The Wisconsin Department of Children and Families

Wisconsin Shares Program Integrity

PROVIDER PROGRAM INTEGRITY TRAINING

Part of the DCF training series.

Fall 2021

Wisconsin Department of Children and Families

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Section 1

Who is BCCSA?

The **Bureau of Child Care Subsidy Administration** (BCCSA) contains two units: the Policy Unit and the Program Integrity Unit. The Program Integrity Unit ensures the rules we mention throughout this training, are followed and enforced for the Wisconsin Shares child care subsidy program and the YoungStar Quality Rating System.

BCCSA also supports local agencies in their program integrity efforts, providing policy and procedural guidance, as well as assisting with monitoring, investigating, and recovering misapplied funds.

Section 2

Program Integrity Basics

So you might ask what is provider program integrity, and why do I need to know about it? In order for you to be eligible to receive Wisconsin Shares child care subsidy funds as a child care provider, you must be licensed by the state, certified by a county or tribe, or operated by a Wisconsin public school board. You must also participate in the YoungStar Quality Rating and Improvement System.

There is plenty of support available to help you get all this done correctly. There are also rules in place to make sure that child care subsidy is available for those who need it and that the funds are being spent and paid out appropriately.

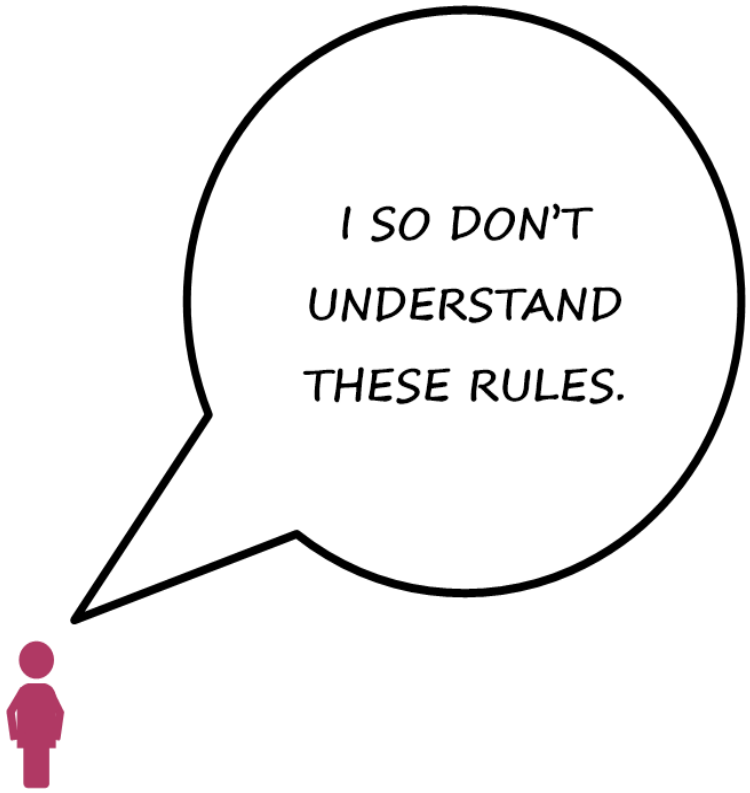
The department ensures that those rules are followed and includes prevention, monitoring, and identification of improper payments and fraud of the Wisconsin Shares child care subsidy program. The department works hard to communicate policy and rules to assist and support compliance of the program.

Section 3

Wisconsin Shares child care subsidy and Program Integrity

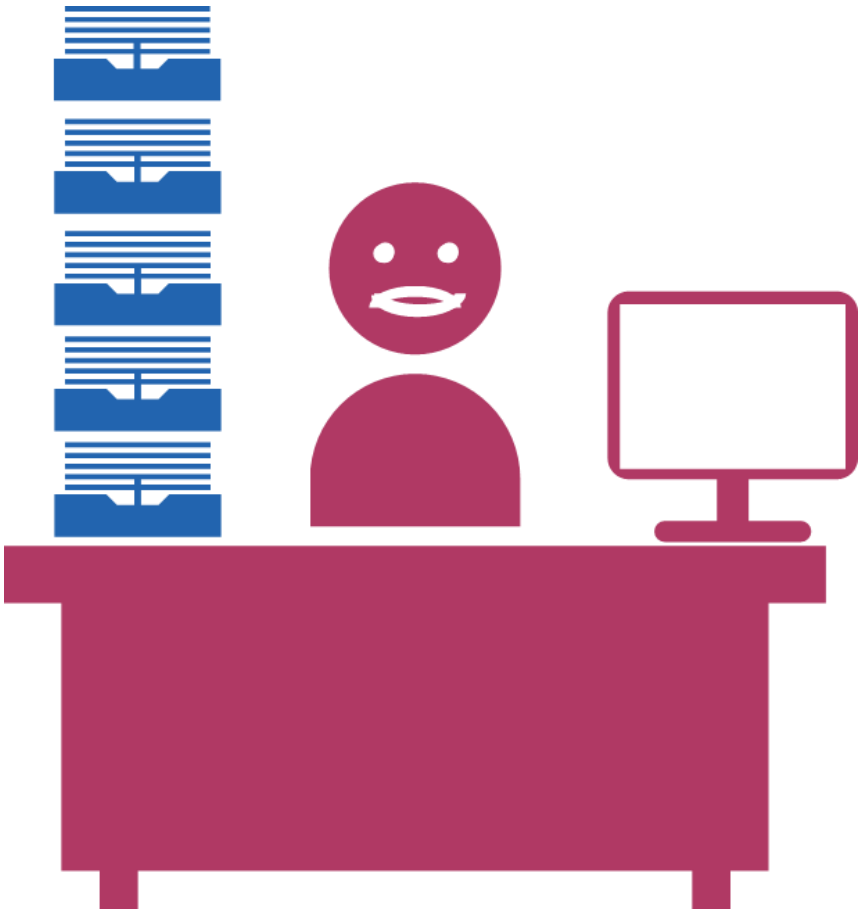
Quality child care is experienced by children across the state of Wisconsin every day. Children thrive and grow in these environments and parents eligible for subsidy know that their children are in good hands, which allows them to focus on improving their circumstances for themselves and their children. The Wisconsin Shares child care subsidy program aims to support families, children, and providers to access quality and reliable care.

You, our child care providers, are an integral part of growing a community. Building a caring, positive and nurturing environment where everyone benefits. The department aims to communicate guidance to Wisconsin providers to support compliance of the program.



However hard we try, sometimes individuals do not know, or misunderstand the rules that are in place to ensure that things run smoothly and are in compliance.

Running a quality and regulated facility requires a lot of organization, detailed paperwork, and accurate record keeping to ensure that the department can monitor care and payment for families authorized for the Wisconsin Shares child care subsidy program.



With this comes rules and regulations that providers often struggle to keep up with. In this circumstance, we are there to provide Technical Assistance to get you back on track. The department communicates this information in a variety of ways. E-newsletters will include valuable information about policy and procedures. Monitoring visits is another way the department can observe your facility in operation and provide on-site guidance and recommendations.

Learn more about using the Provider Portal by visiting the **What is the DCF Child Care Provider Portal?** page.

There are violations that may cause the department to take a different course of corrective action beyond Technical Assistance.

Section 4

Monitoring Visit

The department will visit during your reported hours of operation to monitor a variety of matters pertaining to compliance with regulation. These visits may be the result of being randomly selected or they may be conducted as the result of a referral concerning non-compliance.

This site visit is our best way to gather observations and view how you, the provider, are completing your daily attendance records and tracking. The visit may be unannounced and most often two workers will be present for this visit; during which they will interview you and your staff regarding record keeping and other day-to-day operations.

In addition, they may review or request the following documentation:

- Daily Attendance Records
- Transportation Records
- Teacher Verification via the Registry Program Profile
- Provider and Parents payment practices
- Written Payment Agreements

Section 5

Violations and Technical Assistance

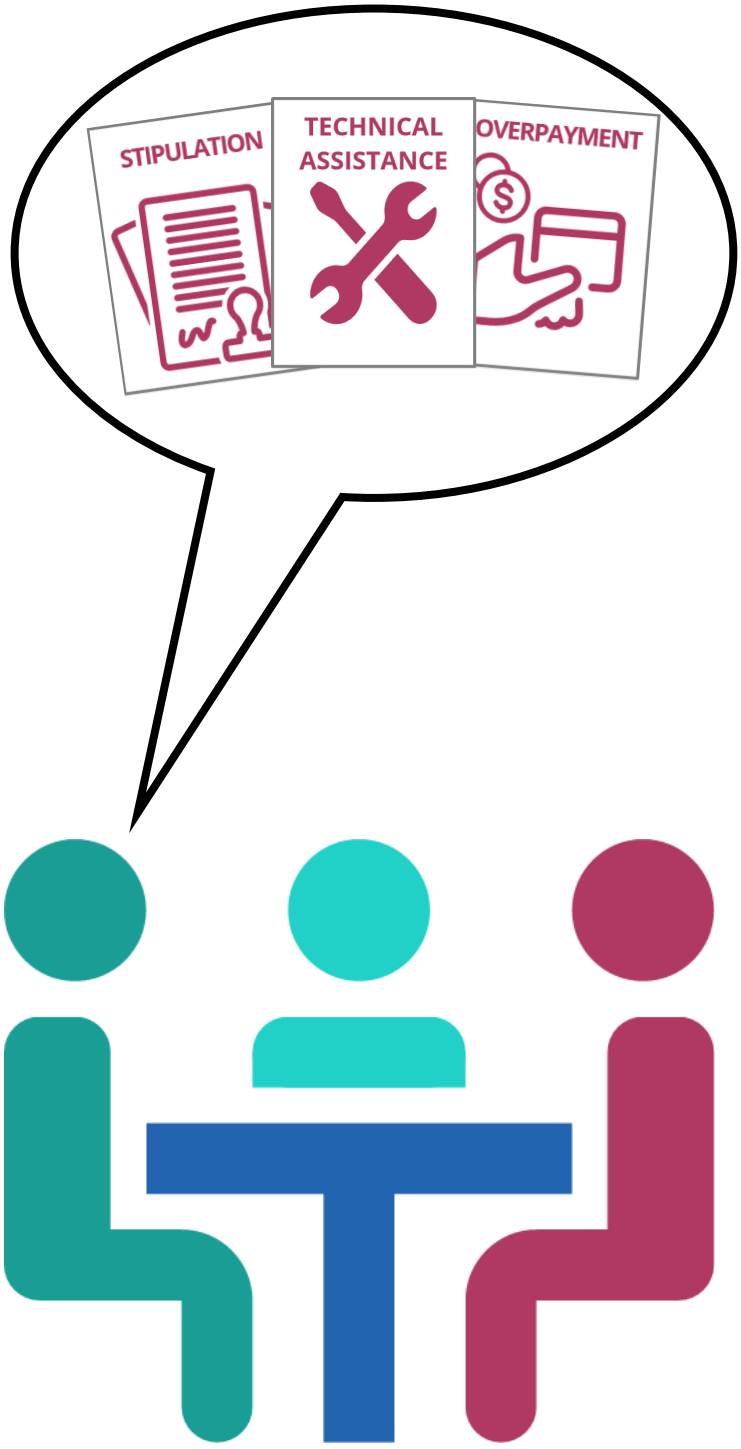
The term violation refers to things that have been done that break the rules of the Wisconsin Shares child care subsidy program, accidentally or otherwise.

Violations are often identified during monitoring visits, audits of attendance and employee records, review of authorization and payment history, and additional review of integrity and licensing history.

The department leads many of the audits and investigations in the state of Wisconsin. However local agencies have investigators that may also conduct and lead investigations.

Some violations may be addressed and corrected during the site visit with technical assistance. After a monitoring visit or an audit, the department will provide you with the violations discovered during the review of your child care program.

You will have an opportunity to provide an explanation for the violations in person or in writing.



The department will determine if the violations were committed in error or are intentional, and will issue any of the following:

Technical Assistance, warning letter, forfeiture, overpayment, and/or a stipulation, to allow you time to correct the violations and get back into compliance.

Then follows a review of violation, the authority behind it, and the Technical Assistance support to fix the violation.

ATTENDANCE RECORDS

Description

Your daily attendance records should show when children are in attendance by recording exact times when they arrive and depart. Please review the statutes listed below and adjust your business practices immediately to come into compliance.

Authority

Wisconsin State Statute 49.155(6m) (a) Child Care Provider Record Keeping. With respect to attendance records, a child care provider shall maintain a written record of the daily hours of attendance of each child for whom the provider is providing care under this section, including the actual arrival and departure times for each child.

Wisconsin State Statute 49.155(6m)(b) Child Care Provider Record Keeping. With respect to attendance records, a child care provider shall retain the written daily attendance records under par. (a) for each child for at least 3 years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under this section. Attendance records shall be kept at a location where they can be made available to the department within 24 hours of notice.

WRITTEN PAYMENT AGREEMENT

Description

You have not entered into a written payment agreement with each parent that receives subsidy for child care provided at your facility.

Authority

Wisconsin Administrative Code DCF 201.038(5) Written Payment Agreement.
(a) A provider shall enter into a written payment agreement with each parent who receives a child care subsidy for child care by the provider. (b) The written payment agreement between a provider and parent shall include all of the following:

1. The provider's monthly or weekly child care price.
2. The provider's days and hours of operation.
3. Any discounts or scholarships that are available to parents, and any discounts or scholarships that the parent is receiving.
4. The parent's payment schedule.
5. The provider's anticipated closure dates.
6. Payment expectations for the child's anticipated and unanticipated absences and the provider's closure dates.
7. Parent procedures for termination of a child's enrollment.
8. Provider procedures for termination of a child's enrollment.

(c) A provider shall retain a copy of each current written payment agreement at the location where the child care is provided. (d) A provider shall retain a copy of an expired written payment agreement for at least 3 years after the child's last day of attendance. The agreement shall be kept at a location where it can be made available to the department within 24 hours of notice.

Technical Assistance

This rule has been in effect as of March 11, 2018. Providers may choose to use the department's form **(DCF-F-5224-E)** or use their own form, but it **must** contain all of the above requirements.

The written payment agreement form must be completed at enrollment.

The form must be current and accurate at the time of the parent's review and signature on the form; providers must update their form/policy with any changes (including, but not limited to changes in hours of operation or changes to provider price).

CHILDREN NOT IN ATTENDANCE

Description

Payment received by you for children not attending your facility.

Authority

Wisconsin Administrative Code DCF 201.038(8) Inactive Family. A child care provider shall notify the local child care administrative agency if a child of a parent who receives subsidy has not attended within the previous thirty (30) consecutive days.

Technical Assistance

Children with authorizations for only school closure or inclement weather days are excluded.

Stay in communication with those families who fail to attend. Find out if they need care or not, or when they plan to come back. You have the right to end that enrollment to open the space for another child who needs the care. The local agency can be notified via phone or Provider Portal.

Learn more about using the Provider Portal by visiting the **What is the DCF Child Care Provider Portal?** page.

If the family has paid for the whole month and did not attend for a variety of reasons, reach out to your local agency to return the funds via Voluntary Repayment Agreement. At no point should you ever return those funds to a family.

Parents have 10 days to report a change in need, this includes their child not attending for various reasons like vacations, alternative care options, or any other changes that decrease their attendance per week.

Providers must report to the local agency if a child has not attended for 30 days. The Portal may be utilized to end that enrollment as soon as you know the family has no intention of returning or has voluntary ended their child's placement.

YOUNGSTAR

Description

Per the YoungStar Contract, providers commit to provide accurate and timely information on Wisconsin Registry Program Profile. Up-to-date YoungStar lead staff information is used for accurate YoungStar rating determinations. During the investigation, the department discovered the **Wisconsin Registry Program Profile** was inaccurate, resulting in a higher rating than the provider was entitled to.

Click here to learn more about the **Wisconsin Registry Program Profile.**

Authority

Wisconsin Administrative Code DCF 201.038(1)(b) Provider Requirements. A child care administrative agency may authorize payment for child care services provided by a child care provider who meets the quality rating system. **DCF 201.04 (5)(b)5** A child care administrative agency shall take reasonable steps necessary to recover from a provider any overpayment made from child care services for misrepresenting information that resulted in the provider receiving a higher star rating and higher maximum rate than the provider was eligible for to receive under the child care quality rating and improvement system in **ss. 48.659** and **49.155 (6)(e),** Stats

Technical Assistance

Keep your program profile up-to-date all year long, set up monthly maintenance to ensure that all staff listed are current, training is updated, and number and age range of rooms is always accurate.

Regarding staffing of a family child care program, if two different individuals conduct the role of lead teacher and administrator, both individuals must be listed in the Registry. The Lead Teacher must be the individual that spends most of the time with the children during primary hours of operation (6 a.m. - 6 p.m.)

An individual listed as Director or Site Supervisor must meet licensing requirements for this position. They must assist Lead Teachers with responsibilities as applicable, i.e. if staff is ill, during staff break/meal items, or special programming or activities that require more adults int the room. They must be on site for at least 25% total hours they work for the program.

Lead Teachers are expected to teach the greatest number of hours between the hours of 6 a.m. to 6 p.m. in each classroom. Ensure that all your lead teachers are reflected accurately in your Registry and are verified by your Technical Consultant.

YOUNGSTAR (Continued)

When lead teachers are moved or depart the facility, per YoungStar policy, a provider's Program Profile must be updated immediately. This is outlined in your YoungStar contract and additional information can be found in an additional resource titled "Maintaining Your Program Profile."

Grace Period Waivers are given once per calendar year and are 90-days in length. The grace period is calculated on the 16th of the month following the first time a rating drops, often as the result of losing a Lead Teacher, or two, with rating levels of 7+. A provider must contact their local YoungStar office to request a grace period.

NO ACCESS VISITS

Description

Multiple unsuccessful attempts were made by the department or local agency to gain entry to your facility during the regulated hours of operation.

Authority

Wisconsin Administrative Code DCF 201.04(6)(e) Monitoring of Child Care Programs. The department or the child care local agency may make on-site inspections to monitor provision of authorized services.

Technical Assistance

Document times away from the center during the hours of operation. Many providers email their licensors to indicate closures, field trips, schedule changes, etc. This is adequate documentation for the department.

- Maintain receipts and/or permission slips for field trips.
- Make sure your doorbell and a facility phone number are in operation.
- Closures can also be reported in the Provider Portal.

OUTSIDE EMPLOYMENT

Description

Outside employment during the hours of operation, where you are engaged in other employment that interferes with the adequate care and supervision of the children.

Authority

Wisconsin Administrative Code DCF 202.08(5)(a) Supervision. A child care provider may not be engaged in any other activity or occupation during the hours of operation which interferes with the adequate care and supervision of children.

Wisconsin Administrative Code DCF 250.05(3)(a)1 Supervision. A provider may not be engaged in any other activity or occupation during the hours of operation of the center, except for daily maintenance of the home.

Technical Assistance

A provider cannot be signed in as a caregiver at the same time they are engaged in outside activities which prevents adequate care.

*** NOTE:** Providers may fulfill duties of outside employment if they hire individuals who are approved caregivers and to work with their licensor to complete those requirements.

NONDISCRIMINATION

Description

You may be charging a parent who receives a child care subsidy a higher child care price than a private pay parent is charged for a similar amount of care.

Authority

Wisconsin Administrative Code DCF 201.038(6) Nondiscrimination. (a) A provider may not charge a parent that receives a child care subsidy a higher child care price than a private pay parent is charged for a similar amount of child care. **DCF 201.06(1)(b).**

WISCONSIN SHARES CHILD CARE SUBSIDY EMPLOYER REQUIREMENTS

Wisconsin New Hire Reporting

Wisconsin law requires employers to report each newly hired employee to the State Directory of New Hires within 20 days after the employee starts work. Employers must also report employees who are rehired, recalled, or returning to work after an unpaid interval of more than 60 days.

New hires can be reported here: **wi-newhire.com**

Wisconsin Minimum Wage Law

Wisconsin's minimum wage law is currently set at $7.25 an hour.
More information regarding Unemployment Insurance, Worker's Compensation, and Wisconsin minimum wage law can be found at **dwd.wisconsin.gov.**

Worker's Compensation

All Wisconsin employers must have a Worker's Compensation insurance policy for employees unless legally exempt.

Exemptions include:

- Sole proprietors that have no employees
- Partnerships that have partners only and no employees
- Limited liability companies that have members only and no employees

Reporting DWD Employer Requirements for Employees

Policy 1.3.8.3.1 Employed by a Child Care Provider. If the employer is a child care provider or a business owned or managed by a provider, each of the following requirements must be met:

The employer must have a Worker's Compensation insurance policy for its employees unless legally exempt.

- The employer must comply with Wisconsin minimum wage law for all employees.
- The employer must file a Wisconsin New Hire report on the employee within 20 days of the hiring date.
- The employer must report wages to Unemployment Insurance unless exempt.

TECHNICAL ASSISTANCE

As a child care licensed provider, you cannot be determined as a qualified employer if you do not meet any the following for all your employees: worker comp, new hire reported, and unemployment insurance. This is critical for employees of the center with children authorized to your child care center. The Wisconsin Shares child care subsidy program pays for child care services for parents in approved activities, and if an employer is not a "qualified employer" the authorization is in jeopardy and an overpayment could result.

- Wisconsin law requires employers to report each newly hired employee to the State Directory of New Hires within 20 days after the employee starts work.
- Employers must also report employees who are rehired, recalled, or returning to work after an unpaid interval of more than 60 days. New hires need to be reported even if they work only one day and are terminated.
- New hires can be reported online at: **wi-newhire.com.**
- Wisconsin's minimum wage law is currently set at $7.25 an hour. More information regarding Unemployment Insurance, Worker's Compensation, and Wisconsin minimum wage law can be found at **dwd.wisconsin.gov.**
- Keep in mind that even if you are paying an employee in cash, gifts, credit, etc. those are considered "wages" and value must be reported.
- It is for the protection of the employer and employee that wages are reported and monitored.

REGULATION VIOLATIONS

Description

Payment received while your location was not in compliance with the listed regulations, including the maximum number of children, the required ratio of providers-to-child, care outside of the regulated hours of operation, care provided at a location other than the authorized location.

Authority

Wisconsin Administrative Code DCF 201.04(5)(b) Provider Overpayments. A provider shall be responsible for an overpayment if a provider was paid with child care funds for care (2) provided at a location other than the location for which the authorization for care was issued, except for field trips, (3) during time when the provider was in violation of the applicable provision regarding limits on the maximum number of children in care or the required provider-to-child ratios for children of various ages, and/or (4) when the provider was in violation of the terms of the provider's license.

Technical Assistance

CAPACITY

- It is the responsibility of the provider to ensure they are in capacity during hours of operation. Tracking and record keeping will be the best way to monitor capacity when in operation.
- Communicate effectively with parents who have a bad habit of picking up late or arriving outside of their child's scheduled need.
- Be mindful, when summertime nears, to communicate with parents if they need summer care of school-age children and inform them if you can accommodate that care or not.
- Children on transportation are included in a center's capacity.
- Obtain child care need schedules to monitor capacity and staff appropriately. Utilize your Written Payment Agreements and your parent policy handbook to effectively manage this with families.
- Child care need schedules must be within the regulated hours of operation. If not, a request can be made to certification/licensing to change the regulated hours of operation.
- It is important to monitor children who are not attending regularly to determine if an authorization is still needed. Again, this will allow you better monitor the needs of your families while maintaining your capacity. You can end an authorization using your Provider Portal or by reaching out to your local agency.

Technical Assistance
UNAUTHORIZED LOCATION

- Children must attend the location authorized.
- Any changes in regulation that may affect the authorization (such as relocation, closure of a location, or change in regulation type) must be reported to the agency.
- Communicate to parents the authorization must be for the location in which the child is attending. Utilize your Provider Portal to monitor and confirm children are authorized for the correct location.
- Communicate with parents their responsibility to contact the local agency if they have an authorization created to the wrong location or if the location needs to be updated prior to the end of the month the error is discovered. You can end the authorization via the Provider Portal by reaching out to the local agency. This will force the parent to call and update their authorization to avoid disruption of care. Encourage parents to review their monthly authorization notices to confirm the correct location. Parents can utilize the Parent Portal or contact the local agency to update the authorization.
- If you have multiple locations, it is important to know that a child's authorization is created specific to that assigned location; a child cannot move between locations unless the authorizations accurately reflect attendance at both locations. Work with the family and local agency to ensure the authorization is correctly created.
- Each location must be treated as a separate entity as there are a multitude of factors that may vary by location. For example, ages you serve, capacity, Star Rating, cost/rates, etc.
- It is important to note that a child can have multiple locations and can be created to attend multiple locations if reported accurately to the agency. For example, if a child attends location 001 on weekdays, but you utilize location 002 for weekend care due to staffing; the local agency can create two (2) separate authorizations to support that child care need.
- Payment received for care provided at a location other than where the authorization is written is a provider overpayment.

Please refer to DCF rules and regulations as they relate to capacity and ratio for your individual facility. The information can be viewed in the following Administrative Codes:

Certified Child care Providers refer to **DCF 202.08**, Licensed Family Child care Centers refer to **DCF 250.05**, Licensed Group Child care Centers refer to **DCF 251.05**.

POSSESSION OF PARENTS' CONFIDENTIAL ITEMS

Description

Possession of or requiring parent(s) to provide MyWIChildCare EBT Cards, card numbers, personal identification numbers (PIN), official notices from the department, subsidy fund amount, and/or any representation of these items.

Authority

Wisconsin Administrative Code DCF 201.038(7) Confidentiality. A provider may not do any of the following:

(a) Require a parent to disclose the balance in the parent's child care subsidy account.

(b) Require a parent to provide the parent's EBT card, account number, or personal identification number to the provider.

(c) Possess a photocopy, photo, or other image of a parent's EBT card.

(d) Possess a parent's subsidy account number or personal identification number.

Technical Assistance

- Do not accept any MyWIChildCare EBT cards, card numbers, and/or PINs.
- Report parents providing MyWIChildCare EBT card and/or PIN information to the agency.
- Providers are allowed to assist parents to make payments, as long as the goal of the assistance is to teach the parent to use the system on their own. It is the parent's responsibility to manage all their payments using the MyWIChildCare EBT card.
- The parent is required to make the payment. If the provider offers assistance, the provider shall not enter the parent's card number and/or PIN to make the payment. The only assistance that may be provided are the following: providing billing statements so a parent knows the amount to pay, providing the due dates and frequency of payments, providing a computer, phone, or point-of-sale (POS) device for parents to use.

CHILDREN IN THE HOME

Description

Inaccurate reporting of children residing in the home.

Authority

- **Wisconsin Administrative Code DCF 202.08(6)(c).** Maximum Number of Children. A child care operator's natural, adopted, step, or foster children 7 years of age or older or any child 7 years and older residing in the operator's home are not counted in determining the maximum number of children allowed under par. (b).

- **Wisconsin Administrative Code DCF 250.05(4)(a)1.** Staffing and Grouping. At no time may more than 8 children be in the care of the center. This total includes: All children under 7 years of age, including a provider's own children.

- **Wisconsin Administrative Code DCF s. 201.039(7).** The department or a child care administrative agency may authorize payment for the care of a child whose parent is a child care provider only if the care will be provided by another child care provider.

Technical Assistance

- Children residing in the home, under the age of seven (7), are included in the center's capacity and must be signed in on the attendance record when present during the hours of operation.
- It is important to be aware that you cannot receive an authorization for your own child without a waiver. The waiver, if approved, will allow you to obtain an authorization for another facility, but not your own. In addition, any other children residing in your home, temporarily or permanently, cannot receive an authorization for your facility. This also applies, even if your child care facility address is not your home address.
- In addition, you must also report yourself as self-employed - not an employee of the child care. You may have a set wage for yourself, but to accurately report you must complete self-employment verification. Tax documents will be a requirement if you have filed taxes for your business at the time of request.
- If your own children or any other children residing in the residence are under the age of seven (7), they will need to be listed on the attendance records. Children over the age of seven (7) do not need to be listed on the attendance records. Be careful to account for children in the under 7 age group when operating the child care center because those children are accounted for in the capacity of the center.

UNEMPLOYMENT INSURANCE

Description

Employers must report wages to Unemployment Insurance quarterly by the last day of the month following each quarter, unless exempt. Exemptions include:

- Sole Proprietor
  - Owner, spouse, children under 18, parents of sole proprietor
- Partnership
  - Partners and sole proprietor exclusions, but only if the exclusion applies to both partners
- Limited Liability
  - LLC members only
- Independent Contractors
  - Review Chapter 108 requirements to determine exclusions

CLOSURES

Description

If you are a child care provider who is closing your center or anticipating a closure for any amount of time, communication to your licenser/certifier or local agency is essential to prepare families for the changes. Some common reasons include change in ownership, remodeling, or retirement. A family's child care subsidy funds are associated with a specific month and based on operating hours and days the center can provide child care services. If services are not fulfilled, the fund amount was misapplied.

Authority

Wisconsin Administrative Code DCF 201.04(5)(b)

A child care administrative agency or the department shall take all reasonable steps necessary to recoup or recover from a provider any overpayments made for child care services for which the provider was responsible, or overpayments caused by administrative error that benefited the provider.

Technical Assistance

- Clearly document and track your closures and closure reason on your attendance records.
- The department encourages you to utilize your Provider Portal to report closures, timeframe, and reason for closure.
- If you have an anticipated closure, plan accordingly and communicate with your families to pay for services you will provide. This practice will allow the agency and family to plan to continue the need for child care effectively.
- Be mindful of clients who pay at the beginning of the month, make sure they only issue funds for days your location is open.
- If the department notices a pattern of closures, you may be advised to adjust your hours of operations (i.e. if you can no longer provide care during late hours or weekends, contact your licensor in writing to change your hours of operations) .
- If you have a permanent or temporary closure before the last day of the month, funds spent were misapplied because child care services were not fulfilled and an overpayment will be assessed. In order to avoid overpayments, communicate to the agency and parents to ensure you only receive payments for the days in which care was provided.
- If your families have already paid for the whole month, you can initiate a Voluntary Repayment Agreement (VPA). This is another way to avoid an overpayment.

CLOSURES (CONTINUED)

Closures due to the COVID-19 Pandemic

- Child care providers may be required to temporarily close their facility if there is an exposure to COVID-19. This is to ensure the health and safety of children, families, and staff.
- The department does not require providers to return subsidy funds for a temporary closure lasting up to 14 consecutive calendar days if the closure was due to a COVID-19 exposure (Operations Memo 20-25 effective March 2020).
- The department expects providers to adhere to reporting requirements related to communicable diseases.

PAYMENTS FOR CARE NOT PROVIDED

Description

The department has become aware of payment received for care not provided because the child care facility was closed or unregulated. Please review the administrative code listed below and adjust your business practices immediately to come into compliance.

Authority

Wisconsin Administrative Code s DCF 201.04(5)(b). Provider Overpayments
A child care administrative agency or the department shall take all reasonable steps necessary to recoup or recover from a provider any overpayments made for child care services for which the provider was responsible, or overpayments caused by administrative error that benefited the provider.

- The following sections of the **Wisconsin Shares Handbook** describes circumstances in which subsidy funds may be required to be returned to the department when a child care provider has a temporary closure.
- Section 4.5.1 states that funds may be removed from a parent's MyWIChildCare EBT card in situations when a provider has a temporary closure.
- Section 4.8.4 states that if a provider refuses to care for a child during the child's authorized hours due to planned or unplanned closures, the provider may be subject to overpayment.
- Section 4.11.1.2.2 states that a provider may be responsible for an overpayment for receiving and retaining payment for care not provided in circumstances of temporary closure

Technical Assistance

- Always notify parents and the local agency of anticipated or unanticipated closures, and the planned reopening date if applicable.
    - If the date of reopening is unknown, the provider should encourage families to contact local agency to find a new provider or to end their authorization.
    - The provider is encouraged to report or terminate any authorizations that remain active over 30 days after the date of the closure or 30 days after the child last attended the facility. The provider can do this by contacting the local agency or by accessing the Provider Portal.

PAYMENTS FOR CARE NOT PROVIDED (CONTINUED)

- Always document all closures and closure reasons on your attendance records.
- MyWIChildCare funds only pay for care provided during the hours and days of operation outlined in your license or certification.
- Receiving funds while your facility is closed may result in an overpayment.
- If you believe you have been overpaid, you may complete a **Voluntary Repayment Agreements (VPA) (DCF-F-5178-E)** and return it to the local agency. Please refer to the VPA form to review the terms and conditions of the agreement.
- Closures due to the COVID-19 Pandemic
    - Child care providers may be required to temporarily close their facility if there is an exposure to COVID-19. This is to ensure the health and safety of children, families, and staff.
    - The department does not require providers to return subsidy funds for a temporary closure lasting up to 14 consecutive calendar days if the closure was due to a COVID-19 exposure (Operations Memo 20-25 effective March 2020).
    - The department expects providers to adhere to reporting requirements related to communicable diseases.

§ Group Child Care: **Wisconsin Administrative Code DCF s. 251.04(3)** Reports.
§ Family Child Care: **Wisconsin Administrative Code DCF s. 250.04(3)** Reports
§ Day Camp: **Wisconsin Administrative Code DCF s. 252.41(2)** Reports.
§ Certified Child Care Provider Reporting Requirements: **Wis. Admin. Code DCF s. 202.08(4)(k)**

PROVIDER RIGHTS TO RESPOND

Description

If the department has initiated an audit or investigation with your facility, we are required to adhere to the 7m process. A Provider Explanation Letter, or 7M Letter, is sent to providers if violations have been discovered during the investigation. The letter is sent via regular and certified mail.

It provides representative examples of all violations discovered and requests a response within 15 calendar days. This letter is the department’s practice to allow providers an opportunity to provide a response or explanation, in person or in writing, to any violations discovered. After 15 calendar days with no response, the department will attempt to contact the provider, but will move forward with the investigation if no response is received.

The 7M Letter outlines all violations discovered and is sent out upon completion of an investigation or audit. The 7M Letter provides details regarding the violated rules and policy(ies), and requests the provider respond or provide an explanation for the violations within 15 calendar days. The provider's response may be verbal (an arranged meeting or via telephone), or in writing. It is encouraged that the providers give an explanation in person (also known as a provider meeting). The 7M letter is sent via regular and certified mail.

RESOURCES

Click any of the links below to access that resource.

Sign Up for the DCF Child Care e-Mail List and Updates (Web)

COVID-19 Child Care Listserv Message Archive (Web)

The Wisconsin Shares child care subsidy program (Web)

The MyWIChildCare EBT Card (Web)

MyWIChildCare Tips and Other Useful Information for Parents (Web)

Child Care Provider Portal link (Web)

Report fraud link (Email)

YoungStar Contract link (Document Link)

YoungStar Registry (Web)

Voluntary Repayment Agreement form (DCF-F-5178-E) (Document Link)
The form may be returned via email or fax. The department will then contact Fidelity National Information Services (FIS) to initiate the Voluntary Repayment process. The funds will be debited from the provider's bank account registered with FIS and returned to the state. It is vital that the funds are in the account when the debit is processed. If funds are not available, the department will receive a failure notice.

Section 6

Common YoungStar Violations

YoungStar is Wisconsin's child care quality rating and improvement system. Through it, we help preschools, home-based programs, learning centers, and other child care providers give children safe, nurturing places to grow.

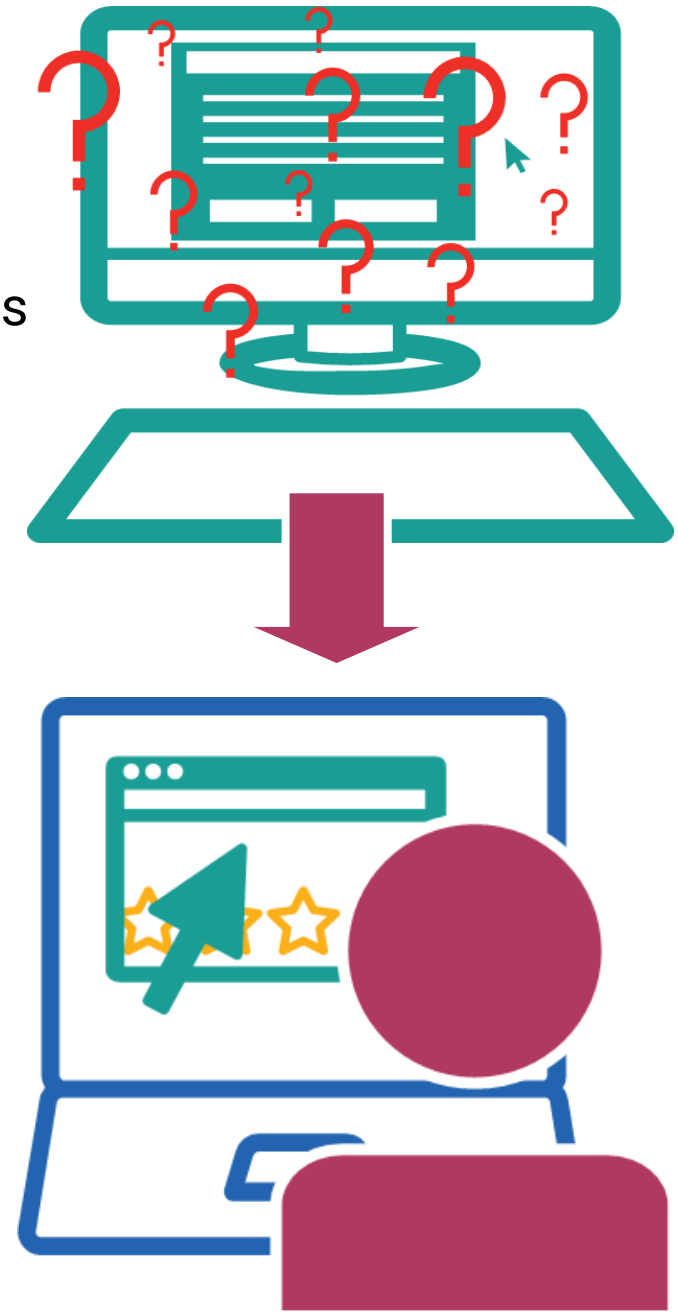
We objectively measure child care quality, rating thousands of child care providers, awarding up to five stars for the highest quality of care.

By supporting providers with tools and training to deliver high-quality care, we set a consistent standard for child care quality that you deliver. The department provides a monetary incentive to maintain the high 4 and 5 Star quality ratings.

The largest violations that impact the YoungStar ratings, are inaccurate information in the Wisconsin Registry Program Profile.

The YoungStar rating is an incentive program for providers who offer high-quality care.

This rating is determined by the information and qualifications entered into the YoungStar Registry.



It is the responsibility of the provider to maintain current and accurate information on their staff, including titles, roles, and rooms for their facility. Misrepresentation or failure to keep The Wisconsin Registry accurate and current may result in an overpayment.

Examples of this misrepresentation include:

When lead teachers are listed in the Program Profile for your center, but are not in attendance or providing care during the hours of 6 a.m.— 6 p.m. at the location where care is provided.

or

A lead teacher listed in The Wisconsin Registry is not fulfilling the duties of their listed role.

or

When teachers are listed in the Program Profile, but not employed at the center.

or

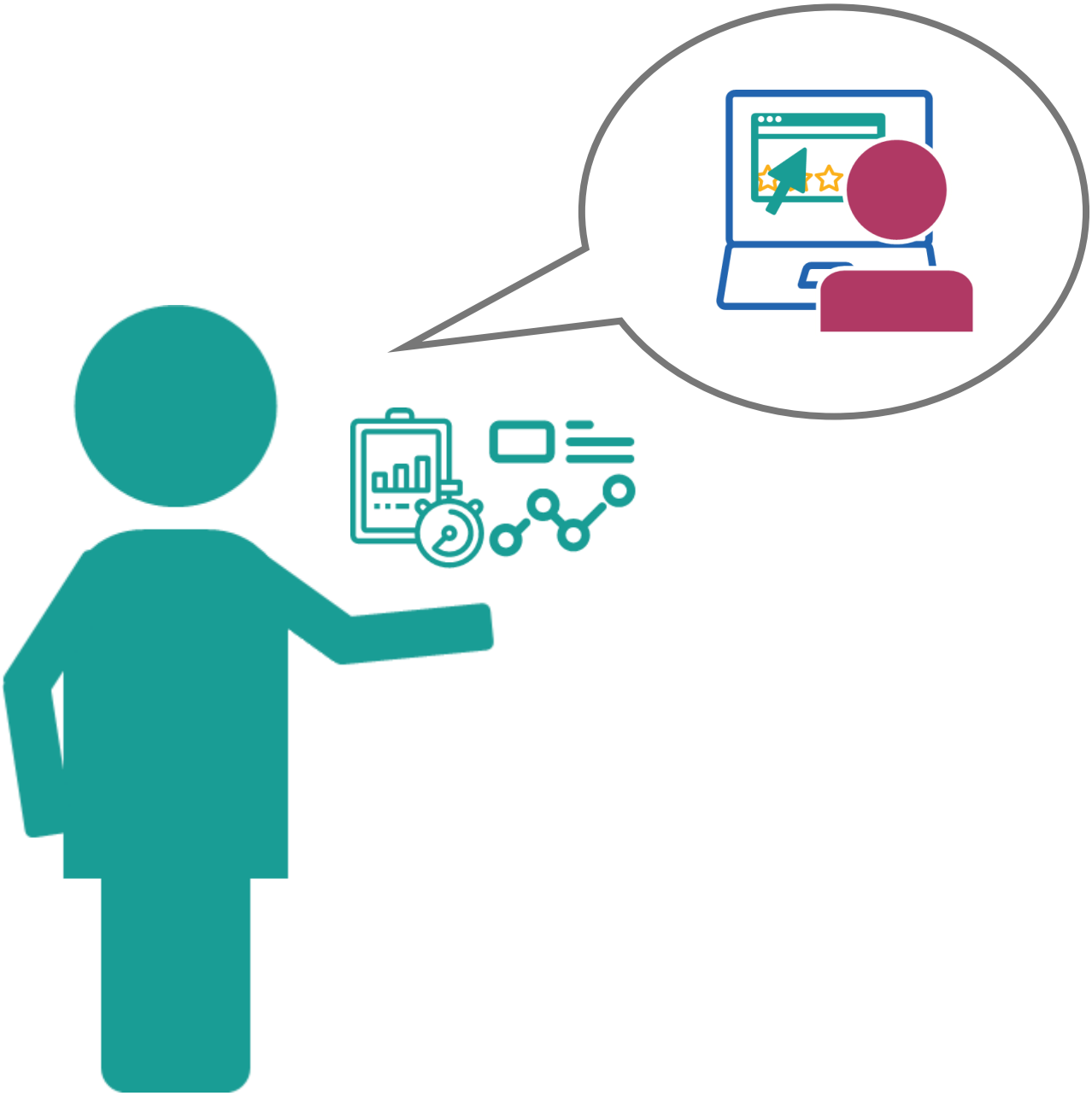
Not keeping your Program Registry up-to-date to reflect current employees of the child care facility.

or

The employee on The Wisconsin Registry not fulfilling duties necessary to obtain/maintain a higher rating.

In order to avoid misrepresentation and overpayment, we recommend spending the extra time needed to make sure your program Registry is up to date, including immediately updating your Registry any time you add or remove staff.

YoungStar Technical Consultants are available to provide additional monitoring visits and resources to guide and support compliance of the program.



Section 7

Outcomes and Consequences

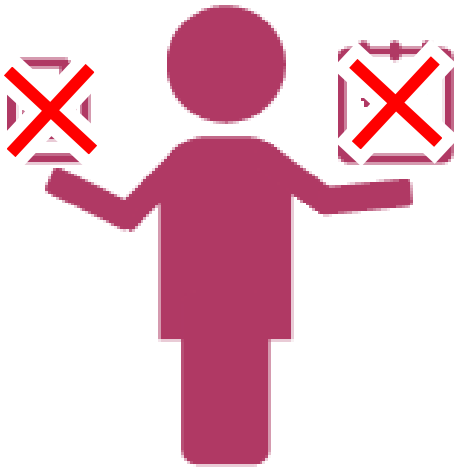
For each of the rules that are found to be in violation, you have seen that we provide technical assistance with one or more corrective actions that are advised to get you back into compliance.

It is our hope and intention to help resolve most violation issues via technical assistance, or, when necessary, sanctions, as outlined in the previous section.

When providers do not make the appropriate efforts to come into compliance with the rules governing Wisconsin Shares child care subsidy or YoungStar after progressive sanctions, permanent suspension is possible.

Under these circumstances, BCCSA may take this series of actions to gain compliance based on the severity and intention of the violations or a pattern of repeated violations that include ongoing monitoring of the provider for compliance.

Enforcement actions include orders to correct violations, forfeiture, and direct forfeiture.



Technical Assistance

The department may provide technical assistance to the provider for first-time non-serious violations discovered during investigations and monitoring visits to ensure the provider understands all program requirements.

Overpayment

Overpayments are assessed when a provider received an incorrect subsidy amount due to an administrative error, provider error, or intentional program violation.

Stipulation

A stipulation is established if an investigation and audit reveals egregious or serious violations that could warrant permanent suspension from the program.

However, this can be avoided with the provider's cooperation and correction of violations if they are implemented immediately and improvement is observed.

A stipulation can be issued to a provider in lieu of a permanent suspension, if the provider is willing to make corrections and come into compliance in the future.

Termination

Termination is the permanent suspension from the Wisconsin Shares child care program.

If the investigation reveals that the violations discovered were serious and intentional, the department will reduce the provider's Star Rating to a 1, thus no longer qualifying for Wisconsin Shares child care authorizations.

Termination from the Wisconsin Shares program may impact any existing or future license issued under the authority of the Bureau of Early Care Regulation. Termination is permanent.

Enforcement

The enforcement actions taken by the department are based on five (5) specific program violations and the severity of those violations, patterns of repeated violations, or a combination of the two.

Possession of EBT Cards, other confidential information, lack of or incomplete written payment agreements, discrimination of Wisconsin Shares child care or private pay families, or the failure to report 30 calendar days of non-attendance.

Progressive enforcement refers to a series of actions taken by the department to gain compliance with administrative rules, when previous efforts such as technical assistance and warning letters have not worked.

A forfeiture may be established, thus requiring a type of fine.

Violations defined as serious may result in a direct forfeiture. Enforcement actions are authorized in statute.

Section 8

Resources

Throughout this guide, we refer to a variety of statutes, administrative rules, forms and other resources that are available online and from our website. Click on the links below and on the next page to view their respective documents.

(Web)

DCF has great resources available for providers, you can access them via the web.

(Web)

Want to stay up to date with the latest Provider related happenings? Subscribe to our email list via this link.

(Web)

YoungStar consultant Tom Copeland has a blog that is very helpful with handouts, training videos and podcasts.

Wisconsin Statutes 49.155(7m)

Administrative Rule DCF 201.038(8)

Administrative Rule DCF 201.038(7)

Administrative Rule DCF 201.038(6)

Administrative Rule DCF 201.038(5)

Department's DCF-F-5224-E written payment agreement form

Spanish version DCF-F-5224-E-S

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