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**NONCOMPLIANCE WITH LICENSING REQUIREMENTS**

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10/01/02

- a. A provider does not achieve full compliance with child care requirements after a six (6) month Temporary License is issued; or
- b. Based on the compliance history of the person applying for a license when the person held a previous license that was denied, revoked or summarily suspended.

**D. Appeals**

Any administrative action or civil penalty may be appealed. There are several levels of appeals, including judicial review. In most cases, the child care provider may continue operating the child care facility throughout the appeal process. Operation of the facility cannot continue when the action is a summary suspension or injunction unless a judge grants a stay.

**V. IMPACT OF ADMINISTRATIVE ACTIONS ON SUBSIDIZED CHILD CARE**

Subsidy payments can continue to be made to providers that have received one of the administrative actions described above with the exception of revocation, summary suspension, or denial of license. The local purchasing agency shall not make subsidy payments to a provider who is no longer going to have a license to operate, whether the action is a denial, revocation, or summary suspension by DCD. If under appeal, the maximum limit that subsidy payment may be made is 45 days from the date on the notice and new children cannot be enrolled in the facility during the 45 days or appeal process. For further details about the process for notifying parents and providers of the termination of subsidy payments when this occurs, see [Chapter 20: Payment Policies](#).