care, it is important to note. Sometimes there are settlement agreements that prohibit child care. Document the duration of the prohibition by years and end date in KinderTrack and CRIS. If the settlement agreement is uploaded in CRIS, make sure it is in a confidential file when child abuse information is included in the agreement. There are many times these settlement agreements are not being uploaded to the Appeals data system.

3. When the provider is open pending the outcome of the appeal:

a. The compliance worker issues a notice in KinderTrack to close KinderTrack. (NOTE: If KinderTrack is already closed, do not issue the notice.)

- ◆ The effective date is the same 10 day notice CCA Eligibility gave the CCA parents.

- ◆ Select **Revocation** as the **Overall Action** for a **child development home**. The **Overall Reason** is **Registration Closure “Non NOD” NOD**.

Select **Cancellation** as the **Overall Action** for a **nonregistered provider (child care home) with a CCA Provider Agreement**. The **Overall Reason** is **Cancellation NR closure “non NOD” NOD**.

The notices are issued when there is a final appeal decision that upholds or affirms DHS’s previous decision to revoke or cancel and the provider is open pending the outcome of the appeal. This notice is issued to close KT. **DO NOT SEND TO PROVIDER**. The administrative appeals decision or court order is the legal decision. **RARE BUT MAY OCCUR**: You may have to issue a closing notice in KinderTrack when there is a Stay of Action for an appeal to district court, Court of Appeals, and Supreme Court and DHS is upheld or affirmed.

b. Send the parents a letter notifying them of the final appeal decision. Two options are on the Compliance SharePoint site. One option is for providers prohibited from involvement with child care; the other option is for providers who can continue to provide child care as a child care home but without a *CCA Provider Agreement*. Typically, a copy of this letter is sent to the provider. If the provider is prohibited from involvement with child care, make sure the provider knows that they cannot provide any child care.

c. Email CCR&R of the provider closure.

d. If the provider does not appeal to district court within 30 days, the compliance worker completes the *Provider Overpayment/Fraud Referral* form on the Compliance SharePoint site and sends it by email to “DHS, CCA Overpayments.”