

## Chapter 2

### Becoming a Provider on Agreement (POA)

#### Who May Become a POA?

Any licensed or registered provider of child care in Texas may apply to become a POA. There are three basic requirements that a provider has to meet before becoming a POA.

#### Requirement 1: Licensing and Registration

To be a POA, a child care provider must:

- Have a current license from the Texas Department of Family Protective Services (TDFPS) as a licensed child care center, licensed child care home, or registered child care home
- Be licensed as a youth camp by the Texas Health Department (TDH)
- Be operated and monitored by the United States Military Services
- Not be on corrective or adverse action or corrective denial with TDFPS Licensing Division, TDH, or the United States Military

#### Requirement 2: Abiding by Terms of the Child Care Services Provider Agreement

To be a POA, a child care provider must:

- Sign Form 2430, a Provider Agreement, which is also signed by a representative of Child Care Services (CCS)
- Agree to abide by the terms of the Agreement
- Agree to follow procedures outlined in this *Provider Manual*

#### Requirement 3: Insurance

To be a POA, a child care provider also must:

- Be in compliance with the state licensing requirements stipulated in Chapter 42 of the Texas Human Resource Code (does not include licensed or registered homes) regarding insurance
- If a licensed child care center, the provider must notify the Texas Department of Family and Protective Services (TDFPS), the parent and CCS if unable to secure the required insurance due to financial reasons or for a lack of availability of an underwriter willing to issue a policy or if the provider's policy limits have been exhausted. The provider shall remain eligible to receive Board-funded child care subsidies as long as the provider is licensed by the TDFPS

When a Provider Agreement is with a public school or state administered college or university or church affiliate, separate liability coverage is not required for on-site-facilities when the program is operated directly by the school, college, university, or church.

## The Provider Agreement

When a child care provider decides to participate in Child Care Services, CCS will arrange for a Provider Agreement to be completed and signed by the Provider and CCS.

Provider Agreements:

- Have information needed by CCS
- Explain to Child Care Providers what they must do
- Must be signed before CCS can refer children to the facility
- Must be signed before CCS can pay for child care services
- Include this *Provider Manual* as part of the agreement

Provider Agreements are valid for one year, as long as:

- Provider's license, registration or certification remains current
- Providers remain in good standing with the Texas Department of Family and Protective Services (TDFPS), Texas Dept. of Health (TDH) and with the United States Military Services
- Providers comply with terms of the Provider Agreement

**Having a Provider Agreement does not guarantee that a Provider will have children referred by CCS.** All referrals made by CCS are based on parent choice. However, even if the POA does not have contractor-referred children in care, they must still comply with the terms of the Provider Agreement in order to keep the agreement current

**Note:** CCS may not enter into a Provider Agreement with any child care provider if the provider or a staff person of the provider has been found to be in serious noncompliance with, seriously deficient by, or debarred from any other State or Federal program (such as the Child Care Food Program CC Form 2046). In addition, CCS shall terminate within thirty days, the agreement of any Provider whose facility or staff are found to be in serious noncompliance with, seriously deficient by or debarred from other State or Federal programs.

## When CCS Contractors Operate Child Care Facilities

Some CCS Contractors may also operate facilities that are POA's. In these cases the CCS Contractor must:

- Sign a Provider Agreement with CVWDB
- Have a separate Provider Agreement for each separate facility
- Have the CVWDB Contract Manager or staff monitor the compliance by the contractor's facilities with the Provider Agreement and procedures in this Provider Manual
- Use its own CDS staff for technical assistance, on-site training, and resources

## Annual Renewal of the Provider Agreement

Agreements must be renewed at least once each year. CCS staff will notify Providers in advance that the renewal date is near. Provider Agreements will be renewed if the Provider:

- Continues to meet all the basic requirements
- Has met the terms of the Provider Agreement
- Has no outstanding Service Improvement Agreements (SIA) issued by CCS
- Has maintained satisfactory compliance with TDFPS minimum standards rules, TDH or the United States Military
- Chooses to renew the Provider Agreement

Provider Agreements might not be renewed under certain conditions. Please refer to Chapter 10 for an explanation of those conditions.

### New or Amended Provider Agreements

Most changes in the way a facility runs will mean that a new Provider Agreement must be signed or amended. **All changes must be reported to CCS immediately.** A new or amended Provider Agreement must be signed at the time any changes occur. Some changes in a facility will cause the Agreement to be terminated. See “**REMEMBER**” at the end of this chapter for changes in a facility that must be reported the CCS Contractor.

## RULES THAT APPLY

The following rules apply to information in Chapter 2:

§809.2 (16) - . Definition: Provider  
§809.91 – Minimum Requirements for Provider

## Remember

### These changes must be reported to CCS:

- A change in the facility name
- A change in governing body or corporate status
- A change in facility rates or fees
- A change in hours of operation
- A change in holiday schedule
- A change in the ages of children served
- A change in insurance information
- A change in the facility owner's address
- Any change in facility license or registration caused by conditions placed on it by TDFPS Licensing Division, or any condition affecting the status of facilities regulated by the TDH or the United States Military Service

- A change in the contact person or director
- A change in transportation policies

**Changes that cause termination of Child Care Services Provider Agreement:**

- A change in facility ownership
- A move to a different location
- Loss of TDFPS license, registration, or certification status
- A POA found to be in serious noncompliance with, seriously deficient by, or debarred from another State or Federal Program