

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, (~~(110-300A, 110-300B)~~) 110-300D, and (~~(110-305)~~) 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 DSHS, the provider must provide to the requesting agency the following records:

(a) Attendance records must be provided to DCYF or DSHS within (~~(twenty-eight)~~) forty-five 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 thirty calendar days from the date of a written request.

(6) Pursuant to WAC 110-15-0268, the attendance records delivered to DCYF or DSHS 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.

(~~((6))~~) (7) All child care providers must maintain and provide receipts for billed field trip/quality enhancement fees as follows. If requested by DCYF or DSHS, the provider must provide the following receipts for billed field trip/quality enhancement fees:

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

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

(~~((7))~~) (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 twelve months immediately upon the department's written request; and

(c) Provide to the department any records between twelve 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 sixty days.

~~((8))~~ (10) All child care providers must follow the billing procedures required by DCYF.

~~((9))~~ (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, in the event a ten-day notice terminating a provider's authorization extends into the following month, the provider may claim a payment for any remaining days of the ten calendar day notice in that following month;

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

(c) Charge consumers the difference between the provider's customary rate and the maximum allowed state rate.

~~((10))~~ (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.

~~((11))~~ (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 ten days of any suspension, revocation, or changes to their license.

AMENDATORY SECTION (Amending WSR 20-08-077, filed 3/26/20, effective 4/26/20)

WAC 110-15-0190 WCCC benefit calculations. (1) The amount of care a consumer may receive is determined by DCYF at application or reapplication. Once the care is authorized, the amount will not be reduced during the eligibility period unless:

(a) The consumer requests the reduction;

~~(b) The care is for a school-aged child ((as described in subsection (3) of this section; or));~~

(c) The authorization was for additional care needed for less than the entire length of the authorization period;

(d) The care was authorized by child protective services (CPS) or child welfare services (CWS) and is part of the child's case plan under WAC 110-15-4510; or

(e) Incorrect information was given at application or reapplication.

(2) To determine the amount of weekly hours of care needed, DCYF reviews the child care scheduled with the provider, and:

(a) The consumer's participation in approved activities and the number of hours the child attends school, including home school, which will reduce the amount of care needed(~~(-)~~); or

(b) (~~In a two parent household,~~) The days and times approved activities overlap in a two parent household, and only authorize care during those overlapping times. The consumer is eligible for full-time care if overlapping care totals one hundred ten hours in one month.

(c) (~~DCYF will not consider the schedule of~~) A parent in a two parent household who is not able to care for the child under WAC 110-15-0020 is considered by DCYF to be unavailable for care, regardless of their schedule.

(3) Licensed or certified center child care is authorized as follows:

(a) Full-time care (~~for a family using licensed providers~~) is authorized when the consumer participates in approved activities at least one hundred ten hours per month(~~(-)~~).

(b) Twenty-three full-day units per month will be authorized when the child is in care five or more hours per day.

(~~(b)~~) (c) Thirty half-day units per month will be authorized when the child is in care less than five hours per day.

(~~(e)~~) (d) Forty-six half-day units per month will be authorized during the months of June, July, and August for a school-aged child who is in care for five or more hours per day.

(4) Licensed family home child care is authorized as the following monthly units of care:

(a) **Full-time monthly unit** of care, equal to twenty-two full day units, is authorized when:

(i) A WCCC or SCC consumer participates in approved activities at least one hundred ten hours per month or full-time care is determined to be appropriate and included in a CPS or CWS case plan; and

(ii) The child has scheduled care with a single provider at least one hundred ten hours per month.

(b) **Part-time monthly unit** of care, equal to the actual anticipated full and half day units of care needed averaged over a twelve-month period, is authorized when the care scheduled with a provider is less than one hundred ten hours per month.

(c) **Full-time partial-day monthly unit** is authorized when a school-age child attends care in a licensed family home and meets the criteria in subsection (5) of this section.

(d) **Part-time partial-day monthly unit** is authorized when a school-age child attends care in a licensed family home before and after school and does not meet the criteria for a full-time partial-day monthly unit.

(5) **Additional monthly units** of care may be authorized when:

(a) The consumer requests an authorization for additional care;

(b) The need for care is verified;

(c) The care is needed to supplement an existing monthly unit for unexpected care need for an approved activity limited to the time frame needed, not to exceed three months;

(d) For actual anticipated overtime when the overtime is included when determining eligibility for child care; or

(e) For sleep time.

(6) Full-time partial-day monthly unit. A single partial-day monthly unit (~~per month will be~~) equal to seventeen partial days and

five full days is authorized for a school-age child attending a licensed family home child care when the consumer has at least one hundred ten hours of approved activity per month, and the child is:

(a) Authorized for care with only one provider; ~~((and))~~

~~(b) ((Eligible for full-time authorization, but is))~~ Scheduled for care of one hundred ten hours or more in July and August;

(c) In care less than five hours on a typical school day; and

~~((e) Expected to need))~~ (d) Needs care before and after school.

~~((d) Only one monthly unit may be authorized per child per month.~~

~~(5) Supervisor approval is required for additional days of care that exceeds twenty-three full days, thirty half days, or one partial-monthly unit per month.~~

~~(6))~~ (7) When determining part-time care for a family using licensed providers when the activity or amount of care needed is less than one hundred ten hours per month:

(a) A full-day unit is calculated for each day of care of at least five hours;

(b) A half-day unit will be calculated for each day of care that is less than five hours; and

(c) A partial-day unit is calculated for each day of care in a licensed family home when:

(i) The child is in care before and after school; and

(ii) The total care for the day is less than five hours.

(8) Full-time care for a family using in-home/relative providers (family, friends and neighbors) is authorized when the consumer participates in approved activities at least one hundred ten hours per month:

(a) Two hundred thirty hours of care ~~((will be))~~ is authorized when the child is in care five or more hours per day;

(b) One hundred fifteen hours of care ~~((will be))~~ is authorized when the child is in care less than five hours per day;

(c) One hundred fifteen hours of care ~~((will be))~~ is authorized during the school year for a school-aged child who is in care less than five hours per day and the provider ~~((will be))~~ is authorized for contingency hours each month, up to a maximum of two hundred thirty hours;

(d) Two hundred thirty hours of care ~~((will be))~~ is authorized during the school year for a school-aged child who is in care five or more hours in a day; and

(e) Supervisor approval is required for hours of care that exceed two hundred thirty hours per month.

~~((7))~~ (9) Care cannot exceed sixteen hours per day, per child.

~~((8) When determining part-time care for a family using licensed providers and the activity is less than one hundred ten hours per month:~~

~~(a) A full-day unit will be authorized for each day of care that exceeds five hours;~~

~~(b) A half-day unit will be authorized for each day of care that is less than five hours; and~~

~~(c) A half-day unit will be authorized for each day of care for a school-aged child, not to exceed thirty half days.~~

~~(9))~~ (10) When determining part-time care for a family using in-home/relative providers:

(a) Under the provisions of subsection (2) of this section, DCYF ~~((will))~~ authorizes the number of hours of care needed per month when the activity is less than one hundred ten hours per month; and

(b) The total number of authorized hours and contingency hours claimed cannot exceed two hundred thirty hours per month.

~~((10))~~ (11) DCYF determines the allocation of hours or units for families with multiple providers based upon the information received from the parent.

~~((11))~~ (12) DCYF may authorize more than the state rate and up to the provider's private pay rate if:

(a) The parent is a WorkFirst participant; and

(b) Appropriate child care, at the state rate, is not available within a reasonable distance from the approved activity site. "Appropriate" means licensed or certified child care under WAC 110-15-0125, or an approved in-home/relative provider under WAC 110-16-0010. "Reasonable distance" is determined by comparing distances other local families must travel to access appropriate child care.

~~((12))~~ (13) Other fees DCYF may authorize to a provider are:

(a) Registration fees;

(b) Field trip fees;

(c) Nonstandard hours bonus;

(d) Overtime care to a licensed provider when care is expected to exceed ten hours in a day when the consumer is eligible and authorized; and

(e) Special needs rates for a child.

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) **Base rate.** DCYF pays the lesser of the following to a licensed or certified child care center or DCYF contracted seasonal day camp:

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy daily rate for that child as listed in the following table, effective July 1, ~~((2020))~~ 2021:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	(\$36.27) \$41.40	(\$34.32) \$37.50	(\$31.64) \$34.20	(\$30.00) \$33.75
	Half-Day	(\$18.14) \$20.70	(\$17.16) \$18.75	(\$15.82) \$17.10	(\$15.00) \$16.88
Spokane County	Full-Day	(\$49.45) \$59.09	(\$42.32) \$47.73	(\$38.32) \$44.95	(\$27.91) \$34.99
	Half-Day	(\$24.73) \$29.55	(\$21.16) \$23.87	(\$19.16) \$22.48	(\$13.95) \$17.50
Region 2	Full-Day	(\$44.14) \$48.00	(\$34.32) \$36.59	(\$32.82) \$36.50	(\$23.86) \$27.36
	Half-Day	(\$22.07) \$24.00	(\$17.16) \$18.30	(\$16.41) \$18.25	(\$11.93) \$13.68
Region 3	Full-Day	(\$66.86) \$76.36	(\$55.41) \$68.41	(\$48.59) \$57.66	(\$34.77) \$43.64
	Half-Day	(\$33.43) \$38.18	(\$27.70) \$34.21	(\$24.30) \$28.83	(\$17.39) \$21.82
Region 4	Full-Day	(\$84.32) \$95.73	(\$69.09) \$79.55	(\$63.73) \$71.82	(\$39.23) \$45.00
	Half-Day	(\$42.16) \$47.87	(\$34.55) \$39.78	(\$31.86) \$35.91	(\$19.61) \$22.50
Region 5	Full-Day	(\$56.55) \$62.55	(\$46.77) \$54.14	(\$41.91) \$48.08	(\$28.18) \$35.00
	Half-Day	(\$28.27) \$31.28	(\$23.39) \$27.07	(\$20.95) \$24.04	(\$14.09) \$17.50
Region 6	Full-Day	(\$50.36) \$57.00	(\$44.59) \$51.00	(\$40.18) \$47.00	(\$29.41) \$35.91
	Half-Day	(\$25.18) \$28.50	(\$22.30) \$25.50	(\$20.09) \$23.50	(\$14.70) \$17.96

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) WAC 110-300-0005 and 110-300-0356 allow providers to care for children from birth up to and including the end of their eligibility period after their thirteenth birthday.

(3) The provider must obtain a child-specific and time-limited exception from DCYF to provide care for a child outside the age listed on the center's license.

(4) If a provider is granted an exception to care for a child who is thirteen years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison; and

(b) The child must meet the special needs requirement as described in WAC 110-15-0220.

AMENDATORY SECTION (Amending WSR 20-15-161, filed 7/22/20, effective 8/22/20)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) ~~((Base rate.))~~ **Monthly unit.** DCYF authorizes care as monthly units as described in WAC 110-15-0190 based on the following full-day, partial-day, and half-day rates.

(2) The calculation of a monthly unit is based on daily rates. For a licensed or certified family home provider, DCYF ((pays)) calculates the monthly unit based on the lesser of the following ((to a licensed or certified family home child care provider)):

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy daily rate for that child as listed in the following table effective July 1, ~~((2020))~~ 2021:

	Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1 Full-Day	(((\$34.32)) \$40.00	(((\$34.32)) \$40.00	(((\$29.41)) \$35.00	(((\$29.41)) \$32.00	(((\$27.45)) \$30.00
Half-Day	(((\$17.16)) \$20.00	(((\$17.16)) \$20.00	(((\$14.70)) \$17.50	(((\$14.70)) \$16.00	(((\$13.73)) \$15.00
Partial-Day	\$30.00	\$30.00	\$26.25	\$24.00	\$22.50
Spokane Full-Day	(((\$39.23)) \$42.00	(((\$39.23)) \$42.00	(((\$32.36)) \$40.00	(((\$31.18)) \$37.00	(((\$29.41)) \$36.00
County Half-Day	(((\$19.64)) \$21.00	(((\$19.64)) \$21.00	(((\$16.18)) \$20.00	(((\$15.59)) \$18.50	(((\$14.70)) \$18.00
Partial-Day	\$31.50	\$31.50	\$30.00	\$27.75	\$27.00
Region 2 Full-Day	(((\$38.23)) \$45.00	(((\$38.23)) \$45.00	(((\$34.32)) \$37.50	(((\$30.86)) \$35.00	(((\$29.41)) \$32.00
Half-Day	(((\$19.11)) \$22.50	(((\$19.11)) \$22.50	(((\$17.16)) \$18.75	(((\$15.43)) \$17.50	(((\$14.70)) \$16.00
Partial-Day	\$33.75	\$33.75	\$28.13	\$26.25	\$24.00
Region 3 Full-Day	(((\$49.00)) \$55.00	(((\$49.00)) \$55.00	(((\$44.14)) \$48.86	(((\$39.27)) \$48.00	(((\$34.32)) \$40.00
Half-Day	(((\$24.50)) \$27.50	(((\$24.50)) \$27.50	(((\$22.07)) \$24.43	(((\$19.64)) \$24.00	(((\$17.16)) \$20.00
Partial-Day	\$41.25	\$41.25	\$36.65	\$36.00	\$30.00
Region 4 Full-Day	(((\$58.82)) \$68.18	(((\$58.82)) \$68.18	(((\$55.68)) \$63.64	(((\$49.00)) \$59.09	(((\$34.32)) \$40.00
Half-Day	(((\$29.41)) \$34.09	(((\$29.41)) \$34.09	(((\$27.84)) \$31.82	(((\$24.50)) \$29.55	(((\$17.16)) \$20.00
Partial-Day	\$51.14	\$51.14	\$47.73	\$44.32	\$30.00
Region 5 Full-Day	(((\$44.14)) \$48.86	(((\$44.14)) \$48.86	(((\$39.23)) \$42.00	(((\$34.32)) \$39.09	(((\$31.36)) \$35.71
Half-Day	(((\$22.07)) \$24.43	(((\$22.07)) \$24.43	(((\$19.64)) \$21.00	(((\$17.16)) \$19.55	(((\$15.68)) \$17.86
Partial-Day	\$36.65	\$36.65	\$31.50	\$29.32	\$26.78
Region 6 Full-Day	(((\$37.86)) \$45.00	(((\$37.86)) \$45.00	(((\$34.32)) \$43.18	(((\$31.36)) \$38.00	(((\$28.95)) \$32.50
Half-Day	(((\$18.93)) \$22.50	(((\$18.93)) \$22.50	(((\$17.16)) \$21.59	(((\$15.68)) \$19.00	(((\$14.48)) \$16.25
Partial-Day	\$33.75	\$33.75	\$32.39	\$28.50	\$24.38

~~((2) Effective July 1, 2019,))~~ (3) The monthly unit for family home providers in all regions and for all ages will ((receive)) include a partial-day rate that is seventy-five percent of the full-day rate when:

(a) The family home provider provides child care services for the child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

(b) The child is absent from care in order to attend school or preschool; and

(c) The family home provider is not entitled to payment at the full-day rate.

~~((d) A child care provider is not entitled to two partial-day rates totaling one hundred fifty percent of the daily rate.~~

~~(3) A single partial-day monthly unit will be authorized for a school-age child who attends a licensed family home child care and is:~~

~~(a) Eligible for a full-time authorization and in care for less than five hours on a typical school day;~~

~~(b) Authorized for care with only one provider; and~~

~~(c) Expected to need care before and after school.~~

Partial-Day-Monthly Rates

	July-August 2020	September 2020 -June 2021
Region 1	\$603.90	\$487.24
Spokane	\$647.02	\$522.03
Region 2	\$647.02	\$522.03
Region 3	\$755.04	\$609.18
Region 4	\$755.04	\$609.18
Region 5	\$689.92	\$556.64
Region 6	\$636.90	\$513.86

~~(4) The monthly unit will be prorated for partial months of authorization.~~

~~(5))~~ (4) Monthly units for school age children will be adjusted for the months of July and August based on the consumer's approved activities and the child's schedule for care during the summer.

(5) School age children will be authorized for twenty-two full days in July and August when:

(a) They are authorized for a full-time, full-time partial-day, monthly unit; or

(b) They are authorized for a part-time, part-time partial-day, monthly unit;

(c) Are scheduled for child care with a single provider at least one hundred ten hours per month; and

(d) The consumer participates in an approved activity at least one hundred ten hours per month.

(6) Monthly units will be prorated for partial months of authorization.

(7) The monthly unit amount is averaged over all months of authorized care. Supplemental payments will not be made for calendar months with more than the average number of care days.

(8) Supplemental authorization for payment may be requested by the consumer for unexpected hours of care needed for allowable activities or changes in the consumer's schedule.

(9) WAC 110-300-0005 and 110-300-0355 allow providers to care for children from birth up to and including the end of their eligibility period after their thirteenth birthday.

~~((+6))~~ (10) The provider must obtain a child-specific and time-limited exception from DCYF to provide care for a child outside the age listed on the family home child care license.

~~((+7))~~ (11) If a provider is granted an exception to care for a child who is thirteen years of age or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section and the five through twelve year age range column is used for comparison; and

(b) The child must meet the special needs requirement as described in WAC 110-15-0220.

~~((+8))~~ (12) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection ~~((+9))~~ (13) of this section).

~~((+9))~~ (13) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's legal guardian or the guardian's spouse or live-in partner; or

(c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0240 Child care subsidy rates—In-home/relative providers. (1) **Base rate.** When a consumer employs an in-home/relative provider, DCYF pays the lesser of the following to an eligible in-home/relative provider for child care:

(a) The provider's private pay rate for that child; or

(b) The maximum child care subsidy rate of two dollars and ~~((fifty-five))~~ sixty-five cents per hour per child. Beginning July 1, ~~((2020))~~ 2022, the maximum child care subsidy rate is ~~((two))~~ three dollars ~~((and sixty-five cents))~~ per hour per child.

(2) DCYF may pay above the maximum hourly rate for children who have special needs pursuant to WAC 110-15-0235.

(3) DCYF makes the WCCC payment directly to a consumer's eligible provider.

(4) When applicable, DCYF pays the employer's share of the following:

(a) Social Security and medicare taxes (FICA) up to the wage limit;

(b) Federal Unemployment Taxes (FUTA); and

(c) State unemployment taxes (SUTA).

(5) If an in-home/relative provider receives less than the wage base limit per family in a calendar year, DCYF refunds all withheld taxes to the provider.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0247 Field trip/quality enhancement fees. (1) ((DSHS)) As funding allows, DCYF pays licensed or certified family home child care providers and in-home/relative providers a monthly field trip/quality enhancement fee up to thirty dollars per child or the provider's actual cost for the field trip, whichever is less, only if the fee is required of all parents whose children are in the provider's care. ((~~DEL-licensed~~)) DCYF-licensed or certified child care centers and school-age centers are not eligible to receive the field trip/quality enhancement fee.

(2) The field trip/quality enhancement fee is to cover the provider's actual expenses for:

- (a) Admission;
- (b) Enrichment programs and/or ongoing lessons;
- (c) Public transportation or mileage reimbursement at the state office of financial management rate for the use of a private vehicle;
- (d) The cost of hiring a nonemployee to provide an activity at the child care site in-house field trip activity; and
- (e) The purchase or development of a prekindergarten curriculum.

(3) The field trip/quality enhancement fee shall not cover fees or admission costs for adults on field trips, or food purchased on field trips.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0249 Nonstandard hours bonus. (1) A consumer's provider may receive a nonstandard hours bonus (NSHB) payment per child per month for care provided if:

- (a) The provider is licensed or certified;
- (b) The provider provides at least thirty hours of nonstandard hours care during one month; and
- (c) The total cost of the NSHB to the state does not exceed the amount appropriated for this purpose by the legislature for the current state fiscal year.

(2) Nonstandard hours are defined as:

- (a) Before 6 a.m. or after 6 p.m.;
- (b) Any hours on Saturdays and Sundays; and
- (c) Any hours on legal holidays, as defined in RCW 1.16.050.

(3) NSHB amounts are:

- (a) ((~~Seventy-six~~)) Ninety dollars ((~~and fifty cents~~)) for family homes; and
- (b) Seventy-five dollars for centers.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0267 Payment discrepancies—Provider underpayments.

(1) Underpayments to a provider occur if DCYF pays less than the amount the provider is eligible to receive.

(2) Underpayment requests will only be considered by ~~((DSHS))~~ DCYF if the provider submitted the original invoice for payment to DCYF no later than ~~((six))~~ three months after the date of service.

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0268 Payment discrepancies—Provider overpayments.

(1) An overpayment occurs when a provider receives payment that is more than the provider is eligible to receive. Provider overpayments are established when that provider:

(a) Bills and receives payment for services not provided;

(b) Bills without attendance records that support the billing. Beginning July 1, 2018, attendance must be recorded using DCYF's electronic attendance system or a DCYF-approved electronic attendance system. Any other format for recording attendance will not be considered valid support for a provider billing and may result in an overpayment;

(c) Bills and receives payment for more than the provider is eligible to bill;

(d) Routinely provides care in a location other than what was approved at the time of authorization;

(e) With respect to license-exempt in-home/relative providers, bills the state for more than six children at one time for the same hours of care; or

(f) With respect to licensed or certified providers:

(i) Bills the state for more than the number of children in the provider's licensed capacity; or

(ii) Is caring for a child receiving WCCC benefits outside the provider's licensed allowable age range without a DCYF-approved exception; or

(g) With respect to certified providers caring for children in a state bordering Washington:

(i) Is determined to not be in compliance with the state's licensing regulations; or

(ii) Fails to notify ~~((DSHS))~~ DCYF within ten days of any suspension, revocation, or change to the provider's license.

(2) DCYF ~~((or DSHS))~~ will request documentation from a provider when preparing to establish an overpayment. The provider must provide requested information within ~~((twenty-eight consecutive))~~ forty-five calendar days from the date of the written request.

(3) A provider must repay any payments that the provider was not eligible to receive.

(4) A provider must repay any overpayment, even if the overpayment is the result of a DCYF ~~((or DSHS))~~ error in issuing payment the provider was not eligible to receive.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0275 Payment discrepancies—Providers. (1) This section applies to all child care providers.

(2) Providers must submit a billing invoice for payment within ~~((six))~~ three months of the date child care services are provided. Any invoice submitted more than ~~((six))~~ three months from date child care services are provided will not be processed.

(3) For purposes of correcting payment errors based on correctly submitted invoices under the provisions of subsection (2) of this section, the following time limits apply:

(a) For underpayments:

(i) Two years back from the date the payment was issued if the error was based on rates paid by age or region, except as provided in (a)(iii) of this subsection; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; and

(iii) Three years back from the date the payment was issued for any underpayment identified by a federal or state audit.

(b) For overpayments:

(i) Two years back from the date payment was issued if the error was based on rates paid by age or region, except as provided in (b)(iii) of this subsection; and ~~((DSHS or))~~ DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within two years of the date the payment was issued; or

(ii) Three years back from the date payment was issued if the error was based on any issue other than rates paid by age or region; DSHS or DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued; and

(iii) Three years back from the date the payment was issued for any overpayment identified by a federal or state audit; ~~((DSHS or))~~ DCYF must notify the provider of the overpayment by personal service or by certified mail, return receipt requested, within three years of the date the payment was issued.

(4) For in-home/relative and family home child care providers, disputes regarding underpayments may be addressed through the grievance process provided for in the collective bargaining agreement.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-3850 Payment discrepancies generally. Child care subsidy payment discrepancies are described in WAC 110-15-0266 through 110-15-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for ~~((six))~~ three months after the date of services.



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 30, 2021

TIME: 10:32 AM

WSR 21-14-039

Agency: Department of Children, Youth, and Families

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 1, 2021

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: As directed by Chapter 334, Laws of 2021 (ESSB 5092), implement July 1, 2021 child care base rate increases paid to family home and center providers who participate in child care subsidy programs and implement collective bargaining agreements the department entered into with SEIU Local 925, representative for family home and family, friend, and neighbor child care providers. The agreements authorize a July 1, 2022 rate increase and payment of field trip fees for family, friend, and neighbor providers, and, for family homes, payment based on an authorized monthly unit of care, increased non-standard hours bonus, new time periods for producing attendance records requested by the department or the state auditor, and new time periods for correcting payment discrepancies.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 110-15-0034, 110-15-0190, 110-15-0200, 110-15-0205, 110-15-0240, 110-15-0247, 110-15-0249, 110-15-0267, 110-15-0268, 110-15-0275 and 110-15-3850,

Suspended:

Statutory authority for adoption: RCW 43.216.060 and 43.216.070, Chapter 334, Laws of 2021

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- 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: Chapter 334, Laws of 2021 took effect May 18, 2021, and authorized July 1 rate increases for the child care subsidy programs. There was insufficient time between Chapter 334's effective date and July 1 to complete the permanent rule making process.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>11</u>	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making: New ____ Amended ____ Repealed ____
Pilot rule making: New ____ Amended ____ Repealed ____
Other alternative rule making: New ____ Amended ____ Repealed ____

Date Adopted: June 30, 2021

Name: Brenda Villarreal

Title: DCYF Rules Coordinator

Signature:

