2019 changes in state law that may affect providers registered with the Child Care Assistance Program

Why did I get this notice?
You received this notice because you are a child care provider who cares for children of families on the Child Care Assistance Program. This notice explains new laws passed by the 2019 Minnesota Legislature and gives reminders about existing laws.

What laws have changed for providers?

Reporting child absences
Effective July 1, 2019:
■ An overpayment can be assessed for any day(s) you do not correctly bill an absent day or holiday when a child does not attend
■ If you do not report on the billing form when a child’s attendance drops to less than half of their authorized hours or days, your registration can close.

NOTE: Correctly billing absent days and holidays means marking an “A” for absent and an “H” for holiday on the billing form.

Attendance records
Under current law, you must keep daily attendance records and store them where you provide care. Records must:
■ Include the date, child’s full name, and sign in and out times; when possible, the person picking up or dropping off the child should sign them in and out
■ Be immediately available upon request of the Department of Human Services, county or tribal agency. Failure to produce records immediately may result in overpayments and/or registration closure. Records will not be accepted after Department of Human Services, county or tribal staff have left the location.

Additionally, effective July 1, 2019:
■ Records must be “accurate and legible”
■ Records not produced immediately cannot be submitted later to challenge an overpayment or disqualification
■ You can be assessed an overpayment if you do not follow attendance record requirements.

The amount of an attendance record overpayment will be the maximum daily rate for each day a record is missing, unclear or does not include required information.

Administrative fraud disqualifications
Effective July 1, 2019:
■ The penalty for provider administrative fraud disqualifications is three years for the first occurrence, and permanently for the second occurrence
■ The standard of proof for determining provider administrative fraud is “preponderance of the evidence.”

An administrative fraud determination may also affect whether you can be licensed. This law has not changed.

Disqualifications in other programs
Effective immediately, changes were made to an existing law that prevents a person or provider disqualified in one Department of Human Services program from being a provider in any other Department of Human Services program.

Data sharing
Effective immediately:
■ Payment data about child care centers may be shared when:
  ■ A center has been disqualified or has violated policies that resulted in payments being stopped; and/or
  ■ A center receives child care assistance payments of more than $100,000 in a year.
■ Information about families and providers who receive child care assistance may be shared with the Minnesota Department of Education.
■ The law clarified what information the Minnesota Department of Human Services can share with law enforcement during a fraud investigation.
Provider definition
Effective July 1, 2019, the legal definition of “provider” is updated to make sure out-of-state child care providers meet federal health and safety requirements to receive child care assistance.

Appeal rights
Effective February 26, 2021, child care providers may appeal all types of negative actions taken against them.

Market rate survey
The child care market rate survey will be done every three years instead of every two years. Minnesota completed a survey in 2018; the next survey will be in 2021.

What laws have changed for families?

Retroactive eligibility for families
Effective July 1, 2019, retroactive eligibility for Minnesota Family Investment Program child care and Transition Year child care cannot go back more than three months from the family’s application date.

Fraud notice for families
Effective September 1, 2019, families must sign a notice at application and redetermination about fraud and potential penalties.

Funding when a family moves
Effective December 2, 2019, if a family is eligible for child care assistance, but they move and the new county or tribe has a waiting list, the family can keep getting assistance until funding is available.

Transition year child care
Effective March 23, 2020, a family is eligible for child care assistance if they received Minnesota Family Investment Program or Diversionary Work Program benefits for at least one of the last six months prior to cash assistance closing.

Child age limits
Effective June 29, 2020, a child remains eligible for child care assistance after the child turns 13 (or 15 if the child has a disability) until the next redetermination.

Separate licensing laws and rules about ages of children attending care also apply.

Families who are homeless
Effective September 21, 2020, families who are homeless will benefit from:
- Applications being processed within five business days
- Not being required to be in a work or education activity for three months.

Where can I find more information on new laws?
You can review:
- Laws of Minnesota 2019, 1st Special Session (https://www.revisor.mn.gov/laws/2019/1/), Chapter 9, Articles 1 & 2, and
- The Minnesota Child Care Assistance Program (CCAP) Child Care Provider Guide (DHS-5260) (https://edocs.dhs.state.mn.us/lfserv/Public/DHS-5260-ENG). You can:
  - Request a copy from the agency you are registered with, or
  - View online at the Department of Human Services website.

NOTE: The provider guide will be updated with new laws.

Who do I contact if I have questions?
Call the family’s worker or call a worker the agency has told you to call.

You can also call the Department of Human Services at 651-431-4848 or email DHS.CCAP@state.mn.us.

For accessible formats of this information or assistance with additional equal access to human services, write to DHS.CCAP@state.mn.us, call 651-431-4848 or use your preferred relay service.