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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1311**

02/16/2017 Authored by Quam, Franson, Kresha and Albright  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform  
03/09/2017 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act  
1.2 relating to human services; requiring county licensing agencies to offer and conduct  
1.3 exit interviews for family child care providers; authorizing a fix-it ticket alternative  
1.4 to a correction order in certain circumstances; amending Minnesota Statutes 2016,  
1.5 section 245A.04, subdivision 4; proposing coding for new law in Minnesota  
1.6 Statutes, chapter 245A.

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

1.8 Section 1. Minnesota Statutes 2016, section 245A.04, subdivision 4, is amended to read:

1.9 Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner  
1.10 shall conduct an inspection of the program. The inspection must include but is not limited  
1.11 to:

- 1.12 (1) an inspection of the physical plant;  
1.13 (2) an inspection of records and documents;  
1.14 (3) an evaluation of the program by consumers of the program; and  
1.15 (4) observation of the program in operation.

1.16 For the purposes of this subdivision, "consumer" means a person who receives the  
1.17 services of a licensed program, the person's legal guardian, or the parent or individual having  
1.18 legal custody of a child who receives the services of a licensed program.

1.19 (b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph  
1.20 (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the  
1.21 commissioner issues an initial license under subdivision 7, these requirements must be  
1.22 completed within one year after the issuance of an initial license.

2.1 (c) Before completing a licensing inspection in a family child care program, the county  
2.2 licensing agency must offer the family child care license holder an exit interview to discuss  
2.3 violations of law or rule observed during the inspection and offer technical assistance on  
2.4 how to comply with applicable laws and rules. Nothing in this paragraph limits the ability  
2.5 of the commissioner to issue a correction order or negative action for violations of law or  
2.6 rule not discussed in an exit interview or in the event that a family child care license holder  
2.7 chooses not to participate in an exit interview.

2.8 **EFFECTIVE DATE.** This section is effective October 1, 2017.

2.9 Sec. 2. **[245A.065] FAMILY CHILD CARE FIX-IT TICKET.**

2.10 (a) In lieu of a correction order under section 245A.06, the commissioner shall issue a  
2.11 fix-it ticket to a family child care license holder if the commissioner finds that:

2.12 (1) the license holder has failed to comply with a requirement in this chapter or Minnesota  
2.13 Rules, chapter 9502, that the commissioner determines to be eligible for a fix-it ticket;

2.14 (2) the violation does not imminently endanger the health, safety, or rights of the persons  
2.15 served by the program;

2.16 (3) the license holder did not receive a fix-it ticket or correction order for the violation  
2.17 at the license holder's last licensing inspection;

2.18 (4) the violation can be corrected at the time of inspection or within 48 hours excluding  
2.19 Saturdays, Sundays, and holidays; and

2.20 (5) the license holder corrects the violation at the time of inspection or agrees to correct  
2.21 the violation within 48 hours excluding Saturdays, Sundays, and holidays.

2.22 (b) The fix-it ticket must state:

2.23 (1) the conditions that constitute a violation of the law or rule;

2.24 (2) the specific law or rule violated; and

2.25 (3) that the violation was corrected at the time of inspection or must be corrected within  
2.26 48 hours excluding Saturdays, Sundays, and holidays.

2.27 (c) The commissioner shall not publicly publish a fix-it ticket on the department's Web  
2.28 site.

2.29 (d) Within 48 hours excluding Saturdays, Sundays, and holidays of receiving a fix-it  
2.30 ticket, the family child care license holder must correct the violation and within one week  
2.31 submit evidence to the county licensing agency that the violation was corrected.

3.1 (e) If the violation is not corrected at the time of inspection or within 48 hours excluding  
3.2 Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to establish that  
3.3 the license holder corrected the violation, the commissioner must issue a correction order  
3.4 for the violation of Minnesota law or rule identified in the fix-it ticket according to section  
3.5 245A.06.

3.6 (f) If the provider believes that the contents of the commissioner's fix-it ticket are in  
3.7 error, the provider may ask the Department of Human Services to reconsider the parts of  
3.8 the fix-it ticket that are alleged to be in error. The request for reconsideration must be made  
3.9 in writing and must be postmarked and sent to the commissioner within 20 calendar days  
3.10 after receipt of the fix-it ticket by the provider, and must:

3.11 (1) specify the parts of the fix-it ticket that are alleged to be in error;

3.12 (2) explain why they are in error; and

3.13 (3) include documentation to support the allegation of error.

3.14 (g) A request for reconsideration under paragraph (f) does not stay any provisions or  
3.15 requirements of the fix-it ticket. The commissioner's disposition of a request for  
3.16 reconsideration is final and not subject to appeal under chapter 14.

3.17 **EFFECTIVE DATE.** This section is effective October 1, 2017.