

1.1 ..... moves to amend H.F. No. 1680 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2018, section 119B.125, subdivision 6, is amended to read:

1.4 Subd. 6. **Record-keeping requirement.** (a) As a condition of payment, all providers  
1.5 receiving child care assistance payments must:

1.6 (1) keep accurate and legible daily attendance records at the site where services are  
1.7 delivered for children receiving child care assistance; and

1.8 ~~must~~ (2) make those records available immediately to the county or the commissioner  
1.9 upon request. Any records not provided to a county or the commissioner at the date and  
1.10 time of the request are deemed inadmissible if offered as evidence by the provider in any  
1.11 proceeding to contest an overpayment or disqualification of the provider.

1.12 ~~The~~ (b) As a condition of payment, attendance records must be completed daily and  
1.13 include the date, the first and last name of each child in attendance, and the times when  
1.14 each child is dropped off and picked up. To the extent possible, the times that the child was  
1.15 dropped off to and picked up from the child care provider must be entered by the person  
1.16 dropping off or picking up the child. The daily attendance records must be retained at the  
1.17 site where services are delivered for six years after the date of service.

1.18 (c) A county or the commissioner may deny or revoke a provider's authorization as a  
1.19 ~~child care provider to any applicant, rescind authorization of any provider,~~ to receive child  
1.20 care assistance payments under section 119B.13, subdivision 6, paragraph (d), pursue a  
1.21 fraud disqualification under section 256.98, take an action against the provider under chapter  
1.22 245E, or establish an attendance record overpayment claim in the system under paragraph  
1.23 (d) against a current or former provider, when the county or the commissioner knows or  
1.24 has reason to believe that the provider has not complied with the record-keeping requirement

2.1 in this subdivision. ~~A provider's failure to produce attendance records as requested on more~~  
2.2 ~~than one occasion constitutes grounds for disqualification as a provider.~~

2.3 (d) To calculate an attendance record overpayment under this subdivision, the  
2.4 commissioner or county agency shall subtract the maximum daily rate from the total amount  
2.5 paid to a provider for each day that a child's attendance record is missing, unavailable,  
2.6 incomplete, illegible, inaccurate, or otherwise inadequate.

2.7 (e) The commissioner shall develop criteria for a county to determine an attendance  
2.8 record overpayment under this subdivision.

2.9 **EFFECTIVE DATE.** This section is effective July 1, 2019.

2.10 Sec. 2. Minnesota Statutes 2018, section 119B.13, subdivision 6, is amended to read:

2.11 Subd. 6. **Provider payments.** (a) A provider shall bill only for services documented  
2.12 according to section 119B.125, subdivision 6. The provider shall bill for services provided  
2.13 within ten days of the end of the service period. Payments under the child care fund shall  
2.14 be made within 21 days of receiving a complete bill from the provider. Counties or the state  
2.15 may establish policies that make payments on a more frequent basis.

2.16 (b) If a provider has received an authorization of care and been issued a billing form for  
2.17 an eligible family, the bill must be submitted within 60 days of the last date of service on  
2.18 the bill. A bill submitted more than 60 days after the last date of service must be paid if the  
2.19 county determines that the provider has shown good cause why the bill was not submitted  
2.20 within 60 days. Good cause must be defined in the county's child care fund plan under  
2.21 section 119B.08, subdivision 3, and the definition of good cause must include county error.  
2.22 Any bill submitted more than a year after the last date of service on the bill must not be  
2.23 paid.

2.24 (c) If a provider provided care for a time period without receiving an authorization of  
2.25 care and a billing form for an eligible family, payment of child care assistance may only be  
2.26 made retroactively for a maximum of six months from the date the provider is issued an  
2.27 authorization of care and billing form.

2.28 (d) A county or the commissioner may refuse to issue a child care authorization to a  
2.29 licensed or legal nonlicensed provider, revoke an existing child care authorization to a  
2.30 licensed or legal nonlicensed provider, stop payment issued to a licensed or legal nonlicensed  
2.31 provider, or refuse to pay a bill submitted by a licensed or legal nonlicensed provider if:

2.32 (1) the provider admits to intentionally giving the county materially false information  
2.33 on the provider's billing forms;

3.1 (2) a county or the commissioner finds by a preponderance of the evidence that the  
3.2 provider intentionally gave the county materially false information on the provider's billing  
3.3 forms, or provided false attendance records to a county or the commissioner;

3.4 (3) the provider is in violation of child care assistance program rules, until the agency  
3.5 determines those violations have been corrected;

3.6 (4) the provider is operating after:

3.7 (i) an order of suspension of the provider's license issued by the commissioner;

3.8 (ii) an order of revocation of the provider's license; or

3.9 (iii) a final order of conditional license issued by the commissioner for as long as the  
3.10 conditional license is in effect;

3.11 (5) the provider submits false attendance reports or refuses to provide documentation  
3.12 of the child's attendance upon request; ~~or~~

3.13 (6) the provider gives false child care price information; or

3.14 (7) the provider fails to report decreases in a child's attendance, as required under section  
3.15 119B.125, subdivision 9.

3.16 (e) For purposes of paragraph (d), clauses (3), (5), ~~and (6), and (7),~~ the county or the  
3.17 commissioner may withhold the provider's authorization or payment for a period of time  
3.18 not to exceed three months beyond the time the condition has been corrected.

3.19 (f) A county's payment policies must be included in the county's child care plan under  
3.20 section 119B.08, subdivision 3. If payments are made by the state, in addition to being in  
3.21 compliance with this subdivision, the payments must be made in compliance with section  
3.22 16A.124.

3.23 **EFFECTIVE DATE.** This section is effective July 1, 2019.

3.24 Sec. 3. Minnesota Statutes 2018, section 119B.13, subdivision 7, is amended to read:

3.25 Subd. 7. **Absent days.** (a) Licensed child care providers and license-exempt centers  
3.26 must not be reimbursed for more than 25 full-day absent days per child, excluding holidays,  
3.27 in a ~~fiscal~~ calendar year, or for more than ten consecutive full-day absent days. "Absent  
3.28 day" means any day that the child is authorized and scheduled to be in care with a licensed  
3.29 provider or license exempt center, and the child is absent from the care for the entire day.

3.30 Legal nonlicensed family child care providers must not be reimbursed for absent days. If a  
3.31 child attends for part of the time authorized to be in care in a day, but is absent for part of

4.1 the time authorized to be in care in that same day, the absent time must be reimbursed but  
4.2 the time must not count toward the absent days limit. Child care providers must only be  
4.3 reimbursed for absent days if the provider has a written policy for child absences and charges  
4.4 all other families in care for similar absences.

4.5 (b) Notwithstanding paragraph (a), children with documented medical conditions that  
4.6 cause more frequent absences may exceed the 25 absent days limit, or ten consecutive  
4.7 full-day absent days limit. Absences due to a documented medical condition of a parent or  
4.8 sibling who lives in the same residence as the child receiving child care assistance do not  
4.9 count against the absent days limit in a ~~fiscal~~ calendar year. Documentation of medical  
4.10 conditions must be on the forms and submitted according to the timelines established by  
4.11 the commissioner. A public health nurse or school nurse may verify the illness in lieu of a  
4.12 medical practitioner. If a provider sends a child home early due to a medical reason,  
4.13 including, but not limited to, fever or contagious illness, the child care center director or  
4.14 lead teacher may verify the illness in lieu of a medical practitioner.

4.15 (c) Notwithstanding paragraph (a), children in families may exceed the absent days limit  
4.16 if at least one parent: (1) is under the age of 21; (2) does not have a high school diploma or  
4.17 commissioner of education-selected high school equivalency certification; and (3) is a  
4.18 student in a school district or another similar program that provides or arranges for child  
4.19 care, parenting support, social services, career and employment supports, and academic  
4.20 support to achieve high school graduation, upon request of the program and approval of the  
4.21 county. If a child attends part of an authorized day, payment to the provider must be for the  
4.22 full amount of care authorized for that day.

4.23 (d) Child care providers must be reimbursed for up to ten federal or state holidays or  
4.24 designated holidays per year when the provider charges all families for these days and the  
4.25 holiday or designated holiday falls on a day when the child is authorized to be in attendance.  
4.26 Parents may substitute other cultural or religious holidays for the ten recognized state and  
4.27 federal holidays. Holidays do not count toward the absent days limit.

4.28 (e) A family or child care provider must not be assessed an overpayment for an absent  
4.29 day payment unless (1) there was an error in the amount of care authorized for the family,  
4.30 (2) all of the allowed full-day absent payments for the child have been paid, or (3) the family  
4.31 or provider did not timely report a change as required under law.

4.32 (f) The provider and family shall receive notification of the number of absent days used  
4.33 upon initial provider authorization for a family and ongoing notification of the number of  
4.34 absent days used as of the date of the notification.

5.1 (g) For purposes of this subdivision, "absent days limit" means 25 full-day absent days  
5.2 per child, excluding holidays, in a ~~fiscal~~ calendar year; and ten consecutive full-day absent  
5.3 days.

5.4 (h) For purposes of this subdivision, "holidays limit" means ten full-day holidays per  
5.5 child, excluding absent days, in a calendar year.

5.6 (i) If a day meets the criteria of an absent day or a holiday under this subdivision, the  
5.7 provider must bill that day as an absent day or holiday. A provider's failure to properly bill  
5.8 an absent day or a holiday results in an overpayment, regardless of whether the child reached,  
5.9 or is exempt from, the absent days limit or holidays limit for the calendar year.

5.10 **EFFECTIVE DATE.** This section is effective July 1, 2019."

5.11 Amend the title accordingly