

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**  
**DIVISION OF SOCIAL SERVICES**

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

**PROPOSED**

**PUBLIC NOTICE**

**DSSM: Child Care Subsidy Program 11006.5.1 Terminating Providers**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 31 of the Delaware Code, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by January 31, 2010.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

**SUMMARY OF PROPOSED CHANGE**

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding the Child Care Subsidy Program.

**Statutory Authority**

- 45 CFR §98.40, Compliance with applicable State and local regulatory requirements; and,
- 11 **Del.C.** Ch. 85, State Bureau of Identification

**Summary of Proposed Change**

**DSSM 11006.5.1, Terminating Providers:** this new rule, effective April 1, 2010, outlines the reasons the Division of Social Services may terminate any child care provider, including self-arranged clients.

**DSS PROPOSED REGULATION #09-48**

**NEW:**

**45 CFR 98.40, 11 Del.C. Ch. 85**

**11006.5.1 Terminating Providers**

This policy applies to all providers, including self-arranged clients.

DSS May Terminate Providers with Just Cause

1. The Division of Social Services may terminate any provider or self-arranged client from the Child Care Subsidy Program (Purchase of Care) if she or he:
  - A. Has a suspended, closed or terminated Office of Child Care Licensing (OCCL) license.
  - B. Is convicted of committing fraud against DHSS.
  - C. Charges fees not allowed by the Child Care Contract, Division policy, or a Division approved waiver; has failed to reimburse those fees and has repeated offenses in this area.
  - D. Charges Purchase of Care Plus fees when she or he is not a DSS authorized POC Plus provider.

- E. Does not keep accurate records per the DSS Child Care Contact; has had repeated offenses, has been counseled and has failed to meet the requirements of a corrective action plan agreed upon with the Child Care Monitor.
- F. Does not keep an open bank account to receive direct deposit payments from the Child Care Subsidy Program. Direct deposit is mandatory for all DSS child care subsidy providers effective May 1, 2008.
- 2. In addition to the items mentioned above, the Division of Social Services may terminate any relative care provider from the Child Care Subsidy Program (Purchase of Care) if she or he:
  - A. Does not complete the 45 hours of mandatory health and safety training hours within 18 months of becoming a relative or non-relative care provider as outlined in the initial orientation session.
  - B. Has an unsuitable criminal history or a member of the provider's household has an unsuitable criminal history. DSS uses Office of Child Care Licensing (OCCL) guidelines and Title 11, Chapter 85 of the Delaware Code to determine unsuitable criminal history.

**13 DE Reg. 896 (01/01/10) (Prop.)**