

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY
THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of)	
)	
EMPLOYER A - NEIGHBORHOOD A)	OAH No. 19-0243-CCA
<hr/>)	Agency No. 10003427

DECISION

I. Introduction

The Division of Public Assistance Child Care Program Office (Division) denied payment to Employer A – Neighborhood A School-Age Program for services Employer A provided under the Child Care Assistance Program. The services were provided to two eligible children in November 2018. The Division denied payment because the provider’s billing statement for that month was not timely submitted.

The evidence supports the Division’s determination that Employer A – Neighborhood A did not request payment for the services at issue until February 6, 2019, more than a month after the submission deadline. The Division may not pay untimely requests for payment unless specific exceptions are satisfied. Because the exceptions do not apply to this case, the Division correctly denied payment. Its decision is affirmed.

II. Facts

The Employer A – Neighborhood A school-age program is approved by the Child Care Assistance Program to care for eligible children.¹ On August 13, 2018, the Childcare Assistance Program authorized services for two school-age children, Z and C. The authorization included services for the full months of October 2018 through February 2019.² The Childcare Assistance Program sent a copy of the authorization to the children’s parent or guardian, S T, and to the selected provider, Employer A – Neighborhood A school-age program.³ However, Employer A - Neighborhood A has no records showing it received the authorization in August 2018.⁴

It is not clear whether Z and C participated in the Neighborhood A school-age program in October 2018. According to C C, who works with Employer A – Neighborhood A, the program’s records show that the children started services on November 1, 2018. They participated in the program throughout November 2018 and in subsequent months.

On December 6, 2018, Ms. T called the Childcare Assistance Program, informing it that Employer A - Neighborhood A did not have a copy of the children’s authorization for services. She

¹ Exhibit 1.
² Exhibit 2.
³ *Id.*
⁴ C testimony.

requested another copy. The Childcare Assistance Program faxed a copy of the authorization to Employer A - Neighborhood A the same day.⁵ It mailed a copy the next day, on December 7, 2018.⁶

The two copies sent in December likely were received at Employer A - Neighborhood A office. However, they were not routed to C C, and the program has no record of receiving them.

On February 6, 2019, Employer A – Neighborhood A requested and received another fax copy of the authorization letter.⁷ That copy is the first one Ms. C saw. The same day, she submitted a request for payment for the care provided to Z and C in November 2018.⁸ The Division denied payment on February 11, 2019, because the bill was not timely submitted.⁹

Employer A – Neighborhood A requested a hearing, which took place by telephone on April 4, 2019. It was audio-recorded. Employer A – Neighborhood A was represented by C C, who testified on its behalf. Sally Dial, a public assistance analyst with the Division of Public Assistance, represented the Division. All submitted documents were admitted to the record, which closed following the hearing.

III. Discussion

The Child Care Assistance Program is established by statute.¹⁰ The regulations governing the program can be found in the Alaska Administrative Code (AAC), 7 AAC 41.010 - 7 AAC 41.990. The regulation directly applicable to this case is 7 AAC 41.250, entitled "Request for payment." It states in relevant part, "A request for payment must be submitted on or before the last day of the month immediately following the month in which child care services were provided."¹¹ Accordingly, for childcare services provided to Z and C in November 2018, Employer A - Neighborhood A's billing deadline was December 31, 2018.

There is no dispute that Employer A -Neighborhood A provided services to the two children in November. The issue is whether it submitted its payment request before the billing deadline or whether it satisfies any of the exceptions that would allow payment of a late-filed bill.

Employer A – Neighborhood A does not dispute the Division's assertion that it sent Campfire the children's authorization for services in August and twice in December 2018. Ms. C agreed that

⁵ Exhibit 3.2.

⁶ Exhibit 3.1. The exhibit states that the authorization was mailed on 12/7/2019 rather than 2018. This is clearly a typographical error.

⁷ C testimony; Exhibit 6.1.

⁸ Exhibit 4.1.

⁹ Exhibits 4, 5.

¹⁰ AS 47.25.001 - 47.25.095.

¹¹ 7 AAC 41.250(a).

the Division probably did send those copies, as its records show, and she agreed they probably were received at Employer A – Neighborhood A. However, they were not routed to her, and she can find no evidence of them. This is likely due to mishandling by the provider’s staff.

The parties agree that Employer A - Neighborhood A did not submit its request for payment of November services until February 7th. Employer A also agrees that the Division bears no responsibility for the late-filing. The Campfire program was aware of the submission deadline, and it timely submitted a request for payment for December services provided to the same two children.

The Division’s regulations include limited exceptions allowing it to pay a provider despite receiving the payment request after the normal submission deadline.¹² However, none of the exceptions apply here. This case does not involve an otherwise-timely but incomplete billing request. The parent was not transitioning between benefit levels or programs in November. And, the authorization was issued before the children began to receive care from Employer A – Neighborhood A, not after.¹³

IV. Conclusion

Unfortunately, the Division’s regulations do not include flexibility allowing it to pay late-submitted bills under the circumstances of this case. They place the burden of timely submission on the provider, with no leeway for inadvertent errors on the provider’s part. As a result, the decision denying the requested payment is affirmed.

DATED: April 9, 2019.

By: Signed
Signature
Kathryn A. Swiderski
Name
Administrative Law Judge
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

¹² See 7 AAC 41.250(a).

¹³ The Division granted a brief extension for billing requests for October 2018 services, due to the earthquake in Southcentral Alaska on November 30th. That extension for natural disaster also does not apply here.

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 25th day of April, 2019.

By: Signed
Signature
Kathryn A. Swiderski
Name
Administrative Law Judge
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]