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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 498

01/28/2019 Authored by Franson, Scott, Koznick, Baker, Dettmer and others
The bill was read for the first time and referred to the Early Childhood Finance and Policy Division

1.1 A bill for an act
1.2 relating to human services; modifying child care assistance program
1.3 disqualifications due to wrongfully obtaining assistance; amending Minnesota
1.4 Statutes 2018, section 256.98, subdivision 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 256.98, subdivision 8, is amended to read:

1.7 Subd. 8. Disqualification from program. (a) Any person found to be guilty of
1.8 wrongfully obtaining assistance by a federal or state court or by an administrative hearing
1.9 determination, or waiver thereof, through a disqualification consent agreement, or as part
1.10 of any approved diversion plan under section 401.065, or any court-ordered stay which
1.11 carries with it any probationary or other conditions, in the Minnesota family investment
1.12 program and any affiliated program to include the diversionary work program and the work
1.13 participation cash benefit program, the food stamp or food support program, the general
1.14 assistance program, housing support under chapter 256I, or the Minnesota supplemental
1.15 aid program shall be disqualified from that program. In addition, any person disqualified
1.16 from the Minnesota family investment program shall also be disqualified from the food
1.17 stamp or food support program. The needs of that individual shall not be taken into
1.18 consideration in determining the grant level for that assistance unit:

- 1.19 (1) for one year after the first offense;
1.20 (2) for two years after the second offense; and
1.21 (3) permanently after the third or subsequent offense.

2.1 The period of program disqualification shall begin on the date stipulated on the advance
2.2 notice of disqualification without possibility of postponement for administrative stay or
2.3 administrative hearing and shall continue through completion unless and until the findings
2.4 upon which the sanctions were imposed are reversed by a court of competent jurisdiction.
2.5 The period for which sanctions are imposed is not subject to review. The sanctions provided
2.6 under this subdivision are in addition to, and not in substitution for, any other sanctions that
2.7 may be provided for by law for the offense involved. A disqualification established through
2.8 hearing or waiver shall result in the disqualification period beginning immediately unless
2.9 the person has become otherwise ineligible for assistance. If the person is ineligible for
2.10 assistance, the disqualification period begins when the person again meets the eligibility
2.11 criteria of the program from which they were disqualified and makes application for that
2.12 program.

2.13 (b) A family receiving assistance through child care assistance programs under chapter
2.14 119B with a family member who is found to be guilty of wrongfully obtaining child care
2.15 assistance by a federal court, state court, or an administrative hearing determination or
2.16 waiver, through a disqualification consent agreement, as part of an approved diversion plan
2.17 under section 401.065, or a court-ordered stay with probationary or other conditions, is
2.18 disqualified from child care assistance programs. The disqualifications ~~must be for periods~~
2.19 ~~of one year and two years for the first and second offenses, respectively. Subsequent~~
2.20 ~~violations must result in~~ be permanent disqualification. During the disqualification period,
2.21 Disqualification from any child care program must extend to all child care programs and
2.22 must be immediately applied.

2.23 (c) A provider caring for children receiving assistance through child care assistance
2.24 programs under chapter 119B is disqualified from receiving payment for child care services
2.25 from the child care assistance program under chapter 119B when the provider is found to
2.26 have wrongfully obtained child care assistance by a federal court, state court, or an
2.27 administrative hearing determination or waiver under section 256.046, through a
2.28 disqualification consent agreement, as part of an approved diversion plan under section
2.29 401.065, or a court-ordered stay with probationary or other conditions. The disqualification
2.30 ~~must be for a period of one year for the first offense and two years for the second offense.~~
2.31 ~~Any subsequent violation must result in permanent disqualification.~~ The disqualification
2.32 ~~period~~ must be imposed immediately after a determination is made under this paragraph.
2.33 ~~During the~~ Upon disqualification ~~period,~~ the provider is disqualified from receiving payment
2.34 from any child care program under chapter 119B.

3.1 (d) Any person found to be guilty of wrongfully obtaining MinnesotaCare for adults
3.2 without children and upon federal approval, all categories of medical assistance and
3.3 remaining categories of MinnesotaCare, except for children through age 18, by a federal or
3.4 state court or by an administrative hearing determination, or waiver thereof, through a
3.5 disqualification consent agreement, or as part of any approved diversion plan under section
3.6 401.065, or any court-ordered stay which carries with it any probationary or other conditions,
3.7 is disqualified from that program. The period of disqualification is one year after the first
3.8 offense, two years after the second offense, and permanently after the third or subsequent
3.9 offense. The period of program disqualification shall begin on the date stipulated on the
3.10 advance notice of disqualification without possibility of postponement for administrative
3.11 stay or administrative hearing and shall continue through completion unless and until the
3.12 findings upon which the sanctions were imposed are reversed by a court of competent
3.13 jurisdiction. The period for which sanctions are imposed is not subject to review. The
3.14 sanctions provided under this subdivision are in addition to, and not in substitution for, any
3.15 other sanctions that may be provided for by law for the offense involved.