CHAPTER 4-000 AUTHORIZATION AND NOTICE

4-001 Authorization: The worker notifies the provider and the client of the client's eligibility and the amount of the client's fee on an authorization notice.

If an individual in-home service provider is authorized, the client must sign Form IRS-2678, "Employer Appointment of Agent."

4-001.01 Authorization Standards: To authorize any service, whether staff-provided or purchased, the worker:

1. Determines that the client has been found eligible on the application (in no case will the beginning service authorization date be before the beginning eligibility date shown on the application);
2. Determines the reason that the client needs child care (see 392 NAC 3-008);
3. Determines that the provider from whom service is purchased has a valid agreement; and
4. Explains that any authorization is subject to review to ensure that the service is delivered as authorized.

4-001.02 Authorization Date: Authorization of service must not begin before the service plan is completed and the date the client's completed application is received in the office. For a client who is receiving other assistance and then requests Child Care Subsidy, authorization of service begins no earlier than the date of request for Child Care Subsidy.

If the client appears eligible and chooses an approved provider, the case manager authorizes payment. If the client is determined ineligible, the case manager must send a Notice of Action notifying the client.

The local office dates ~~stamps~~ the application on the date of receipt.

4-001.02A Provider Not Approved: If the client chooses a child care provider who is not approved, the case manager refers the provider to the staff responsible for resource development for approval. If the provider is approved, payment may be made effective with the client's request but no earlier than the date of receipt of the application.

If the provider cannot be approved, the worker issues a voucher to reimburse the client for the time period between the request and denial of the approval. Once the provider is denied, the worker may allow payment for up to ten days after notification of the client if the client needs time to find a new provider. Within the ten days the client must choose among approved providers or find another provider to be approved.

4-001.02A1 Disclosure of Information: If the Department disapproves a provider, the worker may inform the client of the reason for disapproval. If the provider cannot be approved because s/he is under investigation for abuse, the worker must contact the Protective Service worker who is responsible for the investigation. The Protective Service worker will consult with his/her supervisor to determine if the client may be informed without jeopardizing the investigation. If the supervisor approves, the worker must send Form Letter HHS-112 to the client and inform the provider via Form Letter HHS-113.

If the provider is not approved because his/her name is on the Protective Service registry, the worker must send Form Letter HHS-114 to the client and HHS-115 to the provider.

In all cases the worker must not identify the reporting party or information from other confidential investigative sources, e.g., the State Patrol.

4-001.03 Authorization Termination: When a service authorization must be terminated before the end of the authorization period, the worker must notify the affected provider in a timely manner.

4-001.04 Hold on Service Authorizations: If there is an issue with a provider, such as an unresolved overpayment, the worker may put a hold on new service authorizations. A hold is used only when children are not in danger. The worker would renew existing authorizations.

4-002 Client Contact and Notice

4-002.01 Client Responsibility to Contact: The client or representative must contact the worker within ten days when:

1. The client's situation has changed (e.g., address, income, family composition, need for child care, child care schedule);
2. The client is dissatisfied or experiencing problems with the service delivery plan; or
3. Instructed to do so by the worker.

4-002.02 Worker Responsibility to Contact: The worker must contact the client when:

1. There is reason to suspect that the client's eligibility has changed;
2. It is necessary to discuss the process or problems of service delivery;
3. Follow up is necessary; or
4. The service or delivery plan must be changed or terminated.

4-002.03 Notice of Agency Action: The worker must send a Notice of Action to provide written notification of agency action to an applicant or recipient (or his/her representative) when:

1. An applicant is determined ineligible for Child Care Subsidy or a client is found ineligible at the time of verification or redetermination; or
2. A requested service is denied or provided services are to be reduced or terminated.

Except for foster children and children receiving guardianship or adoption subsidy, the provider is not allowed to charge the parent or caretaker the difference between the Department's reimbursement and the provider's private pay rate. A foster parent or subsidized adoptive parent or guardian may make arrangements with a provider to supplement the Department reimbursement.

If the rate the provider charges the public is higher than the Department's, the Department will pay the established maximum.

If the provider's rate for the public is lower than the Department's maximums, the agreement rate must not be higher than the provider charges the public.

{Effective 4/2/05}

4-003.01A Payment By Attendance: The Department pays by attendance, not enrollment. Payment is not made for time when the child is not receiving care; this includes when the provider is on vacation, is ill, or is not providing care for some other reason.

4-003.01A1 Exception When the Child Quits Without Notice: The Department will pay for up to three days of care if:

1. The provider charges private pay families on the basis of enrollment only; and
2. The child is not in attendance for three consecutive days and the client has not notified the provider that services are terminated.

This is only for cases where the child is no longer attending, not for absences during ongoing care.

4-003.01A2 Exception for Foster Children/Adoption or Guardianship Subsidy: For foster children or children receiving adoption or guardianship subsidy, payment may be made based on enrollment within the following guidelines:

1. The provider must be licensed;
2. The provider must have written policies specifying that they charge private-paying families by enrollment;
3. The child must attend the child care facility for a minimum of 30 hours a week; and
4. The provider may charge a maximum of one daily unit for a day when the child is not in care or is in care for less than six hours.

4-003.01B Rate Increases: The Department has the option of not increasing a provider's rate even though the provider's charge is below Department maximums.

4-003.01C Accredited Rates: The Department pays a higher rate for programs that are accredited by an accrediting body approved by the Department, up to the rate the provider charges to families who pay privately. See 392-000-203 for rates.

4-003.02 Hourly and Daily Units: Care for 6 or more hours must be billed by the day. Care for 10 or more hours in one day may be billed through hourly units for the 10th, 11th, and 12th hours unless the facility defines its day of care from opening to closing hours.

4-003.03 Enrollment Fees: Fees charged by a child care program for enrolling a child may be included in the agreement. The enrollment fee must not exceed enrollment fees charged to private pay families or the Department's maximum. Enrollment fees are paid for licensed programs only.

In order to receive an enrollment fee, the child care program must have a written policy that describes how the enrollment fee is required for private pay families and the specific amount of the fee. These enrollment fees are paid one time only per child per provider.

The Department does not pay deposits to hold a space or guarantee notice of termination of services.

4-003.04 Activity Fees: An activity fee is billed as a separate service. Activity fees are paid to licensed programs only. The activity fee must not exceed what is charged to private pay families or the Department's maximum.

Activity fees are intended primarily for school age children during summer months, but may be approved for other age children. In order to receive an activity fee, the child care provider must have a written policy that describes how the activity fee is required for private pay families and the specific amount of the fee.

Activity fees should be billed on a monthly basis for the time children were in attendance for the previous month.

4-003.05 Transportation

4-003.05A Transportation To and From Home: The worker may authorize transportation or escort to and from home:

1. When the child care is necessary for any of the reasons listed at 392 NAC 3-008.01;
2. When transportation costs are not included in the total child care rate;
3. When the child care is licensed, if required by law; and
4. When the case is CF, LF or WI. (The WI case must have an open protective service case.)

Transportation is paid per one way trip per child to and from home.

4-003.05B Transportation To and From School: If a provider normally provides transportation from child care to school and return, it may be included as a part of child care. The Department will not pay for transportation to and from school as a separate service. The fee for it must be prorated over the time period affected and included as a part of the normal child care rate if this does not cause the provider's rate to exceed the rate maximums.

4-003.06 Unit Codes and Maximums

Service Unit	Maximum Units Per Month
Enrollment Fee	NA
Hour	5 hours 59 min/day 31 days/month
Day	31
Child Care Related Transportation	50 trips

4-003.07 Client Charges: The family is responsible for payment of fees assessed for failure to pick up the child by the end of the program's day.

When the provider charges private pay families by enrollment only, the provider may charge the client if the child is absent on a scheduled day. The provider cannot charge for time the child was not scheduled to be in attendance.