

**Readopt with amendment He-C 6914, effective 10/9/2024 (Document #14095 Emergency), cited and to read as follows:**

**PART He-C 6914 CHILD CARE PROVIDER ENROLLMENT REQUIREMENTS**

He-C 6914.01 Purpose. The purpose of this part is to identify the requirements to become a child care provider of licensed and license-exempt child care services for the department of health and human services (department).

He-C 6914.02 Scope. This part shall apply to licensed and license-exempt child care providers who receive financial reimbursement from the department for those families utilizing employment related, preventive, or protective child care services.

He-C 6914.03 Definitions.

(a) “Agency” means the board of directors, executive director, and employees of an organization that is incorporated and recognized by the NH secretary of state.

(b) “Caretaker relative” means a relative, who is not the biological or adoptive parent of a child, but is providing care and supervision of the child in the assistance group.

(c) “Child care” means the act of providing safe and healthy care, including supervision, food, activity, and rest for a child for any portion of a 24-hour day, in order to promote healthy child development.

(d) “Child care provider” means a provider of non-residential child care services, including center-based, family-based, and in-home child care services, for compensation that is legally operating under state law, and complies with applicable state and local requirements for the provision of child care services.

(e) “Child care scholarship” means payment to a child care provider on behalf of a family who meets the eligibility criteria of He-C 6910 and He-C 6912.

(f) “Commissioner” means the commissioner of the New Hampshire department of health and human services or designee.

(g) “Conflict of interest” means “conflict of interest” as defined in RSA 21-G:21, II.

(h) “Department ” means the department of health and human services of the state of New Hampshire.

(i) “Employee” means any individual who is employed by a child care provider for compensation or anyone whose activities involve the care or supervision of children for a child care provider or have unsupervised access to children.

(j) “Enrolled child care provider” means a child care provider who has met the requirements found in He-C 6914 and is authorized to receive payment for services from the department. The term includes the definition of “registered provider” pursuant to RSA 170-E:6-a.

(k) “Family” means a child(ren) and an adult(s) who reside in the same household and who have a birth, foster, step, adoptive, legal guardianship, or caretaker relative relationship.

(l) “Foster parent” means an individual who has a license or permit for foster family care pursuant to He-C 6446.

(m) “Fraud” means “fraud” as defined in RSA 167:58, IV.

(n) “Friend or neighbor provider” means a provider who cares for any number of the provider’s own children, whether related biologically or through adoption, and up to 3 additional children regularly for any part of the day, but less than 24 hours.

(o) “Good standing” means licensed child care providers are not in violation of He-C 4002.

(p) “Legal guardian” means an individual who is given legal authority by a court and charged with the duty to provide care, custody, and supervision of the child(ren).

(q) “Licensed” means a child care provider has been issued a license to operate by the commissioner of the department, in accordance with RSA 170-E, or has been issued a license to legally operate as a child care provider in accordance with the licensing requirements of a state neighboring New Hampshire.

(r) “License-exempt facility-based program” means ” a license-exempt child care provider pursuant to RSA 170-E:3, I(f) and (g).

(s) “License-exempt in home provider” means a person who is:

- (1) Providing child care in a private home;
- (2) Exempt from licensure pursuant to RSA 170-E:3; and
- (3) Either a relative provider, a friend, or a neighbor provider.

(t) “NH Bridges” means the automated case management, information, tracking, and reimbursement system used by the department.

(u) “NH Connections Information System” means an online portal for child care staff to access professional development opportunities, complete background record checks, and allow child care program directors to manage staff requirements and respond to program monitoring results.

(v) “NH Connections” means the consumer-facing website that provides child care information and resources to families and child care providers.

(w) “Notification” means a written or printed document that advises:

- (1) Families of:
  - a. The results of eligibility determinations; and
  - b. Other changes in child care scholarship; or
- (2) Providers of:
  - a. Changes to a family’s child care scholarship, as applicable;
  - b. The maintenance of the child care provider’s enrollment status; and
  - c. Other information related to the child care provider’s compliance with these rules.

(x) “Parent” means an individual who has a birth, adoptive, or step-parent relationship to the child(ren), a foster parent as defined in (l) above, a legal guardian as defined in (p) above, or a caretaker relative as defined in (b) above.

(y) “Relative” means grandparents, great grandparents, siblings who live in a separate residence, or aunts and uncles, pursuant to 45 CFR 98.41(a)(1)(i)(B)(1).

(z) “Serious injury” means any injury that occurs to a child while receiving child care services from a licensed or license-exempt child care provider that requires medical treatment by a physician or other health care professional, hospitalization, or pediatric cardiopulmonary resuscitation (CPR) performed on the child while the child is in care.

He-C 6914.04 Employment Related Child Care Provider Qualifications and Requirements for Enrollment.

(a) To be eligible to be enrolled, a child care provider shall meet the following qualifications:

- (1) Be 18 years of age or older;
- (2) Meet the definition of licensed pursuant to He-C 6914.03(q) or the definition of license-exempt pursuant to He-C 6914.03(r) and (s);
- (3) Maintain liability insurance or provide a disclosure to parents that the program is uninsured pursuant to RSA 170-E:6-b;
- (4) Review and comply with the statutes regarding confidentiality, including RSA 169-B:35, RSA 169-C:25, RSA 169-D:25, RSA 170-B:23, RSA 170-C:14, and RSA 170-G:8-a;
- (5) The child care provider and the provider’s employees shall not have a conflict of interest;
- (6) Not be the parent of a child for whom the provider is providing care unless the child is receiving protective child care provided by a licensed foster parent as approved by the department;
- (7) Not be a member of the same residence as the parent or child(ren) receiving child care scholarship unless:
  - a. The child(ren) is in foster care and receiving protective child care scholarship; and
  - b. Where the “residence” is a dwelling which:
    1. Has a separate bathroom and kitchen;
    2. Has a separate entrance and mailing address; and
    3. For which there are independent living expenses including one or more of the following:
      - (i) Electricity billing statement for the address identified in b. above;
      - (ii) Gas or oil billing statement for the address identified in b. above; or
      - (iii) A lease agreement stating that any of above costs are included in the payment of rent;
- (8) If license-exempt shall complete a background record check in compliance with He-C 6920 and:
  - a. If home based:
    1. Submit to an annual announced monitoring visit as defined in He-C 6916.03 prior to department enrollment; and
    2. Comply with all the minimum standards for health and safety as required by He-C 6916; or

b. If facility based:

1. Submit to an annual announced monitoring visit as defined in He-C 6917.03; and
2. Comply with the minimum standards for health and safety as required by He-C 6917;

(9) Not have had any permit or license issued through the department's child care licensing unit (CCLU) revoked; and

(10) If licensed, have a valid New Hampshire child care license or valid permit to operate in accordance with He-C 4002, and be in good standing.

(b) In addition to being qualified under He-C 6914.04(a) above, a child care provider seeking to be enrolled shall complete and submit to the department the following documentation for each child care location:

(1) If a licensed child care provider:

- a. A copy of the provider's current child care license issued by CCLU;
- b. "State of New Hampshire Alternate W-9 Form" (11/2/2021);
- c. Form 1862 "Child Care Provider Enrollment" (March 2025); and
- d. Form 1860 "Child Care Provider Agreement" (March 2025);

(2) If a license-exempt family child care provider:

- a. "State of New Hampshire Alternate W-9 Form" (11/2/2021);
- b. Form 1862 "Child Care Provider Enrollment" (March 2025); and
- c. Form 1860 "Child Care Provider Agreement" (March 2025); or

(3) If a license-exempt center child care provider as defined in RSA 170-E:3, I(a), (b), (f), and (g):

- a. "State of New Hampshire Alternate W-9 Form" (11/2/2021);
- b. Form 1862 "Child Care Provider Enrollment" (March 2025); and
- c. Form 1860 "Child Care Provider Agreement" (March 2025).

(d) Each licensed and license-exempt child care provider and their employees shall create an account in the "NH Connections Information System (NHCIS)" at <https://new-hampshire.my.site.com/nhccis/s/login/>.

(e) All child care staff who are responsible for the supervision of children including program directors shall submit proof according to (k) below that the provider and employee has completed a minimum of 6 hours of training in total in all required health and safety topics listed below:

(1) Prevention and control of infectious diseases, including immunizations as referenced in He-C 6916.10(h), (i), (j), and (k) and He-C 6917.10(l), (m), (n), and (o);

(2) Prevention of sudden infant death syndrome, shaken baby syndrome, and abusive head trauma and use of safe sleeping practices;;

- (3) Administration of medication, consistent with standards for parental consent;
- (4) Prevention of and response to emergencies due to food and allergic reactions;
- (5) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
- (6) Prevention of child maltreatment;
- (7) Recognizing and reporting child abuse and neglect;
- (8) Emergency preparedness and response planning that shall include all requirements as listed in He-C 6916.07 and He-C 6917.07;
- (9) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
- (10) For providers offering transportation, appropriate precautions in transporting children; and
- (11) Child development for birth through 12 years including the major domains pursuant to 45 CFR 98.44(b)(1)(iii):
  - a. Cognitive;
  - b. Social;
  - c. Emotional;
  - d. Physical development; and
  - d. Approaches to learning.

(f) A license-exempt child care provider and each employee working for programs operating 4 months or less, such as a summer or recreational program, who has completed the health and safety requirements listed in He-C 6914.04(e)(1)-(11) shall complete a minimum of 2 hours of professional development in any of the health and safety topics listed in He-C 6914.04(e)(1)-(11).

(g) Child care programs that serve only children attending part day kindergarten or full-day public school shall be exempt from He-C 6914.04(e)(2).

(h) All child care staff who are responsible for the supervision of children including program directors shall submit proof according to (k) below to the department that the provider and each employee has current certification in:

- (1) CPR which shall include instruction in CPR and foreign body airway obstruction management for infants and children by the American Red Cross, American Heart Association, Emergency Care and Safety Institute, National Safety Council, or other nationally recognized organization; and
- (2) Pediatric first aid.

(i) CPR and first aid training as specified in (h)(1) and (h)(2) above may be taken via correspondence or online, provided a skill test is performed in person prior to becoming certified.

(j) Each license-exempt provider and employee shall obtain documentation of successful completion of the training in (e) above that includes the following:

- (1) The title of the training completed;
- (2) The name of the organization offering the training;
- (3) The name of the trainer, if applicable;
- (4) The name of the employee completing the training;
- (5) The date on which the training was completed; and
- (6) The duration of the training.

(k) Each license-exempt child care provider and employee shall upload documentation in (e) and (h) above to NHCIS located at <https://new-hampshire.my.site.com/nhccis/s/login>.

(l) Each license-exempt child care provider and employee, shall complete the required health and safety training and certification in (e) and (h) as follows:

- (1) Each newly enrolling license-exempt child care provider and employee shall complete required training prior to enrollment;
- (2) Each new employee of a currently enrolled license-exempt center provider shall complete the required training within 90 days from the start of employment; and
- (3) Each new employee of a currently enrolled license-exempt center child care provider initially hired for 4 months or less or hired in a license-exempt center offering child care services for 4 months or less, such as a summer or recreational program, shall complete the required training within 2 weeks of the start of employment.

(m) Each license-exempt child care provider shall schedule an annual announced monitoring visit no later than 2 weeks after receiving contact from the department to determine compliance with He-C 6916 and He-C 6917 except when:

- (1) The child(ren) are cared for in the child's own home by a relative with no additional children who are not related to the child(ren) being cared for; or
- (2) The child(ren) are cared for by a relative in the relative's own home with no additional children who are not related to the child(ren) or provider.

(n) If the license-exempt child care provider is exempt from (m) above, the provider and where applicable, the parent, shall complete, sign, date, and submit to the department Form 2692 "Health and Safety Self-Certification" (March 2025) certifying the following:

"The home has working smoke detectors and fire extinguishers on all floors.

The child care provider does not use corporal punishment. Corporal punishment means the use of physical force, physical restraint, or physical actions against a child as a means of discipline.

The child care provider will allow the parent or guardian unlimited access to the children while in the provider's care.

The child care provider must be free of communicable diseases; be physically able and mentally capable of caring for the children.

The home has been checked (including indoor care areas and yard) and is safe for children. Children are protected from dangers such as standing bodies of water including pools and spas, electrical outlets, stairs, poisonous materials, medications, guns, and ammunition. A self-assessment checklist is available through the “NH Connections” website at <https://www.nh-connections.org/>.

The provider has access to a telephone and emergency telephone numbers are readily accessible.

Provider’s Statement: I certify all information provided and contained on this form are true and accurate to the best of my knowledge. If I am providing child care to a related child in my home, I certify that my home meets the basic health and safety requirements listed in Section 3. I understand that health and safety training resources are available at <https://www.nh-connections.org/> and through NHCIS at <https://new-hampshire.my.site.com/nhccis/s/login>.

Parent/Guardian’s Statement: I have approved the person named on this form to care for my children. I understand all information provided and contained on this form are true and accurate to the best of my knowledge. I understand that it is my responsibility to make sure the child care provided to my children and the place where care is provided is safe. I understand that the State of NH will not monitor the safety of the child care provided. I take full responsibility for the child care provided by this child care provider.”

(o) A child care provider shall complete and submit to the department all forms and attachments specified in this section.

(p) The child care provider shall submit the applicable forms and documentation listed in this section through NHCIS or by mail to:

Department of Health and Human Services  
Bureau of Child Development and Head Start Collaboration  
129 Pleasant Street  
Concord, NH 03301

(q) If there are forms or required documentation missing, the department shall notify the provider in writing of the items required before the enrollment can be processed.

(r) The enrollment process shall be considered complete when:

(1) All forms and attachments specified in this section are submitted to the department, including any signatures required on such forms; and

(2) If applicable, the department announced monitoring visit referenced in (m) above, has been conducted by CCLU.

(s) The enrollment date shall be effective the date the department announced monitoring visit was conducted and deemed to meet the requirements of He-C 6916 or He-C 6917, except license-exempt providers pursuant to (m)(1) and (2) above, the effective date shall be when all forms and attachments specified in this section are submitted to the department, including Form 2692 “Health and Safety Self-Certification” (March 2025).

(t) The department shall review all background checks received for child care providers, employees, and household members. If a criminal background check shows the existence of a finding or a conviction, the department shall conduct an investigation pursuant to He-C 6920.07 to determine whether the individual poses a threat to the safety of children pursuant to RSA 170-E:7 and whether the enrollment should be denied.

(u) The forms and documents in (r) above and the results of the background determination in (t) above shall be reviewed by the department to determine whether the provider meets all of the qualifications and requirements for enrollment under He-C 6914.

(v) The enrollment process shall be complete as of the date the department makes the determination in (u) above and sends the written notification of the provider's approval or denial of enrollment. A child care provider shall not be eligible to receive payment prior to the date indicated in the written notification.

(w) If approved, enrollment shall continue for a period of 3 years from the date on the written verification.

(x) The department shall assign an enrolled child care provider a unique resource identification number for each child care location to be used for child care scholarship payment.

(y) An enrolled child care provider shall notify the department in writing within 10 calendar days of any change in the information provided on the enrollment forms, background check, or criminal history record information as defined in He-C 6920.03(i), except as stated in (ad) below.

(z) A child care provider who has changed or obtained a new tax identification number shall report the new tax identification number to the department as required in (y) above and complete and submit a copy of the Form 1862, "Child Care Provider Enrollment Form" (March 2025) and "State of New Hampshire Alternate W-9 Form"(11/2/21).

(aa) After the department receives the information and forms documenting a change as required in (z) above, the department shall assign the provider a new resource identification number as described in (x) above.

(ab) If a child care provider has had their child care license under He-C 4002 denied or suspended, the department shall review the documentation of the license denial or suspension from CCLU, to determine if the child care provider meets the qualifications of a license-exempt provider in accordance with He-C 6914 and RSA 170-E:3.

(ac) An enrolled child care provider shall be a vendor of child care services and shall not be considered an employee of the department.

(ad) All enrolled child care providers of child care scholarship shall notify the department within 2 calendar days if the location of child care services changes.

(ae) If a license-exempt child care provider changes the location of child care services from the child's own home to the provider's private home, the department shall not make payment until background checks required by He-C 6920.04 are completed and received for all household members.

#### He-C 6914.05 Employment Related Child Care - Maintaining Enrollment.

(a) In order to maintain enrollment, license-exempt child care providers and employees providing supervision of children, or who are required to meet staff to child ratios, shall:

(1) Be qualified as stated in He-C 6914.04(a);

(2) Comply with all the requirements of enrollment in He-C 6914.04;

(3) Complete a minimum of 2 hours of annual professional development in at least one of the training topics listed below and upload documentation to NHCIS:

a. Child development;



- b. Health and safety or fire safety;
  - c. Caring for children with exceptionalities;
  - d. Nutrition;
  - e. Any child care related courses sponsored or funded by the department;
  - f. Indoor and outdoor learning environments;
  - g. Behavior guidance;
  - h. Leadership, child care administration, or mentoring;
  - i. Financial management;
  - j. Working with families;
  - k. Legal issues in child care;
  - l. Child abuse and neglect; and
  - m. Trauma-informed care;
- (4) Complete a minimum of 2 hours of annual professional development in any of the health and safety topics listed in He-C 6914.04(e)(1)-(11) and upload the documentation to NHCIS;
- (5) Complete the professional development specified in (a)(3) and (4) above during each 12-month period prior to the department annual monitoring visit date;
- (6) Complete, for programs operating 4 months or less, a minimum of 2 hours of professional development in any of the health and safety topics listed in He-C 6914.04(e)(1)-(11) in lieu of the training requirements in He-C 6914.05(a)(3)-(4);
- (7) Be permitted to complete trainings, workshops, technical assistance, or college courses as professional development;
- (8) Complete and maintain current pediatric first aid and CPR certifications as required by He-C 6914.04(h);
- (9) Complete, every 5 years, a full background record check through NHCIS;
- (10) Review and comply with the child abuse and neglect reporting requirements of RSA 169-C:29-31;
- (11) Review the definition of serious injury as defined in He-C 6914.03(z) and report any serious injury or death that takes place in the child care setting during the child care provider's hours of operation as follows:
- a. In the event of a serious injury a license-exempt provider shall:
    - 1. Notify the parent(s) immediately;
    - 2. Notify the department within 48 hours; and
    - 3. Provide a written report of the nature and circumstances of the serious injury to the department within 7 days; and

b. If a child dies while in the care of a license-exempt child care provider, the provider shall:

1. Notify emergency personnel and the child's parent(s) immediately;
2. Notify the department of the death within 24 hours; and
3. Provide the department with a written report detailing the circumstances which lead up to the death within 72 hours;

(12) Provide the department with any other available information, as requested, regarding a serious injury or death reported described in (10) above;

(13) Comply with the requirements of He-C 6914.04(m) and (n); and

(14) Schedule an annual announced monitoring visit no later than 2 weeks after receiving contact from the department to determine compliance with He-C 6916 and He-C 6917, except for He-C 6914.04(m)(1) or (2).

(b) In order to maintain enrollment, licensed child care providers shall:

- (1) Be qualified to receive NH child care scholarship, as described in He-C 6914.04(a);
- (2) Comply with all requirements of enrollment in He-C 6914;
- (3) Maintain a current New Hampshire child care license and be in good standing; and
- (4) Provide the department with a copy of any new or renewed NH child care license issued within 10 days of issuance or receipt.

(c) All enrolled child care providers of child care scholarship shall notify the department within 2 calendar days if the location of child care services changes and complete and submit the following:

- (1) If a licensed child care provider, a copy of the provider's current child care license issued by CCLU, "State of New Hampshire Alternate W-9 Form" (11/2/2021), and Form 1862 "Child Care Provider Enrollment" (March 2025); or
- (2) If a license-exempt child care provider, schedule an annual announced monitoring visit no later than 2 weeks after receiving contact from the department to determine compliance with He-C 6916 and He-C 6917, "State of New Hampshire Alternate W-9 Form" (11/2/2021), and Form 1862 "Child Care Provider Enrollment" (March 2025).

#### He-C 6914.06 Employment Related Child Care Renewal of Enrollment.

(a) Enrolled child care providers shall renew their enrollment every 3 years from the date of their previous enrollment, by submitting to the department the following:

- (1) For licensed providers:
  - a. A valid New Hampshire child care license or valid permit to operate in accordance with He-C 4002, and be in good standing;
  - b. A copy of any new or renewed child care license issued within 10 days of issuance or receipt; and
  - c. A completed Form 1860 "Child Care Provider Agreement" (March 2025);
- (2) For license-exempt providers:

- a. A completed Form 1860 “Child Care Provider Agreement” (March 2025); and
- b. A completed Form 2692 “Health and Safety Self-Certification” (March 2025).

(b) In addition to (a)(2) above, license-exempt providers shall be in compliance with He-C 6914.05(a).

(c) Renewal of enrollment shall remain open when all required forms, records, and checks are received by the department on or before the enrollment end date referenced in (a) above.

(d) Renewal of enrollment shall close if all required forms are not received by the department prior to the enrollment end date referenced in (a) above.

(e) Renewal of enrollment shall be completed as of the date the department makes the determination and sends written notification of the provider’s approval of re-enrollment.

He-C 6914.07 Access to Child Care Settings.

(a) An enrolled child care provider shall allow a parent access to their child(ren) at all times while the child(ren) is in the child care provider’s care, unless allowing access is contrary to a court order or a court-ordered parenting plan.

(b) An enrolled child care provider shall upon request, share information about a child’s needs and progress with the parent or authorized department staff, unless sharing information with the parent is contrary to a court order.

(c) An enrolled child care provider shall allow authorized department staff to visit, during the time a child receives child care, to observe the child to ensure the health or safety of the child in the child care setting.

(d) An enrolled child care provider shall allow authorized department staff to visit during operating hours when DCYF has received a complaint about a child’s health or safety in the child care setting.

He-C 6914.08 Denial, Disqualification, and Termination of Provider Enrollment.

(a) Licensed and license-exempt child care providers shall be denied enrollment or re-enrollment if:

- (1) A license-exempt child care provider fails to meet all the applicable requirements of He-C 6914.04, He-C 6914.05, He-C 6914.06, and He-C 6920; or
- (2) A licensed child care provider fails to meet all of the applicable requirements of He-C 6914.04, He-C 6914.05, and He-C 6914.06.

(b) Enrollment of licensed and license-exempt child care providers shall be terminated if:

- (1) The child care provider requests to have their enrollment terminated;
- (2) An enrolled child care provider is not providing child care and has not received child care payment from the department for the previous 12 consecutive months;
- (3) An enrolled child care provider does not comply with He-C 6910, He-C 6912, He-C 6914, He-C 6916, He-C 6917, He-C 6918, and He-C 6920; or
- (4) An enrolled child care provider has cared for a child in a manner which endangers or endangered the health, safety, or welfare of the child(ren), in violation of RSA 170-E:4, II.

(c) Licensed and license-exempt child care providers shall be disqualified from enrollment if:

- (1) The enrolled child care provider is convicted of fraud by the court pursuant to RSA 167:17-b;
- (2) The enrolled child care provider does not meet the criteria in (c)(1) above, but has been found to have committed fraud by an investigation conducted by the department pursuant to RSA 161:2, XV;
- (3) The department determines the health or safety of a child is endangered as a result of:
  - a. The licensed child care provider's care, as described in RSA 170-E:4, II, RSA 170-E:7, He-C 4002.09(i)(1) through (11); or
  - b. The license-exempt child care provider's care as described in RSA 170-E:4, II and the provider fails to comply with the requirements of He-C 6920.08, and RSA 170-E:3-a;
- (4) The child care provider is licensed, and the child care license or permit was denied or revoked prior to or during the enrollment period;
- (5) There has been a disciplinary action taken by a licensing body in any state;
- (6) The child care provider has provided false or misleading statements to the department relating to the requirements in He-C 6914;
- (7) At any time the child care provider has failed to disclose that any person in the household has been convicted of a crime identified by the background checks or found to have committed child abuse or neglect pursuant to RSA 169-C, He-C 4002.09, or He-C 6920.04;
- (8) The child care provider has provided false or misleading billing documentation, pursuant to He-C 6918.06; or
- (9) The child care provider has failed to comply with any of the elements of the provider agreement Form 1860, "Child Care Provider Agreement" (March 2025) as required by He-C 6914.04, He-C 6914.05, or He-C 6914.06 as applicable.

(d) The child care provider shall be disqualified immediately from enrollment and receive no state funds under the child care scholarship program for a period of not less than 5 years, if any of the following have occurred:

- (1) The child care provider has committed fraud, as defined in He-C 6914.03, in any program administered by the department;
- (2) The child care provider has not been convicted of fraud, but the department has found the provider has misrepresented information or made repeated billing errors and failed to comply with any corrective action relating to the billing errors;
- (3) The child care provider has had their child care license or permit revoked pursuant to RSA 170-E:12, V;
- (4) After an investigation by the department pursuant to He-C 6920.07, the provider has been found to be in violation of RSA 170-E:12, V;
- (5) The child care provider has billed for child care services provided by another provider or person; or

(6) The child care provider has billed for child care services while not in compliance with child care licensing requirements of He-C 4002.

(e) The opportunity for informal dispute resolution described by He-C 4002.11 shall not apply to any provider who has been disqualified due to fraud as described in (c) above.

(f) The child care provider who has been disqualified in accordance with (d) above shall be sent a written letter from the department regarding the disqualification as follows:

(1) The letter shall be sent via certified mail to the provider informing the provider of the date of the disqualification;

(2) The letter shall include the reason(s) for the disqualification; and

(3) The letter shall include information about the provider's right to appeal the disqualification in accordance with He-C 200.

(g) The department shall notify any parent, who is utilizing a provider authorized for payment for child care services pursuant to He-C 6910 and He-C 6912 if a provider has been disqualified by the department.

#### He-C 6914.09 Appeals.

(a) A child care provider may appeal a decision made by the department within 30 calendar days of the receipt of the notification when:

(1) The application for enrollment has been denied;

(2) Payments have been withheld;

(3) Enrollment has been terminated or not renewed; or

(4) The child care provider has been disqualified.

(b) The request for an appeal shall be made in accordance with He-C 200.

(c) If the child care provider files an appeal in accordance with He-C 200 within 15 calendar days from the date on the notification and requests continuation of a child care scholarship, then a child care scholarship shall continue at the established payment rate.

(d) If the child care provider opted to continue to receive child care scholarship payment during an appeal, and the decision is upheld by the hearings officer, the provider shall repay to the department any payment made after the effective date on the letter notifying the provider of their non-renewal or termination.

(e) If the hearings officer finds in favor of the child care provider, then the non-renewal or termination shall not take effect.

#### He-C 6914.10 Confidentiality.

(a) Except for law enforcement agencies or in an administrative proceeding against the applicant or enrolled providers, the department shall keep confidential any information collected during an investigation, unless it receives an order to release, destroy, or take any action relating to the information from a court of competent jurisdiction.

(b) A child care provider shall keep confidential all records required by the department pertaining to the admission, progress, health, and discharge of children under the provider's care and all facts learned about children and their families with the following exceptions:

- (1) A child care provider shall allow the department access to all records that providers are required by department rule or state statute to keep, and to such records as necessary for the department to determine staffing patterns and staff attendance; and
- (2) A child care provider shall release information regarding a specific child only as directed by a parent of that child, or upon receipt of written authorization to release such information, signed by that child's parent.

(c) A child care provider shall discuss or share information regarding the admission, progress, behavior, health, or discharge of a child with the child's parent(s) in a manner that protects and maintains confidentiality for both the child and the child's parent(s).

He-C 6914.11 Waiver Request.

(a) A child care provider who requests a waiver of a requirement in He-C 6914 shall submit a written request to the department, which includes the following information:

- (1) The child care program name or provider's name, address, phone number, and NH Bridges resource ID number assigned by the department;
- (2) The specific reference to the section of the rule for which a waiver is being requested;
- (3) An explanation of why a waiver is necessary, the length of time for which the waiver is requested, not to exceed 92 calendar days, and any effect the granting of the waiver will have on the health or safety of the children in the program;
- (4) The number and age range of children who will be affected by the waiver;
- (5) A written plan to achieve compliance with the rule or explaining how the provider will satisfy the intent of the rule, if the waiver is granted;
- (6) The signature of the enrolled child care provider; and
- (7) The signature of the parent or copy of a notice which has been shown to, or mailed to, each parent explaining the waiver request and informing the parents that they may call the department if they have any concerns about the requested waiver.

(b) A waiver shall be granted to the child care provider if:

- (1) The department concludes that authorizing deviation from compliance with the rule from which the waiver is sought does not contradict the intent of the rule or conflict with statute; and
- (2) The written plan ensures that the object or intent of the rule will be accomplished.

(c) When a waiver is approved, the program's subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which a waiver was sought.

(d) The department shall not approve any request for a waiver of any of the provisions relevant to state or federal law or any rules of other state agencies which are referred to in this chapter.

(e) A waiver request shall be denied when any of the following occurs:

- (1) The department finds that approval of the requested waiver will jeopardize the health or safety of children;
- (2) The department finds that approval of the requested waiver will impair the provider's ability to adequately care for children; or
- (3) The department finds that approval of the requested waiver will impair the operations of the provider.

(f) A waiver shall be granted in writing for the duration of time requested in (a)(3) above, from the date the waiver was granted.

### Appendix

<b>Rule</b>	<b>Specific State or Federal Statutes or Regulations the Rule Implements</b>
He-C 6914.01	RSA 161:2, XII; RSA 170-E:11; RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6914.02	RSA 161:2, XII; RSA 167:83, II(o); RSA 170-E:11; RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6914.03	RSA 161:2, XII; RSA 167:58, IV; RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6914.04	RSA 161:2, XII; RSA 167:83, II(a)-(o); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:11; RSA 170-E:12; RSA 170-G:4, VIII, and XVIII; RSA 170-G:5; RSA 541-A:31, I and II
He-C 6914.05	RSA 161:2, XII; RSA 167:83, II(a), (o); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:11; RSA 170-E:12; RSA 170-G:4, VIII, and XVIII; RSA 170-G:5; RSA 541-A:31, I and II
He-C 6914.06	RSA 170-E:11; RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6914.07	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c; RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:11; RSA 170-E:12; RSA 170-G:4, XVIII; RSA 170-G:5
He-C 6914.08	RSA 167:83, II(a); RSA 170-E:11; RSA 170-G:4, VIII; RSA 170-G:4, XVIII; RSA 170-G:5; and RSA 541-A:31, I and II
He-C 6914.09	RSA 167:83, II(a)
He-C 6914.10	RSA 170-E:11, II; RSA 170-G:8-a
He-C 6914.11	RSA 170-E:11, I (m)