

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 795

(SENATE AUTHORS: MURPHY)

DATE
02/11/2021

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OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act
1.2 relating to human services; prohibiting child care assistance program
1.3 disqualification for child care providers that rely upon representations of
1.4 compliance; amending Minnesota Statutes 2020, section 119B.13, subdivision 6.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 119B.13, subdivision 6, is amended to read:

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

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

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

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

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

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

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

2.12 (4) the provider is operating after:

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

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

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

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

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

2.20 (7) the provider fails to report decreases in a child's attendance as required under section
2.21 119B.125, subdivision 9.

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

2.25 (f) A county's payment policies must be included in the county's child care plan under
2.26 section 119B.08, subdivision 3. If payments are made by the state, in addition to being in
2.27 compliance with this subdivision, the payments must be made in compliance with section
2.28 16A.124.

2.29 (g) The commissioner shall not withhold a provider's authorization or payment under
2.30 paragraph (d) where the provider's alleged misconduct is the result of the provider relying
2.31 upon representations from the commissioner, local agency, or licensor that the provider had

- 3.1 been in compliance with the rules and regulations necessary to maintain the provider's
- 3.2 authorization.
- 3.3 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2020.