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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2539**

03/14/2019 Authored by Pryor
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to human services; allowing for review of variance denials for family child
1.3 care providers; amending Minnesota Statutes 2018, section 245A.16, by adding a
1.4 subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 245A.16, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 9. Denial of variances for family child care providers; review by
1.9 commissioner. (a) Notwithstanding subdivision 1, an applicant or licensed family child
1.10 care provider may request that the commissioner review a county agency's decision to deny
1.11 a variance under this section. The request for commissioner review must be made within
1.12 20 calendar days after the applicant or license holder receives the notice of denial, on a form
1.13 and in a manner prescribed by the commissioner. The request must include:

1.14 (1) the reasons that the applicant or license holder cannot comply with the relevant
1.15 provision of rule or statute;

1.16 (2) the alternative equivalent measures that the applicant or license holder will follow
1.17 to comply with the intent of the rule or statute and protect the health, safety, and well-being
1.18 of children in the applicant or license holder's care;

1.19 (3) the period of time for which the variance is requested; and

1.20 (4) a copy of the notice from the county agency denying the variance request.

1.21 (b) The commissioner's decision to grant or deny a variance request is final and not
1.22 subject to appeal under chapter 14.

2.1 **EFFECTIVE DATE.** This section is effective January 1, 2020.