

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1260

(SENATE AUTHORS: NELSON)

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OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

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 two business days;
2.19 and

2.20 (5) the license holder corrects the violation at the time of inspection or agrees to correct
2.21 the violation within two business days.

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 two business days.

2.27 (c) Within two business days of receiving a fix-it ticket, the family child care license
2.28 holder must correct the violation and within one week submit evidence to the county licensing
2.29 agency that the violation was corrected.

2.30 (d) If the violation is not corrected at the time of inspection or within two business days,
2.31 or the evidence submitted is insufficient to establish that the license holder corrected the

- 3.1 violation, the commissioner may issue a correction order for the violation of Minnesota law
- 3.2 or rule identified in the fix-it ticket.
- 3.3 **EFFECTIVE DATE.** This section is effective October 1, 2017.