



## CHILDCARE AND PARENT SERVICES (CAPS) Georgia's Subsidy Program

<b>CAPS Policy – Child Care Provider Rights and Responsibilities</b>	<b>No.: CAPS/00-12</b>	Effective Date: 10/01/2016
		Revised: 07/01/2021
		Revision Effective: 07/01/2021

LEGAL AUTHORITY: O.C.G.A § 20-1A-10.1; Federal Register: 45 Code of Federal Regulation (CFR) 98 and 99.

Cross Reference/See Also: CAPS Purchase of Child Care through Scholarships Policy (CAPS/00-10), CAPS Participating Providers Policy (CAPS/00-11), CAPS Health and Safety Standards Policy (CAPS/00-15), CAPS Program Integrity Policy (CAPS/00-16), CAPS Administrative Hearings Policy (CAPS/00-18)

**Note:** Definitions of words or phrases in bold are located in [Definitions and Acronyms](#). Only the first occurrence of the defined words or phrases are bolded.

## 12 CHILD CARE PROVIDER RIGHTS AND RESPONSIBILITIES

### 12.1 Purpose

This policy section describes the rights and responsibilities of child care providers and **informal providers** under the **Childcare and Parent Services (CAPS)** program rules and regulations.

### 12.2 Scope

This policy applies to all employees of the **Department of Early Care and Learning (DECAL)**, all parties responsible for the administration of the CAPS program, **parents**, and child care **providers** who receive subsidies administered by DECAL on behalf of parents.

### 12.3 Child Care Provider Rights

#### 12.3.1 Eligible Providers

- 12.3.1.1 At DECAL's sole discretion, licensed child care programs, two categories of license-exempt programs (government owned and operated child care programs and day camps), and informal providers who meet requirements detailed in this policy manual are eligible to participate in CAPS.
- 12.3.1.2 CAPS shall only use Child Care and Development Fund (CCDF) or other applicable funds to pay eligible providers for services. Such payment cannot be assigned or delegated to a third party for any reason except by an order of a court of proper jurisdiction.

#### 12.3.2 Participation Rights

Providers participating in the CAPS program have the right to:

- 12.3.2.1 Be treated fairly without regard to race, color, religion, sex or sexual orientation, marital status, national origin, ancestry, age, political beliefs, or disability.
- 12.3.2.2 Request and receive forms and notices in Spanish for providers who speak Spanish.
- 12.3.2.3 Have DECAL provide an interpreter for other non-English speaking individuals or persons with limited English proficiency.
- 12.3.2.4 Request auxiliary aids or other accommodations for individuals with vision or hearing impairments.
- 12.3.2.5 Speak to a supervisor, if not satisfied with actions taken by CAPS staff.

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### 12.3.3 Appeal Rights

- 12.3.3.1 Employees and prospective employees have the right to appeal the accuracy or completeness of the results of a criminal background check.
- 12.3.3.2 Providers receiving subsidies through the CAPS program have the right to appeal and receive a hearing regarding adverse actions that pertain to any financially related matters, excluding (1) future payments, (2) lack of funding availability, (3) Denial from participation in CAPS, (4) Dismissal from participation in CAPS, and (5) Disqualification from participation in CAPS.
- 12.3.3.3 Providers must request an appeal in writing by the deadline listed on the notice or within 14 calendar days from the date of the notice on an appealable or adverse action taken by DECAL. Requests for hearings must be submitted to the attention of:
  - Chief Legal Officer - Georgia Department of Early Care and Learning
  - 2 Martin Luther King Jr. Drive
  - East Tower, Suite 754
  - Atlanta GA 30334
- 12.3.3.4 Providers have the right to appeal to the U.S. Department of Health and Human Services Office for Civil Rights (HHS OCR) if they feel that the DECAL or the CAPS program has violated their civil rights. Refer to the CAPS Administrative Hearings Policy (CAPS/00-18) for additional information.

## 12.4 Child Care Provider Responsibilities

### 12.4.1 State and Federal Laws and Regulations

- 12.4.1.1 The provider shall comply with all applicable local, state and federal statutes, ordinances, regulations, and policies.
- 12.4.1.2 The provider is responsible for reviewing CAPS policies on a regular basis, as policies are subject to change. The provider must be knowledgeable of CAPS policies and any revisions to CAPS policy.
- 12.4.1.3 Licensed providers must comply with reporting requirements as prescribed in Child Care Services rules. License-exempt providers must comply with reporting requirements as prescribed in the Health and Safety Standards for License-exempt Providers Receiving Subsidy manual. Informal providers must comply with reporting requirements as prescribed in the Health and Safety Standards for Informal Providers Receiving Subsidy manual.
- 12.4.1.4 Providers shall comply with Title VI of the Civil Rights of Act of 1964 (exception: Family Day Care Learning Homes and informal providers); Section 504 of the Rehabilitation Act of 1973; and, if the provider is center-based or a family child care learning home, the provider shall comply with the Americans with Disabilities Act of 2010.
- 12.4.1.5 Providers must ensure that parents have unlimited access to their children when children are in the care of the provider.
- 12.4.1.6 Providers must ensure they are operating within the guidelines as prescribed in CAPS Participating Providers Policy (CAPS/00-11) when the parent of the child receiving CAPS subsidies is employed at the location child care services are rendered.
- 12.4.1.7 Federal law prohibits CAPS from reimbursing a child care provider who has had a serious injury as defined in Definitions and Acronyms.

### 12.4.2 Quality Rated

- 12.4.2.1 Licensed providers must be **Quality Rated** by December 31, 2021 to participate in the CAPS program. For the purpose of CAPS, a **Quality Rated Provider** is one that is Star Rated, in **CAPS/Quality Rated Probationary Status**, or in **CAPS/Quality Rated Provisional Status**. For information on which providers are eligible for **Quality Rated**, refer to the [Quality Rated Program Manual](#).

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- 12.4.2.2 Effective August 1, 2021, licensed providers who are not **Quality Rated** must be registered for a **Quality Rated Cohort Group** in the current calendar year to be assigned any new CAPS scholarships. Non-Quality Rated licensed providers not yet enrolled in CAPS must be registered for a **Quality Rated Cohort Group** in the current year to be eligible to enroll in the CAPS program.
- 12.4.2.3 Effective January 1, 2022, licensed providers who are not **Quality Rated** cannot be issued any new scholarships, except for type of care changes during the eligibility period through the end of calendar year 2022. Families with existing scholarships at these providers may continue services with the provider until their redetermination in calendar year 2022.
- 12.4.2.4 Providers who fail to earn or maintain a one-, two-, or three-star rating in **Quality Rated** by December 31, 2021, may be eligible to be placed on **CAPS/Quality Rated Probationary Status**. Providers in **CAPS/Quality Rated Probationary Status** may be eligible to participate in CAPS for up to twelve (12) consecutive months if they maintain adequate progress as reported to CAPS by **Quality Rated**. Providers who do not achieve at least a one-star rating during the initial twelve (12) months may, at DECAL's sole discretion and not subject to appeal, may be granted an additional six (6) months in **CAPS/Quality Rated Probationary Status**. Providers with a probationary status can accept new CAPS scholarships and retain any existing CAPS scholarships if they maintain adequate progress to obtain a star rating as reported to CAPS by **Quality Rated**.
- 12.4.2.5 Newly licensed providers may be eligible to be placed on **CAPS/Quality Rated Provisional Status**. Providers in **CAPS/Quality Rated Provisional Status** should enroll in a **Quality Rated Cohort Group** at their first opportunity after being licensed or if not newly licensed, after indicating participation in the CAPS program. Providers with a provisional status can accept new CAPS scholarships and retain any existing CAPS scholarships if they maintain adequate progress to obtain a star rating as reported to CAPS by **Quality Rated**.
- 12.4.2.6 At DECAL's sole discretion and not subject to appeal, CAPS may grant a family a time-limited waiver allowing the issuance of scholarships to a provider who is not a **Quality Rated Provider**.

12.4.3 Required Documents

- 12.4.3.1 Providers currently receiving or anticipating receipt of subsidies through CAPS must return required documents to the State Provider Management Agent (SPMA) by the date requested for initial enrollment and annual renewal.
- 12.4.3.2 At initial enrollment, payments will be withheld until these documents are received. If documents are not received within 30 calendar days, the provider may be dismissed from CAPS.
- 12.4.3.3 At annual renewal, payments will be suspended for 30 days beginning the date the records were due. Payments will be withheld for no more than 30 days, after which payments will be released to the provider and the provider will be dismissed from CAPS.
- 12.4.3.4 Licensed and exempt providers must submit current, accurate, authentic, and complete copies of the following documents at initial enrollment and annual renewal:
  - Form W-9 for tax identification purposes
  - Policies and procedures (published and available for review by DECAL and the public)
  - Child care rates – Providers must submit a copy of child care rates to the SPMA. In addition, upon notice from CAPS, providers must enter their rates into DECAL KOALA, DECAL's provider self-service website, at [www.decalkoala.com](http://www.decalkoala.com).
  - Child Care Provider Agreement
  - Georgia's Department of Early Care and Learning Assurance of Compliance with Federal Regulations Regarding Civil Rights Form 704 (required for child care learning centers only)
  - Direct deposit form
- 12.4.3.5 Informal providers must submit current, accurate, authentic, and complete copies of the following documents at initial enrollment and annual renewal:
  - Valid proof of **social security** number and verification of identity, such as photo ID, driver's license, or passport (only at initial enrollment or if information changes)

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- Enrollment packet that includes:
  - Satisfactory criminal record check determination for all adults in the home 17 years of age or older must be issued prior to authorization of subsidy through CAPS. For additional information on the records check process and components, visit: <http://dec.al.ga.gov/CCS/CriminalRecordsCheck.aspx>.
    - **Note:** While all providers participating in CAPS are required to comply with DECAL’s Comprehensive Background Check Policy, as prescribed in [CAPS Health and Safety Standards Policy \(CAPS/00-15\)](#), the SPMA provides additional support to informal providers in obtaining required criminal background checks.
  - Infant/Toddler CPR Certification certificate (must be current)
  - Informal Provider Enrollment Affidavit
  - Form W-9 for tax identification purposes
  - Child Care Provider Agreement
  - Direct deposit form

**Note:** Informal providers who leave and re-enroll in the CAPS program within six months of their withdrawal date may use the same criminal records check determination letters.

#### 12.4.4 Cooperating with the SPMA and DECAL

- 12.4.4.1 DECAL contracts with a vendor, the State Provider Management Agent (SPMA), to manage provider enrollment, financial reimbursement, compliance, overpayment recoupment, and technical support for child care providers participating in CAPS.
- 12.4.4.2 Providers participating in CAPS may also receive requests or information from DECAL staff. This includes, but is not limited to, staff in CAPS, Child Care Services, and Audits and Compliance.
- 12.4.4.3 Providers are required to ensure all submitted documents are accurate, authentic, and complete.
- 12.4.4.4 Providers must submit accurate and complete contact information, including email address, to the SPMA to be maintained in the provider profile. Each provider receiving subsidy through CAPS will have a provider profile maintained by the SPMA. The profile will contain contact and demographic information about the provider, in addition to compliance information. Failure of the provider to submit accurate and complete contact information on file with the SPMA shall not give rise to claim that they were not properly notified. The provider is required to notify DECAL of any changes in contact or demographic information within five business days. Failure to notify DECAL of any changes in contact or demographic information may result in dismissal from the CAPS program.
- 12.4.4.5 Failure to comply with any request by the SPMA or DECAL may result in dismissal from the CAPS program, as prescribed in [CAPS Health and Safety Policy \(CAPS/00-15\)](#) and [CAPS Program Integrity Policy \(CAPS/00-16\)](#).

#### 12.4.5 Health and Safety Standards

- 12.4.5.1 Providers must comply with health and safety standards as prescribed in CAPS Health and Safety Policy (CAPS/00-15).
- 12.4.5.2 Compliance with health and safety standards includes, but is not limited to, the following, as prescribed in CAPS Health and Safety Standards Policy (CAPS/00-15).
  - A. All providers participating in CAPS must:

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- (1) Comply with reporting requirements
- (2) Comply with DECAL's criminal background check requirements
- (3) Maintain original and accurate arrival and departure records and transportation records
- (4) Comply with training requirements
- (5) Provide care that meets state health and safety standards
- (6) Comply with health and safety monitoring

B. Licensed providers must participate in training and technical assistance required by the CAPS program and must also comply with all requirements for child care licensing.

12.4.5.3 License-exempt providers (including all staff) and informal providers must comply with health and safety standards as defined by DECAL.

#### 12.4.6 Recordkeeping and Reviews

12.4.6.1 Documentation expected to be maintained by all providers includes, but is not limited to:

- **Arrival and departure records** (formerly referred to in CAPS policy as sign in/sign out logs)
- **Transportation records** (logs and agreements)
- Copies of child care license or letter of exemption
- Copies of Business License and Certificate of Occupancy
- Financial records or financial information (e.g., bank statements, copies of canceled checks)
- Current published policies and procedures
- Current published rate sheets
- Signed Civil Rights Act Compliance form
- Verification of SSN and FEIN/Tax ID Numbers
- Employment records
- Records supporting funding from other state or federal sources
- Child records (such as birth certificates, immunization forms, and registration information)
- Any and all information or records related to the operation of the provider

12.4.6.2 The documents listed above may be requested and reviewed during attendance verification assessments, compliance reviews, or investigations. Refer to CAPS Program Integrity Policy (CAPS/00/16) for more information on assessments, reviews, investigations, and sanctions.

12.4.6.3 The SPMA or DECAL may request documents in writing or in person for attendance verification assessments, compliance reviews, or investigations. Failure to submit documents when requested by DECAL shall result in a mandatory reclaim of funds.

- A. The SPMA conducts attendance verification assessments of provider billing records. Providers are typically required to submit arrival and departure records and transportation records for a specified month as instructed in the review notification. The purpose of attendance verification assessments is to support provider compliance. Failure to provide records in a timely manner may result in a referral to DECAL's Audits and Compliance Division.
- B. DECAL's Audits and Compliance Division conducts risk-based compliance reviews and investigates referrals.
  - (1) For compliance reviews, providers are typically required to submit arrival and departure records and transportation records for a specified three-month period within 15 calendar days from the date the notice was received. The review period may be widened at DECAL's

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discretion. The purpose of compliance reviews is to identify and recoup improper payments; however, additional sanctions may also be imposed at the discretion of CAPS administration.

- (2) For investigations, DECAL may request records in person or in writing. The timeframe for which records are requested will vary based on dates specified in the referral. The review period may be widened at DECAL's discretion.
- (3) If records are requested in writing by DECAL, failure of the provider to submit the required documents in 15 calendar days from the date the notice was received shall cause an overpayment to be established for any period where documentation is not provided, and result in sanctions imposed by DECAL, including a mandatory reclaim of reimbursement for the overpayment periods that lack the supporting documentation, and may include dismissal or disqualification from CAPS and may jeopardize the provider's ability to participate in other DECAL programs.
- (4) If records are requested in person during an on-site review, the provider or any of their representatives must immediately make records available. If the provider's designated program director cannot be present at the time of review, the director must select an alternate person to access the records in their absence. The absence of the director should not hinder or prevent a DECAL representative from conducting a review.
- (5) Failure to provide requested documentation immediately upon request shall result in sanctions imposed by DECAL, including a mandatory reclaim of reimbursement for the overpayment periods that lack the supporting documentation, and may include dismissal or disqualification from CAPS and may jeopardize the provider's ability to participate in other DECAL programs.
- (6) Established overpayments will be sent to the SPMA to begin the recoupment process, which will reduce future payments to the provider. All overpayments must be satisfied within 24 months of establishment.

12.4.6.4 Provider records should be securely maintained on site where care is provided or at a suitable off-site location previously approved by DECAL that allows for convenient access and retrieval if immediate review is requested. DECAL shall have the authority to enter the premises to retrieve requested documents. The following section of the Child Care Provider Agreement shall be completed by the person legally responsible for the operation and management of the program:

<p>The documents for: _____ (provider name)</p> <p>will be maintained at: _____ (address, city, zip code where records will be stored)</p>
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12.4.6.5 If at any time any records pertaining to the CAPS program are relocated from the previously approved location, a notification must be submitted to DECAL for approval within five business days.

12.4.6.6 In the event of natural or man-made disasters (e.g., flooding, fire, hurricane, tornado, theft, acts of vandalism, etc.), the provider is responsible for providing third-party verification to substantiate the disaster. Verification may include police reports, insurance company claims, photos, or other proof that support the disaster and must also include detail of the property impacted. Claims related to man-made disasters must be made and filed within 30 calendar days of the incident. Claims related to natural disasters must be filed as soon as possible in accordance with insurance company regulations. In the event of provider electronic attendance tracking system functionality failure, the provider must still maintain records as prescribed in CAPS policy. The provider may utilize other automated or manual (paper) methods to maintain attendance verification until system functionality can be restored.

12.4.6.7 DECAL will not return documents submitted; therefore, it is imperative that copies of documentation are submitted and not the original documents.

12.4.6.8 DECAL is not responsible for packages lost or not delivered to the appropriate location or person; therefore, it is strongly recommended that packages submitted to DECAL via mail are adequately addressed to their

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intended recipient and are commercially tracked from posting to delivery (e.g., certified mail or return receipt delivery).

12.4.6.9 Arrival and departure records (formerly referred to in CAPS policy as sign in/sign out logs) and transportation records (if applicable) are the only acceptable source of evidence for providing care for all children subsidized through the CAPS program. The provider must maintain the original and accurate arrival and departure records and transportation records for a minimum of three years from the last date service is provided. If there is an open investigation, providers are required to maintain records beyond the three-year period until the investigation is completed.

- A. Parent affidavits or any other documents obtained attesting to attendance that are not part of the daily arrival and departure record keeping process will not be considered a valid means of verifying daily attendance and will not be accepted by the CAPS program as such.
- B. Documents maintained as a result of a provider's participation in Georgia's Pre-K Program or Nutrition Services programs, such as Child and Adult Care Food Program and Summer Food Service Program records, are not considered acceptable verification of attendance records for the CAPS program. These records may not reflect a particular child's daily attendance or participation in CAPS or certification by a parent of a child's daily attendance.

12.4.6.10 Arrival and departure records must have the parent's or authorized representative's original or electronic signature obtained at arrival and departure each time the parent or authorized representative drops off and picks up the child.

- A. If the parent is present at either arrival or departure, transportation records cannot be used to support children's attendance for CAPS purposes.
- B. If the parent is not present to sign at both arrival and departure, transportation records can be used to support children's attendance, providing that:
  - (1) There is a valid transportation agreement, completed prior to providing transportation, on file with the provider signed by the parent giving authorization for transportation of the child to and/or from the provider (whether the transportation is provided by the provider itself or an outside entity contracted to provide transportation); and
  - (2) There is a passenger transportation checklist (formerly referred to in CAPS policy as a transportation log) that lists the children on the transportation schedule as well as signatures of the responsible party (e.g., bus driver, program administrator) for each day children are transported (whether the transportation is provided by the provider itself or an outside entity contracted to provide transportation).
  - (3) Transportation records must be accurate, current, and complete in accordance with licensing rules and regulations and immediately available for review upon request.
- C. The provider is prohibited from signing arrival and departure records on behalf of the parent if the parent is present regardless of the fact the provider uses an electronic sign in and out system. DECAL reserves the right to investigate any circumstances where DECAL believes or has evidence that the provider is using staff members to circumvent arrival and departure record policy requirements. The investigation may lead to recoupment of funds or other sanctions as prescribed in CAPS policy.
- D. If a provider chooses to use an electronic system, each parent must have their own unique **electronic signature**. The provider is required to have their own unique electronic signature that would allow DECAL or its representatives to discern parent sign in and out from that of the provider. The electronic system must record and display who signed the child in and out as well as when and how the child was signed in and out.

12.4.6.11 Providers are responsible for ensuring that documents provided to DECAL and its representatives are current, accurate, and complete. Failure to provide current, accurate, and complete documentation may be construed as submitting a false statement. DECAL will refer for criminal prosecution any provider who knowingly submits false documentation.

12.4.6.12 If it is determined through provider self-reporting, compliance reviews, or investigations that the provider failed to maintain arrival and departure records with the parent or authorized representative's electronic

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signature, CAPS must recoup the amount of any child care subsidies paid for any portion of the review period for which the provider failed to maintain acceptable records. Further sanctions may be imposed, up to and including dismissal and disqualification from CAPS, which may also jeopardize the provider's ability to participate in other DECAL programs.

12.4.6.13 If the SPMA determines during an attendance verification assessment that the provider does not maintain records in accordance with CAPS policy, the person legally responsible for the program and the person responsible for maintenance of records will be required to complete mandatory training. If the provider does not make improvements in record maintenance, the SPMA may submit a referral for investigation to DECAL's Audits and Compliance Division.

#### 12.4.7 Payments, Billings, and Refunds

12.4.7.1 As prescribed in CAPS Purchase of Child Care Through Scholarships Policy (CAPS/00-10), the provider understands and agrees that the total weekly amount it receives for CAPS services for each child in care (the CAPS family's assessed fees plus the amount paid by the state for CAPS services) shall not exceed the provider's published rate as outlined on the child care scholarship.

**Note:** The parent is responsible for payment of any charges that exceed any amount that CAPS has authorized for reimbursement. Possible charges include transportation costs, book fees, and field trip costs.

12.4.7.2 When CAPS subsidizes child care for a child in DFCS custody or a child with a qualifying disability, CAPS will reimburse up to the provider's published rates on file with the SPMA.

12.4.7.3 CAPS will only pay up to the state's maximum reimbursement rate (Appendix C) for children authorized in informal provider settings, except for children with disabilities and children in DFCS custody. For children with disabilities and children in DFCS custody who have been authorized for care in informal provider settings, CAPS will approve a negotiated rate for informal providers should their rate exceed the maximum reimbursement rate.

12.4.7.4 When multiple types of care are provided for the same child within the same service week (i.e., full time, part time, before and/or after), the maximum rate CAPS will reimburse to the provider is the state maximum rate for full time care or the provider's published rate for full time care for children in DFCS custody and children with qualifying disabilities.

12.4.7.5 CAPS will not pay if the child did not attend at least one day during the service week as listed on the child care scholarship, except in instances where the provider is requesting payment to hold a slot (refer to section 12.4.8 below).

12.4.6.5.1 As prescribed in CAPS Case Changes and Documentations Policy (CAPS/00-13), excessive unexplained absences for 30 calendar days or more may result in closure of CAPS case. The excessive unexplained absence should be reported to the SPMA.

12.4.7.6 The provider may not bill, and CAPS will not pay, for any service periods during which the provider was not open for business for the purpose of providing child care services.

#### 12.4.8 Reconsideration for Overpayments

12.4.8.1 When a provider receives a notice for the establishment of an overpayment from DECAL or its representatives, they may submit additional documentation to support their requests for payment.

12.4.8.2 DECAL will review the reconsideration request and supporting documentation in a timely manner. After this review, the Audits and Compliance Division will send the child care provider a Reconsideration Notice notifying the provider of any change in the amount of overpayment resulting from reconsideration.

12.4.8.3 Any request for reconsideration must be accompanied by supporting documentation.

- A. Reconsideration shall only include requests for clarification/review of existing documents already submitted and shall only cover the time period and/or children previously reviewed.
- B. Reconsideration shall not include the opportunity to submit new documentation that has been previously requested but not submitted unless authorized by DECAL in writing for unique circumstances.



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12.4.8.4 If a signed repayment statement or a request to formally appeal the overpayment and request a fair hearing is not postmarked by the due date contained on the notice, DECAL or its representatives will close the investigation and forward the overpayment to the SPMA to begin the collection process. Recoupments will be established to allow overpayments to be repaid within 24 months. The SPMA is responsible for pursuing, collecting, tracking, and reporting overpayments identified by DECAL or its representative.

12.4.8.5 A fair hearing request must be submitted in writing by 5:00pm on the due date contained in the reconsideration notice to the attention of:

Chief Legal Officer - Georgia Department of Early Care and Learning  
East Tower, Suite 754  
2 Martin Luther King Jr. Drive  
Atlanta, GA 30334

12.4.9 Holding Slots

12.4.9.1 There may be situations when a child cannot attend the child care program for an extended time frame.

- A. CAPS may authorize payment to a provider to hold a slot for a maximum of two service weeks during the **eligibility period** when a child is absent from care.
- B. The provider must be open for business in order to receive payment for holding slots and must include specific payment requirements for holding slots in its policy. This policy must be on file with the SPMA.

12.4.10 Child Care Rates

12.4.10.1 The provider shall charge the same rates to families/children subsidized by CAPS as it charges other consumers and shall provide documentation, upon request, to demonstrate compliance with this requirement.

12.4.10.2 The provider shall not bill CAPS and CAPS shall not pay for child care during any period of time when another federal or state program, such as Head Start or Georgia’s Pre-K Program, has paid for a child’s care for the same service period, unless DECAL authorizes the use of layered federal or state funding in writing.

- A. CAPS may recoup any payments for subsidies issued when another federal or state program has covered the cost of child care if DECAL had not previously authorized the use of layered federal funding in writing.

12.4.10.3 The provider shall not bill CAPS and CAPS shall not pay for child care during any period of time when child care services are subsidized in full as part of the parent’s employment.

- A. CAPS may recoup any payments for subsidies issued when it is discovered that an employer has covered the cost of child care.

12.4.11 Change in Provider Rates

12.4.11.1 If a provider changes its rates, a new provider rate sheet must be submitted to the SPMA, and, upon notice from CAPS, the new rates must be entered into DECAL KOALA, DECAL’s provider self-service website ([www.decalkoala.com](http://www.decalkoala.com)). CAPS will make adjustments to child care scholarships according to the new rates no later than 30 calendar days after rates have been provided.

12.4.12 Invoices

12.4.12.1 The provider shall submit invoices that accurately report information about attendance to the SPMA within 60 calendar days of providing services. Invoices not submitted within 60 calendar days of service will delay payments to the provider. Invoices submitted after 90 calendar days of services will not be processed for payment and will not be reimbursed.

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12.4.12.2 Invoices that are determined to be inaccurate, misleading, or false shall be subject to recoupment, sanctions up to and including dismissal and disqualification from CAPS, or may be referred for investigation or prosecution.

12.4.13 Overpayments

12.4.13.1 The provider shall refund any overpayments assessed by DECAL or its representatives. Overpayments may include any amounts received in error as a result of the provider's error or automation error.

12.4.13.2 The CAPS program may offset all future subsidy payments until the overpayment is paid in full or pursue any and all legal actions DECAL deems appropriate which are permissible under state and federal law to recover overpayments.

12.4.13.3 The provider shall assume responsibility for all billing to the CAPS program and is legally responsible for overpayments resulting from erroneous billing and inaccurate invoices. Providing billing passwords and identification access to others does not reduce accountability or repayment of any overpayments resulting from incorrect billing.

12.4.13.4 Payment disputes, questions, and concerns can be addressed through the SPMA. Providers must request an appeal in writing by the deadline listed on the notice or within 14 calendar days from the date of the notice on an appealable or adverse action taken by DECAL. Refer to the CAPS Administrative Hearings Policy (CAPS/00-18).

12.4.14 Adverse Actions

12.4.14.1 Adverse actions are penalties for noncompliance with CAPS policies and rules, including sanctions for program integrity violations and enforcement actions related to health and safety standards.

A. **Suspension:** Payments to a provider will be suspended for:

<b>Provider Action</b>	<b>DECAL Response</b>
Failure to submit W9, 704, provider agreement, and direct deposit form to the SPMA by the date requested.	Payments will be released to the provider once all documents are submitted to CAPS. Payments will be withheld for no more than 30 calendar days before the provider is dismissed from CAPS.
Failure to comply with mandatory health and safety training as prescribed in <a href="#">CAPS Health and Safety Standards Policy (CAPS/00-15)</a>	Payments will be released to the provider once the mandatory training is completed. Payments will be withheld for no more than 30 calendar days before the provider is dismissed from CAPS.
Failure to complete licensing inspections (licensed providers) or monitoring visits (license-exempt and informal providers)	Payments will be released to the provider once the provider has cooperated with the required inspection. Payments will be withheld for no more than 30 calendar days before the provider is dismissed from CAPS.

B. **Dismissal** refers to the action taken to remove a child care provider from the CAPS program for failure to comply with DECAL policies or federal or state laws and regulations. Providers will be dismissed as follows:

- (1) Thirty-one (31) calendar days after DECAL suspends payments for (a) failure to submit a W9, 704, Child Care Provider Agreement, or direct deposit form, (b) failure to comply with mandatory training (provider may be reinstated once all required training is completed), or (c) failure to comply with monitoring checklist requirements (informal provider will have to begin the enrollment process again)
- (2) When their license has been revoked and all appeal rights have been exhausted

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- (3) When their exemption status has been rescinded
- (4) When they fail to comply with an investigation and/or a repayment statement
- (5) When they knowingly or intentionally keep an employee on staff with an unsatisfactory record check or without a satisfactory record check when children are in care.
- (6) When they knowingly or intentionally keep a resident at the facility with an unsatisfactory record check or without a satisfactory record check.

C. **Disqualification** refers to a time-limited or permanent status that disallows child care providers from participating in CAPS for failure to comply with DECAL policies or federal or state laws and regulations. Providers may be disqualified due to the following:

- (1) Debarment or removal from any other federal or state program (disqualification will span a period of seven years plus any period thereafter that funds are still outstanding)
- (2) Failure to repay funds (disqualification will be lifted once the overpayment is paid in full)
- (3) Violation of CAPS policy. The period for disqualification will be based on the severity of the violation of policy, after a DECAL review has been conducted.
- (4) **Fraud** conviction by state court, federal court, and/or Attorney General's Office (disqualification will be permanent)
- (5) **Serious injury** as defined in [Definitions and Acronyms](#)

#### 12.4.15 Reinstatement

Under certain conditions, at DECAL's discretion, providers who have been dismissed or disqualified for CAPS may be reinstated into the program. Providers may be reinstated as follows:

<b>Provider Action</b>	<b>DECAL Response</b>
Failure to submit W9, 704, Child Care Provider Agreement, or direct deposit form	Reinstatement may occur once all documents are submitted. If reinstatement does not occur within 30 calendars of being dismissed, the provider will have to begin the enrollment process again.
Failure to complete mandatory training requirements	Reinstatement may occur if the provider completes mandatory training requirements within 30 calendar days of the notification of dismissal. If training occurs after the 30 days, the provider will have to complete the enrollment process.
Revocation (cancellation) of license	Reinstatement may occur if license revocation has been rescinded per DECAL guidelines. Providers may have to submit verification of license reinstatement.
Exemption status revoked	Reinstatement may occur if exemption status has been reinstated per DECAL guidelines.
Monitoring Checklist	Reinstatement may occur when compliance of the monitoring checklist has been satisfied. If reinstatement does not occur within 30 calendar days of being dismissed, the provider will have to begin the enrollment process again.
Disqualified for unpaid overpayment	Reinstatement may occur one year from the date of dismissal once the overpayment is paid in full.
Debarment by other federal or state program	Reinstatement may occur when removed from debarment list.

#### 12.4.16 Tax Identification Reporting

Providers are responsible for paying social security, federal, and state taxes. The SPMA will release tax form 1099's each January detailing funds received for the previous calendar year for programs that are responsible for filing taxes.

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12.4.17 Warranties, Representations and Covenants

12.4.17.1 To the extent allowed by law, the provider agrees to hold DECAL, CAPS, their employees, agents, contractors, and successors harmless from any overpayments resulting from any action performed by DECAL or its representatives or by the provider and its agents, employees, or subcontractors.

12.4.17.2 The provider shall not assert in any manner that DECAL or CAPS is its sponsoring agency.

12.4.17.3 The provider acknowledges and agrees to the terms and conditions as stated on DECAL and CAPS program compliance documents, notifications, invoices, websites, and child care scholarships.

12.4.17.4 The provider understands and agrees that its entity, employees, or agents are not the partner, employee, or agent of DECAL or its contractors and will not represent itself as a partner, employee, or agent working on behalf of DECAL.

12.4.17.5 The provider acknowledges and agrees that in accordance with 45 CFR 98.30(C)(6), child care scholarships shall be considered a benefit to the child for child care services and shall not be considered a grant or contract to the provider.

**POLICY REVISION HISTORY**

<b>Date</b>	<b>Description of Change</b>
07/02/2018	Added requirement that providers ensure parents have unlimited access to their children when children are in the care of the provider and added requirement that, upon notice from CAPS, providers enter their child care rates and any changes to their rates in DECAL KOALA, DECAL's provider self-service website (www.decalkoala.com).
10/01/2018	Added provider reporting requirement; added that federal law prohibits CAPS from reimbursing a child care provider who has had a serious injury (as defined as defined in <a href="#">Definitions and Acronyms</a> ); and added serious injuries to the list of circumstances that result in disqualification from CAPS. Added requirement that Quality Rated eligible providers be star rated by December 31, 2020 in order to continue to receive Child Care and Parent Services (CAPS) funding. Clarified that for children with disabilities and children in DFCS custody, CAPS will approve a negotiated rate for informal providers should their rate exceed the maximum reimbursement rate.
02/01/2019	Revised policy to align with the following revisions to other sections of CAPS policy. CAPS policy was reorganized on February 1, 2019, by replacing Improper Payments (CAPS/00-15) and Disqualifications and Sanctions (CAPS/00-16) policies with Health and Safety Standards (CAPS/00-15) and Program Integrity (CAPS/00-16) policies. The new Program Integrity Policy is composed primarily of relevant information that already existed in other sections of CAPS policy, as well as additional details relating to program integrity prevention, detection, and investigation processes that were already in practice within the CAPS program but were not outlined in CAPS policy. The new Health and Safety Policy is composed of relevant information that already existed in CAPS policy as well as additional details relating to health and safety monitoring and enforcement for license-exempt and informal providers.
07/01/2019	Revised language related to criminal backgrounds checks to clarify that keeping a staff or resident without a satisfactory record check will result in dismissal and disqualification from CAPS.
10/01/2019	Revised language related to electronic signature. Added that providers acknowledge and agree child care scholarships are a benefit to the child for child care services and not grants or contracts to the provider. Revised language noting that the appeal period is the deadline listed on the notice or within 14 <b>calendar days</b> from the date of the notice on an appealable or adverse action taken by DECAL.

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<b>Date</b>	<b>Description of Change</b>
05/15/2020	Added information related to eligible providers. Clarified that when multiple types of care are provided within the same service week (i.e., full time, part time, before and/or after), the maximum rate CAPS will reimburse to the provider is the state maximum rate for full time care or the provider's published rate for full time care for children in DFCS custody and children with qualifying disabilities. Removed requirement that Quality Rated eligible providers be Quality Rated by December 31, 2020 to allow for an extension of the requirement's implementation date.
11/02/2020	Added language noting providers must ensure they are operating within the guidelines as prescribed in CAPS Participating Providers Policy (CAPS/00-11) when the parent of the eligible child is receiving CAPS subsidies at the location child care services are rendered. Added language clarifying expectations for reporting excessive unexplained absence.
07/01/2021	Added CAPS/Quality Rated deadline and milestone dates for licensed providers.