

WSR 22-08-054

EMERGENCY RULES

DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed April 1, 2022, 9:15 a.m., effective April 1, 2022, 9:15 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The working connections and seasonal child care subsidy programs is implementing enrollment-based payments, instead of the attendance-based payments that are regularly made, for participating child care providers starting April 2022 through June 2022, as provided for in SB [ESSB] 5693, section 229.

Citation of Rules Affected by this Order: Amending WAC 110-15-0034.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Other Authority: SB [ESSB] 5693, section 229.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: SB [ESSB] 5693 (2021-23 supplemental operating budget) authorizes enrollment-based payments to child care providers participating in working connections and seasonal child care programs starting April 2022 through June 2022. There is insufficient time between Governor Inslee's signing of the bill and April 1, 2022, to adopt permanent rules implementing these payments.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 1, 2022.

Brenda Villarreal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 22-05-007, filed 2/3/22, effective 3/6/22)

WAC 110-15-0034 Providers' responsibilities. Child care providers who accept child care subsidies must do the following:

(1) Licensed or certified child care providers who accept child care subsidies must comply with all child care licensing or certification requirements contained in this chapter, chapter 43.216 RCW and chapters 110-06, 110-300, 110-300D, 110-300E, and 110-301 WAC.

(2) In-home/relative child care providers must comply with the requirements contained in this chapter, chapter 43.216 RCW, and chapters 110-06 and 110-16 WAC.

(3) In-home/relative child care providers must not submit an invoice for more than six children for the same hours of care.

(4) All child care providers must use DCYF's electronic attendance recordkeeping system or a DCYF-approved electronic attendance recordkeeping system as required by WAC 110-15-0126. Providers must limit attendance system access to authorized individuals and for authorized purposes, and maintain physical and environmental security controls.

(a) Providers using DCYF's electronic recordkeeping system must submit monthly attendance records prior to claiming payment. Providers using a DCYF-approved electronic recordkeeping system must finalize attendance records prior to claiming payment.

(b) Providers must not edit attendance records after making a claim for payment.

(5) All child care providers must complete and maintain accurate daily attendance records. If requested by DCYF or the state auditor, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF within 45 calendar days of the date of a written request from either department; and

(b) Attendance records must be provided to the state auditor's office within 30 calendar days from the date of a written request.

(6) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF may be used to determine whether a provider overpayment has been made and may result in the establishment of an overpayment and in an immediate suspension of the provider's subsidy payment.

(7) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF, the provider must provide the following receipts for billed field trip/quality enhancement fees:

(a) Receipts from the previous 12 months must be available immediately for review upon request by DCYF;

(b) Receipts from one to five years old must be provided within 28 days of the date of a written request from either department.

(8) All child care providers must:

(a) Retain all records required by this chapter for a minimum of five years;

(b) Provide to the department records from the previous 12 months immediately upon the department's written request; and

(c) Provide to the department any records between 12 months and five years old within two weeks of the department's written request.

(9) All child care providers must collect copayments directly from the consumer or the consumer's third-party payor, and report to DCYF if the consumer has not paid a copayment to the provider within the previous 60 days.

(10) All child care providers must follow the billing procedures required by DCYF.

(11) Child care providers who accept child care subsidies must not:

(a) Claim a payment in any month a child has not attended at least one day within the authorization period in that month (~~(; however~~ er)), except:

(i) A licensed provider eligible for payment under WAC 110-15-0106 may submit a claim for payment based on enrollment for the period April 1 through June 30, 2022, and

(ii) ((in)) In the event a 10-day notice terminating a provider's authorization extends into the following month, the provider may claim

a payment for any remaining days of the 10 calendar day notice in that following month; or

(b) Claim an invoice for payment later than three months after the month of service, or the date of the invoice, whichever is later.

(12) Licensed and certified providers must not charge consumers for:

(a) Registration fees in excess of what is paid by subsidy program rules;

(b) Days for which the child is scheduled and authorized for care but absent;

(c) Handling fees to process consumer copayments, child care services payments, or paperwork;

(d) Fees for materials, supplies, or equipment required to meet licensing rules and regulations; or

(e) Child care or fees related to subsidy billing invoices that are in dispute between the provider and the state.

(13) Providers who care for children in states bordering Washington state must verify they are in compliance with their state's licensing regulations and notify DCYF within 10 days of any suspension, revocation, or changes to their license.

[Statutory Authority: RCW 43.216.055 and 43.216.065. WSR 22-05-007, § 110-15-0034, filed 2/3/22, effective 3/6/22; WSR 19-12-058, § 110-15-0034, filed 5/31/19, effective 7/1/19. Statutory Authority: RCW 43.216.055, 43.216.065, chapter 43.216 RCW and 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98. WSR 19-01-111, § 110-15-0034, filed 12/18/18, effective 1/18/19. WSR 18-14-078, recodified as § 110-15-0034, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-035, § 170-290-0034, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0034, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0034, filed 4/15/16, effective 5/16/16; WSR 12-11-025, § 170-290-0034, filed 5/8/12, effective 6/8/12.]