

.07 PROVISIONAL REGISTRATION

A. The Office may issue a provisional registration for a period of up to 120 days after determining that the health and safety of the children in care are not in imminent danger.

INTENT: A provisional registration permits you to provide child care on a temporary basis even though you have not met all the requirements. It grants you a specified amount of time to meet those requirements. A provisional registration may be issued only if the unmet requirements do not represent a threat to the health, safety, or welfare of children in care.

Notes:

- Your Regional Office may conduct unannounced monitoring inspections of your home during a provisional registration period.
- The Regional Office may issue a provisional registration under the following circumstances:
 - The Regional Office has received only one criminal background check report (two are required – State and FBI) for anyone required to undergo background checks (see Sections [.04A](#) and [.05A](#) of this Manual), and that report indicates no criminal history.
 - The report of fire and/or environmental health inspection indicates the presence of a condition that will require a major home repair or renovation. However, that condition must not be one that immediately endangers the health or safety of any child in care.
 - If you live in a condominium or a home that is included in a homeowner’s association community, Maryland’s Real Property Law, §11B-111.1, requires you to have homeowner’s liability insurance coverage for at least \$300,000. The coverage must be suitable for the number and ages of children for whom you wish to provide care. However, insurance companies will typically not issue the required insurance policy until you become registered. A provisional registration meets insurance company requirements and allows the policy to be issued.
 - You have applied to resume service at a new location or after a break in service (see the Notes under [Section .05F](#) of this Manual), and the Regional Office has:
 - ◇ Received:
 - ❖ all required medical evaluations.
 - ❖ all required releases of information,
 - ❖ a completed Substitute Form from each designated substitute,
 - ❖ the report of fire inspection,
 - ❖ the report of environmental health inspection (if applicable), and
 - ❖ zoning approval (if applicable); and
 - ◇ Completed a compliance inspection of the home.
- If the application is for renewal of the registration, the Regional Office must issue a provisional registration if the application is incomplete solely for reasons that are within your control (see “Incomplete Renewal Application” under the Notes to [Section .05C](#) of this Manual). If a provisional registration is issued to you under these circumstances, it:
 - Is limited to no more than 60 days, and
 - May not be extended or renewed.

B. At the end of the provisional period, the Office shall reevaluate the application and shall issue or deny a certificate of registration, or extend the period of provisional registration.

INTENT: The Regional Office shall assess your progress in satisfying the unmet application requirements that led to issuance of your provisional registration. At the end of the provisional period, the Regional Office will use that assessment to make a further determination concerning issuance of a registration.

Note: By the end of the last day of the provisional registration period, the Regional Manager must ensure that one of the following is issued to you:

- A certificate of two-year registration;

- A new certificate of provisional registration for a specified period of up to 120 days only if your application was for a first-time registration or a change-of-address ("resumption of service") registration*; or
 - A letter that states denial of the application, the reason(s) for that denial, your right to appeal the denial, and the procedures for making an appeal (see [Section .08B](#) of this Manual).
- * A second or subsequent provisional registration may not be issued for renewal application purposes (see [Section .05C](#) of this Manual). For first-time or resumption of service application purposes, a second or subsequent provisional may be issued only if you have made a good faith effort to obtain the missing application item, but the item must be received from an outside agency over which neither you nor the Regional Office has any control. Examples of "outside agency items" include fire inspections, water/sewage, boiler, and environmental health reports, and criminal background check results.

C. If the Office denies a certificate of registration at the end of the provisional period, the applicant or provider does not have a valid registration and shall cease operating.

INTENT: If the provisional period has ended and the Regional Office has decided not to issue a further registration, you are no longer authorized to operate a family day care home. Although you may appeal the decision to deny the application, you may not continue to provide child care while the appeal is waiting to be heard.