

# Bill Summary Comparison of Health and Human Services

House File 2128-4  
Article 9: Child Care Assistance

Senate File UEH2128-1  
Article 10: Child Care  
Assistance

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Section	Article 9: Child Care Assistance		Article 10: Child Care Assistance
1	<p><b>Funding priority.</b> Amends §119B.03, subd. 4. Modifies how families are prioritized on the basic sliding free program waiting list.</p>	<p><b>Page R1: House only</b></p>	
2	<p><b>Allocation formula.</b> Amends §119B.03, subd. 6. Modifies the formula for allocating money to counties for their basic sliding fee programs.</p> <p>This section is effective January 1, 2022, with the 2022 calendar year a phase-in year for the revised allocation formula.</p>	<p><b>Page R1: House only</b></p>	
4	<p><b>Recovery of overpayments.</b> Amends §119B.11, subd. 2a. Paragraph (b) allows the commissioner of human services to initiate efforts to recover child care assistance overpayments from families for child care assistance fraud investigations. Under current law, only county agencies are specified as being able to initiate recovery efforts. Adds a condition under which a family with an outstanding debt is eligible for child care assistance.</p> <p>Paragraph (c) allows the commissioner to initiate efforts to recover child care assistance overpayments from providers. Under current law, only county agencies are specified as being able to initiate recovery efforts. Adds a condition under which a provider with an outstanding debt is eligible to care for children receiving child care assistance.</p> <p>This section is effective August 1, 2021.</p>	<p><b>Page R3: Different</b></p>	<p><b>Section 1 (119B.11, subdivision 2a)</b> precludes the department of human services from recovering CCAP overpayments that are designated solely as agency error, and not the result of acts or omissions by a provider or recipient. Effective July 1, 2021.</p>
5	<p><b>Authorization.</b> Amends §119B.125, subd. 1. Prohibits county agencies from issuing provisional authorization and payment for child care</p>	<p><b>Page R4: House only</b></p>	

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	<p>assistance to providers while the agency is determining whether to give the provider final authorization for child care assistance.</p> <p>This section is effective August 1, 2021.</p>		
<p><b>6</b></p>	<p><b>Subsidy restrictions.</b> Amends §119B.13, subd. 1. Directs DHS to establish the maximum rate paid to child care providers for child care assistance. Dependent on federal funds and consistent with federal law, the maximum rate must be up to the 75th percentile of the most recent child care provider rate survey and it cannot be less than the 50th percentile of the most recent child care provider rate survey. Makes corresponding changes to the maximum registration fee for child care assistance.</p> <p>This section is effective the day following enactment.</p>	<p><b>Page R5: Different.</b> In addition to the different amounts and method for calculating maximum rates and registration fees, <b>House</b> deletes existing paragraph (h) that requires maximum provider rates changes to be implemented the Monday following the effective date of the maximum provider rate.</p>	<p><b>Section 2 (119B.13, subdivision 1)</b> adjusts the child care assistance program maximum subsidy rate to be calculated based on the 2021 provider rate survey, instead of the 2018 survey.</p>
<p><b>7</b></p>	<p><b>Legal nonlicensed family child care provider rates.</b> Amends §119B.13, subd. 1a. Increases the maximum rate for child care assistance paid to legal, nonlicensed family child care providers from 68 percent to 90 percent of the maximum hourly rate for licensed family child care providers.</p> <p>This section is effective the day following enactment.</p>	<p><b>Page R6: House only</b></p>	
<p><b>8</b></p>	<p><b>Provider payments.</b> Amends §119B.13, subd. 6. Paragraph (c) limits retroactive payments under the child care assistance program to three months, rather than the six months allowed under current law.</p> <p>Paragraph (d) Adds certified, license-exempt child care providers to the list of providers that may have their child care assistance</p>	<p><b>Page R7: Similar.</b></p> <p>Changes to paragraph (c) are <b>same</b>.</p> <p>Changes to paragraph (d) are <b>House only</b>.</p> <p>Changes to paragraph (g) are <b>different</b>.</p>	<p><b>Section 3 (119B.13, subdivision 6)</b> reduces the retroactive eligibility for CCAP from six to three months, except that a family at the application stage may be retroactively eligible for up to six months.</p> <p>The new paragraph (g) prohibits the commissioner of human services from withholding a child care provider’s CCAP authorization or a CCAP payment where the provider’s alleged</p>

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	<p>authorization refused or revoked or payments stopped or refused by a county agency or the commissioner of human services. Provides circumstances under which a child care provider must forfeit child care assistance payments to a county agency or the commissioner of human services.</p> <p>Paragraph (g) provides circumstances under which a child care provider must forfeit child care assistance payments to a county agency or the commissioner of human services.</p> <p>This section is effective August 1, 2021.</p>		<p>misconduct is the result of relying upon representations that the providers had been in compliance with program requirements.</p>
<p><b>9</b></p>	<p><b>Absent days.</b> Amends §119B.13, subd. 7. Modifies the circumstances under which a family receiving child care assistance is assessed an overpayment for absent days.</p> <p>This section is effective August 1, 2021.</p>	<p><b>Page R9: House only</b></p>	
<p><b>10</b></p>	<p><b>Financing program.</b> Amends §119B.25, subd. 3. Provides that a nonprofit that receives a grant under this section to plan, develop, and finance early care and education sites may use the money to provide business training and consultation to child care providers.</p>	<p><b>Page R10: House only</b></p>	
		<p><b>Page R11: Senate only</b></p>	<p><b>Section 4 (245E.07, subdivision 1)</b> precludes the department of human services from recovering CCAP overpayments that are designated solely as agency error, and not the result of acts or omissions by a provider or recipient.</p>
		<p><b>Page R11: Senate only.</b> House allocations from the child care and development block grant fund appear in article 21, section 16.</p>	<p><b>Section 5</b> allocates \$14,574,000 in fiscal years 2022, 2023, and 2024 from the federal child care and development block grant for</p>

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			the basic sliding fee child care assistance program.
11	<p><b>Repealer.</b> Repeals §119B.125, subd. 5, which allows county agencies to issue provisional authorization and payment for child care assistance to providers while the county is determining whether to give the provider final authorization for child care assistance.</p>	<p><b>Page R11: House only</b></p>	