



## Out of Compliance Policy

2/21/2018

Any program that wishes to participate in YoungStar must be regulated. Of all regulated programs, those that have had their licenses or certifications revoked, denied, or suspended are moved to a 1 Star rating and **families cannot receive Wisconsin Shares authorizations to attend a 1 Star rated program**. In order to earn 2 Stars or more, a program must be in regulatory compliance.

"Regulatory compliance" is defined below.

### Licensed Providers

Licensed providers are considered to be out of regulatory compliance upon receipt of notice from the Department of Children and Families that the program has 1) been revoked; 2) been denied a license; or 3) has had its license suspended. For programs found to be out of regulatory compliance, the YoungStar star rating is changed to 1 Star on the first of the following month, at which time existing authorizations will end. If the provider subsequently becomes reinstated, the rating will be changed to 2 Star on the first of the following month, at which time authorizations can begin.

If a provider's Wisconsin Shares payments have been ended due to a suspension from the Wisconsin Shares child care subsidy program, the provider's rating is changed to 1 Star on the first of the following month, at which time existing authorizations will end. The provider remains at 1 Star until the term of the YoungStar Contract expires. At that time the provider is removed from YoungStar.

All three regulatory actions (revocation, denial, and suspension) have an associated appeal right, as described in Ch. 227, Wis. Stats. In the case of revocations, denials, and license suspensions, a program remains out of regulatory compliance and at 1 Star until the regulatory enforcement action is resolved. Any future participation in the Wisconsin Shares program depends upon the conditions articulated in the final ruling or the settlement of the revocation case.

If the program continues to operate during an appeal, the provider is placed on a waiting list for YoungStar consultation services. These providers are not eligible to receive any services from YoungStar until services have been provided to all other providers who requested services and are currently in regulatory compliance. Note that the receipt of YoungStar services does not mean that the program can receive Wisconsin Shares authorizations.

### Certified Providers

Certified providers are considered to be out of regulatory compliance upon receipt of notice from the certifying agency that the program has been suspended, revoked, or denied re-certification. If a certified provider has had certification revoked or suspended, the provider's rating is changed to 1

Star on the first of the following month, at which time existing authorizations will end. If the provider appeals the decision, the provider's rating will remain at 1 Star during the appeals process. If the provider subsequently becomes reinstated, the rating will be changed to 2 Star on the first of the following month, at which time authorizations can begin.

If a provider's Wisconsin Shares payments have been ended due to a suspension from the Wisconsin Shares child care subsidy program, the provider's rating is changed to 1 Star on the first of the following month, at which time existing authorizations will end. The provider remains at 1 Star until the term of the YoungStar Contract expires. At that time the provider is removed from YoungStar.

Programs have an associated appeal right, as described in Ch. 227, Wis. Stats. If the program continues to operate during an appeal, the provider is placed on a waiting list to receive YoungStar consultation services. These providers are not eligible to receive services from YoungStar until services have been provided to all other providers who requested services and are currently in regulatory compliance. Note that the receipt of YoungStar services does not mean that the program can receive Wisconsin Shares authorizations.

### **License Exempt Providers**

A YoungStar participating child care program that is run or contracted by a public school must be monitored annually for compliance with a subset of the Administrative Code DCF 251 Licensing Rules for Group Child Care Centers. Therefore, any license exempt program that does not comply with the subset of rules may: lose the ability to have children authorized to their program; and be moved to a 1 Star rating on the first of the following month, at which time existing authorizations will end. If the program subsequently becomes eligible to receive Wisconsin Shares authorizations, the rating will be changed to 2 Star on the first of the following month, at which time authorizations can begin.

Child care programs run by public schools (or private schools) are required to meet all state child care licensing standards, even though DCF licensing only monitors a subset of them. A public school board could learn of instances where other standards were not met if these instances were reported by parents or others.

If a program's Wisconsin Shares payments have been ended due to a suspension from the Wisconsin Shares child care subsidy program, the provider's rating is changed to 1 Star on the first of the following month, at which time existing authorizations will end. The provider remains at 1 Star until the term of the YoungStar Contract expires. At that time the provider is removed from YoungStar.

**Example:** *ABC Daycare, a 3 Star program, is sent a license revocation on February 15, 2018. The program will move from a 3 Star rating to a 1 Star rating on March 1, 2018. All current Wisconsin Shares authorizations will end on 2/28/18. No new authorizations can be written.*

*ABC Daycare's revocation is then withdrawn on May 10, 2018. The program will remain a 1 Star rated program until June 1, 2018, when the program will move to a 2 Star rating. Although the program may begin caring for children on May 10<sup>th</sup>, Wisconsin Shares authorizations will be allowable beginning on June 1, 2018 **at the earliest.***