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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3646**

02/13/2024 Authored by Pinto  
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy  
02/22/2024 Adoption of Report: Amended and re-referred to the Committee on Human Services Policy  
02/28/2024 Adoption of Report: Re-referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act

1.2 relating to children, youth, and families; creating the statutory infrastructure for

1.3 the new Department of Children, Youth, and Families; moving and copying statutes;

1.4 amending Minnesota Statutes 2022, sections 13.46, subdivisions 1, 3; 116L.665,

1.5 subdivision 2; 116L.86, subdivisions 1, 3; 119A.5411; 119B.03, subdivision 8;

1.6 119B.09, subdivision 12; 119B.24; 124D.13, subdivisions 2, 3, 4; 124D.135,

1.7 subdivisions 1, 3; 124D.142, subdivision 1; 124D.15, subdivision 3a; 124D.16,

1.8 by adding a subdivision; 124D.165, subdivision 1; 125A.02, subdivisions 1a, 2;

1.9 125A.28; 125A.35, subdivision 1; 125A.45; 125A.48; 144.225, subdivision 2b;

1.10 245A.02, subdivision 6e; 245A.03, subdivisions 1, 4; 245A.035, subdivision 4;

1.11 245A.04, subdivision 9; 245A.08, subdivision 2a; 245A.09, subdivision 7; 245A.10,

1.12 subdivisions 1, 2; 245A.14, subdivisions 1, 14; 245A.1443, subdivision 2;

1.13 245A.1444; 245A.146, subdivisions 1, 2, 5, 6; 245A.147, subdivision 1; 245A.156,

1.14 subdivisions 1, 2; 245A.16, subdivisions 3, 5; 245A.18, subdivision 1; 245A.25,

1.15 subdivisions 1, 6, 8; 245A.66, subdivision 1; 245C.03, by adding a subdivision;

1.16 245C.08, subdivision 3; 245C.22, by adding a subdivision; 245C.25; 256.01,

1.17 subdivisions 1, 2, 4, 5, 12, 16, 18, 18a, 34; 256.012, subdivision 2; 256.016;

1.18 256.017, subdivisions 1, 2, 3, 5, 7; 256.018; 256.019, subdivisions 1, 2; 256.0281;

1.19 256.029; 256.045, subdivisions 3b, 4, 6, 10; 256.0451, subdivisions 1, 2; 256.046,

1.20 subdivision 2; 256.741, subdivisions 1, 2, 12a; 256.82; 256.87, subdivisions 1, 1a,

1.21 5; 256.981; 256.982; 256.983, as amended; 256.9831, subdivision 1; 256.986;

1.22 256.9861; 256.987, subdivision 1; 256.998, subdivision 7; 256D.64, subdivisions

1.23 1, 3; 256E.21, subdivision 1; 256E.22, subdivision 7; 256E.24; 256E.25,

1.24 subdivisions 5, 6, 7; 256E.26; 256E.27; 256J.01, subdivision 2; 256J.021; 256J.08,

1.25 subdivision 32; 256J.09, by adding a subdivision; 256J.351; 256J.395, subdivision

1.26 1; 256J.425, subdivision 8; 256J.645, subdivision 1; 256P.04, subdivision 13;

1.27 260.92, subdivision 1; 260C.178, subdivision 1; 260C.201, subdivision 1; 260C.215,

1.28 subdivision 5; 260C.301, subdivision 1; 260D.02, subdivisions 5, 9; 260E.02,

1.29 subdivision 2; 260E.03, subdivision 23; 260E.14, subdivision 1; 260E.20,

1.30 subdivisions 3, 5; 260E.24, subdivision 5; 260E.28, subdivisions 1, 3; 260E.29,

1.31 subdivision 2; 260E.30, subdivisions 3, 6; 260E.32, subdivision 3; 260E.33,

1.32 subdivisions 2, 3, 5; 260E.34; 260E.35, subdivision 3; 260E.36, subdivision 4;

1.33 299A.72; 393.07, subdivisions 1, 2, 3, 4, 5, 7, 8, 10; 393.11, subdivision 2; 518A.26,

1.34 by adding a subdivision; 518A.60; 631.40, subdivision 3; Minnesota Statutes 2023

1.35 Supplement, sections 13.46, subdivisions 2, 4; 119B.125, subdivisions 1a, 2, 3;

1.36 121A.19; 124D.142, subdivision 2; 125A.02, subdivision 1; 142A.02, subdivision

1.37 1; 142A.03, subdivision 2, by adding subdivisions; 144.225, subdivision 2;

1.38 245A.02, subdivision 5a; 245A.03, subdivisions 2, 7; 245A.04, subdivisions 4, 7;

2.1 245A.041, subdivision 6; 245A.05; 245A.07, subdivisions 1, 3; 245A.10,  
2.2 subdivisions 3, 4; 245A.13, subdivision 7; 245A.1435; 245A.16, subdivision 1;  
2.3 245A.66, subdivision 4; 245C.02, subdivision 22; 245C.03, subdivision 1; 245H.05;  
2.4 256.045, subdivision 3; 256.046, subdivision 1; 256.0471, subdivision 1; 256.98,  
2.5 subdivision 8; 256D.65, subdivision 1; 256J.35; 256J.37, subdivision 3a; 256J.40;  
2.6 260C.317, subdivision 3; 260E.02, subdivision 1; 609A.015, subdivisions 1, 2, 3;  
2.7 609A.06, subdivisions 7, 12; Laws 2017, First Special Session chapter 5, article  
2.8 8, section 9, by adding a subdivision; proposing coding for new law in Minnesota  
2.9 Statutes, chapter 142A; proposing coding for new law as Minnesota Statutes,  
2.10 chapters 142B; 142C; 142E; repealing Minnesota Statutes 2022, sections 245A.04,  
2.11 subdivision 17; 245A.09, subdivision 10; 245H.12; 256.01, subdivision 30; 256.741,  
2.12 subdivision 3; 256.9831, subdivisions 2, 3; 256J.01, subdivision 5; 256J.78,  
2.13 subdivision 3; Minnesota Statutes 2023 Supplement, section 245A.18, subdivision  
2.14 2.

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

2.16 **ARTICLE 1**

2.17 **CHAPTER 142A; DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

2.18 Section 1. Minnesota Statutes 2023 Supplement, section 142A.02, subdivision 1, is  
2.19 amended to read:

2.20 Subdivision 1. **Department.** The Department of Children, Youth, and Families is  
2.21 established. The commissioner of children, youth, and families is hereby constituted the  
2.22 "state agency" for the purposes of Title IV of the Social Security Act of the United States  
2.23 and the laws of this state.

2.24 Sec. 2. Minnesota Statutes 2023 Supplement, section 142A.03, subdivision 2, is amended  
2.25 to read:

2.26 Subd. 2. **Duties of the commissioner.** (a) The commissioner may apply for and accept  
2.27 on behalf of the state any grants, bequests, gifts, or contributions for the purpose of carrying  
2.28 out the duties and responsibilities of the commissioner. Any money received under this  
2.29 paragraph is appropriated and dedicated for the purpose for which the money is granted.  
2.30 The commissioner must biennially report to the chairs and ranking minority members of  
2.31 relevant legislative committees and divisions by January 15 of each even-numbered year a  
2.32 list of all grants and gifts received under this subdivision.

2.33 (b) Pursuant to law, the commissioner may apply for and receive money made available  
2.34 from federal sources for the purpose of carrying out the duties and responsibilities of the  
2.35 commissioner.

2.36 (c) The commissioner may make contracts with and grants to Tribal Nations, public and  
2.37 private agencies, for-profit and nonprofit organizations, and individuals using appropriated  
2.38 money.

3.1 (d) The commissioner must develop program objectives and performance measures for  
3.2 evaluating progress toward achieving the objectives. The commissioner must identify the  
3.3 objectives, performance measures, and current status of achieving the measures in a biennial  
3.4 report to the chairs and ranking minority members of relevant legislative committees and  
3.5 divisions. The report is due no later than January 15 each even-numbered year. The report  
3.6 must include, when possible, the following objectives:

3.7 (1) centering and including the lived experiences of children and youth, including those  
3.8 with disabilities and mental illness and their families, in all aspects of the department's work;

3.9 (2) increasing the effectiveness of the department's programs in addressing the needs of  
3.10 children and youth facing racial, economic, or geographic inequities;

3.11 (3) increasing coordination and reducing inefficiencies among the department's programs  
3.12 and the funding sources that support the programs;

3.13 (4) increasing the alignment and coordination of family access to child care and early  
3.14 learning programs and improving systems of support for early childhood and learning  
3.15 providers and services;

3.16 (5) improving the connection between the department's programs and the kindergarten  
3.17 through grade 12 and higher education systems; and

3.18 (6) minimizing and streamlining the effort required of youth and families to receive  
3.19 services to which the youth and families are entitled.

3.20 (e) The commissioner shall administer and supervise the forms of public assistance and  
3.21 other activities or services that are vested in the commissioner. Administration and  
3.22 supervision of activities or services includes but is not limited to assuring timely and accurate  
3.23 distribution of benefits, completeness of service, and quality program management. In  
3.24 addition to administering and supervising activities vested by law in the department, the  
3.25 commissioner has the authority to:

3.26 (1) require county agency participation in training and technical assistance programs to  
3.27 promote compliance with statutes, rules, federal laws, regulations, and policies governing  
3.28 the programs and activities administered by the commissioner;

3.29 (2) monitor, on an ongoing basis, the performance of county agencies in the operation  
3.30 and administration of activities and programs; enforce compliance with statutes, rules,  
3.31 federal laws, regulations, and policies governing welfare services; and promote excellence  
3.32 of administration and program operation;

4.1 (3) develop a quality control program or other monitoring program to review county  
4.2 performance and accuracy of benefit determinations;

4.3 (4) require county agencies to make an adjustment to the public assistance benefits issued  
4.4 to any individual consistent with federal law and regulation and state law and rule and to  
4.5 issue or recover benefits as appropriate;

4.6 (5) delay or deny payment of all or part of the state and federal share of benefits and  
4.7 administrative reimbursement according to the procedures set forth in section 142A.10;

4.8 (6) make contracts with and grants to public and private agencies and organizations,  
4.9 both for-profit and nonprofit, and individuals, using appropriated funds; and

4.10 (7) enter into contractual agreements with federally recognized Indian Tribes with a  
4.11 reservation in Minnesota to the extent necessary for the Tribe to operate a federally approved  
4.12 family assistance program or any other program under the supervision of the commissioner.

4.13 The commissioner shall consult with the affected county or counties in the contractual  
4.14 agreement negotiations, if the county or counties wish to be included, in order to avoid the  
4.15 duplication of county and Tribal assistance program services. The commissioner may  
4.16 establish necessary accounts for the purposes of receiving and disbursing funds as necessary  
4.17 for the operation of the programs.

4.18 The commissioner shall work in conjunction with the commissioner of human services to  
4.19 carry out the duties of this paragraph when necessary and feasible.

4.20 (f) The commissioner shall inform county agencies, on a timely basis, of changes in  
4.21 statute, rule, federal law, regulation, and policy necessary to county agency administration  
4.22 of the programs and activities administered by the commissioner.

4.23 (g) The commissioner shall administer and supervise child welfare activities, including  
4.24 promoting the enforcement of laws preventing child maltreatment and protecting children  
4.25 with a disability and children who are in need of protection or services, licensing and  
4.26 supervising child care and child-placing agencies, and supervising the care of children in  
4.27 foster care. The commissioner shall coordinate with the commissioner of human services  
4.28 on activities impacting children overseen by the Department of Human Services, such as  
4.29 disability services, behavioral health, and substance use disorder treatment.

4.30 (h) The commissioner shall assist and cooperate with local, state, and federal departments,  
4.31 agencies, and institutions.

5.1 (i) The commissioner shall establish and maintain any administrative units reasonably  
5.2 necessary for the performance of administrative functions common to all divisions of the  
5.3 department.

5.4 (j) The commissioner shall act as designated guardian of children pursuant to chapter  
5.5 260C. For children under the guardianship of the commissioner or a Tribe in Minnesota  
5.6 recognized by the Secretary of the Interior whose interests would be best served by adoptive  
5.7 placement, the commissioner may contract with a licensed child-placing agency or a  
5.8 Minnesota Tribal social services agency to provide adoption services. A contract with a  
5.9 licensed child-placing agency must be designed to supplement existing county efforts and  
5.10 may not replace existing county programs or Tribal social services, unless the replacement  
5.11 is agreed to by the county board and the appropriate exclusive bargaining representative,  
5.12 Tribal governing body, or the commissioner has evidence that child placements of the county  
5.13 continue to be substantially below that of other counties. Funds encumbered and obligated  
5.14 under an agreement for a specific child shall remain available until the terms of the agreement  
5.15 are fulfilled or the agreement is terminated.

5.16 (k) The commissioner has the authority to conduct and administer experimental projects  
5.17 to test methods and procedures of administering assistance and services to recipients or  
5.18 potential recipients of public benefits. To carry out the experimental projects, the  
5.19 commissioner may waive the enforcement of existing specific statutory program  
5.20 requirements, rules, and standards in one or more counties. The order establishing the waiver  
5.21 must provide alternative methods and procedures of administration and must not conflict  
5.22 with the basic purposes, coverage, or benefits provided by law. No project under this  
5.23 paragraph shall exceed four years. No order establishing an experimental project as authorized  
5.24 by this paragraph is effective until the following conditions have been met:

5.25 (1) the United States Secretary of Health and Human Services has agreed, for the same  
5.26 project, to waive state plan requirements relative to statewide uniformity; and

5.27 (2) a comprehensive plan, including estimated project costs, has been approved by the  
5.28 Legislative Advisory Commission and filed with the commissioner of administration.

5.29 (l) The commissioner shall, according to federal requirements and in coordination with  
5.30 the commissioner of human services, establish procedures to be followed by local welfare  
5.31 boards in creating citizen advisory committees, including procedures for selection of  
5.32 committee members.

5.33 (m) The commissioner shall allocate federal fiscal disallowances or sanctions that are  
5.34 based on quality control error rates for the aid to families with dependent children (AFDC)

6.1 program formerly codified in sections 256.72 to 256.87 or the Supplemental Nutrition  
6.2 Assistance Program (SNAP) in the following manner:

6.3 (1) one-half of the total amount of the disallowance shall be borne by the county boards  
6.4 responsible for administering the programs. For AFDC, disallowances shall be shared by  
6.5 each county board in the same proportion as that county's expenditures to the total of all  
6.6 counties' expenditures for AFDC. For SNAP, sanctions shall be shared by each county  
6.7 board, with 50 percent of the sanction being distributed to each county in the same proportion  
6.8 as that county's administrative costs for SNAP benefits are to the total of all SNAP  
6.9 administrative costs for all counties, and 50 percent of the sanctions being distributed to  
6.10 each county in the same proportion as that county's value of SNAP benefits issued are to  
6.11 the total of all benefits issued for all counties. Each county shall pay its share of the  
6.12 disallowance to the state of Minnesota. When a county fails to pay the amount due under  
6.13 this paragraph, the commissioner may deduct the amount from reimbursement otherwise  
6.14 due the county, or the attorney general, upon the request of the commissioner, may institute  
6.15 civil action to recover the amount due; and

6.16 (2) notwithstanding the provisions of clause (1), if the disallowance results from knowing  
6.17 noncompliance by one or more counties with a specific program instruction, and that knowing  
6.18 noncompliance is a matter of official county board record, the commissioner may require  
6.19 payment or recover from the county or counties, in the manner prescribed in clause (1), an  
6.20 amount equal to the portion of the total disallowance that resulted from the noncompliance  
6.21 and may distribute the balance of the disallowance according to clause (1).

6.22 (n) The commissioner shall develop and implement special projects that maximize  
6.23 reimbursements and result in the recovery of money to the state. For the purpose of recovering  
6.24 state money, the commissioner may enter into contracts with third parties. Any recoveries  
6.25 that result from projects or contracts entered into under this paragraph shall be deposited  
6.26 in the state treasury and credited to a special account until the balance in the account reaches  
6.27 \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be  
6.28 transferred and credited to the general fund. All money in the account is appropriated to the  
6.29 commissioner for the purposes of this paragraph.

6.30 (o) The commissioner has the authority to establish and enforce the following county  
6.31 reporting requirements:

6.32 (1) the commissioner shall establish fiscal and statistical reporting requirements necessary  
6.33 to account for the expenditure of funds allocated to counties for programs administered by  
6.34 the commissioner. When establishing financial and statistical reporting requirements, the

7.1 commissioner shall evaluate all reports, in consultation with the counties, to determine if  
7.2 the reports can be simplified or the number of reports can be reduced;

7.3 (2) the county board shall submit monthly or quarterly reports to the department as  
7.4 required by the commissioner. Monthly reports are due no later than 15 working days after  
7.5 the end of the month. Quarterly reports are due no later than 30 calendar days after the end  
7.6 of the quarter, unless the commissioner determines that the deadline must be shortened to  
7.7 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss  
7.8 of federal funding. Only reports that are complete, legible, and in the required format shall  
7.9 be accepted by the commissioner;

7.10 (3) if the required reports are not received by the deadlines established in clause (2), the  
7.11 commissioner may delay payments and withhold funds from the county board until the next  
7.12 reporting period. When the report is needed to account for the use of federal funds and the  
7.13 late report results in a reduction in federal funding, the commissioner shall withhold from  
7.14 the county boards with late reports an amount equal to the reduction in federal funding until  
7.15 full federal funding is received;

7.16 (4) a county board that submits reports that are late, illegible, incomplete, or not in the  
7.17 required format for two out of three consecutive reporting periods is considered  
7.18 noncompliant. When a county board is found to be noncompliant, the commissioner shall  
7.19 notify the county board of the reason the county board is considered noncompliant and  
7.20 request that the county board develop a corrective action plan stating how the county board  
7.21 plans to correct the problem. The corrective action plan must be submitted to the  
7.22 commissioner within 45 days after the date the county board received notice of  
7.23 noncompliance;

7.24 (5) the final deadline for fiscal reports or amendments to fiscal reports is one year after  
7.25 the date the report was originally due. If the commissioner does not receive a report by the  
7.26 final deadline, the county board forfeits the funding associated with the report for that  
7.27 reporting period and the county board must repay any funds associated with the report  
7.28 received for that reporting period;

7.29 (6) the commissioner may not delay payments, withhold funds, or require repayment  
7.30 under clause (3) or (5) if the county demonstrates that the commissioner failed to provide  
7.31 appropriate forms, guidelines, and technical assistance to enable the county to comply with  
7.32 the requirements. If the county board disagrees with an action taken by the commissioner  
7.33 under clause (3) or (5), the county board may appeal the action according to sections 14.57  
7.34 to 14.69; and

8.1 (7) counties subject to withholding of funds under clause (3) or forfeiture or repayment  
8.2 of funds under clause (5) shall not reduce or withhold benefits or services to clients to cover  
8.3 costs incurred due to actions taken by the commissioner under clause (3) or (5).

8.4 (p) The commissioner shall allocate federal fiscal disallowances or sanctions for audit  
8.5 exceptions when federal fiscal disallowances or sanctions are based on a statewide random  
8.6 sample in direct proportion to each county's claim for that period.

8.7 (q) The commissioner is responsible for ensuring the detection, prevention, investigation,  
8.8 and resolution of fraudulent activities or behavior by applicants, recipients, and other  
8.9 participants in the programs administered by the department. The commissioner shall  
8.10 cooperate with the commissioner of education to enforce the requirements for program  
8.11 integrity and fraud prevention for investigation for child care assistance under chapter 142E.

8.12 (r) The commissioner shall require county agencies to identify overpayments, establish  
8.13 claims, and utilize all available and cost-beneficial methodologies to collect and recover  
8.14 these overpayments in the programs administered by the department.

8.15 (s) The commissioner shall develop recommended standards for child foster care homes  
8.16 that address the components of specialized therapeutic services to be provided by child  
8.17 foster care homes with those services.

8.18 (t) The commissioner shall authorize the method of payment to or from the department  
8.19 as part of the programs administered by the department. This authorization includes the  
8.20 receipt or disbursement of funds held by the department in a fiduciary capacity as part of  
8.21 the programs administered by the department.

8.22 (u) In coordination with the commissioner of human services, the commissioner shall  
8.23 create and provide county and Tribal agencies with blank applications, affidavits, and other  
8.24 forms as necessary for public assistance programs.

8.25 (v) The commissioner shall cooperate with the federal government and its public welfare  
8.26 agencies in any reasonable manner as may be necessary to qualify for federal aid for  
8.27 temporary assistance for needy families and in conformity with Title I of Public Law 104-193,  
8.28 the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and successor  
8.29 amendments, including making reports that contain information required by the federal  
8.30 Social Security Advisory Board and complying with any provisions the board may find  
8.31 necessary to assure the correctness and verification of the reports.

8.32 (w) On or before January 15 in each even-numbered year, the commissioner shall make  
8.33 a biennial report to the governor concerning the activities of the agency.

9.1 (x) The commissioner shall enter into agreements with other departments of the state as  
9.2 necessary to meet all requirements of the federal government.

9.3 (y) The commissioner may cooperate with other state agencies in establishing reciprocal  
9.4 agreements in instances where a child receiving Minnesota family investment program  
9.5 (MFIP) assistance or its out-of-state equivalent moves or contemplates moving into or out  
9.6 of the state, in order that the child may continue to receive MFIP or equivalent aid from the  
9.7 state moved from until the child has resided for one year in the state moved to.

9.8 (z) The commissioner shall provide appropriate technical assistance to county agencies  
9.9 to develop methods to have county financial workers remind and encourage recipients of  
9.10 aid to families with dependent children, the Minnesota family investment program, the  
9.11 Minnesota family investment plan, family general assistance, or SNAP benefits whose  
9.12 assistance unit includes at least one child under the age of five to have each young child  
9.13 immunized against childhood diseases. The commissioner must examine the feasibility of  
9.14 utilizing the capacity of a statewide computer system to assist county agency financial  
9.15 workers in performing this function at appropriate intervals.

9.16 (aa) The commissioner shall have the power and authority to accept on behalf of the  
9.17 state contributions and gifts for the use and benefit of children under the guardianship or  
9.18 custody of the commissioner. The commissioner may also receive and accept on behalf of  
9.19 such children money due and payable to them as old age and survivors insurance benefits,  
9.20 veterans benefits, pensions, or other such monetary benefits. Gifts, contributions, pensions,  
9.21 and benefits under this paragraph must be deposited in and disbursed from the social welfare  
9.22 fund provided for in sections 256.88 to 256.92.

9.23 (bb) The specific enumeration of powers and duties in this section must not be construed  
9.24 to be a limitation upon the general powers granted to the commissioner.

9.25 Sec. 3. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
9.26 subdivision to read:

9.27 Subd. 3. **Subpoena power.** (a) The commissioner may administer oaths and affirmations,  
9.28 take depositions, certify to official acts, and issue subpoenas to compel the attendance of  
9.29 individuals and the production of documents and other personal property necessary in  
9.30 connection with the administration of programs administered by the Department of Children,  
9.31 Youth, and Families.

10.1 (b) The fees for service of a subpoena in paragraph (a) must be paid in the same manner  
10.2 as prescribed by law for a service of process issued by a district court. Witnesses must  
10.3 receive the same fees and mileage as in civil actions.

10.4 (c) The subpoena in paragraph (a) shall be enforceable through the district court in the  
10.5 district where the subpoena is issued.

10.6 (d) A subpoena issued under this subdivision must state that the person to whom the  
10.7 subpoena is directed may not disclose the fact that the subpoena was issued or the fact that  
10.8 the requested records have been given to law enforcement personnel or agents of the  
10.9 commissioner except:

10.10 (1) insofar as the disclosure is necessary and agreed upon by the commissioner, to find  
10.11 and disclose the records; or

10.12 (2) pursuant to court order.

10.13 Sec. 4. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
10.14 subdivision to read:

10.15 Subd. 4. **Advisory task forces.** The commissioner may appoint advisory task forces to  
10.16 provide consultation on any of the programs under the commissioner's administration and  
10.17 supervision. A task force shall expire and the compensation, terms of office and removal  
10.18 of members shall be as provided in section 15.059. Notwithstanding section 15.059, the  
10.19 commissioner may pay a per diem of \$35 to consumers and family members whose  
10.20 participation is needed in legislatively authorized state-level task forces, and whose  
10.21 participation on the task force is not as a paid representative of any agency, organization,  
10.22 or association.

10.23 Sec. 5. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
10.24 subdivision to read:

10.25 Subd. 5. **Centralized disbursement system.** The commissioner may establish a system  
10.26 for the centralized disbursement of benefits administered by the commissioner as well as  
10.27 any related documents. Benefits must be issued by the state or county subject to section  
10.28 142A.10.

11.1 Sec. 6. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
11.2 subdivision to read:

11.3 Subd. 6. **Contracting with financial institutions.** The state agency may contract with  
11.4 banks or other financial institutions to provide services associated with the processing of  
11.5 public assistance checks and may pay a service fee for these services, provided the fee  
11.6 charged does not exceed the fee charged to other customers of the institution for similar  
11.7 services.

11.8 Sec. 7. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
11.9 subdivision to read:

11.10 Subd. 9. **American Indian child welfare projects.** (a) The commissioner of human  
11.11 services may authorize projects to initiate Tribal delivery of child welfare services to  
11.12 American Indian children and their parents and custodians living on the reservation. The  
11.13 commissioner has authority to solicit and determine which Tribes may participate in a  
11.14 project. Grants may be issued to Minnesota Indian Tribes to support the projects. The  
11.15 commissioner may waive existing state rules as needed to accomplish the projects. The  
11.16 commissioner may authorize projects to use alternative methods of (1) screening,  
11.17 investigating, and assessing reports of child maltreatment, and (2) administrative  
11.18 reconsideration, administrative appeal, and judicial appeal of maltreatment determinations,  
11.19 provided the alternative methods used by the projects comply with the provisions of sections  
11.20 142A.20 and 256.045 and chapter 260E that deal with the rights of individuals who are the  
11.21 subjects of reports or investigations, including notice and appeal rights and data practices  
11.22 requirements. The commissioner shall only authorize alternative methods that comply with  
11.23 the public policy under section 260E.01. The commissioner may seek any federal approval  
11.24 necessary to carry out the projects as well as seek and use any funds available to the  
11.25 commissioner, including use of federal funds, foundation funds, existing grant funds, and  
11.26 other funds. The commissioner is authorized to advance state funds as necessary to operate  
11.27 the projects. Federal reimbursement applicable to the projects is appropriated to the  
11.28 commissioner for the purposes of the projects. The projects must be required to address  
11.29 responsibility for safety, permanency, and well-being of children.

11.30 (b) For the purposes of this section, "American Indian child" means a person under 21  
11.31 years old and who is a Tribal member or eligible for membership in one of the Tribes chosen  
11.32 for a project under this subdivision and who is residing on the reservation of that Tribe.

11.33 (c) In order to qualify for an American Indian child welfare project, a Tribe must:

11.34 (1) be one of the existing Tribes with reservation land in Minnesota;

- 12.1 (2) have a Tribal court with jurisdiction over child custody proceedings;
- 12.2 (3) have a substantial number of children for whom determinations of maltreatment have
- 12.3 occurred;
- 12.4 (4)(i) have capacity to respond to reports of abuse and neglect under chapter 260E; or
- 12.5 (ii) have codified the Tribe's screening, investigation, and assessment of reports of child
- 12.6 maltreatment procedures, if authorized to use an alternative method by the commissioner
- 12.7 under paragraph (a);
- 12.8 (5) provide a wide range of services to families in need of child welfare services;
- 12.9 (6) have a Tribal-state title IV-E agreement in effect; and
- 12.10 (7) enter into host Tribal contracts pursuant to section 142A.07, subdivision 6.
- 12.11 (d) Grants awarded under this section may be used for the nonfederal costs of providing
- 12.12 child welfare services to American Indian children on the Tribe's reservation, including
- 12.13 costs associated with:
- 12.14 (1) assessment and prevention of child abuse and neglect;
- 12.15 (2) family preservation;
- 12.16 (3) facilitative, supportive, and reunification services;
- 12.17 (4) out-of-home placement for children removed from the home for child protective
- 12.18 purposes; and
- 12.19 (5) other activities and services approved by the commissioner that further the goals of
- 12.20 providing safety, permanency, and well-being of American Indian children.
- 12.21 (e) When a Tribe has initiated a project and has been approved by the commissioner to
- 12.22 assume child welfare responsibilities for American Indian children of that Tribe under this
- 12.23 section, the affected county social service agency is relieved of responsibility for responding
- 12.24 to reports of abuse and neglect under chapter 260E for those children during the time within
- 12.25 which the Tribal project is in effect and funded. The commissioner shall work with Tribes
- 12.26 and affected counties to develop procedures for data collection, evaluation, and clarification
- 12.27 of ongoing role and financial responsibilities of the county and Tribe for child welfare
- 12.28 services prior to initiation of the project. Children who have not been identified by the Tribe
- 12.29 as participating in the project shall remain the responsibility of the county. Nothing in this
- 12.30 section shall alter responsibilities of the county for law enforcement or court services.

13.1 (f) Participating Tribes may conduct children's mental health screenings under section  
13.2 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the  
13.3 initiative and living on the reservation and who meet one of the following criteria:

13.4 (1) the child must be receiving child protective services;

13.5 (2) the child must be in foster care; or

13.6 (3) the child's parents must have had parental rights suspended or terminated.

13.7 Tribes may access reimbursement from available state funds for conducting the screenings.  
13.8 Nothing in this section shall alter responsibilities of the county for providing services under  
13.9 section 245.487.

13.10 (g) Participating Tribes may establish a local child mortality review panel. In establishing  
13.11 a local child mortality review panel, the Tribe agrees to conduct local child mortality reviews  
13.12 for child deaths or near-fatalities occurring on the reservation under subdivision 7. Tribes  
13.13 with established child mortality review panels shall have access to nonpublic data and shall  
13.14 protect nonpublic data under subdivision 7, paragraphs (c) to (e). The Tribe shall provide  
13.15 written notice to the commissioner and affected counties when a local child mortality review  
13.16 panel has been established and shall provide data upon request of the commissioner for  
13.17 purposes of sharing nonpublic data with members of the state child mortality review panel  
13.18 in connection to an individual case.

13.19 (h) The commissioner shall collect information on outcomes relating to child safety,  
13.20 permanency, and well-being of American Indian children who are served in the projects.  
13.21 Participating Tribes must provide information to the state in a format and completeness  
13.22 deemed acceptable by the state to meet state and federal reporting requirements.

13.23 (i) In consultation with the White Earth Band, the commissioner shall develop and submit  
13.24 to the chairs and ranking minority members of the legislative committees with jurisdiction  
13.25 over health and human services a plan to transfer legal responsibility for providing child  
13.26 protective services to White Earth Band member children residing in Hennepin County to  
13.27 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,  
13.28 statutory amendments required, and other provisions required to implement the plan.

13.29 Sec. 8. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
13.30 subdivision to read:

13.31 Subd. 11. **Information for persons with limited English-language proficiency.** The  
13.32 commissioner shall implement a procedure for public assistance applicants and recipients

14.1 to identify a language preference other than English in order to receive information pertaining  
14.2 to the public assistance programs in that preferred language.

14.3 Sec. 9. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
14.4 subdivision to read:

14.5 Subd. 12. **Appropriation transfers to be reported.** When the commissioner transfers  
14.6 operational money between programs under section 16A.285, in addition to the requirements  
14.7 of that section the commissioner must provide the chairs of the legislative committees that  
14.8 have jurisdiction over the agency's budget with sufficient detail to identify the account to  
14.9 which the money was originally appropriated, and the account to which the money is being  
14.10 transferred.

14.11 Sec. 10. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
14.12 subdivision to read:

14.13 Subd. 13. **Immigration status verifications.** (a) Notwithstanding any waiver of this  
14.14 requirement by the secretary of the United States Department of Health and Human Services,  
14.15 the commissioner shall utilize the Systematic Alien Verification for Entitlements (SAVE)  
14.16 program to conduct immigration status verifications:

14.17 (1) as required under United States Code, title 8, section 1642; and

14.18 (2) for all applicants for food assistance benefits, whether under the federal SNAP, the  
14.19 MFIP or work first program, or the Minnesota food assistance program.

14.20 (b) The commissioner shall comply with the reporting requirements under United States  
14.21 Code, title 42, section 611a, and any federal regulation or guidance adopted under that law.

14.22 Sec. 11. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
14.23 subdivision to read:

14.24 Subd. 14. **Public Assistance Reporting Information System.** (a) The commissioner  
14.25 shall comply with the federal requirements in Public Law 110-379 in implementing the  
14.26 Public Assistance Reporting Information System (PARIS) to determine eligibility for all  
14.27 individuals applying for public benefits under chapter 142E and the Supplemental Nutrition  
14.28 Assistance Program.

14.29 (b) The commissioner shall determine eligibility under paragraph (a) by performing data  
14.30 matches, including matching with medical assistance, cash, child care, and supplemental  
14.31 assistance programs operated by other states.

15.1 Sec. 12. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
15.2 subdivision to read:

15.3 Subd. 15. **Drug convictions.** (a) The state court administrator shall provide a report  
15.4 every six months by electronic means to the commissioner of children, youth, and families,  
15.5 including the name, address, date of birth, and, if available, driver's license or state  
15.6 identification card number, date of the sentence, effective date of the sentence, and county  
15.7 in which the conviction occurred, of each person convicted of a felony under chapter 152,  
15.8 except for convictions under section 152.0263 or 152.0264, during the previous six months.

15.9 (b) The commissioner shall determine whether the individuals who are the subject of  
15.10 the data reported under paragraph (a) are receiving public assistance under chapter 142F or  
15.11 142G, and if an individual is receiving assistance under chapter 142F or 142G, the  
15.12 commissioner shall instruct the county to proceed under section 142G.18 or 256D.024,  
15.13 whichever is applicable, for this individual.

15.14 (c) The commissioner shall not retain any data received under paragraph (a) that does  
15.15 not relate to an individual receiving publicly funded assistance under chapter 142G or 256D.

15.16 Sec. 13. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
15.17 subdivision to read:

15.18 Subd. 16. **Data sharing with Department of Children, Youth, and Families; multiple**  
15.19 **identification cards.** (a) The commissioner of public safety shall, on a monthly basis,  
15.20 provide the commissioner of children, youth, and families with the first, middle, and last  
15.21 name, the address, date of birth, driver's license or state identification card number, and all  
15.22 photographs or electronically produced images of all applicants and holders whose drivers'  
15.23 licenses and state identification cards have been canceled under section 171.14, paragraph  
15.24 (a), clause (2) or (3), by the commissioner of public safety. After the initial data report has  
15.25 been provided by the commissioner of public safety to the commissioner of children, youth,  
15.26 and families under this paragraph, subsequent reports shall only include cancellations that  
15.27 occurred after the end date of the cancellations represented in the previous data report.

15.28 (b) The commissioner of children, youth, and families shall compare the information  
15.29 provided under paragraph (a) with the commissioner's data regarding recipients of all public  
15.30 assistance programs managed by the Department of Children, Youth, and Families to  
15.31 determine whether any individual with multiple identification cards issued by the Department  
15.32 of Public Safety has illegally or improperly enrolled in any public assistance program  
15.33 managed by the Department of Children, Youth, and Families.

16.1 (c) If the commissioner of children, youth, and families determines that an applicant or  
16.2 recipient has illegally or improperly enrolled in any public assistance program, the  
16.3 commissioner shall provide all due process protections to the individual before terminating  
16.4 the individual from the program according to applicable statute and notifying the county  
16.5 attorney.

16.6 Sec. 14. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
16.7 subdivision to read:

16.8 Subd. 17. **Data sharing with Department of Children, Youth, and Families; legal**  
16.9 **presence date.** (a) The commissioner of public safety shall, on a monthly basis, provide  
16.10 the commissioner of children, youth, and families with the first, middle, and last name, and  
16.11 address, date of birth, and driver's license or state identification card number of all applicants  
16.12 and holders of drivers' licenses and state identification cards whose temporary legal presence  
16.13 date has expired and as a result the driver's license or identification card has been accordingly  
16.14 canceled under section 171.14 by the commissioner of public safety.

16.15 (b) The commissioner of human services shall use the information provided under  
16.16 paragraph (a) to determine whether the eligibility of any recipients of public assistance  
16.17 programs managed by the Department of Children, Youth, and Families has changed as a  
16.18 result of the status change in the Department of Public Safety data.

16.19 (c) If the commissioner of children, youth, and families determines that a recipient has  
16.20 illegally or improperly received benefits from any public assistance program, the  
16.21 commissioner shall provide all due process protections to the individual before terminating  
16.22 the individual from the program according to applicable statute and notifying the county  
16.23 attorney.

16.24 Sec. 15. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
16.25 subdivision to read:

16.26 Subd. 18. **Homeless services.** The commissioner of children, youth, and families may  
16.27 contract directly with nonprofit organizations providing homeless services in two or more  
16.28 counties.

16.29 Sec. 16. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
16.30 subdivision to read:

16.31 Subd. 19. **Nonstate funding for program costs.** Notwithstanding sections 16A.013 to  
16.32 16A.016, the commissioner may accept, on behalf of the state, additional funding from

17.1 sources other than state funds for the purpose of financing the cost of assistance program  
17.2 grants or nongrant administration. All additional funding is appropriated to the commissioner  
17.3 for use as designated by the grantor of funding.

17.4 Sec. 17. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
17.5 subdivision to read:

17.6 Subd. 20. **Systems continuity.** In the event of disruption of technical systems or computer  
17.7 operations, the commissioner may use available grant appropriations to ensure continuity  
17.8 of payments for maintaining the health, safety, and well-being of clients served by programs  
17.9 administered by the Department of Children, Youth, and Families. Grant funds must be  
17.10 used in a manner consistent with the original intent of the appropriation.

17.11 Sec. 18. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
17.12 subdivision to read:

17.13 Subd. 21. **Federal administrative reimbursement dedicated.** Federal administrative  
17.14 reimbursement resulting from the following activities is appropriated to the commissioner  
17.15 for reimbursement resulting from the federal child support grant expenditures authorized  
17.16 under United States Code, title 42, section 1315.

17.17 Sec. 19. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
17.18 subdivision to read:

17.19 Subd. 23. **DCYF receipt center accounting.** The commissioner may transfer  
17.20 appropriations to, and account for DCYF receipt center operations in, the special revenue  
17.21 fund.

17.22 Sec. 20. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
17.23 subdivision to read:

17.24 Subd. 24. **Nonfederal share transfers.** The nonfederal share of activities for which  
17.25 federal administrative reimbursement is appropriated to the commissioner may be transferred  
17.26 to the special revenue fund.

18.1 Sec. 21. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
18.2 subdivision to read:

18.3 Subd. 25. **Interview expenses.** Job applicants for professional, administrative, or highly  
18.4 technical positions recruited by the commissioner may be reimbursed for necessary travel  
18.5 expenses to and from interviews arranged by the commissioner.

18.6 Sec. 22. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
18.7 subdivision to read:

18.8 Subd. 26. **Changes to grant programs.** Prior to implementing any substantial changes  
18.9 to a grant funding formula disbursed through allocations administered by the commissioner,  
18.10 the commissioner must provide a report on the nature of the changes, the effect the changes  
18.11 will have, whether any funding will change, and other relevant information, to the chairs  
18.12 and ranking minority members of the legislative committees with jurisdiction over children,  
18.13 youth, and families. The report must be provided prior to the start of a regular session, and  
18.14 the proposed changes cannot be implemented until after the adjournment of that regular  
18.15 session.

18.16 Sec. 23. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
18.17 subdivision to read:

18.18 Subd. 27. **Federal grants for Minnesota Indians.** The commissioner of children, youth,  
18.19 and families is authorized to enter into contracts with the United States Departments of  
18.20 Health and Human Services, Education, and Interior, and the Bureau of Indian Affairs, for  
18.21 the purpose of receiving federal grants for the support of Minnesota's Indian communities.

18.22 Sec. 24. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
18.23 subdivision to read:

18.24 Subd. 28. **Reimbursement of counties for certain Indian benefits costs.** (a) The  
18.25 commissioner, to the extent that state and federal money is available, shall reimburse any  
18.26 county for all benefits costs expended by the county to any Indian who is an enrolled member  
18.27 of the Red Lake Band of Chippewa and resides upon the Red Lake Indian Reservation. The  
18.28 commissioner may advance payments to a county on an estimated basis subject to audit and  
18.29 adjustment at the end of each state fiscal year. Reimbursements shall be prorated if the state  
18.30 appropriation for this purpose is insufficient to provide full reimbursement.

19.1 (b) The commissioner may promulgate rules for the carrying out of the provisions of  
19.2 this subdivision and may negotiate for and accept grants from the United States government  
19.3 for the purposes of this section.

19.4 Sec. 25. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
19.5 subdivision to read:

19.6 Subd. 29. **Rules on physical control of clients for facilities.** For any applicable facility  
19.7 licensed or operated by the commissioner, the commissioner shall abide by and enforce the  
19.8 nonrulemaking provisions of sections 245.825 and 245.8251 and any rules adopted by the  
19.9 commissioner of human services pursuant to those sections. The commissioner shall  
19.10 cooperate with the commissioner of human services in any data collection and reviews of  
19.11 rules related to sections 245.825 and 245.8251.

19.12 Sec. 26. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
19.13 subdivision to read:

19.14 Subd. 30. **Court-awarded funds; disposition.** (a) The commissioner shall notify the  
19.15 house of representatives Ways and Means and senate Finance Committees of the terms of  
19.16 any contractual arrangement entered into by the commissioner and the attorney general,  
19.17 pursuant to an order of any court of law that provides for the receipt of funds by the  
19.18 commissioner.

19.19 (b) Any funds recovered or received by the commissioner pursuant to an order of any  
19.20 court of law shall be placed in the general fund.

19.21 Sec. 27. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
19.22 subdivision to read:

19.23 Subd. 31. **Interagency data exchange.** The commissioner shall create and abide by  
19.24 interagency agreements as set out in section 256.0281.

19.25 Sec. 28. Minnesota Statutes 2023 Supplement, section 142A.03, is amended by adding a  
19.26 subdivision to read:

19.27 Subd. 35. **Donated funds from private postsecondary institutions.** The commissioner  
19.28 may accept, on behalf of the state, funds donated from private postsecondary institutions,  
19.29 as the state's share in claiming federal Title IV-E reimbursement, to support the Child  
19.30 Welfare State/University Partnership, consistent with Code of Federal Regulations, title 45,  
19.31 chapter 235, section 235.66, Sources of State Funds, if the funds:

20.1 (1) are transferred to the state and under the state's administrative control;

20.2 (2) are donated with no restriction that the funds be used for the training of a particular  
20.3 individual or at a particular facility or institution; and

20.4 (3) do not revert to the donor's facility or use.

20.5 **Sec. 29. [142A.06] ADMINISTRATION OF FEDERAL GRANTS-IN-AID.**

20.6 Subdivision 1. **Administration of grants-in-aid.** If, when and during such time as  
20.7 grants-in-aid are provided by the federal government for relief of the poor and accepted by  
20.8 this state, such aid shall be administered pursuant to and in accordance with rules promulgated  
20.9 and adopted by the commissioner of children, youth, and families; and during such time  
20.10 any provision of Minnesota Statutes 1945, chapter 261, as amended by Laws 1947, chapter  
20.11 546, of Minnesota Statutes 1945, chapter 262, and of Minnesota Statutes 1945, chapter 263,  
20.12 in conflict with such rules shall be and remain, to the extent of such conflict, inoperative  
20.13 and suspended.

20.14 Subd. 2. **Treatment of grants-in-aid.** Grants-in-aid received from the federal government  
20.15 for any welfare, assistance or relief program or for administration under the jurisdiction of  
20.16 the commissioner shall, in the first instance, be credited to a federal grant fund and shall be  
20.17 transferred therefrom to the credit of the commissioner in the appropriate account upon  
20.18 certification of the commissioner that the amounts so requested to be transferred have been  
20.19 earned or are required for the purposes and programs intended. Moneys received by the  
20.20 federal grant fund need not be budgeted as such, provided transfers from the fund are  
20.21 budgeted for allotment purposes in the appropriate appropriations.

20.22 Subd. 3. **Securing grants-in-aid.** The commissioner shall negotiate with the federal  
20.23 government, or any agency, bureau, or department thereof, for the purpose of securing or  
20.24 obtaining any grants or aids. Any grants or aids thus secured or received are appropriated  
20.25 to the commissioner and made available for the uses and purposes for which they were  
20.26 received but shall be used to reduce the direct appropriations provided by law unless federal  
20.27 law prohibits such action or unless the commissioner obtains approval of the governor who  
20.28 shall seek the advice of the Legislative Advisory Commission.

20.29 **Sec. 30. [142A.07] GRANTS AND PURCHASE OF SERVICE CONTRACTS.**

20.30 Subdivision 1. **Authority.** The local agency may purchase community social services  
20.31 by grant or purchase of service contract from agencies or individuals approved as vendors.

20.32 Subd. 2. **Duties of local agency.** The local agency must:

21.1 (1) use a written grant or purchase of service contract when purchasing community social  
21.2 services. Every grant and purchase of service contract must be completed, signed, and  
21.3 approved by all parties to the agreement, including the county board, unless the county  
21.4 board has designated the local agency to sign on its behalf. No service shall be provided  
21.5 before the effective date of the grant or purchase of service contract;

21.6 (2) determine a client's eligibility for purchased services, or delegate the responsibility  
21.7 for making the preliminary determination to the approved vendor under the terms of the  
21.8 grant or purchase of service contract;

21.9 (3) ensure the development of an individual social service plan based on the client's  
21.10 needs;

21.11 (4) monitor purchased services and evaluate grants and contracts on the basis of client  
21.12 outcomes; and

21.13 (5) purchase only from approved vendors.

21.14 Subd. 3. **Local agency criteria.** When the local agency chooses to purchase community  
21.15 social services from a vendor that is not subject to state licensing laws or department rules,  
21.16 the local agency must establish written criteria for vendor approval to ensure the health,  
21.17 safety, and well being of clients.

21.18 Subd. 4. **Case records and reporting requirements.** Case records and data reporting  
21.19 requirements for grants and purchased services are the same as case record and data reporting  
21.20 requirements for direct services.

21.21 Subd. 5. **Files.** The local agency must keep an administrative file for each grant and  
21.22 contract.

21.23 Subd. 6. **Contracting within and across county lines; lead county contracts; lead**  
21.24 **Tribal contracts.** (a) Paragraphs (b) to (f) govern contracting within and across county  
21.25 lines and lead county contracts. Paragraphs (b) to (f) govern contracting within and across  
21.26 reservation boundaries and lead Tribal contracts for initiative Tribes under section 142A.03,  
21.27 subdivision 9. For purposes of this subdivision, "local agency" includes a Tribe or a county  
21.28 agency.

21.29 (b) Once a local agency and an approved vendor execute a contract that meets the  
21.30 requirements of this subdivision, the contract governs all other purchases of service from  
21.31 the vendor by all other local agencies for the term of the contract. The local agency that  
21.32 negotiated and entered into the contract becomes the lead Tribe or county for the contract.

22.1 (c) When the local agency in the county or reservation where a vendor is located wants  
22.2 to purchase services from that vendor and the vendor has no contract with the local agency  
22.3 or any other Tribe or county, the local agency must negotiate and execute a contract with  
22.4 the vendor.

22.5 (d) When a local agency wants to purchase services from a vendor located in another  
22.6 county or reservation, it must notify the local agency in the county or reservation where the  
22.7 vendor is located. Within 30 days of being notified, the local agency in the vendor's county  
22.8 or reservation must:

22.9 (1) if it has a contract with the vendor, send a copy to the inquiring local agency;

22.10 (2) if there is a contract with the vendor for which another local agency is the lead Tribe  
22.11 or county, identify the lead Tribe or county to the inquiring agency; or

22.12 (3) if no local agency has a contract with the vendor, inform the inquiring agency whether  
22.13 it will negotiate a contract and become the lead Tribe or county. If the agency where the  
22.14 vendor is located will not negotiate a contract with the vendor because of concerns related  
22.15 to clients' health and safety, the agency must share those concerns with the inquiring local  
22.16 agency.

22.17 (e) If the local agency in the county where the vendor is located declines to negotiate a  
22.18 contract with the vendor or fails to respond within 30 days of receiving the notification  
22.19 under paragraph (d), the inquiring agency is authorized to negotiate a contract and must  
22.20 notify the local agency that declined or failed to respond.

22.21 (f) When the inquiring local agency under paragraph (e) becomes the lead Tribe or  
22.22 county for a contract and the contract expires and needs to be renegotiated, that Tribe or  
22.23 county must again follow the requirements under paragraph (d) and notify the local agency  
22.24 where the vendor is located. The local agency where the vendor is located has the option  
22.25 of becoming the lead Tribe or county for the new contract. If the local agency does not  
22.26 exercise the option, paragraph (e) applies.

22.27 Subd. 7. **Contracting for performance.** A local agency may negotiate a supplemental  
22.28 agreement to a contract executed between a lead agency and an approved vendor under  
22.29 subdivision 6 for the purposes of contracting for specific performance. The supplemental  
22.30 agreement may augment the lead contract requirements and rates for services authorized  
22.31 by that local agency only. The additional provisions must be negotiated with the vendor  
22.32 and designed to encourage successful, timely, and cost-effective outcomes for clients, and  
22.33 may establish incentive payments, penalties, performance-related reporting requirements,  
22.34 and similar conditions. The per diem rate allowed under this subdivision must not be less

23.1 than the rate established in the lead county contract. Nothing in the supplemental agreement  
23.2 between a local agency and an approved vendor binds the lead agency or other local agencies  
23.3 to the terms and conditions of the supplemental agreement.

23.4 Sec. 31. **[142A.08] PLAIN LANGUAGE IN WRITTEN MATERIALS.**

23.5 (a) To the extent reasonable and consistent with the goals of providing easily  
23.6 understandable and readable materials and complying with federal and state laws governing  
23.7 the programs, all written materials relating to services and determinations of eligibility for  
23.8 or amounts of benefits that will be given to applicants for or recipients of assistance under  
23.9 a program administered or supervised by the commissioner must be understandable to a  
23.10 person who reads at the seventh-grade level, using the Flesch scale analysis readability  
23.11 score as determined under section 72C.09.

23.12 (b) All written materials relating to determinations of eligibility for or amounts of benefits  
23.13 that will be given to applicants for or recipients of assistance under programs administered  
23.14 or supervised by the commissioner must be developed to satisfy the plain language  
23.15 requirements of the Plain Language Contract Act under sections 325G.29 to 325G.36.  
23.16 Materials may be submitted to the attorney general for review and certification.  
23.17 Notwithstanding section 325G.35, subdivision 1, the attorney general shall review submitted  
23.18 materials to determine whether they comply with the requirements of section 325G.31. The  
23.19 remedies available pursuant to sections 8.31 and 325G.33 to 325G.36 do not apply to these  
23.20 materials. Failure to comply with this section does not provide a basis for suspending the  
23.21 implementation or operation of other laws governing programs administered by the  
23.22 commissioner.

23.23 (c) The requirements of this section do not apply to materials that must be submitted to  
23.24 a federal agency for approval, to the extent that application of the requirements prevents  
23.25 federal approval.

23.26 (d) Nothing in this section may be construed to prohibit a lawsuit brought to require the  
23.27 commissioner to comply with this section or to affect individual appeal rights granted  
23.28 pursuant to section 256.045.

23.29 Sec. 32. **[142A.09] BACKGROUND STUDIES ON LICENSEES AND OTHER**  
23.30 **PERSONNEL.**

23.31 Subdivision 1. **Background studies required.** The commissioner of children, youth,  
23.32 and families shall contract with the commissioner of human services to conduct background  
23.33 studies of individuals specified in section 245C.03, subdivision 1, affiliated with:

24.1 (1) a facility or program licensed or seeking a license under chapter 142B;

24.2 (2) a license-exempt child care center certified under chapter 142C; or

24.3 (3) a legal nonlicensed child care provider authorized under chapter 142E.

24.4 Subd. 2. **Responsibilities of commissioner of human services.** (a) The commissioner  
24.5 of human services shall conduct the background studies required by subdivision 1 in  
24.6 compliance with the provisions of chapter 245C. The commissioner of human services shall  
24.7 provide necessary forms and instructions, shall conduct the necessary background studies  
24.8 of individuals, and shall provide notification of the results of the studies to the facilities,  
24.9 individuals, and the commissioner of children, youth, and families.

24.10 (b) If the commissioner of human services determines that an individual is disqualified  
24.11 pursuant to chapter 245C, the commissioner of human services shall notify the license  
24.12 holder; the commissioner of children, youth, and families; and the individual and shall  
24.13 inform the individual of the right to request a reconsideration of the disqualification.

24.14 Subd. 3. **Reconsiderations.** (a) Notwithstanding any provision of chapter 245C, the  
24.15 commissioner of children, youth, and families shall review and decide reconsideration  
24.16 requests, including requests for variances, for all background studies of individuals in  
24.17 subdivision 1, paragraph (a), except for facilities or programs that are also licensed by the  
24.18 commissioner of human services. The commissioner of children, youth, and families must  
24.19 review and decide reconsideration requests in accordance with the procedures and criteria  
24.20 contained in chapter 245C.

24.21 (b) The commissioner of human services is solely responsible for reviewing and deciding  
24.22 a reconsideration request for a background study of an individual affiliated with a facility  
24.23 or program licensed or certified by both the commissioner of children, youth, and families  
24.24 and the commissioner of human services.

24.25 (c) The commissioner of children, youth, and family's decision must be provided to the  
24.26 individual and to the commissioner of human services. The commissioner's decision to grant  
24.27 or deny a reconsideration of disqualification is the final administrative agency action, except  
24.28 under the circumstances described in sections 245C.25, 245C.27, and 245C.28, subdivision  
24.29 3.

24.30 Subd. 4. **Responsibilities of facilities and programs.** Facilities and programs described  
24.31 in subdivision 1 shall be responsible for cooperating with the departments in implementing  
24.32 the provisions of this section. The responsibilities imposed on applicants, certification  
24.33 holders, and licensees under chapters 245A and 245C shall apply to these facilities. The

25.1 provision of section 245C.09 shall apply to the refusal to cooperate with the completion of  
25.2 the background studies by an applicant, a licensee, a registrant, or an individual.

25.3 **Sec. 33. [142A.10] COMPLIANCE SYSTEM.**

25.4 (a) The commissioner shall coordinate with the commissioner of human services to  
25.5 administer the compliance system in section 256.017.

25.6 (b) The commissioner shall administer the compliance system for the Minnesota family  
25.7 investment program, the Supplemental Nutrition Assistance Program (SNAP), the child  
25.8 care assistance program, and all other programs administered by the commissioner or on  
25.9 behalf of the commissioner under the powers and authorities named in section 142A.03,  
25.10 subdivision 2.

25.11 (c) The purpose of this section is to permit the commissioner to supervise the  
25.12 administration of public assistance programs; to enforce timely and accurate distribution  
25.13 of benefits, completeness of service, and efficient and effective program management and  
25.14 operations; to increase uniformity and consistency in the administration and delivery of  
25.15 public assistance programs throughout the state; and to reduce the possibility of sanctions  
25.16 and fiscal disallowances for noncompliance with federal regulations and state statutes. The  
25.17 commissioner, or the commissioner's representative, may issue administrative subpoenas  
25.18 as needed in administering the compliance system.

25.19 (d) The commissioner shall utilize training, technical assistance, and monitoring activities,  
25.20 as specified in section 142A.03, subdivision 2, to encourage county agency compliance  
25.21 with written policies and procedures.

25.22 (e) The commissioner shall coordinate with the commissioner of human services in  
25.23 funding and awarding grants from the county public assistance incentive fund under section  
25.24 256.018.

25.25 **Sec. 34. [142A.11] COUNTY PUBLIC ASSISTANCE INCENTIVE FUND.**

25.26 (a) The commissioner of children, youth, and families, in coordination with the  
25.27 commissioner of human services, shall grant incentive awards of money specifically  
25.28 appropriated for this purpose to counties that: (1) have not been assessed an administrative  
25.29 penalty under section 256.017 in the corresponding fiscal year; and (2) perform satisfactorily  
25.30 according to indicators established by the commissioner.

26.1 (b) After consultation with county agencies, the commissioner shall inform county  
26.2 agencies in writing of the performance indicators that govern the awarding of the incentive  
26.3 fund for each fiscal year by April of the preceding fiscal year.

26.4 (c) The commissioner may set performance indicators to govern the awarding of the  
26.5 total fund, may allocate portions of the fund to be awarded by unique indicators, or may set  
26.6 a sole indicator to govern the awarding of funds.

26.7 (d) The funds shall be awarded to qualifying county agencies according to their share  
26.8 of benefits for the programs related to the performance indicators governing the distribution  
26.9 of the fund or part of the fund as compared to the total benefits of all qualifying county  
26.10 agencies for the programs related to the performance indicators governing the distribution  
26.11 of the fund or part of the fund.

26.12 **Sec. 35. [142A.12] LIMITS ON RECEIVING PUBLIC FUNDS.**

26.13 Subdivision 1. **Prohibition.** (a) If a provider, vendor, or individual enrolled, licensed,  
26.14 receiving funds under a grant contract, or registered in any program administered by the  
26.15 commissioner, including under the commissioner's powers and authorities in section 142A.03,  
26.16 is excluded from that program, the commissioner shall:

26.17 (1) prohibit the excluded provider, vendor, or individual from enrolling, becoming  
26.18 licensed, receiving grant funds, or registering in any other program administered by the  
26.19 commissioner; and

26.20 (2) disenroll, revoke or suspend a license, disqualify, or debar the excluded provider,  
26.21 vendor, or individual in any other program administered by the commissioner.

26.22 (b) If a provider, vendor, or individual enrolled, licensed, receiving funds under a grant  
26.23 contract, or registered in any program administered by the commissioner, including under  
26.24 the commissioner's powers and authorities in section 142A.03, is excluded from that program,  
26.25 the commissioner may:

26.26 (1) prohibit any associated entities or associated individuals from enrolling, becoming  
26.27 licensed, receiving grant funds, or registering in any other program administered by the  
26.28 commissioner; and

26.29 (2) disenroll, revoke or suspend a license of, disqualify, or debar any associated entities  
26.30 or associated individuals in any other program administered by the commissioner.

27.1 (c) If a provider, vendor, or individual enrolled, licensed, or otherwise receiving funds  
27.2 under any contract or registered in any program administered by a Minnesota state or federal  
27.3 agency is excluded from that program, the commissioner of human services may:

27.4 (1) prohibit the excluded provider, vendor, individual, or any associated entities or  
27.5 associated individuals from enrolling, becoming licensed, receiving grant funds, or registering  
27.6 in any program administered by the commissioner; and

27.7 (2) disenroll, revoke or suspend a license of, disqualify, or debar the excluded provider,  
27.8 vendor, individual, or any associated entities or associated individuals in any program  
27.9 administered by the commissioner.

27.10 (d) The duration of a prohibition, disenrollment, revocation, suspension, disqualification,  
27.11 or debarment under paragraph (a) must last for the longest applicable sanction or  
27.12 disqualifying period in effect for the provider, vendor, or individual permitted by state or  
27.13 federal law. The duration of a prohibition, disenrollment, revocation, suspension,  
27.14 disqualification, or debarment under paragraphs (b) and (c) may last until up to the longest  
27.15 applicable sanction or disqualifying period in effect for the provider, vendor, individual,  
27.16 associated entity, or associated individual as permitted by state or federal law.

27.17 Subd. 2. **Definitions.** (a) For purposes of this section, the following definitions have the  
27.18 meanings given.

27.19 (b) "Associated entity" means a provider or vendor owned or controlled by an excluded  
27.20 individual.

27.21 (c) "Associated individual" means an individual or entity that has a relationship with  
27.22 the business or its owners or controlling individuals, such that the individual or entity would  
27.23 have knowledge of the financial practices of the program in question.

27.24 (d) "Excluded" means removed under other authorities from a program administered by  
27.25 a Minnesota state or federal agency, including a final determination to stop payments.

27.26 (e) "Individual" means a natural person providing products or services as a provider or  
27.27 vendor.

27.28 (f) "Provider" means any entity, individual, owner, controlling individual, license holder,  
27.29 director, or managerial official of an entity receiving payment from a program administered  
27.30 by a Minnesota state or federal agency.

27.31 Subd. 3. **Notice.** Within five days of taking an action under subdivision (1), paragraph  
27.32 (a), (b), or (c), against a provider, vendor, individual, associated individual, or associated

28.1 entity, the commissioner must send notice of the action to the provider, vendor, individual,  
28.2 associated individual, or associated entity. The notice must state:

28.3 (1) the basis for the action;

28.4 (2) the effective date of the action;

28.5 (3) the right to appeal the action; and

28.6 (4) the requirements and procedures for reinstatement.

28.7 Subd. 4. **Appeal.** Upon receipt of a notice under subdivision 3, a provider, vendor,  
28.8 individual, associated individual, or associated entity may request a contested case hearing,  
28.9 as defined in section 14.02, subdivision 3, by filing with the commissioner a written request  
28.10 of appeal. The scope of any contested case hearing is solely limited to action taken under  
28.11 this section. The commissioner must receive the appeal request no later than 30 days after  
28.12 the date the notice was mailed to the provider, vendor, individual, associated individual, or  
28.13 associated entity. The appeal request must specify:

28.14 (1) each disputed item and the reason for the dispute;

28.15 (2) the authority in statute or rule upon which the provider, vendor, individual, associated  
28.16 individual, or associated entity relies for each disputed item;

28.17 (3) the name and address of the person or entity with whom contacts may be made  
28.18 regarding the appeal; and

28.19 (4) any other information required by the commissioner.

28.20 Subd. 5. **Withholding of payments.** (a) Except as otherwise provided by state or federal  
28.21 law, the commissioner may withhold payments to a provider, vendor, individual, associated  
28.22 individual, or associated entity in any program administered by the commissioner if the  
28.23 commissioner determines there is a credible allegation of fraud for which an investigation  
28.24 is pending for a program administered by a Minnesota state or federal agency.

28.25 (b) For purposes of this subdivision, "credible allegation of fraud" means an allegation  
28.26 that has been verified by the commissioner from any source, including but not limited to:

28.27 (1) fraud hotline complaints;

28.28 (2) claims data mining;

28.29 (3) patterns identified through provider audits, civil false claims cases, and law  
28.30 enforcement investigations; and

29.1 (4) court filings and other legal documents, including but not limited to police reports,  
29.2 complaints, indictments, informations, affidavits, declarations, and search warrants.

29.3 (c) The commissioner must send notice of the withholding of payments within five days  
29.4 of taking such action. The notice must:

29.5 (1) state that payments are being withheld according to this subdivision;

29.6 (2) set forth the general allegations related to the withholding action, except the notice  
29.7 need not disclose specific information concerning an ongoing investigation;

29.8 (3) state that the withholding is for a temporary period and cite the circumstances under  
29.9 which the withholding will be terminated; and

29.10 (4) inform the provider, vendor, individual, associated individual, or associated entity  
29.11 of the right to submit written evidence to contest the withholding action for consideration  
29.12 by the commissioner.

29.13 (d) If the commissioner withholds payments under this subdivision, the provider, vendor,  
29.14 individual, associated individual, or associated entity has a right to request administrative  
29.15 reconsideration. A request for administrative reconsideration must be made in writing, state  
29.16 with specificity the reasons the payment withholding decision is in error, and include  
29.17 documents to support the request. Within 60 days from receipt of the request, the  
29.18 commissioner shall judiciously review allegations, facts, evidence available to the  
29.19 commissioner, and information submitted by the provider, vendor, individual, associated  
29.20 individual, or associated entity to determine whether the payment withholding should remain  
29.21 in place.

29.22 (e) The commissioner shall stop withholding payments if the commissioner determines  
29.23 there is insufficient evidence of fraud by the provider, vendor, individual, associated  
29.24 individual, or associated entity or when legal proceedings relating to the alleged fraud are  
29.25 completed, unless the commissioner has sent notice under subdivision 3 to the provider,  
29.26 vendor, individual, associated individual, or associated entity.

29.27 (f) The withholding of payments is a temporary action and is not subject to appeal under  
29.28 section 142A.21 or chapter 14.

29.29 **Sec. 36. [142A.13] ELECTRONIC BENEFIT TRANSFER CARD.**

29.30 Subdivision 1. **Electronic benefit transfer (EBT) card.** Cash benefits for the general  
29.31 assistance and Minnesota supplemental aid programs under chapter 256D and programs  
29.32 under chapter 142G must be issued on an EBT card with the name of the head of household

30.1 printed on the card. The card must include the following statement: "It is unlawful to use  
30.2 this card to purchase tobacco products or alcoholic beverages." This card must be issued  
30.3 within 30 calendar days of an eligibility determination. During the initial 30 calendar days  
30.4 of eligibility, a recipient may have cash benefits issued on an EBT card without a name  
30.5 printed on the card. This card may be the same card on which Supplemental Nutrition  
30.6 Assistance Program (SNAP) benefits are issued and does not need to meet the requirements  
30.7 of this section.

30.8 Sec. 37. **[142A.14] TAX REBATES.**

30.9 Any federal or state tax rebate received by a recipient of a public assistance program  
30.10 shall not be counted as income or as an asset for purposes of any of the public assistance  
30.11 programs under this chapter or any other chapter, including, but not limited to, chapter  
30.12 142E, 142F, and 142G to the extent permitted under federal law.

30.13 Sec. 38. **[142A.15] PUBLIC ASSISTANCE LIEN ON RECIPIENT'S CAUSE OF**  
30.14 **ACTION.**

30.15 Subdivision 1. **State agency has lien.** When the state agency provides, pays for, or  
30.16 becomes liable for medical care or furnishes subsistence or other payments to a person, the  
30.17 agency shall have a lien for the cost of the care and payments on any and all causes of action  
30.18 or recovery rights under any policy, plan, or contract providing benefits for health care or  
30.19 injury that accrue to the person to whom the care or payments were furnished, or to the  
30.20 person's legal representatives, as a result of the occurrence that necessitated the medical  
30.21 care, subsistence, or other payments. For purposes of this section, "state agency" includes  
30.22 prepaid health plans under contract with the commissioner according to sections 256B.69,  
30.23 256L.01, subdivision 7, 256L.03, subdivision 6, and 256L.12, and Minnesota Statutes 2009  
30.24 Supplement, section 256D.03, subdivision 4, paragraph (c); children's mental health  
30.25 collaboratives under section 245.493; demonstration projects for persons with disabilities  
30.26 under section 256B.77; nursing homes reimbursed under chapter 256R; and county-based  
30.27 purchasing entities under section 256B.692.

30.28 Subd. 2. **Perfection; enforcement.** (a) The state agency may perfect and enforce its lien  
30.29 under sections 514.69, 514.70, and 514.71, and must file the verified lien statement with  
30.30 the appropriate court administrator in the county of financial responsibility. The verified  
30.31 lien statement must contain the following: the name and address of the person to whom  
30.32 medical care, subsistence, or other payment was furnished; the date of injury; the name and  
30.33 address of vendors furnishing medical care; the dates of the service or payment; the amount

31.1 claimed to be due for the care or payment; and to the best of the state agency's knowledge,  
31.2 the names and addresses of all persons, firms, or corporations claimed to be liable for  
31.3 damages arising from the injuries.

31.4 (b) This section does not affect the priority of any attorney's lien. The state agency is  
31.5 not subject to any limitations period referred to in section 514.69 or 514.71 and has one  
31.6 year from the date notice is first received by it under subdivision 4, paragraph (c), even if  
31.7 the notice is untimely, or one year from the date medical bills are first paid by the state  
31.8 agency, whichever is later, to file its verified lien statement. The state agency may commence  
31.9 an action to enforce the lien within one year of (1) the date the notice required by subdivision  
31.10 4, paragraph (c), is received, or (2) the date the person's cause of action is concluded by  
31.11 judgment, award, settlement, or otherwise, whichever is later.

31.12 (c) If the notice required in subdivision 4 is not provided by any of the parties to the  
31.13 claim at any stage of the claim, the state agency will have one year from the date the state  
31.14 agency learns of the lack of notice to commence an action. If amounts on the claim or cause  
31.15 of action are paid and the amount required to be paid to the state agency under subdivision  
31.16 5 is not paid to the state agency, the state agency may commence an action to recover on  
31.17 the lien against any or all of the parties or entities that have either paid or received the  
31.18 payments.

31.19 Subd. 3. **Prosecutor.** (a) The attorney general shall represent the commissioner to enforce  
31.20 the lien created under this section or, if no action has been brought, may initiate and prosecute  
31.21 an independent action on behalf of the commissioner against a person, firm, or corporation  
31.22 that may be liable to the person to whom the care or payment was furnished.

31.23 (b) Any prepaid health plan providing services under sections 256B.69 and 256L.12 and  
31.24 Minnesota Statutes 2009 Supplement, section 256D.03, subdivision 4, paragraph (c);  
31.25 children's mental health collaboratives under section 245.493; demonstration projects for  
31.26 persons with disabilities under section 256B.77; nursing homes reimbursed under chapter  
31.27 256R; or the county-based purchasing entity providing services under section 256B.692  
31.28 may retain legal representation to enforce their lien created under this section or, if no action  
31.29 has been brought, may initiate and prosecute an independent action on their behalf against  
31.30 a person, firm, or corporation that may be liable to the person to whom the care or payment  
31.31 was furnished.

31.32 Subd. 4. **Notice.** (a) The state agency must be given notice of monetary claims against  
31.33 a person, firm, or corporation that may be liable in damages to the injured person when the

32.1 state agency has paid for or become liable for the cost of medical care or payments related  
32.2 to the injury. Notice must be given as provided in this subdivision.

32.3 (b) Applicants for public assistance shall notify the state or county agency of any possible  
32.4 claims they may have against a person, firm, or corporation when they submit the application  
32.5 for assistance. Recipients of public assistance shall notify the state or county agency of any  
32.6 possible claims when those claims arise.

32.7 (c) A person providing medical care services to a recipient of public assistance shall  
32.8 notify the state agency when the person has reason to believe that a third party may be liable  
32.9 for payment of the cost of medical care.

32.10 (d) A party to a claim upon which the state agency may be entitled to a lien under this  
32.11 section shall notify the state agency of its potential lien claim at each of the following stages  
32.12 of a claim:

32.13 (1) when a claim is filed;

32.14 (2) when an action is commenced; and

32.15 (3) when a claim is concluded by payment, award, judgment, settlement, or otherwise.

32.16 (e) Every party involved in any stage of a claim under this subdivision is required to  
32.17 provide notice to the state agency at that stage of the claim. However, when one of the  
32.18 parties to the claim provides notice at that stage, every other party to the claim is deemed  
32.19 to have provided the required notice at that stage of the claim. If the required notice under  
32.20 this paragraph is not provided to the state agency, every party will be deemed to have failed  
32.21 to provide the required notice. A party to a claim includes the injured person or the person's  
32.22 legal representative, the plaintiff, the defendants, or persons alleged to be responsible for  
32.23 compensating the injured person or plaintiff, and any other party to the cause of action or  
32.24 claim, regardless of whether the party knows the state agency has a potential or actual lien  
32.25 claim.

32.26 (f) Notice given to the county agency is not sufficient to meet the requirements of  
32.27 paragraphs (c) and (d).

32.28 Subd. 5. **Costs deducted.** Upon any judgment, award, or settlement of a cause of action,  
32.29 or any part of it, upon which the state agency has filed its lien, including compensation for  
32.30 liquidated, unliquidated, or other damages, reasonable costs of collection, including attorney  
32.31 fees, must be deducted first. The full amount of public assistance paid to or on behalf of the  
32.32 person as a result of the injury must be deducted next, and paid to the state agency. The rest  
32.33 must be paid to the public assistance recipient or other plaintiff. The plaintiff, however,

33.1 must receive at least one-third of the net recovery after attorney fees and other collection  
33.2 costs.

33.3 Subd. 6. **When effective.** The lien created under this section is effective with respect to  
33.4 any public assistance paid on or after August 1, 1987.

33.5 Subd. 7. **Cooperation with information requests required.** (a) Upon the request of  
33.6 the commissioner:

33.7 (1) any state agency or third-party payer shall cooperate by furnishing information to  
33.8 help establish a third-party liability, as required by the federal Deficit Reduction Act of  
33.9 2005, Public Law 109-171;

33.10 (2) any employer or third-party payer shall cooperate by furnishing a data file containing  
33.11 information about group health insurance plan or medical benefit plan coverage of its  
33.12 employees or insureds within 60 days of the request. The information in the data file must  
33.13 include at least the following: full name, date of birth, Social Security number if collected  
33.14 and stored in a system routinely used for producing data files by the employer or third-party  
33.15 payer, employer name, policy identification number, group identification number, and plan  
33.16 or coverage type.

33.17 (b) For purposes of section 176.191, subdivision 4, the commissioner of labor and  
33.18 industry may allow the commissioner of children, youth, and families and county agencies  
33.19 direct access and data matching on information relating to workers' compensation claims  
33.20 in order to determine whether the claimant has reported the fact of a pending claim and the  
33.21 amount paid to or on behalf of the claimant to the commissioner of human services.

33.22 (c) For the purpose of compliance with section 169.09, subdivision 13, and federal  
33.23 requirements under Code of Federal Regulations, title 42, section 433.138 (d)(4), the  
33.24 commissioner of public safety shall provide accident data as requested by the commissioner  
33.25 of children, youth, and families. The disclosure shall not violate section 169.09, subdivision  
33.26 13, paragraph (d).

33.27 (d) The commissioner of children, youth, and families and county agencies shall limit  
33.28 its use of information gained from agencies, third-party payers, and employers to purposes  
33.29 directly connected with the administration of its public assistance and child support programs.  
33.30 The provision of information by agencies, third-party payers, and employers to the department  
33.31 under this subdivision is not a violation of any right of confidentiality or data privacy.

34.1 Sec. 39. **[142A.20] ADMINISTRATIVE AND JUDICIAL REVIEW OF CHILDREN,**  
34.2 **YOUTH, AND FAMILIES MATTERS.**

34.3 **Subdivision 1. Children, youth, and families judges; appointment.** The commissioner  
34.4 of children, youth, and families may appoint one or more state children, youth, and families  
34.5 judges to conduct hearings and recommend orders in accordance with subdivisions 3, 3b,  
34.6 and 5. Children, youth, and families judges designated pursuant to this section may administer  
34.7 oaths and shall be under the control and supervision of the commissioner of children, youth,  
34.8 and families and shall not be a part of the Office of Administrative Hearings established  
34.9 pursuant to sections 14.48 to 14.56. The commissioner shall only appoint as a full-time  
34.10 children, youth, and families judge an individual who is licensed to practice law in Minnesota  
34.11 and who is:

34.12 (1) in active status;

34.13 (2) an inactive resident;

34.14 (3) retired;

34.15 (4) on disabled status; or

34.16 (5) on retired senior status.

34.17 **Subd. 2. State agency hearings.** (a) State agency hearings are available for the following:

34.18 (1) any person:

34.19 (i) applying for, receiving, or having received public assistance or a program of social  
34.20 services administered by the commissioner or a county agency on behalf of the commissioner  
34.21 or the federal Food and Nutrition Act; and

34.22 (ii) whose application for assistance is denied, not acted upon with reasonable promptness,  
34.23 or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly  
34.24 paid;

34.25 (2) any person whose claim for foster care payment according to a placement of the  
34.26 child resulting from a child protection assessment under chapter 260E is denied or not acted  
34.27 upon with reasonable promptness, regardless of funding source;

34.28 (3) any person to whom a right of appeal according to this section is given by other  
34.29 provision of law;

34.30 (4) except as provided under chapter 142B, an individual or facility determined to have  
34.31 maltreated a minor under chapter 260E, after the individual or facility has exercised the  
34.32 right to administrative reconsideration under chapter 260E;

35.1 (5) except as provided under chapter 245C, an individual disqualified under sections  
35.2 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,  
35.3 on the basis of serious or recurring maltreatment; of a preponderance of the evidence that  
35.4 the individual has committed an act or acts that meet the definition of any of the crimes  
35.5 listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under  
35.6 section 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment  
35.7 determination under clause (4) and a disqualification under this clause in which the basis  
35.8 for a disqualification is serious or recurring maltreatment shall be consolidated into a single  
35.9 fair hearing. In such cases, the scope of review by the children, youth, and families judge  
35.10 shall include both the maltreatment determination and the disqualification. The failure to  
35.11 exercise the right to an administrative reconsideration shall not be a bar to a hearing under  
35.12 this section if federal law provides an individual the right to a hearing to dispute a finding  
35.13 of maltreatment; and

35.14 (6) any person with an outstanding debt resulting from receipt of public assistance or  
35.15 the federal Food and Nutrition Act who is contesting a setoff claim by the commissioner  
35.16 of children, youth, and families or a county agency. The scope of the appeal is the validity  
35.17 of the claimant agency's intention to request a setoff of a refund under chapter 270A against  
35.18 the debt.

35.19 (b) The hearing for an individual or facility under paragraph (a), clause (4) or (5), is the  
35.20 only administrative appeal to the final agency determination specifically, including a  
35.21 challenge to the accuracy and completeness of data under section 13.04. A hearing for an  
35.22 individual or facility under paragraph (a), clause (4) or (5), is only available when there is  
35.23 no district court action pending. If such action is filed in district court while an administrative  
35.24 review is pending that arises out of some or all of the events or circumstances on which the  
35.25 appeal is based, the administrative review must be suspended until the judicial actions are  
35.26 completed. If the district court proceedings are completed, dismissed, or overturned, the  
35.27 matter may be considered in an administrative hearing.

35.28 (c) For purposes of this section, bargaining unit grievance procedures are not an  
35.29 administrative appeal.

35.30 (d) The scope of hearings involving claims to foster care payments under paragraph (a),  
35.31 clause (2), shall be limited to the issue of whether the county is legally responsible for a  
35.32 child's placement under court order or voluntary placement agreement and, if so, the correct  
35.33 amount of foster care payment to be made on the child's behalf and shall not include review  
35.34 of the propriety of the county's child protection determination or child placement decision.

36.1 (e) An applicant or recipient is not entitled to receive social services beyond the services  
36.2 prescribed under chapter 256M or other social services the person is eligible for under state  
36.3 law.

36.4 (f) The commissioner may summarily affirm the county or state agency's proposed action  
36.5 without a hearing when the sole issue is an automatic change due to a change in state or  
36.6 federal law.

36.7 (g) Unless federal or Minnesota law specifies a different time frame in which to file an  
36.8 appeal, an individual or organization specified in this section may contest the specified  
36.9 action, decision, or final disposition before the state agency by submitting a written request  
36.10 for a hearing to the state agency within 30 days after receiving written notice of the action,  
36.11 decision, or final disposition or within 90 days of such written notice if the applicant,  
36.12 recipient, patient, or relative shows good cause, as defined in section 142A.21, subdivision  
36.13 13, why the request was not submitted within the 30-day time limit. The individual filing  
36.14 the appeal has the burden of proving good cause by a preponderance of the evidence.

36.15 Subd. 3. **Standard of evidence for maltreatment and disqualification hearings.** (a)  
36.16 The state children, youth, and families judge shall determine that maltreatment has occurred  
36.17 if a preponderance of evidence exists to support the final disposition under chapter 260E.  
36.18 For purposes of hearings regarding disqualification, the state children, youth, and families  
36.19 judge shall affirm the proposed disqualification in an appeal under subdivision 2, paragraph  
36.20 (a), clause (5), if a preponderance of the evidence shows the individual has:

36.21 (1) committed maltreatment under section 626.557 or chapter 260E that is serious or  
36.22 recurring;

36.23 (2) committed an act or acts meeting the definition of any of the crimes listed in section  
36.24 245C.15, subdivisions 1 to 4; or

36.25 (3) failed to make required reports under section 626.557 or chapter 260E, for incidents  
36.26 in which the final disposition under section 626.557 or chapter 260E was substantiated  
36.27 maltreatment that was serious or recurring.

36.28 (b) If the disqualification is affirmed, the state children, youth, and families judge shall  
36.29 determine whether the individual poses a risk of harm in accordance with the requirements  
36.30 of section 245C.22, and whether the disqualification should be set aside or not set aside. In  
36.31 determining whether the disqualification should be set aside, the children, youth, and families  
36.32 judge shall consider all of the characteristics that cause the individual to be disqualified,  
36.33 including those characteristics that were not subject to review under paragraph (a), in order  
36.34 to determine whether the individual poses a risk of harm. A decision to set aside a

37.1 disqualification that is the subject of the hearing constitutes a determination that the individual  
37.2 does not pose a risk of harm and that the individual may provide direct contact services in  
37.3 the individual program specified in the set aside.

37.4 (c) If a disqualification is based solely on a conviction or is conclusive for any reason  
37.5 under section 245C.29, the disqualified individual does not have a right to a hearing under  
37.6 this section.

37.7 (d) The state children, youth, and families judge shall recommend an order to the  
37.8 commissioner of health; education; children, youth, and families; or human services, as  
37.9 applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify  
37.10 the final disposition. Any order of the commissioner issued in accordance with this  
37.11 subdivision is conclusive upon the parties unless appeal is taken in the manner provided in  
37.12 subdivision 7. In any licensing appeal under chapters 142B and 245C and sections 144.50  
37.13 to 144.58 and 144A.02 to 144A.482, the commissioner's determination as to maltreatment  
37.14 is conclusive, as provided under section 245C.29.

37.15 Subd. 4. **Conduct of hearings.** (a) All hearings held pursuant to subdivision 2 or 3 shall  
37.16 be conducted according to the provisions of the federal Social Security Act and the  
37.17 regulations implemented in accordance with that act to enable this state to qualify for federal  
37.18 grants-in-aid and according to the rules and written policies of the commissioner. County  
37.19 agencies shall install equipment necessary to conduct telephone hearings. A state children,  
37.20 youth, and families judge may schedule a telephone conference hearing when the distance  
37.21 or time required to travel to the county agency offices will cause a delay in the issuance of  
37.22 an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be  
37.23 conducted by telephone conferences unless the applicant, recipient, former recipient, person,  
37.24 or facility contesting maltreatment objects. A children, youth, and families judge may grant  
37.25 a request for a hearing in person by holding the hearing by interactive video technology or  
37.26 in person. The children, youth, and families judge must hear the case in person if the person  
37.27 asserts that either the person or a witness has a physical or mental disability that would  
37.28 impair the person's or witness's ability to fully participate in a hearing held by interactive  
37.29 video technology. The hearing shall not be held earlier than five days after filing of the  
37.30 required notice with the county or state agency. The state children, youth, and families judge  
37.31 shall notify all interested persons of the time, date, and location of the hearing at least five  
37.32 days before the date of the hearing. Interested persons may be represented by legal counsel  
37.33 or other representative of their choice, including a provider of therapy services, at the hearing  
37.34 and may appear personally, testify and offer evidence, and examine and cross-examine  
37.35 witnesses. The applicant, recipient, former recipient, person, or facility contesting

38.1 maltreatment shall have the opportunity to examine the contents of the case file and all  
38.2 documents and records to be used by the county or state agency at the hearing at a reasonable  
38.3 time before the date of the hearing and during the hearing. In hearings under subdivision  
38.4 2, paragraph (a), clauses (4) and (5), either party may subpoena the private data relating to  
38.5 the investigation prepared by the agency under section 626.557 or chapter 260E that are  
38.6 not otherwise accessible under section 13.04, provided the identity of the reporter may not  
38.7 be disclosed.

38.8 (b) The private data obtained by subpoena in a hearing under subdivision 2, paragraph  
38.9 (a), clause (2), must be subject to a protective order that prohibits its disclosure for any other  
38.10 purpose outside the hearing provided for in this section without prior order of the district  
38.11 court. Disclosure without court order is punishable by a sentence of not more than 90 days  
38.12 imprisonment or a fine of not more than \$1,000, or both. These restrictions on the use of  
38.13 private data do not prohibit access to the data under section 13.03, subdivision 6. Except  
38.14 for appeals under subdivision 2, paragraph (a), clause (2), upon request, the county agency  
38.15 shall provide reimbursement for transportation, child care, photocopying, medical assessment,  
38.16 witness fee, and other necessary and reasonable costs incurred by the applicant, recipient,  
38.17 or former recipient in connection with the appeal. All evidence, except that privileged by  
38.18 law, commonly accepted by reasonable people in the conduct of their affairs as having  
38.19 probative value with respect to the issues, shall be submitted at the hearing and the hearing  
38.20 shall not be "a contested case" within the meaning of section 14.02, subdivision 3. The  
38.21 agency must present its evidence prior to or at the hearing and may not submit evidence  
38.22 after the hearing except by agreement of the parties at the hearing, provided the petitioner  
38.23 has the opportunity to respond.

38.24 (c) In hearings under subdivision 2, paragraph (a), clauses (2) and (5), involving  
38.25 determinations of maltreatment or disqualification made by more than one county agency,  
38.26 by a county agency and a state agency, or by more than one state agency, the hearings may  
38.27 be consolidated into a single fair hearing upon the consent of all parties and the state children,  
38.28 youth, and families judge.

38.29 Subd. 5. **Orders of the commissioner of children, youth, and families.** (a) A state  
38.30 children, youth, and families judge shall conduct a hearing on the appeal and shall recommend  
38.31 an order to the commissioner of children, youth, and families. The recommended order must  
38.32 be based on all relevant evidence and must not be limited to a review of the propriety of  
38.33 the state or county agency's action. A children, youth, and families judge may take official  
38.34 notice of adjudicative facts. The commissioner of children, youth, and families may accept  
38.35 the recommended order of a state children, youth, and families judge and issue the order to

39.1 the county agency and the applicant, recipient, or former recipient. If the commissioner  
39.2 refuses to accept the recommended order of the state children, youth, and families judge,  
39.3 the commissioner shall notify the petitioner or the agency of the commissioner's refusal and  
39.4 shall state reasons for the refusal. The commissioner shall allow each party ten days' time  
39.5 to submit additional written argument on the matter. After the expiration of the ten-day  
39.6 period, the commissioner shall issue an order on the matter to the petitioner and the agency.

39.7 (b) A party aggrieved by an order of the commissioner may appeal under subdivision 7  
39.8 or request reconsideration by the commissioner within 30 days after the date the  
39.9 commissioner issues the order. The commissioner may reconsider an order upon request of  
39.10 any party or on the commissioner's own motion. A request for reconsideration does not stay  
39.11 implementation of the commissioner's order. The person seeking reconsideration has the  
39.12 burden to demonstrate why the matter should be reconsidered. The request for reconsideration  
39.13 may include legal argument and proposed additional evidence supporting the request. If  
39.14 proposed additional evidence is submitted, the person must explain why the proposed  
39.15 additional evidence was not provided at the time of the hearing. If reconsideration is granted,  
39.16 the other participants must be sent a copy of all material submitted in support of the request  
39.17 for reconsideration and must be given ten days to respond. Upon reconsideration, the  
39.18 commissioner may issue an amended order or an order affirming the original order.

39.19 (c) Any order of the commissioner issued under this subdivision shall be conclusive  
39.20 upon the parties unless appeal is taken in the manner provided by subdivision 7. Any order  
39.21 of the commissioner is binding on the parties and must be implemented by the state agency  
39.22 or a county agency until the order is reversed by the district court or unless the commissioner  
39.23 or a district court orders monthly assistance or aid or services paid or provided under  
39.24 subdivision 10.

39.25 (d) A vendor under contract with a county agency to provide social services is not a  
39.26 party and may not request a hearing or seek judicial review of an order issued under this  
39.27 section, unless assisting a recipient as provided in subdivision 4.

39.28 Subd. 6. **Additional powers of commissioner; subpoenas.** (a) The commissioner may  
39.29 initiate a review of any action or decision of a county agency and direct that the matter be  
39.30 presented to a state children, youth, and families judge for a hearing held under subdivision  
39.31 2 or 3. In all matters dealing with children, youth, and families committed by law to the  
39.32 discretion of the county agency, the commissioner's judgment may be substituted for that  
39.33 of the county agency. The commissioner may order an independent examination when  
39.34 appropriate.

40.1 (b) Any party to a hearing held pursuant to subdivision 2 or 3 may request that the  
40.2 commissioner issue a subpoena to compel the attendance of witnesses and the production  
40.3 of records at the hearing. A local agency may request that the commissioner issue a subpoena  
40.4 to compel the release of information from third parties prior to a request for a hearing under  
40.5 section 142A.21 upon a showing of relevance to such a proceeding. The issuance, service,  
40.6 and enforcement of subpoenas under this subdivision is governed by section 357.22 and  
40.7 the Minnesota Rules of Civil Procedure.

40.8 (c) The commissioner may issue a temporary order staying a proposed demission by a  
40.9 residential facility licensed under chapter 142B:

40.10 (1) while an appeal by a recipient under subdivision 3 is pending; or

40.11 (2) for the period of time necessary for the case management provider to implement the  
40.12 commissioner's order.

40.13 Subd. 7. **Judicial review.** Any party who is aggrieved by an order of the commissioner  
40.14 of children, youth, and families may appeal the order to the district court of the county  
40.15 responsible for furnishing assistance, or, in appeals under subdivision 3, the county where  
40.16 the maltreatment occurred, by serving a written copy of a notice of appeal upon the  
40.17 commissioner and any adverse party of record within 30 days after the date the commissioner  
40.18 issued the order, the amended order, or order affirming the original order, and by filing the  
40.19 original notice and proof of service with the court administrator of the district court. Service  
40.20 may be made personally or by mail; service by mail is complete upon mailing. The court  
40.21 administrator shall not require a filing fee in appeals taken pursuant to this subdivision,  
40.22 except for appeals taken under subdivision 3. The commissioner may elect to become a  
40.23 party to the proceedings in the district court. Except for appeals under subdivision 3, any  
40.24 party may demand that the commissioner furnish all parties to the proceedings with a copy  
40.25 of the decision, and a transcript of any testimony, evidence, or other supporting papers from  
40.26 the hearing held before the children, youth, and families judge, by serving a written demand  
40.27 upon the commissioner within 30 days after service of the notice of appeal. Any party  
40.28 aggrieved by the failure of an adverse party to obey an order issued by the commissioner  
40.29 under subdivision 5 may compel performance according to the order in the manner prescribed  
40.30 in sections 586.01 to 586.12.

40.31 Subd. 8. **Hearing.** Any party may obtain a hearing at a special term of the district court  
40.32 by serving a written notice of the time and place of the hearing at least ten days prior to the  
40.33 date of the hearing. The court may consider the matter in or out of chambers, and shall take

41.1 no new or additional evidence unless it determines that such evidence is necessary for a  
41.2 more equitable disposition of the appeal.

41.3 Subd. 9. **Appeal.** Any party aggrieved by the order of the district court may appeal the  
41.4 order as in other civil cases. Except for appeals under subdivision 3, no costs or disbursements  
41.5 shall be taxed against any party nor shall any filing fee or bond be required of any party.

41.6 Subd. 10. **Payments pending appeal.** If the commissioner of children, youth, and  
41.7 families or district court orders monthly assistance or aid or services paid or provided in  
41.8 any proceeding under this section, it shall be paid or provided pending appeal to the  
41.9 commissioner of children, youth, and families, district court, court of appeals, or supreme  
41.10 court. The state or county agency has a claim for Supplemental Nutrition Assistance Program  
41.11 (SNAP) benefits or cash payments made to or on behalf of a recipient or former recipient  
41.12 while an appeal is pending if the recipient or former recipient is determined ineligible for  
41.13 SNAP benefits or cash payments as a result of the appeal.

41.14 Subd. 11. **Interagency agreement with DHS.** The commissioner of children, youth,  
41.15 and families may enter into an agreement with the commissioner of human services so that  
41.16 the commissioner of human services may conduct hearings and recommend and issue orders  
41.17 on behalf of the commissioner of children, youth, and families in accordance with this  
41.18 section.

41.19 Sec. 40. [142A.21] HEARING PROCEDURES.

41.20 Subdivision 1. **Scope.** (a) The requirements in this section apply to all fair hearings and  
41.21 appeals under section 142A.20, subdivision 2, paragraph (a), clauses (1), (2), (3), and (6).  
41.22 Except as provided in subdivisions 3 and 19, the requirements under this section apply to  
41.23 fair hearings and appeals under section 142A.20, subdivision 2, paragraph (a), clause (2).

41.24 (b) For purposes of this section, "person" means an individual who, on behalf of  
41.25 themselves or their household, is appealing, disputing, or challenging an action, a decision,  
41.26 or a failure to act by an agency in the children, youth, and families system. When a person  
41.27 involved in a proceeding under this section is represented by an attorney or by an authorized  
41.28 representative, the term "person" also means the person's attorney or authorized  
41.29 representative. Any notice sent to the person involved in the hearing must also be sent to  
41.30 the person's attorney or authorized representative.

41.31 (c) For purposes of this section, "agency" means the county human services agency, the  
41.32 Department of Children, Youth, and Families, and, where applicable, any entity involved  
41.33 under a contract, subcontract, grant, or subgrant with the state agency or with a county

42.1 agency, that provides or operates programs or services in which appeals are governed by  
42.2 section 142A.20.

42.3 Subd. 2. **Access to files.** A person involved in a fair hearing appeal has the right of access  
42.4 to the person's complete case files and to examine all private welfare data on the person that  
42.5 has been generated, collected, stored, or disseminated by the agency. A person involved in  
42.6 a fair hearing appeal has the right to a free copy of all documents in the case file involved  
42.7 in a fair hearing appeal. For purposes of this section, "case file" means the information,  
42.8 documents, and data, in whatever form, that have been generated, collected, stored, or  
42.9 disseminated by the agency in connection with the person and the program or service  
42.10 involved.

42.11 Subd. 3. **Agency appeal summary.** (a) Except in fair hearings and appeals under section  
42.12 142A.20, subdivision 2, paragraph (a), clauses (4) and (5), the agency involved in an appeal  
42.13 must prepare a state agency appeal summary for each fair hearing appeal. The state agency  
42.14 appeal summary shall be mailed or otherwise delivered to the person who is involved in the  
42.15 appeal at least three working days before the date of the hearing. The state agency appeal  
42.16 summary must also be mailed or otherwise delivered to the department's Appeals Office at  
42.17 least three working days before the date of the fair hearing appeal.

42.18 (b) In addition, the children, youth, and families judge shall confirm that the state agency  
42.19 appeal summary is mailed or otherwise delivered to the person involved in the appeal as  
42.20 required under paragraph (a). The person involved in the fair hearing should be provided,  
42.21 through the state agency appeal summary or other reasonable methods, appropriate  
42.22 information about the procedures for the fair hearing and an adequate opportunity to prepare.  
42.23 These requirements apply equally to the state agency or an entity under contract when  
42.24 involved in the appeal.

42.25 (c) The contents of the state agency appeal summary must be adequate to inform the  
42.26 person involved in the appeal of the evidence on which the agency relies and the legal basis  
42.27 for the agency's action or determination.

42.28 Subd. 4. **Enforcing access to files.** A person involved in a fair hearing appeal may  
42.29 enforce the right of access to data and copies of the case file by making a request to the  
42.30 children, youth, and families judge. The children, youth, and families judge will make an  
42.31 appropriate order enforcing the person's rights under the Minnesota Government Data  
42.32 Practices Act, including but not limited to, ordering access to files, data, and documents;  
42.33 continuing a hearing to allow adequate time for access to data; or prohibiting use by the  
42.34 agency of files, data, or documents that have been generated, collected, stored, or

43.1 disseminated without compliance with the Minnesota Government Data Practices Act and  
43.2 that have not been provided to the person involved in the appeal.

43.3 Subd. 5. **Prehearing conferences.** (a) The children, youth, and families judge prior to  
43.4 a fair hearing appeal may hold a prehearing conference to further the interests of justice or  
43.5 efficiency and must include the person involved in the appeal. A person involved in a fair  
43.6 hearing appeal or the agency may request a prehearing conference. The prehearing conference  
43.7 may be conducted by telephone, in person, or in writing. The prehearing conference may  
43.8 address the following:

43.9 (1) disputes regarding access to files, evidence, subpoenas, or testimony;

43.10 (2) the time required for the hearing or any need for expedited procedures or decision;

43.11 (3) identification or clarification of legal or other issues that may arise at the hearing;

43.12 (4) identification of and possible agreement to factual issues; and

43.13 (5) scheduling and any other matter that will aid in the proper and fair functioning of  
43.14 the hearing.

43.15 (b) The children, youth, and families judge shall make a record or otherwise  
43.16 contemporaneously summarize the prehearing conference in writing, which shall be sent  
43.17 to both the person involved in the hearing, the person's attorney or authorized representative,  
43.18 and the agency. A children, youth, and families judge may make and issue rulings and orders  
43.19 while the appeal is pending. During the pendency of the appeal, these rulings and orders  
43.20 are not subject to a request for reconsideration or appeal. These rulings and orders are subject  
43.21 to review under subdivision 24 and section 142A.20, subdivision 7.

43.22 Subd. 6. **Appeal request for emergency assistance or urgent matter.** (a) When an  
43.23 appeal involves an application for emergency assistance, the agency involved shall mail or  
43.24 otherwise deliver the state agency appeal summary to the department's Appeals Office  
43.25 within two working days of receiving the request for an appeal. A person may also request  
43.26 that a fair hearing be held on an emergency basis when the issue requires an immediate  
43.27 resolution. The children, youth, and families judge shall schedule the fair hearing on the  
43.28 earliest available date according to the urgency of the issue involved. Issuance of the  
43.29 recommended decision after an emergency hearing shall be expedited.

43.30 (b) The commissioner shall issue a written decision within five working days of receiving  
43.31 the recommended decision, shall immediately inform the parties of the outcome by telephone,  
43.32 and shall mail the decision no later than two working days following the date of the decision.

44.1 Subd. 7. Continuance, rescheduling, or adjourning a hearing. (a) A person involved  
44.2 in a fair hearing, or the agency, may request a continuance, a rescheduling, or an adjournment  
44.3 of a hearing for a reasonable period of time. The grounds for granting a request for a  
44.4 continuance, a rescheduling, or adjournment of a hearing include, but are not limited to, the  
44.5 following:

44.6 (1) to reasonably accommodate the appearance of a witness;

44.7 (2) to ensure that the person has adequate opportunity for preparation and for presentation  
44.8 of evidence and argument;

44.9 (3) to ensure that the person or the agency has adequate opportunity to review, evaluate,  
44.10 and respond to new evidence, or where appropriate, to require that the person or agency  
44.11 review, evaluate, and respond to new evidence;

44.12 (4) to permit the person involved and the agency to negotiate toward resolution of some  
44.13 or all of the issues where both agree that additional time is needed;

44.14 (5) to permit the agency to reconsider a previous action or determination;

44.15 (6) to permit or to require the performance of actions not previously taken; and

44.16 (7) to provide additional time or to permit or require additional activity by the person  
44.17 or agency as the interests of fairness may require.

44.18 (b) Requests for continuances or for rescheduling may be made orally or in writing. The  
44.19 person or agency requesting the continuance or rescheduling must first make reasonable  
44.20 efforts to contact the other participants in the hearing or their representatives and seek to  
44.21 obtain an agreement on the request. Requests for continuance or rescheduling should be  
44.22 made no later than three working days before the scheduled date of the hearing, unless there  
44.23 is a good cause as specified in subdivision 13. Granting a continuance or rescheduling may  
44.24 be conditioned upon a waiver by the requester of applicable time limits but should not cause  
44.25 unreasonable delay.

44.26 Subd. 8. Subpoenas. (a) A person involved in a fair hearing or the agency may request  
44.27 a subpoena for a witness, for evidence, or for both. A reasonable number of subpoenas shall  
44.28 be issued to require the attendance and the testimony of witnesses, and the production of  
44.29 evidence relating to any issue of fact in the appeal hearing. The request for a subpoena must  
44.30 show a need for the subpoena and the general relevance to the issues involved. The subpoena  
44.31 shall be issued in the name of the department and shall be served and enforced as provided  
44.32 in section 357.22 and the Minnesota Rules of Civil Procedure.

45.1 (b) An individual or entity served with a subpoena may petition the children, youth, and  
45.2 families judge in writing to vacate or modify a subpoena. The children, youth, and families  
45.3 judge shall resolve such a petition in a prehearing conference involving all parties and shall  
45.4 make a written decision. A subpoena may be vacated or modified if the children, youth,  
45.5 and families judge determines that the testimony or evidence sought does not relate with  
45.6 reasonable directness to the issues of the fair hearing appeal; that the subpoena is  
45.7 unreasonable, over broad, or oppressive; that the evidence sought is repetitious or cumulative;  
45.8 or that the subpoena has not been served reasonably in advance of the time when the appeal  
45.9 hearing will be held.

45.10 Subd. 9. **No ex parte contact.** The children, youth, and families judge shall not have ex  
45.11 parte contact on substantive issues with the agency or with any person or witness in a fair  
45.12 hearing appeal. No employee of the department or agency shall review, interfere with,  
45.13 change, or attempt to influence the recommended decision of the children, youth, and  
45.14 families judge in any fair hearing appeal, except through the procedure allowed in subdivision  
45.15 18. The limitations in this subdivision do not affect the commissioner's authority to review  
45.16 or reconsider decisions or make final decisions.

45.17 Subd. 10. **Telephone or face-to-face hearing.** A fair hearing appeal may be conducted  
45.18 by telephone, by other electronic media, or by an in-person, face-to-face hearing. At the  
45.19 request of the person involved in a fair hearing appeal or their representative, a face-to-face  
45.20 hearing shall be conducted with all participants personally present before the children, youth,  
45.21 and families judge.

45.22 Subd. 11. **Hearing facilities and equipment.** The children, youth, and families judge  
45.23 shall conduct the hearing in the county where the person involved resides, unless an alternate  
45.24 location is mutually agreed upon before the hearing, or unless the person has agreed to a  
45.25 hearing by telephone. Hearings under section 142A.20, subdivision 2, paragraph (a), clauses  
45.26 (4) and (5), must be conducted in the county where the determination was made, unless an  
45.27 alternate location is mutually agreed upon before the hearing. The hearing room shall be of  
45.28 sufficient size and layout to adequately accommodate both the number of individuals  
45.29 participating in the hearing and any identified special needs of any individual participating  
45.30 in the hearing. The children, youth, and families judge shall ensure that all communication  
45.31 and recording equipment that is necessary to conduct the hearing and to create an adequate  
45.32 record is present and functioning properly. If any necessary communication or recording  
45.33 equipment fails or ceases to operate effectively, the children, youth, and families judge shall  
45.34 take any steps necessary, including stopping or adjourning the hearing, until the necessary  
45.35 equipment is present and functioning properly. All reasonable efforts shall be undertaken

46.1 to prevent and avoid any delay in the hearing process caused by defective communication  
46.2 or recording equipment.

46.3 Subd. 12. **Interpreter and translation services.** The children, youth, and families judge  
46.4 has a duty to inquire and to determine whether any participant in the hearing needs the  
46.5 services of an interpreter or translator in order to participate in or to understand the hearing  
46.6 process. Necessary interpreter or translation services must be provided at no charge to the  
46.7 person involved in the hearing. If it appears that interpreter or translation services are needed  
46.8 but are not available for the scheduled hearing, the children, youth, and families judge shall  
46.9 continue or postpone the hearing until appropriate services can be provided.

46.10 Subd. 13. **Failure to appear; good cause.** If a person involved in a fair hearing appeal  
46.11 fails to appear at the hearing, the children, youth, and families judge may dismiss the appeal.  
46.12 The children, youth, and families judge may reopen the appeal if within ten working days  
46.13 after the date of the dismissal the person files information in writing with the children, youth,  
46.14 and families judge to show good cause for not appearing. Good cause can be shown when  
46.15 there is:

46.16 (1) a death or serious illness in the person's family;

46.17 (2) a personal injury or illness that reasonably prevents the person from attending the  
46.18 hearing;

46.19 (3) an emergency, crisis, or unforeseen event that reasonably prevents the person from  
46.20 attending the hearing;

46.21 (4) an obligation or responsibility of the person that a reasonable person, in the conduct  
46.22 of one's affairs, could reasonably determine takes precedence over attending the hearing;

46.23 (5) lack of or failure to receive timely notice of the hearing in the preferred language of  
46.24 the person involved in the hearing; and

46.25 (6) excusable neglect, excusable inadvertence, excusable mistake, or other good cause  
46.26 as determined by the children, youth, and families judge.

46.27 Subd. 14. **Commencement of hearing.** The children, youth, and families judge shall  
46.28 begin each hearing by describing the process to be followed in the hearing, including the  
46.29 swearing in of witnesses, how testimony and evidence are presented, the order of examining  
46.30 and cross-examining witnesses, and the opportunity for an opening statement and a closing  
46.31 statement. The children, youth, and families judge shall identify for the participants the  
46.32 issues to be addressed at the hearing and shall explain to the participants the burden of proof  
46.33 that applies to the person involved and the agency. The children, youth, and families judge

47.1 shall confirm, prior to proceeding with the hearing, that the state agency appeal summary,  
47.2 if required under subdivision 3, has been properly completed and provided to the person  
47.3 involved in the hearing, and that the person has been provided documents and an opportunity  
47.4 to review the case file, as provided in this section.

47.5 Subd. 15. **Conduct of the hearing.** The children, youth, and families judge shall act in  
47.6 a fair and impartial manner at all times. At the beginning of the hearing the agency must  
47.7 designate one person as their representative who shall be responsible for presenting the  
47.8 agency's evidence and questioning any witnesses. The children, youth, and families judge  
47.9 shall make sure that the person and the agency are provided sufficient time to present  
47.10 testimony and evidence, to confront and cross-examine all adverse witnesses, and to make  
47.11 any relevant statement at the hearing. The children, youth, and families judge shall make  
47.12 reasonable efforts to explain the hearing process to persons who are not represented and  
47.13 shall ensure that the hearing is conducted fairly and efficiently. Upon the reasonable request  
47.14 of the person or the agency involved, the children, youth, and families judge may direct  
47.15 witnesses to remain outside the hearing room, except during their individual testimony. The  
47.16 children, youth, and families judge shall not terminate the hearing before affording the  
47.17 person and the agency a complete opportunity to submit all admissible evidence and  
47.18 reasonable opportunity for oral or written statement. If a hearing lasts longer than anticipated,  
47.19 the hearing shall be rescheduled or continued from day-to-day until completion. Hearings  
47.20 that have been continued shall be timely scheduled to minimize delay in the disposition of  
47.21 the appeal.

47.22 Subd. 16. **Scope of issues addressed at the hearing.** The hearing shall address the  
47.23 correctness and legality of the agency's action and shall not be limited simply to a review  
47.24 of the propriety of the agency's action. The person involved may raise and present evidence  
47.25 on all legal claims or defenses arising under state or federal law as a basis for appealing or  
47.26 disputing an agency action but not constitutional claims beyond the jurisdiction of the fair  
47.27 hearing. The children, youth, and families judge may take official notice of adjudicative  
47.28 facts.

47.29 Subd. 17. **Burden of persuasion.** The burden of persuasion is governed by specific state  
47.30 or federal law and regulations that apply to the subject of the hearing. If there is no specific  
47.31 law, then the participant in the hearing who asserts the truth of a claim is under the burden  
47.32 to persuade the children, youth, and families judge that the claim is true.

47.33 Subd. 18. **Inviting comment by department.** The children, youth, and families judge  
47.34 or the commissioner may determine that a written comment by the department about the  
47.35 policy implications of a specific legal issue could help resolve a pending appeal. Such a

48.1 written policy comment from the department shall be obtained only by a written request  
48.2 that is also sent to the person involved and to the agency or its representative. When such  
48.3 a written comment is received, both the person involved in the hearing and the agency shall  
48.4 have adequate opportunity to review, evaluate, and respond to the written comment, including  
48.5 submission of additional testimony or evidence, and cross-examination concerning the  
48.6 written comment.

48.7 Subd. 19. **Developing the record.** The children, youth, and families judge shall accept  
48.8 all evidence, except evidence privileged by law, that is commonly accepted by reasonable  
48.9 people in the conduct of their affairs as having probative value on the issues to be addressed  
48.10 at the hearing. Except in fair hearings and appeals under section 142A.20, subdivision 2,  
48.11 paragraph (a), clauses (4) and (5), in cases involving medical issues such as a diagnosis, a  
48.12 physician's report, or a review team's decision, the children, youth, and families judge shall  
48.13 consider whether it is necessary to have a medical assessment other than that of the individual  
48.14 making the original decision. When necessary, the children, youth, and families judge shall  
48.15 require an additional assessment be obtained at agency expense and made part of the hearing  
48.16 record. The children, youth, and families judge shall ensure for all cases that the record is  
48.17 sufficiently complete to make a fair and accurate decision.

48.18 Subd. 20. **Unrepresented persons.** In cases involving unrepresented persons, the children,  
48.19 youth, and families judge shall take appropriate steps to identify and develop in the hearing  
48.20 relevant facts necessary for making an informed and fair decision. These steps may include,  
48.21 but are not limited to, asking questions of witnesses and referring the person to a legal  
48.22 services office. An unrepresented person shall be provided an adequate opportunity to  
48.23 respond to testimony or other evidence presented by the agency at the hearing. The children,  
48.24 youth, and families judge shall ensure that an unrepresented person has a full and reasonable  
48.25 opportunity at the hearing to establish a record for appeal.

48.26 Subd. 21. **Closing of the record.** The agency must present its evidence prior to or at the  
48.27 hearing. The agency shall not be permitted to submit evidence after the hearing except by  
48.28 agreement at the hearing between the person involved, the agency, and the children, youth,  
48.29 and families judge. If evidence is submitted after the hearing, based on such an agreement,  
48.30 the person involved and the agency must be allowed sufficient opportunity to respond to  
48.31 the evidence. When necessary, the record shall remain open to permit a person to submit  
48.32 additional evidence on the issues presented at the hearing.

48.33 Subd. 22. **Decisions.** (a) A timely, written decision must be issued in every appeal. Each  
48.34 decision must contain a clear ruling on the issues presented in the appeal hearing and should

49.1 contain a ruling only on questions directly presented by the appeal and the arguments raised  
49.2 in the appeal.

49.3 (b) A written decision must be issued within 90 days of the date the person involved  
49.4 requested the appeal unless a shorter time is required by law. An additional 30 days is  
49.5 provided in those cases where the commissioner refuses to accept the recommended decision.  
49.6 In appeals of maltreatment determinations or disqualifications filed pursuant to section  
49.7 142A.20, subdivision 2, paragraph (a), clause (4) or (5), that also give rise to possible  
49.8 licensing actions, the 90-day period for issuing final decisions does not begin until the later  
49.9 of the date that the licensing authority provides notice to the appeals division that the  
49.10 authority has made the final determination in the matter or the date the appellant files the  
49.11 last appeal in the consolidated matters.

49.12 (c) The decision must contain both findings of fact and conclusions of law, clearly  
49.13 separated and identified. The findings of fact must be based on the entire record. Each  
49.14 finding of fact made by the children, youth, and families judge shall be supported by a  
49.15 preponderance of the evidence unless a different standard is required under the regulations  
49.16 of a particular program. The "preponderance of the evidence" means, in light of the record  
49.17 as a whole, the evidence leads the children, youth, and families judge to believe that the  
49.18 finding of fact is more likely to be true than not true. The legal claims or arguments of a  
49.19 participant do not constitute either a finding of fact or a conclusion of law, except to the  
49.20 extent the children, youth, and families judge adopts an argument as a finding of fact or  
49.21 conclusion of law.

49.22 (d) The decision shall contain at least the following:

49.23 (1) a listing of the date and place of the hearing and the participants at the hearing;

49.24 (2) a clear and precise statement of the issues, including the dispute under consideration  
49.25 and the specific points that must be resolved in order to decide the case;

49.26 (3) a listing of the material, including exhibits, records, reports, placed into evidence at  
49.27 the hearing, and upon which the hearing decision is based;

49.28 (4) the findings of fact based upon the entire hearing record. The findings of fact must  
49.29 be adequate to inform the participants and any interested person in the public of the basis  
49.30 of the decision. If the evidence is in conflict on an issue that must be resolved, the findings  
49.31 of fact must state the reasoning used in resolving the conflict;

49.32 (5) conclusions of law that address the legal authority for the hearing and the ruling and  
49.33 give appropriate attention to the claims of the participants to the hearing;

50.1 (6) a clear and precise statement of the decision made resolving the dispute under  
50.2 consideration in the hearing; and

50.3 (7) written notice of the right to appeal to district court or to request reconsideration,  
50.4 and of the actions required and the time limits for taking appropriate action to appeal to  
50.5 district court or to request a reconsideration.

50.6 (e) The children, youth, and families judge shall not independently investigate facts or  
50.7 otherwise rely on information not presented at the hearing. The children, youth, and families  
50.8 judge may not contact other agency personnel, except as provided in subdivision 18. The  
50.9 children, youth, and families judge's recommended decision must be based exclusively on  
50.10 the testimony and evidence presented at the hearing, and legal arguments presented, and  
50.11 the children, youth, and families judge's research and knowledge of the law.

50.12 (f) The commissioner will review the recommended decision and accept or refuse to  
50.13 accept the decision according to section 142A.20, subdivision 5.

50.14 Subd. 23. **Refusal to accept recommended orders.** (a) If the commissioner refuses to  
50.15 accept the recommended order from the children, youth, and families judge, the person  
50.16 involved, the person's attorney or authorized representative, and the agency shall be sent a  
50.17 copy of the recommended order, a detailed explanation of the basis for refusing to accept  
50.18 the recommended order, and the proposed modified order.

50.19 (b) The person involved and the agency shall have at least ten business days to respond  
50.20 to the proposed modification of the recommended order. The person involved and the agency  
50.21 may submit a legal argument concerning the proposed modification, and may propose to  
50.22 submit additional evidence that relates to the proposed modified order.

50.23 Subd. 24. **Reconsideration.** (a) Reconsideration may be requested within 30 days of  
50.24 the date of the commissioner's final order. If reconsideration is requested under section  
50.25 142A.20, subdivision 5, the other participants in the appeal shall be informed of the request.  
50.26 The person seeking reconsideration has the burden to demonstrate why the matter should  
50.27 be reconsidered. The request for reconsideration may include legal argument and may  
50.28 include proposed additional evidence supporting the request. The other participants shall  
50.29 be sent a copy of all material submitted in support of the request for reconsideration and  
50.30 must be given ten days to respond.

50.31 (b) When the requesting party raises a question as to the appropriateness of the findings  
50.32 of fact, the commissioner shall review the entire record.

51.1 (c) When the requesting party questions the appropriateness of a conclusion of law, the  
51.2 commissioner shall consider the recommended decision, the decision under reconsideration,  
51.3 and the material submitted in connection with the reconsideration. The commissioner shall  
51.4 review the remaining record as necessary to issue a reconsidered decision.

51.5 (d) The commissioner shall issue a written decision on reconsideration in a timely fashion.  
51.6 The decision must clearly inform the parties that this constitutes the final administrative  
51.7 decision, advise the participants of the right to seek judicial review, and the deadline for  
51.8 doing so.

51.9 Subd. 25. **Access to appeal decisions.** Appeal decisions must be maintained in a manner  
51.10 so that the public has ready access to previous decisions on particular topics, subject to  
51.11 appropriate procedures for safeguarding names, personal identifying information, and other  
51.12 private data on the individual persons involved in the appeal.

51.13 Sec. 41. **[142A.22] OVERPAYMENTS BECOME JUDGMENTS BY OPERATION**  
51.14 **OF LAW.**

51.15 Subdivision 1. **Qualifying overpayment.** Any overpayment for assistance granted under  
51.16 chapters 142E and 142G and the Supplemental Nutrition Assistance Program (SNAP),  
51.17 except agency error claims, become a judgment by operation of law 90 days after the notice  
51.18 of overpayment is personally served upon the recipient in a manner that is sufficient under  
51.19 rule 4.03(a) of the Rules of Civil Procedure for district courts, or by certified mail, return  
51.20 receipt requested. This judgment shall be entitled to full faith and credit in this and any  
51.21 other state.

51.22 Subd. 2. **Overpayments included.** This section is limited to overpayments for which  
51.23 notification is issued within the time period specified under section 541.05.

51.24 Subd. 3. **Notification requirements.** A judgment is only obtained after:

51.25 (1) a notice of overpayment has been personally served on the recipient or former recipient  
51.26 in a manner sufficient under rule 4.03(a) of the Rules of Civil Procedure for district courts,  
51.27 or mailed to the recipient or former recipient certified mail return receipt requested; and

51.28 (2) the time period under section 142A.20, subdivision 3, has elapsed without a request  
51.29 for a hearing, or a hearing decision has been rendered under section 142A.20 or 142A.27  
51.30 that concludes the existence of an overpayment that meets the requirements of this section.

51.31 Subd. 4. **Notice of overpayment.** The notice of overpayment shall include the amount  
51.32 and cause of the overpayment, appeal rights, and an explanation of the consequences of the

52.1 judgment that will be established if an appeal is not filed timely or if the administrative  
52.2 hearing decision establishes that there is an overpayment that qualifies for judgment.

52.3 Subd. 5. **Judgments entered and docketed.** A judgment shall be entered and docketed  
52.4 under section 548.09 only after at least three months have elapsed since:

52.5 (1) the notice of overpayment was served on the recipient pursuant to subdivision 3; and  
52.6 (2) the last time a monthly recoupment was applied to the overpayment.

52.7 Subd. 6. **Docketing of overpayments.** On or after the date an unpaid overpayment  
52.8 becomes a judgment by operation of law under subdivision 1, the agency or public authority  
52.9 may file with the court administrator:

52.10 (1) a statement identifying, or a copy of, the overpayment notice that provides for an  
52.11 appeal process and requires payment of the overpayment;

52.12 (2) proof of service of the notice of overpayment;

52.13 (3) an affidavit of default, stating the full name, occupation, place of residence, and last  
52.14 known post office address of the debtor; the name and post office address of the agency or  
52.15 public authority; the date or dates the overpayment was incurred; the program that was  
52.16 overpaid; and the total amount of the judgment; and

52.17 (4) an affidavit of service of a notice of entry of judgment shall be made by first class  
52.18 mail at the address where the debtor was served with the notice of overpayment. Service is  
52.19 completed upon mailing in the manner designated.

52.20 Subd. 7. **Administrative renewal of overpayment judgments.** Overpayment judgments  
52.21 may be renewed by service of notice upon the debtor. Service must be by first class mail at  
52.22 the last known address of the debtor, with service deemed complete upon mailing in that  
52.23 manner designated, or in the manner provided for the service of civil process. Upon filing  
52.24 of the notice and proof of service, the court administrator shall administratively renew the  
52.25 judgment for the overpayment without any additional filing fee in the same court file as the  
52.26 original overpayment judgment. The judgment must be renewed in an amount equal to the  
52.27 unpaid principal plus the accrued unpaid interest. Overpayment judgments may be renewed  
52.28 multiple times until satisfied.

52.29 Subd. 8. **Does not impede other methods.** Nothing in this section shall be construed  
52.30 to impede or restrict alternative recovery methods for these overpayments or overpayments  
52.31 that do not meet the requirements of this section.

53.1 Sec. 42. [142A.25] WRONGFULLY OBTAINING ASSISTANCE;  
53.2 DISQUALIFICATION.

53.3 The sanctions in section 256.98 apply to:

53.4 (1) all applicants for and recipients of benefits administered by the commissioner; and

53.5 (2) child care providers receiving child care assistance under chapter 142E.

53.6 Sec. 43. [142A.26] FRAUD PREVENTION PROGRAM.

53.7 (a) The commissioner of children, youth, and families shall work with the commissioner  
53.8 of human services to oversee and administer the fraud prevention program in sections  
53.9 256.981 to 256.9861.

53.10 (b) All recipients of benefits administered by the commissioner of children, youth, and  
53.11 families are subject to the requirements of sections 256.981 to 256.9861 and 256.9866.

53.12 Sec. 44. [142A.27] ADMINISTRATIVE FRAUD DISQUALIFICATION HEARINGS.

53.13 Subdivision 1. **Hearing authority.** A local agency must initiate an administrative fraud  
53.14 disqualification hearing for individuals accused of wrongfully obtaining assistance or  
53.15 intentional program violations, in lieu of a criminal action when it has not been pursued, in  
53.16 the Minnesota family investment program and any affiliated program to include the  
53.17 diversionary work program and the work participation cash benefit program, child care  
53.18 assistance programs, and the Supplemental Nutrition Assistance Program (SNAP). The  
53.19 Department of Children, Youth, and Families, in lieu of a local agency, may initiate an  
53.20 administrative fraud disqualification hearing when the state agency is directly responsible  
53.21 for administration or investigation of the program for which benefits were wrongfully  
53.22 obtained. The hearing is subject to the requirements of sections 142A.20 and 142A.21 and  
53.23 the requirements in Code of Federal Regulations, title 7, section 273.16.

53.24 Subd. 2. **Combined hearing.** The children, youth, and families judge may combine a  
53.25 fair hearing under section 142A.20 and administrative fraud disqualification hearing under  
53.26 this section into a single hearing if the factual issues arise out of the same, or related,  
53.27 circumstances and the individual receives prior notice that the hearings will be combined.  
53.28 If the administrative fraud disqualification hearing and fair hearing are combined, the time  
53.29 frames for administrative fraud disqualification hearings specified in Code of Federal  
53.30 Regulations, title 7, section 273.16, apply. If the individual accused of wrongfully obtaining  
53.31 assistance is charged under section 142A.25 or 256.98 for the same act or acts that are the

54.1 subject of the hearing, the individual may request that the hearing be delayed until the  
54.2 criminal charge is decided by the court or withdrawn.

54.3 (b) A human services judge may combine a fair hearing and administrative fraud  
54.4 disqualification hearing pursuant to section 142A.27, subdivision 2, or 256.046, subdivision  
54.5 2, if either is under the jurisdiction of the commissioner of human services or the  
54.6 commissioner of children, youth, and families.

54.7 **Sec. 45. [142A.28] RECOVERY OF MONEY; APPORTIONMENT.**

54.8 Subdivision 1. **Retention rates.** (a) When an assistance recovery amount is collected  
54.9 and posted by a county agency under the provisions governing public assistance programs,  
54.10 the county may keep one-half of the recovery made by the county agency using any method  
54.11 other than recoupment.

54.12 (b) This section does not apply to recoveries by the attorney general's office or child  
54.13 support collections. In the Supplemental Nutrition Assistance Program (SNAP), the  
54.14 nonfederal share of recoveries in the federal tax offset program only will be divided equally  
54.15 between the state agency and the involved county agency.

54.16 Subd. 2. **Retention rates for AFDC and MFIP.** (a) When an assistance recovery amount  
54.17 is collected and posted by a county agency under the provisions governing the aid to families  
54.18 with dependent children program formerly codified in 1996 in sections 256.72 to 256.87  
54.19 or MFIP under chapter 142G, the commissioner shall reimburse the county agency from  
54.20 the proceeds of the recovery using the applicable rate specified in paragraph (b) or (c).

54.21 (b) For recoveries of overpayments made on or before September 30, 1996, from the  
54.22 aid to families with dependent children program including the emergency assistance program,  
54.23 the commissioner shall reimburse the county agency at a rate of one-quarter of the recovery  
54.24 made by any method other than recoupment.

54.25 (c) For recoveries of overpayments made after September 30, 1996, from the aid to  
54.26 families with dependent children including the emergency assistance program and programs  
54.27 funded in whole or in part by the temporary assistance to needy families program under  
54.28 section 142G.03, subdivision 2, and recoveries of nonfederally funded food assistance under  
54.29 section 142G.11, the commissioner shall reimburse the county agency at a rate of one-quarter  
54.30 of the recovery made by any method other than recoupment.

55.1 Sec. 46. Minnesota Statutes 2022, section 256.01, subdivision 1, is amended to read:

55.2 Subdivision 1. **Powers transferred.** All the powers and duties now vested in or imposed  
55.3 upon the State Board of Control by the laws of this state or by any law of the United States  
55.4 are hereby transferred to, vested in, and imposed upon the commissioner of human services,  
55.5 except the powers and duties otherwise specifically transferred by Laws 1939, chapter 431,  
55.6 to other agencies. The commissioner of human services is hereby constituted the "state  
55.7 agency" as defined by the Social Security Act of the United States and the laws of this state,  
55.8 except for the purposes of Title IV of the Social Security Act.

55.9 Sec. 47. Minnesota Statutes 2022, section 256.01, subdivision 2, is amended to read:

55.10 Subd. 2. **Specific powers.** Subject to the provisions of section 241.021, subdivision 2,  
55.11 the commissioner of human services shall carry out the specific duties in paragraphs (a)  
55.12 through (bb):

55.13 (a) Administer and supervise ~~all~~ the forms of public assistance provided for by state law  
55.14 and other welfare activities or services ~~as~~ that are vested in the commissioner. Administration  
55.15 and supervision of human services activities or services includes, but is not limited to,  
55.16 assuring timely and accurate distribution of benefits, completeness of service, and quality  
55.17 program management. In addition to administering and supervising human services activities  
55.18 vested by law in the department, the commissioner shall have the authority to:

55.19 (1) require county agency participation in training and technical assistance programs to  
55.20 promote compliance with statutes, rules, federal laws, regulations, and policies governing  
55.21 human services;

55.22 (2) monitor, on an ongoing basis, the performance of county agencies in the operation  
55.23 and administration of human services, enforce compliance with statutes, rules, federal laws,  
55.24 regulations, and policies governing welfare services and promote excellence of administration  
55.25 and program operation;

55.26 (3) develop a quality control program or other monitoring program to review county  
55.27 performance and accuracy of benefit determinations;

55.28 (4) require county agencies to make an adjustment to the public assistance benefits issued  
55.29 to any individual consistent with federal law and regulation and state law and rule and to  
55.30 issue or recover benefits as appropriate;

55.31 (5) delay or deny payment of all or part of the state and federal share of benefits and  
55.32 administrative reimbursement according to the procedures set forth in section 256.017;

56.1 (6) make contracts with and grants to public and private agencies and organizations,  
56.2 both profit and nonprofit, and individuals, using appropriated funds; and

56.3 (7) enter into contractual agreements with federally recognized Indian Tribes with a  
56.4 reservation in Minnesota to the extent necessary for the Tribe to operate a federally approved  
56.5 family assistance program or any other program under the supervision of the commissioner.  
56.6 The commissioner shall consult with the affected county or counties in the contractual  
56.7 agreement negotiations, if the county or counties wish to be included, in order to avoid the  
56.8 duplication of county and Tribal assistance program services. The commissioner may  
56.9 establish necessary accounts for the purposes of receiving and disbursing funds as necessary  
56.10 for the operation of the programs.

56.11 The commissioner shall work in conjunction with the commissioner of children, youth, and  
56.12 families to carry out the duties of this paragraph when necessary and feasible.

56.13 (b) Inform county agencies, on a timely basis, of changes in statute, rule, federal law,  
56.14 regulation, and policy necessary to county agency administration of the programs.

56.15 ~~(e) Administer and supervise all child welfare activities; promote the enforcement of~~  
56.16 ~~laws protecting children with a disability and children who are dependent, neglected, or~~  
56.17 ~~delinquent, and children born to mothers who were not married to the children's fathers at~~  
56.18 ~~the times of the conception nor at the births of the children; license and supervise child-caring~~  
56.19 ~~and child-placing agencies and institutions; supervise the care of children in boarding and~~  
56.20 ~~foster homes or in private institutions; and generally perform all functions relating to the~~  
56.21 ~~field of child welfare now vested in the State Board of Control.~~

56.22 ~~(d)~~ (c) Administer and supervise all noninstitutional service to persons with disabilities,  
56.23 including persons who have vision impairments, and persons who are deaf, deafblind, and  
56.24 hard-of-hearing or with other disabilities. The commissioner may provide and contract for  
56.25 the care and treatment of qualified indigent children in facilities other than those located  
56.26 and available at state hospitals when it is not feasible to provide the service in state hospitals.

56.27 ~~(e)~~ (d) Assist and actively cooperate with other departments, agencies and institutions,  
56.28 local, state, and federal, by performing services in conformity with the purposes of Laws  
56.29 1939, chapter 431.

56.30 ~~(f)~~ (e) Act as the agent of and cooperate with the federal government in matters of mutual  
56.31 concern relative to and in conformity with the provisions of Laws 1939, chapter 431,  
56.32 including the administration of any federal funds granted to the state to aid in the performance  
56.33 of any functions of the commissioner as specified in Laws 1939, chapter 431, and including  
56.34 the promulgation of rules making uniformly available medical care benefits to all recipients

57.1 of public assistance, at such times as the federal government increases its participation in  
57.2 assistance expenditures for medical care to recipients of public assistance, the cost thereof  
57.3 to be borne in the same proportion as are grants of aid to said recipients.

57.4 ~~(g)~~ (f) Establish and maintain any administrative units reasonably necessary for the  
57.5 performance of administrative functions common to all divisions of the department.

57.6 ~~(h)~~ (g) Act as designated guardian of both the estate and the person of all the wards of  
57.7 the state of Minnesota, whether by operation of law or by an order of court, without any  
57.8 further act or proceeding whatever, except as to persons committed as developmentally  
57.9 disabled. ~~For children under the guardianship of the commissioner or a Tribe in Minnesota~~  
57.10 ~~recognized by the Secretary of the Interior whose interests would be best served by adoptive~~  
57.11 ~~placement, the commissioner may contract with a licensed child placing agency or a~~  
57.12 ~~Minnesota Tribal social services agency to provide adoption services. A contract with a~~  
57.13 ~~licensed child placing agency must be designed to supplement existing county efforts and~~  
57.14 ~~may not replace existing county programs or Tribal social services, unless the replacement~~  
57.15 ~~is agreed to by the county board and the appropriate exclusive bargaining representative,~~  
57.16 ~~Tribal governing body, or the commissioner has evidence that child placements of the county~~  
57.17 ~~continue to be substantially below that of other counties. Funds encumbered and obligated~~  
57.18 ~~under an agreement for a specific child shall remain available until the terms of the agreement~~  
57.19 ~~are fulfilled or the agreement is terminated.~~

57.20 ~~(i)~~ (h) Act as coordinating referral and informational center on requests for service for  
57.21 newly arrived immigrants coming to Minnesota.

57.22 ~~(j)~~ (i) The specific enumeration of powers and duties as hereinabove set forth shall in  
57.23 no way be construed to be a limitation upon the general transfer of powers herein contained.

57.24 ~~(k)~~ (j) Establish county, regional, or statewide schedules of maximum fees and charges  
57.25 which may be paid by county agencies for medical, dental, surgical, hospital, nursing and  
57.26 nursing home care and medicine and medical supplies under all programs of medical care  
57.27 provided by the state and for congregate living care under the income maintenance programs.

57.28 ~~(l)~~ (k) Have the authority to conduct and administer experimental projects to test methods  
57.29 and procedures of administering assistance and services to recipients or potential recipients  
57.30 of public welfare. To carry out such experimental projects, it is further provided that the  
57.31 commissioner of human services is authorized to waive the enforcement of existing specific  
57.32 statutory program requirements, rules, and standards in one or more counties. The order  
57.33 establishing the waiver shall provide alternative methods and procedures of administration,  
57.34 shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and

58.1 in no event shall the duration of a project exceed four years. It is further provided that no  
 58.2 order establishing an experimental project as authorized by the provisions of this section  
 58.3 shall become effective until the following conditions have been met:

58.4 (1) ~~the secretary of health and human services of the United States~~ Secretary of Health  
 58.5 and Human Services has agreed, for the same project, to waive state plan requirements  
 58.6 relative to statewide uniformity; and

58.7 (2) a comprehensive plan, including estimated project costs, shall be approved by the  
 58.8 Legislative Advisory Commission and filed with the commissioner of administration.

58.9 ~~(m)~~ (l) According to federal requirements and in coordination with the commissioner  
 58.10 of children, youth, and families, establish procedures to be followed by local welfare boards  
 58.11 in creating citizen advisory committees, including procedures for selection of committee  
 58.12 members.

58.13 ~~(n)~~ (m) Allocate federal fiscal disallowances or sanctions which are based on quality  
 58.14 control error rates for ~~the aid to families with dependent children program formerly codified~~  
 58.15 ~~in sections 256.72 to 256.87~~, medical assistance, ~~or the Supplemental Nutrition Assistance~~  
 58.16 ~~Program (SNAP)~~ in the following manner:

58.17 (1) one-half of the total amount of the disallowance shall be borne by the county boards  
 58.18 responsible for administering the programs. ~~For the medical assistance and the AFDC~~  
 58.19 ~~program formerly codified in sections 256.72 to 256.87~~, Disallowances shall be shared by  
 58.20 each county board in the same proportion as that county's expenditures for the sanctioned  
 58.21 program are to the total of all counties' expenditures for ~~the AFDC program formerly codified~~  
 58.22 ~~in sections 256.72 to 256.87~~, and medical assistance programs. ~~For SNAP, sanctions shall~~  
 58.23 ~~be shared by each county board, with 50 percent of the sanction being distributed to each~~  
 58.24 ~~county in the same proportion as that county's administrative costs for SNAP benefits are~~  
 58.25 ~~to the total of all SNAP administrative costs for all counties, and 50 percent of the sanctions~~  
 58.26 ~~being distributed to each county in the same proportion as that county's value of SNAP~~  
 58.27 ~~benefits issued are to the total of all benefits issued for all counties.~~ Each county shall pay  
 58.28 its share of the disallowance to the state of Minnesota. When a county fails to pay the amount  
 58.29 due hereunder, the commissioner may deduct the amount from reimbursement otherwise  
 58.30 due the county, or the attorney general, upon the request of the commissioner, may institute  
 58.31 civil action to recover the amount due; and

58.32 (2) notwithstanding the provisions of clause (1), if the disallowance results from knowing  
 58.33 noncompliance by one or more counties with a specific program instruction, and that knowing  
 58.34 noncompliance is a matter of official county board record, the commissioner may require

59.1 payment or recover from the county or counties, in the manner prescribed in clause (1), an  
59.2 amount equal to the portion of the total disallowance which resulted from the noncompliance,  
59.3 and may distribute the balance of the disallowance according to clause (1).

59.4 ~~(p)~~ (n) Develop and implement special projects that maximize reimbursements and result  
59.5 in the recovery of money to the state. For the purpose of recovering state money, the  
59.6 commissioner may enter into contracts with third parties. Any recoveries that result from  
59.7 projects or contracts entered into under this paragraph shall be deposited in the state treasury  
59.8 and credited to a special account until the balance in the account reaches \$1,000,000. When  
59.9 the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited  
59.10 to the general fund. All money in the account is appropriated to the commissioner for the  
59.11 purposes of this paragraph.

59.12 ~~(p)~~ (o) Have the authority to establish and enforce the following county reporting  
59.13 requirements:

59.14 (1) the commissioner shall establish fiscal and statistical reporting requirements necessary  
59.15 to account for the expenditure of funds allocated to counties for human services programs.  
59.16 When establishing financial and statistical reporting requirements, the commissioner shall  
59.17 evaluate all reports, in consultation with the counties, to determine if the reports can be  
59.18 simplified or the number of reports can be reduced;

59.19 (2) the county board shall submit monthly or quarterly reports to the department as  
59.20 required by the commissioner. Monthly reports are due no later than 15 working days after  
59.21 the end of the month. Quarterly reports are due no later than 30 calendar days after the end  
59.22 of the quarter, unless the commissioner determines that the deadline must be shortened to  
59.23 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss  
59.24 of federal funding. Only reports that are complete, legible, and in the required format shall  
59.25 be accepted by the commissioner;

59.26 (3) if the required reports are not received by the deadlines established in clause (2), the  
59.27 commissioner may delay payments and withhold funds from the county board until the next  
59.28 reporting period. When the report is needed to account for the use of federal funds and the  
59.29 late report results in a reduction in federal funding, the commissioner shall withhold from  
59.30 the county boards with late reports an amount equal to the reduction in federal funding until  
59.31 full federal funding is received;

59.32 (4) a county board that submits reports that are late, illegible, incomplete, or not in the  
59.33 required format for two out of three consecutive reporting periods is considered  
59.34 noncompliant. When a county board is found to be noncompliant, the commissioner shall

60.1 notify the county board of the reason the county board is considered noncompliant and  
60.2 request that the county board develop a corrective action plan stating how the county board  
60.3 plans to correct the problem. The corrective action plan must be submitted to the  
60.4 commissioner within 45 days after the date the county board received notice of  
60.5 noncompliance;

60.6 (5) the final deadline for fiscal reports or amendments to fiscal reports is one year after  
60.7 the date the report was originally due. If the commissioner does not receive a report by the  
60.8 final deadline, the county board forfeits the funding associated with the report for that  
60.9 reporting period and the county board must repay any funds associated with the report  
60.10 received for that reporting period;

60.11 (6) the commissioner may not delay payments, withhold funds, or require repayment  
60.12 under clause (3) or (5) if the county demonstrates that the commissioner failed to provide  
60.13 appropriate forms, guidelines, and technical assistance to enable the county to comply with  
60.14 the requirements. If the county board disagrees with an action taken by the commissioner  
60.15 under clause (3) or (5), the county board may appeal the action according to sections 14.57  
60.16 to 14.69; and

60.17 (7) counties subject to withholding of funds under clause (3) or forfeiture or repayment  
60.18 of funds under clause (5) shall not reduce or withhold benefits or services to clients to cover  
60.19 costs incurred due to actions taken by the commissioner under clause (3) or (5).

60.20 ~~(q)~~ (p) Allocate federal fiscal disallowances or sanctions for audit exceptions when  
60.21 federal fiscal disallowances or sanctions are based on a statewide random sample in direct  
60.22 proportion to each county's claim for that period.

60.23 ~~(r)~~ (q) Be responsible for ensuring the detection, prevention, investigation, and resolution  
60.24 of fraudulent activities or behavior by applicants, recipients, and other participants in the  
60.25 human services programs administered by the department.

60.26 ~~(s)~~ (r) Require county agencies to identify overpayments, establish claims, and utilize  
60.27 all available and cost-beneficial methodologies to collect and recover these overpayments  
60.28 in the human services programs administered by the department.

60.29 ~~(t)~~ (s) Have the authority to administer the federal drug rebate program for drugs  
60.30 purchased under the medical assistance program as allowed by section 1927 of title XIX of  
60.31 the Social Security Act and according to the terms and conditions of section 1927. Rebates  
60.32 shall be collected for all drugs that have been dispensed or administered in an outpatient  
60.33 setting and that are from manufacturers who have signed a rebate agreement with the United  
60.34 States Department of Health and Human Services.

61.1 ~~(s)~~ (t) Have the authority to administer a supplemental drug rebate program for drugs  
61.2 purchased under the medical assistance program. The commissioner may enter into  
61.3 supplemental rebate contracts with pharmaceutical manufacturers and may require prior  
61.4 authorization for drugs that are from manufacturers that have not signed a supplemental  
61.5 rebate contract. Prior authorization of drugs shall be subject to the provisions of section  
61.6 256B.0625, subdivision 13.

61.7 ~~(v)~~ (u) Operate the department's communication systems account established in Laws  
61.8 1993, First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared  
61.9 communication costs necessary for the operation of the programs the commissioner  
61.10 supervises. A communications account may also be established for each regional treatment  
61.11 center which operates communications systems. Each account must be used to manage  
61.12 shared communication costs necessary for the operations of the programs the commissioner  
61.13 supervises. The commissioner may distribute the costs of operating and maintaining  
61.14 communication systems to participants in a manner that reflects actual usage. Costs may  
61.15 include acquisition, licensing, insurance, maintenance, repair, staff time and other costs as  
61.16 determined by the commissioner. Nonprofit organizations and state, county, and local  
61.17 government agencies involved in the operation of programs the commissioner supervises  
61.18 may participate in the use of the department's communications technology and share in the  
61.19 cost of operation. The commissioner may accept on behalf of the state any gift, bequest,  
61.20 devise or personal property of any kind, or money tendered to the state for any lawful  
61.21 purpose pertaining to the communication activities of the department. Any money received  
61.22 for this purpose must be deposited in the department's communication systems accounts.  
61.23 Money collected by the commissioner for the use of communication systems must be  
61.24 deposited in the state communication systems account and is appropriated to the  
61.25 commissioner for purposes of this section.

61.26 ~~(w)~~ (v) Receive any federal matching money that is made available through the medical  
61.27 assistance program for the consumer satisfaction survey. Any federal money received for  
61.28 the survey is appropriated to the commissioner for this purpose. The commissioner may  
61.29 expend the federal money received for the consumer satisfaction survey in either year of  
61.30 the biennium.

61.31 ~~(x)~~ (w) Designate community information and referral call centers and incorporate cost  
61.32 reimbursement claims from the designated community information and referral call centers  
61.33 into the federal cost reimbursement claiming processes of the department according to  
61.34 federal law, rule, and regulations. Existing information and referral centers provided by  
61.35 Greater Twin Cities United Way or existing call centers for which Greater Twin Cities

62.1 United Way has legal authority to represent, shall be included in these designations upon  
 62.2 review by the commissioner and assurance that these services are accredited and in  
 62.3 compliance with national standards. Any reimbursement is appropriated to the commissioner  
 62.4 and all designated information and referral centers shall receive payments according to  
 62.5 normal department schedules established by the commissioner upon final approval of  
 62.6 allocation methodologies from the United States Department of Health and Human Services  
 62.7 Division of Cost Allocation or other appropriate authorities.

62.8 ~~(y)~~ (x) Develop recommended standards for adult foster care homes that address the  
 62.9 components of specialized therapeutic services to be provided by adult foster care homes  
 62.10 with those services.

62.11 ~~(z)~~ (y) Authorize the method of payment to or from the department as part of the human  
 62.12 services programs administered by the department. This authorization includes the receipt  
 62.13 or disbursement of funds held by the department in a fiduciary capacity as part of the human  
 62.14 services programs administered by the department.

62.15 ~~(aa)~~ (z) Designate the agencies that operate the Senior LinkAge Line under section  
 62.16 256.975, subdivision 7, and the Disability Hub under subdivision 24 as the state of Minnesota  
 62.17 Aging and Disability Resource Center under United States Code, title 42, section 3001, the  
 62.18 Older Americans Act Amendments of 2006, and incorporate cost reimbursement claims  
 62.19 from the designated centers into the federal cost reimbursement claiming processes of the  
 62.20 department according to federal law, rule, and regulations. Any reimbursement must be  
 62.21 appropriated to the commissioner and treated consistent with section 256.011. All Aging  
 62.22 and Disability Resource Center designated agencies shall receive payments of grant funding  
 62.23 that supports the activity and generates the federal financial participation according to Board  
 62.24 on Aging administrative granting mechanisms.

62.25 Sec. 48. Minnesota Statutes 2022, section 256.01, subdivision 4, is amended to read:

62.26 Subd. 4. **Duties as state agency.** (a) The state agency shall:

62.27 ~~(1) supervise the administration of assistance to dependent children under Laws 1937,~~  
 62.28 ~~chapter 438, by the county agencies in an integrated program with other service for dependent~~  
 62.29 ~~children maintained under the direction of the state agency;~~

62.30 ~~(2) establish adequate standards for personnel employed by the counties and the state~~  
 62.31 ~~agency in the administration of Laws 1937, chapter 438, and make the necessary rules to~~  
 62.32 ~~maintain such standards;~~

63.1 ~~(3)~~ (1) in coordination with the commissioner of children, youth, and families, prescribe  
63.2 the form of and print and supply to the county agencies blanks for applications, reports,  
63.3 affidavits, and such other forms as it may deem necessary and advisable;

63.4 ~~(4)~~ cooperate with the federal government and its public welfare agencies in any  
63.5 reasonable manner as may be necessary to qualify for federal aid for temporary assistance  
63.6 for needy families and in conformity with title I of Public Law 104-193, the Personal  
63.7 Responsibility and Work Opportunity Reconciliation Act of 1996 and successor amendments,  
63.8 including the making of such reports and such forms and containing such information as  
63.9 the Federal Social Security Board may from time to time require, and comply with such  
63.10 provisions as such board may from time to time find necessary to assure the correctness  
63.11 and verification of such reports;

63.12 ~~(5)~~ (2) on or before October 1 in each even-numbered year make a biennial report to the  
63.13 governor concerning the activities of the agency;

63.14 ~~(6)~~ (3) enter into agreements with other departments of the state as necessary to meet  
63.15 all requirements of the federal government; and

63.16 ~~(7)~~ cooperate with the commissioner of education to enforce the requirements for program  
63.17 integrity and fraud prevention for investigation for child care assistance under chapter 119B;  
63.18 and

63.19 ~~(8)~~ (4) require that the county or Tribal case manager for any person who is notified that  
63.20 their services will be terminated under section 245D.10, subdivision 3a, from residential  
63.21 supports and services as defined in section 245D.03, subdivision 1, paragraph (c), clause  
63.22 (3), develop an initial action plan within five business days of being notified of the  
63.23 termination; request technical assistance from the state agency; and proceed to promptly  
63.24 work to resolve the issues that led to the termination or arrange for alternative services as  
63.25 expeditiously as possible within the 60-day notice period.

63.26 (b) The state agency may:

63.27 (1) subpoena witnesses and administer oaths, make rules, and take such action as may  
63.28 be necessary or desirable for carrying out the provisions of Laws 1937, chapter 438. All  
63.29 rules made by the state agency shall be binding on the counties and shall be complied with  
63.30 by the respective county agencies; and

63.31 ~~(2)~~ cooperate with other state agencies in establishing reciprocal agreements in instances  
63.32 where a child receiving Minnesota family investment program assistance moves or  
63.33 contemplates moving into or out of the state, in order that the child may continue to receive

64.1 ~~supervised aid from the state moved from until the child has resided for one year in the state~~  
64.2 ~~moved to; and~~

64.3 ~~(3)~~ (2) administer oaths and affirmations, take depositions, certify to official acts, and  
64.4 issue subpoenas to compel the attendance of individuals and the production of documents  
64.5 and other personal property necessary in connection with the administration of programs  
64.6 administered by, or for the purpose of any investigation, hearing, proceeding, or inquiry  
64.7 related to the duties and responsibilities of, the Department of Human Services.

64.8 (c) The fees for service of a subpoena in paragraph (b), clause ~~(3)~~ (2), must be paid in  
64.9 the same manner as prescribed by law for a service of process issued by a district court.  
64.10 Witnesses must receive the same fees and mileage as in civil actions.

64.11 (d) The subpoena in paragraph (b), clause ~~(3)~~ (2), shall be enforceable through the district  
64.12 court in the district where the subpoena is issued.

64.13 (e) A subpoena issued under this subdivision must state that the person to whom the  
64.14 subpoena is directed may not disclose the fact that the subpoena was issued or the fact that  
64.15 the requested records have been given to law enforcement personnel or agents of the  
64.16 commissioner except:

64.17 (1) insofar as the disclosure is necessary and agreed upon by the commissioner, to find  
64.18 and disclose the records; or

64.19 (2) pursuant to court order.

64.20 Sec. 49. Minnesota Statutes 2022, section 256.01, subdivision 5, is amended to read:

64.21 Subd. 5. **Gifts, contributions, pensions and benefits; acceptance.** ~~The commissioner~~  
64.22 ~~shall have the power and authority to accept in behalf of the state contributions and gifts~~  
64.23 ~~for the use and benefit of children under the guardianship or custody of the commissioner;~~  
64.24 The commissioner may also receive and accept on behalf of ~~such children, and on behalf~~  
64.25 ~~of~~ patients and residents at the several state hospitals for persons with mental illness or  
64.26 developmental disabilities during the period of their hospitalization and while on provisional  
64.27 discharge therefrom, money due and payable to them as old age and survivors insurance  
64.28 benefits, veterans benefits, pensions or other such monetary benefits. Such gifts,  
64.29 contributions, pensions and benefits shall be deposited in and disbursed from the social  
64.30 welfare fund provided for in sections 256.88 to 256.92.

65.1 Sec. 50. Minnesota Statutes 2022, section 256.01, subdivision 12, is amended to read:

65.2 Subd. 12. **Child mortality review panel.** (a) The commissioner shall establish a child  
65.3 mortality review panel to review deaths of children in Minnesota, including deaths attributed  
65.4 to maltreatment or in which maltreatment may be a contributing cause and to review near  
65.5 fatalities as defined in section 260E.35. The commissioners of health, education, human  
65.6 services, and public safety and the attorney general shall each designate a representative to  
65.7 the child mortality review panel. Other panel members shall be appointed by the  
65.8 commissioner, including a board-certified pathologist and a physician who is a coroner or  
65.9 a medical examiner. The purpose of the panel shall be to make recommendations to the  
65.10 state and to county agencies for improving the child protection system, including  
65.11 modifications in statute, rule, policy, and procedure.

65.12 (b) The commissioner may require a county agency to establish a local child mortality  
65.13 review panel. The commissioner may establish procedures for conducting local reviews  
65.14 and may require that all professionals with knowledge of a child mortality case participate  
65.15 in the local review. In this section, "professional" means a person licensed to perform or a  
65.16 person performing a specific service in the child protective service system. "Professional"  
65.17 includes law enforcement personnel, social service agency attorneys, educators, and social  
65.18 service, health care, and mental health care providers.

65.19 (c) If the commissioner of human services has reason to believe that a child's death was  
65.20 caused by maltreatment or that maltreatment was a contributing cause, the commissioner  
65.21 has access to not public data under chapter 13 maintained by state agencies, statewide  
65.22 systems, or political subdivisions that are related to the child's death or circumstances  
65.23 surrounding the care of the child. The commissioner shall also have access to records of  
65.24 private hospitals as necessary to carry out the duties prescribed by this section. Access to  
65.25 data under this paragraph is limited to police investigative data; autopsy records and coroner  
65.26 or medical examiner investigative data; hospital, public health, or other medical records of  
65.27 the child; hospital and other medical records of the child's parent that relate to prenatal care;  
65.28 and records created by social service agencies that provided services to the child or family  
65.29 within three years preceding the child's death. A state agency, statewide system, or political  
65.30 subdivision shall provide the data upon request of the commissioner. Not public data may  
65.31 be shared with members of the state or local child mortality review panel in connection with  
65.32 an individual case.

65.33 (d) Notwithstanding the data's classification in the possession of any other agency, data  
65.34 acquired by a local or state child mortality review panel in the exercise of its duties is  
65.35 protected nonpublic or confidential data as defined in section 13.02, but may be disclosed

66.1 as necessary to carry out the purposes of the review panel. The data is not subject to subpoena  
66.2 or discovery. The commissioner may disclose conclusions of the review panel, but shall  
66.3 not disclose data that was classified as confidential or private data on decedents, under  
66.4 section 13.10, or private, confidential, or protected nonpublic data in the disseminating  
66.5 agency, except that the commissioner may disclose local social service agency data as  
66.6 provided in section 260E.35, on individual cases involving a fatality or near fatality of a  
66.7 person served by the local social service agency prior to the date of death.

66.8 (e) A person attending a child mortality review panel meeting shall not disclose what  
66.9 transpired at the meeting, except to carry out the purposes of the mortality review panel.  
66.10 The proceedings and records of the mortality review panel are protected nonpublic data as  
66.11 defined in section 13.02, subdivision 13, and are not subject to discovery or introduction  
66.12 into evidence in a civil or criminal action against a professional, the state or a county agency,  
66.13 arising out of the matters the panel is reviewing. Information, documents, and records  
66.14 otherwise available from other sources are not immune from discovery or use in a civil or  
66.15 criminal action solely because they were presented during proceedings of the review panel.  
66.16 A person who presented information before the review panel or who is a member of the  
66.17 panel shall not be prevented from testifying about matters within the person's knowledge.  
66.18 However, in a civil or criminal proceeding a person shall not be questioned about the person's  
66.19 presentation of information to the review panel or opinions formed by the person as a result  
66.20 of the review meetings.

66.21 Sec. 51. Minnesota Statutes 2022, section 256.01, subdivision 16, is amended to read:

66.22 Subd. 16. **Information for persons with limited English-language proficiency.** ~~By~~  
66.23 ~~July 1, 1998,~~ The commissioner shall implement a procedure for public assistance applicants  
66.24 and recipients to identify a language preference other than English in order to receive  
66.25 information pertaining to the public assistance programs in that preferred language.

66.26 Sec. 52. Minnesota Statutes 2022, section 256.01, subdivision 18, is amended to read:

66.27 Subd. 18. **Immigration status verifications.** (a) Notwithstanding any waiver of this  
66.28 requirement by the secretary of the United States Department of Health and Human Services,  
66.29 ~~effective July 1, 2001,~~ the commissioner shall utilize the Systematic Alien Verification for  
66.30 Entitlements (SAVE) program to conduct immigration status verifications:

66.31 (1) as required under United States Code, title 8, section 1642; and

66.32 ~~(2) for all applicants for food assistance benefits, whether under the federal SNAP, the~~  
66.33 ~~MFIP or work first program, or the Minnesota food assistance program; and~~

67.1 ~~(3)~~ (2) for all applicants for general assistance, Minnesota supplemental aid,  
67.2 MinnesotaCare, or housing support under chapter 256I, when the benefits provided by these  
67.3 programs would fall under the definition of "federal public benefit" under United States  
67.4 Code, title 8, section 1642, if federal funds were used to pay for all or part of the benefits.

67.5 (b) The commissioner shall comply with the reporting requirements under United States  
67.6 Code, title 42, section 611a, and any federal regulation or guidance adopted under that law.

67.7 Sec. 53. Minnesota Statutes 2022, section 256.01, subdivision 18a, is amended to read:

67.8 Subd. 18a. **Public Assistance Reporting Information System.** (a) ~~Effective October~~  
67.9 ~~1, 2009,~~ The commissioner shall comply with the federal requirements in Public Law  
67.10 110-379 in implementing the Public Assistance Reporting Information System (PARIS) to  
67.11 determine eligibility for all individuals applying for:

67.12 (1) health care benefits under chapters 256B and 256L; and

67.13 (2) public benefits under chapters ~~119B,~~ 256D, and 256I, ~~and the supplemental nutrition~~  
67.14 ~~assistance program.~~

67.15 (b) The commissioner shall determine eligibility under paragraph (a) by performing data  
67.16 matches, including matching with medical assistance, cash, child care, and supplemental  
67.17 assistance programs operated by other states.

67.18 Sec. 54. Minnesota Statutes 2022, section 256.01, subdivision 34, is amended to read:

67.19 Subd. 34. **Federal administrative reimbursement dedicated.** Federal administrative  
67.20 reimbursement resulting from the following activities is appropriated to the commissioner  
67.21 for the designated purposes:

67.22 (1) reimbursement for the Minnesota senior health options project; and

67.23 (2) reimbursement related to prior authorization, review of medical necessity, and  
67.24 inpatient admission certification by a professional review organization. A portion of these  
67.25 funds must be used for activities to decrease unnecessary pharmaceutical costs in medical  
67.26 assistance; and.

67.27 ~~(3) reimbursement resulting from the federal child support grant expenditures authorized~~  
67.28 ~~under United States Code, title 42, section 1315.~~

68.1 Sec. 55. Minnesota Statutes 2022, section 256.012, subdivision 2, is amended to read:

68.2 Subd. 2. **Payment for services provided.** (a) The cost of merit system operations shall  
68.3 be paid by counties and other entities that utilize merit system services. Total costs shall be  
68.4 determined by the commissioner annually and must be set at a level that neither significantly  
68.5 overrecovers nor underrecovers the costs of providing the service. The costs of merit system  
68.6 services shall be prorated among participating counties in accordance with an agreement  
68.7 between the commissioner and these counties. Participating counties will be billed quarterly  
68.8 in advance and shall pay their share of the costs upon receipt of the billing.

68.9 (b) This subdivision does not apply to counties with personnel systems otherwise provided  
68.10 by law that meet federal merit system requirements. A county that applies to withdraw from  
68.11 the merit system must notify the commissioner of the county's intent to develop its own  
68.12 personnel system. This notice must be provided in writing by December 31 of the year  
68.13 preceding the year of final participation in the merit system. The county may withdraw after  
68.14 the commissioner has certified that its personnel system meets federal merit system  
68.15 requirements.

68.16 (c) A county merit system operations account is established in the special revenue fund.  
68.17 Payments received by the commissioner for merit system costs must be deposited in the  
68.18 merit system operations account and must be used for the purpose of providing the services  
68.19 and administering the merit system.

68.20 ~~(d) County payment of merit system costs is effective July 1, 2003, however payment~~  
68.21 ~~for the period from July 1, 2003, through December 31, 2003, shall be made no later than~~  
68.22 ~~January 31, 2004.~~

68.23 Sec. 56. Minnesota Statutes 2022, section 256.016, is amended to read:

68.24 **256.016 PLAIN LANGUAGE IN WRITTEN MATERIALS.**

68.25 (a) To the extent reasonable and consistent with the goals of providing easily  
68.26 understandable and readable materials and complying with federal and state laws governing  
68.27 the programs, all written materials relating to services and determinations of eligibility for  
68.28 or amounts of benefits that will be given to applicants for or recipients of assistance under  
68.29 a program administered or supervised by the commissioner of human services must be  
68.30 understandable to a person who reads at the seventh-grade level, using the Flesch scale  
68.31 analysis readability score as determined under section 72C.09.

68.32 (b) All written materials relating to determinations of eligibility for or amounts of benefits  
68.33 that will be given to applicants for or recipients of assistance under programs administered

69.1 or supervised by the commissioner of human services must be developed to satisfy the plain  
69.2 language requirements of the Plain Language Contract Act under sections 325G.29 to  
69.3 325G.36. Materials may be submitted to the attorney general for review and certification.  
69.4 Notwithstanding section 325G.35, subdivision 1, the attorney general shall review submitted  
69.5 materials to determine whether they comply with the requirements of section 325G.31. The  
69.6 remedies available pursuant to sections 8.31 and 325G.33 to 325G.36 do not apply to these  
69.7 materials. Failure to comply with this section does not provide a basis for suspending the  
69.8 implementation or operation of other laws governing programs administered by the  
69.9 commissioner.

69.10 (c) ~~The requirements of this section apply to all materials modified or developed by the~~  
69.11 ~~commissioner on or after July 1, 1988.~~ The requirements of this section do not apply to  
69.12 materials that must be submitted to a federal agency for approval, to the extent that  
69.13 application of the requirements prevents federal approval.

69.14 (d) Nothing in this section may be construed to prohibit a lawsuit brought to require the  
69.15 commissioner to comply with this section or to affect individual appeal rights granted  
69.16 pursuant to section 256.045.

69.17 Sec. 57. Minnesota Statutes 2022, section 256.017, subdivision 1, is amended to read:

69.18 Subdivision 1. **Authority and purpose.** (a) The commissioner of human services shall  
69.19 directly administer the compliance system for general assistance, medical assistance,  
69.20 emergency general assistance, Minnesota supplemental assistance, housing support,  
69.21 preadmission screening, alternative care grants, and all other programs administered by the  
69.22 commissioner or on behalf of the commissioner under the powers and authorities named in  
69.23 section 256.01, subdivision 2.

69.24 (b) The commissioner of children, youth, and families shall administer the compliance  
69.25 system for the Minnesota family investment program, the Supplemental Nutrition Assistance  
69.26 Program (SNAP), the child care assistance program, and all other programs administered  
69.27 by the commissioner or on behalf of the commissioner under the powers and authorities  
69.28 named in section 142A.03, subdivision 2.

69.29 (c) The ~~commissioner~~ commissioners of human services and children, youth, and families  
69.30 shall cooperate as necessary to administer a compliance system for systems related to the  
69.31 Minnesota family investment program, the Supplemental Nutrition Assistance Program  
69.32 (SNAP), ~~emergency assistance,~~ general assistance, medical assistance, emergency general  
69.33 assistance, Minnesota supplemental assistance, housing support, preadmission screening,  
69.34 alternative care grants, the child care assistance program, and all other programs administered

70.1 by the commissioner of human services or on behalf of the commissioner of human services  
70.2 under the powers and authorities named in section 256.01, subdivision 2.

70.3 (d) The purpose of the compliance system is to permit the ~~commissioner~~ commissioners  
70.4 to supervise the administration of public assistance programs and to enforce timely and  
70.5 accurate distribution of benefits, completeness of service and efficient and effective program  
70.6 management and operations, to increase uniformity and consistency in the administration  
70.7 and delivery of public assistance programs throughout the state, and to reduce the possibility  
70.8 of sanctions and fiscal disallowances for noncompliance with federal regulations and state  
70.9 statutes. The ~~commissioner~~ commissioners, or the ~~commissioner's representative~~  
70.10 commissioners' representatives, may issue administrative subpoenas as needed in  
70.11 administering the compliance system.

70.12 (e) The ~~commissioner~~ commissioners shall utilize training, technical assistance, and  
70.13 monitoring activities, as specified in ~~section~~ sections 142A.03, subdivision 2, and 256.01,  
70.14 subdivision 2, to encourage county agency compliance with written policies and procedures.

70.15 Sec. 58. Minnesota Statutes 2022, section 256.017, subdivision 2, is amended to read:

70.16 Subd. 2. **Definitions.** The following terms have the meanings given for purposes of this  
70.17 section.

70.18 (a) "Administrative penalty" means an adjustment against the county agency's state and  
70.19 federal benefit and federal administrative reimbursement when the commissioner determines  
70.20 that the county agency is not in compliance with the policies and procedures established by  
70.21 the commissioner.

70.22 (b) "Commissioner" means the commissioner of human services for programs listed in  
70.23 subdivision 1, paragraph (b), and the commissioner of children, youth, and families for  
70.24 programs listed in subdivision 1, paragraph (c).

70.25 ~~(b)~~ (c) "Quality control case penalty" means an adjustment against the county agency's  
70.26 federal administrative reimbursement and state and federal benefit reimbursement when  
70.27 the commissioner determines through a quality control review that the county agency has  
70.28 made incorrect payments, terminations, or denials of benefits as determined by state quality  
70.29 control procedures for the aid to families with dependent children program formerly codified  
70.30 in sections 256.72 to 256.87, Minnesota family investment program, SNAP, or medical  
70.31 assistance programs, or any other programs for which the commissioner has developed a  
70.32 quality control system. Quality control case penalties apply only to agency errors as defined  
70.33 by state quality control procedures.

71.1 (e) (d) "Quality control/quality assurance" means a review system of a statewide random  
71.2 sample of cases, designed to provide data on program outcomes and the accuracy with which  
71.3 state and federal policies are being applied in issuing benefits and as a fiscal audit to ensure  
71.4 the accuracy of expenditures. The quality control/quality assurance system is administered  
71.5 by the department. For the aid to families with dependent children program formerly codified  
71.6 in sections 256.72 to 256.87, SNAP, and medical assistance, the quality control system is  
71.7 that required by federal regulation, or those developed by the commissioner.

71.8 Sec. 59. Minnesota Statutes 2022, section 256.017, subdivision 3, is amended to read:

71.9 Subd. 3. **Quality control case penalty.** The ~~department~~ commissioner shall disallow,  
71.10 withhold, or deny state and federal benefit reimbursement and federal administrative  
71.11 reimbursement payment to a county when the commissioner determines that the county has  
71.12 incorrectly issued benefits or incorrectly denied or terminated benefits. These cases shall  
71.13 be identified by state quality control reviews.

71.14 Sec. 60. Minnesota Statutes 2022, section 256.017, subdivision 5, is amended to read:

71.15 Subd. 5. **Administrative penalties.** The ~~department~~ commissioner shall disallow or  
71.16 withhold state and federal benefit reimbursement and federal administrative reimbursement  
71.17 from county agencies when the actions performed by the county agency are not in compliance  
71.18 with the written policies and procedures established by the commissioner. The policies and  
71.19 procedures must be previously communicated to the county agency. A county agency shall  
71.20 not be penalized for complying with a written policy or procedure, even if the policy or  
71.21 procedure is found to be erroneous and is subsequently rescinded by the commissioner.

71.22 Sec. 61. Minnesota Statutes 2022, section 256.017, subdivision 7, is amended to read:

71.23 Subd. 7. **Process and exception.** (a)(1) The ~~department~~ commissioner shall notify the  
71.24 county agency in writing of all proposed quality control case penalties.

71.25 (2) The county agency may submit a written exception of the quality control error claim  
71.26 and proposed penalty. The exception must be submitted to the commissioner within ten  
71.27 calendar days of the receipt of the penalty notice.

71.28 (3) Within 20 calendar days of receipt of the written exception, the commissioner shall  
71.29 sustain, dismiss, or amend the quality control findings and case penalty and notify the county  
71.30 agency, in writing, of the decision and the amount of any penalty. The commissioner's  
71.31 decision is not subject to judicial review.

72.1 (b)(1) The ~~department~~ commissioner shall notify the county agency in writing of any  
 72.2 proposed administrative penalty, the date by which the county agency must correct the  
 72.3 issues noted in the penalty, and the time period within which the county agency must submit  
 72.4 a corrective action plan for compliance.

72.5 (2) If the county agency fails to submit a corrective action plan within the stated time  
 72.6 period, or if the corrective action plan does not bring the agency into compliance as  
 72.7 determined by the ~~department~~ commissioner, or if the county agency fails to meet the  
 72.8 commitments in the corrective action plan, the ~~department~~ commissioner shall issue the  
 72.9 administrative penalty and notify the county agency in writing.

72.10 (3) The county agency may file written exception to the administrative penalty with the  
 72.11 commissioner within 30 days of the receipt of the ~~department's~~ commissioner's notice of  
 72.12 issuing the administrative penalty. The county agency must notify the commissioner of its  
 72.13 intent to file a written exception within ten days of the delivery of the ~~department's~~  
 72.14 commissioner's notice of the administrative penalty. If the county agency does not notify  
 72.15 the commissioner of its intent to file and does not file a written exception within the  
 72.16 prescribed time periods, the department's initial decision shall be final.

72.17 (4) The commissioner shall sustain, dismiss, or amend the administrative penalty findings,  
 72.18 and shall issue a written order to the county agency within 30 calendar days after receiving  
 72.19 the county agency's written exception.

72.20 Sec. 62. Minnesota Statutes 2022, section 256.018, is amended to read:

72.21 **256.018 COUNTY PUBLIC ASSISTANCE INCENTIVE FUND.**

72.22 The commissioner of human services, in coordination with the commissioner of children,  
 72.23 youth, and families, shall grant incentive awards of money specifically appropriated for this  
 72.24 purpose to counties: (1) that have not been assessed an administrative penalty under section  
 72.25 256.017 in the corresponding fiscal year; and (2) that perform satisfactorily according to  
 72.26 indicators established by the commissioner.

72.27 After consultation with county agencies, the commissioner shall inform county agencies  
 72.28 in writing of the performance indicators that govern the awarding of the incentive fund for  
 72.29 each fiscal year by April of the preceding fiscal year.

72.30 The commissioner may set performance indicators to govern the awarding of the total  
 72.31 fund, may allocate portions of the fund to be awarded by unique indicators, or may set a  
 72.32 sole indicator to govern the awarding of funds.

73.1 The funds shall be awarded to qualifying county agencies according to their share of  
 73.2 benefits for the programs related to the performance indicators governing the distribution  
 73.3 of the fund or part of it as compared to the total benefits of all qualifying county agencies  
 73.4 for the programs related to the performance indicators governing the distribution of the fund  
 73.5 or part of it.

73.6 Sec. 63. Minnesota Statutes 2022, section 256.019, subdivision 1, is amended to read:

73.7 Subdivision 1. **Retention rates.** When an assistance recovery amount is collected and  
 73.8 posted by a county agency under the provisions governing public assistance programs  
 73.9 including general assistance medical care formerly codified in chapter 256D, general  
 73.10 assistance, and Minnesota supplemental aid, the county may keep one-half of the recovery  
 73.11 made by the county agency using any method other than recoupment. For medical assistance,  
 73.12 if the recovery is made by a county agency using any method other than recoupment, the  
 73.13 county may keep one-half of the nonfederal share of the recovery. For MinnesotaCare, if  
 73.14 the recovery is collected and posted by the county agency, the county may keep one-half  
 73.15 of the nonfederal share of the recovery.

73.16 This does not apply to recoveries from medical providers or to recoveries begun by the  
 73.17 Department of Human Services' Surveillance and Utilization Review Division, State Hospital  
 73.18 Collections Unit, and the Benefit Recoveries Division or, by the attorney general's office,  
 73.19 or child support collections. ~~In the Supplemental Nutrition Assistance Program (SNAP),  
 73.20 the nonfederal share of recoveries in the federal tax offset program only will be divided  
 73.21 equally between the state agency and the involved county agency.~~

73.22 Sec. 64. Minnesota Statutes 2022, section 256.019, subdivision 2, is amended to read:

73.23 Subd. 2. **Retention rates for AFDC and MFIP.** (a) When an assistance recovery amount  
 73.24 is collected and posted by a county agency under the provisions governing ~~the aid to families  
 73.25 with dependent children program formerly codified in 1996 in sections 256.72 to 256.87~~  
 73.26 ~~or~~ MFIP under chapter 256J, the commissioner shall reimburse the county agency from the  
 73.27 proceeds of the recovery using the applicable rate specified in paragraph (b) ~~or (c).~~

73.28 ~~(b) For recoveries of overpayments made on or before September 30, 1996, from the  
 73.29 aid to families with dependent children program including the emergency assistance program,  
 73.30 the commissioner shall reimburse the county agency at a rate of one-quarter of the recovery  
 73.31 made by any method other than recoupment.~~

73.32 ~~(c) (b)~~ For recoveries of overpayments made after September 30, 1996, from the aid to  
 73.33 families with dependent children including the emergency assistance program and from

74.1 programs funded in whole or in part by the temporary assistance to needy families program  
 74.2 under section 256J.02, subdivision 2, and recoveries of nonfederally funded food assistance  
 74.3 under section 256J.11, the commissioner shall reimburse the county agency at a rate of  
 74.4 one-quarter of the recovery made by any method other than recoupment.

74.5 Sec. 65. Minnesota Statutes 2022, section 256.0281, is amended to read:

74.6 **256.0281 INTERAGENCY DATA EXCHANGE.**

74.7 The Department of Human Services, the Department of Health, the Department of  
 74.8 Children, Youth, and Families, and the Office of the Ombudsman for Mental Health and  
 74.9 Developmental Disabilities may establish interagency agreements governing the electronic  
 74.10 exchange of data on providers and individuals collected, maintained, or used by each agency  
 74.11 when such exchange is outlined by each agency in an interagency agreement to accomplish  
 74.12 the purposes in clauses (1) to (4):

74.13 (1) to improve provider enrollment processes for home and community-based services  
 74.14 and state plan home care services;

74.15 (2) to improve quality management of providers between state agencies;

74.16 (3) to establish and maintain provider eligibility to participate as providers under  
 74.17 Minnesota health care programs; or

74.18 (4) to meet the quality assurance reporting requirements under federal law under section  
 74.19 1915(c) of the Social Security Act related to home and community-based waiver programs.

74.20 Each interagency agreement must include provisions to ensure anonymity of individuals,  
 74.21 including mandated reporters, and must outline the specific uses of and access to shared  
 74.22 data within each agency. Electronic interfaces between source data systems developed under  
 74.23 these interagency agreements must incorporate these provisions as well as other HIPAA  
 74.24 provisions related to individual data.

74.25 Sec. 66. Minnesota Statutes 2022, section 256.029, is amended to read:

74.26 **256.029 DOMESTIC VIOLENCE INFORMATIONAL BROCHURE.**

74.27 (a) The commissioner shall provide a domestic violence informational brochure that  
 74.28 provides information about the existence of domestic violence waivers for eligible public  
 74.29 assistance applicants to all applicants of general assistance, ~~Minnesota family investment~~  
 74.30 ~~program~~, medical assistance, and MinnesotaCare. The brochure must explain that eligible  
 74.31 applicants may be temporarily waived from certain program requirements due to domestic

75.1 violence. The brochure must provide information about services and other programs to help  
75.2 victims of domestic violence.

75.3 (b) The brochure must be funded with TANF funds.

75.4 Sec. 67. Minnesota Statutes 2023 Supplement, section 256.045, subdivision 3, is amended  
75.5 to read:

75.6 Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

75.7 (1) any person:

75.8 (i) applying for, receiving or having received public assistance, medical care, or a program  
75.9 of social services ~~granted by the state agency~~ administered by the commissioner or a county  
75.10 ~~agency or the federal Food and Nutrition Act~~ on behalf of the commissioner; and

75.11 (ii) whose application for assistance is denied, not acted upon with reasonable promptness,  
75.12 or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly  
75.13 paid;

75.14 (2) any patient or relative aggrieved by an order of the commissioner under section  
75.15 252.27;

75.16 (3) a party aggrieved by a ruling of a prepaid health plan;

75.17 (4) except as provided under chapter 245C, any individual or facility determined by a  
75.18 lead investigative agency to have maltreated a vulnerable adult under section 626.557 after  
75.19 they have exercised their right to administrative reconsideration under section 626.557;

75.20 ~~(5) any person whose claim for foster care payment according to a placement of the~~  
75.21 ~~child resulting from a child protection assessment under chapter 260E is denied or not acted~~  
75.22 ~~upon with reasonable promptness, regardless of funding source;~~

75.23 ~~(6)~~ (5) any person to whom a right of appeal according to this section is given by other  
75.24 provision of law;

75.25 ~~(7)~~ (6) an applicant aggrieved by an adverse decision to an application for a hardship  
75.26 waiver under section 256B.15;

75.27 ~~(8)~~ (7) an applicant aggrieved by an adverse decision to an application or redetermination  
75.28 for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

75.29 ~~(9) except as provided under chapter 245A, an individual or facility determined to have~~  
75.30 ~~maltreated a minor under chapter 260E, after the individual or facility has exercised the~~  
75.31 ~~right to administrative reconsideration under chapter 260E;~~

76.1 ~~(10)~~ (8) except as provided under chapter 245C and except for a subject of a background  
76.2 study that the commissioner has conducted on behalf of another agency for a program or  
76.3 facility not otherwise overseen by the commissioner, an individual disqualified under sections  
76.4 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,  
76.5 on the basis of serious or recurring maltreatment; a preponderance of the evidence that the  
76.6 individual has committed an act or acts that meet the definition of any of the crimes listed  
76.7 in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section  
76.8 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment  
76.9 determination under clause (4) or ~~(9)~~ (8) or section 142A.20, subdivision 3, clause (4), and  
76.10 a disqualification under this clause in which the basis for a disqualification is serious or  
76.11 recurring maltreatment, shall be consolidated into a single fair hearing. In such cases, the  
76.12 scope of review by the human services judge shall include both the maltreatment  
76.13 determination and the disqualification. The failure to exercise the right to an administrative  
76.14 reconsideration shall not be a bar to a hearing under this section if federal law provides an  
76.15 individual the right to a hearing to dispute a finding of maltreatment;

76.16 ~~(11)~~ (9) any person with an outstanding debt resulting from receipt of public assistance,  
76.17 administered by the commissioner or medical care, or the federal Food and Nutrition Act  
76.18 who is contesting a setoff claim by the Department of Human Services or a county agency.  
76.19 The scope of the appeal is the validity of the claimant agency's intention to request a setoff  
76.20 of a refund under chapter 270A against the debt;

76.21 ~~(12)~~ (10) a person issued a notice of service termination under section 245D.10,  
76.22 subdivision 3a, by a licensed provider of any residential supports or services listed in section  
76.23 245D.03, subdivision 1, paragraphs (b) and (c), that is not otherwise subject to appeal under  
76.24 subdivision 4a;

76.25 ~~(13)~~ (11) an individual disability waiver recipient based on a denial of a request for a  
76.26 rate exception under section 256B.4914;

76.27 ~~(14)~~ (12) a person issued a notice of service termination under section 245A.11,  
76.28 subdivision 11, that is not otherwise subject to appeal under subdivision 4a; or

76.29 ~~(15)~~ (13) a recovery community organization seeking medical assistance vendor eligibility  
76.30 under section 254B.01, subdivision 8, that is aggrieved by a membership or accreditation  
76.31 determination and that believes the organization meets the requirements under section  
76.32 254B.05, subdivision 1, paragraph (d), clauses (1) to (10). The scope of the review by the  
76.33 human services judge shall be limited to whether the organization meets each of the  
76.34 requirements under section 254B.05, subdivision 1, paragraph (d), clauses (1) to (10).

77.1 (b) The hearing for an individual or facility under paragraph (a), clause (4), ~~(9)~~ (8), or  
 77.2 ~~(10)~~ (9), is the only administrative appeal to the final agency determination specifically,  
 77.3 including a challenge to the accuracy and completeness of data under section 13.04. Hearings  
 77.4 requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur  
 77.5 on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes  
 77.6 alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested  
 77.7 case proceeding under the provisions of chapter 14. Hearings requested under paragraph  
 77.8 (a), clause ~~(9)~~ (8), apply only to incidents of maltreatment that occur on or after July 1,  
 77.9 1997. A hearing for an individual or facility under paragraph (a), ~~clauses (4), (9), and (10)~~  
 77.10 clause (4), (8), or (9), is only available when there is no district court action pending. If  
 77.11 such action is filed in district court while an administrative review is pending that arises  
 77.12 out of some or all of the events or circumstances on which the appeal is based, the  
 77.13 administrative review must be suspended until the judicial actions are completed. If the  
 77.14 district court proceedings are completed, dismissed, or overturned, the matter may be  
 77.15 considered in an administrative hearing.

77.16 (c) For purposes of this section, bargaining unit grievance procedures are not an  
 77.17 administrative appeal.

77.18 ~~(d) The scope of hearings involving claims to foster care payments under paragraph (a),~~  
 77.19 ~~clause (5), shall be limited to the issue of whether the county is legally responsible for a~~  
 77.20 ~~child's placement under court order or voluntary placement agreement and, if so, the correct~~  
 77.21 ~~amount of foster care payment to be made on the child's behalf and shall not include review~~  
 77.22 ~~of the propriety of the county's child protection determination or child placement decision.~~

77.23 ~~(e)~~ (d) The scope of hearings under paragraph (a), clauses ~~(12)~~ (11) and ~~(14)~~ (13), shall  
 77.24 be limited to whether the proposed termination of services is authorized under section  
 77.25 245D.10, subdivision 3a, paragraph (b), or 245A.11, subdivision 11, and whether the  
 77.26 requirements of section 245D.10, subdivision 3a, paragraphs (c) to (e), or 245A.11,  
 77.27 subdivision 2a, paragraphs ~~(d) to (f)~~ and (e), were met. If the appeal includes a request for  
 77.28 a temporary stay of termination of services, the scope of the hearing shall also include  
 77.29 whether the case management provider has finalized arrangements for a residential facility,  
 77.30 a program, or services that will meet the assessed needs of the recipient by the effective  
 77.31 date of the service termination.

77.32 ~~(f)~~ (e) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor  
 77.33 under contract with a county agency to provide social services is not a party and may not  
 77.34 request a hearing under this section, except if assisting a recipient as provided in subdivision  
 77.35 4.

78.1 ~~(g)~~ (f) An applicant or recipient is not entitled to receive social services beyond the  
 78.2 services prescribed under chapter 256M or other social services the person is eligible for  
 78.3 under state law.

78.4 ~~(h)~~ (g) The commissioner may summarily affirm the county or state agency's proposed  
 78.5 action without a hearing when the sole issue is an automatic change due to a change in state  
 78.6 or federal law.

78.7 ~~(i)~~ (h) Unless federal or Minnesota law specifies a different time frame in which to file  
 78.8 an appeal, an individual or organization specified in this section may contest the specified  
 78.9 action, decision, or final disposition before the state agency by submitting a written request  
 78.10 for a hearing to the state agency within 30 days after receiving written notice of the action,  
 78.11 decision, or final disposition, or within 90 days of such written notice if the applicant,  
 78.12 recipient, patient, or relative shows good cause, as defined in section 256.0451, subdivision  
 78.13 13, why the request was not submitted within the 30-day time limit. The individual filing  
 78.14 the appeal has the burden of proving good cause by a preponderance of the evidence.

78.15 Sec. 68. Minnesota Statutes 2022, section 256.045, subdivision 3b, is amended to read:

78.16 Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a)  
 78.17 The state human services judge shall determine that maltreatment has occurred if a  
 78.18 preponderance of evidence exists to support the final disposition under section 626.557 and  
 78.19 chapter 260E. For purposes of hearings regarding disqualification, the state human services  
 78.20 judge shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph  
 78.21 (a), clause ~~(10)~~ (9), if a preponderance of the evidence shows the individual has:

78.22 (1) committed maltreatment under section 626.557 or chapter 260E, ~~which~~ that is serious  
 78.23 or recurring;

78.24 (2) committed an act or acts meeting the definition of any of the crimes listed in section  
 78.25 245C.15, subdivisions 1 to 4; or

78.26 (3) failed to make required reports under section 626.557 or chapter 260E, for incidents  
 78.27 in which the final disposition under section 626.557 or chapter 260E was substantiated  
 78.28 maltreatment that was serious or recurring.

78.29 (b) If the disqualification is affirmed, the state human services judge shall determine  
 78.30 whether the individual poses a risk of harm in accordance with the requirements of section  
 78.31 245C.22, and whether the disqualification should be set aside or not set aside. In determining  
 78.32 whether the disqualification should be set aside, the human services judge shall consider  
 78.33 all of the characteristics that cause the individual to be disqualified, including those

79.1 characteristics that were not subject to review under paragraph (a), in order to determine  
79.2 whether the individual poses a risk of harm. A decision to set aside a disqualification that  
79.3 is the subject of the hearing constitutes a determination that the individual does not pose a  
79.4 risk of harm and that the individual may provide direct contact services in the individual  
79.5 program specified in the set aside.

79.6 (c) If a disqualification is based solely on a conviction or is conclusive for any reason  
79.7 under section 245C.29, the disqualified individual does not have a right to a hearing under  
79.8 this section.

79.9 (d) The state human services judge shall recommend an order to the commissioner of  
79.10 health, education, or human services, as applicable, who shall issue a final order. The  
79.11 commissioner shall affirm, reverse, or modify the final disposition. Any order of the  
79.12 commissioner issued in accordance with this subdivision is conclusive upon the parties  
79.13 unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under  
79.14 chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.482, the  
79.15 commissioner's determination as to maltreatment is conclusive, as provided under section  
79.16 245C.29.

79.17 Sec. 69. Minnesota Statutes 2022, section 256.045, subdivision 4, is amended to read:

79.18 Subd. 4. **Conduct of hearings.** (a) All hearings held pursuant to subdivision 3, 3a, 3b,  
79.19 or 4a shall be conducted according to the provisions of the federal Social Security Act and  
79.20 the regulations implemented in accordance with that act to enable this state to qualify for  
79.21 federal grants-in-aid, and according to the rules and written policies of the commissioner  
79.22 of human services. County agencies shall install equipment necessary to conduct telephone  
79.23 hearings. A state human services judge may schedule a telephone conference hearing when  
79.24 the distance or time required to travel to the county agency offices will cause a delay in the  
79.25 issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings  
79.26 may be conducted by telephone conferences unless the applicant, recipient, former recipient,  
79.27 person, or facility contesting maltreatment objects. A human services judge may grant a  
79.28 request for a hearing in person by holding the hearing by interactive video technology or  
79.29 in person. The human services judge must hear the case in person if the person asserts that  
79.30 either the person or a witness has a physical or mental disability that would impair the  
79.31 person's or witness's ability to fully participate in a hearing held by interactive video  
79.32 technology. The hearing shall not be held earlier than five days after filing of the required  
79.33 notice with the county or state agency. The state human services judge shall notify all  
79.34 interested persons of the time, date, and location of the hearing at least five days before the

80.1 date of the hearing. Interested persons may be represented by legal counsel or other  
80.2 representative of their choice, including a provider of therapy services, at the hearing and  
80.3 may appear personally, testify and offer evidence, and examine and cross-examine witnesses.  
80.4 The applicant, recipient, former recipient, person, or facility contesting maltreatment shall  
80.5 have the opportunity to examine the contents of the case file and all documents and records  
80.6 to be used by the county or state agency at the hearing at a reasonable time before the date  
80.7 of the hearing and during the hearing. In hearings under subdivision 3, paragraph (a), clauses  
80.8 (4), ~~(9)~~ (8), and ~~(10)~~ (9), either party may subpoena the private data relating to the  
80.9 investigation prepared by the agency under section 626.557 or chapter 260E that is not  
80.10 otherwise accessible under section 13.04, provided the identity of the reporter may not be  
80.11 disclosed.

80.12 (b) The private data obtained by subpoena in a hearing under subdivision 3, paragraph  
80.13 (a), clause (4), ~~(9)~~ (8), or ~~(10)~~ (9), must be subject to a protective order which prohibits its  
80.14 disclosure for any other purpose outside the hearing provided for in this section without  
80.15 prior order of the district court. Disclosure without court order is punishable by a sentence  
80.16 of not more than 90 days imprisonment or a fine of not more than \$1,000, or both. These  
80.17 restrictions on the use of private data do not prohibit access to the data under section 13.03,  
80.18 subdivision 6. Except for appeals under subdivision 3, paragraph (a), clauses (4), ~~(5)~~, ~~(9)~~  
80.19 (8), and ~~(10)~~ (9), upon request, the county agency shall provide reimbursement for  
80.20 transportation, child care, photocopying, medical assessment, witness fee, and other necessary  
80.21 and reasonable costs incurred by the applicant, recipient, or former recipient in connection  
80.22 with the appeal. All evidence, except that privileged by law, commonly accepted by  
80.23 reasonable people in the conduct of their affairs as having probative value with respect to  
80.24 the issues shall be submitted at the hearing and such hearing shall not be "a contested case"  
80.25 within the meaning of section 14.02, subdivision 3. The agency must present its evidence  
80.26 prior to or at the hearing, and may not submit evidence after the hearing except by agreement  
80.27 of the parties at the hearing, provided the petitioner has the opportunity to respond.

80.28 (c) In hearings under subdivision 3, paragraph (a), ~~clauses (4), (9), and (10)~~ clause (4),  
80.29 (8), or (9), involving determinations of maltreatment or disqualification made by more than  
80.30 one county agency, by a county agency and a state agency, or by more than one state agency,  
80.31 the hearings may be consolidated into a single fair hearing upon the consent of all parties  
80.32 and the state human services judge.

80.33 (d) For hearings under subdivision 3, paragraph (a), clause (4) or ~~(10)~~ (9), involving a  
80.34 vulnerable adult, the human services judge shall notify the vulnerable adult who is the  
80.35 subject of the maltreatment determination and, if known, a guardian of the vulnerable adult

81.1 appointed under section 524.5-310, or a health care agent designated by the vulnerable adult  
81.2 in a health care directive that is currently effective under section 145C.06 and whose authority  
81.3 to make health care decisions is not suspended under section 524.5-310, of the hearing. The  
81.4 notice must be sent by certified mail and inform the vulnerable adult of the right to file a  
81.5 signed written statement in the proceedings. A guardian or health care agent who prepares  
81.6 or files a written statement for the vulnerable adult must indicate in the statement that the  
81.7 person is the vulnerable adult's guardian or health care agent and sign the statement in that  
81.8 capacity. The vulnerable adult, the guardian, or the health care agent may file a written  
81.9 statement with the human services judge hearing the case no later than five business days  
81.10 before commencement of the hearing. The human services judge shall include the written  
81.11 statement in the hearing record and consider the statement in deciding the appeal. This  
81.12 subdivision does not limit, prevent, or excuse the vulnerable adult from being called as a  
81.13 witness testifying at the hearing or grant the vulnerable adult, the guardian, or health care  
81.14 agent a right to participate in the proceedings or appeal the human services judge's decision  
81.15 in the case. The lead investigative agency must consider including the vulnerable adult  
81.16 victim of maltreatment as a witness in the hearing. If the lead investigative agency determines  
81.17 that participation in the hearing would endanger the well-being of the vulnerable adult or  
81.18 not be in the best interests of the vulnerable adult, the lead investigative agency shall inform  
81.19 the human services judge of the basis for this determination, which must be included in the  
81.20 final order. If the human services judge is not reasonably able to determine the address of  
81.21 the vulnerable adult, the guardian, or the health care agent, the human services judge is not  
81.22 required to send a hearing notice under this subdivision.

81.23 Sec. 70. Minnesota Statutes 2022, section 256.045, subdivision 6, is amended to read:

81.24 Subd. 6. **Additional powers of commissioner; subpoenas.** (a) The commissioner of  
81.25 human services, or the commissioner of health for matters within the commissioner's  
81.26 jurisdiction under subdivision 3b, may initiate a review of any action or decision of a county  
81.27 agency and direct that the matter be presented to a state human services judge for a hearing  
81.28 held under subdivision 3, 3a, 3b, or 4a. In all matters dealing with human services committed  
81.29 by law to the discretion of the county agency, the commissioner's judgment may be  
81.30 substituted for that of the county agency. The commissioner may order an independent  
81.31 examination when appropriate.

81.32 (b) Any party to a hearing held pursuant to subdivision 3, 3a, 3b, or 4a may request that  
81.33 the commissioner issue a subpoena to compel the attendance of witnesses and the production  
81.34 of records at the hearing. A local agency may request that the commissioner issue a subpoena  
81.35 to compel the release of information from third parties prior to a request for a hearing under

82.1 section 256.046 upon a showing of relevance to such a proceeding. The issuance, service,  
82.2 and enforcement of subpoenas under this subdivision is governed by section 357.22 and  
82.3 the Minnesota Rules of Civil Procedure.

82.4 (c) The commissioner may issue a temporary order staying a proposed demission by a  
82.5 residential facility licensed under chapter 245A:

82.6 (1) while an appeal by a recipient under subdivision 3 is pending;

82.7 (2) for the period of time necessary for the case management provider to implement the  
82.8 commissioner's order; or

82.9 (3) for appeals under subdivision 3, paragraph (a), clause ~~(12)~~ (11), when the individual  
82.10 is seeking a temporary stay of demission on the basis that the county has not yet finalized  
82.11 an alternative arrangement for a residential facility, a program, or services that will meet  
82.12 the assessed needs of the individual by the effective date of the service termination, a  
82.13 temporary stay of demission may be issued for no more than 30 calendar days to allow for  
82.14 such arrangements to be finalized.

82.15 Sec. 71. Minnesota Statutes 2022, section 256.045, subdivision 10, is amended to read:

82.16 Subd. 10. **Payments pending appeal.** If the commissioner of human services or district  
82.17 court orders monthly assistance or aid or services paid or provided in any proceeding under  
82.18 this section, it shall be paid or provided pending appeal to the commissioner of human  
82.19 services, district court, court of appeals, or supreme court. The human services judge may  
82.20 order the local human services agency to reduce or terminate medical assistance to a recipient  
82.21 before a final order is issued under this section if: (1) the human services judge determines  
82.22 at the hearing that the sole issue on appeal is one of a change in state or federal law; and  
82.23 (2) the commissioner or the local agency notifies the recipient before the action. The state  
82.24 or county agency has a claim for ~~Supplemental Nutrition Assistance Program (SNAP)~~  
82.25 ~~benefits~~, cash payments, medical assistance, and MinnesotaCare program payments made  
82.26 to or on behalf of a recipient or former recipient while an appeal is pending if the recipient  
82.27 or former recipient is determined ineligible for ~~SNAP benefits~~, cash payments, medical  
82.28 assistance, or MinnesotaCare as a result of the appeal, except for medical assistance made  
82.29 on behalf of a recipient pursuant to a court order. In enforcing a claim on MinnesotaCare  
82.30 program payments, the state or county agency shall reduce the claim amount by the value  
82.31 of any premium payments made by a recipient or former recipient during the period for  
82.32 which the recipient or former recipient has been determined to be ineligible. Provision of  
82.33 a health care service by the state agency under medical assistance or MinnesotaCare pending  
82.34 appeal shall not render moot the state agency's position in a court of law.

83.1 Sec. 72. Minnesota Statutes 2022, section 256.0451, subdivision 1, is amended to read:

83.2 Subdivision 1. **Scope.** (a) The requirements in this section apply to all fair hearings and  
83.3 appeals under section 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6),  
83.4 (7), (8), (11), and (13). Except as provided in subdivisions 3 and 19, the requirements under  
83.5 this section apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph  
83.6 (a), clauses (4), (9), (10), and (12).

83.7 ~~The term "person" is used in this section to mean~~ (b) For purposes of this section, "person"  
83.8 means an individual who, on behalf of themselves or their household, is appealing or  
83.9 disputing or challenging an action, a decision, or a failure to act, by an agency in the human  
83.10 services system. When a person involved in a proceeding under this section is represented  
83.11 by an attorney or by an authorized representative, the term "person" also ~~refers to~~ means  
83.12 the person's attorney or authorized representative. Any notice sent to the person involved  
83.13 in the hearing must also be sent to the person's attorney or authorized representative.

83.14 ~~The term "agency" includes~~ (c) For purposes of this section, "agency" means the county  
83.15 human services agency, the state human services agency, and, where applicable, any entity  
83.16 involved under a contract, subcontract, grant, or subgrant with the state agency or with a  
83.17 county agency, that provides or operates programs or services in which appeals are governed  
83.18 by section 256.045.

83.19 Sec. 73. Minnesota Statutes 2022, section 256.0451, subdivision 2, is amended to read:

83.20 Subd. 2. **Access to files.** A person involved in a fair hearing appeal has the right of access  
83.21 to the person's complete case files and to examine all private welfare data on the person  
83.22 which has been generated, collected, stored, or disseminated by the agency. A person  
83.23 involved in a fair hearing appeal has the right to a free copy of all documents in the case  
83.24 file involved in a fair hearing appeal. For purposes of this section, "case file" means the  
83.25 information, documents, and data, in whatever form, which have been generated, collected,  
83.26 stored, or disseminated by the agency in connection with the person and the program or  
83.27 service involved.

83.28 Sec. 74. Minnesota Statutes 2023 Supplement, section 256.046, subdivision 1, is amended  
83.29 to read:

83.30 Subdivision 1. **Hearing authority.** A local agency must initiate an administrative fraud  
83.31 disqualification hearing for individuals accused of wrongfully obtaining assistance or  
83.32 intentional program violations, in lieu of a criminal action when it has not been pursued, in  
83.33 ~~the Minnesota family investment program and any affiliated program to include the work~~

84.1 ~~participation cash benefit program, child care assistance programs,~~ general assistance, family  
 84.2 general assistance program formerly codified in section 256D.05, subdivision 1, clause (15),  
 84.3 Minnesota supplemental aid, ~~the Supplemental Nutrition Assistance Program (SNAP),~~  
 84.4 MinnesotaCare for adults without children, and upon federal approval, all categories of  
 84.5 medical assistance and remaining categories of MinnesotaCare except for children through  
 84.6 age 18. The Department of Human Services, in lieu of a local agency, may initiate an  
 84.7 administrative fraud disqualification hearing when the state agency is directly responsible  
 84.8 for administration or investigation of the program for which benefits were wrongfully  
 84.9 obtained. The hearing is subject to the requirements of sections 256.045 and 256.0451 and  
 84.10 the requirements in Code of Federal Regulations, title 7, section 273.16.

84.11 Sec. 75. Minnesota Statutes 2022, section 256.046, subdivision 2, is amended to read:

84.12 Subd. 2. **Combined hearing.** (a) The human services judge may combine a fair hearing  
 84.13 under section 142A.20 or 256.045 and administrative fraud disqualification hearing under  
 84.14 this section or section 142A.27 into a single hearing if the factual issues arise out of the  
 84.15 same, or related, circumstances; the commissioner of human services has jurisdiction over  
 84.16 at least one of the hearings; and the individual receives prior notice that the hearings will  
 84.17 be combined. If the administrative fraud disqualification hearing and fair hearing are  
 84.18 combined, the time frames for administrative fraud disqualification hearings specified in  
 84.19 Code of Federal Regulations, title 7, section 273.16, apply. If the individual accused of  
 84.20 wrongfully obtaining assistance is charged under section 256.98 for the same act or acts  
 84.21 which are the subject of the hearing, the individual may request that the hearing be delayed  
 84.22 until the criminal charge is decided by the court or withdrawn.

84.23 (b) The human services judge must conduct any hearings under section 142A.20 or  
 84.24 142A.27 pursuant to the relevant laws and rules governing children, youth, and families  
 84.25 judges.

84.26 Sec. 76. Minnesota Statutes 2023 Supplement, section 256.0471, subdivision 1, is amended  
 84.27 to read:

84.28 Subdivision 1. **Qualifying overpayment.** Any overpayment ~~for assistance granted under~~  
 84.29 ~~the MFIP program formerly codified under sections 256.031 to 256.0361 and the AFDC~~  
 84.30 ~~program formerly codified under sections 256.72 to 256.871; for assistance granted under~~  
 84.31 ~~chapters 119B, 256D, 256I, 256J, and 256K; for assistance granted pursuant to section~~  
 84.32 ~~256.045, subdivision 10; for state-funded medical assistance and state-funded MinnesotaCare~~  
 84.33 ~~under chapters 256B and 256L; and for assistance granted under the Supplemental Nutrition~~

85.1 ~~Assistance Program (SNAP), chapter 256B for state-funded medical assistance; and chapters~~  
85.2 ~~256D, 256I, 256K, and 256L for state-funded MinnesotaCare except agency error claims,~~  
85.3 become a judgment by operation of law 90 days after the notice of overpayment is personally  
85.4 served upon the recipient in a manner that is sufficient under rule 4.03(a) of the Rules of  
85.5 Civil Procedure for district courts, or by certified mail, return receipt requested. This  
85.6 judgment shall be entitled to full faith and credit in this and any other state.

85.7 Sec. 77. Minnesota Statutes 2022, section 256.82, is amended to read:

85.8 **256.82 PAYMENTS BY STATE.**

85.9 Subd. 2. **Foster care maintenance payments.** (a) For the purpose of foster care  
85.10 maintenance payments under title IV-E of the Social Security Act, United States Code, title  
85.11 42, sections 670 to 676, the county or American Indian child welfare initiative Tribes under  
85.12 section 256.01, subdivision 14b, paying the maintenance costs must be reimbursed for the  
85.13 costs from the federal money available for the purpose. ~~Beginning July 1, 1997,~~ For the  
85.14 purposes of determining a child's eligibility under title IV-E of the Social Security Act, the  
85.15 placing agency shall use AFDC requirements in effect on July 16, 1996.

85.16 (b) For the purpose of foster care maintenance payments under title IV-E of the Social  
85.17 Security Act, United States Code, title 42, sections 670 to 676, the state is responsible for  
85.18 approving of child care institutions for the county paying the facility's maintenance costs  
85.19 to be reimbursed from the federal money available for the purpose. The facility must be  
85.20 licensed by the state or approved or licensed by a Tribe.

85.21 Subd. 3. **Setting foster care standard rates.** (a) The commissioner shall annually  
85.22 establish minimum rates for foster care maintenance including supplemental difficulty of  
85.23 care payments for all children eligible for Northstar Care for Children under chapter 256N.

85.24 (b) All children entering foster care on or after January 1, 2015, are eligible for Northstar  
85.25 Care for Children under chapter 256N. Any increase in rates shall in no case exceed three  
85.26 percent per annum.

85.27 (c) All children in foster care on December 31, 2014, must remain in the pre-Northstar  
85.28 Care for Children foster care program under sections 256N.21, subdivision 6, and 260C.4411,  
85.29 subdivision 1. The rates for the pre-Northstar Care for Children foster care program shall  
85.30 remain those in effect on January 1, 2013.

85.31 (d) The commissioner of children, youth, and families may promulgate rules as necessary  
85.32 to implement this section.

86.1 Sec. 78. Minnesota Statutes 2023 Supplement, section 256.98, subdivision 8, is amended  
86.2 to read:

86.3 Subd. 8. **Disqualification from program.** (a) Any person found to be guilty of  
86.4 wrongfully obtaining assistance by a federal or state court or by an administrative hearing  
86.5 determination, or waiver thereof, through a disqualification consent agreement, or as part  
86.6 of any approved diversion plan under section 401.065, or any court-ordered stay which  
86.7 carries with it any probationary or other conditions, in the Minnesota family investment  
86.8 program and any affiliated program to include the work participation cash benefit program,  
86.9 the Supplemental Nutrition Assistance Program (SNAP), the general assistance program,  
86.10 housing support under chapter 256I, or the Minnesota supplemental aid program shall be  
86.11 disqualified from that program. In addition, any person disqualified from the Minnesota  
86.12 family investment program shall also be disqualified from SNAP. The needs of that individual  
86.13 shall not be taken into consideration in determining the grant level for that assistance unit:

86.14 (1) for one year after the first offense;

86.15 (2) for two years after the second offense; and

86.16 (3) permanently after the third or subsequent offense.

86.17 The period of program disqualification shall begin on the date stipulated on the advance  
86.18 notice of disqualification without possibility of postponement for administrative stay or  
86.19 administrative hearing and shall continue through completion unless and until the findings  
86.20 upon which the sanctions were imposed are reversed by a court of competent jurisdiction.  
86.21 The period for which sanctions are imposed is not subject to review. The sanctions provided  
86.22 under this subdivision are in addition to, and not in substitution for, any other sanctions that  
86.23 may be provided for by law for the offense involved. A disqualification established through  
86.24 hearing or waiver shall result in the disqualification period beginning immediately unless  
86.25 the person has become otherwise ineligible for assistance. If the person is ineligible for  
86.26 assistance, the disqualification period begins when the person again meets the eligibility  
86.27 criteria of the program from which they were disqualified and makes application for that  
86.28 program.

86.29 (b) A family receiving assistance through child care assistance programs under chapter  
86.30 119B with a family member who is found to be guilty of wrongfully obtaining child care  
86.31 assistance by a federal court, state court, or an administrative hearing determination or  
86.32 waiver, through a disqualification consent agreement, as part of an approved diversion plan  
86.33 under section 401.065, or a court-ordered stay with probationary or other conditions, is  
86.34 disqualified from child care assistance programs. The disqualifications must be for periods

87.1 of one year and two years for the first and second offenses, respectively. Subsequent  
87.2 violations must result in permanent disqualification. During the disqualification period,  
87.3 disqualification from any child care program must extend to all child care programs and  
87.4 must be immediately applied.

87.5 (c) A provider caring for children receiving assistance through child care assistance  
87.6 programs under chapter 119B is disqualified from receiving payment for child care services  
87.7 from the child care assistance program under chapter 119B when the provider is found to  
87.8 have wrongfully obtained child care assistance by a federal court, state court, or an  
87.9 administrative hearing determination or waiver under section 142A.27; 142E.51, subdivision  
87.10 5; or 256.046, through a disqualification consent agreement, as part of an approved diversion  
87.11 plan under section 401.065, or a court-ordered stay with probationary or other conditions.  
87.12 The disqualification must be for a period of three years for the first offense. Any subsequent  
87.13 violation must result in permanent disqualification. The disqualification period must be  
87.14 imposed immediately after a determination is made under this paragraph. During the  
87.15 disqualification period, the provider is disqualified from receiving payment from any child  
87.16 care program under chapter 119B.

87.17 (d) Any person found to be guilty of wrongfully obtaining MinnesotaCare for adults  
87.18 without children and upon federal approval, all categories of medical assistance and  
87.19 remaining categories of MinnesotaCare, except for children through age 18, by a federal or  
87.20 state court or by an administrative hearing determination, or waiver thereof, through a  
87.21 disqualification consent agreement, or as part of any approved diversion plan under section  
87.22 401.065, or any court-ordered stay which carries with it any probationary or other conditions,  
87.23 is disqualified from that program. The period of disqualification is one year after the first  
87.24 offense, two years after the second offense, and permanently after the third or subsequent  
87.25 offense. The period of program disqualification shall begin on the date stipulated on the  
87.26 advance notice of disqualification without possibility of postponement for administrative  
87.27 stay or administrative hearing and shall continue through completion unless and until the  
87.28 findings upon which the sanctions were imposed are reversed by a court of competent  
87.29 jurisdiction. The period for which sanctions are imposed is not subject to review. The  
87.30 sanctions provided under this subdivision are in addition to, and not in substitution for, any  
87.31 other sanctions that may be provided for by law for the offense involved.

88.1 Sec. 79. Minnesota Statutes 2022, section 256.981, is amended to read:

88.2 **256.981 TRAINING OF WELFARE FRAUD PROSECUTORS.**

88.3 The ~~commissioner~~ commissioners of human services and children, youth, and families  
88.4 shall, to the extent an appropriation is provided for this purpose, contract with the county  
88.5 attorney's council or other public or private entity experienced in providing training for  
88.6 prosecutors to conduct quarterly workshops and seminars focusing on current Minnesota  
88.7 family investment program issues, other income maintenance program changes, recovery  
88.8 issues, alternative sentencing methods, use of technical aids for interviews and interrogations,  
88.9 and other matters affecting prosecution of welfare fraud cases.

88.10 Sec. 80. Minnesota Statutes 2022, section 256.982, is amended to read:

88.11 **256.982 TRAINING OF WELFARE FRAUD INVESTIGATORS.**

88.12 The ~~commissioner~~ commissioners of human services and children, youth, and families  
88.13 shall, to the extent an appropriation is provided for this purpose, establish a pilot project  
88.14 for further education and training of welfare fraud investigators. The commissioner may  
88.15 enter into contractual agreements with other state, federal, or county agencies as part of  
88.16 cooperative projects employing experienced investigators to provide on-the-job training to  
88.17 county investigators.

88.18 Sec. 81. Minnesota Statutes 2022, section 256.983, as amended by Laws 2023, chapter  
88.19 70, article 13, section 24, is amended to read:

88.20 **256.983 FRAUD PREVENTION INVESTIGATIONS.**

88.21 Subdivision 1. **Programs established.** Within the limits of available appropriations, the  
88.22 ~~commissioner~~ commissioners of human services and children, youth, and families shall  
88.23 require the maintenance of budget neutral fraud prevention investigation programs in the  
88.24 counties or Tribal agencies participating in the fraud prevention investigation project  
88.25 established under this section. If funds are sufficient, the ~~commissioner~~ commissioners may  
88.26 also extend fraud prevention investigation programs to other counties or Tribal agencies  
88.27 provided the expansion is budget neutral to the state. Under any expansion, the ~~commissioner~~  
88.28 ~~has~~ commissioners jointly have the final authority in decisions regarding the creation and  
88.29 realignment of individual county, Tribal agency, or regional operations. The commissioners  
88.30 may establish a joint office or interagency agreement to facilitate joint oversight and  
88.31 administration of sections 256.981 to 256.9861 and 256.9866.

89.1 Subd. 2. **County and Tribal agency proposals.** Each participating county and Tribal  
89.2 agency shall develop and submit an annual staffing and funding proposal to the ~~commissioner~~  
89.3 commissioners no later than April 30 of each year. Each proposal shall include, but not be  
89.4 limited to, the staffing and funding of the fraud prevention investigation program, a job  
89.5 description for investigators involved in the fraud prevention investigation program, and  
89.6 the organizational structure of the county or Tribal agency unit, training programs for case  
89.7 workers, and the operational requirements which may be directed by the ~~commissioner~~  
89.8 commissioners. The proposal shall be approved, to include any changes directed or negotiated  
89.9 by the ~~commissioner~~ commissioners, no later than June 30 of each year.

89.10 Subd. 3. **Department responsibilities.** The ~~commissioner~~ commissioners shall establish  
89.11 training programs which shall be attended by all investigative and supervisory staff of the  
89.12 involved county and Tribal agencies. The ~~commissioner~~ commissioners shall also develop  
89.13 the necessary operational guidelines, forms, and reporting mechanisms, ~~which~~ that shall be  
89.14 used by the involved county or Tribal agencies. An individual's application or redetermination  
89.15 form for public assistance benefits, including child care assistance programs and medical  
89.16 care programs, must include an authorization for release by the individual to obtain  
89.17 documentation for any information on that form which is involved in a fraud prevention  
89.18 investigation. The authorization for release is effective for six months after public assistance  
89.19 benefits have ceased.

89.20 Subd. 4. **Funding.** (a) County and Tribal agency reimbursement shall be made through  
89.21 the settlement provisions applicable to the Supplemental Nutrition Assistance Program  
89.22 (SNAP), MFIP, child care assistance programs, the medical assistance program, and other  
89.23 federal and state-funded programs.

89.24 (b) The ~~commissioner~~ commissioners will maintain program compliance if for any three  
89.25 consecutive month period, a county or Tribal agency fails to comply with fraud prevention  
89.26 investigation program guidelines, or fails to meet the cost-effectiveness standards developed  
89.27 by the ~~commissioner~~ commissioners. This result is contingent on the ~~commissioner~~  
89.28 commissioners providing written notice, including an offer of technical assistance, within  
89.29 30 days of the end of the third or subsequent month of noncompliance. The county or Tribal  
89.30 agency shall be required to submit a corrective action plan to the ~~commissioner~~  
89.31 commissioners within 30 days of receipt of a notice of noncompliance. Failure to submit a  
89.32 corrective action plan or, continued deviation from standards of more than ten percent after  
89.33 submission of a corrective action plan, will result in denial of funding for each subsequent  
89.34 month, or billing the county or Tribal agency for fraud prevention investigation (FPI) service  
89.35 provided by the ~~commissioner~~ commissioners, or reallocation of program grant funds, or

90.1 investigative resources, or both, to other counties or Tribal agencies. The denial of funding  
90.2 shall apply to the general settlement received by the county or Tribal agency on a quarterly  
90.3 basis and shall not reduce the grant amount applicable to the FPI project.

90.4 Subd. 5. **Child care providers; financial misconduct.** (a) A county or Tribal agency  
90.5 may conduct investigations of financial misconduct by child care providers as described in  
90.6 chapter 245E. Prior to opening an investigation, a county or Tribal agency must contact the  
90.7 ~~commissioner~~ commissioners to determine whether an investigation under this chapter may  
90.8 compromise an ongoing investigation.

90.9 (b) If, upon investigation, a preponderance of evidence shows a provider committed an  
90.10 intentional program violation, intentionally gave the county or Tribe materially false  
90.11 information on the provider's billing forms, provided false attendance records to a county,  
90.12 Tribe, or the ~~commissioner~~ commissioners, or committed financial misconduct as described  
90.13 in section 245E.01, subdivision 8, the county or Tribal agency may recommend that the  
90.14 ~~commissioner~~ commissioners suspend a provider's payment pursuant to chapter 245E, or  
90.15 deny or revoke a provider's authorization pursuant to section 119B.13, subdivision 6,  
90.16 paragraph (d), clause (2), prior to pursuing other available remedies.

90.17 Sec. 82. Minnesota Statutes 2022, section 256.9831, subdivision 1, is amended to read:

90.18 Subdivision 1. **Definition Gambling establishments.** (a) For purposes of this section,  
90.19 "gambling establishment" means a racetrack licensed under section 240.06 or 240.09, a  
90.20 casino operated under a Tribal-state compact under section 3.9221, or any other establishment  
90.21 that receives at least 50 percent of its gross revenue from the conduct of gambling.

90.22 (b) The commissioner shall take all actions necessary to ensure that no person may obtain  
90.23 benefits under chapter 256, 256D, or 256J through the use of a financial transaction card,  
90.24 as defined in section 609.821, subdivision 1, paragraph (a), at a terminal located in or  
90.25 attached to a gambling establishment, liquor store, tobacco store, or tattoo parlor.

90.26 (c) The commissioner shall take all actions necessary to ensure that warrants issued to  
90.27 pay benefits under chapter 256 or 256D bear a restrictive endorsement that prevents their  
90.28 being cashed in a gambling establishment.

90.29 Sec. 83. Minnesota Statutes 2022, section 256.986, is amended to read:

90.30 **256.986 COUNTY COORDINATION OF FRAUD CONTROL ACTIVITIES.**

90.31 (a) The county agency shall prepare and submit to the ~~commissioner~~ commissioners of  
90.32 human services and children, youth, and families by April 30 of each state fiscal year a plan

91.1 to coordinate county duties related to the prevention, investigation, and prosecution of fraud  
 91.2 in public assistance programs. Each county must submit its first annual plan prior to April  
 91.3 30, 1998.

91.4 (b) Within the limits of appropriations specifically made available for this purpose, the  
 91.5 ~~commissioner~~ commissioners may make grants to counties submitting plans under paragraph  
 91.6 (a) to implement coordination activities.

91.7 Sec. 84. Minnesota Statutes 2022, section 256.9861, is amended to read:

91.8 **256.9861 FRAUD CONTROL; PROGRAM INTEGRITY REINVESTMENT**  
 91.9 **PROJECT.**

91.10 Subdivision 1. **Program established.** Within the limits of available state and federal  
 91.11 appropriations, the ~~commissioner~~ commissioners of human services and children, youth,  
 91.12 and families shall make funding available to county agencies for fraud control efforts and  
 91.13 require the maintenance of county efforts and financial contributions that were in place  
 91.14 during fiscal year 1996.

91.15 Subd. 2. **County proposals.** Each included county shall develop and submit annual  
 91.16 funding, staffing, and operating grant proposals to the ~~commissioner~~ commissioners no later  
 91.17 than April 30 of each year for the purpose of allocating federal and state funding and  
 91.18 appropriations. Each proposal shall provide information on:

91.19 (1) the staffing and funding of the fraud investigation and prosecution operations;

91.20 (2) job descriptions for agency fraud control staff;

91.21 (3) contracts covering outside investigative agencies;

91.22 (4) operational methods to integrate the use of fraud prevention investigation techniques;

91.23 and

91.24 (5) implementation and utilization of administrative disqualification hearings and  
 91.25 diversions by the existing county fraud control and prosecution procedures.

91.26 Subd. 3. **Department responsibilities.** The ~~commissioner~~ commissioners shall provide  
 91.27 written instructions outlining the contents of the proposals to be submitted under this section.  
 91.28 Instructions shall be made available 30 days prior to the date by which proposals under  
 91.29 subdivision 2 must be submitted. The ~~commissioner~~ commissioners shall establish training  
 91.30 programs which shall be attended by fraud control staff of all involved counties. The  
 91.31 ~~commissioner~~ commissioners shall also develop the necessary operational guidelines, forms,  
 91.32 and reporting mechanisms which shall be used by the involved counties.

92.1 Subd. 4. **Standards.** The ~~commissioner~~ commissioners shall, after consultation with the  
92.2 involved counties, establish standards governing the performance levels of county  
92.3 investigative units based on grant agreements with the county agencies. The standards shall  
92.4 take into consideration and may include investigative caseloads, grant savings levels, the  
92.5 comparison of fraud prevention and prosecution directed investigations, utilization levels  
92.6 of administrative disqualification hearings, the timely reporting and implementation of  
92.7 disqualifications, and the timeliness of the submission of statistical reports.

92.8 Subd. 5. **Funding.** (a) State funding shall be made available contingent on counties  
92.9 submitting a plan that is approved by the ~~Department~~ Departments of Human Services and  
92.10 Children, Youth, and Families. Failure or delay in obtaining that approval shall not, however,  
92.11 eliminate the obligation to maintain fraud control efforts at the June 30, 1996, level. County  
92.12 agency reimbursement shall be made through the settlement provisions applicable to the  
92.13 MFIP, Supplemental Nutrition Assistance Program (SNAP), and medical assistance program.

92.14 (b) Should a county agency fail to comply with the standards set, or fail to meet  
92.15 cost-effectiveness standards developed by the ~~commissioner~~ commissioners for any  
92.16 three-month period, the ~~commissioner~~ commissioners shall deny reimbursement or  
92.17 administrative costs, after allowing an opportunity to establish compliance.

92.18 (c) Any denial of reimbursement under paragraph (b) is contingent on the ~~commissioner~~  
92.19 commissioners providing written notice, including an offer of technical assistance, within  
92.20 30 days of the end of the third or subsequent months of noncompliance. The county agency  
92.21 shall be required to submit a corrective action plan to the ~~commissioner~~ commissioners  
92.22 within 30 days of receipt of a notice of noncompliance. Failure to submit a corrective action  
92.23 plan or continued deviation from standards of more than ten percent after submission of  
92.24 corrective action plan, will result in denial of funding for each such month during the grant  
92.25 year, or billing of the county agency for program integrity reinvestment project services  
92.26 provided by the ~~commissioner~~ commissioners or reallocation of grant funds to other counties.  
92.27 The denial of funding shall apply to the general settlement received by the county agency  
92.28 on a quarterly basis and shall not reduce the grant amount applicable to the program integrity  
92.29 reinvestment project.

92.30 Sec. 85. Minnesota Statutes 2022, section 256.987, subdivision 1, is amended to read:

92.31 Subdivision 1. **Electronic benefit transfer (EBT) card.** Cash benefits for the general  
92.32 assistance and Minnesota supplemental aid programs under chapter 256D and programs  
92.33 under chapter 256J must be issued on an EBT card ~~with the name of the head of household~~  
92.34 ~~printed on the card. The card must include the following statement: "It is unlawful to use~~

93.1 ~~this card to purchase tobacco products or alcoholic beverages." This card must be issued~~  
93.2 ~~within 30 calendar days of an eligibility determination. During the initial 30 calendar days~~  
93.3 ~~of eligibility, a recipient may have cash benefits issued on an EBT card without a name~~  
93.4 ~~printed on the card. This card may be the same card on which Supplemental Nutrition~~  
93.5 ~~Assistance Program (SNAP) benefits are issued and does not need to meet the requirements~~  
93.6 ~~of this section. that meets the requirements in section 142A.13.~~

93.7 Sec. 86. Minnesota Statutes 2022, section 256.998, subdivision 7, is amended to read:

93.8 Subd. 7. **Access to data.** The commissioner of human services shall retain the information  
93.9 reported to the work reporting system for a period of six months. Data in the work reporting  
93.10 system may be disclosed to the commissioner of children, youth, and families; the public  
93.11 authority responsible for child support enforcement; federal agencies; state and local  
93.12 agencies of other states for the purposes of enforcing state and federal laws governing child  
93.13 support; and agencies responsible for the administration of programs under title IV-A of  
93.14 the Social Security Act, the Department of Employment and Economic Development, and  
93.15 the Department of Labor and Industry.

93.16 Sec. 87. Minnesota Statutes 2022, section 256E.21, subdivision 1, is amended to read:

93.17 Subdivision 1. **Applicability.** The definitions in this section apply to ~~Laws 1986, chapter~~  
93.18 ~~423, sections 1 to 9~~ sections 142A.41 to 142A.416 and 144.226, subdivision 3.

93.19 Sec. 88. Minnesota Statutes 2022, section 256E.22, subdivision 7, is amended to read:

93.20 Subd. 7. **Responsibilities of commissioner.** (a) The commissioner shall:

93.21 (1) provide for the coordination and exchange of information on the establishment and  
93.22 maintenance of prevention programs;

93.23 (2) develop and publish criteria for receiving trust fund money by prevention programs;

93.24 (3) review, approve, and monitor the spending of trust fund money by prevention  
93.25 programs;

93.26 (4) provide statewide educational and public informational seminars to develop public  
93.27 awareness on preventing child abuse; to encourage professional persons and groups to  
93.28 recognize instances of child abuse and work to prevent them; to make information on child  
93.29 abuse prevention available to the public and to organizations and agencies; and to encourage  
93.30 the development of prevention programs, including programs that provide support for

94.1 adolescent parents, fathering education programs, and other prevention activities designed  
94.2 to prevent teen pregnancy;

94.3 (5) establish a procedure for an annual, internal evaluation of the functions,  
94.4 responsibilities, and performance of the commissioner in carrying out ~~Laws 1986, chapter~~  
94.5 ~~423~~ sections 142A.41 to 142A.416 and 144.226, subdivision 3;

94.6 (6) provide technical assistance to local councils and agencies working in the area of  
94.7 child abuse prevention; and

94.8 (7) accept and review grant applications ~~beginning June 1, 1987~~.

94.9 (b) The commissioner shall recommend to the governor changes in state programs,  
94.10 statutes, policies, budgets, and standards that will reduce the problems of child abuse,  
94.11 improve coordination among state agencies that provide prevention services, and improve  
94.12 the condition of children, parents, or guardians in need of prevention program services.

94.13 Sec. 89. Minnesota Statutes 2022, section 256E.24, is amended to read:

94.14 **256E.24 LOCAL CHILD ABUSE PREVENTION COUNCILS.**

94.15 A child abuse prevention council may be established in any county or group of counties  
94.16 that was eligible to receive funds under Minnesota Statutes 1986, section 145.917 as of  
94.17 January 1, 1986. A council organized in such a county or group of counties shall be  
94.18 authorized by the commissioner to review programs seeking trust fund money on finding  
94.19 that the council meets the criteria in this section:

94.20 (a) The council has submitted a plan for the prevention of child abuse that includes a  
94.21 rank ordering of needed programs and services, assesses the need for additional programs  
94.22 or services, and demonstrates that standards and procedures have been established to ensure  
94.23 that funds will be distributed and used according to ~~Laws 1986, chapter 423~~ sections 142A.41  
94.24 to 142A.416 and 144.226, subdivision 3.

94.25 (b) A single-county council shall consist of:

94.26 (1) a minimum of nine members with the majority consisting of members from the  
94.27 community-at-large who do not represent service-providing agencies. These members shall  
94.28 represent the demographic and geographic composition of the county and, to the extent  
94.29 possible, represent the following groups: parents, businesses, racial and ethnic minority  
94.30 communities, and the faith communities; and

95.1 (2) if necessary, enough additional members with knowledge in the area of child abuse  
95.2 prevention so that a majority of the council is composed of members who do not represent  
95.3 public agencies.

95.4 (c) A multicounty council shall be composed of the combined membership of persons  
95.5 in paragraph (b).

95.6 Sec. 90. Minnesota Statutes 2022, section 256E.25, subdivision 5, is amended to read:

95.7 Subd. 5. **Local council as recipient of funds.** The commissioner may disburse funds  
95.8 to a local council for community education purposes, or for administrative costs in carrying  
95.9 out ~~Laws 1986, chapter 423~~ sections 142A.41 to 142A.416 and 144.226, subdivision 3, if  
95.10 all criteria and standards are met.

95.11 Sec. 91. Minnesota Statutes 2022, section 256E.25, subdivision 6, is amended to read:

95.12 Subd. 6. **Contracts.** The commissioner shall use state or local resources and staff if  
95.13 practicable; but may enter into contracts with public or nonprofit private agencies to fulfill  
95.14 the requirements of ~~Laws 1986, chapter 423~~ sections 142A.41 to 142A.416 and 144.226,  
95.15 subdivision 3.

95.16 Sec. 92. Minnesota Statutes 2022, section 256E.25, subdivision 7, is amended to read:

95.17 Subd. 7. **Rules.** The commissioner may adopt rules to carry out ~~Laws 1986, chapter 423~~  
95.18 sections 142A.41 to 142A.416 and 144.226, subdivision 3.

95.19 Sec. 93. Minnesota Statutes 2022, section 256E.26, is amended to read:

95.20 **256E.26 ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.**

95.21 The commissioner may accept federal money and gifts, donations, and bequests for the  
95.22 purposes of ~~Laws 1986, chapter 423~~ sections 142A.41 to 142A.416 and 144.226, subdivision  
95.23 3. Money so received and proceeds from the sale of promotional items, minus sales  
95.24 promotional costs, must be deposited in the trust fund and must be made available to the  
95.25 commissioner.

95.26 Sec. 94. Minnesota Statutes 2022, section 256E.27, is amended to read:

95.27 **256E.27 ANNUAL APPROPRIATION.**

95.28 All earnings from trust fund assets, all sums received under section 256E.26, and 60  
95.29 percent of the amount collected under section 144.226, subdivision 3, are appropriated

96.1 annually from the children's trust fund for the prevention of child abuse to the commissioner  
 96.2 of human services to carry out sections 256E.20 to 256E.26. ~~In fiscal year 1987 only, the~~  
 96.3 ~~first \$75,000 collected under section 144.226, subdivision 3, is appropriated from the~~  
 96.4 ~~children's trust fund for the prevention of child abuse to the commissioner of human services~~  
 96.5 ~~to carry out sections 256E.20 to 256E.26.~~

96.6 Sec. 95. Minnesota Statutes 2022, section 299A.72, is amended to read:

96.7 **299A.72 JUVENILE JUSTICE PROGRAM.**

96.8 The governor shall designate the Department of ~~Public Safety~~ Children, Youth, and  
 96.9 Families as the sole agency responsible for supervising the preparation and administration  
 96.10 of the state plan for juvenile justice required by the Juvenile Justice and Delinquency  
 96.11 Prevention Act of 1974, as amended.

96.12 The governor shall designate the Juvenile Justice Advisory Committee as the supervisory  
 96.13 board for the Department of ~~Public Safety~~ Children, Youth, and Families with respect to  
 96.14 preparation and administration of the state plan and award of grants.

96.15 The governor shall appoint members to the Juvenile Justice Advisory Committee in  
 96.16 accordance with the membership requirements of the Juvenile Justice and Delinquency  
 96.17 Prevention Act of 1974, as amended. Section 15.059, subdivision 3, governs the  
 96.18 compensation of the members.

96.19 Sec. 96. **REVISOR INSTRUCTION.**

96.20 The revisor of statutes must renumber sections or subdivisions in Column A as Column  
 96.21 B.

<u>Column A</u>	<u>Column B</u>
96.22 <u>245.814</u>	<u>142A.16</u>
96.23 <u>256.01, subdivision 12</u>	<u>142A.03, subdivision 7</u>
96.24 <u>256.01, subdivision 12a</u>	<u>142A.03, subdivision 8</u>
96.25 <u>256.01, subdivision 15</u>	<u>142A.03, subdivision 10</u>
96.26 <u>256.01, subdivision 36</u>	<u>142A.03, subdivision 22</u>
96.27 <u>256.0112, subdivision 10</u>	<u>142A.07, subdivision 8</u>
96.28 <u>256.019, subdivision 2</u>	<u>142A.28, subdivision 2</u>
96.29 <u>256.4793</u>	<u>142A.45</u>
96.30 <u>256.4794</u>	<u>142A.451</u>
96.31 <u>256.82</u>	<u>142A.418</u>
96.32 <u>256.9831</u>	<u>142A.13, subdivision 14</u>

97.1	<u>256.9862, subdivision 1</u>	<u>142A.13, subdivision 10</u>
97.2	<u>256.9862, subdivision 2</u>	<u>142A.13, subdivision 11</u>
97.3	<u>256.9863</u>	<u>142A.13, subdivision 5</u>
97.4	<u>256.9865, subdivision 1</u>	<u>142A.13, subdivision 6</u>
97.5	<u>256.9865, subdivision 2</u>	<u>142A.13, subdivision 7</u>
97.6	<u>256.9865, subdivision 3</u>	<u>142A.13, subdivision 8</u>
97.7	<u>256.9865, subdivision 4</u>	<u>142A.13, subdivision 9</u>
97.8	<u>256.987, subdivision 2</u>	<u>142A.13, subdivision 2</u>
97.9	<u>256.987, subdivision 3</u>	<u>142A.13, subdivision 3</u>
97.10	<u>256.987, subdivision 4</u>	<u>142A.13, subdivision 4</u>
97.11	<u>256.9871</u>	<u>142A.13, subdivision 12</u>
97.12	<u>256.9872</u>	<u>142A.13, subdivision 13</u>
97.13	<u>256.997</u>	<u>142A.30</u>
97.14	<u>256.998</u>	<u>142A.29</u>
97.15	<u>256B.06, subdivision 6</u>	<u>142A.40</u>
97.16	<u>256E.20</u>	<u>142A.41</u>
97.17	<u>256E.21</u>	<u>142A.411</u>
97.18	<u>256E.22</u>	<u>142A.412</u>
97.19	<u>256E.24</u>	<u>142A.413</u>
97.20	<u>256E.25</u>	<u>142A.414</u>
97.21	<u>256E.26</u>	<u>142A.415</u>
97.22	<u>256E.27</u>	<u>142A.416</u>
97.23	<u>256E.28</u>	<u>142A.417</u>
97.24	<u>256N.001</u>	<u>142A.60</u>
97.25	<u>256N.01</u>	<u>142A.601</u>
97.26	<u>256N.02</u>	<u>142A.602</u>
97.27	<u>256N.20</u>	<u>142A.603</u>
97.28	<u>256N.21</u>	<u>142A.604</u>
97.29	<u>256N.22</u>	<u>142A.605</u>
97.30	<u>256N.23</u>	<u>142A.606</u>
97.31	<u>256N.24</u>	<u>142A.607</u>
97.32	<u>256N.25</u>	<u>142A.608</u>
97.33	<u>256N.26</u>	<u>142A.609</u>
97.34	<u>256N.261</u>	<u>142A.61</u>
97.35	<u>256N.27</u>	<u>142A.611</u>
97.36	<u>256N.28</u>	<u>142A.612</u>
97.37	<u>257.175</u>	<u>142A.03, subdivision 32</u>
97.38	<u>257.33, subdivision 1</u>	<u>142A.03, subdivision 33</u>

98.1	<u>257.33, subdivision 2</u>	<u>142A.03, subdivision 34</u>
98.2	<u>260.014</u>	<u>142A.452</u>
98.3	<u>299A.72</u>	<u>142A.75</u>
98.4	<u>299A.73</u>	<u>142A.43</u>
98.5	<u>299A.95</u>	<u>142A.76</u>

98.6 The revisor of statutes must correct any statutory cross-references consistent with this  
 98.7 renumbering.

98.8 Sec. 97. **REPEALER.**

98.9 Minnesota Statutes 2022, sections 256.01, subdivision 30; and 256.9831, subdivisions  
 98.10 2 and 3, are repealed.

## 98.11 **ARTICLE 2**

### 98.12 **CHAPTER 142B; LICENSING**

98.13 Section 1. **[142B.01] DEFINITIONS.**

98.14 Subdivision 1. **Scope.** The terms used in this chapter have the meanings given them in  
 98.15 this section.

98.16 Subd. 2. **Annual or annually.** With the exception of subdivision 3, "annual" or "annually"  
 98.17 means prior to or within the same month of the subsequent calendar year.

98.18 Subd. 3. **Applicant.** "Applicant" means an individual, organization, or government  
 98.19 entity, as defined in section 13.02, subdivision 7a, that is subject to licensure under this  
 98.20 chapter and that has applied for but not yet been granted a license under this chapter.

98.21 Subd. 4. **Authorized agent.** "Authorized agent" means the controlling individual  
 98.22 designated by the license holder responsible for communicating with the commissioner of  
 98.23 children, youth, and families on all matters related to this chapter and on whom service of  
 98.24 all notices and orders must be made pursuant to section 142B.10, subdivision 1.

98.25 Subd. 5. **Child.** "Child" means a person who has not reached age 18.

98.26 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of children, youth,  
 98.27 and families or the commissioner's designated representative including county agencies and  
 98.28 private agencies.

98.29 Subd. 7. **Controlling individual.** (a) "Controlling individual" means an owner of a  
 98.30 program or service provider licensed under this chapter and the following individuals, if  
 98.31 applicable:

99.1 (1) each officer of the organization, including the chief executive officer and chief  
99.2 financial officer;

99.3 (2) the individual designated as the authorized agent under section 142B.10, subdivision  
99.4 1, paragraph (b);

99.5 (3) the individual designated as the compliance officer under section 256B.04, subdivision  
99.6 21, paragraph (g);

99.7 (4) each managerial official whose responsibilities include the direction of the  
99.8 management or policies of a program;

99.9 (5) the individual designated as the primary provider of care for a special family child  
99.10 care program under section 142B.41, subdivision 4, paragraph (d); and

99.11 (6) the president and treasurer of the board of directors of a nonprofit corporation.

99.12 (b) Controlling individual does not include:

99.13 (1) a bank, savings bank, trust company, savings association, credit union, industrial  
99.14 loan and thrift company, investment banking firm, or insurance company unless the entity  
99.15 operates a program directly or through a subsidiary;

99.16 (2) an individual who is a state or federal official, or state or federal employee, or a  
99.17 member or employee of the governing body of a political subdivision of the state or federal  
99.18 government that operates one or more programs, unless the individual is also an officer,  
99.19 owner, or managerial official of the program, receives remuneration from the program, or  
99.20 owns any of the beneficial interests not excluded in this subdivision;

99.21 (3) an individual who owns less than five percent of the outstanding common shares of  
99.22 a corporation:

99.23 (i) whose securities are exempt under section 80A.45, clause (6); or

99.24 (ii) whose transactions are exempt under section 80A.46, clause (2);

99.25 (4) an individual who is a member of an organization exempt from taxation under section  
99.26 290.05, unless the individual is also an officer, owner, or managerial official of the program  
99.27 or owns any of the beneficial interests not excluded in this subdivision. This clause does  
99.28 not exclude from the definition of controlling individual an organization that is exempt from  
99.29 taxation; or

99.30 (5) an employee stock ownership plan trust, or a participant or board member of an  
99.31 employee stock ownership plan, unless the participant or board member is a controlling  
99.32 individual according to paragraph (a).

100.1 (c) For purposes of this subdivision, "managerial official" means an individual who has  
100.2 the decision-making authority related to the operation of the program, and the responsibility  
100.3 for the ongoing management of or direction of the policies, services, or employees of the  
100.4 program. A site director who has no ownership interest in the program is not considered to  
100.5 be a managerial official for purposes of this definition.

100.6 Subd. 8. **County agency.** "County agency" means the agency designated by the county  
100.7 board of commissioners, human service boards, local social services agencies or multicounty  
100.8 local social services agencies, or departments where those have been established under the  
100.9 law.

100.10 Subd. 9. **Cradleboard.** "Cradleboard" means a board or frame on which an infant is  
100.11 secured using blankets or other material, such as fabric or leather sides, and laces and often  
100.12 has a frame extending to protect the infant's head. The infant is always placed with the  
100.13 infant's head facing outward, and the infant remains supervised in the cradleboard while  
100.14 sleeping or being carried.

100.15 Subd. 10. **Foster family setting.** "Foster family setting" has the meaning given in  
100.16 Minnesota Rules, part 2960.3010, subpart 23, and includes settings licensed by the  
100.17 commissioner of children, youth, and families or the commissioner of corrections.

100.18 Subd. 11. **Foster residence setting.** "Foster residence setting" has the meaning given  
100.19 in Minnesota Rules, part 2960.3010, subpart 26, and includes settings licensed by the  
100.20 commissioner of children, youth, and families or the commissioner of corrections.

100.21 Subd. 12. **Individual who is related.** "Individual who is related" means a spouse, a  
100.22 parent, a birth or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece,  
100.23 a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle, or a legal guardian.

100.24 Subd. 13. **License.** "License" means a certificate issued by the commissioner under  
100.25 section 142B.10 authorizing the license holder to provide a specified program for a specified  
100.26 period of time and in accordance with the terms of the license and the rules of the  
100.27 commissioner.

100.28 Subd. 14. **License holder.** "License holder" means an individual, organization, or  
100.29 government entity that is legally responsible for the operation of the program or service,  
100.30 and has been granted a license by the commissioner under this chapter and the rules of the  
100.31 commissioner.

101.1 Subd. 15. **Nonresidential program.** "Nonresidential program" means care, supervision,  
101.2 rehabilitation, training, or habilitation of a child provided outside the child's home and  
101.3 provided for fewer than 24 hours a day, including child care programs.

101.4 Subd. 16. **Owner.** "Owner" means an individual or organization that has a direct or  
101.5 indirect ownership interest of five percent or more in a program licensed under this chapter.  
101.6 For purposes of this subdivision, "direct ownership interest" means the possession of equity  
101.7 in capital, stock, or profits of an organization, and "indirect ownership interest" means a  
101.8 direct ownership interest in an entity that has a direct or indirect ownership interest in a  
101.9 licensed program. For purposes of this chapter, "owner of an employee stock ownership  
101.10 plan" means the president and treasurer of the entity. A government entity or nonprofit  
101.11 corporation that is issued a license under this chapter shall be designated the owner.

101.12 Subd. 17. **Organization.** "Organization" means a domestic or foreign corporation,  
101.13 nonprofit corporation, limited liability company, partnership, limited partnership, limited  
101.14 liability partnership, association, voluntary association, and any other legal or commercial  
101.15 entity. For purposes of this chapter, organization does not include a government entity.

101.16 Subd. 18. **Residential program.** "Residential program" means a program that provides  
101.17 24-hour-a-day care, supervision, food, or lodging to a child or youth outside of the child or  
101.18 youth's home, including foster care.

101.19 Subd. 19. **Respite care services.** "Respite care services" means temporary services  
101.20 provided to a person due to the absence or need for relief of the primary caregiver, the  
101.21 person's family member, or legal representative who is the primary caregiver and principally  
101.22 responsible for the care and supervision of the person. Respite care services are those that  
101.23 provide the level of supervision and care that is necessary to ensure the health and safety  
101.24 of the person. Respite care services do not include services that are specifically directed  
101.25 toward the training and habilitation of the person.

101.26 Subd. 20. **Youth.** "Youth" means a child as defined in section 260C.007, subdivision 4,  
101.27 and includes individuals under 21 years of age who are in foster care pursuant to section  
101.28 260C.451.

101.29 Sec. 2. **[142B.02] RULES.**

101.30 Subdivision 1. **Commissioner's authority.** The commissioner shall adopt rules under  
101.31 chapter 14 to govern the operation, maintenance, and licensure of programs subject to  
101.32 licensure under this chapter. The commissioner shall not adopt any rules that are inconsistent  
101.33 with or duplicative of existing state or federal regulations. Nothing in this subdivision shall

102.1 be construed to prohibit the commissioner from incorporating existing state or federal  
102.2 regulations or accreditation standards by reference.

102.3 Subd. 2. **Standards and regulatory methods.** This subdivision applies to rules governing  
102.4 this chapter. As appropriate for each type of license:

102.5 (a) The commissioner shall give preference in rule to standards that describe program  
102.6 outcomes and the practices that have been shown to result in the desired program outcomes.

102.7 (b) The rules may include model program standards for each type of program licensed  
102.8 by the commissioner.

102.9 (c) The rules shall include basic licensing standards governing licensure of each type of  
102.10 program licensed by the commissioner. The basic licensing standards must be met by all  
102.11 applicants and license holders. Basic licensing standards must include, but are not limited  
102.12 to:

102.13 (1) standards for adequate staff that take into account the age distribution and severity  
102.14 of the disability of persons served by the program;

102.15 (2) safety standards that take into account the size and conditions of the physical plant  
102.16 and studies of fire safety including studies of the interaction between fire detection factors,  
102.17 fire spread factors, and evacuation factors in case of a fire;

102.18 (3) standards for program services that describe, when appropriate, adequate levels of  
102.19 shelter, nutrition, planned activities, materials, and qualifications of individuals responsible  
102.20 for administering and delivering program services;

102.21 (4) standards that describe the characteristics of the settings where program services are  
102.22 to be delivered; and

102.23 (5) health and sanitation standards.

102.24 Subd. 3. **Reduction of fees.** The commissioner may adopt rules under subdivision 1 to  
102.25 provide for the reduction of fees established under section 142B.12 when a license holder  
102.26 substantially exceeds the basic standards for licensure.

102.27 Subd. 4. **Evaluation of rules.** The commissioner shall evaluate the effects of the rules  
102.28 within three years after the date of adoption and at least once every five years thereafter.  
102.29 The evaluation must include an assessment of any discrepancies between the actual and  
102.30 intended effects of the rules, identification of necessary revisions, if any, and a discussion  
102.31 of the rules' effect on the availability and quality of licensed programs. The commissioner  
102.32 shall consider the results of the evaluation in amending and writing rules.

103.1 Subd. 5. **Other duties of commissioner.** The commissioner shall:

103.2 (1) summarize the rules in language understandable to the general public and inform  
103.3 license holders and applicants where they may obtain a copy of the rules and the summary;

103.4 (2) develop and provide each applicant with information describing the services offered  
103.5 to applicants by the commissioner and explaining the penalties for operating an unlicensed  
103.6 program or failing to fully comply with the commissioner's correction orders or applicable  
103.7 laws or rules;

103.8 (3) upon request, interpret rules for applicants and license holders; and

103.9 (4) take measures to ensure that rules are enforced uniformly throughout the state.

103.10 Subd. 6. **Consultation with affected parties.** In developing rules, the commissioner  
103.11 shall request and receive consultation from: other state departments and agencies; counties  
103.12 and other affected political subdivisions that reflect the diversity of political subdivisions  
103.13 affected by the rule; persons and relatives of persons using the program governed by the  
103.14 rule; advocacy groups; and representatives of license holders affected by the rule. In choosing  
103.15 parties for consultation, the commissioner shall choose individuals and representatives of  
103.16 groups that reflect a cross section of urban, suburban, and rural areas of the state.

103.17 Subd. 7. **Regulatory methods.** (a) Where appropriate and feasible, the commissioner  
103.18 shall identify and implement alternative methods of regulation and enforcement to the extent  
103.19 authorized in this subdivision. These methods shall include:

103.20 (1) expansion of the types and categories of licenses that may be granted;

103.21 (2) when the standards of another state or federal governmental agency or an independent  
103.22 accreditation body have been shown to require the same standards, methods, or alternative  
103.23 methods to achieve substantially the same intended outcomes as the licensing standards,  
103.24 the commissioner shall consider compliance with the governmental or accreditation standards  
103.25 to be equivalent to partial compliance with the licensing standards; and

103.26 (3) use of an abbreviated inspection that employs key standards that have been shown  
103.27 to predict full compliance with the rules.

103.28 (b) If the commissioner accepts accreditation as documentation of compliance with a  
103.29 licensing standard under paragraph (a), the commissioner shall continue to investigate  
103.30 complaints related to noncompliance with all licensing standards. The commissioner may  
103.31 take a licensing action for noncompliance under this chapter and shall recognize all existing  
103.32 appeal rights regarding any licensing actions taken under this chapter.

104.1 (c) The commissioner shall work with the commissioners of human services, health,  
104.2 public safety, administration, and education in consolidating duplicative licensing and  
104.3 certification rules and standards if the commissioner determines that consolidation is  
104.4 administratively feasible, would significantly reduce the cost of licensing, and would not  
104.5 reduce the protection given to persons receiving services in licensed programs. Where  
104.6 administratively feasible and appropriate, the commissioner shall work with the  
104.7 commissioners of human services, health, public safety, administration, and education in  
104.8 conducting joint agency inspections of programs.

104.9 (d) The commissioner shall work with the commissioners of human services, health,  
104.10 public safety, administration, and education in establishing a single point of application for  
104.11 applicants who are required to obtain concurrent licensure from more than one of the  
104.12 commissioners listed in this paragraph.

104.13 (e) Unless otherwise specified in statute, the commissioner may conduct routine  
104.14 inspections biennially.

104.15 (f) For a licensed child care center, the commissioner shall conduct one unannounced  
104.16 licensing inspection at least once per calendar year.

104.17 Subd. 8. **Interpretive guidelines; authority.** The commissioner of children, youth, and  
104.18 families may develop and publish interpretive guidelines.

104.19 Subd. 9. **Effect of interpretive guidelines.** Interpretive guidelines do not have the force  
104.20 and effect of law and have no precedential effect, but may be relied on by consumers,  
104.21 providers of service, county agencies, the Department of Children, Youth, and Families,  
104.22 and others concerned until revoked or modified. A guideline may be expressly revoked or  
104.23 modified by the commissioner, by the issuance of another interpretive guideline, but may  
104.24 not be revoked or modified retroactively to the detriment of consumers, providers of service,  
104.25 county agencies, the Department of Children, Youth, and Families, or others concerned. A  
104.26 change in the law or an interpretation of the law occurring after the interpretive guidelines  
104.27 are issued, whether in the form of a statute, court decision, administrative ruling, or  
104.28 subsequent interpretive guideline, results in the revocation or modification of the previously  
104.29 adopted guidelines to the extent that the change affects the guidelines.

104.30 Subd. 10. **Issuance; discretion of commissioner.** The issuance of interpretive guidelines  
104.31 is at the discretion of the commissioner of children, youth, and families.

105.1 Sec. 3. [142B.03] SYSTEMS AND RECORDS.

105.2 Subdivision 1. Record retention; license holder requirements. (a) A license holder  
105.3 must maintain and store records in a manner that will allow for review by the commissioner  
105.4 as identified in section 142B.10, subdivision 5. The following records must be maintained  
105.5 as specified and in accordance with applicable state or federal law, regulation, or rule:

105.6 (1) service recipient records, including verification of service delivery, must be maintained  
105.7 for a minimum of five years following discharge or termination of service;

105.8 (2) personnel records must be maintained for a minimum of five years following  
105.9 termination of employment; and

105.10 (3) program administration and financial records must be maintained for a minimum of  
105.11 five years from the date the program closes.

105.12 (b) A license holder who ceases to provide services must maintain all records related to  
105.13 the licensed program for five years from the date the program closes. The license holder  
105.14 must notify the commissioner of the location where the licensing records will be stored and  
105.15 the name of the person responsible for maintaining the stored records.

105.16 (c) If the ownership of a licensed program or service changes, the transferor, unless  
105.17 otherwise provided by law or written agreement with the transferee, is responsible for  
105.18 maintaining, preserving, and making available to the commissioner on demand the license  
105.19 records generated before the date of the transfer.

105.20 (d) In the event of a contested case, the license holder must retain records as required  
105.21 in paragraph (a) or until the final agency decision is issued and the conclusion of any related  
105.22 appeal, whichever period is longer.

105.23 Subd. 2. Electronic records; license holder use. A license holder's use of electronic  
105.24 record keeping or electronic signatures must meet the following requirements:

105.25 (1) use of electronic record keeping or electronic signatures does not alter the license  
105.26 holder's obligations under state or federal law, regulation, or rule;

105.27 (2) the license holder must ensure that the use of electronic record keeping does not limit  
105.28 the commissioner's access to records as specified under section 142B.10, subdivision 5;

105.29 (3) upon request, the license holder must assist the commissioner in accessing and  
105.30 copying all records, including encrypted records and electronic signatures; and

105.31 (4) the license holder must establish a mechanism or procedure to ensure that:

106.1 (i) the act of creating the electronic record or signature is attributable to the license  
106.2 holder, according to section 325L.09;

106.3 (ii) the electronic records and signatures are maintained in a form capable of being  
106.4 retained and accurately reproduced;

106.5 (iii) the commissioner has access to information that establishes the date and time that  
106.6 data and signatures were entered into the electronic record; and

106.7 (iv) the license holder's use of electronic record keeping or electronic signatures does  
106.8 not compromise the security of the records.

106.9 Subd. 3. **First date of working in a setting; documentation requirements.** Foster  
106.10 residence setting license holders must document the first date that a person who is a  
106.11 background study subject begins working in the license holder's setting. If the license holder  
106.12 does not maintain documentation of each background study subject's first date of working  
106.13 in the setting in the license holder's personnel files, the license holder must provide  
106.14 documentation to the commissioner that contains the first date that each background study  
106.15 subject began working in the license holder's program upon the commissioner's request.

106.16 Subd. 4. **First date of direct contact; documentation requirements.** Except for family  
106.17 child care and family foster care for children, license holders must document the first date  
106.18 that a background study subject has direct contact, as defined in section 245C.02, subdivision  
106.19 11, with a person served by the license holder's program. Unless this chapter otherwise  
106.20 requires, if the license holder does not maintain the documentation required by this  
106.21 subdivision in the license holder's personnel files, the license holder must provide the  
106.22 documentation to the commissioner upon the commissioner's request.

106.23 **Sec. 4. [142B.05] WHO MUST BE LICENSED.**

106.24 Subdivision 1. **License required.** Unless licensed by the commissioner under this chapter,  
106.25 an individual, organization, or government entity must not:

106.26 (1) operate a residential or a nonresidential program;

106.27 (2) receive a child or youth for care, supervision, or placement in foster care or adoption;

106.28 (3) help plan the placement of a child or youth in foster care or adoption or engage in  
106.29 placement activities as defined in section 259.21, subdivision 9, in this state, whether or not  
106.30 the adoption occurs in this state; or

106.31 (4) advertise a residential or nonresidential program.

106.32 Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

- 107.1 (1) residential or nonresidential programs that are provided to a person by an individual  
107.2 who is related unless the residential program is a child foster care placement made by a  
107.3 local social services agency or a licensed child-placing agency, except as provided in  
107.4 subdivision 3;
- 107.5 (2) nonresidential programs that are provided by an unrelated individual to persons from  
107.6 a single related family;
- 107.7 (3) programs operated by a public school for children 33 months or older;
- 107.8 (4) nonresidential programs primarily for children that provide care or supervision for  
107.9 periods of less than three hours a day while the child's parent or legal guardian is in the  
107.10 same building as the nonresidential program or present within another building that is  
107.11 directly contiguous to the building in which the nonresidential program is located;
- 107.12 (5) homes providing programs for persons placed by a county or a licensed agency for  
107.13 legal adoption, unless the adoption is not completed within two years;
- 107.14 (6) programs licensed or certified by the commissioner of corrections;
- 107.15 (7) recreation programs for children or adults that are operated or approved by a park  
107.16 and recreation board whose primary purpose is to provide social and recreational activities;
- 107.17 (8) programs operated by a school as defined in section 120A.22, subdivision 4; YMCA  
107.18 as defined in section 315.44; YWCA as defined in section 315.44; or JCC as defined in  
107.19 section 315.51, whose primary purpose is to provide child care or services to school-age  
107.20 children;
- 107.21 (9) Head Start nonresidential programs that operate for less than 45 days in each calendar  
107.22 year;
- 107.23 (10) programs for children such as scouting, boys clubs, girls clubs, and sports and art  
107.24 programs, and nonresidential programs for children provided for a cumulative total of less  
107.25 than 30 days in any 12-month period;
- 107.26 (11) the religious instruction of school-age children; Sabbath or Sunday schools; or the  
107.27 congregate care of children by a church, congregation, or religious society during the period  
107.28 used by the church, congregation, or religious society for its regular worship;
- 107.29 (12) camps licensed by the commissioner of health under Minnesota Rules, chapter  
107.30 4630;
- 107.31 (13) residential programs serving school-age children whose sole purpose is cultural or  
107.32 educational exchange, until the commissioner adopts appropriate rules;

108.1 (14) community support services programs as defined in section 245.462, subdivision  
108.2 6, and family community support services as defined in section 245.4871, subdivision 17;

108.3 (15) the placement of a child by a birth parent or legal guardian in a preadoptive home  
108.4 for purposes of adoption as authorized by section 259.47;

108.5 (16) a program serving only children who are age 33 months or older, that is operated  
108.6 by a nonpublic school, for no more than four hours per day per child, with no more than 20  
108.7 children at any one time, and that is accredited by:

108.8 (i) an accrediting agency that is formally recognized by the commissioner of education  
108.9 as a nonpublic school accrediting organization; or

108.10 (ii) an accrediting agency that requires background studies and that receives and  
108.11 investigates complaints about the services provided.

108.12 A program that asserts its exemption from licensure under item (ii) shall, upon request from  
108.13 the commissioner, provide the commissioner with documentation from the accrediting  
108.14 agency that verifies that the accreditation is current, that the accrediting agency investigates  
108.15 complaints about services, and that the accrediting agency's standards require background  
108.16 studies on all people providing direct contact services;

108.17 (17) a program operated by a nonprofit organization incorporated in Minnesota or another  
108.18 state that serves youth in kindergarten through grade 12; provides structured, supervised  
108.19 youth development activities; and has learning opportunities take place before or after  
108.20 school, on weekends, or during the summer or other seasonal breaks in the school calendar.

108.21 A program exempt under this clause is not eligible for child care assistance under chapter  
108.22 119B. A program exempt under this clause must:

108.23 (i) have a director or supervisor on site who is responsible for overseeing written policies  
108.24 relating to the management and control of the daily activities of the program, ensuring the  
108.25 health and safety of program participants, and supervising staff and volunteers;

108.26 (ii) have obtained written consent from a parent or legal guardian for each youth  
108.27 participating in activities at the site; and

108.28 (iii) have provided written notice to a parent or legal guardian for each youth at the site  
108.29 that the program is not licensed or supervised by the state of Minnesota and is not eligible  
108.30 to receive child care assistance payments;

108.31 (18) Head Start programs that serve only children who are at least three years old but  
108.32 not yet six years old; or

109.1 (19) programs licensed by the commissioner of human services under chapter 245A.

109.2 (b) For purposes of paragraph (a), clause (4), a building is directly contiguous to a  
109.3 building in which a nonresidential program is located if it shares a common wall with the  
109.4 building in which the nonresidential program is located or is attached to that building by  
109.5 skyway, tunnel, atrium, or common roof.

109.6 (c) Nothing in this chapter shall be construed to require licensure for any services  
109.7 provided and funded according to an approved federal waiver plan where licensure is  
109.8 specifically identified as not being a condition for the services and funding.

109.9 Subd. 3. **Unlicensed programs.** (a) It is a misdemeanor for an individual, organization,  
109.10 or government entity to provide a residential or nonresidential program without a license  
109.11 issued under this chapter and in willful disregard of this chapter unless the program is  
109.12 excluded from licensure under subdivision 2.

109.13 (b) The commissioner may ask the appropriate county attorney or the attorney general  
109.14 to begin proceedings to secure a court order against the continued operation of the program,  
109.15 if an individual, organization, or government entity has:

109.16 (1) failed to apply for a license under this chapter after receiving notice that a license is  
109.17 required or continues to operate without a license after receiving notice that a license is  
109.18 required;

109.19 (2) continued to operate without a license after a license issued under this chapter has  
109.20 been revoked or suspended under this chapter, and the commissioner has issued a final order  
109.21 affirming the revocation or suspension, or the license holder did not timely appeal the  
109.22 sanction; or

109.23 (3) continued to operate without a license after a temporary immediate suspension of a  
109.24 license has been issued under this chapter.

109.25 (c) The county attorney and the attorney general have a duty to cooperate with the  
109.26 commissioner.

109.27 Subd. 4. **Licensing moratorium.** (a) The commissioner shall not issue an initial license  
109.28 for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, under  
109.29 this chapter for a physical location that will not be the primary residence of the license  
109.30 holder for the entire period of licensure. If a family child foster care home license is issued  
109.31 during this moratorium and the license holder changes the license holder's primary residence  
109.32 away from the physical location of the foster care license, the commissioner shall revoke  
109.33 the license according to section 142B.18. When approving an exception under this paragraph,

110.1 the commissioner shall consider the resource need determination process in paragraph (e),  
110.2 the availability of foster care licensed beds in the geographic area in which the licensee  
110.3 seeks to operate, the results of a person's choices during their annual assessment and service  
110.4 plan review, and the recommendation of the local county board. The determination by the  
110.5 commissioner is final and not subject to appeal. Exceptions to the moratorium include:

110.6 (1) foster care licenses replacing foster care licenses in existence on May 15, 2009, and  
110.7 determined to be needed by the commissioner under paragraph (b); and

110.8 (2) new foster care licenses determined to be needed by the commissioner under paragraph  
110.9 (b) for persons requiring hospital-level care.

110.10 (b) The commissioner shall determine the need for newly licensed foster care homes.  
110.11 As part of the determination, the commissioner shall consider the availability of foster care  
110.12 capacity in the area in which the licensee seeks to operate, and the recommendation of the  
110.13 local county board. The determination by the commissioner must be final. A determination  
110.14 of need is not required for a change in ownership at the same address.

110.15 (c) At the time of application and reapplication for licensure, the applicant and the license  
110.16 holder that are subject to the moratorium or an exclusion established in paragraph (a) are  
110.17 required to inform the commissioner whether the physical location where the foster care  
110.18 will be provided is or will be the primary residence of the license holder for the entire period  
110.19 of licensure. If the primary residence of the applicant or license holder changes, the applicant  
110.20 or license holder must notify the commissioner immediately. The commissioner shall print  
110.21 on the foster care license certificate whether or not the physical location is the primary  
110.22 residence of the license holder.

110.23 (d) License holders of foster care homes identified under paragraph (c) that are not the  
110.24 primary residence of the license holder and that also provide services in the foster care home  
110.25 that are covered by a federally approved home and community-based services waiver, as  
110.26 authorized under chapter 256S or section 256B.092 or 256B.49, must inform the children,  
110.27 youth, and families licensing division that the license holder provides or intends to provide  
110.28 these waiver-funded services.

110.29 (e) The commissioner may adjust capacity to address needs identified in section  
110.30 144A.351. Under this authority, the commissioner may approve new licensed settings or  
110.31 delicense existing settings. Delicensing of settings will be accomplished through a process  
110.32 identified in section 256B.493.

111.1 Sec. 5. **[142B.10] APPLICATION PROCEDURES.**

111.2 Subdivision 1. **Application for licensure.** (a) An individual, organization, or government  
111.3 entity that is subject to licensure under section 142B.05 must apply for a license. The  
111.4 application must be made on the forms and in the manner prescribed by the commissioner.  
111.5 The commissioner shall provide the applicant with instruction in completing the application  
111.6 and provide information about the rules and requirements of other state agencies that affect  
111.7 the applicant. An applicant seeking licensure in Minnesota with headquarters outside of  
111.8 Minnesota must have a program office located within 30 miles of the Minnesota border.  
111.9 An applicant who intends to buy or otherwise acquire a program or services licensed under  
111.10 this chapter that is owned by another license holder must apply for a license under this  
111.11 chapter and comply with the application procedures in this section and section 142B.11.

111.12 The commissioner shall act on the application within 90 working days after a complete  
111.13 application and any required reports have been received from other state agencies or  
111.14 departments, counties, municipalities, or other political subdivisions. The commissioner  
111.15 shall not consider an application to be complete until the commissioner receives all of the  
111.16 required information.

111.17 When the commissioner receives an application for initial licensure that is incomplete  
111.18 because the applicant failed to submit required documents or that is substantially deficient  
111.19 because the documents submitted do not meet licensing requirements, the commissioner  
111.20 shall provide the applicant written notice that the application is incomplete or substantially  
111.21 deficient. In the written notice to the applicant the commissioner shall identify documents  
111.22 that are missing or deficient and give the applicant 45 days to resubmit a second application  
111.23 that is substantially complete. An applicant's failure to submit a substantially complete  
111.24 application after receiving notice from the commissioner is a basis for license denial under  
111.25 section 142B.11.

111.26 (b) An application for licensure must identify all controlling individuals as defined in  
111.27 section 142B.01, subdivision 8, and must designate one individual to be the authorized  
111.28 agent. The application must be signed by the authorized agent and must include the authorized  
111.29 agent's first, middle, and last name; mailing address; and email address. By submitting an  
111.30 application for licensure, the authorized agent consents to electronic communication with  
111.31 the commissioner throughout the application process. The authorized agent must be  
111.32 authorized to accept service on behalf of all of the controlling individuals. A government  
111.33 entity that holds multiple licenses under this chapter may designate one authorized agent  
111.34 for all licenses issued under this chapter or may designate a different authorized agent for  
111.35 each license. Service on the authorized agent is service on all of the controlling individuals.

112.1 It is not a defense to any action arising under this chapter that service was not made on each  
112.2 controlling individual. The designation of a controlling individual as the authorized agent  
112.3 under this paragraph does not affect the legal responsibility of any other controlling individual  
112.4 under this chapter.

112.5 (c) An applicant or license holder must have a policy that prohibits license holders,  
112.6 employees, subcontractors, and volunteers, when directly responsible for persons served  
112.7 by the program, from abusing prescription medication or being in any manner under the  
112.8 influence of a chemical that impairs the individual's ability to provide services or care. The  
112.9 license holder must train employees, subcontractors, and volunteers about the program's  
112.10 drug and alcohol policy.

112.11 (d) An applicant and license holder must have a program grievance procedure that permits  
112.12 persons served by the program and their authorized representatives to bring a grievance to  
112.13 the highest level of authority in the program.

112.14 (e) The commissioner may limit communication during the application process to the  
112.15 authorized agent or the controlling individuals identified on the license application and for  
112.16 whom a background study was initiated under chapter 245C. Upon implementation of the  
112.17 provider licensing and reporting hub, applicants and license holders must use the hub in the  
112.18 manner prescribed by the commissioner. The commissioner may require the applicant,  
112.19 except for child foster care, to demonstrate competence in the applicable licensing  
112.20 requirements by successfully completing a written examination. The commissioner may  
112.21 develop a prescribed written examination format.

112.22 (f) When an applicant is an individual, the applicant must provide:

112.23 (1) the applicant's taxpayer identification numbers including the Social Security number  
112.24 or Minnesota tax identification number, and federal employer identification number if the  
112.25 applicant has employees;

112.26 (2) at the request of the commissioner, a copy of the most recent filing with the secretary  
112.27 of state that includes the complete business name, if any;

112.28 (3) if doing business under a different name, the doing business as (DBA) name, as  
112.29 registered with the secretary of state;

112.30 (4) if applicable, the applicant's National Provider Identifier (NPI) number and Unique  
112.31 Minnesota Provider Identifier (UMPI) number; and

112.32 (5) at the request of the commissioner, the notarized signature of the applicant or  
112.33 authorized agent.

- 113.1 (g) When an applicant is an organization, the applicant must provide:
- 113.2 (1) the applicant's taxpayer identification numbers including the Minnesota tax  
113.3 identification number and federal employer identification number;
- 113.4 (2) at the request of the commissioner, a copy of the most recent filing with the secretary  
113.5 of state that includes the complete business name, and if doing business under a different  
113.6 name, the doing business as (DBA) name, as registered with the secretary of state;
- 113.7 (3) the first, middle, and last name, and address for all individuals who will be controlling  
113.8 individuals, including all officers, owners, and managerial officials as defined in section  
113.9 142B.01, subdivision 8, and the date that the background study was initiated by the applicant  
113.10 for each controlling individual;
- 113.11 (4) if applicable, the applicant's NPI number and UMPI number;
- 113.12 (5) the documents that created the organization and that determine the organization's  
113.13 internal governance and the relations among the persons that own the organization, have  
113.14 an interest in the organization, or are members of the organization, in each case as provided  
113.15 or authorized by the organization's governing statute, which may include a partnership  
113.16 agreement, bylaws, articles of organization, organizational chart, and operating agreement,  
113.17 or comparable documents as provided in the organization's governing statute; and
- 113.18 (6) the notarized signature of the applicant or authorized agent.
- 113.19 (h) When the applicant is a government entity, the applicant must provide:
- 113.20 (1) the name of the government agency, political subdivision, or other unit of government  
113.21 seeking the license and the name of the program or services that will be licensed;
- 113.22 (2) the applicant's taxpayer identification numbers including the Minnesota tax  
113.23 identification number and federal employer identification number;
- 113.24 (3) a letter signed by the manager, administrator, or other executive of the government  
113.25 entity authorizing the submission of the license application; and
- 113.26 (4) if applicable, the applicant's NPI number and UMPI number.
- 113.27 (i) At the time of application for licensure or renewal of a license under this chapter, the  
113.28 applicant or license holder must acknowledge on the form provided by the commissioner  
113.29 if the applicant or license holder elects to receive any public funding reimbursement from  
113.30 the commissioner for services provided under the license that:

114.1 (1) the applicant's or license holder's compliance with the provider enrollment agreement  
114.2 or registration requirements for receipt of public funding may be monitored by the  
114.3 commissioner as part of a licensing investigation or licensing inspection; and

114.4 (2) noncompliance with the provider enrollment agreement or registration requirements  
114.5 for receipt of public funding that is identified through a licensing investigation or licensing  
114.6 inspection, or noncompliance with a licensing requirement that is a basis of enrollment for  
114.7 reimbursement for a service, may result in:

114.8 (i) a correction order or a conditional license under section 142B.16, or sanctions under  
114.9 section 142B.18;

114.10 (ii) nonpayment of claims submitted by the license holder for public program  
114.11 reimbursement;

114.12 (iii) recovery of payments made for the service;

114.13 (iv) disenrollment in the public payment program; or

114.14 (v) other administrative, civil, or criminal penalties as provided by law.

114.15 Subd. 2. **Notification of affected municipality.** The commissioner must not issue a  
114.16 license under this chapter without giving 30 calendar days' written notice to the affected  
114.17 municipality or other political subdivision unless the program is considered a permitted  
114.18 single-family residential use under sections 142B.40 and 142B.41. The commissioner may  
114.19 provide notice through electronic communication. The notification must be given before  
114.20 the first issuance of a license under this chapter and annually after that time if annual  
114.21 notification is requested in writing by the affected municipality or other political subdivision.  
114.22 State funds must not be made available to or be spent by an agency or department of state,  
114.23 county, or municipal government for payment to a residential or nonresidential program  
114.24 licensed under this chapter until the provisions of this subdivision have been complied with  
114.25 in full. The provisions of this subdivision shall not apply to programs located in hospitals.

114.26 Subd. 3. **Meeting fire and safety codes.** An applicant or license holder under sections  
114.27 142B.01 to 142B.50 must document compliance with applicable building codes, fire and  
114.28 safety codes, health rules, and zoning ordinances, or document that an appropriate waiver  
114.29 has been granted.

114.30 Subd. 4. **Background study.** Individuals and organizations that are required under  
114.31 section 245C.03 to have or initiate background studies shall comply with the requirements  
114.32 in chapter 245C.

115.1 Subd. 5. **Notice of background study results; determination of risk of harm.** The  
115.2 notice of background study results and the commissioner's determination of the background  
115.3 subject's risk of harm shall be governed according to sections 245C.16 and 245C.17.

115.4 Subd. 6. **Reconsideration of disqualification.** Reconsideration of a disqualification  
115.5 shall be governed according to sections 245C.21 to 245C.27.

115.6 Subd. 7. **Contested case.** Contested case hearing rights related to a disqualification shall  
115.7 be governed according to section 245C.28.

115.8 Subd. 8. **Disqualification.** Disqualification shall be governed according to sections  
115.9 245C.14 and 245C.15.

115.10 Subd. 9. **Variance for a disqualified individual.** A variance for a disqualified individual  
115.11 shall be governed according to section 245C.30.

115.12 Subd. 10. **Conclusive determinations or dispositions.** Whether a disqualification  
115.13 determination or maltreatment determination or disposition is deemed conclusive shall be  
115.14 governed according to section 245C.29.

115.15 Subd. 11. **Inspections; waiver.** (a) Before issuing a license under this chapter, the  
115.16 commissioner shall conduct an inspection of the program. The inspection must include but  
115.17 is not limited to:

115.18 (1) an inspection of the physical plant;

115.19 (2) an inspection of records and documents;

115.20 (3) observation of the program in operation; and

115.21 (4) an inspection for the health, safety, and fire standards in licensing requirements for  
115.22 a child care license holder.

115.23 (b) The observation in paragraph (a), clause (3), is not required prior to issuing a license  
115.24 under subdivision 14. If the commissioner issues a license under this chapter, these  
115.25 requirements must be completed within one year after the issuance of the license.

115.26 (c) Before completing a licensing inspection in a family child care program or child care  
115.27 center, the licensing agency must offer the license holder an exit interview to discuss  
115.28 violations or potential violations of law or rule observed during the inspection and offer  
115.29 technical assistance on how to comply with applicable laws and rules. The commissioner  
115.30 shall not issue a correction order or negative licensing action for violations of law or rule  
115.31 not discussed in an exit interview, unless a license holder chooses not to participate in an  
115.32 exit interview or not to complete the exit interview. If the license holder is unable to complete

116.1 the exit interview, the licensing agency must offer an alternate time for the license holder  
116.2 to complete the exit interview.

116.3 (d) If a family child care license holder disputes a county licensor's interpretation of a  
116.4 licensing requirement during a licensing inspection or exit interview, the license holder  
116.5 may, within five business days after the exit interview or licensing inspection, request  
116.6 clarification from the commissioner, in writing, in a manner prescribed by the commissioner.  
116.7 The license holder's request must describe the county licensor's interpretation of the licensing  
116.8 requirement at issue, and explain why the license holder believes the county licensor's  
116.9 interpretation is inaccurate. The commissioner and the county must include the license  
116.10 holder in all correspondence regarding the disputed interpretation, and must provide an  
116.11 opportunity for the license holder to contribute relevant information that may impact the  
116.12 commissioner's decision. The county licensor must not issue a correction order related to  
116.13 the disputed licensing requirement until the commissioner has provided clarification to the  
116.14 license holder about the licensing requirement.

116.15 (e) The commissioner or the county shall inspect at least once each calendar year a child  
116.16 care provider licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for  
116.17 compliance with applicable licensing standards.

116.18 (f) The commissioner shall make publicly available on the department's website the  
116.19 results of inspection reports of all child care providers licensed under this chapter and under  
116.20 Minnesota Rules, chapter 9502 or 9503, and the number of deaths, serious injuries, and  
116.21 instances of substantiated child maltreatment that occurred in licensed child care settings  
116.22 each year.

116.23 Subd. 12. **Commissioner's right of access.** (a) When the commissioner is exercising  
116.24 the powers conferred by this chapter, section 626.557, and chapter 260E, the commissioner  
116.25 must be given access to:

116.26 (1) the physical plant and grounds where the program is provided;

116.27 (2) documents and records, including records maintained in electronic format;

116.28 (3) persons served by the program; and

116.29 (4) staff and personnel records of current and former staff whenever the program is in  
116.30 operation and the information is relevant to inspections or investigations conducted by the  
116.31 commissioner. Upon request, the license holder must provide the commissioner verification  
116.32 of documentation of staff work experience, training, or educational requirements.

117.1 The commissioner must be given access without prior notice and as often as the commissioner  
117.2 considers necessary if the commissioner is investigating alleged maltreatment, conducting  
117.3 a licensing inspection, or investigating an alleged violation of applicable laws or rules. In  
117.4 conducting inspections, the commissioner may request and shall receive assistance from  
117.5 other state, county, and municipal governmental agencies and departments. The applicant  
117.6 or license holder shall allow the commissioner to photocopy, photograph, and make audio  
117.7 and video recordings during the inspection of the program at the commissioner's expense.  
117.8 The commissioner shall obtain a court order or the consent of the subject of the records or  
117.9 the parents or legal guardian of the subject before photocopying hospital medical records.

117.10 (b) Persons served by the program have the right to refuse to consent to be interviewed,  
117.11 photographed, or audio or video recorded. Failure or refusal of an applicant or license holder  
117.12 to fully comply with this subdivision is reasonable cause for the commissioner to deny the  
117.13 application or immediately suspend or revoke the license.

117.14 Subd. 13. **Commissioner's evaluation.** (a) Before issuing, denying, suspending, revoking,  
117.15 or making conditional a license, the commissioner shall evaluate information gathered under  
117.16 this section. The commissioner's evaluation shall consider the applicable requirements of  
117.17 statutes and rules for the program or services for which the applicant seeks a license,  
117.18 including the disqualification standards set forth in chapter 245C, and shall evaluate facts,  
117.19 conditions, or circumstances concerning:

117.20 (1) the program's operation;

117.21 (2) the well-being of persons served by the program;

117.22 (3) available evaluations of the program by persons receiving services;

117.23 (4) information about the qualifications of the personnel employed by the applicant or  
117.24 license holder; and

117.25 (5) the applicant's or license holder's ability to demonstrate competent knowledge of the  
117.26 applicable requirements of statutes and rules, including this chapter and chapter 245C, for  
117.27 which the applicant seeks a license or the license holder is licensed.

117.28 (b) The commissioner shall review the results of the study required in subdivision 4 and  
117.29 determine whether the commissioner of human services correctly determined whether a  
117.30 risk of harm to the person served by the program exists under the standards set forth in  
117.31 chapter 245C.

117.32 Subd. 14. **Grant of license; license extension.** (a) If the commissioner determines that  
117.33 the program complies with all applicable rules and laws, the commissioner shall issue a

118.1 license consistent with this section or, if applicable, a temporary change of ownership license  
118.2 under section 142B.11. At minimum, the license shall state:

118.3 (1) the name of the license holder;

118.4 (2) the address of the program;

118.5 (3) the effective date and expiration date of the license;

118.6 (4) the type of license;

118.7 (5) the maximum number and ages of persons that may receive services from the program;

118.8 and

118.9 (6) any special conditions of licensure.

118.10 (b) The commissioner may issue a license for a period not to exceed two years if:

118.11 (1) the commissioner is unable to conduct the observation required by subdivision 11,

118.12 paragraph (a), clause (3), because the program is not yet operational;

118.13 (2) certain records and documents are not available because persons are not yet receiving

118.14 services from the program; and

118.15 (3) the applicant complies with applicable laws and rules in all other respects.

118.16 (c) A decision by the commissioner to issue a license does not guarantee that any person

118.17 or persons will be placed or cared for in the licensed program.

118.18 (d) Except as provided in paragraphs (i) and (j), the commissioner shall not issue a

118.19 license if the applicant, license holder, or an affiliated controlling individual has:

118.20 (1) been disqualified and the disqualification was not set aside and no variance has been

118.21 granted;

118.22 (2) been denied a license under this chapter or chapter 245A within the past two years;

118.23 (3) had a license issued under this chapter or chapter 245A revoked within the past five

118.24 years; or

118.25 (4) failed to submit the information required of an applicant under subdivision 1,

118.26 paragraph (f), (g), or (h), after being requested by the commissioner.

118.27 When a license issued under this chapter or chapter 245A is revoked, the license holder

118.28 and each affiliated controlling individual with a revoked license may not hold any license

118.29 under chapter 142B for five years following the revocation, and other licenses held by the

119.1 applicant or license holder or licenses affiliated with each controlling individual shall also  
119.2 be revoked.

119.3 (e) Notwithstanding paragraph (d), the commissioner may elect not to revoke a license  
119.4 affiliated with a license holder or controlling individual that had a license revoked within  
119.5 the past five years if the commissioner determines that (1) the license holder or controlling  
119.6 individual is operating the program in substantial compliance with applicable laws and rules  
119.7 and (2) the program's continued operation is in the best interests of the community being  
119.8 served.

119.9 (f) Notwithstanding paragraph (d), the commissioner may issue a new license in response  
119.10 to an application that is affiliated with an applicant, license holder, or controlling individual  
119.11 that had an application denied within the past two years or a license revoked within the past  
119.12 five years if the commissioner determines that (1) the applicant or controlling individual  
119.13 has operated one or more programs in substantial compliance with applicable laws and rules  
119.14 and (2) the program's operation would be in the best interests of the community to be served.

119.15 (g) In determining whether a program's operation would be in the best interests of the  
119.16 community to be served, the commissioner shall consider factors such as the number of  
119.17 persons served, the availability of alternative services available in the surrounding  
119.18 community, the management structure of the program, whether the program provides  
119.19 culturally specific services, and other relevant factors.

119.20 (h) The commissioner shall not issue or reissue a license under this chapter if an individual  
119.21 living in the household where the services will be provided as specified under section  
119.22 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside  
119.23 and no variance has been granted.

119.24 (i) Pursuant to section 142B.18, subdivision 1, paragraph (b), when a license issued  
119.25 under this chapter has been suspended or revoked and the suspension or revocation is under  
119.26 appeal, the program may continue to operate pending a final order from the commissioner.  
119.27 If the license under suspension or revocation will expire before a final order is issued, a  
119.28 temporary provisional license may be issued provided any applicable license fee is paid  
119.29 before the temporary provisional license is issued.

119.30 (j) Notwithstanding paragraph (i), when a revocation is based on the disqualification of  
119.31 a controlling individual or license holder, and the controlling individual or license holder  
119.32 is ordered under section 245C.17 to be immediately removed from direct contact with  
119.33 persons receiving services or is ordered to be under continuous, direct supervision when  
119.34 providing direct contact services, the program may continue to operate only if the program

120.1 complies with the order and submits documentation demonstrating compliance with the  
120.2 order. If the disqualified individual fails to submit a timely request for reconsideration, or  
120.3 if the disqualification is not set aside and no variance is granted, the order to immediately  
120.4 remove the individual from direct contact or to be under continuous, direct supervision  
120.5 remains in effect pending the outcome of a hearing and final order from the commissioner.

120.6 (k) For purposes of reimbursement for meals only, under the Child and Adult Care Food  
120.7 Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226,  
120.8 relocation within the same county by a licensed family day care provider, shall be considered  
120.9 an extension of the license for a period of no more than 30 calendar days or until the new  
120.10 license is issued, whichever occurs first, provided the county agency has determined the  
120.11 family day care provider meets licensure requirements at the new location.

120.12 (l) Unless otherwise specified by statute, all licenses issued under this chapter expire at  
120.13 12:01 a.m. on the day after the expiration date stated on the license. A license holder must  
120.14 apply for and be granted a new license to operate the program or the program must not be  
120.15 operated after the expiration date.

120.16 (m) The commissioner shall not issue or reissue a license under this chapter if it has  
120.17 been determined that a tribal licensing authority has established jurisdiction to license the  
120.18 program or service.

120.19 (n) The commissioner of children, youth, and families shall coordinate and share data  
120.20 with the commissioner of human services to enforce this section.

120.21 Subd. 15. **Notification required.** (a) A license holder must notify the commissioner, in  
120.22 a manner prescribed by the commissioner, and obtain the commissioner's approval before  
120.23 making any change that would alter the license information listed under subdivision 14,  
120.24 paragraph (a).

120.25 (b) A license holder must also notify the commissioner, in a manner prescribed by the  
120.26 commissioner, before making any change:

120.27 (1) to the license holder's authorized agent as defined in section 142B.01, subdivision  
120.28 5;

120.29 (2) to the license holder's controlling individual as defined in section 142B.01, subdivision  
120.30 8;

120.31 (3) to the license holder information on file with the secretary of state;

120.32 (4) in the location of the program or service licensed under this chapter; and

121.1 (5) to the federal or state tax identification number associated with the license holder.

121.2 (c) When, for reasons beyond the license holder's control, a license holder cannot provide  
121.3 the commissioner with prior notice of the changes in paragraph (b), clauses (1) to (3), the  
121.4 license holder must notify the commissioner by the tenth business day after the change and  
121.5 must provide any additional information requested by the commissioner.

121.6 (d) When a license holder notifies the commissioner of a change to the license holder  
121.7 information on file with the secretary of state, the license holder must provide amended  
121.8 articles of incorporation and other documentation of the change.

121.9 (e) Upon implementation of the provider licensing and reporting hub, license holders  
121.10 must enter and update information in the hub in a manner prescribed by the commissioner.

121.11 Subd. 16. **Variances.** (a) The commissioner may grant variances to rules that do not  
121.12 affect the health or safety of persons in a licensed program if the following conditions are  
121.13 met:

121.14 (1) the variance must be requested by an applicant or license holder on a form and in a  
121.15 manner prescribed by the commissioner;

121.16 (2) the request for a variance must include the reasons that the applicant or license holder  
121.17 cannot comply with a requirement as stated in the rule and the alternative equivalent measures  
121.18 that the applicant or license holder will follow to comply with the intent of the rule; and

121.19 (3) the request must state the period of time for which the variance is requested.

121.20 The commissioner may grant a permanent variance when conditions under which the variance  
121.21 is requested do not affect the health or safety of persons being served by the licensed program,  
121.22 nor compromise the qualifications of staff to provide services. The permanent variance shall  
121.23 expire as soon as the conditions that warranted the variance are modified in any way. Any  
121.24 applicant or license holder must inform the commissioner of any changes or modifications  
121.25 that have occurred in the conditions that warranted the permanent variance. Failure to advise  
121.26 the commissioner shall result in revocation of the permanent variance and may be cause for  
121.27 other sanctions under sections 142B.17 and 142B.18.

121.28 The commissioner's decision to grant or deny a variance request is final and not subject to  
121.29 appeal under the provisions of chapter 14.

121.30 (b) The commissioner shall consider variances for child care center staff qualification  
121.31 requirements under Minnesota Rules, parts 9503.0032 and 9503.0033, that do not affect  
121.32 the health and safety of children served by the center. A variance request must be submitted  
121.33 to the commissioner in accordance with paragraph (a) and must include a plan for the staff

122.1 person to gain additional experience, education, or training, as requested by the commissioner.  
122.2 When reviewing a variance request under this section, the commissioner shall consider the  
122.3 staff person's level of professional development, including but not limited to steps completed  
122.4 on the Minnesota career lattice.

122.5 (c) Counties shall use a uniform application form developed by the commissioner for  
122.6 variance requests by family child care license holders.

122.7 **Subd. 17. Education program; permitted ages; additional requirement.** (a) A program  
122.8 licensed by the commissioner under Minnesota Rules, chapter 2960, may serve a person  
122.9 who is over the age of 18 but under the age of 21 if the person is:

122.10 (1) completing secondary education or a program leading to an equivalent credential;

122.11 (2) enrolled in an institution that provides postsecondary or vocational education;

122.12 (3) participating in a program or activity designed to promote or remove barriers to  
122.13 employment;

122.14 (4) employed for at least 80 hours per month; or

122.15 (5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical  
122.16 condition, which incapability is supported by regularly updated information in the case plan  
122.17 of the person.

122.18 (b) Nothing in this subdivision precludes the license holder from seeking other variances  
122.19 under subdivision 16.

122.20 **Subd. 18. Funds and property; other requirements.** (a) A license holder must ensure  
122.21 that persons served by the program retain the use and availability of personal funds or  
122.22 property unless restrictions are justified in the person's individual plan.

122.23 (b) The license holder must ensure separation of funds of persons served by the program  
122.24 from funds of the license holder, the program, or program staff.

122.25 (c) Whenever the license holder assists a person served by the program with the  
122.26 safekeeping of funds or other property, the license holder must:

122.27 (1) immediately document receipt and disbursement of the person's funds or other  
122.28 property at the time of receipt or disbursement, including the person's signature, or the  
122.29 signature of the conservator or payee; and

122.30 (2) return to the person upon the person's request, funds and property in the license  
122.31 holder's possession subject to restrictions in the person's treatment plan, as soon as possible,  
122.32 but no later than three working days after the date of request.

- 123.1 (d) License holders and program staff must not:
- 123.2 (1) borrow money from a person served by the program;
- 123.3 (2) purchase personal items from a person served by the program;
- 123.4 (3) sell merchandise or personal services to a person served by the program;
- 123.5 (4) require a person served by the program to purchase items for which the license holder
- 123.6 is eligible for reimbursement; or
- 123.7 (5) use funds of persons served by the program to purchase items for which the facility
- 123.8 is already receiving public or private payments.

123.9 Subd. 19. **Policies and procedures for program administration required and**

123.10 **enforceable.** (a) The license holder shall develop program policies and procedures necessary

123.11 to maintain compliance with licensing requirements under Minnesota Statutes and Minnesota

123.12 Rules.

123.13 (b) The license holder shall:

- 123.14 (1) provide training to program staff related to their duties in implementing the program's
- 123.15 policies and procedures developed under paragraph (a);
- 123.16 (2) document the provision of this training; and
- 123.17 (3) monitor implementation of policies and procedures by program staff.

123.18 (c) The license holder shall keep program policies and procedures readily accessible to

123.19 staff and index the policies and procedures with a table of contents or another method

123.20 approved by the commissioner.

123.21 Subd. 20. **Pandemic planning.** Upon request, the license holder must cooperate with

123.22 state and local government disaster planning agencies working to prepare for or react to

123.23 emergencies presented by a pandemic outbreak.

123.24 Subd. 21. **Plan for transfer of clients and records upon closure.** (a) Except for license

123.25 holders who reside on the premises and child care providers, an applicant for initial or

123.26 continuing licensure or certification must submit a written plan indicating how the program

123.27 will ensure the transfer of clients and records for both open and closed cases if the program

123.28 closes. The plan must provide for managing private and confidential information concerning

123.29 program clients. The plan must also provide for notifying affected clients of the closure at

123.30 least 25 days prior to closure, including information on how to access their records. A

123.31 controlling individual of the program must annually review and sign the plan.

124.1 (b) Plans for the transfer of open cases and case records must specify arrangements the  
124.2 program will make to transfer clients to another provider or county agency for continuation  
124.3 of services and to transfer the case record with the client.

124.4 (c) Plans for the transfer of closed case records must be accompanied by a signed  
124.5 agreement or other documentation indicating that a county or a similarly licensed provider  
124.6 has agreed to accept and maintain the program's closed case records and to provide follow-up  
124.7 services as necessary to affected clients.

124.8 Subd. 22. **Program policy; reporting a death in the program.** Unless such reporting  
124.9 is otherwise already required under statute or rule, programs licensed under this chapter  
124.10 must have a written policy for reporting the death of an individual served by the program  
124.11 to the commissioner of children, youth, and families. Within 24 hours of receiving knowledge  
124.12 of the death of an individual served by the program, the license holder shall notify the  
124.13 commissioner of the individual's death. If the license holder has reason to know that the  
124.14 death has been reported to the commissioner, a subsequent report is not required.

124.15 Sec. 6. **[142B.11] LICENSE APPLICATION AFTER CHANGE OF OWNERSHIP.**

124.16 Subdivision 1. **Transfer prohibited.** A license issued under this chapter is only valid  
124.17 for a premises and individual, organization, or government entity identified by the  
124.18 commissioner on the license. A license is not transferable or assignable.

124.19 Subd. 2. **Change in ownership.** (a) If the commissioner determines that there is a change  
124.20 in ownership, the commissioner shall require submission of a new license application. This  
124.21 subdivision does not apply to a licensed program or service located in a home where the  
124.22 license holder resides. A change in ownership occurs when:

124.23 (1) the license holder sells or transfers 100 percent of the property, stock, or assets;

124.24 (2) the license holder merges with another organization;

124.25 (3) the license holder consolidates with two or more organizations, resulting in the  
124.26 creation of a new organization;

124.27 (4) there is a change to the federal tax identification number associated with the license  
124.28 holder; or

124.29 (5) all controlling individuals associated with the original application have changed.

124.30 (b) Notwithstanding paragraph (a), clauses (1) and (5), no change in ownership has  
124.31 occurred if at least one controlling individual has been listed as a controlling individual for  
124.32 the license for at least the previous 12 months.

125.1 Subd. 3. **Change of ownership process.** (a) When a change in ownership is proposed  
125.2 and the party intends to assume operation without an interruption in service longer than 60  
125.3 days after acquiring the program or service, the license holder must provide the commissioner  
125.4 with written notice of the proposed change on a form provided by the commissioner at least  
125.5 60 days before the anticipated date of the change in ownership. For purposes of this  
125.6 subdivision and subdivision 4, "party" means the party that intends to operate the service  
125.7 or program.

125.8 (b) The party must submit a license application under this chapter on the form and in  
125.9 the manner prescribed by the commissioner at least 30 days before the change in ownership  
125.10 is complete and must include documentation to support the upcoming change. The party  
125.11 must comply with background study requirements under chapter 245C and shall pay the  
125.12 application fee required under section 245A.10.

125.13 (c) The commissioner may streamline application procedures when the party is an existing  
125.14 license holder under this chapter and is acquiring a program licensed under this chapter or  
125.15 service in the same service class as one or more licensed programs or services the party  
125.16 operates and those licenses are in substantial compliance. For purposes of this subdivision,  
125.17 "substantial compliance" means within the previous 12 months the commissioner did not  
125.18 (1) issue a sanction under section 245A.07 against a license held by the party, or (2) make  
125.19 a license held by the party conditional according to section 245A.06.

125.20 (d) Except when a temporary change in ownership license is issued pursuant to  
125.21 subdivision 4, the existing license holder is solely responsible for operating the program  
125.22 according to applicable laws and rules until a license under this chapter is issued to the  
125.23 party.

125.24 (e) If a licensing inspection of the program or service was conducted within the previous  
125.25 12 months and the existing license holder's license record demonstrates substantial  
125.26 compliance with the applicable licensing requirements, the commissioner may waive the  
125.27 party's inspection required by section 245A.04, subdivision 4. The party must submit to the  
125.28 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire  
125.29 marshal deemed that an inspection was not warranted, and (2) proof that the premises was  
125.30 inspected for compliance with the building code or that no inspection was deemed warranted.

125.31 (f) If the party is seeking a license for a program or service that has an outstanding action  
125.32 under section 245A.06 or 245A.07, the party must submit a letter as part of the application  
125.33 process identifying how the party has or will come into full compliance with the licensing  
125.34 requirements.

126.1 (g) The commissioner shall evaluate the party's application according to section 245A.04,  
126.2 subdivision 6. If the commissioner determines that the party has remedied or demonstrates  
126.3 the ability to remedy the outstanding actions under section 245A.06 or 245A.07 and has  
126.4 determined that the program otherwise complies with all applicable laws and rules, the  
126.5 commissioner shall issue a license or conditional license under this chapter. The conditional  
126.6 license remains in effect until the commissioner determines that the grounds for the action  
126.7 are corrected or no longer exist.

126.8 (h) The commissioner may deny an application as provided in section 245A.05. An  
126.9 applicant whose application was denied by the commissioner may appeal the denial according  
126.10 to section 245A.05.

126.11 (i) This subdivision does not apply to a licensed program or service located in a home  
126.12 where the license holder resides.

126.13 Subd. 4. **Temporary change in ownership license.** (a) After receiving the party's  
126.14 application pursuant to subdivision 3, upon the written request of the existing license holder  
126.15 and the party, the commissioner may issue a temporary change in ownership license to the  
126.16 party while the commissioner evaluates the party's application. Until a decision is made to  
126.17 grant or deny a license under this chapter, the existing license holder and the party shall  
126.18 both be responsible for operating the program or service according to applicable laws and  
126.19 rules, and the sale or transfer of the existing license holder's ownership interest in the licensed  
126.20 program or service does not terminate the existing license.

126.21 (b) The commissioner may issue a temporary change in ownership license when a license  
126.22 holder's death, divorce, or other event affects the ownership of the program and an applicant  
126.23 seeks to assume operation of the program or service to ensure continuity of the program or  
126.24 service while a license application is evaluated.

126.25 (c) This subdivision applies to any program or service licensed under this chapter.

126.26 Sec. 7. **[142B.12] FEES.**

126.27 Subdivision 1. **Application or license fee required, programs exempt from fee.** (a)  
126.28 Unless exempt under paragraph (b), the commissioner shall charge a fee for evaluation of  
126.29 applications and inspection of programs that are licensed under this chapter.

126.30 (b) Except as provided under subdivision 2, no application or license fee shall be charged  
126.31 for child foster care or family and group family child care.

127.1 Subd. 2. **County fees for applications and licensing inspections.** (a) A county agency  
 127.2 may charge a license fee to an applicant or license holder not to exceed \$50 for a one-year  
 127.3 license or \$100 for a two-year license.

127.4 (b) Counties may allow providers to pay the applicant fee in paragraph (a) on an  
 127.5 installment basis for up to one year. If the provider is receiving child care assistance payments  
 127.6 from the state, the provider may have the fee under paragraph (a) deducted from the child  
 127.7 care assistance payments for up to one year and the state shall reimburse the county for the  
 127.8 county fees collected in this manner.

127.9 (c) For purposes of child foster care licensing under this chapter, a county agency may  
 127.10 charge a fee to a corporate applicant or corporate license holder to recover the actual cost  
 127.11 of licensing inspections, not to exceed \$500 annually.

127.12 (d) Counties may elect to reduce or waive the fees in paragraph (c) under the following  
 127.13 circumstances:

127.14 (1) in cases of financial hardship;

127.15 (2) if the county has a shortage of providers in the county's area; or

127.16 (3) for new providers.

127.17 Subd. 3. **Application fee for initial license.** (a) For fees required under subdivision 1,  
 127.18 an applicant for an initial license issued by the commissioner shall submit a \$500 application  
 127.19 fee with each new application required under this subdivision. The application fee shall not  
 127.20 be prorated, is nonrefundable, and is in lieu of the annual license fee that expires on December  
 127.21 31. The commissioner shall not process an application until the application fee is paid.

127.22 (b) An applicant shall apply for a license to provide services at a specific location, except  
 127.23 an applicant for a license for a private agency to provide foster care or adoption services  
 127.24 under Minnesota Rules, parts 9545.0755 to 9545.0845, shall submit a single application to  
 127.25 provide services statewide.

127.26 Subd. 4. **License fee for certain programs.** (a) Child care centers shall pay an annual  
 127.27 nonrefundable license fee based on the following schedule:

127.28	<u>Licensed Capacity</u>	<u>Child Care Center</u>
127.29		<u>License Fee</u>
127.30	<u>1 to 24 persons</u>	<u>\$200</u>
127.31	<u>25 to 49 persons</u>	<u>\$300</u>
127.32	<u>50 to 74 persons</u>	<u>\$400</u>
127.33	<u>75 to 99 persons</u>	<u>\$500</u>

128.1	<u>100 to 124 persons</u>	<u>\$600</u>
128.2	<u>125 to 149 persons</u>	<u>\$700</u>
128.3	<u>150 to 174 persons</u>	<u>\$800</u>
128.4	<u>175 to 199 persons</u>	<u>\$900</u>
128.5	<u>200 to 224 persons</u>	<u>\$1,000</u>
128.6	<u>225 or more persons</u>	<u>\$1,100</u>

128.7 (b) A private agency licensed to provide foster care and adoption services under  
 128.8 Minnesota Rules, parts 9545.0755 to 9545.0845, shall pay an annual nonrefundable license  
 128.9 fee of \$875.

128.10 Subd. 5. License not issued until license fee is paid. The commissioner shall not issue  
 128.11 or reissue a license until the license fee is paid. The commissioner shall send a bill for the  
 128.12 license fee to the billing address identified by the license holder. If the license holder does  
 128.13 not submit the license fee payment by the due date, the commissioner shall send the license  
 128.14 holder a past due notice. If the license holder fails to pay the license fee by the due date on  
 128.15 the past due notice, the commissioner shall send a final notice to the license holder informing  
 128.16 the license holder that the program license will expire on December 31 unless the license  
 128.17 fee is paid before December 31. If a license expires, the program is no longer licensed and,  
 128.18 unless exempt from licensure under section 142B.05, subdivision 2, must not operate after  
 128.19 the expiration date. After a license expires, if the former license holder wishes to provide  
 128.20 licensed services, the former license holder must submit a new license application and  
 128.21 application fee under subdivision 3.

128.22 Subd. 6. Children, youth, and families licensing fees to recover  
 128.23 expenditures. Notwithstanding section 16A.1285, subdivision 2, related to activities for  
 128.24 which the commissioner charges a fee, the commissioner must plan to fully recover direct  
 128.25 expenditures for licensing activities under this chapter over a five-year period. The  
 128.26 commissioner may have anticipated expenditures in excess of anticipated revenues in a  
 128.27 biennium by using surplus revenues accumulated in previous bienniums.

128.28 Subd. 7. Deposit of license fees. A children, youth, and families licensing account is  
 128.29 created in the state government special revenue fund. Fees collected under subdivisions 3  
 128.30 and 4 must be deposited in the children, youth, and families licensing account and are  
 128.31 annually appropriated to the commissioner for licensing activities authorized under this  
 128.32 chapter.

128.33 Subd. 8. License not reissued until outstanding debt is paid. The commissioner shall  
 128.34 not reissue a license until the license holder has paid all outstanding debts related to a  
 128.35 licensing fine or settlement agreement for which payment is delinquent. If the payment is

129.1 past due, the commissioner shall send a past due notice informing the license holder that  
129.2 the program license will expire on December 31 unless the outstanding debt is paid before  
129.3 December 31. If a license expires, the program is no longer licensed and must not operate  
129.4 after the expiration date. After a license expires, if the former license holder wishes to  
129.5 provide licensed services, the former license holder must submit a new license application  
129.6 and application fee under subdivision 3.

129.7 Sec. 8. **[142B.15] DENIAL OF APPLICATION.**

129.8 (a) The commissioner may deny a license if an applicant or controlling individual:

129.9 (1) fails to submit a substantially complete application after receiving notice from the  
129.10 commissioner under section 142B.10, subdivision 1;

129.11 (2) fails to comply with applicable laws or rules;

129.12 (3) knowingly withholds relevant information from or gives false or misleading  
129.13 information to the commissioner in connection with an application for a license or during  
129.14 an investigation;

129.15 (4) has a disqualification that has not been set aside under section 245C.22 and no  
129.16 variance has been granted;

129.17 (5) has an individual living in the household who received a background study under  
129.18 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that  
129.19 has not been set aside under section 245C.22, and no variance has been granted;

129.20 (6) is associated with an individual who received a background study under section  
129.21 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to  
129.22 children or vulnerable adults, and who has a disqualification that has not been set aside  
129.23 under section 245C.22, and no variance has been granted;

129.24 (7) fails to comply with section 142B.10, subdivision 1, paragraph (f) or (g);

129.25 (8) fails to demonstrate competent knowledge as required by section 142B.10, subdivision  
129.26 13;

129.27 (9) has a history of noncompliance as a license holder or controlling individual with  
129.28 applicable laws or rules, including but not limited to this chapter and chapters 142E, 245A,  
129.29 and 245C;

129.30 (10) is prohibited from holding a license according to section 142A.12 or 245.095; or

130.1 (11) for a family foster setting, has or has an individual who is living in the household  
130.2 where the licensed services are provided or is otherwise subject to a background study who  
130.3 has nondisqualifying background study information, as described in section 245C.05,  
130.4 subdivision 4, that reflects on the applicant's ability to safely provide care to foster children.

130.5 (b) An applicant whose application has been denied by the commissioner must be given  
130.6 notice of the denial, which must state the reasons for the denial in plain language. Notice  
130.7 must be given by certified mail, by personal service, or through the provider licensing and  
130.8 reporting hub. The notice must state the reasons the application was denied and must inform  
130.9 the applicant of the right to a contested case hearing under chapter 14 and Minnesota Rules,  
130.10 parts 1400.8505 to 1400.8612. The applicant may appeal the denial by notifying the  
130.11 commissioner in writing by certified mail, by personal service, or through the provider  
130.12 licensing and reporting hub. If mailed, the appeal must be postmarked and sent to the  
130.13 commissioner within 20 calendar days after the applicant received the notice of denial. If  
130.14 an appeal request is made by personal service, it must be received by the commissioner  
130.15 within 20 calendar days after the applicant received the notice of denial. If the order is issued  
130.16 through the provider hub, the appeal must be received by the commissioner within 20  
130.17 calendar days from the date the commissioner issued the order through the hub. Section  
130.18 142B.20 applies to hearings held to appeal the commissioner's denial of an application.

130.19 **Sec. 9. [142B.16] CORRECTION ORDER AND CONDITIONAL LICENSE.**

130.20 Subdivision 1. **Contents of correction orders and conditional licenses.** (a) If the  
130.21 commissioner finds that the applicant or license holder has failed to comply with an  
130.22 applicable law or rule and this failure does not imminently endanger the health, safety, or  
130.23 rights of the persons served by the program, the commissioner may issue a correction order  
130.24 and an order of conditional license to the applicant or license holder. When issuing a  
130.25 conditional license, the commissioner shall consider the nature, chronicity, or severity of  
130.26 the violation of law or rule and the effect of the violation on the health, safety, or rights of  
130.27 persons served by the program. The correction order or conditional license must state the  
130.28 following in plain language:

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

130.30 (2) the specific law or rule violated;

130.31 (3) the time allowed to correct each violation; and

130.32 (4) if a license is made conditional, the length and terms of the conditional license, and  
130.33 the reasons for making the license conditional.

131.1 (b) Nothing in this section prohibits the commissioner from proposing a sanction as  
131.2 specified in section 142B.18, prior to issuing a correction order or conditional license.

131.3 (c) The commissioner may issue a correction order and an order of conditional license  
131.4 to the applicant or license holder through the provider licensing and reporting hub.

131.5 Subd. 2. **Reconsideration of correction orders.** (a) If the applicant or license holder  
131.6 believes that the contents of the commissioner's correction order are in error, the applicant  
131.7 or license holder may ask the Department of Children, Youth, and Families to reconsider  
131.8 the parts of the correction order that are alleged to be in error. The request for reconsideration  
131.9 must be made in writing and must be postmarked and sent to the commissioner within 20  
131.10 calendar days after receipt of the correction order by the applicant or license holder or  
131.11 submitted in the provider licensing and reporting hub within 20 calendar days from the date  
131.12 the commissioner issued the order through the hub, and:

131.13 (1) specify the parts of the correction order that are alleged to be in error;

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

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

131.16 Upon implementation of the provider licensing and reporting hub, the provider must use  
131.17 the hub to request reconsideration. A request for reconsideration does not stay any provisions  
131.18 or requirements of the correction order. The commissioner's disposition of a request for  
131.19 reconsideration is final and not subject to appeal under chapter 14.

131.20 (b) This paragraph applies only to licensed family child care providers. A licensed family  
131.21 child care provider who requests reconsideration of a correction order under paragraph (a)  
131.22 may also request, on a form and in the manner prescribed by the commissioner, that the  
131.23 commissioner expedite the review if:

131.24 (1) the provider is challenging a violation and provides a description of how complying  
131.25 with the corrective action for that violation would require the substantial expenditure of  
131.26 funds or a significant change to their program; and

131.27 (2) describes what actions the provider will take in lieu of the corrective action ordered  
131.28 to ensure the health and safety of children in care pending the commissioner's review of the  
131.29 correction order.

131.30 Subd. 3. **Failure to comply.** If the commissioner finds that the applicant or license holder  
131.31 has not corrected the violations specified in the correction order or conditional license, the  
131.32 commissioner may impose a fine and order other licensing sanctions pursuant to section  
131.33 142B.18.

132.1 Subd. 4. **Notice of conditional license; reconsideration of conditional license.** (a) If  
132.2 a license is made conditional, the license holder must be notified of the order by certified  
132.3 mail, by personal service, or through the provider licensing and reporting hub. If mailed,  
132.4 the notice must be mailed to the address shown on the application or the last known address  
132.5 of the license holder. The notice must state the reasons the conditional license was ordered  
132.6 and must inform the license holder of the right to request reconsideration of the conditional  
132.7 license by the commissioner. The license holder may request reconsideration of the order  
132.8 of conditional license by notifying the commissioner by certified mail, by personal service,  
132.9 or through the provider licensing and reporting hub. The request must be made in writing.  
132.10 If sent by certified mail, the request must be postmarked and sent to the commissioner within  
132.11 ten calendar days after the license holder received the order. If a request is made by personal  
132.12 service, it must be received by the commissioner within ten calendar days after the license  
132.13 holder received the order. If the order is issued through the provider hub, the request must  
132.14 be received by the commissioner within ten calendar days from the date the commissioner  
132.15 issued the order through the hub. The license holder may submit with the request for  
132.16 reconsideration written argument or evidence in support of the request for reconsideration.  
132.17 A timely request for reconsideration shall stay imposition of the terms of the conditional  
132.18 license until the commissioner issues a decision on the request for reconsideration. If the  
132.19 commissioner issues a dual order of conditional license under this section and an order to  
132.20 pay a fine under section 142B.18, subdivision 6, the license holder has a right to a contested  
132.21 case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The  
132.22 scope of the contested case hearing shall include the fine and the conditional license. In this  
132.23 case, a reconsideration of the conditional license will not be conducted under this section.  
132.24 If the license holder does not appeal the fine, the license holder does not have a right to a  
132.25 contested case hearing and a reconsideration of the conditional license must be conducted  
132.26 under this subdivision.

132.27 (b) The commissioner's disposition of a request for reconsideration is final and not  
132.28 subject to appeal under chapter 14.

132.29 Sec. 10. **[142B.18] SANCTIONS.**

132.30 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional  
132.31 under section 142B.16, the commissioner may suspend or revoke the license, impose a fine,  
132.32 or secure an injunction against the continuing operation of the program of a license holder  
132.33 who:

132.34 (1) does not comply with applicable law or rule;

133.1 (2) has nondisqualifying background study information, as described in section 245C.05,  
133.2 subdivision 4, that reflects on the license holder's ability to safely provide care to foster  
133.3 children; or

133.4 (3) has an individual living in the household where the licensed services are provided  
133.5 or is otherwise subject to a background study, and the individual has nondisqualifying  
133.6 background study information, as described in section 245C.05, subdivision 4, that reflects  
133.7 on the license holder's ability to safely provide care to foster children.

133.8 When applying sanctions authorized under this section, the commissioner shall consider  
133.9 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation  
133.10 on the health, safety, or rights of persons served by the program.

133.11 (b) If a license holder appeals the suspension or revocation of a license and the license  
133.12 holder continues to operate the program pending a final order on the appeal, the commissioner  
133.13 shall issue the license holder a temporary provisional license. Unless otherwise specified  
133.14 by the commissioner, variances in effect on the date of the license sanction under appeal  
133.15 continue under the temporary provisional license. If a license holder fails to comply with  
133.16 applicable law or rule while operating under a temporary provisional license, the  
133.17 commissioner may impose additional sanctions under this section and section 142B.16 and  
133.18 may terminate any prior variance. If a temporary provisional license is set to expire, a new  
133.19 temporary provisional license shall be issued to the license holder upon payment of any fee  
133.20 required under section 142B.12. The temporary provisional license shall expire on the date  
133.21 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional  
133.22 license shall be issued for the remainder of the current license period.

133.23 (c) If a license holder is under investigation and the license issued under this chapter is  
133.24 due to expire before completion of the investigation, the program shall be issued a new  
133.25 license upon completion of the reapplication requirements and payment of any applicable  
133.26 license fee. Upon completion of the investigation, a licensing sanction may be imposed  
133.27 against the new license under this section or section 142B.16 or 142B.20.

133.28 (d) Failure to reapply or closure of a license issued under this chapter by the license  
133.29 holder prior to the completion of any investigation shall not preclude the commissioner  
133.30 from issuing a licensing sanction under this section or section 245A.06 at the conclusion  
133.31 of the investigation.

133.32 Subd. 2. **Temporary immediate suspension.** (a) The commissioner shall act immediately  
133.33 to temporarily suspend a license issued under this chapter if:

134.1 (1) the license holder's actions or failure to comply with applicable law or rule, or the  
134.2 actions of other individuals or conditions in the program, pose an imminent risk of harm to  
134.3 the health, safety, or rights of persons served by the program;

134.4 (2) while the program continues to operate pending an appeal of an order of revocation,  
134.5 the commissioner identifies one or more subsequent violations of law or rule that may  
134.6 adversely affect the health or safety of persons served by the program; or

134.7 (3) the license holder is criminally charged in state or federal court with an offense that  
134.8 involves fraud or theft against a program administered by the commissioner.

134.9 (b) No state funds shall be made available or be expended by any agency or department  
134.10 of state, county, or municipal government for use by a license holder regulated under this  
134.11 chapter while a license issued under this chapter is under immediate suspension. A notice  
134.12 stating the reasons for the immediate suspension and informing the license holder of the  
134.13 right to an expedited hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to  
134.14 1400.8612, must be delivered by personal service to the address shown on the application  
134.15 or the last known address of the license holder. The license holder may appeal an order  
134.16 immediately suspending a license. The appeal of an order immediately suspending a license  
134.17 must be made in writing by certified mail, personal service, or other means expressly set  
134.18 forth in the commissioner's order. If mailed, the appeal must be postmarked and sent to the  
134.19 commissioner within five calendar days after the license holder receives notice that the  
134.20 license has been immediately suspended. If a request is made by personal service, it must  
134.21 be received by the commissioner within five calendar days after the license holder received  
134.22 the order. A license holder and any controlling individual shall discontinue operation of the  
134.23 program upon receipt of the commissioner's order to immediately suspend the license.

134.24 Subd. 3. **Immediate suspension expedited hearing.** (a) Within five working days of  
134.25 receipt of the license holder's timely appeal, the commissioner shall request assignment of  
134.26 an administrative law judge. The request must include a proposed date, time, and place of  
134.27 a hearing. A hearing must be conducted by an administrative law judge within 30 calendar  
134.28 days of the request for assignment, unless an extension is requested by either party and  
134.29 granted by the administrative law judge for good cause. The commissioner shall issue a  
134.30 notice of hearing by certified mail or personal service at least ten working days before the  
134.31 hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary  
134.32 immediate suspension should remain in effect pending the commissioner's final order under  
134.33 section 142B.20, regarding a licensing sanction issued under subdivision 5 following the  
134.34 immediate suspension. For suspensions under subdivision 2, paragraph (a), clause (1), the  
134.35 burden of proof in expedited hearings under this subdivision shall be limited to the

135.1 commissioner's demonstration that reasonable cause exists to believe that the license holder's  
135.2 actions or failure to comply with applicable law or rule poses, or the actions of other  
135.3 individuals or conditions in the program poses an imminent risk of harm to the health, safety,  
135.4 or rights of persons served by the program. "Reasonable cause" means there exist specific  
135.5 articulable facts or circumstances that provide the commissioner with a reasonable suspicion  
135.6 that there is an imminent risk of harm to the health, safety, or rights of persons served by  
135.7 the program. When the commissioner has determined there is reasonable cause to order the  
135.8 temporary immediate suspension of a license based on a violation of safe sleep requirements,  
135.9 as defined in section 142B.46, the commissioner is not required to demonstrate that an infant  
135.10 died or was injured as a result of the safe sleep violations. For suspensions under subdivision  
135.11 2, paragraph (a), clause (2), the burden of proof in expedited hearings under this subdivision  
135.12 shall be limited to the commissioner's demonstration by a preponderance of the evidence  
135.13 that, since the license was revoked, the license holder committed additional violations of  
135.14 law or rule that may adversely affect the health or safety of persons served by the program.

135.15 (b) The administrative law judge shall issue findings of fact, conclusions, and a  
135.16 recommendation within ten working days from the date of hearing. The parties shall have  
135.17 ten calendar days to submit exceptions to the administrative law judge's report. The record  
135.18 shall close at the end of the ten-day period for submission of exceptions. The commissioner's  
135.19 final order shall be issued within ten working days from the close of the record. When an  
135.20 appeal of a temporary immediate suspension is withdrawn or dismissed, the commissioner  
135.21 shall issue a final order affirming the temporary immediate suspension within ten calendar  
135.22 days of the commissioner's receipt of the withdrawal or dismissal. Within 90 calendar days  
135.23 after an immediate suspension has been issued and the license holder has not submitted a  
135.24 timely appeal under subdivision 2, paragraph (b), or within 90 calendar days after a final  
135.25 order affirming an immediate suspension, the commissioner shall determine:

135.26 (1) whether a final licensing sanction shall be issued under subdivision 5, paragraph (a),  
135.27 clauses (1) to (6). The license holder shall continue to be prohibited from operation of the  
135.28 program during this 90-day period; or

135.29 (2) whether the outcome of related, ongoing investigations or judicial proceedings are  
135.30 necessary to determine if a final licensing sanction under subdivision 5, paragraph (a),  
135.31 clauses (1) to (6), will be issued and whether persons served by the program remain at an  
135.32 imminent risk of harm during the investigation period or proceedings. If so, the commissioner  
135.33 shall issue a suspension order under subdivision 5, paragraph (a), clause (7).

135.34 (c) When the final order under paragraph (b) affirms an immediate suspension, or the  
135.35 license holder does not submit a timely appeal of the immediate suspension, and a final

136.1 licensing sanction is issued under subdivision 5 and the license holder appeals that sanction,  
136.2 the license holder continues to be prohibited from operation of the program pending a final  
136.3 commissioner's order under section 142B.20, subdivision 6, regarding the final licensing  
136.4 sanction.

136.5 (d) The license holder shall continue to be prohibited from operation of the program  
136.6 while a suspension order issued under paragraph (b), clause (2), remains in effect.

136.7 (e) For suspensions under subdivision 2, paragraph (a), clause (3), the burden of proof  
136.8 in expedited hearings under this subdivision shall be limited to the commissioner's  
136.9 demonstration by a preponderance of the evidence that a criminal complaint and warrant  
136.10 or summons was issued for the license holder that was not dismissed, and that the criminal  
136.11 charge is an offense that involves fraud or theft against a program administered by the  
136.12 commissioner.

136.13 Subd. 4. **Immediate suspension of residential programs.** For suspensions issued to a  
136.14 licensed residential program as defined in section 142B.01, subdivision 24, the effective  
136.15 date of the order may be delayed for up to 30 calendar days to provide for the continuity of  
136.16 care of service recipients. The license holder must cooperate with the commissioner to  
136.17 ensure service recipients receive continued care during the period of the delay and to facilitate  
136.18 the transition of service recipients to new providers. In these cases, the suspension order  
136.19 takes effect when all service recipients have been transitioned to a new provider or 30 days  
136.20 after the suspension order was issued, whichever comes first.

136.21 Subd. 5. **License suspension, revocation, or fine.** (a) The commissioner may suspend  
136.22 or revoke a license, or impose a fine if:

136.23 (1) a license holder fails to comply fully with applicable laws or rules including but not  
136.24 limited to the requirements of this chapter and chapter 245C;

136.25 (2) a license holder, a controlling individual, or an individual living in the household  
136.26 where the licensed services are provided or is otherwise subject to a background study has  
136.27 been disqualified and the disqualification was not set aside and no variance has been granted;

136.28 (3) a license holder knowingly withholds relevant information from or gives false or  
136.29 misleading information to the commissioner in connection with an application for a license,  
136.30 in connection with the background study status of an individual, during an investigation,  
136.31 or regarding compliance with applicable laws or rules;

136.32 (4) a license holder is excluded from any program administered by the commissioner  
136.33 under section 142A.12;

137.1 (5) revocation is required under section 142B.10, subdivision 14, paragraph (d);

137.2 (6) for a family foster setting, a license holder, or an individual living in the household  
137.3 where the licensed services are provided or who is otherwise subject to a background study,  
137.4 has nondisqualifying background study information, as described in section 245C.05,  
137.5 subdivision 4, that reflects on the license holder's ability to safely provide care to foster  
137.6 children; or

137.7 (7) suspension is necessary under subdivision 3, paragraph (b), clause (2).

137.8 A license holder who has had a license issued under this chapter suspended, revoked, or  
137.9 has been ordered to pay a fine must be given notice of the action by certified mail, by  
137.10 personal service, or through the provider licensing and reporting hub. If mailed, the notice  
137.11 must be mailed to the address shown on the application or the last known address of the  
137.12 license holder. The notice must state in plain language the reasons the license was suspended  
137.13 or revoked, or a fine was ordered.

137.14 (b) If the license was suspended or revoked, the notice must inform the license holder  
137.15 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts  
137.16 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking  
137.17 a license. The appeal of an order suspending or revoking a license must be made in writing  
137.18 by certified mail, by personal service, or through the provider licensing and reporting hub.  
137.19 If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar  
137.20 days after the license holder receives notice that the license has been suspended or revoked.  
137.21 If a request is made by personal service, it must be received by the commissioner within  
137.22 ten calendar days after the license holder received the order. If the order is issued through  
137.23 the provider hub, the appeal must be received by the commissioner within ten calendar days  
137.24 from the date the commissioner issued the order through the hub. Except as provided in  
137.25 subdivision 3, paragraph (c), if a license holder submits a timely appeal of an order  
137.26 suspending or revoking a license, the license holder may continue to operate the program  
137.27 as provided under section 142B.10, subdivision 14, paragraphs (i) and (j), until the  
137.28 commissioner issues a final order on the suspension or revocation.

137.29 (c)(1) If the license holder was ordered to pay a fine, the notice must inform the license  
137.30 holder of the responsibility for payment of fines and the right to a contested case hearing  
137.31 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an  
137.32 order to pay a fine must be made in writing by certified mail, by personal service, or through  
137.33 the provider licensing and reporting hub. If mailed, the appeal must be postmarked and sent  
137.34 to the commissioner within ten calendar days after the license holder receives notice that

138.1 the fine has been ordered. If a request is made by personal service, it must be received by  
138.2 the commissioner within ten calendar days after the license holder received the order. If the  
138.3 order is issued through the provider hub, the appeal must be received by the commissioner  
138.4 within ten calendar days from the date the commissioner issued the order through the hub.

138.5 (2) The license holder shall pay the fines assessed on or before the payment date specified.  
138.6 If the license holder fails to fully comply with the order, the commissioner may issue a  
138.7 second fine or suspend the license until the license holder complies. If the license holder  
138.8 receives state funds, the state, county, or municipal agencies or departments responsible for  
138.9 administering the funds shall withhold payments and recover any payments made while the  
138.10 license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine  
138.11 until the commissioner issues a final order.

138.12 (3) A license holder shall promptly notify the commissioner of children, youth, and  
138.13 families, in writing, when a violation specified in the order to forfeit a fine is corrected. If  
138.14 upon reinspection the commissioner determines that a violation has not been corrected as  
138.15 indicated by the order to forfeit a fine, the commissioner may issue a second fine. The  
138.16 commissioner shall notify the license holder by certified mail, by personal service, or through  
138.17 the provider licensing and reporting hub that a second fine has been assessed. The license  
138.18 holder may appeal the second fine as provided under this subdivision.

138.19 (4) Fines shall be assessed as follows:

138.20 (i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a  
138.21 child under chapter 260E or the maltreatment of a vulnerable adult under section 626.557  
138.22 for which the license holder is determined responsible for the maltreatment under section  
138.23 260E.30, subdivision 4, paragraphs (a) and (b), or 626.557, subdivision 9c, paragraph (c);

138.24 (ii) if the commissioner determines that a determination of maltreatment for which the  
138.25 license holder is responsible is the result of maltreatment that meets the definition of serious  
138.26 maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit  
138.27 \$5,000;

138.28 (iii) for a program that operates out of the license holder's home and a program licensed  
138.29 under Minnesota Rules, parts 9502.0300 to 9502.0445, the fine assessed against the license  
138.30 holder shall not exceed \$1,000 for each determination of maltreatment;

138.31 (iv) the license holder shall forfeit \$200 for each occurrence of a violation of law or rule  
138.32 governing matters of health, safety, or supervision, including but not limited to the provision  
138.33 of adequate staff-to-child or adult ratios, and failure to comply with background study  
138.34 requirements under chapter 245C; and

139.1 (v) the license holder shall forfeit \$100 for each occurrence of a violation of law or rule  
139.2 other than those subject to a \$5,000, \$1,000, or \$200 fine in items (i) to (iv).

139.3 (5) When a fine has been assessed, the license holder may not avoid payment by closing,  
139.4 selling, or otherwise transferring the licensed program to a third party. In such an event, the  
139.5 license holder will be personally liable for payment. In the case of a corporation, each  
139.6 controlling individual is personally and jointly liable for payment.

139.7 (d) Except for background study violations involving the failure to comply with an order  
139.8 to immediately remove an individual or an order to provide continuous, direct supervision,  
139.9 the commissioner shall not issue a fine under paragraph (c) relating to a background study  
139.10 violation to a license holder who self-corrects a background study violation before the  
139.11 commissioner discovers the violation. A license holder who has previously exercised the  
139.12 provisions of this paragraph to avoid a fine for a background study violation may not avoid  
139.13 a fine for a subsequent background study violation unless at least 365 days have passed  
139.14 since the license holder self-corrected the earlier background study violation.

139.15 Subd. 6. **Appeal of multiple sanctions.** (a) When the license holder appeals more than  
139.16 one licensing action or sanction that were simultaneously issued by the commissioner, the  
139.17 license holder shall specify the actions or sanctions that are being appealed.

139.18 (b) If there are different timelines prescribed in statutes for the licensing actions or  
139.19 sanctions being appealed, the license holder must submit the appeal within the longest of  
139.20 those timelines specified in statutes.

139.21 (c) The appeal must be made in writing by certified mail or personal service. If mailed,  
139.22 the appeal must be postmarked and sent to the commissioner within the prescribed timeline  
139.23 with the first day beginning the day after the license holder receives the certified letter. If  
139.24 a request is made by personal service, it must be received by the commissioner within the  
139.25 prescribed timeline with the first day beginning the day after the license holder receives the  
139.26 certified letter.

139.27 (d) When there are different timelines prescribed in statutes for the appeal of licensing  
139.28 actions or sanctions simultaneously issued by the commissioner, the commissioner shall  
139.29 specify in the notice to the license holder the timeline for appeal as specified under paragraph  
139.30 (b).

139.31 Subd. 7. **Time frame for conducting hearing.** Within 15 working days of receipt of  
139.32 the license holder's timely appeal of a sanction under this section other than a temporary  
139.33 immediate suspension, the commissioner shall request assignment of an administrative law  
139.34 judge. The commissioner's request must include a proposed date, time, and place of a hearing.

140.1 A hearing must be conducted by an administrative law judge within 90 calendar days of the  
140.2 request for assignment, unless an extension is requested by either party and granted by the  
140.3 administrative law judge for good cause or for purposes of discussing settlement. In no case  
140.4 shall one or more extensions be granted for a total of more than 90 calendar days unless  
140.5 there is a criminal or juvenile court action pending against the license holder or another  
140.6 individual subject to a background study.

140.7 Sec. 11. **[142B.19] DISQUALIFIED INDIVIDUAL; DENIAL, CONDITIONAL**  
140.8 **LICENSE, REVOCATION.**

140.9 (a) For the purpose of keeping a disqualified individual away from individuals receiving  
140.10 services in a license holder's home, when the disqualified individual has not received a  
140.11 set-aside and a variance has not been granted under chapter 245C, the commissioner may  
140.12 issue:

140.13 (1) an order of denial of an application;

140.14 (2) an order of conditional license; or

140.15 (3) an order of revocation.

140.16 (b) An order issued by the commissioner under this section is subject to notice and appeal  
140.17 rights provided under this chapter as follows:

140.18 (1) an order of denial of an application according to section 142B.15;

140.19 (2) an order of conditional license according to section 142B.16; and

140.20 (3) an order of revocation of a license according to section 142B.18.

140.21 Sec. 12. **[142B.20] HEARINGS.**

140.22 Subdivision 1. **Receipt of appeal; conduct of hearing.** Upon receiving a timely appeal  
140.23 or petition pursuant to section 142B.15; 142B.18, subdivision 6; or 245C.28, the  
140.24 commissioner shall issue a notice of and order for hearing to the appellant under chapter  
140.25 14 and Minnesota Rules, parts 1400.8505 to 1400.8612.

140.26 Subd. 2. **Conduct of hearings.** At any hearing provided for by section 142B.15; 142B.18,  
140.27 subdivision 6; or 245C.28, the appellant may be represented by counsel and has the right  
140.28 to call, examine, and cross-examine witnesses. The administrative law judge may require  
140.29 the presence of witnesses and evidence by subpoena on behalf of any party.

140.30 Subd. 3. **Consolidated contested case hearings.** (a) When a denial of a license under  
140.31 section 142B.15 or a licensing sanction under section 142B.18, subdivision 6, is based on

141.1 a disqualification for which reconsideration was timely requested and which was not set  
141.2 aside under section 245C.22, the scope of the contested case hearing shall include the  
141.3 disqualification and the licensing sanction or denial of a license, unless otherwise specified  
141.4 in this subdivision. When the licensing sanction or denial of a license is based on a  
141.5 determination of maltreatment under section 626.557 or chapter 260E, or a disqualification  
141.6 for serious or recurring maltreatment that was not set aside, the scope of the contested case  
141.7 hearing shall include the maltreatment determination, disqualification, and the licensing  
141.8 sanction or denial of a license, unless otherwise specified in this subdivision. In these cases,  
141.9 a fair hearing under section 142A.20 shall not be conducted as provided in sections 245C.27,  
141.10 260E.33, and 626.557, subdivision 9d.

141.11 (b) Except for family child care and child foster care, reconsideration of a maltreatment  
141.12 determination under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of  
141.13 a disqualification under section 245C.22, shall not be conducted when:

141.14 (1) a denial of a license under section 142B.15, or a licensing sanction under section  
141.15 142B.18, is based on a determination that the license holder is responsible for maltreatment  
141.16 or the disqualification of a license holder is based on serious or recurring maltreatment;

141.17 (2) the denial of a license or licensing sanction is issued at the same time as the  
141.18 maltreatment determination or disqualification; and

141.19 (3) the license holder appeals the maltreatment determination or disqualification, and  
141.20 denial of a license or licensing sanction. In these cases, a fair hearing shall not be conducted  
141.21 under sections 245C.27, 260E.33, and 626.557, subdivision 9d. The scope of the contested  
141.22 case hearing must include the maltreatment determination, disqualification, and denial of  
141.23 a license or licensing sanction.

141.24 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment  
141.25 determination or disqualification, but does not appeal the denial of a license or a licensing  
141.26 sanction, reconsideration of the maltreatment determination shall be conducted under sections  
141.27 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be  
141.28 conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as  
141.29 provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

141.30 (c) In consolidated contested case hearings regarding sanctions issued in family child  
141.31 care and child foster care, the county attorney shall defend the commissioner's orders in  
141.32 accordance with section 142B.30, subdivision 4.

141.33 (d) The commissioner's final order under subdivision 6 is the final agency action on the  
141.34 issue of maltreatment and disqualification, including for purposes of subsequent background

142.1 studies under chapter 245C and is the only administrative appeal of the final agency  
142.2 determination, including a challenge to the accuracy and completeness of data under section  
142.3 13.04.

142.4 (e) When consolidated hearings under this subdivision involve a licensing sanction based  
142.5 on a previous maltreatment determination for which the commissioner has issued a final  
142.6 order in an appeal of that determination under section 142A.20 or the individual failed to  
142.7 exercise the right to appeal the previous maltreatment determination under section 260E.33  
142.8 or 626.557, subdivision 9d, the commissioner's order is conclusive on the issue of  
142.9 maltreatment. In such cases, the scope of the administrative law judge's review shall be  
142.10 limited to the disqualification and the licensing sanction or denial of a license. In the case  
142.11 of a denial of a license or a licensing sanction issued to a facility based on a maltreatment  
142.12 determination regarding an individual who is not the license holder or a household member,  
142.13 the scope of the administrative law judge's review includes the maltreatment determination.

142.14 (f) The hearings of all parties may be consolidated into a single contested case hearing  
142.15 upon consent of all parties and the administrative law judge, if:

142.16 (1) a maltreatment determination or disqualification that was not set aside under section  
142.17 245C.22 is the basis for a denial of a license under section 245A.05 or a licensing sanction  
142.18 under section 245A.07;

142.19 (2) the disqualified subject is an individual other than the license holder and upon whom  
142.20 a background study must be conducted under section 245C.03; and

142.21 (3) the individual has a hearing right under section 245C.27.

142.22 (g) When a denial of a license under section 142B.15 or a licensing sanction under  
142.23 section 142B.18 is based on a disqualification for which reconsideration was requested and  
142.24 was not set aside under section 245C.22, and the individual otherwise has no hearing right  
142.25 under section 245C.27, the scope of the administrative law judge's review shall include the  
142.26 denial or sanction and a determination whether the disqualification should be set aside,  
142.27 unless section 245C.24 prohibits the set-aside of the disqualification. In determining whether  
142.28 the disqualification should be set aside, the administrative law judge shall consider the  
142.29 factors under section 245C.22, subdivision 4, to determine whether the individual poses a  
142.30 risk of harm to any person receiving services from the license holder.

142.31 (h) Notwithstanding section 245C.30, subdivision 5, when a licensing sanction under  
142.32 section 142B.18 is based on the termination of a variance under section 245C.30, subdivision  
142.33 4, the scope of the administrative law judge's review shall include the sanction and a  
142.34 determination whether the disqualification should be set aside, unless section 245C.24

143.1 prohibits the set-aside of the disqualification. In determining whether the disqualification  
143.2 should be set aside, the administrative law judge shall consider the factors under section  
143.3 245C.22, subdivision 4, to determine whether the individual poses a risk of harm to any  
143.4 person receiving services from the license holder.

143.5 Subd. 4. **Burden of proof.** (a) At a hearing regarding a licensing sanction under section  
143.6 142B.18, including consolidated hearings under subdivision 3, the commissioner may  
143.7 demonstrate reasonable cause for action taken by submitting statements, reports, or affidavits  
143.8 to substantiate the allegations that the license holder failed to comply fully with applicable  
143.9 law or rule. If the commissioner demonstrates that reasonable cause existed, the burden of  
143.10 proof shifts to the license holder to demonstrate by a preponderance of the evidence that  
143.11 the license holder was in full compliance with those laws or rules that the commissioner  
143.12 alleges the license holder violated, at the time that the commissioner alleges the violations  
143.13 of law or rules occurred.

143.14 (b) At a hearing on denial of an application, the applicant bears the burden of proof to  
143.15 demonstrate by a preponderance of the evidence that the appellant has complied fully with  
143.16 this chapter and other applicable law or rule and that the application should be approved  
143.17 and a license granted.

143.18 Subd. 5. **Recommendation of administrative law judge.** The administrative law judge  
143.19 shall recommend whether or not the commissioner's order should be affirmed. The  
143.20 recommendations must be consistent with this chapter and the rules of the commissioner.  
143.21 The recommendations must be in writing and accompanied by findings of fact and  
143.22 conclusions and must be mailed to the parties by certified mail to their last known addresses  
143.23 as shown on the license or application.

143.24 Subd. 6. **Notice of commissioner's final order.** After considering the findings of fact,  
143.25 conclusions, and recommendations of the administrative law judge, the commissioner shall  
143.26 issue a final order. The commissioner shall consider, but shall not be bound by, the  
143.27 recommendations of the administrative law judge. The appellant must be notified of the  
143.28 commissioner's final order as required by chapter 14 and Minnesota Rules, parts 1400.8505  
143.29 to 1400.8612. The notice must also contain information about the appellant's rights under  
143.30 chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The institution of  
143.31 proceedings for judicial review of the commissioner's final order shall not stay the  
143.32 enforcement of the final order except as provided in section 14.65.

143.33 Subd. 7. **Granting subsequent license.** (a) A license holder and each controlling  
143.34 individual of a license holder whose license has been revoked under this chapter or chapter

144.1 245A because of noncompliance with applicable law or rule must not be granted a license  
144.2 for five years following the revocation. Notwithstanding the five-year restriction, when a  
144.3 license is revoked under this chapter or chapter 245A because a person, other than the license  
144.4 holder, resides in the home where services are provided and that person has a disqualification  
144.5 that is not set aside and no variance has been granted, the former license holder may reapply  
144.6 for a license when:

144.7 (1) the person with a disqualification, who is not a minor child, is no longer residing in  
144.8 the home and is prohibited from residing in or returning to the home; or

144.9 (2) the person with the disqualification is a minor child, the restriction applies until the  
144.10 minor child becomes an adult and permanently moves away from the home or five years,  
144.11 whichever is less.

144.12 (b) An applicant or controlling individual whose application was denied under this  
144.13 chapter or chapter 245A must not be granted a license for two years following a denial,  
144.14 unless the applicant's subsequent application contains new information which constitutes a  
144.15 substantial change in the conditions that caused the previous denial. The addition of a new  
144.16 co-applicant in a subsequent application does not constitute a substantial change. If an  
144.17 applicant or controlling individual whose application was denied under this chapter or  
144.18 chapter 245A is affiliated with a subsequent application, and two years have not passed  
144.19 since the denial, the subsequent application must be denied.

144.20 **Sec. 13. [142B.21] SETTLEMENT AGREEMENT.**

144.21 (a) A license holder who has made a timely appeal pursuant to section 142B.16,  
144.22 subdivision 4, or 142B.18, subdivision 6, or the commissioner may initiate a discussion  
144.23 about a possible settlement agreement related to the licensing sanction. For the purposes of  
144.24 this section, the following conditions apply to a settlement agreement reached by the parties:

144.25 (1) if the parties enter into a settlement agreement, the effect of the agreement shall be  
144.26 that the appeal is withdrawn and the agreement shall constitute the full agreement between  
144.27 the commissioner and the party who filed the appeal; and

144.28 (2) the settlement agreement must identify the agreed-upon actions the license holder  
144.29 has taken and will take in order to achieve and maintain compliance with the licensing  
144.30 requirements that the commissioner determined the license holder had violated.

144.31 (b) Neither the license holder nor the commissioner is required to initiate a settlement  
144.32 discussion under this section.

145.1 (c) If a settlement discussion is initiated by the license holder, the commissioner shall  
145.2 respond to the license holder within 14 calendar days of receipt of the license holder's  
145.3 submission.

145.4 (d) If the commissioner agrees to engage in settlement discussions, the commissioner  
145.5 may decide at any time not to continue settlement discussions with a license holder.

145.6 Sec. 14. **[142B.22] CONSOLIDATION OF HEARINGS; RECONSIDERATION.**

145.7 Hearings authorized under this chapter, sections 142A.20 and 626.557, and chapters  
145.8 245C and 260E pursuant to the commissioner's power under section 142A.09 must be  
145.9 consolidated if feasible and in accordance with other applicable statutes and rules.

145.10 Sec. 15. **[142B.25] CLOSING A LICENSE.**

145.11 Subdivision 1. **Inactive programs.** The commissioner may close a license if the  
145.12 commissioner determines that a licensed program has not been serving any client for a  
145.13 consecutive period of 12 months or longer. The license holder is not prohibited from  
145.14 reapplying for a license if the license holder's license was closed under this chapter.

145.15 Subd. 2. **Reconsideration of closure.** If a license is closed, the commissioner must  
145.16 notify the license holder of closure by certified mail, by personal service, or through the  
145.17 provider licensing and reporting hub. If mailed, the notice of closure must be mailed to the  
145.18 last known address of the license holder and must inform the license holder why the license  
145.19 was closed and that the license holder has the right to request reconsideration of the closure.  
145.20 If the license holder believes that the license was closed in error, the license holder may ask  
145.21 the commissioner to reconsider the closure. The license holder's request for reconsideration  
145.22 must be made in writing and must include documentation that the licensed program has  
145.23 served a client in the previous 12 months. The request for reconsideration must be postmarked  
145.24 and sent to the commissioner or submitted through the provider licensing and reporting hub  
145.25 within 20 calendar days after the license holder receives the notice of closure. Upon  
145.26 implementation of the provider licensing and reporting hub, the provider must use the hub  
145.27 to request reconsideration. If the order is issued through the provider hub, the reconsideration  
145.28 must be received by the commissioner within 20 calendar days from the date the  
145.29 commissioner issued the order through the hub. A timely request for reconsideration stays  
145.30 imposition of the license closure until the commissioner issues a decision on the request for  
145.31 reconsideration.

145.32 Subd. 3. **Reconsideration final.** The commissioner's disposition of a request for  
145.33 reconsideration is final and not subject to appeal under chapter 14.

146.1 Sec. 16. [142B.30] STANDARDS FOR COUNTY AGENCIES AND PRIVATE  
146.2 AGENCIES.

146.3 Subdivision 1. Delegation of authority to agencies. (a) County agencies and private  
146.4 agencies that have been designated or licensed by the commissioner to perform licensing  
146.5 functions and activities under section 142B.10 and background studies for family child care  
146.6 under chapter 245C; to recommend denial of applicants under section 142B.15; to issue  
146.7 correction orders, to issue variances, and to recommend a conditional license under section  
146.8 142B.16; or to recommend suspending or revoking a license or issuing a fine under section  
146.9 142B.18, shall comply with rules and directives of the commissioner governing those  
146.10 functions and with this section. The following variances are excluded from the delegation  
146.11 of variance authority and may be issued only by the commissioner:

146.12 (1) dual licensure of family child care and family child foster care, dual licensure of  
146.13 family child foster care and family adult foster care, dual licensure of child foster residence  
146.14 setting and community residential setting, and dual licensure of family adult foster care and  
146.15 family child care;

146.16 (2) child foster care maximum age requirement;

146.17 (3) variances regarding disqualified individuals;

146.18 (4) variances to requirements relating to chemical use problems of a license holder or a  
146.19 household member of a license holder; and

146.20 (5) variances to section 142B.74 for a time-limited period. If the commissioner grants  
146.21 a variance under this clause, the license holder must provide notice of the variance to all  
146.22 parents and guardians of the children in care.

146.23 Except as provided in section 142B.41, subdivision 4, paragraph (e), a county agency must  
146.24 not grant a license holder a variance to exceed the maximum allowable family child care  
146.25 license capacity of 14 children.

146.26 (b) A county agency that has been designated by the commissioner to issue family child  
146.27 care variances must:

146.28 (1) publish the county agency's policies and criteria for issuing variances on the county's  
146.29 public website and update the policies as necessary; and

146.30 (2) annually distribute the county agency's policies and criteria for issuing variances to  
146.31 all family child care license holders in the county.

147.1 (c) Before the implementation of NETStudy 2.0, county agencies must report information  
147.2 about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision  
147.3 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the  
147.4 commissioner at least monthly in a format prescribed by the commissioner.

147.5 (d) For family child care programs, the commissioner shall require a county agency to  
147.6 conduct one unannounced licensing review at least annually.

147.7 (e) A license issued under this section may be issued for up to two years.

147.8 (f) A county agency shall report to the commissioner, in a manner prescribed by the  
147.9 commissioner, the following information for a licensed family child care program:

147.10 (1) the results of each licensing review completed, including the date of the review, and  
147.11 any licensing correction order issued;

147.12 (2) any death, serious injury, or determination of substantiated maltreatment; and

147.13 (3) any fires that require the service of a fire department within 48 hours of the fire. The  
147.14 information under this clause must also be reported to the state fire marshal within two  
147.15 business days of receiving notice from a licensed family child care provider.

147.16 Subd. 2. **Investigations.** (a) The county or private agency shall conduct timely  
147.17 investigations of allegations of license violations in programs for which the county or private  
147.18 agency is the commissioner's designated representative and record a disposition of each  
147.19 complaint in accordance with applicable law or rule.

147.20 (b) If an investigation conducted under paragraph (a) results in evidence that the  
147.21 commissioner should deny an application or suspend, revoke, or make conditional a license,  
147.22 the county or private agency shall make that recommendation to the commissioner within  
147.23 ten working days.

147.24 Subd. 3. **Recommendations to commissioner.** The county or private agency shall not  
147.25 make recommendations to the commissioner regarding licensure without first conducting  
147.26 an inspection. The county or private agency must forward its recommendation to the  
147.27 commissioner regarding the appropriate licensing action within 20 working days of receipt  
147.28 of a completed application.

147.29 Subd. 4. **Enforcement of commissioner's orders.** The county or private agency shall  
147.30 enforce the orders of the commissioner of children, youth, and families under sections  
147.31 142B.18 and 142B.20, subdivision 6, and the orders of the commissioner of human services  
147.32 under chapter 245C, according to the instructions of the commissioner of children, youth,  
147.33 and families. The county attorney shall assist the county agency in the enforcement and

148.1 defense of the orders of the commissioner of children, youth, and families under sections  
148.2 142B.18 and 142B.20, subdivision 6, and the orders of the commissioner of human services  
148.3 under chapter 245C, according to the instructions of the commissioner of children, youth,  
148.4 and families, unless a conflict of interest exists between the county attorney and the  
148.5 commissioner. For purposes of this section, a conflict of interest means that the county  
148.6 attorney has a direct or shared financial interest with the license holder or has a personal  
148.7 relationship or family relationship with a party in the licensing action.

148.8 Subd. 5. **Instruction and technical assistance.** (a) The commissioner shall provide  
148.9 instruction and technical assistance to county and private agencies that are subject to this  
148.10 section. County and private agencies shall cooperate with the commissioner in carrying out  
148.11 this section by ensuring that affected employees participate in instruction and technical  
148.12 assistance provided by the commissioner.

148.13 (b) The commissioner shall provide training to county agencies that perform child care  
148.14 licensing functions on identifying and preventing fraud relating to provider reimbursement  
148.15 in the child care assistance program.

148.16 Subd. 6. **Certification by commissioner.** The commissioner shall ensure that rules are  
148.17 uniformly enforced throughout the state by reviewing each county and private agency for  
148.18 compliance with this section and other applicable laws and rules at least every four years.  
148.19 County agencies that comply with this section shall be certified by the commissioner. If a  
148.20 county agency fails to be certified by the commissioner, the commissioner shall certify a  
148.21 reduction of state administrative aids in an amount up to 20 percent of the county's state  
148.22 portion of Vulnerable Children and Adults Act funding.

148.23 Subd. 7. **Notice of county recommendation.** The county or private agency shall provide  
148.24 written notice to the license holder when the agency recommends a licensing action to the  
148.25 commissioner under subdivision 2 or 3. The written notice shall inform the license holder  
148.26 about the process for determining a licensing action and how the license holder will be  
148.27 notified of a licensing action determination. The notice shall include the following:

148.28 (1) that the county or private agency made a recommendation to the commissioner to  
148.29 deny an application or suspend, revoke, or make conditional a license;

148.30 (2) that the commissioner will review the recommendation from the county or private  
148.31 agency and then determine if a licensing action will be issued;

148.32 (3) that the license holder will receive written notice from the commissioner indicating  
148.33 the reasons for the licensing action issued; and

149.1 (4) instructions on how to request reconsideration or appeal, if a licensing action is  
149.2 issued.

149.3 County or private agency recommendations under this section are classified as confidential  
149.4 data under chapter 13 and may only be disclosed as permitted by law.

149.5 Subd. 8. **Licensing and reporting hub.** Upon implementation of the provider licensing  
149.6 and reporting hub, county staff who perform licensing functions must use the hub in the  
149.7 manner prescribed by the commissioner.

149.8 **Sec. 17. [142B.31] PUBLIC FUNDS PROGRAM INTEGRITY MONITORING.**

149.9 (a) An applicant or a license holder that has enrolled to receive public funding  
149.10 reimbursement for services is required to comply with the registration or enrollment  
149.11 requirements as licensing standards.

149.12 (b) Compliance with the licensing standards established under paragraph (a) may be  
149.13 monitored during a licensing investigation or inspection. Noncompliance with these licensure  
149.14 standards may result in:

149.15 (1) a correction order or a conditional license under section 142B.16, or sanctions under  
149.16 section 142B.18;

149.17 (2) nonpayment of claims submitted by the license holder for public program  
149.18 reimbursement according to the statute applicable to that program;

149.19 (3) recovery of payments made for the service according to the statute applicable to that  
149.20 program;

149.21 (4) disenrollment in the public payment program according to the statute applicable to  
149.22 that program; or

149.23 (5) a referral for other administrative, civil, or criminal penalties as provided by law.

149.24 **Sec. 18. [142B.40] SPECIAL CONDITIONS FOR RESIDENTIAL PROGRAMS.**

149.25 Subdivision 1. **Policy statement.** It is the policy of the state that persons shall not be  
149.26 excluded by municipal zoning ordinances or other land use regulations from the benefits  
149.27 of normal residential surroundings.

149.28 Subd. 2. **Permitted single-family residential use.** Residential programs with a licensed  
149.29 capacity of six or fewer persons shall be considered a permitted single-family residential  
149.30 use of property for the purposes of zoning and other land use regulations, except that a  
149.31 residential program whose primary purpose is to treat juveniles who have violated criminal

150.1 statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct  
150.2 in violation of criminal statutes relating to sex offenses shall not be considered a permitted  
150.3 use. This exception shall not apply to residential programs licensed before July 1, 1995.  
150.4 Programs otherwise allowed under this subdivision shall not be prohibited by operation of  
150.5 restrictive covenants or similar restrictions, regardless of when entered into, that cannot be  
150.6 met because of the nature of the licensed program, including provisions that require the  
150.7 home's occupants be related, and that the home must be occupied by the owner, or similar  
150.8 provisions.

150.9 Subd. 3. **License holder qualifications for child foster care.** (a) Child foster care  
150.10 license holders must maintain the ability to care for a foster child and ensure a safe home  
150.11 environment for children placed in their care. License holders must immediately notify the  
150.12 licensing agency of:

150.13 (1) any changes to the license holder or household member's physical or behavioral  
150.14 health that may affect the license holder's ability to care for a foster child or pose a risk to  
150.15 a foster child's health; or

150.16 (2) changes related to the care of a child or vulnerable adult for whom the license holder  
150.17 is a parent or legally responsible, including living out of the home for treatment for physical  
150.18 or behavioral health, modified parenting time arrangements, legal custody, or placement in  
150.19 foster care.

150.20 (b) The licensing agency may request a license holder or household member to undergo  
150.21 an evaluation by a specialist in areas such as physical or behavioral health to evaluate the  
150.22 license holder's ability to provide a safe environment for a foster child. Prior to assigning  
150.23 a specialist to evaluate, the licensing agency must tell the license holder or household  
150.24 member why the licensing agency has requested a specialist evaluation and request a release  
150.25 of information from the license holder or household member.

150.26 Sec. 19. **[142B.41] SPECIAL CONDITIONS FOR NONRESIDENTIAL PROGRAMS.**

150.27 Subdivision 1. **Permitted single-family residential use.** A licensed nonresidential  
150.28 program with a licensed capacity of 12 or fewer persons and a group family day care facility  
150.29 licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children  
150.30 shall be considered a permitted single-family residential use of property for the purposes  
150.31 of zoning and other land use regulations.

150.32 Subd. 2. **Permitted multifamily use.** Except as otherwise provided in subdivision 1 or  
150.33 in a town, municipal, or county regulation, a licensed nonresidential program with a licensed

151.1 capacity of 13 to 16 persons shall be considered a permitted multifamily residential use of  
151.2 property for purposes of zoning. A town, municipal, or county zoning authority may require  
151.3 a conditional use or special use permit in order to assure proper maintenance and operation  
151.4 of the program. Conditions imposed on the nonresidential program must not be more  
151.5 restrictive than those imposed on other conditional uses or special uses of residential property  
151.6 in the same zones unless the additional conditions are necessary to protect the health and  
151.7 safety of the persons being served by the nonresidential program. Nothing in this chapter  
151.8 shall be construed to exclude or prohibit nonresidential programs from single-family zones  
151.9 if otherwise permitted by local zoning regulations.

151.10 Subd. 3. **Attendance records for publicly funded services.** (a) A child care center  
151.11 licensed under this chapter and according to Minnesota Rules, chapter 9503, must maintain  
151.12 documentation of actual attendance for each child receiving care for which the license holder  
151.13 is reimbursed by a governmental program. The records must be accessible to the  
151.14 commissioner during the program's hours of operation, they must be completed on the actual  
151.15 day of attendance, and they must include:

151.16 (1) the first and last name of the child;

151.17 (2) the time of day that the child was dropped off; and

151.18 (3) the time of day that the child was picked up.

151.19 (b) A family child care provider licensed under this chapter and according to Minnesota  
151.20 Rules, chapter 9502, must maintain documentation of actual attendance for each child  
151.21 receiving care for which the license holder is reimbursed for the care of that child by a  
151.22 governmental program. The records must be accessible to the commissioner during the  
151.23 program's hours of operation, they must be completed on the actual day of attendance, and  
151.24 they must include:

151.25 (1) the first and last name of the child;

151.26 (2) the time of day that the child was dropped off; and

151.27 (3) the time of day that the child was picked up.

151.28 Sec. 20. **[142B.42] VOLUNTARY RECEIVERSHIP FOR RESIDENTIAL OR**  
151.29 **NONRESIDENTIAL PROGRAMS.**

151.30 Subdivision 1. **Definitions.** For purposes of this section and section 142B.43, the  
151.31 following terms have the meanings given.

152.1 (a) "Controlling individual" has the meaning in section 142B.01, subdivision 8. When  
152.2 used in this section and section 142B.43, it means only those individuals controlling the  
152.3 residential or nonresidential program prior to the commencement of the receivership period.

152.4 (b) "Physical plant" means the building or buildings in which a residential or  
152.5 nonresidential program is located; all equipment affixed to the building and not easily subject  
152.6 to transfer as specified in the building and fixed equipment tables of the depreciation  
152.7 guidelines; and auxiliary buildings in the nature of sheds, garages, and storage buildings  
152.8 located on the same site if used for purposes related to resident or client care.

152.9 (c) "Related party" means a person who is a close relative of a provider or a provider  
152.10 group; an affiliate of a provider or a provider group; a close relative of an affiliate of a  
152.11 provider or provider group; or an affiliate of a close relative of an affiliate of a provider or  
152.12 provider group. For the purposes of this paragraph, the following terms have the meanings  
152.13 given them.

152.14 (1) "Affiliate" means a person that directly, or indirectly through one or more  
152.15 intermediaries, controls, or is controlled by, or is under common control with another person.

152.16 (2) "Person" means an individual, a corporation, a partnership, an association, a trust,  
152.17 an unincorporated organization, or a government or political subdivision.

152.18 (3) "Close relative of an affiliate of a provider or provider group" means an individual  
152.19 whose relationship by blood, marriage, or adoption to an individual who is an affiliate to a  
152.20 provider or a provider group is no more remote than first cousin.

152.21 (4) "Control" includes the terms "controlling," "controlled by," and "under common  
152.22 control with" and means the possession, direct or indirect, of the power to direct or cause  
152.23 the direction of the management, operations, or policies of a person, whether through the  
152.24 ownership of voting securities, by contract, or otherwise.

152.25 (5) "Provider or provider group" means the license holder or controlling individual prior  
152.26 to the effective date of the receivership.

152.27 Subd. 2. **Receivership agreement.** A majority of controlling individuals of a residential  
152.28 or nonresidential program licensed or certified by the commissioner may at any time ask  
152.29 the commissioner to assume operation of the program through appointment of a receiver.  
152.30 On receiving the request for a receiver, the commissioner may enter into an agreement with  
152.31 a majority of controlling individuals and become the receiver and operate the residential or  
152.32 nonresidential program under conditions acceptable to both the commissioner and the  
152.33 majority of controlling individuals. The agreement must specify the terms and conditions

153.1 of the receivership and preserve the rights of the persons being served by the program. A  
153.2 receivership set up under this section terminates at the time specified by the parties to the  
153.3 agreement.

153.4 Subd. 3. **Management agreement.** When the commissioner agrees to become the  
153.5 receiver of a residential or nonresidential program, the commissioner may enter into a  
153.6 management agreement with another entity or group to act as the managing agent during  
153.7 the receivership period. The managing agent will be responsible for the day-to-day operations  
153.8 of the program subject at all times to the review and approval of the commissioner. A  
153.9 reasonable fee may be paid to the managing agent for the performance of these services.

153.10 Subd. 4. **Controlling individuals; restrictions on licensure.** No controlling individual  
153.11 of a residential or nonresidential program placed into receivership under this section shall  
153.12 apply for or receive a license or certification from the commissioner to operate a residential  
153.13 or nonresidential program for five years from the commencement of the receivership period.  
153.14 This subdivision does not apply to residential programs that are owned or operated by  
153.15 controlling individuals, that were in existence prior to the date of the receivership agreement,  
153.16 and that have not been placed into receivership.

153.17 Subd. 5. **Liability.** The controlling individuals of a residential or nonresidential program  
153.18 placed into receivership remain liable for any claims made against the program that arose  
153.19 from incidents or events that occurred prior to the commencement of the receivership period.  
153.20 Neither the commissioner nor the managing agent of the commissioner assumes this liability.

153.21 Subd. 6. **Liability for financial obligations.** Neither the commissioner nor the managing  
153.22 agent of the commissioner shall be liable for payment of any financial obligations of the  
153.23 residential or nonresidential program or of its controlling individuals incurred prior to the  
153.24 commencement of the receivership period unless such liability is expressly assumed in the  
153.25 receivership agreement. Those financial obligations remain the liability of the program and  
153.26 its controlling individuals. Financial obligations of the program incurred after the  
153.27 commencement of the receivership period are the responsibility of the commissioner or the  
153.28 managing agent of the commissioner to the extent such obligations are expressly assumed  
153.29 by each in the receivership or management agreements. The controlling individuals of the  
153.30 residential or nonresidential program remain liable for any financial obligations incurred  
153.31 after the commencement of the receivership period to the extent these obligations are not  
153.32 reimbursed in the rate paid to the program and are reasonable and necessary to the operation  
153.33 of the program. These financial obligations, or any other financial obligations incurred by  
153.34 the program prior to the commencement of the receivership period that are necessary to the

154.1 continued operation of the program, may be deducted from any rental payments owed to  
154.2 the controlling individuals of the program as part of the receivership agreement.

154.3 Subd. 7. **Physical plant of the residential or nonresidential program.** Occupation of  
154.4 the physical plant after commencement of the receivership period shall be controlled by  
154.5 paragraphs (a) and (b).

154.6 (a) If the physical plant of a residential or nonresidential program placed in receivership  
154.7 is owned by a controlling individual or related party, the physical plant may be used by the  
154.8 commissioner or the managing agent for purposes of the receivership as long as the  
154.9 receivership period continues. A fair monthly rental for the physical plant shall be paid by  
154.10 the commissioner or managing agent to the owner of the physical plant. This fair monthly  
154.11 rental shall be determined by considering all relevant factors necessary to meet required  
154.12 arm's-length obligations of controlling individuals such as the mortgage payments owed on  
154.13 the physical plant, the real estate taxes, and special assessments. This rental shall not include  
154.14 any allowance for profit or be based on any formula that includes an allowance for profit.

154.15 (b) If the owner of the physical plant of a residential or nonresidential program placed  
154.16 in receivership is not a related party, the controlling individual shall continue as the lessee  
154.17 of the property. However, during the receivership period, rental payments shall be made to  
154.18 the owner of the physical plant by the commissioner or the managing agent on behalf of  
154.19 the controlling individual. Neither the commissioner nor the managing agent assumes the  
154.20 obligations of the lease unless expressly stated in the receivership agreement. Should the  
154.21 lease expire during the receivership, the commissioner or the managing agent may negotiate  
154.22 a new lease for the term of the receivership period.

154.23 Subd. 8. **Receivership accounting.** The commissioner may use the medical assistance  
154.24 account and funds for receivership cash flow and accounting purposes.

154.25 Subd. 9. **Receivership costs.** The commissioner may use the accounts and funds that  
154.26 would have been available for the room and board, services, and program costs of persons  
154.27 in the program for costs, cash flow, and accounting purposes related to the receivership.

154.28 Sec. 21. **[142B.43] INVOLUNTARY RECEIVERSHIP FOR RESIDENTIAL OR**  
154.29 **NONRESIDENTIAL PROGRAMS.**

154.30 Subdivision 1. **Application.** (a) In addition to any other remedy provided by law, the  
154.31 commissioner may petition the district court in Ramsey County for an order directing the  
154.32 controlling individuals of a residential or nonresidential program licensed or certified by  
154.33 the commissioner to show cause why the commissioner should not be appointed receiver

- 155.1 to operate the program. The petition to the district court must contain proof by affidavit that  
155.2 one or more of the following circumstances exists:
- 155.3 (1) the commissioner has commenced proceedings to suspend or revoke the program's  
155.4 license or refused to renew the program's license;
- 155.5 (2) there is a threat of imminent abandonment by the program or its controlling  
155.6 individuals;
- 155.7 (3) the program has shown a pattern of failure to meet ongoing financial obligations  
155.8 such as failing to pay for food, pharmaceuticals, personnel costs, or required insurance;
- 155.9 (4) the health, safety, or rights of the residents or persons receiving care from the program  
155.10 appear to be in jeopardy due to the manner in which the program may close, the program's  
155.11 financial condition, or violations of federal or state law or rules committed by the program;  
155.12 or
- 155.13 (5) the commissioner has notified the program or its controlling individuals that the  
155.14 program's federal Medicare or Medicaid provider agreement will be terminated, revoked,  
155.15 canceled, or not renewed.
- 155.16 (b) If the license holder, applicant, or controlling individual operates more than one  
155.17 program, the commissioner's petition must specify and be limited to the program for which  
155.18 it seeks receivership.
- 155.19 (c) The order to show cause must be personally served on the program through its  
155.20 authorized agent or, in the event the authorized agent cannot be located, on any controlling  
155.21 individual for the program.
- 155.22 Subd. 2. **Appointment of receiver.** (a) If the court finds that involuntary receivership  
155.23 is necessary as a means of protecting the health, safety, or rights of persons being served  
155.24 by the program, the court shall appoint the commissioner as receiver to operate the program.  
155.25 The commissioner as receiver may contract with another entity or group to act as the  
155.26 managing agent during the receivership period. The managing agent will be responsible for  
155.27 the day-to-day operations of the program subject at all times to the review and approval of  
155.28 the commissioner. A managing agent shall not:
- 155.29 (1) be the license holder or controlling individual of the program;
- 155.30 (2) have a financial interest in the program at the time of the receivership;
- 155.31 (3) be otherwise affiliated with the program; or
- 155.32 (4) have had a licensed program that has been ordered into receivership.

156.1 (b) Notwithstanding state contracting requirements in chapter 16C, the commissioner  
156.2 shall establish and maintain a list of qualified persons or entities with experience in delivering  
156.3 services and with winding down programs under this chapter. The list shall be a resource  
156.4 for selecting a managing agent, and the commissioner may update the list at any time.

156.5 Subd. 3. **Powers and duties of receiver.** (a) A receiver appointed pursuant to this section  
156.6 shall, within 18 months after the receivership order, determine whether to close the program  
156.7 or to make other provisions with the intent to keep the program open. If the receiver  
156.8 determines that program closure is appropriate, the commissioner shall provide for the  
156.9 orderly transfer of individuals served by the program to other programs or make other  
156.10 provisions to protect the health, safety, and rights of individuals served by the program.

156.11 (b) During the receivership, the receiver or the managing agent shall correct or eliminate  
156.12 deficiencies in the program that the commissioner determines endanger the health, safety,  
156.13 or welfare of the persons being served by the program unless the correction or elimination  
156.14 of deficiencies at a residential program involves major alteration in the structure of the  
156.15 physical plant. If the correction or elimination of the deficiencies at a residential program  
156.16 requires major alterations in the structure of the physical plant, the receiver shall take actions  
156.17 designed to result in the immediate transfer of persons served by the residential program.  
156.18 During the period of the receivership, the receiver and the managing agent shall operate the  
156.19 residential or nonresidential program in a manner designed to preserve the health, safety,  
156.20 rights, adequate care, and supervision of the persons served by the program.

156.21 (c) The receiver or the managing agent may make contracts and incur lawful expenses.

156.22 (d) The receiver or the managing agent shall use the building, fixtures, furnishings, and  
156.23 any accompanying consumable goods in the provision of care and services to the clients  
156.24 during the receivership period. The receiver shall take action as is reasonably necessary to  
156.25 protect or conserve the tangible assets or property during receivership.

156.26 (e) The receiver or the managing agent shall collect incoming payments from all sources  
156.27 and apply them to the cost incurred in the performance of the functions of the receivership,  
156.28 including the fee set under subdivision 7. No security interest in any real or personal property  
156.29 comprising the program or contained within it, or in any fixture of the physical plant, shall  
156.30 be impaired or diminished in priority by the receiver or the managing agent.

156.31 (f) The receiver has authority to hire, direct, manage, and discharge any employees of  
156.32 the program, including management-level staff for the program.

156.33 (g) The commissioner, as the receiver appointed by the court, may hire a managing agent  
156.34 to work on the commissioner's behalf to operate the program during the receivership. The

157.1 managing agent is entitled to a reasonable fee. The receiver and managing agent shall be  
157.2 liable only in an official capacity for injury to persons and property by reason of the  
157.3 conditions of the program. The receiver and managing agent shall not be personally liable,  
157.4 except for gross negligence or intentional acts. The commissioner shall assist the managing  
157.5 agent in carrying out the managing agent's duties.

157.6 Subd. 4. **Liability.** The provisions contained in section 142B.42, subdivision 5, shall  
157.7 also apply to receiverships ordered according to this section.

157.8 Subd. 5. **Liability for financial obligations.** The provisions contained in section 142B.42,  
157.9 subdivision 6, also apply to receiverships ordered according to this section.

157.10 Subd. 6. **Physical plant of the program.** Occupation of the physical plant under an  
157.11 involuntary receivership shall be governed by paragraphs (a) and (b).

157.12 (a) The physical plant owned by a controlling individual of the program or related party  
157.13 must be made available for the use of the program throughout the receivership period. The  
157.14 court shall determine a fair monthly rental for the physical plant, taking into account all  
157.15 relevant factors necessary to meet required arm's-length obligations of controlling individuals  
157.16 such as mortgage payments, real estate taxes, and special assessments. The rental fee must  
157.17 be paid by the receiver to the appropriate controlling individuals or related parties for each  
157.18 month that the receivership remains in effect. No payment made to a controlling individual  
157.19 or related party by the receiver or the managing agent or any state agency during a period  
157.20 of the receivership shall include any allowance for profit or be based on any formula that  
157.21 includes an allowance for profit.

157.22 (b) If the owner of the physical plant of a program is not a related party, the court shall  
157.23 order the controlling individual to continue as the lessee of the property during the  
157.24 receivership period. Rental payments during the receivership period shall be made to the  
157.25 owner of the physical plant by the commissioner or the managing agent on behalf of the  
157.26 controlling individual.

157.27 Subd. 7. **Fee.** A receiver appointed under an involuntary receivership or the managing  
157.28 agent is entitled to a reasonable fee as determined by the court.

157.29 Subd. 8. **Termination.** An involuntary receivership terminates 18 months after the date  
157.30 on which it was ordered or at any other time designated by the court or when any of the  
157.31 following events occurs:

157.32 (1) the commissioner determines that the program's license or certification application  
157.33 should be granted or should not be suspended or revoked;

158.1 (2) a new license or certification is granted to the program;

158.2 (3) the commissioner determines that all persons residing in a residential program have  
158.3 been provided with alternative residential programs or that all persons receiving services  
158.4 in a nonresidential program have been referred to other programs; or

158.5 (4) the court determines that the receivership is no longer necessary because the conditions  
158.6 that gave rise to the receivership no longer exist.

158.7 Subd. 9. **Emergency procedure.** (a) If it appears from the petition filed under subdivision  
158.8 1, from an affidavit or affidavits filed with the petition, or from testimony of witnesses  
158.9 under oath if the court determines it necessary, that there is probable cause to believe that  
158.10 an emergency exists in a residential or nonresidential program, the court shall issue a  
158.11 temporary order for appointment of a receiver within two days after receipt of the petition.

158.12 (b) Notice of the petition must be served on the authorized agent of the program that is  
158.13 subject to the receivership petition or, if the authorized agent is not immediately available  
158.14 for service, on at least one of the controlling individuals for the program. A hearing on the  
158.15 petition must be held within five days after notice is served unless the authorized agent or  
158.16 other controlling individual consents to a later date. After the hearing, the court may continue,  
158.17 modify, or terminate the temporary order.

158.18 Subd. 10. **Receivership costs.** The commissioner may use the accounts and funds that  
158.19 would have been available for the room and board, services, and program costs of persons  
158.20 in the program for costs, cash flow, and accounting purposes related to the receivership.

158.21 Subd. 11. **Controlling individuals; restrictions on licensure.** No controlling individual  
158.22 of a program placed into receivership under this section may apply for or receive a license  
158.23 or certification to operate a residential or nonresidential program for five years from the  
158.24 commencement of the receivership period. This subdivision does not apply to programs  
158.25 that are owned or operated by controlling individuals that were in existence before the date  
158.26 of the receivership agreement, and that have not been placed into receivership.

158.27 Sec. 22. **[142B.44] FIRE MARSHAL INSPECTION.**

158.28 When licensure under this chapter or certification under chapter 142C requires an  
158.29 inspection by a fire marshal to determine compliance with the State Fire Code under section  
158.30 299F.011, a local fire code inspector approved by the state fire marshal may conduct the  
158.31 inspection. If a community does not have a local fire code inspector or if the local fire code  
158.32 inspector does not perform the inspection, the state fire marshal must conduct the inspection.  
158.33 A local fire code inspector or the state fire marshal may recover the cost of these inspections

159.1 through a fee of no more than \$50 per inspection charged to the applicant or license holder  
159.2 or license-exempt child care center certification holder. The fees collected by the state fire  
159.3 marshal under this section are appropriated to the commissioner of public safety for the  
159.4 purpose of conducting the inspections.

159.5 Sec. 23. **[142B.45] CRIB SAFETY REQUIREMENTS.**

159.6 Subdivision 1. **Consumer product safety web link.** The commissioners of children,  
159.7 youth, and families and human services shall maintain a link from the licensing division  
159.8 website to the United States Consumer Product Safety Commission website that addresses  
159.9 crib safety information.

159.10 Sec. 24. **[142B.46] REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT**  
159.11 **DEATH IN LICENSED PROGRAMS.**

159.12 (a) When a license holder is placing an infant to sleep, the license holder must place the  
159.13 infant on the infant's back, unless the license holder has documentation from the infant's  
159.14 physician, advanced practice registered nurse, or physician assistant directing an alternative  
159.15 sleeping position for the infant. The physician, advanced practice registered nurse, or  
159.16 physician assistant directive must be on a form developed by the commissioner and must  
159.17 remain on file at the licensed location. An infant who independently rolls onto its stomach  
159.18 after being placed to sleep on its back may be allowed to remain sleeping on its stomach if  
159.19 the infant is at least six months of age or the license holder has a signed statement from the  
159.20 parent indicating that the infant regularly rolls over at home.

159.21 (b) The license holder must place the infant in a crib directly on a firm mattress with a  
159.22 fitted sheet that is appropriate to the mattress size, that fits tightly on the mattress, and  
159.23 overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of  
159.24 the sheet with reasonable effort. The license holder must not place anything in the crib with  
159.25 the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title  
159.26 16, part 1511. The pacifier must be free from any sort of attachment. The requirements of  
159.27 this section apply to license holders serving infants younger than one year of age. Licensed  
159.28 child care providers must meet the crib requirements under section 245A.146. A correction  
159.29 order shall not be issued under this paragraph unless there is evidence that a violation  
159.30 occurred when an infant was present in the license holder's care.

159.31 (c) If an infant falls asleep before being placed in a crib, the license holder must move  
159.32 the infant to a crib as soon as practicable, and must keep the infant within sight of the license  
159.33 holder until the infant is placed in a crib. When an infant falls asleep while being held, the

160.1 license holder must consider the supervision needs of other children in care when determining  
160.2 how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant  
160.3 must not be in a position where the airway may be blocked or with anything covering the  
160.4 infant's face.

160.5 (d) When a license holder places an infant under one year of age down to sleep, the  
160.6 infant's clothing or sleepwear must not have weighted materials, a hood, or a bib.

160.7 (e) A license holder may place an infant under one year of age down to sleep wearing  
160.8 a helmet if the license holder has signed documentation by a physician, advanced practice  
160.9 registered nurse, physician assistant, licensed occupational therapist, or licensed physical  
160.10 therapist on a form developed by the commissioner.

160.11 (f) Placing a swaddled infant down to sleep in a licensed setting is not recommended  
160.12 for an infant of any age and is prohibited for any infant who has begun to roll over  
160.13 independently. However, with the written consent of a parent or guardian according to this  
160.14 paragraph, a license holder may place the infant who has not yet begun to roll over on its  
160.15 own down to sleep in a swaddle. A swaddle is defined as a one-piece sleepwear that wraps  
160.16 over the infant's arms, fastens securely only across the infant's upper torso, and does not  
160.17 constrict the infant's hips or legs. If a swaddle is used by a license holder, the license holder  
160.18 must ensure that it meets the requirements of paragraph (d) and is not so tight that it restricts  
160.19 the infant's ability to breathe or so loose that the fabric could cover the infant's nose and  
160.20 mouth. Prior to any use of swaddling for sleep by a provider licensed under this chapter,  
160.21 the license holder must obtain informed written consent for the use of swaddling from the  
160.22 parent or guardian of the infant on a form developed by the commissioner.

160.23 (g) A license holder may request a variance to this section to permit the use of a  
160.24 cradleboard when requested by a parent or guardian for a cultural accommodation. A variance  
160.25 for the use of a cradleboard may be issued only by the commissioner licensing the program.  
160.26 The variance request must be submitted on a form developed by the commissioner in  
160.27 partnership with Tribal welfare agencies and the Department of Health.

160.28 **Sec. 25. [142B.49] CARE OF INDIVIDUALS ON MEDICAL MONITORING**  
160.29 **EQUIPMENT.**

160.30 Subdivision 1. **Licensed foster care and respite care.** This section applies to foster  
160.31 care agencies and licensed foster care providers who place, supervise, or care for individuals  
160.32 who rely on medical monitoring equipment to sustain life or monitor a medical condition  
160.33 that could become life-threatening without proper use of the medical equipment in respite  
160.34 care or foster care.

161.1 Subd. 2. Foster care agency requirements. In order for an agency to place an individual  
161.2 who relies on medical equipment to sustain life or monitor a medical condition that could  
161.3 become life-threatening without proper use of the medical equipment with a foster care  
161.4 provider, the agency must ensure that the foster care provider has received the training to  
161.5 operate such equipment as observed and confirmed by a qualified source, and that the  
161.6 provider:

161.7 (1) is currently caring for an individual who is using the same equipment in the foster  
161.8 home; or

161.9 (2) has written documentation that the foster care provider has cared for an individual  
161.10 who relied on such equipment within the past six months; or

161.11 (3) has successfully completed training with the individual being placed with the provider.

161.12 Subd. 3. Foster care provider requirements. A foster care provider shall not care for  
161.13 an individual who relies on medical equipment to sustain life or monitor a medical condition  
161.14 unless the provider has received the training to operate such equipment as observed and  
161.15 confirmed by a qualified source, and:

161.16 (1) is currently caring for an individual who is using the same equipment in the foster  
161.17 home; or

161.18 (2) has written documentation that the foster care provider has cared for an individual  
161.19 who relied on such equipment within the past six months; or

161.20 (3) has successfully completed training with the individual being placed with the provider.

161.21 Subd. 4. Qualified source definition. For purposes of this section, a "qualified source"  
161.22 includes a health care professional or an individual who provides training on such equipment.

161.23 Subd. 5. Foster care provider training and skills form. The agency supervising the  
161.24 foster care provider shall keep a training and skills form on file for each foster care provider  
161.25 and update the form annually. The agency placing the individual shall obtain a copy of the  
161.26 training and skills form from the foster care provider or the agency supervising the foster  
161.27 care provider and shall keep it and any updated information on file for the duration of the  
161.28 placement. The form must be made available to the parents or the primary caregiver and  
161.29 social worker of the individual, or the individual, whichever is applicable, in order to make  
161.30 an informed placement decision. The agency shall use the training and skills form developed  
161.31 by the commissioner of children, youth, and families.

162.1 Sec. 26. [142B.50] DISCLOSURE OF COMMUNICABLE DISEASE.

162.2 Subdivision 1. Licensed foster care. This section applies to county agencies, private  
162.3 child-placing agencies, and individuals who place children or youth who have a known  
162.4 communicable disease, as defined in section 144.4172, subdivision 2, in foster care settings  
162.5 licensed under this chapter.

162.6 Subd. 2. Placing agency's or individual's duties. Notwithstanding sections 144.291 to  
162.7 144.298, before a county agency, private child-placing agency, or individual places a child  
162.8 or youth with a known communicable disease with a licensed foster care provider, the  
162.9 agency or individual must:

162.10 (1) disclose to the foster care license holder the child's communicable disease; and

162.11 (2) determine that the foster care provider has the ability to provide care to the child or  
162.12 youth.

162.13 Sec. 27. [142B.51] CHILD PASSENGER RESTRAINT SYSTEMS.

162.14 Subdivision 1. Seat belt and child passenger restraint system use. When a child is  
162.15 transported, a license holder must comply with all seat belt and child passenger restraint  
162.16 system requirements under sections 169.685 and 169.686.

162.17 Subd. 2. Child passenger restraint systems; training requirement. (a) Programs  
162.18 licensed by the Department of Human Services under chapter 245A or the Department of  
162.19 Children, Youth, and Families under this chapter and Minnesota Rules, chapter 2960, that  
162.20 serve a child or children under eight years of age must document training that fulfills the  
162.21 requirements in this subdivision.

162.22 (b) Before a license holder, staff person, or caregiver transports a child or children under  
162.23 age eight in a motor vehicle, the person transporting the child must satisfactorily complete  
162.24 training on the proper use and installation of child restraint systems in motor vehicles.  
162.25 Training completed under this section may be used to meet initial or ongoing training under  
162.26 Minnesota Rules, part 2960.3070, subparts 1 and 2.

162.27 (c) Training required under this section must be completed at orientation or initial training  
162.28 and repeated at least once every five years. At a minimum, the training must address the  
162.29 proper use of child restraint systems based on the child's size, weight, and age, and the  
162.30 proper installation of a car seat or booster seat in the motor vehicle used by the license  
162.31 holder to transport the child or children.

163.1 (d) Training under paragraph (c) must be provided by individuals who are certified and  
163.2 approved by the Office of Traffic Safety within the Department of Public Safety. License  
163.3 holders may obtain a list of certified and approved trainers through the Department of Public  
163.4 Safety website or by contacting the agency.

163.5 (e) Notwithstanding paragraph (a), for an emergency relative placement under section  
163.6 142B.06, the commissioner may grant a variance to the training required by this subdivision  
163.7 for a relative who completes a child seat safety check up. The child seat safety check up  
163.8 trainer must be approved by the Department of Public Safety, Office of Traffic Safety, and  
163.9 must provide one-on-one instruction on placing a child of a specific age in the exact child  
163.10 passenger restraint in the motor vehicle in which the child will be transported. Once granted  
163.11 a variance, and if all other licensing requirements are met, the relative applicant may receive  
163.12 a license and may transport a relative foster child younger than eight years of age. A child  
163.13 seat safety check up must be completed each time a child requires a different size car seat  
163.14 according to car seat and vehicle manufacturer guidelines. A relative license holder must  
163.15 complete training that meets the other requirements of this subdivision prior to placement  
163.16 of another foster child younger than eight years of age in the home or prior to the renewal  
163.17 of the child foster care license.

163.18 Sec. 28. **[142B.52] PRONE RESTRAINT PROHIBITION.**

163.19 Programs licensed under this chapter must comply with the requirements of section  
163.20 245A.211.

163.21 Sec. 29. **[142B.53] MANDATORY REPORTING.**

163.22 Any individual engaging in licensing functions and activities under this chapter, including  
163.23 authorities delegated under section 142B.30, must immediately report any suspected fraud  
163.24 to county children, youth, and families investigators or the Department of Children, Youth,  
163.25 and Families Office of Inspector General.

163.26 Sec. 30. **[142B.54] REQUIREMENTS; MALTREATMENT OF MINORS OR**  
163.27 **VULNERABLE ADULTS.**

163.28 Subdivision 1. **Maltreatment of minors internal review.** Except for family child care  
163.29 settings and foster care for children in the license holder's residence, license holders serving  
163.30 children shall:

163.31 (1) establish and maintain policies and procedures to ensure that an internal review is  
163.32 completed within 30 calendar days and that corrective action is taken if necessary to protect

164.1 the health and safety of children in care when the facility has reason to know that an internal  
164.2 or external report of alleged or suspected maltreatment has been made. The review must  
164.3 include an evaluation of whether:

164.4 (i) related policies and procedures were followed;

164.5 (ii) the policies and procedures were adequate;

164.6 (iii) there is a need for additional staff training;

164.7 (iv) the reported event is similar to past events with the children or the services involved;

164.8 and

164.9 (v) there is a need for corrective action by the license holder to protect the health and

164.10 safety of children in care.

164.11 Based on the results of this review, the license holder must develop, document, and

164.12 implement a corrective action plan designed to correct current lapses and prevent future

164.13 lapses in performance by individuals or the license holder, if any;

164.14 (2) identify the primary and secondary person or position who will ensure that, when

164.15 required, internal reviews are completed. The secondary person shall be involved when

164.16 there is reason to believe that the primary person was involved in the alleged or suspected

164.17 maltreatment; and

164.18 (3) document and make internal reviews accessible to the commissioner immediately

164.19 upon the commissioner's request. For the purposes of this section, the documentation provided

164.20 to the commissioner by the license holder may consist of a completed checklist that verifies

164.21 completion of each of the requirements of the review.

164.22 Subd. 2. **Maltreatment of minors ongoing training requirement.** (a) In addition to

164.23 the orientation training required by the applicable licensing rules and statutes, private

164.24 child-placing agency license holders must provide a training annually on the maltreatment

164.25 of minors reporting requirements and definitions in chapter 260E to each mandatory reporter,

164.26 as described in section 260E.06, subdivision 1.

164.27 (b) In addition to the orientation training required by the applicable licensing rules and

164.28 statutes, all family child foster care license holders and caregivers and foster residence

164.29 setting staff and volunteers who are mandatory reporters as described in section 260E.06,

164.30 subdivision 1, must complete training each year on the maltreatment of minors reporting

164.31 requirements and definitions in chapter 260E.

165.1 Subd. 3. **Vulnerable adults.** License holders serving vulnerable adults are subject to  
165.2 the requirements of section 245A.65.

165.3 Sec. 31. **[142B.80] CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL**  
165.4 **HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.**

165.5 Prior to a nonemergency placement of a child in a foster care home, the child foster care  
165.6 license holder and caregivers in foster family and treatment foster care settings, and all staff  
165.7 providing care in foster residence settings must complete two hours of training that addresses  
165.8 the causes, symptoms, and key warning signs of mental health disorders; cultural  
165.9 considerations; and effective approaches for dealing with a child's behaviors. At least one  
165.10 hour of the annual training requirement for the foster family license holder and caregivers,  
165.11 and foster residence staff must be on children's mental health issues and treatment. Except  
165.12 for providers and services under chapter 245D, the annual training must also include at least  
165.13 one hour of training on fetal alcohol spectrum disorders, which must be counted toward the  
165.14 12 hours of required in-service training per year. Short-term substitute caregivers are exempt  
165.15 from these requirements. Training curriculum shall be approved by the commissioner of  
165.16 children, youth, and families.

165.17 Sec. 32. Minnesota Statutes 2023 Supplement, section 245A.02, subdivision 5a, is amended  
165.18 to read:

165.19 Subd. 5a. **Controlling individual.** (a) "Controlling individual" means an owner of a  
165.20 program or service provider licensed under this chapter and the following individuals, if  
165.21 applicable:

165.22 (1) each officer of the organization, including the chief executive officer and chief  
165.23 financial officer;

165.24 (2) the individual designated as the authorized agent under section 245A.04, subdivision  
165.25 1, paragraph (b);

165.26 (3) the individual designated as the compliance officer under section 256B.04, subdivision  
165.27 21, paragraph (g);

165.28 (4) each managerial official whose responsibilities include the direction of the  
165.29 management or policies of a program; and

165.30 ~~(5) the individual designated as the primary provider of care for a special family child~~  
165.31 ~~care program under section 245A.14, subdivision 4, paragraph (d); and~~

165.32 ~~(6)~~ (5) the president and treasurer of the board of directors of a nonprofit corporation.

166.1 (b) Controlling individual does not include:

166.2 (1) a bank, savings bank, trust company, savings association, credit union, industrial  
166.3 loan and thrift company, investment banking firm, or insurance company unless the entity  
166.4 operates a program directly or through a subsidiary;

166.5 (2) an individual who is a state or federal official, or state or federal employee, or a  
166.6 member or employee of the governing body of a political subdivision of the state or federal  
166.7 government that operates one or more programs, unless the individual is also an officer,  
166.8 owner, or managerial official of the program, receives remuneration from the program, or  
166.9 owns any of the beneficial interests not excluded in this subdivision;

166.10 (3) an individual who owns less than five percent of the outstanding common shares of  
166.11 a corporation:

166.12 (i) whose securities are exempt under section 80A.45, clause (6); or

166.13 (ii) whose transactions are exempt under section 80A.46, clause (2);

166.14 (4) an individual who is a member of an organization exempt from taxation under section  
166.15 290.05, unless the individual is also an officer, owner, or managerial official of the program  
166.16 or owns any of the beneficial interests not excluded in this subdivision. This clause does  
166.17 not exclude from the definition of controlling individual an organization that is exempt from  
166.18 taxation; or

166.19 (5) an employee stock ownership plan trust, or a participant or board member of an  
166.20 employee stock ownership plan, unless the participant or board member is a controlling  
166.21 individual according to paragraph (a).

166.22 (c) For purposes of this subdivision, "managerial official" means an individual who has  
166.23 the decision-making authority related to the operation of the program, and the responsibility  
166.24 for the ongoing management of or direction of the policies, services, or employees of the  
166.25 program. A site director who has no ownership interest in the program is not considered to  
166.26 be a managerial official for purposes of this definition.

166.27 Sec. 33. Minnesota Statutes 2022, section 245A.02, subdivision 6e, is amended to read:

166.28 Subd. 6e. **Foster residence setting.** "Foster residence setting" has the meaning given  
166.29 in Minnesota Rules, part 2960.3010, subpart 26, and includes settings licensed by the  
166.30 commissioner of ~~human services~~ children, youth, and families or the commissioner of  
166.31 corrections.

167.1 Sec. 34. Minnesota Statutes 2022, section 245A.03, subdivision 1, is amended to read:

167.2 Subdivision 1. **License required.** Unless licensed by the commissioner under this chapter,  
167.3 an individual, organization, or government entity must not:

167.4 (1) operate a residential or a nonresidential program;

167.5 (2) receive a child or adult for care, supervision, or placement in foster care ~~or adoption;~~

167.6 or

167.7 ~~(3) help plan the placement of a child or adult in foster care or adoption or engage in~~  
167.8 ~~placement activities as defined in section 259.21, subdivision 9, in this state, whether or not~~

167.9 ~~the adoption occurs in this state; or~~

167.10 ~~(4)~~ (3) advertise a residential or nonresidential program.

167.11 Sec. 35. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 2, is amended  
167.12 to read:

167.13 Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

167.14 (1) residential or nonresidential programs that are provided to a person by an individual  
167.15 who is related ~~unless the residential program is a child foster care placement made by a~~  
167.16 ~~local social services agency or a licensed child-placing agency, except as provided in~~  
167.17 ~~subdivision 2a;~~

167.18 (2) nonresidential programs that are provided by an unrelated individual to persons from  
167.19 a single related family;

167.20 (3) residential or nonresidential programs that are provided to adults who do not misuse  
167.21 substances or have a substance use disorder, a mental illness, a developmental disability, a  
167.22 functional impairment, or a physical disability;

167.23 (4) sheltered workshops or work activity programs that are certified by the commissioner  
167.24 of employment and economic development;

167.25 (5) programs operated by a public school for children 33 months or older;

167.26 (6) nonresidential programs primarily for children that provide care or supervision for  
167.27 periods of less than three hours a day while the child's parent or legal guardian is in the  
167.28 same building as the nonresidential program or present within another building that is  
167.29 directly contiguous to the building in which the nonresidential program is located;

167.30 (7) nursing homes or hospitals licensed by the commissioner of health except as specified  
167.31 under section 245A.02;

- 168.1 (8) board and lodge facilities licensed by the commissioner of health that do not provide  
168.2 children's residential services under Minnesota Rules, chapter 2960, mental health or  
168.3 substance use disorder treatment;
- 168.4 ~~(9) homes providing programs for persons placed by a county or a licensed agency for~~  
168.5 ~~legal adoption, unless the adoption is not completed within two years;~~
- 168.6 ~~(10)~~ (9) programs licensed by the commissioner of corrections;
- 168.7 ~~(11)~~ (10) recreation programs for children or adults that are operated or approved by a  
168.8 park and recreation board whose primary purpose is to provide social and recreational  
168.9 activities;
- 168.10 ~~(12) programs operated by a school as defined in section 120A.22, subdivision 4; YMCA~~  
168.11 ~~as defined in section 315.44; YWCA as defined in section 315.44; or JCC as defined in~~  
168.12 ~~section 315.51, whose primary purpose is to provide child care or services to school-age~~  
168.13 ~~children;~~
- 168.14 ~~(13) Head Start nonresidential programs which operate for less than 45 days in each~~  
168.15 ~~calendar year;~~
- 168.16 ~~(14)~~ (11) noncertified boarding care homes unless they provide services for five or more  
168.17 persons whose primary diagnosis is mental illness or a developmental disability;
- 168.18 ~~(15)~~ (12) programs for children such as scouting, boys clubs, girls clubs, and sports and  
168.19 art programs, and nonresidential programs for children provided for a cumulative total of  
168.20 less than 30 days in any 12-month period;
- 168.21 ~~(16)~~ (13) residential programs for persons with mental illness, that are located in hospitals;
- 168.22 ~~(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the~~  
168.23 ~~congregate care of children by a church, congregation, or religious society during the period~~  
168.24 ~~used by the church, congregation, or religious society for its regular worship;~~
- 168.25 ~~(18)~~ (14) camps licensed by the commissioner of health under Minnesota Rules, chapter  
168.26 4630;
- 168.27 ~~(19)~~ (15) mental health outpatient services for adults with mental illness or children with  
168.28 emotional disturbance;
- 168.29 ~~(20)~~ (16) residential programs serving school-age children whose sole purpose is cultural  
168.30 or educational exchange, until the commissioner adopts appropriate rules;
- 168.31 ~~(21)~~ (17) community support services programs as defined in section 245.462, subdivision  
168.32 6, and family community support services as defined in section 245.4871, subdivision 17;

169.1 ~~(22) the placement of a child by a birth parent or legal guardian in a preadoptive home~~  
169.2 ~~for purposes of adoption as authorized by section 259.47;~~

169.3 ~~(23)~~ (18) settings registered under chapter 144D which provide home care services  
169.4 licensed by the commissioner of health to fewer than seven adults;

169.5 ~~(24)~~ (19) substance use disorder treatment activities of licensed professionals in private  
169.6 practice as defined in section 245G.01, subdivision 17;

169.7 ~~(25)~~ (20) consumer-directed community support service funded under the Medicaid  
169.8 waiver for persons with developmental disabilities when the individual who provided the  
169.9 service is:

169.10 (i) the same individual who is the direct payee of these specific waiver funds or paid by  
169.11 a fiscal agent, fiscal intermediary, or employer of record; and

169.12 (ii) not otherwise under the control of a residential or nonresidential program that is  
169.13 required to be licensed under this chapter when providing the service;

169.14 ~~(26) a program serving only children who are age 33 months or older, that is operated~~  
169.15 ~~by a nonpublic school, for no more than four hours per day per child, with no more than 20~~  
169.16 ~~children at any one time, and that is accredited by:~~

169.17 ~~(i) an accrediting agency that is formally recognized by the commissioner of education~~  
169.18 ~~as a nonpublic school accrediting organization; or~~

169.19 ~~(ii) an accrediting agency that requires background studies and that receives and~~  
169.20 ~~investigates complaints about the services provided.~~

169.21 ~~A program that asserts its exemption from licensure under item (ii) shall, upon request~~  
169.22 ~~from the commissioner, provide the commissioner with documentation from the accrediting~~  
169.23 ~~agency that verifies: that the accreditation is current; that the accrediting agency investigates~~  
169.24 ~~complaints about services; and that the accrediting agency's standards require background~~  
169.25 ~~studies on all people providing direct contact services;~~

169.26 ~~(27) a program operated by a nonprofit organization incorporated in Minnesota or another~~  
169.27 ~~state that serves youth in kindergarten through grade 12; provides structured, supervised~~  
169.28 ~~youth development activities; and has learning opportunities take place before or after~~  
169.29 ~~school, on weekends, or during the summer or other seasonal breaks in the school calendar.~~  
169.30 ~~A program exempt under this clause is not eligible for child care assistance under chapter~~  
169.31 ~~119B. A program exempt under this clause must:~~

170.1 ~~(i) have a director or supervisor on site who is responsible for overseeing written policies~~  
170.2 ~~relating to the management and control of the daily activities of the program, ensuring the~~  
170.3 ~~health and safety of program participants, and supervising staff and volunteers;~~

170.4 ~~(ii) have obtained written consent from a parent or legal guardian for each youth~~  
170.5 ~~participating in activities at the site; and~~

170.6 ~~(iii) have provided written notice to a parent or legal guardian for each youth at the site~~  
170.7 ~~that the program is not licensed or supervised by the state of Minnesota and is not eligible~~  
170.8 ~~to receive child care assistance payments;~~

170.9 ~~(28)~~ (21) a county that is an eligible vendor under section 254B.05 to provide care  
170.10 coordination and comprehensive assessment services;

170.11 ~~(29)~~ (22) a recovery community organization that is an eligible vendor under section  
170.12 254B.05 to provide peer recovery support services; or

170.13 ~~(30) Head Start programs that serve only children who are at least three years old but~~  
170.14 ~~not yet six years old.~~

170.15 (23) programs licensed by the commissioner of children, youth, and families in chapter  
170.16 142B.

170.17 (b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a  
170.18 building in which a nonresidential program is located if it shares a common wall with the  
170.19 building in which the nonresidential program is located or is attached to that building by  
170.20 skyway, tunnel, atrium, or common roof.

170.21 ~~(e)~~ (b) Except for the home and community-based services identified in section 245D.03,  
170.22 subdivision 1, nothing in this chapter shall be construed to require licensure for any services  
170.23 provided and funded according to an approved federal waiver plan where licensure is  
170.24 specifically identified as not being a condition for the services and funding.

170.25 Sec. 36. Minnesota Statutes 2022, section 245A.03, subdivision 4, is amended to read:

170.26 Subd. 4. **Excluded child care programs; right to seek licensure.** Nothing in this section  
170.27 shall prohibit a child care program that is excluded from licensure under subdivision 2,  
170.28 paragraph (a), clause (2), ~~or under Laws 1997, chapter 248, section 46, as amended by Laws~~  
170.29 ~~1997, First Special Session chapter 5, section 10,~~ from seeking a license under this chapter.  
170.30 The commissioner shall ensure that any application received from such an excluded provider  
170.31 is processed in the same manner as all other applications for licensed family day care.

171.1 Sec. 37. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 7, is amended  
171.2 to read:

171.3 Subd. 7. **Licensing moratorium.** (a) The commissioner shall not issue an initial license  
171.4 for child foster care licensed under Minnesota Rules, parts 2960.3000 to 2960.3340, or adult  
171.5 foster care licensed under Minnesota Rules, parts 9555.5105 to 9555.6265, under this chapter  
171.6 for a physical location that will not be the primary residence of the license holder for the  
171.7 entire period of licensure. If a ~~family child foster care home~~ or family adult foster care home  
171.8 license is issued during this moratorium, and the license holder changes the license holder's  
171.9 primary residence away from the physical location of the foster care license, the  
171.10 commissioner shall revoke the license according to section 245A.07. The commissioner  
171.11 shall not issue an initial license for a community residential setting licensed under chapter  
171.12 245D. When approving an exception under this paragraph, the commissioner shall consider  
171.13 the resource need determination process in paragraph (h), the availability of foster care  
171.14 licensed beds in the geographic area in which the licensee seeks to operate, the results of a  
171.15 person's choices during their annual assessment and service plan review, and the  
171.16 recommendation of the local county board. The determination by the commissioner is final  
171.17 and not subject to appeal. Exceptions to the moratorium include:

171.18 (1) a license for a person in a foster care setting that is not the primary residence of the  
171.19 license holder and where at least 80 percent of the residents are 55 years of age or older;

171.20 (2) foster care licenses replacing foster care licenses in existence on May 15, 2009, or  
171.21 community residential setting licenses replacing adult foster care licenses in existence on  
171.22 December 31, 2013, and determined to be needed by the commissioner under paragraph  
171.23 (b);

171.24 (3) new foster care licenses or community residential setting licenses determined to be  
171.25 needed by the commissioner under paragraph (b) for the closure of a nursing facility, ICF/DD,  
171.26 or regional treatment center; restructuring of state-operated services that limits the capacity  
171.27 of state-operated facilities; or allowing movement to the community for people who no  
171.28 longer require the level of care provided in state-operated facilities as provided under section  
171.29 256B.092, subdivision 13, or 256B.49, subdivision 24;

171.30 (4) new foster care licenses or community residential setting licenses determined to be  
171.31 needed by the commissioner under paragraph (b) for persons requiring hospital-level care;  
171.32 or

171.33 (5) new foster care licenses or community residential setting licenses for people receiving  
171.34 customized living or 24-hour customized living services under the brain injury or community

172.1 access for disability inclusion waiver plans under section 256B.49 or elderly waiver plan  
172.2 under chapter 256S and residing in the customized living setting for which a license is  
172.3 required. A customized living service provider subject to this exception may rebut the  
172.4 presumption that a license is required by seeking a reconsideration of the commissioner's  
172.5 determination. The commissioner's disposition of a request for reconsideration is final and  
172.6 not subject to appeal under chapter 14. The exception is available until December 31, 2023.  
172.7 This exception is available when:

172.8 (i) the person's customized living services are provided in a customized living service  
172.9 setting serving four or fewer people in a single-family home operational on or before June  
172.10 30, 2021. Operational is defined in section 256B.49, subdivision 28;

172.11 (ii) the person's case manager provided the person with information about the choice of  
172.12 service, service provider, and location of service, including in the person's home, to help  
172.13 the person make an informed choice; and

172.14 (iii) the person's services provided in the licensed foster care or community residential  
172.15 setting are less than or equal to the cost of the person's services delivered in the customized  
172.16 living setting as determined by the lead agency.

172.17 (b) The commissioner shall determine the need for newly licensed foster care homes or  
172.18 community residential settings as defined under this subdivision. As part of the determination,  
172.19 the commissioner shall consider the availability of foster care capacity in the area in which  
172.20 the licensee seeks to operate, and the recommendation of the local county board. The  
172.21 determination by the commissioner must be final. A determination of need is not required  
172.22 for a change in ownership at the same address.

172.23 (c) When an adult resident served by the program moves out of a foster home that is not  
172.24 the primary residence of the license holder according to section 256B.49, subdivision 15,  
172.25 paragraph (f), or the adult community residential setting, the county shall immediately  
172.26 inform the Department of Human Services Licensing Division. The department may decrease  
172.27 the statewide licensed capacity for adult foster care settings.

172.28 (d) Residential settings that would otherwise be subject to the decreased license capacity  
172.29 established in paragraph (c) shall be exempt if the license holder's beds are occupied by  
172.30 residents whose primary diagnosis is mental illness and the license holder is certified under  
172.31 the requirements in subdivision 6a or section 245D.33.

172.32 (e) A resource need determination process, managed at the state level, using the available  
172.33 data required by section 144A.351, and other data and information shall be used to determine  
172.34 where the reduced capacity determined under section 256B.493 will be implemented. The

173.1 commissioner shall consult with the stakeholders described in section 144A.351, and employ  
173.2 a variety of methods to improve the state's capacity to meet the informed decisions of those  
173.3 people who want to move out of corporate foster care or community residential settings,  
173.4 long-term service needs within budgetary limits, including seeking proposals from service  
173.5 providers or lead agencies to change service type, capacity, or location to improve services,  
173.6 increase the independence of residents, and better meet needs identified by the long-term  
173.7 services and supports reports and statewide data and information.

173.8 (f) At the time of application and reapplication for licensure, the applicant and the license  
173.9 holder that are subject to the moratorium or an exclusion established in paragraph (a) are  
173.10 required to inform the commissioner whether the physical location where the foster care  
173.11 will be provided is or will be the primary residence of the license holder for the entire period  
173.12 of licensure. If the primary residence of the applicant or license holder changes, the applicant  
173.13 or license holder must notify the commissioner immediately. The commissioner shall print  
173.14 on the foster care license certificate whether or not the physical location is the primary  
173.15 residence of the license holder.

173.16 (g) License holders of foster care homes identified under paragraph (f) that are not the  
173.17 primary residence of the license holder and that also provide services in the foster care home  
173.18 that are covered by a federally approved home and community-based services waiver, as  
173.19 authorized under chapter 256S or section 256B.092 or 256B.49, must inform the human  
173.20 services licensing division that the license holder provides or intends to provide these  
173.21 waiver-funded services.

173.22 (h) The commissioner may adjust capacity to address needs identified in section  
173.23 144A.351. Under this authority, the commissioner may approve new licensed settings or  
173.24 delicense existing settings. Delicensing of settings will be accomplished through a process  
173.25 identified in section 256B.493.

173.26 (i) The commissioner must notify a license holder when its corporate foster care or  
173.27 community residential setting licensed beds are reduced under this section. The notice of  
173.28 reduction of licensed beds must be in writing and delivered to the license holder by certified  
173.29 mail or personal service. The notice must state why the licensed beds are reduced and must  
173.30 inform the license holder of its right to request reconsideration by the commissioner. The  
173.31 license holder's request for reconsideration must be in writing. If mailed, the request for  
173.32 reconsideration must be postmarked and sent to the commissioner within 20 calendar days  
173.33 after the license holder's receipt of the notice of reduction of licensed beds. If a request for  
173.34 reconsideration is made by personal service, it must be received by the commissioner within  
173.35 20 calendar days after the license holder's receipt of the notice of reduction of licensed beds.

174.1 (j) The commissioner shall not issue an initial license for children's residential treatment  
174.2 services licensed under Minnesota Rules, parts 2960.0580 to 2960.0700, under this chapter  
174.3 for a program that Centers for Medicare and Medicaid Services would consider an institution  
174.4 for mental diseases. Facilities that serve only private pay clients are exempt from the  
174.5 moratorium described in this paragraph. The commissioner has the authority to manage  
174.6 existing statewide capacity for children's residential treatment services subject to the  
174.7 moratorium under this paragraph and may issue an initial license for such facilities if the  
174.8 initial license would not increase the statewide capacity for children's residential treatment  
174.9 services subject to the moratorium under this paragraph.

174.10 Sec. 38. Minnesota Statutes 2022, section 245A.035, subdivision 4, is amended to read:

174.11 Subd. 4. **Applicant study.** When the county agency has received the information required  
174.12 by section 245C.05, the county agency shall submit the information to the commissioner  
174.13 of human services according to section 245C.05.

174.14 Sec. 39. Minnesota Statutes 2023 Supplement, section 245A.04, subdivision 4, is amended  
174.15 to read:

174.16 Subd. 4. **Inspections; waiver.** (a) Before issuing a license under this chapter, the  
174.17 commissioner shall conduct an inspection of the program. The inspection must include but  
174.18 is not limited to:

174.19 (1) an inspection of the physical plant;

174.20 (2) an inspection of records and documents;

174.21 (3) observation of the program in operation; and

174.22 (4) an inspection for the health, safety, and fire standards in licensing requirements for  
174.23 a child care license holder.

174.24 (b) The observation in paragraph (a), clause (3), is not required prior to issuing a license  
174.25 under subdivision 7. If the commissioner issues a license under this chapter, these  
174.26 requirements must be completed within one year after the issuance of the license.

174.27 ~~(e) Before completing a licensing inspection in a family child care program or child care~~  
174.28 ~~center, the licensing agency must offer the license holder an exit interview to discuss~~  
174.29 ~~violations or potential violations of law or rule observed during the inspection and offer~~  
174.30 ~~technical assistance on how to comply with applicable laws and rules. The commissioner~~  
174.31 ~~shall not issue a correction order or negative licensing action for violations of law or rule~~  
174.32 ~~not discussed in an exit interview, unless a license holder chooses not to participate in an~~

175.1 ~~exit interview or not to complete the exit interview. If the license holder is unable to complete~~  
175.2 ~~the exit interview, the licensing agency must offer an alternate time for the license holder~~  
175.3 ~~to complete the exit interview.~~

175.4 ~~(d) If a family child care license holder disputes a county licenser's interpretation of a~~  
175.5 ~~licensing requirement during a licensing inspection or exit interview, the license holder~~  
175.6 ~~may, within five business days after the exit interview or licensing inspection, request~~  
175.7 ~~clarification from the commissioner, in writing, in a manner prescribed by the commissioner.~~  
175.8 ~~The license holder's request must describe the county licenser's interpretation of the licensing~~  
175.9 ~~requirement at issue, and explain why the license holder believes the county licenser's~~  
175.10 ~~interpretation is inaccurate. The commissioner and the county must include the license~~  
175.11 ~~holder in all correspondence regarding the disputed interpretation, and must provide an~~  
175.12 ~~opportunity for the license holder to contribute relevant information that may impact the~~  
175.13 ~~commissioner's decision. The county licenser must not issue a correction order related to~~  
175.14 ~~the disputed licensing requirement until the commissioner has provided clarification to the~~  
175.15 ~~license holder about the licensing requirement.~~

175.16 ~~(e) The commissioner or the county shall inspect at least once each calendar year a child~~  
175.17 ~~care provider licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for~~  
175.18 ~~compliance with applicable licensing standards.~~

175.19 ~~(f) No later than November 19, 2017, the commissioner shall make publicly available~~  
175.20 ~~on the department's website the results of inspection reports of all child care providers~~  
175.21 ~~licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the~~  
175.22 ~~number of deaths, serious injuries, and instances of substantiated child maltreatment that~~  
175.23 ~~occurred in licensed child care settings each year.~~

175.24 Sec. 40. Minnesota Statutes 2023 Supplement, section 245A.04, subdivision 7, is amended  
175.25 to read:

175.26 Subd. 7. **Grant of license; license extension.** (a) If the commissioner determines that  
175.27 the program complies with all applicable rules and laws, the commissioner shall issue a  
175.28 license consistent with this section or, if applicable, a temporary change of ownership license  
175.29 under section 245A.043. At minimum, the license shall state:

175.30 (1) the name of the license holder;

175.31 (2) the address of the program;

175.32 (3) the effective date and expiration date of the license;

175.33 (4) the type of license;

176.1 (5) the maximum number and ages of persons that may receive services from the program;  
176.2 and

176.3 (6) any special conditions of licensure.

176.4 (b) The commissioner may issue a license for a period not to exceed two years if:

176.5 (1) the commissioner is unable to conduct the observation required by subdivision 4,  
176.6 paragraph (a), clause (3), because the program is not yet operational;

176.7 (2) certain records and documents are not available because persons are not yet receiving  
176.8 services from the program; and

176.9 (3) the applicant complies with applicable laws and rules in all other respects.

176.10 (c) A decision by the commissioner to issue a license does not guarantee that any person  
176.11 or persons will be placed or cared for in the licensed program.

176.12 (d) Except as provided in paragraphs (i) and (j), the commissioner shall not issue a  
176.13 license if the applicant, license holder, or an affiliated controlling individual has:

176.14 (1) been disqualified and the disqualification was not set aside and no variance has been  
176.15 granted;

176.16 (2) been denied a license under this chapter, or chapter 142B within the past two years;

176.17 (3) had a license issued under this chapter or chapter 142B revoked within the past five  
176.18 years; or

176.19 (4) failed to submit the information required of an applicant under subdivision 1,  
176.20 paragraph (f), (g), or (h), after being requested by the commissioner.

176.21 When a license issued under this chapter or chapter 142B is revoked, the license holder  
176.22 and each affiliated controlling individual with a revoked license may not hold any license  
176.23 under chapter 245A for five years following the revocation, and other licenses held by the  
176.24 applicant or license holder or licenses affiliated with each controlling individual shall also  
176.25 be revoked.

176.26 (e) Notwithstanding paragraph (d), the commissioner may elect not to revoke a license  
176.27 affiliated with a license holder or controlling individual that had a license revoked within  
176.28 the past five years if the commissioner determines that (1) the license holder or controlling  
176.29 individual is operating the program in substantial compliance with applicable laws and rules  
176.30 and (2) the program's continued operation is in the best interests of the community being  
176.31 served.

177.1 (f) Notwithstanding paragraph (d), the commissioner may issue a new license in response  
177.2 to an application that is affiliated with an applicant, license holder, or controlling individual  
177.3 that had an application denied within the past two years or a license revoked within the past  
177.4 five years if the commissioner determines that (1) the applicant or controlling individual  
177.5 has operated one or more programs in substantial compliance with applicable laws and rules  
177.6 and (2) the program's operation would be in the best interests of the community to be served.

177.7 (g) In determining whether a program's operation would be in the best interests of the  
177.8 community to be served, the commissioner shall consider factors such as the number of  
177.9 persons served, the availability of alternative services available in the surrounding  
177.10 community, the management structure of the program, whether the program provides  
177.11 culturally specific services, and other relevant factors.

177.12 (h) The commissioner shall not issue or reissue a license under this chapter if an individual  
177.13 living in the household where the services will be provided as specified under section  
177.14 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside  
177.15 and no variance has been granted.

177.16 (i) Pursuant to section 245A.07, subdivision 1, paragraph (b), when a license issued  
177.17 under this chapter has been suspended or revoked and the suspension or revocation is under  
177.18 appeal, the program may continue to operate pending a final order from the commissioner.  
177.19 If the license under suspension or revocation will expire before a final order is issued, a  
177.20 temporary provisional license may be issued provided any applicable license fee is paid  
177.21 before the temporary provisional license is issued.

177.22 (j) Notwithstanding paragraph (i), when a revocation is based on the disqualification of  
177.23 a controlling individual or license holder, and the controlling individual or license holder  
177.24 is ordered under section 245C.17 to be immediately removed from direct contact with  
177.25 persons receiving services or is ordered to be under continuous, direct supervision when  
177.26 providing direct contact services, the program may continue to operate only if the program  
177.27 complies with the order and submits documentation demonstrating compliance with the  
177.28 order. If the disqualified individual fails to submit a timely request for reconsideration, or  
177.29 if the disqualification is not set aside and no variance is granted, the order to immediately  
177.30 remove the individual from direct contact or to be under continuous, direct supervision  
177.31 remains in effect pending the outcome of a hearing and final order from the commissioner.

177.32 ~~(k) For purposes of reimbursement for meals only, under the Child and Adult Care Food~~  
177.33 ~~Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226,~~  
177.34 ~~relocation within the same county by a licensed family day care provider, shall be considered~~

178.1 ~~an extension of the license for a period of no more than 30 calendar days or until the new~~  
178.2 ~~license is issued, whichever occurs first, provided the county agency has determined the~~  
178.3 ~~family day care provider meets licensure requirements at the new location.~~

178.4 ~~(k)~~ (k) Unless otherwise specified by statute, all licenses issued under this chapter expire  
178.5 at 12:01 a.m. on the day after the expiration date stated on the license. A license holder must  
178.6 apply for and be granted a new license to operate the program or the program must not be  
178.7 operated after the expiration date.

178.8 ~~(l)~~ (l) The commissioner shall not issue or reissue a license under this chapter if it has  
178.9 been determined that a Tribal licensing authority has established jurisdiction to license the  
178.10 program or service.

178.11 (m) The commissioner of human services may coordinate and share data with the  
178.12 commissioner of children, youth, and families to enforce this section.

178.13 Sec. 41. Minnesota Statutes 2022, section 245A.04, subdivision 9, is amended to read:

178.14 Subd. 9. **Variances.** ~~(a)~~ The commissioner may grant variances to rules that do not affect  
178.15 the health or safety of persons in a licensed program if the following conditions are met:

178.16 (1) the variance must be requested by an applicant or license holder on a form and in a  
178.17 manner prescribed by the commissioner;

178.18 (2) the request for a variance must include the reasons that the applicant or license holder  
178.19 cannot comply with a requirement as stated in the rule and the alternative equivalent measures  
178.20 that the applicant or license holder will follow to comply with the intent of the rule; and

178.21 (3) the request must state the period of time for which the variance is requested.

178.22 The commissioner may grant a permanent variance when conditions under which the  
178.23 variance is requested do not affect the health or safety of persons being served by the licensed  
178.24 program, nor compromise the qualifications of staff to provide services. The permanent  
178.25 variance shall expire as soon as the conditions that warranted the variance are modified in  
178.26 any way. Any applicant or license holder must inform the commissioner of any changes or  
178.27 modifications that have occurred in the conditions that warranted the permanent variance.  
178.28 Failure to advise the commissioner shall result in revocation of the permanent variance and  
178.29 may be cause for other sanctions under sections 245A.06 and 245A.07.

178.30 The commissioner's decision to grant or deny a variance request is final and not subject  
178.31 to appeal under the provisions of chapter 14.

179.1 ~~(b) The commissioner shall consider variances for child care center staff qualification~~  
179.2 ~~requirements under Minnesota Rules, parts 9503.0032 and 9503.0033, that do not affect~~  
179.3 ~~the health and safety of children served by the center. A variance request must be submitted~~  
179.4 ~~to the commissioner in accordance with paragraph (a) and must include a plan for the staff~~  
179.5 ~~person to gain additional experience, education, or training, as requested by the commissioner.~~  
179.6 ~~When reviewing a variance request under this section, the commissioner shall consider the~~  
179.7 ~~staff person's level of professional development, including but not limited to steps completed~~  
179.8 ~~on the Minnesota career lattice.~~

179.9 ~~(c) Beginning January 1, 2021, counties shall use a uniform application form developed~~  
179.10 ~~by the commissioner for variance requests by family child care license holders.~~

179.11 Sec. 42. Minnesota Statutes 2023 Supplement, section 245A.041, subdivision 6, is amended  
179.12 to read:

179.13 Subd. 6. **First date of direct contact; documentation requirements.** Except for family  
179.14 ~~child care, family foster care for children, and~~ family adult day services that the license  
179.15 holder provides in the license holder's residence, license holders must document the first  
179.16 date that a background study subject has direct contact, as defined in section 245C.02,  
179.17 subdivision 11, with a person served by the license holder's program. Unless this chapter  
179.18 otherwise requires, if the license holder does not maintain the documentation required by  
179.19 this subdivision in the license holder's personnel files, the license holder must provide the  
179.20 documentation to the commissioner upon the commissioner's request.

179.21 Sec. 43. Minnesota Statutes 2023 Supplement, section 245A.05, is amended to read:

179.22 **245A.05 DENIAL OF APPLICATION.**

179.23 (a) The commissioner may deny a license if an applicant or controlling individual:

179.24 (1) fails to submit a substantially complete application after receiving notice from the  
179.25 commissioner under section 245A.04, subdivision 1;

179.26 (2) fails to comply with applicable laws or rules;

179.27 (3) knowingly withholds relevant information from or gives false or misleading  
179.28 information to the commissioner in connection with an application for a license or during  
179.29 an investigation;

179.30 (4) has a disqualification that has not been set aside under section 245C.22 and no  
179.31 variance has been granted;

180.1 (5) has an individual living in the household who received a background study under  
180.2 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that  
180.3 has not been set aside under section 245C.22, and no variance has been granted;

180.4 (6) is associated with an individual who received a background study under section  
180.5 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to  
180.6 children or vulnerable adults, and who has a disqualification that has not been set aside  
180.7 under section 245C.22, and no variance has been granted;

180.8 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

180.9 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision  
180.10 6;

180.11 (9) has a history of noncompliance as a license holder or controlling individual with  
180.12 applicable laws or rules, including but not limited to this chapter and chapters 119B and  
180.13 245C; or

180.14 (10) is prohibited from holding a license according to section 245.095; ~~or.~~

180.15 ~~(11) for a family foster setting, has or has an individual who is living in the household~~  
180.16 ~~where the licensed services are provided or is otherwise subject to a background study who~~  
180.17 ~~has nondisqualifying background study information, as described in section 245C.05,~~  
180.18 ~~subdivision 4, that reflects on the applicant's ability to safely provide care to foster children.~~

180.19 (b) An applicant whose application has been denied by the commissioner must be given  
180.20 notice of the denial, which must state the reasons for the denial in plain language. Notice  
180.21 must be given by certified mail, by personal service, or through the provider licensing and  
180.22 reporting hub. The notice must state the reasons the application was denied and must inform  
180.23 the applicant of the right to a contested case hearing under chapter 14 and Minnesota Rules,  
180.24 parts 1400.8505 to 1400.8612. The applicant may appeal the denial by notifying the  
180.25 commissioner in writing by certified mail, by personal service, or through the provider  
180.26 licensing and reporting hub. If mailed, the appeal must be postmarked and sent to the  
180.27 commissioner within 20 calendar days after the applicant received the notice of denial. If  
180.28 an appeal request is made by personal service, it must be received by the commissioner  
180.29 within 20 calendar days after the applicant received the notice of denial. If the order is issued  
180.30 through the provider hub, the appeal must be received by the commissioner within 20  
180.31 calendar days from the date the commissioner issued the order through the hub. Section  
180.32 245A.08 applies to hearings held to appeal the commissioner's denial of an application.

181.1 Sec. 44. Minnesota Statutes 2023 Supplement, section 245A.07, subdivision 1, is amended  
181.2 to read:

181.3 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional  
181.4 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,  
181.5 or secure an injunction against the continuing operation of the program of a license holder  
181.6 who:

181.7 ~~(1) does not comply with applicable law or rule;~~

181.8 ~~(2) has nondisqualifying background study information, as described in section 245C.05,~~  
181.9 ~~subdivision 4, that reflects on the license holder's ability to safely provide care to foster~~  
181.10 ~~children; or~~

181.11 ~~(3) has an individual living in the household where the licensed services are provided~~  
181.12 ~~or is otherwise subject to a background study, and the individual has nondisqualifying~~  
181.13 ~~background study information, as described in section 245C.05, subdivision 4, that reflects~~  
181.14 ~~on the license holder's ability to safely provide care to foster children.~~

181.15 When applying sanctions authorized under this section, the commissioner shall consider  
181.16 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation  
181.17 on the health, safety, or rights of persons served by the program.

181.18 (b) If a license holder appeals the suspension or revocation of a license and the license  
181.19 holder continues to operate the program pending a final order on the appeal, the commissioner  
181.20 shall issue the license holder a temporary provisional license. Unless otherwise specified  
181.21 by the commissioner, variances in effect on the date of the license sanction under appeal  
181.22 continue under the temporary provisional license. If a license holder fails to comply with  
181.23 applicable law or rule while operating under a temporary provisional license, the  
181.24 commissioner may impose additional sanctions under this section and section 245A.06, and  
181.25 may terminate any prior variance. If a temporary provisional license is set to expire, a new  
181.26 temporary provisional license shall be issued to the license holder upon payment of any fee  
181.27 required under section 245A.10. The temporary provisional license shall expire on the date  
181.28 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional  
181.29 license shall be issued for the remainder of the current license period.

181.30 (c) If a license holder is under investigation and the license issued under this chapter is  
181.31 due to expire before completion of the investigation, the program shall be issued a new  
181.32 license upon completion of the reapplication requirements and payment of any applicable  
181.33 license fee. Upon completion of the investigation, a licensing sanction may be imposed  
181.34 against the new license under this section, section 245A.06, or 245A.08.

182.1 (d) Failure to reapply or closure of a license issued under this chapter by the license  
182.2 holder prior to the completion of any investigation shall not preclude the commissioner  
182.3 from issuing a licensing sanction under this section or section 245A.06 at the conclusion  
182.4 of the investigation.

182.5 Sec. 45. Minnesota Statutes 2023 Supplement, section 245A.07, subdivision 3, is amended  
182.6 to read:

182.7 Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend  
182.8 or revoke a license, or impose a fine if:

182.9 (1) a license holder fails to comply fully with applicable laws or rules including but not  
182.10 limited to the requirements of this chapter and chapter 245C;

182.11 (2) a license holder, a controlling individual, or an individual living in the household  
182.12 where the licensed services are provided or is otherwise subject to a background study has  
182.13 been disqualified and the disqualification was not set aside and no variance has been granted;

182.14 (3) a license holder knowingly withholds relevant information from or gives false or  
182.15 misleading information to the commissioner in connection with an application for a license,  
182.16 in connection with the background study status of an individual, during an investigation,  
182.17 or regarding compliance with applicable laws or rules;

182.18 (4) a license holder is excluded from any program administered by the commissioner  
182.19 under section 245.095;

182.20 (5) revocation is required under section 245A.04, subdivision 7, paragraph (d); or

182.21 ~~(6) for a family foster setting, a license holder, or an individual living in the household~~  
182.22 ~~where the licensed services are provided or who is otherwise subject to a background study,~~  
182.23 ~~has nondisqualifying background study information, as described in section 245C.05,~~  
182.24 ~~subdivision 4, that reflects on the license holder's ability to safely provide care to foster~~  
182.25 ~~children; or~~

182.26 ~~(7)~~ (6) suspension is necessary under subdivision 2a, paragraph (b), clause (2).

182.27 A license holder who has had a license issued under this chapter suspended, revoked,  
182.28 or has been ordered to pay a fine must be given notice of the action by certified mail, by  
182.29 personal service, or through the provider licensing and reporting hub. If mailed, the notice  
182.30 must be mailed to the address shown on the application or the last known address of the  
182.31 license holder. The notice must state in plain language the reasons the license was suspended  
182.32 or revoked, or a fine was ordered.

183.1 (b) If the license was suspended or revoked, the notice must inform the license holder  
183.2 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts  
183.3 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking  
183.4 a license. The appeal of an order suspending or revoking a license must be made in writing  
183.5 by certified mail, by personal service, or through the provider licensing and reporting hub.  
183.6 If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar  
183.7 days after the license holder receives notice that the license has been suspended or revoked.  
183.8 If a request is made by personal service, it must be received by the commissioner within  
183.9 ten calendar days after the license holder received the order. If the order is issued through  
183.10 the provider hub, the appeal must be received by the commissioner within ten calendar days  
183.11 from the date the commissioner issued the order through the hub. Except as provided in  
183.12 subdivision 2a, paragraph (c), if a license holder submits a timely appeal of an order  
183.13 suspending or revoking a license, the license holder may continue to operate the program  
183.14 as provided in section 245A.04, subdivision 7, paragraphs (i) and (j), until the commissioner  
183.15 issues a final order on the suspension or revocation.

183.16 (c)(1) If the license holder was ordered to pay a fine, the notice must inform the license  
183.17 holder of the responsibility for payment of fines and the right to a contested case hearing  
183.18 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an  
183.19 order to pay a fine must be made in writing by certified mail, by personal service, or through  
183.20 the provider licensing and reporting hub. If mailed, the appeal must be postmarked and sent  
183.21 to the commissioner within ten calendar days after the license holder receives notice that  
183.22 the fine has been ordered. If a request is made by personal service, it must be received by  
183.23 the commissioner within ten calendar days after the license holder received the order. If the  
183.24 order is issued through the provider hub, the appeal must be received by the commissioner  
183.25 within ten calendar days from the date the commissioner issued the order through the hub.

183.26 (2) The license holder shall pay the fines assessed on or before the payment date specified.  
183.27 If the license holder fails to fully comply with the order, the commissioner may issue a  
183.28 second fine or suspend the license until the license holder complies. If the license holder  
183.29 receives state funds, the state, county, or municipal agencies or departments responsible for  
183.30 administering the funds shall withhold payments and recover any payments made while the  
183.31 license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine  
183.32 until the commissioner issues a final order.

183.33 (3) A license holder shall promptly notify the commissioner of human services, in writing,  
183.34 when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the  
183.35 commissioner determines that a violation has not been corrected as indicated by the order

184.1 to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify  
184.2 the license holder by certified mail, by personal service, or through the provider licensing  
184.3 and reporting hub that a second fine has been assessed. The license holder may appeal the  
184.4 second fine as provided under this subdivision.

184.5 (4) Fines shall be assessed as follows:

184.6 (i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a  
184.7 child under chapter 260E or the maltreatment of a vulnerable adult under section 626.557  
184.8 for which the license holder is determined responsible for the maltreatment under section  
184.9 260E.30, subdivision 4, paragraphs (a) and (b), or 626.557, subdivision 9c, paragraph (c);

184.10 (ii) if the commissioner determines that a determination of maltreatment for which the  
184.11 license holder is responsible is the result of maltreatment that meets the definition of serious  
184.12 maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit  
184.13 \$5,000;

184.14 ~~(iii) for a program that operates out of the license holder's home and a program licensed~~  
184.15 ~~under Minnesota Rules, parts 9502.0300 to 9502.0445, the fine assessed against the license~~  
184.16 ~~holder shall not exceed \$1,000 for each determination of maltreatment;~~

184.17 ~~(iv)~~ (iii) the license holder shall forfeit \$200 for each occurrence of a violation of law  
184.18 or rule governing matters of health, safety, or supervision, including but not limited to the  
184.19 provision of adequate staff-to-child or adult ratios, and failure to comply with background  
184.20 study requirements under chapter 245C; and

184.21 ~~(v)~~ (iv) the license holder shall forfeit \$100 for each occurrence of a violation of law or  
184.22 rule other than those subject to a \$5,000, \$1,000, or \$200 fine in items (i) to (iv).

184.23 For purposes of this section, "occurrence" means each violation identified in the  
184.24 commissioner's fine order. Fines assessed against a license holder that holds a license to  
184.25 provide home and community-based services, as identified in section 245D.03, subdivision  
184.26 1, and a community residential setting or day services facility license under chapter 245D  
184.27 where the services are provided, may be assessed against both licenses for the same  
184.28 occurrence, but the combined amount of the fines shall not exceed the amount specified in  
184.29 this clause for that occurrence.

184.30 (5) When a fine has been assessed, the license holder may not avoid payment by closing,  
184.31 selling, or otherwise transferring the licensed program to a third party. In such an event, the  
184.32 license holder will be personally liable for payment. In the case of a corporation, each  
184.33 controlling individual is personally and jointly liable for payment.

185.1 (d) Except for background study violations involving the failure to comply with an order  
185.2 to immediately remove an individual or an order to provide continuous, direct supervision,  
185.3 the commissioner shall not issue a fine under paragraph (c) relating to a background study  
185.4 violation to a license holder who self-corrects a background study violation before the  
185.5 commissioner discovers the violation. A license holder who has previously exercised the  
185.6 provisions of this paragraph to avoid a fine for a background study violation may not avoid  
185.7 a fine for a subsequent background study violation unless at least 365 days have passed  
185.8 since the license holder self-corrected the earlier background study violation.

185.9 Sec. 46. Minnesota Statutes 2022, section 245A.08, subdivision 2a, is amended to read:

185.10 Subd. 2a. **Consolidated contested case hearings.** (a) When a denial of a license under  
185.11 section 245A.05 or a licensing sanction under section 245A.07, subdivision 3, is based on  
185.12 a disqualification for which reconsideration was timely requested and which was not set  
185.13 aside under section 245C.22, the scope of the contested case hearing shall include the  
185.14 disqualification and the licensing sanction or denial of a license, unless otherwise specified  
185.15 in this subdivision. When the licensing sanction or denial of a license is based on a  
185.16 determination of maltreatment under section 626.557 or chapter 260E, or a disqualification  
185.17 for serious or recurring maltreatment which was not set aside, the scope of the contested  
185.18 case hearing shall include the maltreatment determination, disqualification, and the licensing  
185.19 sanction or denial of a license, unless otherwise specified in this subdivision. In such cases,  
185.20 a fair hearing under section 256.045 shall not be conducted as provided for in sections  
185.21 245C.27, 260E.33, and 626.557, subdivision 9d.

185.22 (b) ~~Except for family child care and child foster care,~~ Reconsideration of a maltreatment  
185.23 determination under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of  
185.24 a disqualification under section 245C.22, shall not be conducted when:

185.25 (1) a denial of a license under section 245A.05, or a licensing sanction under section  
185.26 245A.07, is based on a determination that the license holder is responsible for maltreatment  
185.27 or the disqualification of a license holder is based on serious or recurring maltreatment;

185.28 (2) the denial of a license or licensing sanction is issued at the same time as the  
185.29 maltreatment determination or disqualification; and

185.30 (3) the license holder appeals the maltreatment determination or disqualification, and  
185.31 denial of a license or licensing sanction. In these cases, a fair hearing shall not be conducted  
185.32 under sections 245C.27, 260E.33, and 626.557, subdivision 9d. The scope of the contested  
185.33 case hearing must include the maltreatment determination, disqualification, and denial of  
185.34 a license or licensing sanction.

186.1 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment  
186.2 determination or disqualification, but does not appeal the denial of a license or a licensing  
186.3 sanction, reconsideration of the maltreatment determination shall be conducted under sections  
186.4 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be  
186.5 conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as  
186.6 provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

186.7 (c) In consolidated contested case hearings regarding sanctions issued in ~~family child~~  
186.8 ~~care, child foster care,~~ family adult day services, adult foster care, and community residential  
186.9 settings, the county attorney shall defend the commissioner's orders in accordance with  
186.10 section 245A.16, subdivision 4.

186.11 (d) The commissioner's final order under subdivision 5 is the final agency action on the  
186.12 issue of maltreatment and disqualification, including for purposes of subsequent background  
186.13 studies under chapter 245C and is the only administrative appeal of the final agency  
186.14 determination, specifically, including a challenge to the accuracy and completeness of data  
186.15 under section 13.04.

186.16 (e) When consolidated hearings under this subdivision involve a licensing sanction based  
186.17 on a previous maltreatment determination for which the commissioner has issued a final  
186.18 order in an appeal of that determination under section 256.045, or the individual failed to  
186.19 exercise the right to appeal the previous maltreatment determination under section 260E.33  
186.20 or 626.557, subdivision 9d, the commissioner's order is conclusive on the issue of  
186.21 maltreatment. In such cases, the scope of the administrative law judge's review shall be  
186.22 limited to the disqualification and the licensing sanction or denial of a license. In the case  
186.23 of a denial of a license or a licensing sanction issued to a facility based on a maltreatment  
186.24 determination regarding an individual who is not the license holder or a household member,  
186.25 the scope of the administrative law judge's review includes the maltreatment determination.

186.26 (f) The hearings of all parties may be consolidated into a single contested case hearing  
186.27 upon consent of all parties and the administrative law judge, if:

186.28 (1) a maltreatment determination or disqualification, which was not set aside under  
186.29 section 245C.22, is the basis for a denial of a license under section 245A.05 or a licensing  
186.30 sanction under section 245A.07;

186.31 (2) the disqualified subject is an individual other than the license holder and upon whom  
186.32 a background study must be conducted under section 245C.03; and

186.33 (3) the individual has a hearing right under section 245C.27.

187.1 (g) When a denial of a license under section 245A.05 or a licensing sanction under  
187.2 section 245A.07 is based on a disqualification for which reconsideration was requested and  
187.3 was not set aside under section 245C.22, and the individual otherwise has no hearing right  
187.4 under section 245C.27, the scope of the administrative law judge's review shall include the  
187.5 denial or sanction and a determination whether the disqualification should be set aside,  
187.6 unless section 245C.24 prohibits the set-aside of the disqualification. In determining whether  
187.7 the disqualification should be set aside, the administrative law judge shall consider the  
187.8 factors under section 245C.22, subdivision 4, to determine whether the individual poses a  
187.9 risk of harm to any person receiving services from the license holder.

187.10 (h) Notwithstanding section 245C.30, subdivision 5, when a licensing sanction under  
187.11 section 245A.07 is based on the termination of a variance under section 245C.30, subdivision  
187.12 4, the scope of the administrative law judge's review shall include the sanction and a  
187.13 determination whether the disqualification should be set aside, unless section 245C.24  
187.14 prohibits the set-aside of the disqualification. In determining whether the disqualification  
187.15 should be set aside, the administrative law judge shall consider the factors under section  
187.16 245C.22, subdivision 4, to determine whether the individual poses a risk of harm to any  
187.17 person receiving services from the license holder.

187.18 Sec. 47. Minnesota Statutes 2022, section 245A.09, subdivision 7, is amended to read:

187.19 Subd. 7. **Regulatory methods.** (a) Where appropriate and feasible the commissioner  
187.20 shall identify and implement alternative methods of regulation and enforcement to the extent  
187.21 authorized in this subdivision. These methods shall include:

187.22 (1) expansion of the types and categories of licenses that may be granted;

187.23 (2) when the standards of another state or federal governmental agency or an independent  
187.24 accreditation body have been shown to require the same standards, methods, or alternative  
187.25 methods to achieve substantially the same intended outcomes as the licensing standards,  
187.26 the commissioner shall consider compliance with the governmental or accreditation standards  
187.27 to be equivalent to partial compliance with the licensing standards; and

187.28 (3) use of an abbreviated inspection that employs key standards that have been shown  
187.29 to predict full compliance with the rules.

187.30 (b) If the commissioner accepts accreditation as documentation of compliance with a  
187.31 licensing standard under paragraph (a), the commissioner shall continue to investigate  
187.32 complaints related to noncompliance with all licensing standards. The commissioner may

188.1 take a licensing action for noncompliance under this chapter and shall recognize all existing  
188.2 appeal rights regarding any licensing actions taken under this chapter.

188.3 (c) The commissioner shall work with the commissioners of health;; public safety;;  
188.4 administration;; children, youth, and families; and education in consolidating duplicative  
188.5 licensing and certification rules and standards if the commissioner determines that  
188.6 consolidation is administratively feasible, would significantly reduce the cost of licensing,  
188.7 and would not reduce the protection given to persons receiving services in licensed programs.  
188.8 Where administratively feasible and appropriate, the commissioner shall work with the  
188.9 commissioners of health, public safety, administration, and education in conducting joint  
188.10 agency inspections of programs.

188.11 (d) The commissioner shall work with the commissioners of health;; public safety;;  
188.12 administration;; children, youth, and families; and education in establishing a single point  
188.13 of application for applicants who are required to obtain concurrent licensure from more  
188.14 than one of the commissioners listed in this clause.

188.15 (e) Unless otherwise specified in statute, the commissioner may conduct routine  
188.16 inspections biennially.

188.17 ~~(f) For a licensed child care center, the commissioner shall conduct one unannounced~~  
188.18 ~~licensing inspection at least annually.~~

188.19 Sec. 48. Minnesota Statutes 2022, section 245A.10, subdivision 1, is amended to read:

188.20 Subdivision 1. **Application or license fee required, programs exempt from fee.** (a)  
188.21 Unless exempt under paragraph (b), the commissioner shall charge a fee for evaluation of  
188.22 applications and inspection of programs which are licensed under this chapter.

188.23 (b) Except as provided under subdivision 2, no application or license fee shall be charged  
188.24 for ~~child foster care, adult foster care, family and group family child care,~~ or a community  
188.25 residential setting.

188.26 Sec. 49. Minnesota Statutes 2022, section 245A.10, subdivision 2, is amended to read:

188.27 Subd. 2. **County fees for background studies applications and licensing**  
188.28 **inspections.** ~~(a) Before the implementation of NETStudy 2.0, for purposes of family and~~  
188.29 ~~group family child care licensing under this chapter, a county agency may charge a fee to~~  
188.30 ~~an applicant or license holder to recover the actual cost of background studies, but in any~~  
188.31 ~~case not to exceed \$100 annually. A county agency may also charge a license fee to an~~

189.1 ~~applicant or license holder not to exceed \$50 for a one-year license or \$100 for a two-year~~  
189.2 ~~license.~~

189.3 ~~(b) Before the implementation of NETStudy 2.0, a county agency may charge a fee to~~  
189.4 ~~a legal nonlicensed child care provider or applicant for authorization to recover the actual~~  
189.5 ~~cost of background studies completed under section 119B.125, but in any case not to exceed~~  
189.6 ~~\$100 annually.~~

189.7 ~~(c) Counties may elect to reduce or waive the fees in paragraph (a) or (b):~~

189.8 ~~(1) in cases of financial hardship;~~

189.9 ~~(2) if the county has a shortage of providers in the county's area;~~

189.10 ~~(3) for new providers; or~~

189.11 ~~(4) for providers who have attained at least 16 hours of training before seeking initial~~  
189.12 ~~licensure.~~

189.13 ~~(d) Counties may allow providers to pay the applicant fees in paragraph (a) or (b) on an~~  
189.14 ~~installment basis for up to one year. If the provider is receiving child care assistance payments~~  
189.15 ~~from the state, the provider may have the fees under paragraph (a) or (b) deducted from the~~  
189.16 ~~child care assistance payments for up to one year and the state shall reimburse the county~~  
189.17 ~~for the county fees collected in this manner.~~

189.18 ~~(e) (a) For purposes of adult foster care and child foster care licensing, and licensing the~~  
189.19 ~~physical plant of a community residential setting, under this chapter, a county agency may~~  
189.20 ~~charge a fee to a corporate applicant or corporate license holder to recover the actual cost~~  
189.21 ~~of licensing inspections, not to exceed \$500 annually.~~

189.22 ~~(f) (b) Counties may elect to reduce or waive the fees in paragraph (e) (a) under the~~  
189.23 ~~following circumstances:~~

189.24 ~~(1) in cases of financial hardship;~~

189.25 ~~(2) if the county has a shortage of providers in the county's area; or~~

189.26 ~~(3) for new providers.~~

189.27 Sec. 50. Minnesota Statutes 2023 Supplement, section 245A.10, subdivision 3, is amended  
189.28 to read:

189.29 Subd. 3. **Application fee for initial license or certification.** (a) For fees required under  
189.30 subdivision 1, an applicant for an initial license or certification issued by the commissioner  
189.31 shall submit a \$500 application fee with each new application required under this subdivision.

190.1 An applicant for an initial day services facility license under chapter 245D shall submit a  
 190.2 \$250 application fee with each new application. The application fee shall not be prorated,  
 190.3 is nonrefundable, and is in lieu of the annual license or certification fee that expires on  
 190.4 December 31. The commissioner shall not process an application until the application fee  
 190.5 is paid.

190.6 (b) Except as provided ~~in clauses (1) and (2)~~ paragraph (c), an applicant shall apply for  
 190.7 a license to provide services at a specific location.

190.8 ~~(1) (c)~~ For a license to provide home and community-based services to persons with  
 190.9 disabilities or age 65 and older under chapter 245D, an applicant shall submit an application  
 190.10 to provide services statewide. ~~Notwithstanding paragraph (a), applications received by the~~  
 190.11 ~~commissioner between July 1, 2013, and December 31, 2013, for licensure of services~~  
 190.12 ~~provided under chapter 245D must include an application fee that is equal to the annual~~  
 190.13 ~~license renewal fee under subdivision 4, paragraph (b), or \$500, whichever is less.~~  
 190.14 ~~Applications received by the commissioner after January 1, 2014, must include the application~~  
 190.15 ~~fee required under paragraph (a). Applicants who meet the modified application criteria~~  
 190.16 ~~identified in section 245A.042, subdivision 2, are exempt from paying an application fee.~~

190.17 ~~(2) For a license for a private agency to provide foster care or adoption services under~~  
 190.18 ~~Minnesota Rules, parts 9545.0755 to 9545.0845, an applicant shall submit a single application~~  
 190.19 ~~to provide services statewide.~~

190.20 ~~(e) The initial application fee charged under this subdivision does not include the~~  
 190.21 ~~temporary license surcharge under section 16E.22.~~

190.22 Sec. 51. Minnesota Statutes 2023 Supplement, section 245A.10, subdivision 4, is amended  
 190.23 to read:

190.24 Subd. 4. **License or certification fee for certain programs.** ~~(a) Child care centers shall~~  
 190.25 ~~pay an annual nonrefundable license fee based on the following schedule:~~

Licensed Capacity	Child Care Center License Fee
1 to 24 persons	\$200
25 to 49 persons	\$300
50 to 74 persons	\$400
75 to 99 persons	\$500
100 to 124 persons	\$600
125 to 149 persons	\$700
150 to 174 persons	\$800

191.1	<del>175 to 199 persons</del>	<del>\$900</del>
191.2	<del>200 to 224 persons</del>	<del>\$1,000</del>
191.3	<del>225 or more persons</del>	<del>\$1,100</del>

191.4 ~~(b)~~ (a)(1) A program licensed to provide one or more of the home and community-based  
 191.5 services and supports identified under chapter 245D to persons with disabilities or age 65  
 191.6 and older, shall pay an annual nonrefundable license fee based on revenues derived from  
 191.7 the provision of services that would require licensure under chapter 245D during the calendar  
 191.8 year immediately preceding the year in which the license fee is paid, according to the  
 191.9 following schedule:

191.10	License Holder Annual Revenue	License Fee
191.11	less than or equal to \$10,000	\$200
191.12	greater than \$10,000 but less than or	
191.13	equal to \$25,000	\$300
191.14	greater than \$25,000 but less than or	
191.15	equal to \$50,000	\$400
191.16	greater than \$50,000 but less than or	
191.17	equal to \$100,000	\$500
191.18	greater than \$100,000 but less than or	
191.19	equal to \$150,000	\$600
191.20	greater than \$150,000 but less than or	
191.21	equal to \$200,000	\$800
191.22	greater than \$200,000 but less than or	
191.23	equal to \$250,000	\$1,000
191.24	greater than \$250,000 but less than or	
191.25	equal to \$300,000	\$1,200
191.26	greater than \$300,000 but less than or	
191.27	equal to \$350,000	\$1,400
191.28	greater than \$350,000 but less than or	
191.29	equal to \$400,000	\$1,600
191.30	greater than \$400,000 but less than or	
191.31	equal to \$450,000	\$1,800
191.32	greater than \$450,000 but less than or	
191.33	equal to \$500,000	\$2,000
191.34	greater than \$500,000 but less than or	
191.35	equal to \$600,000	\$2,250
191.36	greater than \$600,000 but less than or	
191.37	equal to \$700,000	\$2,500
191.38	greater than \$700,000 but less than or	
191.39	equal to \$800,000	\$2,750
191.40	greater than \$800,000 but less than or	
191.41	equal to \$900,000	\$3,000

192.1	greater than \$900,000 but less than or	
192.2	equal to \$1,000,000	\$3,250
192.3	greater than \$1,000,000 but less than or	
192.4	equal to \$1,250,000	\$3,500
192.5	greater than \$1,250,000 but less than or	
192.6	equal to \$1,500,000	\$3,750
192.7	greater than \$1,500,000 but less than or	
192.8	equal to \$1,750,000	\$4,000
192.9	greater than \$1,750,000 but less than or	
192.10	equal to \$2,000,000	\$4,250
192.11	greater than \$2,000,000 but less than or	
192.12	equal to \$2,500,000	\$4,500
192.13	greater than \$2,500,000 but less than or	
192.14	equal to \$3,000,000	\$4,750
192.15	greater than \$3,000,000 but less than or	
192.16	equal to \$3,500,000	\$5,000
192.17	greater than \$3,500,000 but less than or	
192.18	equal to \$4,000,000	\$5,500
192.19	greater than \$4,000,000 but less than or	
192.20	equal to \$4,500,000	\$6,000
192.21	greater than \$4,500,000 but less than or	
192.22	equal to \$5,000,000	\$6,500
192.23	greater than \$5,000,000 but less than or	
192.24	equal to \$7,500,000	\$7,000
192.25	greater than \$7,500,000 but less than or	
192.26	equal to \$10,000,000	\$8,500
192.27	greater than \$10,000,000 but less than or	
192.28	equal to \$12,500,000	\$10,000
192.29	greater than \$12,500,000 but less than or	
192.30	equal to \$15,000,000	\$14,000
192.31	greater than \$15,000,000	\$18,000

192.32 (2) If requested, the license holder shall provide the commissioner information to verify  
 192.33 the license holder's annual revenues or other information as needed, including copies of  
 192.34 documents submitted to the Department of Revenue.

192.35 (3) At each annual renewal, a license holder may elect to pay the highest renewal fee,  
 192.36 and not provide annual revenue information to the commissioner.

192.37 (4) A license holder that knowingly provides the commissioner incorrect revenue amounts  
 192.38 for the purpose of paying a lower license fee shall be subject to a civil penalty in the amount  
 192.39 of double the fee the provider should have paid.

192.40 ~~(5) Notwithstanding clause (1), a license holder providing services under one or more~~  
 192.41 ~~licenses under chapter 245B that are in effect on May 15, 2013, shall pay an annual license~~

193.1 ~~fee for calendar years 2014, 2015, and 2016, equal to the total license fees paid by the license~~  
 193.2 ~~holder for all licenses held under chapter 245B for calendar year 2013. For calendar year~~  
 193.3 ~~2017 and thereafter, the license holder shall pay an annual license fee according to clause~~  
 193.4 ~~(1).~~

193.5 ~~(e)~~ (b) A substance use disorder treatment program licensed under chapter 245G, to  
 193.6 provide substance use disorder treatment shall pay an annual nonrefundable license fee  
 193.7 based on the following schedule:

193.8	Licensed Capacity	License Fee
193.9	1 to 24 persons	\$600
193.10	25 to 49 persons	\$800
193.11	50 to 74 persons	\$1,000
193.12	75 to 99 persons	\$1,200
193.13	100 or more persons	\$1,400

193.14 ~~(d)~~ (c) A detoxification program licensed under Minnesota Rules, parts 9530.6510 to  
 193.15 9530.6590, or a withdrawal management program licensed under chapter 245F shall pay  
 193.16 an annual nonrefundable license fee based on the following schedule:

193.17	Licensed Capacity	License Fee
193.18	1 to 24 persons	\$760
193.19	25 to 49 persons	\$960
193.20	50 or more persons	\$1,160

193.21 A detoxification program that also operates a withdrawal management program at the same  
 193.22 location shall only pay one fee based upon the licensed capacity of the program with the  
 193.23 higher overall capacity.

193.24 ~~(e)~~ (d) ~~Except for child foster care,~~ A children's residential facility licensed under  
 193.25 Minnesota Rules, chapter 2960, to serve children shall pay an annual nonrefundable license  
 193.26 fee based on the following schedule:

193.27	Licensed Capacity	License Fee
193.28	1 to 24 persons	\$1,000
193.29	25 to 49 persons	\$1,100
193.30	50 to 74 persons	\$1,200
193.31	75 to 99 persons	\$1,300
193.32	100 or more persons	\$1,400

194.1 ~~(f)~~ (e) A residential facility licensed under section 245I.23 or Minnesota Rules, parts  
 194.2 9520.0500 to 9520.0670, to serve persons with mental illness shall pay an annual  
 194.3 nonrefundable license fee based on the following schedule:

194.4	Licensed Capacity	License Fee
194.5	1 to 24 persons	\$2,525
194.6	25 or more persons	\$2,725

194.7 ~~(g)~~ (f) A residential facility licensed under Minnesota Rules, parts 9570.2000 to  
 194.8 9570.3400, to serve persons with physical disabilities shall pay an annual nonrefundable  
 194.9 license fee based on the following schedule:

194.10	Licensed Capacity	License Fee
194.11	1 to 24 persons	\$450
194.12	25 to 49 persons	\$650
194.13	50 to 74 persons	\$850
194.14	75 to 99 persons	\$1,050
194.15	100 or more persons	\$1,250

194.16 ~~(h) A private agency licensed to provide foster care and adoption services under~~  
 194.17 ~~Minnesota Rules, parts 9545.0755 to 9545.0845, shall pay an annual nonrefundable license~~  
 194.18 ~~fee of \$875.~~

194.19 ~~(i)~~ (g) A program licensed as an adult day care center licensed under Minnesota Rules,  
 194.20 parts 9555.9600 to 9555.9730, shall pay an annual nonrefundable license fee based on the  
 194.21 following schedule:

194.22	Licensed Capacity	License Fee
194.23	1 to 24 persons	\$500
194.24	25 to 49 persons	\$700
194.25	50 to 74 persons	\$900
194.26	75 to 99 persons	\$1,100
194.27	100 or more persons	\$1,300

194.28 ~~(j)~~ (h) A program licensed to provide treatment services to persons with sexual  
 194.29 psychopathic personalities or sexually dangerous persons under Minnesota Rules, parts  
 194.30 9515.3000 to 9515.3110, shall pay an annual nonrefundable license fee of \$20,000.

194.31 ~~(k)~~ (i) A mental health clinic certified under section 245I.20 shall pay an annual  
 194.32 nonrefundable certification fee of \$1,550. If the mental health clinic provides services at a  
 194.33 primary location with satellite facilities, the satellite facilities shall be certified with the  
 194.34 primary location without an additional charge.

195.1 Sec. 52. Minnesota Statutes 2023 Supplement, section 245A.13, subdivision 7, is amended  
195.2 to read:

195.3 Subd. 7. **Rate recommendation.** For any program receiving Medicaid funds and ordered  
195.4 into receivership, the commissioner of human services may review rates of a residential or  
195.5 nonresidential program that has needs or deficiencies documented by the Department of  
195.6 Health; the Department of Children, Youth, and Families; or the Department of Human  
195.7 Services. If the commissioner of human services determines that a review of the rate  
195.8 established under sections 256B.5012 and 256B.5013 is needed, the commissioner shall:

195.9 (1) review the order or determination that cites the deficiencies or needs; and

195.10 (2) determine the need for additional staff, additional annual hours by type of employee,  
195.11 and additional consultants, services, supplies, equipment, repairs, or capital assets necessary  
195.12 to satisfy the needs or deficiencies.

195.13 Sec. 53. Minnesota Statutes 2022, section 245A.14, subdivision 1, is amended to read:

195.14 Subdivision 1. **Permitted single-family residential use.** A licensed nonresidential  
195.15 program with a licensed capacity of 12 or fewer persons ~~and a group family day care facility~~  
195.16 ~~licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 or fewer children~~  
195.17 shall be considered a permitted single-family residential use of property for the purposes  
195.18 of zoning and other land use regulations.

195.19 Sec. 54. Minnesota Statutes 2022, section 245A.14, subdivision 14, is amended to read:

195.20 Subd. 14. **Attendance records for publicly funded services.** ~~(a) A child care center~~  
195.21 ~~licensed under this chapter and according to Minnesota Rules, chapter 9503, must maintain~~  
195.22 ~~documentation of actual attendance for each child receiving care for which the license holder~~  
195.23 ~~is reimbursed by a governmental program. The records must be accessible to the~~  
195.24 ~~commissioner during the program's hours of operation, they must be completed on the actual~~  
195.25 ~~day of attendance, and they must include:~~

195.26 ~~(1) the first and last name of the child;~~

195.27 ~~(2) the time of day that the child was dropped off; and~~

195.28 ~~(3) the time of day that the child was picked up.~~

195.29 ~~(b) A family child care provider licensed under this chapter and according to Minnesota~~  
195.30 ~~Rules, chapter 9502, must maintain documentation of actual attendance for each child~~  
195.31 ~~receiving care for which the license holder is reimbursed for the care of that child by a~~

196.1 ~~governmental program. The records must be accessible to the commissioner during the~~  
196.2 ~~program's hours of operation, they must be completed on the actual day of attendance, and~~  
196.3 ~~they must include:~~

196.4 ~~(1) the first and last name of the child;~~

196.5 ~~(2) the time of day that the child was dropped off; and~~

196.6 ~~(3) the time of day that the child was picked up.~~

196.7 ~~(e)~~ (a) An adult day services program licensed under this chapter and according to  
196.8 Minnesota Rules, parts 9555.5105 to 9555.6265, must maintain documentation of actual  
196.9 attendance for each adult day service recipient for which the license holder is reimbursed  
196.10 by a governmental program. The records must be accessible to the commissioner during  
196.11 the program's hours of operation, they must be completed on the actual day of attendance,  
196.12 and they must include:

196.13 (1) the first, middle, and last name of the recipient;

196.14 (2) the time of day that the recipient was dropped off; and

196.15 (3) the time of day that the recipient was picked up.

196.16 ~~(d)~~ (b) Adult day services programs licensed under this chapter that are designated for  
196.17 remote adult day services must maintain documentation of actual participation for each  
196.18 adult day service recipient for whom the license holder is reimbursed by a governmental  
196.19 program. The records must be accessible to the commissioner during the program's hours  
196.20 of operation, must be completed on the actual day service is provided, and must include  
196.21 the:

196.22 (1) first, middle, and last name of the recipient;

196.23 (2) time of day the remote services started;

196.24 (3) time of day that the remote services ended; and

196.25 (4) means by which the remote services were provided, through audio remote services  
196.26 or through audio and video remote services.

196.27 Sec. 55. Minnesota Statutes 2023 Supplement, section 245A.1435, is amended to read:

196.28 **245A.1435 REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT DEATH**  
196.29 **~~IN LICENSED PROGRAMS.~~**

196.30 ~~(a) When a license holder is placing an infant to sleep, the license holder must place the~~  
196.31 ~~infant on the infant's back, unless the license holder has documentation from the infant's~~

197.1 ~~physician, advanced practice registered nurse, or physician assistant directing an alternative~~  
197.2 ~~sleeping position for the infant. The physician, advanced practice registered nurse, or~~  
197.3 ~~physician assistant directive must be on a form developed by the commissioner and must~~  
197.4 ~~remain on file at the licensed location. An infant who independently rolls onto its stomach~~  
197.5 ~~after being placed to sleep on its back may be allowed to remain sleeping on its stomach if~~  
197.6 ~~the infant is at least six months of age or the license holder has a signed statement from the~~  
197.7 ~~parent indicating that the infant regularly rolls over at home.~~

197.8 (b) ~~The license holder must place the infant in a crib directly on a firm mattress with a~~  
197.9 ~~fitted sheet that is appropriate to the mattress size, that fits tightly on the mattress, and~~  
197.10 ~~overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of~~  
197.11 ~~the sheet with reasonable effort. The license holder must not place anything in the crib with~~  
197.12 ~~the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title~~  
197.13 ~~16, part 1511. The pacifier must be free from any sort of attachment. The requirements of~~  
197.14 ~~this section apply to license holders serving infants younger than one year of age. Licensed~~  
197.15 ~~child care providers must meet the crib requirements under section 245A.146. A correction~~  
197.16 ~~order shall not be issued under this paragraph unless there is evidence that a violation~~  
197.17 ~~occurred when an infant was present in the license holder's care.~~

197.18 (c) ~~If an infant falls asleep before being placed in a crib, the license holder must move~~  
197.19 ~~the infant to a crib as soon as practicable, and must keep the infant within sight of the license~~  
197.20 ~~holder until the infant is placed in a crib. When an infant falls asleep while being held, the~~  
197.21 ~~license holder must consider the supervision needs of other children in care when determining~~  
197.22 ~~how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant~~  
197.23 ~~must not be in a position where the airway may be blocked or with anything covering the~~  
197.24 ~~infant's face.~~

197.25 (d) ~~When a license holder places an infant under one year of age down to sleep, the~~  
197.26 ~~infant's clothing or sleepwear must not have weighted materials, a hood, or a bib.~~

197.27 (e) ~~A license holder may place an infant under one year of age down to sleep wearing~~  
197.28 ~~a helmet if the license holder has signed documentation by a physician, advanced practice~~  
197.29 ~~registered nurse, physician assistant, licensed occupational therapist, or licensed physical~~  
197.30 ~~therapist on a form developed by the commissioner.~~

197.31 (f) ~~Placing a swaddled infant down to sleep in a licensed setting is not recommended~~  
197.32 ~~for an infant of any age and is prohibited for any infant who has begun to roll over~~  
197.33 ~~independently. However, with the written consent of a parent or guardian according to this~~  
197.34 ~~paragraph, a license holder may place the infant who has not yet begun to roll over on its~~

198.1 ~~own down to sleep in a swaddle. A swaddle is defined as a one-piece sleepwear that wraps~~  
198.2 ~~over the infant's arms, fastens securely only across the infant's upper torso, and does not~~  
198.3 ~~constrict the infant's hips or legs. If a swaddle is used by a license holder, the license holder~~  
198.4 ~~must ensure that it meets the requirements of paragraph (d) and is not so tight that it restricts~~  
198.5 ~~the infant's ability to breathe or so loose that the fabric could cover the infant's nose and~~  
198.6 ~~mouth. Prior to any use of swaddling for sleep by a provider licensed under this chapter,~~  
198.7 ~~the license holder must obtain informed written consent for the use of swaddling from the~~  
198.8 ~~parent or guardian of the infant on a form developed by the commissioner.~~

198.9 ~~(g) A license holder may request a variance to this section to permit the use of a~~  
198.10 ~~cradleboard when requested by a parent or guardian for a cultural accommodation. A variance~~  
198.11 ~~for the use of a cradleboard may be issued only by the commissioner. The variance request~~  
198.12 ~~must be submitted on a form developed by the commissioner in partnership with Tribal~~  
198.13 ~~welfare agencies and the Department of Health.~~

198.14 Programs licensed under this chapter must comply with the requirements of section  
198.15 142B.46 whenever caring for infants.

198.16 Sec. 56. Minnesota Statutes 2022, section 245A.1443, subdivision 2, is amended to read:

198.17 Subd. 2. **Requirements for providing education.** (a) On or before the date of a child's  
198.18 initial physical presence at the facility, the license holder must provide education to the  
198.19 child's parent related to safe bathing and reducing the risk of sudden unexpected infant death  
198.20 and abusive head trauma from shaking infants and young children. The license holder must  
198.21 use the educational material developed by the commissioner to comply with this requirement.  
198.22 At a minimum, the education must address:

198.23 (1) instruction that a child or infant should never be left unattended around water, a tub  
198.24 should be filled with only two to four inches of water for infants, and an infant should never  
198.25 be put into a tub when the water is running; and

198.26 (2) the risk factors related to sudden unexpected infant death and abusive head trauma  
198.27 from shaking infants and young children, and means of reducing the risks, including the  
198.28 safety precautions identified in section ~~245A.1435~~ 142B.46 and the risks of co-sleeping.

198.29 (b) The license holder must document the parent's receipt of the education and keep the  
198.30 documentation in the parent's file. The documentation must indicate whether the parent  
198.31 agrees to comply with the safeguards. If the parent refuses to comply, program staff must  
198.32 provide additional education to the parent as described in the parental supervision plan. The  
198.33 parental supervision plan must include the intervention, frequency, and staff responsible

199.1 for the duration of the parent's participation in the program or until the parent agrees to  
199.2 comply with the safeguards.

199.3 Sec. 57. Minnesota Statutes 2022, section 245A.1444, is amended to read:

199.4 **245A.1444 TRAINING BY OTHER PROGRAMS ON RISK OF SUDDEN**  
199.5 **UNEXPECTED INFANT DEATH AND ABUSIVE HEAD TRAUMA.**

199.6 A licensed substance use disorder treatment program that serves clients with infants or  
199.7 children through five years of age, who sleep at the program and a licensed children's  
199.8 residential facility that serves infants or children through five years of age, must document  
199.9 that before program staff persons or volunteers assist in the care of infants or children  
199.10 through five years of age, they are instructed on the standards in section ~~245A.1435~~ 142B.46  
199.11 and receive training on reducing the risk of sudden unexpected infant death and abusive  
199.12 head trauma from shaking infants and young children. The training conducted under this  
199.13 section may be used to fulfill training requirements under section 245G.19, subdivision 4,  
199.14 clause (2), and Minnesota Rules, part 2960.0100, subpart 3.

199.15 ~~This section does not apply to child care centers or family child care programs governed~~  
199.16 ~~by sections 245A.40 and 245A.50.~~

199.17 Sec. 58. Minnesota Statutes 2022, section 245A.146, subdivision 1, is amended to read:

199.18 Subdivision 1. ~~Consumer product safety web link~~ **Crib safety requirements.** The  
199.19 ~~commissioner shall maintain a link from the licensing division website to the United States~~  
199.20 ~~Consumer Product Safety Commission website that addresses crib safety information.~~ The  
199.21 commissioner and all licensed children's residential facilities, substance use disorder treatment  
199.22 programs with children in care, and residential habilitation programs serving children with  
199.23 developmental disabilities must follow the requirements of section 142B.45.

199.24 Sec. 59. Minnesota Statutes 2022, section 245A.146, subdivision 2, is amended to read:

199.25 Subd. 2. **Documentation requirement for license holders.** (a) All licensed child care  
199.26 providers, children's residential facilities, substance use disorder treatment programs with  
199.27 children in care, and residential habilitation programs serving children with developmental  
199.28 disabilities must maintain the following documentation for every crib used by or that is  
199.29 accessible to any child in care:

199.30 (1) the crib's brand name; and

199.31 (2) the crib's model number.

200.1 (b) Any crib for which the license holder does not have the documentation required  
200.2 under paragraph (a) must not be used by or be accessible to children in care.

200.3 (c) ~~Effective December 28, 2012,~~ The licensed program must maintain documentation  
200.4 that meets federal documentation requirements to show that every full-size and non-full-size  
200.5 crib that is used by or is accessible to any child in care is compliant with federal crib standards  
200.6 under Code of Federal Regulations, title 16, part 1219, for full-size baby cribs, or Code of  
200.7 Federal Regulations, title 16, part 1220, for non-full-size baby cribs.

200.8 Sec. 60. Minnesota Statutes 2022, section 245A.146, subdivision 5, is amended to read:

200.9 Subd. 5. **Commissioner of the licensed program inspection.** During routine licensing  
200.10 inspections, and when investigating complaints regarding alleged violations of this section,  
200.11 the commissioner of the licensed program shall review the provider's documentation required  
200.12 under subdivisions 3 and 4.

200.13 Sec. 61. Minnesota Statutes 2022, section 245A.146, subdivision 6, is amended to read:

200.14 Subd. 6. **Failure to comply.** The commissioner of the licensed program may issue a  
200.15 licensing action under section 245A.06 or 245A.07 if a license holder fails to comply with  
200.16 the requirements of this section.

200.17 Sec. 62. Minnesota Statutes 2022, section 245A.147, subdivision 1, is amended to read:

200.18 Subdivision 1. **In-person checks on infants.** (a) License holders of family child care  
200.19 programs that serve infants are encouraged to monitor sleeping infants by conducting  
200.20 in-person checks on each infant in their care every 30 minutes.

200.21 (b) Upon enrollment of an infant in a family child care program, the license holder is  
200.22 encouraged to conduct in-person checks on the sleeping infant every 15 minutes, during  
200.23 the first four months of care.

200.24 (c) When an infant has an upper respiratory infection, the license holder is encouraged  
200.25 to conduct in-person checks on the sleeping infant every 15 minutes throughout the hours  
200.26 of sleep.

200.27 Sec. 63. Minnesota Statutes 2022, section 245A.156, subdivision 1, is amended to read:

200.28 Subdivision 1. **Licensed foster care.** This section applies to county agencies, ~~private~~  
200.29 ~~child-placing agencies,~~ and individuals who place children or adults who have a known

201.1 communicable disease, as defined in section 144.4172, subdivision 2, in foster care settings  
201.2 licensed under this chapter.

201.3 Sec. 64. Minnesota Statutes 2022, section 245A.156, subdivision 2, is amended to read:

201.4 Subd. 2. **Placing agency's or individual's duties.** Notwithstanding sections 144.291 to  
201.5 144.298, before a county ~~or private child-placing agency~~ or individual places a child or  
201.6 adult with a known communicable disease with a licensed foster care provider, the agency  
201.7 or individual must:

201.8 (1) disclose to the foster care license holder the individual's communicable disease; and

201.9 (2) determine that the foster care provider has the ability to provide care to the individual.

201.10 Sec. 65. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 1, is amended  
201.11 to read:

201.12 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies ~~and private~~  
201.13 ~~agencies~~ that have been designated ~~or licensed~~ by the commissioner to perform licensing  
201.14 functions and activities under section 245A.04; to recommend denial of applicants under  
201.15 section 245A.05; to issue correction orders, to issue variances, and recommend a conditional  
201.16 license under section 245A.06; or to recommend suspending or revoking a license or issuing  
201.17 a fine under section 245A.07, shall comply with rules and directives of the commissioner  
201.18 governing those functions and with this section. The following variances are excluded from  
201.19 the delegation of variance authority and may be issued only by the commissioner:

201.20 (1) ~~dual licensure of family child care and family child foster care~~, dual licensure of  
201.21 family child foster care and family adult foster care, dual licensure of child foster residence  
201.22 setting and community residential setting, and dual licensure of family adult foster care and  
201.23 family child care;

201.24 (2) adult foster care maximum capacity;

201.25 (3) adult foster care minimum age requirement;

201.26 (4) child foster care maximum age requirement;

201.27 (5) variances regarding disqualified individuals;

201.28 (6) the required presence of a caregiver in the adult foster care residence during normal  
201.29 sleeping hours;

201.30 (7) variances to requirements relating to chemical use problems of a license holder or a  
201.31 household member of a license holder; and

202.1 ~~(8) variances to section 245A.53 for a time-limited period. If the commissioner grants~~  
 202.2 ~~a variance under this clause, the license holder must provide notice of the variance to all~~  
 202.3 ~~parents and guardians of the children in care; and~~

202.4 ~~(9)~~ (8) variances to section ~~245A.1435~~ 142B.46 for the use of a cradleboard for a cultural  
 202.5 accommodation.

202.6 ~~Except as provided in section 245A.14, subdivision 4, paragraph (a), clause (5), a county~~  
 202.7 ~~agency must not grant a license holder a variance to exceed the maximum allowable family~~  
 202.8 ~~child care license capacity of 14 children.~~

202.9 ~~(b) A county agency that has been designated by the commissioner to issue family child~~  
 202.10 ~~care variances must:~~

202.11 ~~(1) publish the county agency's policies and criteria for issuing variances on the county's~~  
 202.12 ~~public website and update the policies as necessary; and~~

202.13 ~~(2) annually distribute the county agency's policies and criteria for issuing variances to~~  
 202.14 ~~all family child care license holders in the county.~~

202.15 ~~(c) For family child care programs, the commissioner shall require a county agency to~~  
 202.16 ~~conduct one unannounced licensing review at least annually.~~

202.17 ~~(d)~~ (b) For family adult day services programs, the commissioner may authorize licensing  
 202.18 reviews every two years after a licensee has had at least one annual review.

202.19 ~~(e)~~ (c) A license issued under this section may be issued for up to two years.

202.20 ~~(f)~~ (d) During implementation of chapter 245D, the commissioner shall consider:

202.21 (1) the role of counties in quality assurance;

202.22 (2) the duties of county licensing staff; and

202.23 (3) the possible use of joint powers agreements, according to section 471.59, with counties  
 202.24 through which some licensing duties under chapter 245D may be delegated by the  
 202.25 commissioner to the counties.

202.26 Any consideration related to this paragraph must meet all of the requirements of the corrective  
 202.27 action plan ordered by the federal Centers for Medicare and Medicaid Services.

202.28 ~~(g)~~ (e) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
 202.29 successor provisions; and section 245D.061 or successor provisions, for family child foster  
 202.30 care programs providing out-of-home respite, as identified in section 245D.03, subdivision

203.1 1, paragraph (b), clause (1), is excluded from the delegation of authority to county ~~and~~  
203.2 ~~private~~ agencies.

203.3 ~~(h) A county agency shall report to the commissioner, in a manner prescribed by the~~  
203.4 ~~commissioner, the following information for a licensed family child care program:~~

203.5 ~~(1) the results of each licensing review completed, including the date of the review, and~~  
203.6 ~~any licensing correction order issued;~~

203.7 ~~(2) any death, serious injury, or determination of substantiated maltreatment; and~~

203.8 ~~(3) any fires that require the service of a fire department within 48 hours of the fire. The~~  
203.9 ~~information under this clause must also be reported to the state fire marshal within two~~  
203.10 ~~business days of receiving notice from a licensed family child care provider.~~

203.11 Sec. 66. Minnesota Statutes 2022, section 245A.16, subdivision 3, is amended to read:

203.12 Subd. 3. **Recommendations to commissioner.** The county ~~or private~~ agency shall not  
203.13 make recommendations to the commissioner regarding licensure without first conducting  
203.14 an inspection, ~~and for family child care, a background study of the applicant under chapter~~  
203.15 ~~245C.~~ The county ~~or private~~ agency must forward its recommendation to the commissioner  
203.16 regarding the appropriate licensing action within 20 working days of receipt of a completed  
203.17 application.

203.18 Sec. 67. Minnesota Statutes 2022, section 245A.16, subdivision 5, is amended to read:

203.19 Subd. 5. **Instruction and technical assistance.** ~~(a)~~ The commissioner shall provide  
203.20 instruction and technical assistance to county ~~and private~~ agencies that are subject to this  
203.21 section. County ~~and private~~ agencies shall cooperate with the commissioner in carrying out  
203.22 this section by ensuring that affected employees participate in instruction and technical  
203.23 assistance provided by the commissioner.

203.24 ~~(b) Within existing appropriations, the commissioner shall provide training to county~~  
203.25 ~~and private licensing agencies that perform child care licensing functions on identifying~~  
203.26 ~~and preventing fraud relating to provider reimbursement in the child care assistance program,~~  
203.27 ~~by December 31, 2019.~~

203.28 Sec. 68. Minnesota Statutes 2022, section 245A.18, subdivision 1, is amended to read:

203.29 Subdivision 1. **Seat belt and child passenger restraint system use.** ~~When a child is~~  
203.30 ~~transported, a license holder must comply with all seat belt and child passenger restraint~~  
203.31 ~~system requirements under sections 169.685 and 169.686.~~

204.1 All license holders that transport children must comply with the requirements of section  
204.2 142B.51, subdivision 1, and license holders that transport a child or children under eight  
204.3 years of age must document training that fulfills the requirements in section 142B.51,  
204.4 subdivision 2.

204.5 Sec. 69. Minnesota Statutes 2022, section 245A.25, subdivision 1, is amended to read:

204.6 Subdivision 1. **Certification scope and applicability.** (a) This section establishes the  
204.7 requirements that a children's residential facility or child foster residence setting must meet  
204.8 to be certified for the purposes of Title IV-E funding requirements as:

204.9 (1) a qualified residential treatment program;

204.10 (2) a residential setting specializing in providing care and supportive services for youth  
204.11 who have been or are at risk of becoming victims of sex trafficking or commercial sexual  
204.12 exploitation;

204.13 (3) a residential setting specializing in providing prenatal, postpartum, or parenting  
204.14 support for youth; or

204.15 (4) a supervised independent living setting for youth who are 18 years of age or older.

204.16 (b) This section does not apply to a foster family setting in which the license holder  
204.17 resides in the foster home.

204.18 (c) Children's residential facilities licensed as detention settings according to Minnesota  
204.19 Rules, parts 2960.0230 to 2960.0290, or secure programs according to Minnesota Rules,  
204.20 parts 2960.0300 to 2960.0420, may not be certified under this section.

204.21 (d) For purposes of this section, "license holder" means an individual, organization, or  
204.22 government entity that was issued a children's residential facility or foster residence setting  
204.23 license by the commissioner of human services under this chapter; by the commissioner of  
204.24 children, youth, and families under chapter 142B; or by the commissioner of corrections  
204.25 under chapter 241.

204.26 (e) Certifications issued under this section for foster residence settings may only be  
204.27 issued by the commissioner of human services and are not delegated to county or private  
204.28 licensing agencies under section 245A.16.

204.29 Sec. 70. Minnesota Statutes 2022, section 245A.25, subdivision 6, is amended to read:

204.30 Subd. 6. **Residential settings specializing in providing prenatal, postpartum, or**  
204.31 **parenting supports for youth; certification requirements.** (a) To be certified as a

205.1 residential setting specializing in providing prenatal, postpartum, or parenting supports for  
205.2 youth, a license holder must meet the requirements of this subdivision.

205.3 (b) The license holder must collaborate with the responsible social services agency and  
205.4 other appropriate parties to implement each youth's out-of-home placement plan required  
205.5 by section 260C.212, subdivision 1.

205.6 (c) The license holder must specialize in providing prenatal, postpartum, or parenting  
205.7 supports for youth and must:

205.8 (1) provide equitable, culturally responsive, and individualized services to each youth;

205.9 (2) assist each youth with accessing postpartum services during the same period of time  
205.10 that a woman is considered pregnant for the purposes of medical assistance eligibility under  
205.11 section 256B.055, subdivision 6, including providing each youth with:

205.12 (i) sexual and reproductive health services and education; and

205.13 (ii) a postpartum mental health assessment and follow-up services; and

205.14 (3) discharge planning that includes the youth and the youth's family.

205.15 (d) On or before the date of a child's initial physical presence at the facility, the license  
205.16 holder must provide education to the child's parent related to safe bathing and reducing the  
205.17 risk of sudden unexpected infant death and abusive head trauma from shaking infants and  
205.18 young children. The license holder must use the educational material developed by the  
205.19 commissioner of human services to comply with this requirement. At a minimum, the  
205.20 education must address:

205.21 (1) instruction that: (i) a child or infant should never be left unattended around water;  
205.22 (ii) a tub should be filled with only two to four inches of water for infants; and (iii) an infant  
205.23 should never be put into a tub when the water is running; and

205.24 (2) the risk factors related to sudden unexpected infant death and abusive head trauma  
205.25 from shaking infants and young children and means of reducing the risks, including the  
205.26 safety precautions identified in section ~~245A.1435~~ 142B.46 and the risks of co-sleeping.

205.27 The license holder must document the parent's receipt of the education and keep the  
205.28 documentation in the parent's file. The documentation must indicate whether the parent  
205.29 agrees to comply with the safeguards described in this paragraph. If the parent refuses to  
205.30 comply, program staff must provide additional education to the parent as described in the  
205.31 parental supervision plan. The parental supervision plan must include the intervention,

206.1 frequency, and staff responsible for the duration of the parent's participation in the program  
206.2 or until the parent agrees to comply with the safeguards described in this paragraph.

206.3 (e) On or before the date of a child's initial physical presence at the facility, the license  
206.4 holder must document the parent's capacity to meet the health and safety needs of the child  
206.5 while on the facility premises considering the following factors:

206.6 (1) the parent's physical and mental health;

206.7 (2) the parent being under the influence of drugs, alcohol, medications, or other chemicals;

206.8 (3) the child's physical and mental health; and

206.9 (4) any other information available to the license holder indicating that the parent may  
206.10 not be able to adequately care for the child.

206.11 (f) The license holder must have written procedures specifying the actions that staff shall  
206.12 take if a parent is or becomes unable to adequately care for the parent's child.

206.13 (g) If the parent refuses to comply with the safeguards described in paragraph (d) or is  
206.14 unable to adequately care for the child, the license holder must develop a parental supervision  
206.15 plan in conjunction with the parent. The plan must account for any factors in paragraph (e)  
206.16 that contribute to the parent's inability to adequately care for the child. The plan must be  
206.17 dated and signed by the staff person who completed the plan.

206.18 (h) The license holder must have written procedures addressing whether the program  
206.19 permits a parent to arrange for supervision of the parent's child by another youth in the  
206.20 program. If permitted, the facility must have a procedure that requires staff approval of the  
206.21 supervision arrangement before the supervision by the nonparental youth occurs. The  
206.22 procedure for approval must include an assessment of the nonparental youth's capacity to  
206.23 assume the supervisory responsibilities using the criteria in paragraph (e). The license holder  
206.24 must document the license holder's approval of the supervisory arrangement and the  
206.25 assessment of the nonparental youth's capacity to supervise the child and must keep this  
206.26 documentation in the file of the parent whose child is being supervised by the nonparental  
206.27 youth.

206.28 (i) The license holder must maintain a service delivery plan that describes how the  
206.29 program provides services according to paragraphs (b) to (h).

206.30 Sec. 71. Minnesota Statutes 2022, section 245A.25, subdivision 8, is amended to read:

206.31 Subd. 8. **Monitoring and inspections.** (a) For a program licensed by the commissioner  
206.32 of human services, the commissioner of human services may review a program's compliance

207.1 with certification requirements by conducting an inspection, a licensing review, or an  
207.2 investigation of the program. The commissioner may issue a correction order to the license  
207.3 holder for a program's noncompliance with the certification requirements of this section.  
207.4 For a program licensed by the commissioner of human services, a license holder must make  
207.5 a request for reconsideration of a correction order according to section 245A.06, subdivision  
207.6 2.

207.7 (b) For a program licensed by the commissioner of children, youth, and families or the  
207.8 commissioner of corrections, the commissioner of human services may review the program's  
207.9 compliance with the requirements for a certification issued under this section biennially  
207.10 and may issue a correction order identifying the program's noncompliance with the  
207.11 requirements of this section. The correction order must state the following:

- 207.12 (1) the conditions that constitute a violation of a law or rule;
- 207.13 (2) the specific law or rule violated; and
- 207.14 (3) the time allowed for the program to correct each violation.

207.15 (c) For a program licensed by the commissioner of children, youth, and families or the  
207.16 commissioner of corrections, if a license holder believes that there are errors in the correction  
207.17 order of the commissioner of human services, the license holder may ask the Department  
207.18 of Human Services to reconsider the parts of the correction order that the license holder  
207.19 alleges are in error. To submit a request for reconsideration, the license holder must send a  
207.20 written request for reconsideration by United States mail to the commissioner of human  
207.21 services. The request for reconsideration must be postmarked within 20 calendar days of  
207.22 the date that the correction order was received by the license holder and must:

- 207.23 (1) specify the parts of the correction order that are alleged to be in error;
- 207.24 (2) explain why the parts of the correction order are in error; and
- 207.25 (3) include documentation to support the allegation of error.

207.26 A request for reconsideration does not stay any provisions or requirements of the correction  
207.27 order. The commissioner of human services' disposition of a request for reconsideration is  
207.28 final and not subject to appeal under chapter 14.

207.29 (d) Nothing in this subdivision prohibits the commissioner of human services from  
207.30 decertifying a license holder according to subdivision 9 prior to issuing a correction order.

208.1 Sec. 72. Minnesota Statutes 2022, section 245A.66, subdivision 1, is amended to read:

208.2 Subdivision 1. **Internal review.** ~~Except for family child care settings and foster care for~~  
208.3 ~~children in the license holder's residence,~~ License holders serving children shall be subject  
208.4 to the requirements of section 142B.54, subdivision 1.

208.5 ~~(1) establish and maintain policies and procedures to ensure that an internal review is~~  
208.6 ~~completed within 30 calendar days and that corrective action is taken if necessary to protect~~  
208.7 ~~the health and safety of children in care when the facility has reason to know that an internal~~  
208.8 ~~or external report of alleged or suspected maltreatment has been made. The review must~~  
208.9 ~~include an evaluation of whether:~~

208.10 ~~(i) related policies and procedures were followed;~~

208.11 ~~(ii) the policies and procedures were adequate;~~

208.12 ~~(iii) there is a need for additional staff training;~~

208.13 ~~(iv) the reported event is similar to past events with the children or the services involved;~~

208.14 ~~and~~

208.15 ~~(v) there is a need for corrective action by the license holder to protect the health and~~  
208.16 ~~safety of children in care.~~

208.17 ~~Based on the results of this review, the license holder must develop, document, and~~  
208.18 ~~implement a corrective action plan designed to correct current lapses and prevent future~~  
208.19 ~~lapses in performance by individuals or the license holder, if any;~~

208.20 ~~(2) identify the primary and secondary person or position who will ensure that, when~~  
208.21 ~~required, internal reviews are completed. The secondary person shall be involved when~~  
208.22 ~~there is reason to believe that the primary person was involved in the alleged or suspected~~  
208.23 ~~maltreatment; and~~

208.24 ~~(3) document and make internal reviews accessible to the commissioner immediately~~  
208.25 ~~upon the commissioner's request. For the purposes of this section, the documentation provided~~  
208.26 ~~to the commissioner by the license holder may consist of a completed checklist that verifies~~  
208.27 ~~completion of each of the requirements of the review.~~

208.28 Sec. 73. Minnesota Statutes 2023 Supplement, section 245A.66, subdivision 4, is amended  
208.29 to read:

208.30 Subd. 4. **Ongoing training requirement.** (a) In addition to the orientation training  
208.31 required by the applicable licensing rules and statutes, children's residential facility ~~and~~  
208.32 ~~private child-placing agency~~ license holders must provide a training annually on the

209.1 maltreatment of minors reporting requirements and definitions in chapter 260E to each  
 209.2 mandatory reporter, as described in section 260E.06, subdivision 1.

209.3 ~~(b) In addition to the orientation training required by the applicable licensing rules and~~  
 209.4 ~~statutes, all family child foster care license holders and caregivers and foster residence~~  
 209.5 ~~setting staff and volunteers that are mandatory reporters as described in section 260E.06,~~  
 209.6 ~~subdivision 1, must complete training each year on the maltreatment of minors reporting~~  
 209.7 ~~requirements and definitions in chapter 260E.~~

209.8 Sec. 74. REVISOR INSTRUCTION.

209.9 The revisor of statutes must renumber sections or subdivisions in column A as column  
 209.10 B.

	<u>Column A</u>	<u>Column B</u>
209.11	<u>245A.02, subdivision 2c</u>	<u>142B.01, subdivision 3</u>
209.12	<u>245A.02, subdivision 6a</u>	<u>142B.01, subdivision 11</u>
209.13	<u>245A.02, subdivision 6b</u>	<u>142B.01, subdivision 12</u>
209.14	<u>245A.02, subdivision 10a</u>	<u>142B.01, subdivision 22</u>
209.15	<u>245A.02, subdivision 12</u>	<u>142B.01, subdivision 23</u>
209.16	<u>245A.02, subdivision 16</u>	<u>142B.01, subdivision 26</u>
209.17	<u>245A.02, subdivision 17</u>	<u>142B.01, subdivision 27</u>
209.18	<u>245A.02, subdivision 18</u>	<u>142B.01, subdivision 28</u>
209.19	<u>245A.02, subdivision 19</u>	<u>142B.01, subdivision 13</u>
209.20	<u>245A.03, subdivision 2a</u>	<u>142B.05, subdivision 3</u>
209.21	<u>245A.03, subdivision 2b</u>	<u>142B.05, subdivision 4</u>
209.22	<u>245A.03, subdivision 4</u>	<u>142B.05, subdivision 6</u>
209.23	<u>245A.03, subdivision 4a</u>	<u>142B.05, subdivision 7</u>
209.24	<u>245A.03, subdivision 8</u>	<u>142B.05, subdivision 10</u>
209.25	<u>245A.035</u>	<u>142B.06</u>
209.26	<u>245A.04, subdivision 9a</u>	<u>142B.10, subdivision 17</u>
209.27	<u>245A.04, subdivision 10</u>	<u>142B.10, subdivision 18</u>
209.28	<u>245A.06, subdivision 8</u>	<u>142B.16, subdivision 5</u>
209.29	<u>245A.06, subdivision 9</u>	<u>142B.16, subdivision 6</u>
209.30	<u>245A.065</u>	<u>142B.17</u>
209.31	<u>245A.07, subdivision 4</u>	<u>142B.18, subdivision 6</u>
209.32	<u>245A.07, subdivision 5</u>	<u>142B.18, subdivision 7</u>
209.33	<u>245A.14, subdivision 3</u>	<u>142B.41, subdivision 3</u>
209.34	<u>245A.14, subdivision 4</u>	<u>142B.41, subdivision 4</u>

210.1	<u>245A.14, subdivision 4a</u>	<u>142B.41, subdivision 5</u>
210.2	<u>245A.14, subdivision 6</u>	<u>142B.41, subdivision 6</u>
210.3	<u>245A.14, subdivision 8</u>	<u>142B.41, subdivision 7</u>
210.4	<u>245A.14, subdivision 10</u>	<u>142B.41, subdivision 8</u>
210.5	<u>245A.14, subdivision 11</u>	<u>142B.41, subdivision 9</u>
210.6	<u>245A.14, subdivision 15</u>	<u>142B.41, subdivision 11</u>
210.7	<u>245A.14, subdivision 16</u>	<u>142B.41, subdivision 12</u>
210.8	<u>245A.14, subdivision 17</u>	<u>142B.41, subdivision 13</u>
210.9	<u>245A.1434</u>	<u>142B.60</u>
210.10	<u>245A.144</u>	<u>142B.47</u>
210.11	<u>245A.1445</u>	<u>142B.48</u>
210.12	<u>245A.145</u>	<u>142B.61</u>
210.13	<u>245A.146, subdivision 2</u>	<u>142B.45, subdivision 2</u>
210.14	<u>245A.146, subdivision 3</u>	<u>142B.45, subdivision 3</u>
210.15	<u>245A.146, subdivision 4</u>	<u>142B.45, subdivision 4</u>
210.16	<u>245A.146, subdivision 5</u>	<u>142B.45, subdivision 5</u>
210.17	<u>245A.146, subdivision 6</u>	<u>142B.45, subdivision 6</u>
210.18	<u>245A.147</u>	<u>142B.75</u>
210.19	<u>245A.148</u>	<u>142B.76</u>
210.20	<u>245A.149</u>	<u>142B.77</u>
210.21	<u>245A.15</u>	<u>142B.78</u>
210.22	<u>245A.1511</u>	<u>142B.79</u>
210.23	<u>245A.152</u>	<u>142B.62</u>
210.24	<u>245A.16, subdivision 7</u>	<u>142B.30, subdivision 7</u>
210.25	<u>245A.16, subdivision 9</u>	<u>142B.30, subdivision 9</u>
210.26	<u>245A.16, subdivision 11</u>	<u>142B.30, subdivision 11</u>
210.27	<u>245A.23</u>	<u>142B.63</u>
210.28	<u>245A.40</u>	<u>142B.65</u>
210.29	<u>245A.41</u>	<u>142B.66</u>
210.30	<u>245A.42</u>	<u>142B.67</u>
210.31	<u>245A.50</u>	<u>142B.70</u>
210.32	<u>245A.51</u>	<u>142B.71</u>
210.33	<u>245A.52</u>	<u>142B.72</u>
210.34	<u>245A.53</u>	<u>142B.74</u>
210.35	<u>245A.66, subdivision 2</u>	<u>142B.54, subdivision 2</u>
210.36	<u>245A.66, subdivision 3</u>	<u>142B.54, subdivision 3</u>

211.1 The revisor of statutes must correct any statutory cross-references consistent with this  
 211.2 renumbering.

211.3 Sec. 75. **REPEALER.**

211.4 (a) Minnesota Statutes 2022, sections 245A.04, subdivision 17; and 245A.09, subdivision  
 211.5 10, are repealed.

211.6 (b) Minnesota Statutes 2023 Supplement, section 245A.18, subdivision 2, is repealed.

211.7 **ARTICLE 3**

211.8 **CHAPTER 142C; CERTIFIED CHILD CARE CENTERS**

211.9 Section 1. **[142C.17] PRONE RESTRAINT PROHIBITION.**

211.10 Programs certified under this chapter must comply with the requirements of section  
 211.11 245A.211.

211.12 Sec. 2. Minnesota Statutes 2023 Supplement, section 245H.05, is amended to read:

211.13 **245H.05 MONITORING AND INSPECTIONS.**

211.14 (a) The commissioner must conduct an on-site inspection of a certified license-exempt  
 211.15 child care center at least once each calendar year to determine compliance with the health,  
 211.16 safety, and fire standards specific to a certified license-exempt child care center.

211.17 (b) ~~No later than November 19, 2017,~~ The commissioner shall make publicly available  
 211.18 on the department's website the results of inspection reports for all certified centers including  
 211.19 the number of deaths, serious injuries, and instances of substantiated child maltreatment  
 211.20 that occurred in certified centers each year.

211.21 Sec. 3. **REVISOR INSTRUCTION.**

211.22 The revisor of statutes must renumber sections or subdivisions in Column A as Column  
 211.23 B.

	<u>Column A</u>	<u>Column B</u>
211.24	<u>245H.01</u>	<u>142C.01</u>
211.25	<u>245H.02</u>	<u>142C.02</u>
211.26	<u>245H.03</u>	<u>142C.03</u>
211.27	<u>245H.04</u>	<u>142C.04</u>
211.28	<u>245H.05</u>	<u>142C.05</u>
211.29	<u>245H.06</u>	<u>142C.06</u>

212.1	<u>245H.07</u>	<u>142C.07</u>
212.2	<u>245H.08</u>	<u>142C.08</u>
212.3	<u>245H.10</u>	<u>142C.09</u>
212.4	<u>245H.11</u>	<u>142C.10</u>
212.5	<u>245H.13</u>	<u>142C.11</u>
212.6	<u>245H.14</u>	<u>142C.12</u>
212.7	<u>245H.15</u>	<u>142C.13</u>
212.8	<u>245H.16</u>	<u>142C.14</u>
212.9	<u>245H.17</u>	<u>142C.15</u>
212.10	<u>245H.18</u>	<u>142C.16</u>

212.11 The revisor of statutes must correct any statutory cross-references consistent with this  
 212.12 renumbering.

212.13 Sec. 4. **REPEALER.**

212.14 Minnesota Statutes 2022, section 245H.12, is repealed.

## 212.15 ARTICLE 4

### 212.16 CHAPTER 142D; EARLY CARE AND LEARNING

212.17 Section 1. Minnesota Statutes 2022, section 119A.5411, is amended to read:

#### 212.18 **119A.5411 FULL-DAY REQUIREMENTS.**

212.19 ~~The following phase-in of full-day services in Head Start programs or licensed child~~  
 212.20 ~~care as defined in chapter 245A is required:~~

212.21 ~~(1) by fiscal year 2009, a minimum of 25 percent of the total state-funded enrollment~~  
 212.22 ~~throughout the state must be provided in full-day services;~~

212.23 ~~(2) by fiscal year 2011, a minimum of 40 percent of the total state-funded enrollment~~  
 212.24 ~~throughout the state must be provided in full-day services; and~~

212.25 ~~(3) by fiscal year 2013,~~ (a) A minimum of 50 percent of the total state-funded enrollment  
 212.26 in Head Start programs, including in licensed child care programs, throughout the state must  
 212.27 be provided in full-day services.

212.28 (b) Head Start programs may provide full-day services as part of their own program  
 212.29 model or through agreements with licensed full-day licensed child care programs. If licensed  
 212.30 child care providers programs do not exist in a geographic area, choose not to participate,  
 212.31 cannot meet the federal Head Start performance standards after sufficient opportunity, or a

213.1 Head Start program is unable to establish the full-day services as a part of their own program  
213.2 model, the Head Start program may request exemption from the commissioner.

213.3 Sec. 2. Minnesota Statutes 2023 Supplement, section 121A.19, is amended to read:

213.4 **121A.19 DEVELOPMENTAL SCREENING AID.**

213.5 (a) Each school year, the state must pay a district for each child or student screened by  
213.6 the district according to the requirements of section 121A.17. The amount of state aid for  
213.7 each child or student screened shall be: (1) \$98 for a child screened at age three; (2) \$65  
213.8 for a child screened at age four; (3) \$52 for a child screened at age five or six prior to  
213.9 kindergarten; and (4) \$39 for a student screened within 30 days after first enrolling in a  
213.10 public school kindergarten if the student has not previously been screened according to the  
213.11 requirements of section 121A.17. If this amount of aid is insufficient, the district may  
213.12 permanently transfer from the general fund an amount that, when added to the aid, is  
213.13 sufficient. Developmental screening aid shall not be paid for any student who is screened  
213.14 more than 30 days after the first day of attendance at a public school kindergarten, except  
213.15 if a student transfers to another public school kindergarten within 30 days after first enrolling  
213.16 in a Minnesota public school kindergarten program. In this case, if the student has not been  
213.17 screened, the district to which the student transfers may receive developmental screening  
213.18 aid for screening that student when the screening is performed within 30 days of the transfer  
213.19 date.

213.20 (b) The commissioner and the commissioner of education shall enter into an agreement  
213.21 under which the commissioner of education shall distribute funds appropriated for programs  
213.22 under this section.

213.23 Sec. 3. Minnesota Statutes 2022, section 124D.13, subdivision 2, is amended to read:

213.24 **Subd. 2. Program requirements.** (a) Early childhood family education programs are  
213.25 programs for children in the period of life from birth to kindergarten, for the parents and  
213.26 other relatives of these children, and for expectant parents. To the extent that funds are  
213.27 insufficient to provide programs for all children, early childhood family education programs  
213.28 should emphasize programming for a child from birth to age three and encourage parents  
213.29 and other relatives to involve four- and five-year-old children in school readiness programs,  
213.30 and other public and nonpublic early learning programs. A district may not limit participation  
213.31 to school district residents. Early childhood family education programs must provide:

214.1 (1) programs to educate parents and other relatives about the physical, cognitive, social,  
214.2 and emotional development of children and to enhance the skills of parents and other relatives  
214.3 in providing for their children's learning and development;

214.4 (2) structured learning activities requiring interaction between children and their parents  
214.5 or relatives;

214.6 (3) structured learning activities for children that promote children's development and  
214.7 positive interaction with peers, which are held while parents or relatives attend parent  
214.8 education classes;

214.9 (4) information on related community resources;

214.10 (5) information, materials, and activities that support the safety of children, including  
214.11 prevention of child abuse and neglect;

214.12 (6) a community needs assessment that identifies new and underserved populations,  
214.13 identifies child and family risk factors, particularly those that impact children's learning and  
214.14 development, and assesses family and parenting education needs in the community;

214.15 (7) programming and services that are tailored to the needs of families and parents  
214.16 prioritized in the community needs assessment; and

214.17 (8) information about and, if needed, assist in making arrangements for an early childhood  
214.18 health and developmental screening under sections 121A.16 and 121A.17, when the child  
214.19 nears the third birthday.

214.20 (b) Early childhood family education programs should prioritize programming and  
214.21 services for families and parents identified in the community needs assessment, particularly  
214.22 those families and parents with children with the most risk factors birth to age three.

214.23 (c) Early childhood family education programs are encouraged to provide parents of  
214.24 English learners with translated oral and written information to monitor the program's impact  
214.25 on their children's English language development, to know whether their children are  
214.26 progressing in developing their English and native language proficiency, and to actively  
214.27 engage with and support their children in developing their English and native language  
214.28 proficiency.

214.29 ~~The~~ (d) Early childhood family education programs must include learning experiences  
214.30 for children, parents, and other relatives that promote children's early literacy and, where  
214.31 practicable, their native language skills and activities for children that require substantial  
214.32 involvement of the children's parents or other relatives. ~~The program~~ Programs may provide  
214.33 parenting education programming or services to anyone identified in the community needs

215.1 assessment. Providers must review the program periodically to assure the instruction and  
215.2 materials are not racially, culturally, or sexually biased. The programs must encourage  
215.3 parents to be aware of practices that may affect equitable development of children.

215.4 ~~(b)~~ (e) For the purposes of this section, "relative" or "relatives" means noncustodial  
215.5 grandparents or other persons related to a child by blood, marriage, adoption, or foster  
215.6 placement, excluding parents.

215.7 Sec. 4. Minnesota Statutes 2022, section 124D.13, subdivision 3, is amended to read:

215.8 Subd. 3. **Substantial parental involvement.** The requirement of substantial parental or  
215.9 other relative involvement in subdivision 2 means that:

215.10 ~~(a)~~ (1) parents or other relatives must be physically present much of the time in classes  
215.11 with their children or be in concurrent classes;

215.12 ~~(b)~~ (2) parenting education or family education must be an integral part of every early  
215.13 childhood family education program;

215.14 ~~(c)~~ (3) early childhood family education appropriations must not be used for traditional  
215.15 day care or nursery school, or similar programs; and

215.16 ~~(d)~~ (4) the form of parent involvement common to kindergarten, elementary school, or  
215.17 early childhood special education programs such as parent conferences, newsletters, and  
215.18 notes to parents do not qualify a program under subdivision 2.

215.19 Sec. 5. Minnesota Statutes 2022, section 124D.13, subdivision 4, is amended to read:

215.20 Subd. 4. **Home visiting program.** (a) A district that levies for home visiting under  
215.21 section 124D.135, subdivision 6, shall use this revenue to include as part of the early  
215.22 childhood family education programs a parent education component that is designed to  
215.23 reach isolated or at-risk families.

215.24 (b) The home visiting program must:

215.25 (1) incorporate evidence-informed parenting education practices designed to support  
215.26 the healthy growth and development of children, with a priority focus on those children  
215.27 who have high needs;

215.28 (2) establish clear objectives and protocols for home visits;

215.29 (3) encourage families to make a transition from home visits to site-based parenting  
215.30 programs;

216.1 (4) provide program services that are community-based, accessible, and culturally  
216.2 relevant;

216.3 (5) foster collaboration among existing agencies and community-based organizations  
216.4 that serve young children and their families, such as public health evidence-based models  
216.5 of home visiting and Head Start home visiting; and

216.6 (6) provide information about and assist in making arrangements for an early childhood  
216.7 health and developmental screening when the child nears his or her third birthday.

216.8 (c) The home visiting program should be provided by licensed parenting educators,  
216.9 certified family life educators, or professionals with an equivalent license that reflect the  
216.10 demographic composition of the community to the extent possible.

216.11 Sec. 6. Minnesota Statutes 2022, section 124D.135, subdivision 1, is amended to read:

216.12 Subdivision 1. **Revenue.** The revenue for early childhood family education programs  
216.13 for a school district equals ~~\$120 for fiscal year 2014 and~~ the formula allowance for the year  
216.14 times 0.023 ~~for fiscal year 2015 and later,~~ times the greater of:

216.15 (1) 150; or

216.16 (2) the number of people under five years of age residing in the district on October 1 of  
216.17 the previous school year.

216.18 Sec. 7. Minnesota Statutes 2022, section 124D.135, subdivision 3, is amended to read:

216.19 Subd. 3. **Early childhood family education levy.** By September 30 of each year, the  
216.20 commissioner of education shall establish a tax rate for early childhood family education  
216.21 revenue that raises \$22,135,000 in each fiscal year. ~~If~~ After consulting with the commissioner  
216.22 of children, youth, and families, if the commissioner of education determines that the amount  
216.23 of the early childhood family education levy would exceed the early childhood family  
216.24 education revenue, then the early childhood family education levy must equal the early  
216.25 childhood family education revenue. A district may not certify an early childhood family  
216.26 education levy unless it has met the annual program data reporting requirements under  
216.27 section 124D.13, subdivision 13.

216.28 Sec. 8. Minnesota Statutes 2022, section 124D.142, subdivision 1, is amended to read:

216.29 Subdivision 1. **System established.** ~~There is established~~ A quality rating and improvement  
216.30 system (QRIS) framework, known as Parent Aware, is established to ensure that Minnesota's

217.1 children have access to high-quality early learning and care programs in a range of settings  
217.2 so that they are fully ready for kindergarten.

217.3 Sec. 9. Minnesota Statutes 2023 Supplement, section 124D.142, subdivision 2, is amended  
217.4 to read:

217.5 Subd. 2. **System components.** (a) The standards-based voluntary quality rating and  
217.6 improvement system includes:

217.7 (1) at least a one-star rating for all programs licensed under Minnesota Rules, chapter  
217.8 9502 or 9503, or Tribally licensed that do not opt out of the system under paragraph (b) and  
217.9 that are not:

217.10 (i) the subject of a finding of fraud for which the program or individual is currently  
217.11 serving a penalty or exclusion;

217.12 (ii) prohibited from receiving public funds under section 245.095, regardless of whether  
217.13 the action is under appeal;

217.14 (iii) under revocation, suspension, temporary immediate suspension, or decertification,  
217.15 or is operating under a conditional license, regardless of whether the action is under appeal;  
217.16 or

217.17 (iv) the subject of suspended, denied, or terminated payments to a provider under section  
217.18 119B.13, subdivision 6, paragraph (d), clause (1) or (2); 245E.02, subdivision 4, paragraph  
217.19 (c), clause (4); or 256.98, subdivision 1, regardless of whether the action is under appeal;

217.20 (2) quality opportunities in order to improve the educational outcomes of children so  
217.21 that they are ready for school;

217.22 (3) a framework based on the Minnesota quality rating system rating tool and a common  
217.23 set of child outcome and program standards informed by evaluation results;

217.24 (4) a tool to increase the number of publicly funded and regulated early learning and  
217.25 care services in both public and private market programs that are high quality;

217.26 (5) voluntary participation ensuring that if a program or provider chooses to participate,  
217.27 the program or provider will be rated and may receive public funding associated with the  
217.28 rating; and

217.29 (6) tracking progress toward statewide access to high-quality early learning and care  
217.30 programs, progress toward the number of low-income children whose parents can access  
217.31 quality programs, and progress toward increasing the number of children who are fully  
217.32 prepared to enter kindergarten.

218.1 (b) By July 1, 2026, the commissioner of ~~human services~~ children, youth, and families  
218.2 shall establish a process by which a program may opt out of the rating under paragraph (a),  
218.3 clause (1). The commissioner shall consult with Tribes to develop a process for rating  
218.4 Tribally licensed programs that is consistent with the goal outlined in paragraph (a), clause  
218.5 (1).

218.6 Sec. 10. Minnesota Statutes 2022, section 124D.15, subdivision 3a, is amended to read:

218.7 Subd. 3a. **Application and reporting requirements.** (a) A school readiness program  
218.8 provider must include a biennial plan in the district's world's best workforce plan under  
218.9 section 120B.11, describing how the school readiness program meets the program  
218.10 requirements under subdivision 3.

218.11 (b) Programs receiving school readiness funds annually must submit a report to the  
218.12 department of education for transfer to the department of children, youth, and families.

218.13 Sec. 11. Minnesota Statutes 2022, section 124D.16, is amended by adding a subdivision  
218.14 to read:

218.15 Subd. 8. **Funding.** The commissioner and the commissioner of education shall enter  
218.16 into an agreement under which the commissioner of education shall distribute funds  
218.17 appropriated for programs under this section.

218.18 Sec. 12. Minnesota Statutes 2022, section 124D.165, subdivision 1, is amended to read:

218.19 Subdivision 1. **Establishment; purpose.** ~~There is established~~ An early learning  
218.20 scholarships program ~~in order~~ is established to close the opportunity gap by increasing  
218.21 access to high-quality early childhood programs.

218.22 Sec. 13. Minnesota Statutes 2023 Supplement, section 125A.02, subdivision 1, is amended  
218.23 to read:

218.24 Subdivision 1. **Child with a disability.** "Child with a disability" means a child identified  
218.25 under federal and state special education law as deaf or hard-of-hearing, blind or visually  
218.26 impaired, deafblind, or having a speech or language impairment, a physical impairment,  
218.27 other health disability, developmental cognitive disability, an emotional or behavioral  
218.28 disorder, specific learning disability, autism spectrum disorder, traumatic brain injury, or  
218.29 severe multiple impairments, and who needs special education and related services, as  
218.30 determined by the rules of the commissioner of children, youth, and families for children  
218.31 from birth through age two and by the rules of the commissioner of education for all other

219.1 children. A licensed physician, an advanced practice registered nurse, a physician assistant,  
219.2 or a licensed psychologist is qualified to make a diagnosis and determination of attention  
219.3 deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child  
219.4 with a disability.

219.5 Sec. 14. Minnesota Statutes 2022, section 125A.02, subdivision 1a, is amended to read:

219.6 Subd. 1a. **Children ~~ages three through~~ from birth through age seven experiencing**  
219.7 **developmental delays.** In addition to subdivision 1, every child under age three, and at  
219.8 local district discretion from age three to age seven, who needs special instruction and  
219.9 services, as determined by the rules of the commissioner of children, youth, and families  
219.10 for children from birth through age two and by the rules of the commissioner of education  
219.11 for children ages three through seven, because the child has a substantial delay or has an  
219.12 identifiable physical or mental condition known to hinder normal development is a child  
219.13 with a disability.

219.14 Sec. 15. Minnesota Statutes 2022, section 125A.02, subdivision 2, is amended to read:

219.15 Subd. 2. **Not a child with a disability.** A child with a short-term or temporary physical  
219.16 or emotional illness or disability, as determined by the rules of the commissioner of children,  
219.17 youth, and families for children from birth through age two and by the rules of the  
219.18 commissioner of education for all other children, is not a child with a disability.

219.19 Sec. 16. Minnesota Statutes 2022, section 125A.28, is amended to read:

219.20 **125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

219.21 Subdivision 1. Membership. An Interagency Coordinating Council of at least ~~17~~ 18,  
219.22 but not more than ~~25~~ 26 members is established, in compliance with Public Law 108-446,  
219.23 section 641. The members must be appointed by the governor and reasonably represent the  
219.24 population of Minnesota. Council members must elect the council chair, who may not be  
219.25 a representative of the Department of ~~Education~~ Children, Youth, and Families. The council  
219.26 must be composed of at least five parents, including persons of color, of children with  
219.27 disabilities under age 12, including at least three parents of a child with a disability under  
219.28 age seven, five representatives of public or private providers of services for children with  
219.29 disabilities under age five, including a special education director, county social service  
219.30 director, local Head Start director, and a community health services or public health nursing  
219.31 administrator, one member of the senate, one member of the house of representatives, one  
219.32 representative of teacher preparation programs in early childhood-special education or other

220.1 preparation programs in early childhood intervention, at least one representative of advocacy  
220.2 organizations for children with disabilities under age five, one physician who cares for  
220.3 young children with special health care needs, one representative each from the  
220.4 commissioners of commerce, education, health, human services, and children, youth, and  
220.5 families, a representative from the state agency responsible for child care, foster care, mental  
220.6 health, homeless coordinator of education of homeless children and youth, and a  
220.7 representative from Indian health services or a tribal council. Section 15.059, subdivisions  
220.8 2 to 4, apply to the council. The council must meet at least quarterly.

220.9 **Subd. 2. Implementing policy; duties.** (a) The council must address methods of  
220.10 implementing the state policy of developing and implementing comprehensive, coordinated,  
220.11 multidisciplinary interagency programs of early intervention services for children with  
220.12 disabilities and their families.

220.13 (b) The duties of the council include recommending policies to ensure a comprehensive  
220.14 and coordinated system of all state and local agency services for children under age five  
220.15 with disabilities and their families. The policies must address how to incorporate each  
220.16 agency's services into a unified state and local system of multidisciplinary assessment  
220.17 practices, individual intervention plans, comprehensive systems to find children in need of  
220.18 services, methods to improve public awareness, and assistance in determining the role of  
220.19 interagency early intervention committees.

220.20 **Subd. 3. Recommendations; report.** (a) Within 30 days of receiving the annual  
220.21 determination from the federal Office of Special Education on the Minnesota Part C Annual  
220.22 Performance Report, the council must recommend to the governor and the commissioners  
220.23 of children, youth, and families; education; health; human services; commerce; and  
220.24 employment and economic development policies for a comprehensive and coordinated  
220.25 system.

220.26 (b) Annually, the council must prepare and submit a report to the governor and the  
220.27 secretary of the federal Department of Education on the status of early intervention services  
220.28 and programs for infants and toddlers with disabilities and their families under the Individuals  
220.29 with Disabilities Education Act, United States Code, title 20, sections 1471 to 1485 (Part  
220.30 C, Public Law 102-119), as operated in Minnesota. The Minnesota Part C annual performance  
220.31 report may serve as the report.

220.32 **Subd. 4. Expiration.** Notwithstanding any other law to the contrary, the State Interagency  
220.33 Coordinating Council does not expire unless federal law no longer requires the existence  
220.34 of the council or committee.

221.1 Sec. 17. Minnesota Statutes 2022, section 125A.35, subdivision 1, is amended to read:

221.2 Subdivision 1. **Lead agency; allocation of resources.** The state lead agency must  
221.3 administer the early intervention account that consists of federal allocations. The Part C  
221.4 state plan must state the amount of federal resources in the early intervention account  
221.5 available for use by local agencies. The state lead agency must enter into an agreement  
221.6 under which the commissioner of education must distribute the funds to the local primary  
221.7 agency designated by an Interagency Early Intervention Committee based on a formula that  
221.8 includes a December 1 count of the prior year of Part C eligible children for the following  
221.9 purposes:

221.10 (1) as provided in Code of Federal Regulations, title 34, part 303.430, to arrange for  
221.11 payment for early intervention services not elsewhere available, or to pay for services during  
221.12 the pendency of a conflict procedure, including mediation, complaints, due process hearings,  
221.13 and interagency disputes; and

221.14 (2) to support interagency child find system activities.

221.15 Sec. 18. Minnesota Statutes 2022, section 125A.45, is amended to read:

221.16 **125A.45 INTERAGENCY DISPUTE PROCEDURE.**

221.17 (a) A dispute between a school board and a county board that is responsible for  
221.18 implementing the provisions of section 125A.29 regarding early identification, child and  
221.19 family assessment, service coordination, and IFSP development and implementation must  
221.20 be resolved according to this subdivision when the dispute involves services provided to  
221.21 children and families eligible under the Individuals with Disabilities Education Act, United  
221.22 States Code, title 20, section 1471 et seq. (Part C, Public Law 108-446).

221.23 (b) A dispute occurs when the school board and county board are unable to agree as to  
221.24 who is responsible to coordinate, provide, pay for, or facilitate payment for services from  
221.25 public and private sources.

221.26 (c) Written and signed disputes must be filed with the local primary agency.

221.27 (d) The local primary agency must attempt to resolve the matter with the involved school  
221.28 board and county board and may request mediation from the commissioner of the state lead  
221.29 agency for this purpose.

221.30 (e) When interagency disputes have not been resolved within 30 calendar days, the local  
221.31 primary agency must request the commissioner of the state lead agency to review the matter  
221.32 with the commissioners of education, health, and human services and make a decision. The

222.1 commissioner must provide a consistent process for reviewing those procedures. The  
222.2 commissioners' decision is binding subject to the right of an aggrieved party to appeal to  
222.3 the state court of appeals.

222.4 (f) The local primary agency must ensure that eligible children and their families receive  
222.5 early intervention services during resolution of a dispute. While a local dispute is pending,  
222.6 the local primary agency must either assign financial responsibility to an agency or pay for  
222.7 the service from the early intervention account under section 125A.35. If in resolving the  
222.8 dispute, it is determined that the assignment of financial responsibility was inappropriate,  
222.9 the responsibility for payment must be reassigned to the appropriate agency and the  
222.10 responsible agency must make arrangements for reimbursing any expenditures incurred by  
222.11 the agency originally assigned financial responsibility.

222.12 Sec. 19. Minnesota Statutes 2022, section 125A.48, is amended to read:

222.13 **125A.48 STATE INTERAGENCY AGREEMENT.**

222.14 (a) The commissioners of ~~the Departments of~~ children, youth, and families; education;  
222.15 health; and human services must enter into an agreement to implement this section and  
222.16 Part C, Public Law 108-446, and as required by Code of Federal Regulations, title 34, section  
222.17 303.523, to promote the development and implementation of interagency, coordinated,  
222.18 multidisciplinary state and local early childhood intervention service systems for serving  
222.19 eligible young children with disabilities, birth through age two, and their families and to  
222.20 ensure the meaningful involvement of underserved groups, including children with disabilities  
222.21 from minority, low-income, homeless, and rural families, and children with disabilities who  
222.22 are wards of the state. The agreement must be reviewed annually.

222.23 (b) The state interagency agreement must outline at a minimum the conditions,  
222.24 procedures, purposes, and responsibilities of the participating state and local agencies for  
222.25 the following:

222.26 (1) membership, roles, and responsibilities of a state interagency committee for the  
222.27 oversight of priorities and budget allocations under Part C, Public Law 108-446, and other  
222.28 state allocations for this program;

222.29 (2) child find;

222.30 (3) establishment of local interagency agreements;

222.31 (4) review by a state interagency committee of the allocation of additional state and  
222.32 federal early intervention funds by local agencies;

- 223.1 (5) fiscal responsibilities of the state and local agencies;
- 223.2 (6) intra-agency and interagency dispute resolution;
- 223.3 (7) payor of last resort;
- 223.4 (8) maintenance of effort;
- 223.5 (9) procedural safeguards, including mediation;
- 223.6 (10) complaint resolution;
- 223.7 (11) quality assurance;
- 223.8 (12) data collection;
- 223.9 (13) an annual summary to the state Interagency Coordinating Council regarding conflict
- 223.10 resolution activities including disputes, due process hearings, and complaints; and
- 223.11 (14) other components of the state and local early intervention system consistent with
- 223.12 Public Law 108-446.
- 223.13 Written materials must be developed for parents, IEIC's, and local service providers that
- 223.14 describe procedures developed under this section as required by Code of Federal Regulations,
- 223.15 title 34, section 303.

223.16 Sec. 20. Laws 2017, First Special Session chapter 5, article 8, section 9, is amended by  
 223.17 adding a subdivision to read:

223.18 Subd. 7. **Funding.** The commissioner and the commissioner of education shall enter  
 223.19 into an agreement under which the commissioner of education shall distribute funds  
 223.20 appropriated for programs under this section.

223.21 Sec. 21. **REVISOR INSTRUCTION.**

223.22 (a) The revisor of statutes shall renumber each section of Minnesota Statutes listed in  
 223.23 column A with the number listed in column B. The revisor shall also make necessary  
 223.24 cross-reference changes consistent with the renumbering. The revisor shall also make any  
 223.25 technical, language, and other changes necessitated by the renumbering and cross-reference  
 223.26 changes in this act.

<u>Column A</u>	<u>Column B</u>
223.28 <u>119A.50</u>	<u>142D.12</u>
223.29 <u>119A.52</u>	<u>142D.121</u>
223.30 <u>119A.53</u>	<u>142D.122</u>

224.1	<u>119A.535</u>	<u>142D.123</u>
224.2	<u>119A.5411</u>	<u>142D.124</u>
224.3	<u>119A.545</u>	<u>142D.125</u>
224.4	<u>119B.195</u>	<u>142D.30</u>
224.5	<u>119B.196</u>	<u>142D.24</u>
224.6	<u>119B.25</u>	<u>142D.20</u>
224.7	<u>119B.251</u>	<u>142D.31</u>
224.8	<u>119B.252</u>	<u>142D.32</u>
224.9	<u>119B.27</u>	<u>142D.21</u>
224.10	<u>119B.28</u>	<u>142D.22</u>
224.11	<u>119B.29</u>	<u>142D.23</u>
224.12	<u>121A.16</u>	<u>142D.09</u>
224.13	<u>121A.17</u>	<u>142D.091</u>
224.14	<u>121A.18</u>	<u>142D.092</u>
224.15	<u>121A.19</u>	<u>142D.093</u>
224.16	<u>124D.13</u>	<u>142D.10</u>
224.17	<u>124D.135</u>	<u>142D.11</u>
224.18	<u>124D.141</u>	<u>142D.16</u>
224.19	<u>124D.142</u>	<u>142D.13</u>
224.20	<u>124D.15</u>	<u>142D.05</u>
224.21	<u>124D.151</u>	<u>142D.08</u>
224.22	<u>124D.16</u>	<u>142D.06</u>
224.23	<u>124D.165</u>	<u>142D.25</u>
224.24	<u>124D.2211</u>	<u>142D.14</u>
224.25	<u>124D.23</u>	<u>142D.15</u>

224.26 (b) The revisor of statutes shall codify Laws 2017, First Special Session chapter 5, article  
 224.27 8, section 9, as amended by article .., section 23, as Minnesota Statutes, section 142D.07.

224.28 (c) The revisor of statutes shall change "commissioner of education" to "commissioner  
 224.29 of children, youth, and families" and change "Department of Education" to "Department of  
 224.30 Children, Youth, and Families" as necessary in Minnesota Statutes, chapters 119A and 120  
 224.31 to 129C, to reflect the changes in this act and Laws 2023, chapter 70, article 12. The revisor  
 224.32 shall also make any technical, language, and other changes resulting from the change of  
 224.33 term to the statutory language, sentence structure, or both, if necessary to preserve the  
 224.34 meaning of the text.

## ARTICLE 5

## CHAPTER 142E; CHILD CARE PROGRAMS

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Section 1. Minnesota Statutes 2022, section 119B.03, subdivision 8, is amended to read:

Subd. 8. **Guaranteed floor.** (a) ~~Beginning January 1, 1996, Each county's guaranteed floor shall equal 90 percent of the allocation received in the preceding calendar year. For the period January 1, 1999, to December 31, 1999, each county's guaranteed floor must be equal to its original calendar year 1998 allocation or its actual earnings for calendar year 1998, whichever is less.~~

(b) When the amount of funds available for allocation is less than the amount available in the previous year, each county's previous year allocation shall be reduced in proportion to the reduction in the statewide funding, for the purpose of establishing the guaranteed floor.

Sec. 2. Minnesota Statutes 2022, section 119B.09, subdivision 12, is amended to read:

Subd. 12. **Sliding fee.** Child care services to families must be made available on a sliding fee basis. The commissioner shall convert eligibility requirements in this section and parent fee schedules in section 119B.12 to state median income, based on a family size of three, adjusted for family size, ~~by July 1, 2008. The commissioner shall report to the 2008 legislature with the necessary statutory changes to codify this conversion to state median income.~~

Sec. 3. Minnesota Statutes 2023 Supplement, section 119B.125, subdivision 1a, is amended to read:

Subd. 1a. **Background study required.** (a) This subdivision only applies to legal, nonlicensed family child care providers.

(b) Prior to authorization, the commissioner of human services shall perform a background study on individuals identified under section 245C.02, subdivision 6a.

(c) After authorization, a background study ~~shall~~ must also be performed when an individual identified under section 245C.02, subdivision 6a, joins the household. The provider must report all family changes that would require a new background study.

(d) At each reauthorization, the commissioner of children, youth, and families must ensure that a background study through NETStudy 2.0 has been performed on all individuals in the provider's household for whom a background study is required under paragraphs (b) and (c).

226.1 (e) Prior to a background study through NETStudy 2.0 expiring, another background  
226.2 study must be completed on all individuals for whom the background study is expiring.

226.3 (f) The commissioner of human services shall forward the background study  
226.4 determination to the commissioner of children, youth, and families, who shall grant or deny  
226.5 authorization as a legal nonlicensed family child care provider based on the commissioner  
226.6 of human service's determination.

226.7 Sec. 4. Minnesota Statutes 2023 Supplement, section 119B.125, subdivision 2, is amended  
226.8 to read:

226.9 Subd. 2. **Persons who cannot be authorized.** (a) The provider seeking authorization  
226.10 under this section shall collect the information required under section 245C.05 and forward  
226.11 the information to the commissioner of human services. The background study must include  
226.12 a review of the information required under section 245C.08, subdivision 3.

226.13 (b) A legal nonlicensed family child care provider is not authorized under this section  
226.14 if:

226.15 (1) the commissioner of human services determines that any household member who is  
226.16 the subject of a background study is disqualified from direct contact with, or from access  
226.17 to, persons served by the program and that disqualification has not been set aside or a  
226.18 variance has not been granted under chapter 245C;

226.19 (2) the person has refused to give written consent for disclosure of criminal history  
226.20 records;

226.21 (3) the person has been denied a family child care license;

226.22 (4) the person has a family child care licensing disqualification that has not been set  
226.23 aside; or

226.24 (5) the person has admitted or a county has found that there is a preponderance of  
226.25 evidence that fraudulent information was given to the county for child care assistance  
226.26 application purposes or was used in submitting child care assistance bills for payment.

226.27 Sec. 5. Minnesota Statutes 2023 Supplement, section 119B.125, subdivision 3, is amended  
226.28 to read:

226.29 Subd. 3. **Authorization exception.** When the commissioner denies a person authorization  
226.30 as a legal nonlicensed family child care provider under subdivision ~~2~~ 1a, paragraph (f), the

227.1 commissioner later may authorize that person as a provider if the following conditions are  
227.2 met:

227.3 (1) after receiving notice of the denial of the authorization, the person applies for and  
227.4 obtains a valid child care license issued under chapter 245A, issued by a Tribe, or issued  
227.5 by another state;

227.6 (2) the person maintains the valid child care license; and

227.7 (3) the person is providing child care in the state of licensure or in the area under the  
227.8 jurisdiction of the licensing Tribe.

227.9 Sec. 6. Minnesota Statutes 2022, section 119B.24, is amended to read:

227.10 **119B.24 DUTIES OF COMMISSIONER.**

227.11 ~~In addition to the powers and duties already conferred by law,~~ The commissioner of  
227.12 ~~human services~~ shall:

227.13 (1) administer the child care fund, including the basic sliding fee program authorized  
227.14 under sections 119B.011 to 119B.16;

227.15 (2) monitor the child care resource and referral programs established under section  
227.16 119B.19; and

227.17 (3) encourage child care providers to participate in a nationally recognized accreditation  
227.18 system for early childhood and school-age care programs. Subject to approval by the  
227.19 commissioner, family child care providers and early childhood and school-age care programs  
227.20 shall be reimbursed for one-half of the direct cost of accreditation fees, upon successful  
227.21 completion of accreditation.

227.22 Sec. 7. **[142E.59] DISQUALIFICATION FROM PROGRAM.**

227.23 (a) Any person found to be guilty of wrongfully obtaining assistance by a federal or  
227.24 state court or by an administrative hearing determination, or waiver thereof, through a  
227.25 disqualification consent agreement, or as part of any approved diversion plan under section  
227.26 401.065, or any court-ordered stay which carries with it any probationary or other conditions,  
227.27 in the Minnesota family investment program and any affiliated program to include the work  
227.28 participation cash benefit program, the Supplemental Nutrition Assistance Program (SNAP),  
227.29 the general assistance program, housing support under chapter 256I, or the Minnesota  
227.30 supplemental aid program shall be disqualified from that program. In addition, any person  
227.31 disqualified from the Minnesota family investment program shall also be disqualified from

228.1 SNAP. The needs of that individual shall not be taken into consideration in determining the  
228.2 grant level for that assistance unit:

228.3 (1) for one year after the first offense;

228.4 (2) for two years after the second offense; and

228.5 (3) permanently after the third or subsequent offense.

228.6 The period of program disqualification shall begin on the date stipulated on the advance  
228.7 notice of disqualification without possibility of postponement for administrative stay or  
228.8 administrative hearing and shall continue through completion unless and until the findings  
228.9 upon which the sanctions were imposed are reversed by a court of competent jurisdiction.

228.10 The period for which sanctions are imposed is not subject to review. The sanctions provided  
228.11 under this subdivision are in addition to, and not in substitution for, any other sanctions that  
228.12 may be provided for by law for the offense involved. A disqualification established through  
228.13 hearing or waiver shall result in the disqualification period beginning immediately unless  
228.14 the person has become otherwise ineligible for assistance. If the person is ineligible for  
228.15 assistance, the disqualification period begins when the person again meets the eligibility  
228.16 criteria of the program from which they were disqualified and makes application for that  
228.17 program.

228.18 (b) A family receiving assistance through child care assistance programs under this  
228.19 chapter with a family member who is found to be guilty of wrongfully obtaining child care  
228.20 assistance by a federal court, state court, or an administrative hearing determination or  
228.21 waiver, through a disqualification consent agreement, as part of an approved diversion plan  
228.22 under section 401.065, or a court-ordered stay with probationary or other conditions, is  
228.23 disqualified from child care assistance programs. The disqualifications must be for periods  
228.24 of one year and two years for the first and second offenses, respectively. Subsequent  
228.25 violations must result in permanent disqualification. During the disqualification period,  
228.26 disqualification from any child care program must extend to all programs named in this  
228.27 paragraph and must be immediately applied.

228.28 (c) A provider caring for children receiving assistance through child care assistance  
228.29 programs under this chapter is disqualified from receiving payment for child care services  
228.30 from the child care assistance program under this chapter when the provider is found to  
228.31 have wrongfully obtained child care assistance by a federal court, state court, or an  
228.32 administrative hearing determination or waiver under section 256.046, through a  
228.33 disqualification consent agreement, as part of an approved diversion plan under section  
228.34 401.065, or a court-ordered stay with probationary or other conditions. The disqualification

229.1 must be for a period of three years for the first offense. Any subsequent violation must result  
 229.2 in permanent disqualification. The disqualification period must be imposed immediately  
 229.3 after a determination is made under this paragraph. During the disqualification period, the  
 229.4 provider is disqualified from receiving payment from any child care program under this  
 229.5 chapter.

229.6 (d) The sanctions provided under this section are in addition to, and not in substitution  
 229.7 for, any other sanctions that may be provided for by law for the offense involved. For  
 229.8 purposes of determining the disqualification period, a disqualification imposed under section  
 229.9 256.046 or 256.98 must also be counted as a disqualification under this section.

229.10 **Sec. 8. REVISOR INSTRUCTION.**

229.11 (a) The revisor of statutes must renumber sections or subdivisions in column A as column  
 229.12 B.

<u>Column A</u>	<u>Column B</u>
<u>119B.011</u>	<u>142E.01</u>
<u>119B.011, subdivision 8</u>	<u>142E.01, subdivision 8</u>
<u>119B.02</u>	<u>142E.02</u>
<u>119B.025</u>	<u>142E.03</u>
<u>119B.03</u>	<u>142E.04</u>
<u>119B.035</u>	<u>142E.05</u>
<u>119B.04</u>	<u>142E.06</u>
<u>119B.05</u>	<u>142E.08</u>
<u>119B.06</u>	<u>142E.07</u>
<u>119B.08</u>	<u>142E.09</u>
<u>119B.09</u>	<u>142E.10</u>
<u>119B.095</u>	<u>142E.11</u>
<u>119B.097</u>	<u>142E.11, subdivision 4</u>
<u>119B.10</u>	<u>142E.12</u>
<u>119B.105</u>	<u>142E.13</u>
<u>119B.11</u>	<u>142E.14</u>
<u>119B.12</u>	<u>142E.15</u>
<u>119B.125</u>	<u>142E.16</u>
<u>119B.13</u>	<u>142E.17</u>
<u>119B.14</u>	<u>142E.03, subdivision 6</u>
<u>119B.15</u>	<u>142E.02, subdivision 9</u>
<u>119B.16</u>	<u>142E.18</u>

230.1	<u>119B.161</u>	<u>142E.19</u>
230.2	<u>119B.162</u>	<u>142E.20</u>
230.3	<u>119B.189</u>	<u>142E.30</u>
230.4	<u>119B.19</u>	<u>142E.31</u>
230.5	<u>119B.21</u>	<u>142E.32</u>
230.6	<u>119B.24</u>	<u>142E.02, subdivision 8</u>
230.7	<u>119B.26</u>	<u>142E.021</u>
230.8	<u>245E.01</u>	<u>142E.50</u>
230.9	<u>245E.02</u>	<u>142E.51</u>
230.10	<u>245E.03</u>	<u>142E.52</u>
230.11	<u>245E.04</u>	<u>142E.53</u>
230.12	<u>245E.05</u>	<u>142E.54</u>
230.13	<u>245E.06</u>	<u>142E.55</u>
230.14	<u>245E.07</u>	<u>142E.56</u>
230.15	<u>245E.08</u>	<u>142E.57</u>
230.16	<u>245E.09</u>	<u>142E.58</u>
230.17	<u>256.046, subdivision 3</u>	<u>142E.51, subdivision 5</u>

230.18 (b) The revisor of statutes must correct any statutory cross-references consistent with  
 230.19 this renumbering.

230.20

**ARTICLE 6**

230.21

**CHAPTER 142F; FOOD, HOUSING, COMMUNITY SUPPORT**

230.22 Section 1. Minnesota Statutes 2022, section 256D.64, subdivision 1, is amended to read:

230.23 Subdivision 1. **Program established.** The Minnesota food assistance program is  
 230.24 established to provide food assistance to legal noncitizens residing in this state who are  
 230.25 ineligible to participate in the federal Supplemental Nutrition Assistance Program (SNAP)  
 230.26 solely due to the provisions of section 402 or 403 of Public Law 104-193, as authorized by  
 230.27 Title VII of the 1997 Emergency Supplemental Appropriations Act, Public Law 105-18,  
 230.28 and as amended by Public Law 105-185.

230.29 ~~Beginning July 1, 2003,~~ The Minnesota food assistance program is limited to those  
 230.30 noncitizens described in this subdivision who are 50 years of age or older.

231.1 Sec. 2. Minnesota Statutes 2022, section 256D.64, subdivision 3, is amended to read:

231.2 Subd. 3. **Program administration.** (a) The rules for the Minnesota food assistance  
231.3 program shall follow exactly the regulations for the federal SNAP, except for the provisions  
231.4 pertaining to immigration status under section 402 or 403 of Public Law 104-193.

231.5 (b) The county agency shall use the income, budgeting, and benefit allotment regulations  
231.6 of the federal SNAP to calculate an eligible recipient's monthly Minnesota food assistance  
231.7 program benefit. ~~Until September 30, 1998, eligible recipients under this subdivision shall~~  
231.8 ~~receive the average per person SNAP benefit issuance in Minnesota in the fiscal year ending~~  
231.9 ~~June 30, 1997. Beginning October 1, 1998, Eligible recipients shall receive the same level~~  
231.10 of benefits as those provided by the federal SNAP to similarly situated citizen recipients.  
231.11 The monthly Minnesota food assistance program benefits shall not exceed an amount equal  
231.12 to the amount of federal SNAP benefits the household would receive if all members of the  
231.13 household were eligible for the federal SNAP benefits.

231.14 (c) Minnesota food assistance program benefits must be disregarded as income in all  
231.15 programs that do not count SNAP benefits as income.

231.16 (d) The county agency must redetermine a Minnesota food assistance program recipient's  
231.17 eligibility for the federal SNAP when the agency receives information that the recipient's  
231.18 legal immigration status has changed in such a way that would make the recipient potentially  
231.19 eligible for the federal SNAP.

231.20 ~~(e) Until October 1, 1998, the commissioner may provide benefits under this section in~~  
231.21 ~~cash.~~

231.22 Sec. 3. Minnesota Statutes 2023 Supplement, section 256D.65, subdivision 1, is amended  
231.23 to read:

231.24 Subdivision 1. **SNAP outreach program.** The commissioner of ~~human services~~ children,  
231.25 youth, and families shall implement a Supplemental Nutrition Assistance Program (SNAP)  
231.26 outreach program to inform low-income households about the availability, eligibility  
231.27 requirements, application procedures, and benefits of SNAP that meets the requirements of  
231.28 the United States Department of Agriculture.

231.29 Sec. 4. **REVISOR INSTRUCTION.**

231.30 (a) The revisor of statutes must renumber each section of Minnesota Statutes in Column  
231.31 A with the number in Column B.

232.1	<u>Column A</u>	<u>Column B</u>
232.2	<u>245.771</u>	<u>142F.05</u>
232.3	<u>256D.60</u>	<u>142F.10</u>
232.4	<u>256D.61</u>	<u>142F.11</u>
232.5	<u>256D.62</u>	<u>142F.101</u>
232.6	<u>256D.63</u>	<u>142F.102</u>
232.7	<u>256D.64</u>	<u>142F.13</u>
232.8	<u>256D.65</u>	<u>142F.12</u>
232.9	<u>256E.30</u>	<u>142F.30</u>
232.10	<u>256E.31</u>	<u>142F.301</u>
232.11	<u>256E.32</u>	<u>142F.302</u>
232.12	<u>256E.34</u>	<u>142F.14</u>
232.13	<u>256E.35</u>	<u>142F.20</u>

232.14 (b) The revisor of statutes must correct any statutory cross-references consistent with  
 232.15 this renumbering.

232.16 **ARTICLE 7**

232.17 **CHAPTER 142G; MINNESOTA FAMILY INVESTMENT PROGRAM**

232.18 Section 1. Minnesota Statutes 2022, section 256J.01, subdivision 2, is amended to read:

232.19 Subd. 2. **Implementation of temporary assistance for needy families (TANF).** The  
 232.20 Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law  
 232.21 104-193, eliminates the entitlement program of aid to families with dependent children  
 232.22 (AFDC) and replaces it with block grants to states for temporary assistance for needy families  
 232.23 (TANF). TANF provides cash assistance for a limited time to families with children and to  
 232.24 pregnant women. Minnesota's TANF assistance will be provided through a statewide  
 232.25 expansion of MFIP. The modifications specified in this chapter are necessary to comply  
 232.26 with the new federal law and to improve MFIP. Eligible applicants and recipients of AFDC,  
 232.27 family general assistance, and the Supplemental Nutrition Assistance Program (SNAP)  
 232.28 benefits will be converted to the MFIP program. ~~Effective January 1, 1998, Any new~~  
 232.29 ~~application received for family cash assistance will be processed under the rules of this~~  
 232.30 ~~chapter. Case maintenance conversion for existing AFDC and FGA cases to MFIP-S as~~  
 232.31 ~~described in this chapter will begin January 1, 1998, and continue through March 31, 1998.~~

233.1 Sec. 2. Minnesota Statutes 2022, section 256J.021, is amended to read:

233.2 **256J.021 SEPARATE STATE PROGRAM FOR USE OF STATE MONEY.**

233.3 (a) Families receiving assistance under this section shall comply with all applicable  
233.4 requirements in this chapter.

233.5 (b) ~~Beginning October 1, 2006,~~ The commissioner of ~~human services~~ must treat MFIP  
233.6 expenditures made to or on behalf of any minor child under section 256J.02, subdivision  
233.7 2, clause (1), who is part of a two-parent household, as expenditures under a separately  
233.8 funded state program. These expenditures shall not count toward the state's maintenance of  
233.9 effort (MOE) requirements under the federal Temporary Assistance to Needy Families  
233.10 (TANF) program.

233.11 (c) ~~Beginning February 1, 2008,~~ The commissioner of ~~human services~~ shall treat MFIP  
233.12 expenditures made to or on behalf of any minor child who is part of a household that meets  
233.13 criteria in section 256J.575, subdivision 3, as expenditures under a separately funded state  
233.14 program under section 256J.575, subdivision 8.

233.15 Sec. 3. Minnesota Statutes 2022, section 256J.08, subdivision 32, is amended to read:

233.16 Subd. 32. **Fair hearing or hearing.** "Fair hearing" or "hearing" means the evidentiary  
233.17 hearing conducted by the department ~~human services~~ of children, youth, and families judge  
233.18 to resolve disputes as specified in section 256J.40, or if not applicable, section 256.045.

233.19 Sec. 4. Minnesota Statutes 2022, section 256J.09, is amended by adding a subdivision to  
233.20 read:

233.21 Subd. 11. **Domestic violence informational brochure.** (a) The commissioner shall  
233.22 provide a domestic violence informational brochure that provides information about the  
233.23 existence of domestic violence waivers to all MFIP applicants. The brochure must explain  
233.24 that eligible applicants may be temporarily waived from certain program requirements due  
233.25 to domestic violence. The brochure must provide information about services and other  
233.26 programs to help victims of domestic violence.

233.27 (b) The brochure must be funded with TANF funds.

234.1 Sec. 5. Minnesota Statutes 2023 Supplement, section 256J.35, is amended to read:

234.2 **256J.35 AMOUNT OF ASSISTANCE PAYMENT.**

234.3 Except as provided in paragraphs (a) to (e), the amount of an assistance payment is equal  
234.4 to the difference between the MFIP standard of need or the Minnesota family wage level  
234.5 in section 256J.24 and countable income.

234.6 (a) ~~Beginning July 1, 2015,~~ MFIP assistance units are eligible for an MFIP housing  
234.7 assistance grant of \$110 per month, unless:

234.8 (1) the housing assistance unit is currently receiving public and assisted rental subsidies  
234.9 provided through the Department of Housing and Urban Development (HUD) and is subject  
234.10 to section 256J.37, subdivision 3a; or

234.11 (2) the assistance unit is a child-only case under section 256J.88.

234.12 (b) On October 1 of each year, the commissioner shall adjust the MFIP housing assistance  
234.13 grant in paragraph (a) for inflation based on the CPI-U for the prior calendar year.

234.14 (c) When MFIP eligibility exists for the month of application, the amount of the assistance  
234.15 payment for the month of application must be prorated from the date of application or the  
234.16 date all other eligibility factors are met for that applicant, whichever is later. This provision  
234.17 applies when an applicant loses at least one day of MFIP eligibility.

234.18 (d) MFIP overpayments to an assistance unit must be recouped according to section  
234.19 256P.08, subdivision 6.

234.20 (e) An initial assistance payment must not be made to an applicant who is not eligible  
234.21 on the date payment is made.

234.22 Sec. 6. Minnesota Statutes 2022, section 256J.351, is amended to read:

234.23 **256J.351 HOUSING ASSISTANCE GRANTS; FORECASTED PROGRAM.**

234.24 ~~Beginning July 1, 2015,~~ Housing assistance grants under section 256J.35, paragraph (a),  
234.25 must be a forecasted program and the commissioner, with the approval of the commissioner  
234.26 of management and budget, may transfer unencumbered appropriation balances within fiscal  
234.27 years of each biennium with other forecasted programs of the department of Human Services.  
234.28 The commissioner shall inform the chairs and ranking minority members of the senate  
234.29 ~~Health and Human Services Finance Division and the house of representatives Health and~~  
234.30 ~~Human Services Finance committee~~ house of representatives and senate committees and  
234.31 divisions with primary jurisdiction over the housing assistance grants quarterly about transfers  
234.32 made under this provision.

235.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 256J.37, subdivision 3a, is amended  
235.2 to read:

235.3 Subd. 3a. **Rental subsidies; unearned income.** (a) ~~Effective July 1, 2003,~~ The agency  
235.4 shall count \$50 of the value of public and assisted rental subsidies provided through the  
235.5 Department of Housing and Urban Development (HUD) as unearned income to the cash  
235.6 portion of the MFIP grant. The full amount of the subsidy must be counted as unearned  
235.7 income when the subsidy is less than \$50. The income from this subsidy shall be budgeted  
235.8 according to section 256P.09.

235.9 (b) The provisions of this subdivision shall not apply to an MFIP assistance unit which  
235.10 includes a participant who is:

235.11 (1) age 60 or older;

235.12 (2) a caregiver who is suffering from an illness, injury, or incapacity that has been  
235.13 certified by a qualified professional when the illness, injury, or incapacity is expected to  
235.14 continue for more than 30 days and severely limits the person's ability to obtain or maintain  
235.15 suitable employment; or

235.16 (3) a caregiver whose presence in the home is required due to the illness or incapacity  
235.17 of another member in the assistance unit, a relative in the household, or a foster child in the  
235.18 household when the illness or incapacity and the need for the participant's presence in the  
235.19 home has been certified by a qualified professional and is expected to continue for more  
235.20 than 30 days.

235.21 (c) The provisions of this subdivision shall not apply to an MFIP assistance unit where  
235.22 the parental caregiver is an SSI participant.

235.23 Sec. 8. Minnesota Statutes 2022, section 256J.395, subdivision 1, is amended to read:

235.24 Subdivision 1. **Vendor payment.** (a) ~~Effective July 1, 1997,~~ When a county is required  
235.25 to provide assistance to a participant in vendor form for shelter costs and utilities under this  
235.26 chapter or chapter 256D, the cost of utilities for a given family may be assumed to be:

235.27 (1) the average of the actual monthly cost of utilities for that family for the prior 12  
235.28 months at the family's current residence, if applicable;

235.29 (2) the monthly plan amount, if any, set by the local utilities for that family at the family's  
235.30 current residence; or

235.31 (3) the estimated monthly utility costs for the dwelling in which the family currently  
235.32 resides.

236.1 (b) For purposes of this section, "utility" means any of the following: municipal water  
236.2 and sewer service; electric, gas, or heating fuel service; or wood, if that is the heating source.

236.3 (c) In any instance where a vendor payment for rent is directed to a landlord not legally  
236.4 entitled to the payment, the county social services agency shall immediately institute  
236.5 proceedings to collect the amount of the vendored rent payment, which shall be considered  
236.6 a debt under section 270A.03, subdivision 5.

236.7 Sec. 9. Minnesota Statutes 2023 Supplement, section 256J.40, is amended to read:

236.8 **256J.40 FAIR HEARINGS.**

236.9 Caregivers receiving a notice of intent to sanction or a notice of adverse action that  
236.10 includes a sanction, reduction in benefits, suspension of benefits, denial of benefits, or  
236.11 termination of benefits may request a fair hearing. A request for a fair hearing must be  
236.12 submitted in writing to the county agency or to the commissioner and must be mailed within  
236.13 30 days after a participant or former participant receives written notice of the agency's action  
236.14 or within 90 days when a participant or former participant shows good cause for not  
236.15 submitting the request within 30 days. A former participant who receives a notice of adverse  
236.16 action due to an overpayment may appeal the adverse action according to the requirements  
236.17 in this section. Issues that may be appealed are:

236.18 (1) the amount of the assistance payment;

236.19 (2) a suspension, reduction, denial, or termination of assistance;

236.20 (3) the basis for an overpayment, the calculated amount of an overpayment, and the level  
236.21 of recoupment;

236.22 (4) the eligibility for an assistance payment; and

236.23 (5) the use of protective or vendor payments under section 256J.39, subdivision 2, clauses  
236.24 (1) to (3).

236.25 A county agency must not reduce, suspend, or terminate payment when an aggrieved  
236.26 participant requests a fair hearing prior to the effective date of the adverse action or within  
236.27 ten days of the mailing of the notice of adverse action, whichever is later, unless the  
236.28 participant requests in writing not to receive continued assistance pending a hearing decision.  
236.29 Assistance issued pending a fair hearing is subject to recovery under section 256P.08 when  
236.30 as a result of the fair hearing decision the participant is determined ineligible for assistance  
236.31 or the amount of the assistance received. A county agency may increase or reduce an  
236.32 assistance payment while an appeal is pending when the circumstances of the participant

237.1 change and are not related to the issue on appeal. The commissioner's order is binding on  
237.2 a county agency. No additional notice is required to enforce the commissioner's order.

237.3 A county agency shall reimburse appellants for reasonable and necessary expenses of  
237.4 attendance at the hearing, such as child care and transportation costs and for the transportation  
237.5 expenses of the appellant's witnesses and representatives to and from the hearing. Reasonable  
237.6 and necessary expenses do not include legal fees. Fair hearings must be conducted at a  
237.7 reasonable time and date by an impartial ~~human services~~ children, youth, and families judge  
237.8 employed by the department. The hearing may be conducted by telephone or at a site that  
237.9 is readily accessible to persons with disabilities.

237.10 The appellant may introduce new or additional evidence relevant to the issues on appeal.  
237.11 Recommendations of the ~~human services~~ children, youth, and families judge and decisions  
237.12 of the commissioner must be based on evidence in the hearing record and are not limited  
237.13 to a review of the county agency action.

237.14 Sec. 10. Minnesota Statutes 2022, section 256J.425, subdivision 8, is amended to read:

237.15 Subd. 8. **County extension request.** A county may make a request to the commissioner  
237.16 ~~of human services~~, and the commissioner may grant, an extension for a category of  
237.17 participants that are not extended under this section, provided the new category of participants  
237.18 is consistent with the existing extension policy in which an extension is provided to  
237.19 participants whose MFIP requirements conflict with other statutory requirements or  
237.20 obligations. By January 15 of each year, the commissioner must report to the chairs and  
237.21 ranking minority members of the senate and house of representatives committees having  
237.22 jurisdiction over ~~health and human services~~ children, youth, and families the extensions  
237.23 that were granted under this section during the previous calendar year. The legislature must  
237.24 act in order for the extensions to continue. If the legislature fails to act by the end of the  
237.25 legislative session in which the extensions were reported, the extensions granted under this  
237.26 section during the previous calendar year expire on June 30 of that year.

237.27 Sec. 11. Minnesota Statutes 2022, section 256J.645, subdivision 1, is amended to read:

237.28 Subdivision 1. **Authorization to enter into agreements.** ~~Effective July 1, 1997,~~ The  
237.29 commissioner may enter into agreements with federally recognized Indian tribes with a  
237.30 reservation in the state to provide MFIP employment services to members of the Indian  
237.31 tribe and to other caregivers who are a part of the tribal member's MFIP assistance unit. For  
237.32 purposes of this section, "Indian tribe" means a tribe, band, nation, or other federally  
237.33 recognized group or community of Indians. The commissioner may also enter into an

238.1 agreement with a consortium of Indian tribes providing the governing body of each Indian  
 238.2 tribe in the consortium complies with the provisions of this section.

238.3 **Sec. 12. REVISOR INSTRUCTION.**

238.4 The revisor of statutes must renumber sections or subdivisions in Column A as Column

238.5 B.

238.6	<u>Column A</u>	<u>Column B</u>
238.7	<u>256.935</u>	<u>142G.95</u>
238.8	<u>256J.01</u>	<u>142G.01</u>
238.9	<u>256J.02</u>	<u>142G.03</u>
238.10	<u>256J.021</u>	<u>142G.04</u>
238.11	<u>256J.06</u>	<u>142G.01, subdivision 6</u>
238.12	<u>256J.08</u>	<u>142G.02</u>
238.13	<u>256J.09</u>	<u>142G.05</u>
238.14	<u>256J.10</u>	<u>142G.10, subdivision 1</u>
238.15	<u>256J.11</u>	<u>142G.11</u>
238.16	<u>256J.12</u>	<u>142G.12</u>
238.17	<u>256J.13</u>	<u>142G.13</u>
238.18	<u>256J.14</u>	<u>142G.14</u>
238.19	<u>256J.15</u>	<u>142G.15</u>
238.20	<u>256J.21</u>	<u>142G.16</u>
238.21	<u>256J.24</u>	<u>142G.17</u>
238.22	<u>256J.26</u>	<u>142G.18</u>
238.23	<u>256J.28</u>	<u>142G.19</u>
238.24	<u>256J.30</u>	<u>142G.20</u>
238.25	<u>256J.31</u>	<u>142G.21</u>
238.26	<u>256J.315</u>	<u>142G.01, subdivision 7</u>
238.27	<u>256J.32, subdivision 1</u>	<u>142G.10, subdivision 2</u>
238.28	<u>256J.33</u>	<u>142G.22</u>
238.29	<u>256J.34</u>	<u>142G.30</u>
238.30	<u>256J.35</u>	<u>142G.32, subdivision 1</u>
238.31	<u>256J.351</u>	<u>142G.32, subdivision 2</u>
238.32	<u>256J.36</u>	<u>142G.33</u>
238.33	<u>256J.37</u>	<u>142G.31</u>
238.34	<u>256J.39</u>	<u>142G.35</u>
238.35	<u>256J.395</u>	<u>142G.36</u>
238.36	<u>256J.396</u>	<u>142G.34</u>

239.1	<u>256J.40</u>	<u>142G.45</u>
239.2	<u>256J.415</u>	<u>142G.41</u>
239.3	<u>256J.42</u>	<u>142G.40</u>
239.4	<u>256J.425</u>	<u>142G.42</u>
239.5	<u>256J.45</u>	<u>142G.27</u>
239.6	<u>256J.46</u>	<u>142G.70</u>
239.7	<u>256J.49</u>	<u>142G.50</u>
239.8	<u>256J.50</u>	<u>142G.54</u>
239.9	<u>256J.51</u>	<u>142G.65</u>
239.10	<u>256J.515</u>	<u>142G.55</u>
239.11	<u>256J.521</u>	<u>142G.56</u>
239.12	<u>256J.53</u>	<u>142G.58</u>
239.13	<u>256J.531</u>	<u>142G.59</u>
239.14	<u>256J.54</u>	<u>142G.57</u>
239.15	<u>256J.545</u>	<u>142G.53</u>
239.16	<u>256J.55</u>	<u>142G.51</u>
239.17	<u>256J.561</u>	<u>142G.52</u>
239.18	<u>256J.57</u>	<u>142G.71</u>
239.19	<u>256J.575</u>	<u>142G.75</u>
239.20	<u>256J.61</u>	<u>142G.25</u>
239.21	<u>256J.621</u>	<u>142G.37</u>
239.22	<u>256J.626</u>	<u>142G.76</u>
239.23	<u>256J.645</u>	<u>142G.77</u>
239.24	<u>256J.66</u>	<u>142G.60</u>
239.25	<u>256J.67</u>	<u>142G.61</u>
239.26	<u>256J.68</u>	<u>142G.62</u>
239.27	<u>256J.69</u>	<u>142G.64</u>
239.28	<u>256J.72</u>	<u>142G.63</u>
239.29	<u>256J.74</u>	<u>142G.26</u>
239.30	<u>256J.75</u>	<u>142G.78</u>
239.31	<u>256J.751</u>	<u>142G.79</u>
239.32	<u>256J.77</u>	<u>142G.38</u>
239.33	<u>256J.78</u>	<u>142G.85</u>
239.34	<u>256J.88</u>	<u>142G.01, subdivision 8</u>
239.35	<u>256J.95</u>	<u>142G.90</u>

239.36 The revisor of statutes must correct any statutory cross-references consistent with this  
239.37 renumbering.

240.1 Sec. 13. **REPEALER.**

240.2 Minnesota Statutes 2022, sections 256J.01, subdivision 5; and 256J.78, subdivision 3,  
240.3 are repealed.

240.4 **ARTICLE 8**

240.5 **MISCELLANEOUS**

240.6 Section 1. Minnesota Statutes 2022, section 13.46, subdivision 1, is amended to read:

240.7 Subdivision 1. **Definitions.** As used in this section:

240.8 (a) "Individual" means an individual according to section 13.02, subdivision 8, but does  
240.9 not include a vendor of services.

240.10 (b) "Program" includes all programs for which authority is vested in a component of the  
240.11 welfare system according to statute or federal law, including, but not limited to, Native  
240.12 American Tribe programs that provide a service component of the welfare system, the aid  
240.13 to families with dependent children program formerly codified in sections 256.72 to 256.87,  
240.14 Minnesota family investment program, ~~temporary assistance for needy families program,~~  
240.15 medical assistance, general assistance, general assistance medical care formerly codified in  
240.16 chapter 256D, child care assistance program, and child support collections.

240.17 (c) "Welfare system" includes the Department of Human Services; the Department of  
240.18 Children, Youth, and Families; local social services agencies; county welfare agencies; county  
240.19 public health agencies; county veteran services agencies; county housing agencies; private  
240.20 licensing agencies; the public authority responsible for child support enforcement; human  
240.21 services boards; community mental health center boards, state hospitals, state nursing  
240.22 homes, the ombudsman for mental health and developmental disabilities; Native American  
240.23 Tribes to the extent a Tribe provides a service component of the welfare system; and persons,  
240.24 agencies, institutions, organizations, and other entities under contract to any of the above  
240.25 agencies to the extent specified in the contract.

240.26 (d) "Mental health data" means data on individual clients and patients of community  
240.27 mental health centers, established under section 245.62, mental health divisions of counties  
240.28 and other providers under contract to deliver mental health services, or the ombudsman for  
240.29 mental health and developmental disabilities.

240.30 (e) "Fugitive felon" means a person who has been convicted of a felony and who has  
240.31 escaped from confinement or violated the terms of probation or parole for that offense.

241.1 (f) "Private licensing agency" means an agency licensed by the commissioner of ~~human~~  
241.2 ~~services~~ children, youth, and families under chapter ~~245A~~ 142B to perform the duties under  
241.3 section ~~245A.16~~ 142B.30.

241.4 Sec. 2. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 2, is amended to  
241.5 read:

241.6 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or disseminated  
241.7 by the welfare system are private data on individuals, and shall not be disclosed except:

241.8 (1) according to section 13.05;

241.9 (2) according to court order;

241.10 (3) according to a statute specifically authorizing access to the private data;

241.11 (4) to an agent of the welfare system and an investigator acting on behalf of a county,  
241.12 the state, or the federal government, including a law enforcement person or attorney in the  
241.13 investigation or prosecution of a criminal, civil, or administrative proceeding relating to the  
241.14 administration of a program;

241.15 (5) to personnel of the welfare system who require the data to verify an individual's  
241.16 identity; determine eligibility, amount of assistance, and the need to provide services to an  
241.17 individual or family across programs; coordinate services for an individual or family;  
241.18 evaluate the effectiveness of programs; assess parental contribution amounts; and investigate  
241.19 suspected fraud;

241.20 (6) to administer federal funds or programs;

241.21 (7) between personnel of the welfare system working in the same program;

241.22 (8) to the Department of Revenue to assess parental contribution amounts for purposes  
241.23 of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs  
241.24 and to identify individuals who may benefit from these programs, and prepare the databases  
241.25 for reports required under section 270C.13 and Laws 2008, chapter 366, article 17, section  
241.26 6. The following information may be disclosed under this paragraph: an individual's and  
241.27 their dependent's names, dates of birth, Social Security or individual taxpayer identification  
241.28 numbers, income, addresses, and other data as required, upon request by the Department  
241.29 of Revenue. Disclosures by the commissioner of revenue to the commissioner of human  
241.30 services for the purposes described in this clause are governed by section 270B.14,  
241.31 subdivision 1. Tax refund or tax credit programs include, but are not limited to, the dependent  
241.32 care credit under section 290.067, the Minnesota working family credit under section

242.1 290.0671, the property tax refund under section 290A.04, and the Minnesota education  
242.2 credit under section 290.0674;

242.3 (9) between the Department of Human Services; the Department of Employment and  
242.4 Economic Development; the Department of Children, Youth, and Families; and, when  
242.5 applicable, the Department of Education, for the following purposes:

242.6 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
242.7 employment or training program administered, supervised, or certified by that agency;

242.8 (ii) to administer any rehabilitation program or child care assistance program, whether  
242.9 alone or in conjunction with the welfare system;

242.10 (iii) to monitor and evaluate the Minnesota family investment program or the child care  
242.11 assistance program by exchanging data on recipients and former recipients of Supplemental  
242.12 Nutrition Assistance Program (SNAP) benefits, cash assistance under chapter 256, 256D,  
242.13 256J, or 256K, child care assistance under chapter 119B, medical programs under chapter  
242.14 256B or 256L, ~~or a medical program formerly codified under chapter 256D~~; and

242.15 (iv) to analyze public assistance employment services and program utilization, cost,  
242.16 effectiveness, and outcomes as implemented under the authority established in Title II,  
242.17 Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999.  
242.18 Health records governed by sections 144.291 to 144.298 and "protected health information"  
242.19 as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code  
242.20 of Federal Regulations, title 45, parts 160-164, including health care claims utilization  
242.21 information, must not be exchanged under this clause;

242.22 (10) to appropriate parties in connection with an emergency if knowledge of the  
242.23 information is necessary to protect the health or safety of the individual or other individuals  
242.24 or persons;

242.25 (11) data maintained by residential programs as defined in section 245A.02 may be  
242.26 disclosed to the protection and advocacy system established in this state according to Part  
242.27 C of Public Law 98-527 to protect the legal and human rights of persons with developmental  
242.28 disabilities or other related conditions who live in residential facilities for these persons if  
242.29 the protection and advocacy system receives a complaint by or on behalf of that person and  
242.30 the person does not have a legal guardian or the state or a designee of the state is the legal  
242.31 guardian of the person;

242.32 (12) to the county medical examiner or the county coroner for identifying or locating  
242.33 relatives or friends of a deceased person;

243.1 (13) data on a child support obligor who makes payments to the public agency may be  
243.2 disclosed to the Minnesota Office of Higher Education to the extent necessary to determine  
243.3 eligibility under section 136A.121, subdivision 2, clause (5);

243.4 (14) participant Social Security or individual taxpayer identification numbers and names  
243.5 collected by the telephone assistance program may be disclosed to the Department of  
243.6 Revenue to conduct an electronic data match with the property tax refund database to  
243.7 determine eligibility under section 237.70, subdivision 4a;

243.8 (15) the current address of a Minnesota family investment program participant may be  
243.9 disclosed to law enforcement officers who provide the name of the participant and notify  
243.10 the agency that:

243.11 (i) the participant:

243.12 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
243.13 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
243.14 jurisdiction from which the individual is fleeing; or

243.15 (B) is violating a condition of probation or parole imposed under state or federal law;

243.16 (ii) the location or apprehension of the felon is within the law enforcement officer's  
243.17 official duties; and

243.18 (iii) the request is made in writing and in the proper exercise of those duties;

243.19 (16) the current address of a recipient of general assistance may be disclosed to probation  
243.20 officers and corrections agents who are supervising the recipient and to law enforcement  
243.21 officers who are investigating the recipient in connection with a felony level offense;

243.22 (17) information obtained from a SNAP applicant or recipient households may be  
243.23 disclosed to local, state, or federal law enforcement officials, upon their written request, for  
243.24 the purpose of investigating an alleged violation of the Food and Nutrition Act, according  
243.25 to Code of Federal Regulations, title 7, section 272.1(c);

243.26 (18) the address, Social Security or individual taxpayer identification number, and, if  
243.27 available, photograph of any member of a household receiving SNAP benefits shall be made  
243.28 available, on request, to a local, state, or federal law enforcement officer if the officer  
243.29 furnishes the agency with the name of the member and notifies the agency that:

243.30 (i) the member:

243.31 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
243.32 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

244.1 (B) is violating a condition of probation or parole imposed under state or federal law;

244.2 or

244.3 (C) has information that is necessary for the officer to conduct an official duty related

244.4 to conduct described in subitem (A) or (B);

244.5 (ii) locating or apprehending the member is within the officer's official duties; and

244.6 (iii) the request is made in writing and in the proper exercise of the officer's official duty;

244.7 (19) the current address of a recipient of Minnesota family investment program, general

244.8 assistance, or SNAP benefits may be disclosed to law enforcement officers who, in writing,

244.9 provide the name of the recipient and notify the agency that the recipient is a person required

244.10 to register under section 243.166, but is not residing at the address at which the recipient is

244.11 registered under section 243.166;

244.12 (20) certain information regarding child support obligors who are in arrears may be

244.13 made public according to section 518A.74;

244.14 (21) data on child support payments made by a child support obligor and data on the

244.15 distribution of those payments excluding identifying information on obligees may be

244.16 disclosed to all obligees to whom the obligor owes support, and data on the enforcement

244.17 actions undertaken by the public authority, the status of those actions, and data on the income

244.18 of the obligor or obligee may be disclosed to the other party;

244.19 (22) data in the work reporting system may be disclosed under section 256.998,

244.20 subdivision 7;

244.21 (23) to the Department of Education for the purpose of matching Department of Education

244.22 student data with public assistance data to determine students eligible for free and

244.23 reduced-price meals, meal supplements, and free milk according to United States Code,

244.24 title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state

244.25 funds that are distributed based on income of the student's family; and to verify receipt of

244.26 energy assistance for the telephone assistance plan;

244.27 (24) the current address and telephone number of program recipients and emergency

244.28 contacts may be released to the commissioner of health or a community health board as

244.29 defined in section 145A.02, subdivision 5, when the commissioner or community health

244.30 board has reason to believe that a program recipient is a disease case, carrier, suspect case,

244.31 or at risk of illness, and the data are necessary to locate the person;

244.32 (25) to other state agencies, statewide systems, and political subdivisions of this state,

244.33 including the attorney general, and agencies of other states, interstate information networks,

245.1 federal agencies, and other entities as required by federal regulation or law for the  
245.2 administration of the child support enforcement program;

245.3 (26) to personnel of public assistance programs as defined in section 256.741, for access  
245.4 to the child support system database for the purpose of administration, including monitoring  
245.5 and evaluation of those public assistance programs;

245.6 (27) to monitor and evaluate the Minnesota family investment program by exchanging  
245.7 data between the Departments of Human Services; Children, Youth, and Families; and  
245.8 Education, on recipients and former recipients of SNAP benefits, cash assistance under  
245.9 chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, medical  
245.10 programs under chapter 256B or 256L, or a medical program formerly codified under chapter  
245.11 256D;

245.12 (28) to evaluate child support program performance and to identify and prevent fraud  
245.13 in the child support program by exchanging data between the Department of Human  
245.14 Services; Department of Children, Youth, and Families; Department of Revenue under  
245.15 section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of  
245.16 use in paragraph (c);<sub>2</sub> Department of Health;<sub>2</sub> Department of Employment and Economic  
245.17 Development;<sub>2</sub> and other state agencies as is reasonably necessary to perform these functions;

245.18 (29) counties and the Department of ~~Human Services~~ Children, Youth, and Families  
245.19 operating child care assistance programs under chapter 119B may disseminate data on  
245.20 program participants, applicants, and providers to the commissioner of education;

245.21 (30) child support data on the child, the parents, and relatives of the child may be  
245.22 disclosed to agencies administering programs under titles IV-B and IV-E of the Social  
245.23 Security Act, as authorized by federal law;

245.24 (31) to a health care provider governed by sections 144.291 to 144.298, to the extent  
245.25 necessary to coordinate services;

245.26 (32) to the chief administrative officer of a school to coordinate services for a student  
245.27 and family; data that may be disclosed under this clause are limited to name, date of birth,  
245.28 gender, and address;

245.29 (33) to county correctional agencies to the extent necessary to coordinate services and  
245.30 diversion programs; data that may be disclosed under this clause are limited to name, client  
245.31 demographics, program, case status, and county worker information; or

245.32 (34) between the Department of Human Services and the Metropolitan Council for the  
245.33 following purposes:

246.1 (i) to coordinate special transportation service provided under section 473.386 with  
246.2 services for people with disabilities and elderly individuals funded by or through the  
246.3 Department of Human Services; and

246.4 (ii) to provide for reimbursement of special transportation service provided under section  
246.5 473.386.

246.6 The data that may be shared under this clause are limited to the individual's first, last, and  
246.7 middle names; date of birth; residential address; and program eligibility status with expiration  
246.8 date for the purposes of informing the other party of program eligibility.

246.9 (b) Information on persons who have been treated for ~~drug or alcohol abuse~~ substance  
246.10 use disorder may only be disclosed according to the requirements of Code of Federal  
246.11 Regulations, title 42, sections 2.1 to 2.67.

246.12 (c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16),  
246.13 (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
246.14 nonpublic while the investigation is active. The data are private after the investigation  
246.15 becomes inactive under section 13.82, subdivision 7, clause (a) or (b).

246.16 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are  
246.17 not subject to the access provisions of subdivision 10, paragraph (b).

246.18 For the purposes of this subdivision, a request will be deemed to be made in writing if  
246.19 made through a computer interface system.

246.20 Sec. 3. Minnesota Statutes 2022, section 13.46, subdivision 3, is amended to read:

246.21 Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of services,  
246.22 licensees, and applicants that is collected, maintained, used, or disseminated by the welfare  
246.23 system in an investigation, authorized by statute, and relating to the enforcement of rules  
246.24 or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or  
246.25 protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and  
246.26 shall not be disclosed except:

246.27 (1) pursuant to section 13.05;

246.28 (2) pursuant to statute or valid court order;

246.29 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for  
246.30 preparation of defense;

246.31 (4) to an agent of the welfare system or an investigator acting on behalf of a county,  
246.32 state, or federal government, including a law enforcement officer or attorney in the

247.1 investigation or prosecution of a criminal, civil, or administrative proceeding, unless the  
247.2 commissioner of human services or commissioner of children, youth, and families determines  
247.3 that disclosure may compromise a Department of Human Services or Department of Children,  
247.4 Youth, and Families ongoing investigation; or

247.5 (5) to provide notices required or permitted by statute.

247.6 The data referred to in this subdivision shall be classified as public data upon submission  
247.7 to an administrative law judge or court in an administrative or judicial proceeding. Inactive  
247.8 welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

247.9 (b) Notwithstanding any other provision in law, the commissioner of human services  
247.10 shall provide all active and inactive investigative data, including the name of the reporter  
247.11 of alleged maltreatment under section 626.557 or chapter 260E, to the ombudsman for  
247.12 mental health and developmental disabilities upon the request of the ombudsman.

247.13 (c) Notwithstanding paragraph (a) and section 13.39, the existence of an investigation  
247.14 by the commissioner of human services of possible overpayments of public funds to a service  
247.15 provider or recipient may be disclosed if the commissioner determines that it will not  
247.16 compromise the investigation.

247.17 Sec. 4. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, is amended to  
247.18 read:

247.19 Subd. 4. **Licensing data.** (a) As used in this subdivision:

247.20 (1) "licensing data" are all data collected, maintained, used, or disseminated by the  
247.21 welfare system pertaining to persons licensed or registered or who apply for licensure or  
247.22 registration or who formerly were licensed or registered under the authority of the  
247.23 commissioner of human services;

247.24 (2) "client" means a person who is receiving services from a licensee or from an applicant  
247.25 for licensure; and

247.26 (3) "personal and personal financial data" are Social Security numbers, identity of and  
247.27 letters of reference, insurance information, reports from the Bureau of Criminal  
247.28 Apprehension, health examination reports, and social/home studies.

247.29 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license  
247.30 holders, and former licensees are public: name, address, telephone number of licensees,  
247.31 date of receipt of a completed application, dates of licensure, licensed capacity, type of  
247.32 client preferred, variances granted, record of training and education in child care and child

248.1 development, type of dwelling, name and relationship of other family members, previous  
248.2 license history, class of license, the existence and status of complaints, and the number of  
248.3 serious injuries to or deaths of individuals in the licensed program as reported to the  
248.4 commissioner of human services; the commissioner of children, youth, and families; the  
248.5 local social services agency; or any other county welfare agency. For purposes of this  
248.6 clause, a serious injury is one that is treated by a physician.

248.7 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,  
248.8 an order of license suspension, an order of temporary immediate suspension, an order of  
248.9 license revocation, an order of license denial, or an order of conditional license has been  
248.10 issued, or a complaint is resolved, the following data on current and former licensees and  
248.11 applicants are public: the general nature of the complaint or allegations leading to the  
248.12 temporary immediate suspension; the substance and investigative findings of the licensing  
248.13 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence  
248.14 of settlement negotiations; the record of informal resolution of a licensing violation; orders  
248.15 of hearing; findings of fact; conclusions of law; specifications of the final correction order,  
248.16 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license  
248.17 contained in the record of licensing action; whether a fine has been paid; and the status of  
248.18 any appeal of these actions.

248.19 (iii) When a license denial under section 142A.15 or 245A.05 or a sanction under section  
248.20 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling  
248.21 individual is responsible for maltreatment under section 626.557 or chapter 260E, the identity  
248.22 of the applicant, license holder, or controlling individual as the individual responsible for  
248.23 maltreatment is public data at the time of the issuance of the license denial or sanction.

248.24 (iv) When a license denial under section 142A.15 or 245A.05 or a sanction under section  
248.25 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling  
248.26 individual is disqualified under chapter 245C, the identity of the license holder, applicant,  
248.27 or controlling individual as the disqualified individual is public data at the time of the  
248.28 issuance of the licensing sanction or denial. If the applicant, license holder, or controlling  
248.29 individual requests reconsideration of the disqualification and the disqualification is affirmed,  
248.30 the reason for the disqualification and the reason to not set aside the disqualification are  
248.31 private data.

248.32 (v) A correction order or fine issued to a child care provider for a licensing violation is  
248.33 private data on individuals under section 13.02, subdivision 12, or nonpublic data under  
248.34 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

249.1 (2) For applicants who withdraw their application prior to licensure or denial of a license,  
249.2 the following data are public: the name of the applicant, the city and county in which the  
249.3 applicant was seeking licensure, the dates of the commissioner's receipt of the initial  
249.4 application and completed application, the type of license sought, and the date of withdrawal  
249.5 of the application.

249.6 (3) For applicants who are denied a license, the following data are public: the name and  
249.7 address of the applicant, the city and county in which the applicant was seeking licensure,  
249.8 the dates of the commissioner's receipt of the initial application and completed application,  
249.9 the type of license sought, the date of denial of the application, the nature of the basis for  
249.10 the denial, the existence of settlement negotiations, the record of informal resolution of a  
249.11 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final  
249.12 order of denial, and the status of any appeal of the denial.

249.13 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the  
249.14 victim and the substantiated perpetrator are affiliated with a program licensed under chapter  
249.15 142B or 245A; the commissioner of human services; commissioner of children, youth,  
249.16 and families; local social services agency; or county welfare agency may inform the license  
249.17 holder where the maltreatment occurred of the identity of the substantiated perpetrator and  
249.18 the victim.

249.19 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder  
249.20 and the status of the license are public if the county attorney has requested that data otherwise  
249.21 classified as public data under clause (1) be considered private data based on the best interests  
249.22 of a child in placement in a licensed program.

249.23 (c) The following are private data on individuals under section 13.02, subdivision 12,  
249.24 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data  
249.25 on family day care program and family foster care program applicants and licensees and  
249.26 their family members who provide services under the license.

249.27 (d) The following are private data on individuals: the identity of persons who have made  
249.28 reports concerning licensees or applicants that appear in inactive investigative data, and the  
249.29 records of clients or employees of the licensee or applicant for licensure whose records are  
249.30 received by the licensing agency for purposes of review or in anticipation of a contested  
249.31 matter. The names of reporters of complaints or alleged violations of licensing standards  
249.32 under chapters 142B, 245A, 245B, 245C, and 245D, and applicable rules and alleged  
249.33 maltreatment under section 626.557 and chapter 260E, are confidential data and may be

250.1 disclosed only as provided in section 260E.21, subdivision 4; 260E.35; or 626.557,  
250.2 subdivision 12b.

250.3 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this  
250.4 subdivision become public data if submitted to a court or administrative law judge as part  
250.5 of a disciplinary proceeding in which there is a public hearing concerning a license which  
250.6 has been suspended, immediately suspended, revoked, or denied.

250.7 (f) Data generated in the course of licensing investigations that relate to an alleged  
250.8 violation of law are investigative data under subdivision 3.

250.9 (g) Data that are not public data collected, maintained, used, or disseminated under this  
250.10 subdivision that relate to or are derived from a report as defined in section 260E.03, or  
250.11 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,  
250.12 subdivision 6, and 626.557, subdivision 12b.

250.13 (h) Upon request, not public data collected, maintained, used, or disseminated under  
250.14 this subdivision that relate to or are derived from a report of substantiated maltreatment as  
250.15 defined in section 626.557 or chapter 260E may be exchanged with the Department of  
250.16 Health for purposes of completing background studies pursuant to section 144.057 and with  
250.17 the Department of Corrections for purposes of completing background studies pursuant to  
250.18 section 241.021.

250.19 (i) Data on individuals collected according to licensing activities under chapters 142B,  
250.20 245A, and 245C, data on individuals collected by the commissioner of human services  
250.21 according to investigations under section 626.557 and chapters 142B, 245A, 245B, 245C,  
250.22 245D, and 260E may be shared with the Department of Human Rights, the Department of  
250.23 Health, the Department of Corrections, the ombudsman for mental health and developmental  
250.24 disabilities, and the individual's professional regulatory board when there is reason to believe  
250.25 that laws or standards under the jurisdiction of those agencies may have been violated or  
250.26 the information may otherwise be relevant to the board's regulatory jurisdiction. Background  
250.27 study data on an individual who is the subject of a background study under chapter 245C  
250.28 for a licensed service for which the commissioner of human services or children, youth,  
250.29 and families is the license holder may be shared with the commissioner and the  
250.30 commissioner's delegate by the licensing division. Unless otherwise specified in this chapter,  
250.31 the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

250.32 (j) In addition to the notice of determinations required under sections 260E.24,  
250.33 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the  
250.34 commissioner of children, youth, and families or the local social services agency has

251.1 determined that an individual is a substantiated perpetrator of maltreatment of a child based  
251.2 on sexual abuse, as defined in section 260E.03, and the commissioner or local social services  
251.3 agency knows that the individual is a person responsible for a child's care in another facility,  
251.4 the commissioner or local social services agency shall notify the head of that facility of this  
251.5 determination. The notification must include an explanation of the individual's available  
251.6 appeal rights and the status of any appeal. If a notice is given under this paragraph, the  
251.7 government entity making the notification shall provide a copy of the notice to the individual  
251.8 who is the subject of the notice.

251.9 (k) All not public data collected, maintained, used, or disseminated under this subdivision  
251.10 and subdivision 3 may be exchanged between the Department of Human Services, Licensing  
251.11 Division, and the Department of Corrections for purposes of regulating services for which  
251.12 the Department of Human Services and the Department of Corrections have regulatory  
251.13 authority.

251.14 Sec. 5. Minnesota Statutes 2022, section 116L.665, subdivision 2, is amended to read:

251.15 Subd. 2. **Membership.** (a) The governor's Workforce Development Board is composed  
251.16 of members appointed by the governor. In selecting the representatives of the board, the  
251.17 governor shall ensure that a majority of the members come from the private sector, pursuant  
251.18 to United States Code, title 29, section 3111. For the public members, membership terms,  
251.19 compensation of members, and removal of members are governed by section 15.059,  
251.20 subdivisions 2, 3, and 4. To the extent practicable, the membership should be balanced as  
251.21 to gender and ethnic diversity.

251.22 (b) No person shall serve as a member of more than one category described in paragraph  
251.23 (c).

251.24 (c) Voting members shall consist of the following:

251.25 (1) the governor or the governor's designee;

251.26 (2) two members of the house of representatives, one appointed by the speaker of the  
251.27 house and one appointed by the minority leader of the house of representatives;

251.28 (3) two members of the senate, one appointed by the senate majority leader and one  
251.29 appointed by the senate minority leader;

251.30 (4) a majority of the members must be representatives of businesses in the state appointed  
251.31 by the governor who:

252.1 (i) are owners of businesses, chief executives, or operating officers of businesses, or  
252.2 other business executives or employers with optimum policy-making or hiring authority  
252.3 and who, in addition, may be members of a local board under United States Code, title 29,  
252.4 section 3122(b)(2)(A)(i);

252.5 (ii) represent businesses, including small businesses, or organizations representing  
252.6 businesses that provide employment opportunities that, at a minimum, include high-quality,  
252.7 work-relevant training and development in in-demand industry sectors or occupations in  
252.8 the state; and

252.9 (iii) are appointed from individuals nominated by state business organizations and  
252.10 business trade associations;

252.11 (5) six representatives of labor organizations appointed by the governor, including:

252.12 (i) representatives of labor organizations who have been nominated by state labor  
252.13 federations; and

252.14 (ii) a member of a labor organization or a training director from a joint labor organization;

252.15 (6) commissioners of the state agencies with primary responsibility for core programs  
252.16 identified within the state plan including:

252.17 (i) the Department of Employment and Economic Development;

252.18 (ii) the Department of Education; ~~and~~

252.19 (iii) the Department of Human Services; and

252.20 (iv) the Department of Children, Youth, and Families;

252.21 (7) two chief elected officials, appointed by the governor, collectively representing cities  
252.22 and counties;

252.23 (8) two representatives who are people of color or people with disabilities, appointed  
252.24 by the governor, of community-based organizations that have demonstrated experience and  
252.25 expertise in addressing the employment, training, or education needs of individuals with  
252.26 barriers to employment; and

252.27 (9) four officials responsible for education programs in the state, appointed by the  
252.28 governor, including chief executive officers of community colleges and other institutions  
252.29 of higher education, including:

252.30 (i) the chancellor of the Minnesota State Colleges and Universities;

252.31 (ii) the president of the University of Minnesota;

- 253.1 (iii) a president from a private postsecondary school; and
- 253.2 (iv) a representative of career and technical education.
- 253.3 (d) The nonvoting members of the board shall be appointed by the governor and consist
- 253.4 of one of each of the following:
- 253.5 (1) a representative of Adult Basic Education;
- 253.6 (2) a representative of public libraries;
- 253.7 (3) a person with expertise in women's economic security;
- 253.8 (4) the chair or executive director of the Minnesota Workforce Council Association;
- 253.9 (5) the commissioner of labor and industry;
- 253.10 (6) the commissioner of the Office of Higher Education;
- 253.11 (7) the commissioner of corrections;
- 253.12 (8) the commissioner of management and budget;
- 253.13 (9) two representatives of community-based organizations who are people of color or
- 253.14 people with disabilities who have demonstrated experience and expertise in addressing the
- 253.15 employment, training, and education needs of individuals with barriers to employment;
- 253.16 (10) a representative of secondary, postsecondary, or career-technical education;
- 253.17 (11) a representative of school-based service learning;
- 253.18 (12) a representative of the Council on Asian-Pacific Minnesotans;
- 253.19 (13) a representative of the Minnesota Council on Latino Affairs;
- 253.20 (14) a representative of the Council for Minnesotans of African Heritage;
- 253.21 (15) a representative of the Minnesota Indian Affairs Council;
- 253.22 (16) a representative of the Minnesota State Council on Disability; and
- 253.23 (17) a representative of the Office on the Economic Status of Women.
- 253.24 (e) Each member shall be appointed for a term of three years from the first day of January
- 253.25 or July immediately following their appointment. Elected officials shall forfeit their
- 253.26 appointment if they cease to serve in elected office.

254.1 Sec. 6. Minnesota Statutes 2022, section 116L.86, subdivision 1, is amended to read:

254.2 Subdivision 1. **Interagency agreements.** By ~~October 1, 1987~~ January 1, 2025, the  
254.3 commissioner ~~and~~ the commissioner of human services, and the commissioner of children,  
254.4 youth, and families shall enter into a written contract for the design, delivery, and  
254.5 administration of employment and training services for applicants for or recipients of  
254.6 Supplemental Nutrition Assistance Program (SNAP) benefits, the Minnesota family  
254.7 investment program, and general assistance. The contract must address:

254.8 (1) specific roles and responsibilities of each department;

254.9 (2) assignment and supervision of staff for interagency activities including any necessary  
254.10 interagency employee mobility agreements under the administrative procedures of the  
254.11 Department of Management and Budget;

254.12 (3) mechanisms for determining the conditions under which individuals participate in  
254.13 services, their rights and responsibilities while participating, and the standards by which  
254.14 the services must be administered;

254.15 (4) procedures for providing technical assistance to local service units, Indian Tribes,  
254.16 and employment and training service providers;

254.17 (5) access to appropriate staff for ongoing development and interpretation of policy,  
254.18 rules, and program standards;

254.19 (6) procedures for reimbursing appropriate agencies for administrative expenses; and

254.20 (7) procedures for accessing available federal funds.

254.21 Sec. 7. Minnesota Statutes 2022, section 116L.86, subdivision 3, is amended to read:

254.22 Subd. 3. **Inventory, referral, and intake services.** The commissioner of employment  
254.23 and economic development, in cooperation with the ~~commissioner~~ commissioners of human  
254.24 services and children, youth, and families, shall develop an inventory, referral, and intake  
254.25 system. The system must provide for coordinated delivery of employment and training and  
254.26 income maintenance support services, efficient client referral among programs and services,  
254.27 reduction of duplicate data collection, coordinated program intake by local agencies, and  
254.28 effective evaluation of employment and training services. The system must, at a minimum,  
254.29 include the following:

254.30 (1) a listing of all available public and private employment and training services, income  
254.31 maintenance and support services, and vocationally directed education and training programs;

255.1 (2) the capability to assess client needs and match those needs with employment  
255.2 opportunities, education and training programs, and employment and training and income  
255.3 maintenance and support services, and to refer the client to the appropriate employer,  
255.4 educational institution, or service provider;

255.5 (3) a coordinated intake procedure for employment and training services, and income  
255.6 maintenance and support services;

255.7 (4) access to a statewide database for client tracking and program evaluation; and

255.8 (5) internal security measures to protect private data from unauthorized access.

255.9 In developing the system, the commissioner shall consult with the public postsecondary  
255.10 educational systems, local agencies, employment and training service providers, and client  
255.11 and employer representatives. The system must be available in each local agency or service  
255.12 provider delivering programs administered by the commissioner of employment and  
255.13 economic development or the ~~commissioner~~ commissioners of human services and children,  
255.14 youth, and families. Access by intake workers, state agency personnel, clients, and any other  
255.15 system users to information contained in the system must conform with all applicable federal  
255.16 and state data privacy requirements.

255.17 Sec. 8. Minnesota Statutes 2023 Supplement, section 144.225, subdivision 2, is amended  
255.18 to read:

255.19 Subd. 2. **Data about births.** (a) Except as otherwise provided in this subdivision, data  
255.20 pertaining to the birth of a child to a woman who was not married to the child's father when  
255.21 the child was conceived nor when the child was born, including the original record of birth  
255.22 and the certified vital record, are confidential data. At the time of the birth of a child to a  
255.23 woman who was not married to the child's father when the child was conceived nor when  
255.24 the child was born, the mother may designate demographic data pertaining to the birth as  
255.25 public. Notwithstanding the designation of the data as confidential, it may be disclosed:

255.26 (1) to a parent or guardian of the child;

255.27 (2) to the child when the child is 16 years of age or older, except as provided in clause  
255.28 (3);

255.29 (3) to the child if the child is a homeless youth;

255.30 (4) under paragraph (b), (e), or (f); or

255.31 (5) pursuant to a court order. For purposes of this section, a subpoena does not constitute  
255.32 a court order.

256.1 (b) Data pertaining to the birth of a child that are not accessible to the public become  
256.2 public data if 100 years have elapsed since the birth of the child who is the subject of the  
256.3 data, or as provided under section 13.10, whichever occurs first.

256.4 (c) If a child is adopted, data pertaining to the child's birth are governed by the provisions  
256.5 relating to adoption and birth records, including sections 13.10, subdivision 5; 144.218,  
256.6 subdivision 1; and 144.2252.

256.7 (d) The name and address of a mother under paragraph (a) and the child's date of birth  
256.8 may be disclosed to the county social services, Tribal health department, or public health  
256.9 member of a family services collaborative for purposes of providing services under section  
256.10 124D.23.

256.11 (e) The commissioner of human services shall have access to birth records for:

256.12 ~~(1)~~ the purposes of administering medical assistance and the MinnesotaCare program;

256.13 and

256.14 ~~(2) child support enforcement purposes; and~~

256.15 ~~(3) other public health purposes as determined by the commissioner of health.~~

256.16 (f) Tribal child support programs shall have access to birth records for child support  
256.17 enforcement purposes.

256.18 (g) The commissioner of children, youth, and families shall have access to birth records  
256.19 for child support enforcement purposes and other public health purposes as determined by  
256.20 the commissioner of health.

256.21 Sec. 9. Minnesota Statutes 2022, section 144.225, subdivision 2b, is amended to read:

256.22 Subd. 2b. **Commissioner of health; duties.** Notwithstanding the designation of certain  
256.23 of this data as confidential under subdivision 2 or private under subdivision 2a, the  
256.24 commissioner shall give the ~~commissioner~~ commissioners of human services and children,  
256.25 youth, and families access to birth record data and data contained in recognitions of parentage  
256.26 prepared according to section 257.75 necessary to enable the ~~commissioner~~ commissioners  
256.27 of human services and children, youth, and families to identify a child who is subject to  
256.28 threatened injury, as defined in section 260E.03, subdivision 23, by a person responsible  
256.29 for the child's care, as defined in section 260E.03, subdivision 17. The ~~commissioner~~  
256.30 commissioners shall be given access to all data included on official birth records.

257.1 Sec. 10. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 22, is amended  
257.2 to read:

257.3 Subd. 22. **Volunteer.** "Volunteer" means an individual who:

257.4 (1) provides or seeks to provide services for or through an entity without direct  
257.5 compensation for services provided; or resides in the home where services are being provided;

257.6 (2) is required to be affiliated in NETStudy 2.0 with the entity; and

257.7 (3) is subject to oversight by the entity, including but not limited to continuous, direct  
257.8 supervision and immediate removal from providing direct contact services when required.

257.9 This subdivision does not apply to child care background study subjects under subdivision  
257.10 6a.

257.11 Sec. 11. Minnesota Statutes 2023 Supplement, section 245C.03, subdivision 1, is amended  
257.12 to read:

257.13 Subdivision 1. ~~Licensed Programs~~ licensed by the commissioner. (a) The commissioner  
257.14 shall conduct a background study on:

257.15 (1) the person or persons applying for a license;

257.16 (2) an individual age 13 and over living in the household where the licensed program  
257.17 will be provided who is not receiving licensed services from the program;

257.18 (3) current or prospective employees of the applicant or license holder who will have  
257.19 direct contact with persons served by the facility, agency, or program;

257.20 (4) volunteers or student volunteers who will have direct contact with persons served  
257.21 by the program to provide program services if the contact is not under the continuous, direct  
257.22 supervision by an individual listed in clause (1) or (3);

257.23 (5) an individual age ten to 12 living in the household where the licensed services will  
257.24 be provided when the commissioner has reasonable cause as defined in section 245C.02,  
257.25 subdivision 15;

257.26 (6) an individual who, without providing direct contact services at a licensed program,  
257.27 may have unsupervised access to children or vulnerable adults receiving services from a  
257.28 program, when the commissioner has reasonable cause as defined in section 245C.02,  
257.29 subdivision 15; and

257.30 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;

258.1 ~~(8) notwithstanding the other requirements in this subdivision, child care background~~  
258.2 ~~study subjects as defined in section 245C.02, subdivision 6a; and~~

258.3 ~~(9)~~ (8) notwithstanding clause (3), for children's residential facilities and foster residence  
258.4 settings, any adult working in the facility, whether or not the individual will have direct  
258.5 contact with persons served by the facility.

258.6 (b) For child foster care when the license holder resides in the home where foster care  
258.7 services are provided, a short-term substitute caregiver providing direct contact services for  
258.8 a child for less than 72 hours of continuous care is not required to receive a background  
258.9 study under this chapter.

258.10 (c) This subdivision applies to the following programs that must be licensed under  
258.11 chapter 245A:

258.12 (1) adult foster care;

258.13 ~~(2) child foster care;~~

258.14 ~~(3)~~ (2) children's residential facilities;

258.15 ~~(4) family child care;~~

258.16 ~~(5) licensed child care centers;~~

258.17 ~~(6)~~ (3) licensed home and community-based services under chapter 245D;

258.18 ~~(7)~~ (4) residential mental health programs for adults;

258.19 ~~(8)~~ (5) substance use disorder treatment programs under chapter 245G;

258.20 ~~(9)~~ (6) withdrawal management programs under chapter 245F;

258.21 ~~(10)~~ (7) adult day care centers;

258.22 ~~(11)~~ (8) family adult day services;

258.23 ~~(12)~~ (9) detoxification programs;

258.24 ~~(13)~~ (10) community residential settings;

258.25 ~~(14)~~ (11) intensive residential treatment services and residential crisis stabilization under  
258.26 chapter 245I; and

258.27 ~~(15)~~ (12) treatment programs for persons with sexual psychopathic personality or sexually  
258.28 dangerous persons, licensed under chapter 245A and according to Minnesota Rules, parts  
258.29 9515.3000 to 9515.3110.

259.1 Sec. 12. Minnesota Statutes 2022, section 245C.03, is amended by adding a subdivision  
259.2 to read:

259.3 Subd. 5c. **Programs licensed or regulated by the Department of Children, Youth,**  
259.4 **and Families.** (a) The commissioner shall conduct a background study on:

259.5 (1) the person or persons applying for a license;

259.6 (2) an individual age 13 and over, living in the household where the licensed program  
259.7 will be provided, who is not receiving licensed services from the program;

259.8 (3) current or prospective employees of the applicant or license holder who will have  
259.9 direct contact with persons served by the facility, agency, or program;

259.10 (4) volunteers or student volunteers who will have direct contact with persons served  
259.11 by the program to provide program services if the contact is not under the continuous, direct  
259.12 supervision by an individual listed in clause (1) or (3);

259.13 (5) an individual age ten to 12 living in the household where the licensed services will  
259.14 be provided when the commissioner has reasonable cause as defined in section 245C.02,  
259.15 subdivision 15;

259.16 (6) an individual who, without providing direct contact services at a licensed program,  
259.17 may have unsupervised access to children receiving services from a program, when the  
259.18 commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

259.19 (7) all controlling individuals as defined in section 142B.01, subdivision 11; and

259.20 (8) notwithstanding the other requirements in this subdivision, child care background  
259.21 study subjects as defined in section 245C.02, subdivision 6a.

259.22 (b) For child foster care when the license holder resides in the home where foster care  
259.23 services are provided, a short-term substitute caregiver providing direct contact services for  
259.24 a child for less than 72 hours of continuous care is not required to receive a background  
259.25 study under this chapter.

259.26 (c) This subdivision applies to the following programs:

259.27 (1) a child foster care program licensed or seeking a license under chapter 142B;

259.28 (2) a child care center licensed or seeking a license under chapter 142B;

259.29 (3) a license-exempt child care center certified under chapter 142C;

259.30 (4) a legal nonlicensed child care provider authorized under chapter 142E; or

259.31 (5) a Head Start program.

260.1 Sec. 13. Minnesota Statutes 2022, section 245C.08, subdivision 3, is amended to read:

260.2 Subd. 3. **Arrest and investigative information.** (a) For any background study completed  
260.3 under this section, if the commissioner has reasonable cause to believe the information is  
260.4 pertinent to the disqualification of an individual, the commissioner also may review arrest  
260.5 and investigative information from:

260.6 (1) the Bureau of Criminal Apprehension;

260.7 (2) the commissioners of children, youth, and families; health; and human services;

260.8 (3) a county attorney;

260.9 (4) a county sheriff;

260.10 (5) a county agency;

260.11 (6) a local chief of police;

260.12 (7) other states;

260.13 (8) the courts;

260.14 (9) the Federal Bureau of Investigation;

260.15 (10) the National Criminal Records Repository; and

260.16 (11) criminal records from other states.

260.17 (b) Except when specifically required by law, the commissioner is not required to conduct  
260.18 more than one review of a subject's records from the Federal Bureau of Investigation if a  
260.19 review of the subject's criminal history with the Federal Bureau of Investigation has already  
260.20 been completed by the commissioner and there has been no break in the subject's affiliation  
260.21 with the entity that initiated the background study.

260.22 (c) If the commissioner conducts a national criminal history record check when required  
260.23 by law and uses the information from the national criminal history record check to make a  
260.24 disqualification determination, the data obtained is private data and cannot be shared with  
260.25 private agencies or prospective employers of the background study subject.

260.26 (d) If the commissioner conducts a national criminal history record check when required  
260.27 by law and uses the information from the national criminal history record check to make a  
260.28 disqualification determination, the license holder or entity that submitted the study is not  
260.29 required to obtain a copy of the background study subject's disqualification letter under  
260.30 section 245C.17, subdivision 3.

261.1 Sec. 14. Minnesota Statutes 2022, section 245C.22, is amended by adding a subdivision  
261.2 to read:

261.3 Subd. 8. **Sharing of certain data for reconsiderations and appeals.** (a) The following  
261.4 commissioners shall be responsible for conducting reconsiderations and appeals of  
261.5 background studies for programs under their jurisdictions:

261.6 (1) the commissioner of human services for programs under section 245C.03, subdivision  
261.7 1;

261.8 (2) the commissioner of health for programs under section 245C.03, subdivision 5a;

261.9 (3) the commissioner of corrections for programs under section 245C.03, subdivision  
261.10 5b; and

261.11 (4) the commissioner of the children, youth, and families for programs under section  
261.12 245C.03, subdivision 5c.

261.13 (b) The commissioner of human services shall share all relevant background study data  
261.14 to allow the commissioners specified in paragraph (a) to complete reconsiderations and  
261.15 appeals for programs licensed or regulated by their agencies.

261.16 Sec. 15. Minnesota Statutes 2022, section 245C.25, is amended to read:

261.17 **245C.25 CONSOLIDATED RECONSIDERATION OF MALTREATMENT**  
261.18 **DETERMINATION AND DISQUALIFICATION.**

261.19 (a) If an individual is disqualified on the basis of a determination of maltreatment under  
261.20 section 626.557 or chapter 260E, which was serious or recurring, and the individual requests  
261.21 reconsideration of the maltreatment determination under section 260E.33 or 626.557,  
261.22 subdivision 9d, and also requests reconsideration of the disqualification under section  
261.23 245C.21, the commissioner shall consolidate the reconsideration of the maltreatment  
261.24 determination and the disqualification into a single reconsideration.

261.25 (b) In cases where an individual seeks reconsideration of license denial or sanction by  
261.26 the commissioners of children, youth, and families and human services based on the same  
261.27 disqualification under chapter 245C or maltreatment determination under chapter 260E or  
261.28 626, the individual shall send their reconsideration request to the commissioner of human  
261.29 services. The commissioner of human services shall consolidate the requests pursuant to  
261.30 this subdivision and review the decision of the commissioner of children, youth, and families  
261.31 pursuant to chapter 142B.

262.1 Sec. 16. Minnesota Statutes 2022, section 256.741, subdivision 1, is amended to read:

262.2 Subdivision 1. **Definitions.** (a) The term "direct support" as used in this chapter and  
262.3 chapters 142A, 257, 518, ~~518A~~, and 518C refers to an assigned support payment from an  
262.4 obligor which is paid directly to a recipient of public assistance.

262.5 (b) The term "public assistance" as used in this chapter and chapters 142A, 257, 518,  
262.6 ~~518A~~, and 518C, includes any form of assistance provided under ~~the AFDC program formerly~~  
262.7 ~~codified in sections 256.72 to 256.87, MFIP and MFIP-R formerly codified under chapter~~  
262.8 ~~256, MFIP under chapter 256J, work first program formerly codified under chapter 256K;~~  
262.9 child care assistance provided through the child care fund under chapter 119B; any form of  
262.10 medical assistance under chapter 256B; and foster care as provided under title IV-E of the  
262.11 Social Security Act. MinnesotaCare and health plans subsidized by federal premium tax  
262.12 credits or federal cost-sharing reductions are not considered public assistance for purposes  
262.13 of a child support referral.

262.14 (c) The term "child support agency" as used in this section refers to the public authority  
262.15 responsible for child support enforcement.

262.16 (d) The term "public assistance agency" as used in this section refers to a public authority  
262.17 providing public assistance to an individual.

262.18 (e) The terms "child support" and "arrear" as used in this section have the meanings  
262.19 provided in section 518A.26.

262.20 (f) The term "maintenance" as used in this section has the meaning provided in section  
262.21 518.003.

262.22 Sec. 17. Minnesota Statutes 2022, section 256.741, subdivision 2, is amended to read:

262.23 Subd. 2. **Assignment of support and maintenance rights.** (a) An individual receiving  
262.24 public assistance in the form of assistance under ~~any of the following programs: the AFDC~~  
262.25 ~~program formerly codified in sections 256.72 to 256.87, MFIP under chapter 256J, MFIP-R~~  
262.26 ~~and MFIP formerly codified under chapter 256, or work first program formerly codified~~  
262.27 ~~under chapter 256K~~ is considered to have assigned to the state at the time of application all  
262.28 rights to child support and maintenance from any other person the applicant or recipient  
262.29 may have in the individual's own behalf or in the behalf of any other family member for  
262.30 whom application for public assistance is made. An assistance unit is ineligible for the  
262.31 Minnesota family investment program unless the caregiver assigns all rights to child support  
262.32 and maintenance benefits according to this section.

262.33 (1) The assignment is effective as to any current child support and current maintenance.

263.1 (2) Any child support or maintenance arrears that accrue while an individual is receiving  
263.2 public assistance in the form of assistance under any of the programs listed in this paragraph  
263.3 are permanently assigned to the state.

263.4 (3) The assignment of current child support and current maintenance ends on the date  
263.5 the individual ceases to receive or is no longer eligible to receive public assistance under  
263.6 any of the programs listed in this paragraph.

263.7 (b) An individual receiving public assistance in the form of medical assistance is  
263.8 considered to have assigned to the state at the time of application all rights to medical support  
263.9 from any other person the individual may have in the individual's own behalf or in the behalf  
263.10 of any other family member for whom medical assistance is provided.

263.11 (1) An assignment ~~made after September 30, 1997,~~ is effective as to any medical support  
263.12 accruing after the date of medical assistance eligibility.

263.13 (2) Any medical support arrears that accrue while an individual is receiving public  
263.14 assistance in the form of medical assistance are permanently assigned to the state.

263.15 (3) The assignment of current medical support ends on the date the individual ceases to  
263.16 receive or is no longer eligible to receive public assistance in the form of medical assistance.

263.17 (c) An individual receiving public assistance in the form of child care assistance under  
263.18 the child care fund pursuant to chapter 119B is considered to have assigned to the state at  
263.19 the time of application all rights to child care support from any other person the individual  
263.20 may have in the individual's own behalf or in the behalf of any other family member for  
263.21 whom child care assistance is provided.

263.22 (1) The assignment is effective as to any current child care support.

263.23 (2) Any child care support arrears that accrue while an individual is receiving public  
263.24 assistance in the form of child care assistance under the child care fund in chapter 119B are  
263.25 permanently assigned to the state.

263.26 (3) The assignment of current child care support ends on the date the individual ceases  
263.27 to receive or is no longer eligible to receive public assistance in the form of child care  
263.28 assistance under the child care fund under chapter 119B.

263.29 Sec. 18. Minnesota Statutes 2022, section 256.741, subdivision 12a, is amended to read:

263.30 Subd. 12a. **Appeals of good cause determinations.** According to section ~~256.045~~  
263.31 142A.20, an individual may appeal the determination or redetermination of good cause  
263.32 under this section. To initiate an appeal of a good cause determination or redetermination,

264.1 the individual must make a request for a state agency hearing in writing within 30 calendar  
264.2 days after the date that a notice of denial for good cause is mailed or otherwise transmitted  
264.3 to the individual. Until a ~~human services~~ children, youth, and families judge issues a decision  
264.4 under section ~~256.0451, subdivision 22~~ 142A.21, subdivision 22, the child support agency  
264.5 shall cease all child support enforcement efforts and shall not report the individual's  
264.6 noncooperation to public assistance agencies.

264.7 Sec. 19. Minnesota Statutes 2022, section 256.87, subdivision 1, is amended to read:

264.8 Subdivision 1. **Actions against parents for assistance furnished.** A parent of a child  
264.9 is liable for the amount of public assistance, as defined in section 256.741, furnished to and  
264.10 for the benefit of the child, including any assistance furnished for the benefit of the caretaker  
264.11 of the child, which the parent has had the ability to pay. Ability to pay must be determined  
264.12 according to this chapter ~~518A~~. The parent's liability is limited to the two years immediately  
264.13 preceding the commencement of the action, except that where child support has been  
264.14 previously ordered, the state or county agency providing the assistance, as assignee of the  
264.15 obligee, shall be entitled to judgments for child support payments accruing within ten years  
264.16 preceding the date of the commencement of the action up to the full amount of assistance  
264.17 furnished. The action may be ordered by the state agency or county agency and shall be  
264.18 brought in the name of the county or in the name of the state agency against the parent for  
264.19 the recovery of the amount of assistance granted, together with the costs and disbursements  
264.20 of the action.

264.21 Sec. 20. Minnesota Statutes 2022, section 256.87, subdivision 1a, is amended to read:

264.22 Subd. 1a. **Continuing support contributions.** In addition to granting the county or state  
264.23 agency a money judgment, the court may, upon a motion or order to show cause, order  
264.24 continuing support contributions by a parent found able to reimburse the county or state  
264.25 agency. The order shall be effective for the period of time during which the recipient receives  
264.26 public assistance from any county or state agency and thereafter. The order shall require  
264.27 support according to this chapter ~~518A~~ and include the names and Social Security numbers  
264.28 of the father, mother, and the child or children. An order for continuing contributions is  
264.29 reinstated without further hearing upon notice to the parent by any county or state agency  
264.30 that public assistance, as defined in section 256.741, is again being provided for the child  
264.31 of the parent. The notice shall be in writing and shall indicate that the parent may request  
264.32 a hearing for modification of the amount of support or maintenance.

265.1 Sec. 21. Minnesota Statutes 2022, section 256.87, subdivision 5, is amended to read:

265.2 Subd. 5. **Child not receiving assistance.** A person or entity having physical custody of  
265.3 a dependent child not receiving public assistance as defined in section 256.741 has a cause  
265.4 of action for child support against the child's noncustodial parents. Upon a motion served  
265.5 on the noncustodial parent, the court shall order child support payments, including medical  
265.6 support and child care support, from the noncustodial parent under this chapter ~~518A~~. A  
265.7 noncustodial parent's liability may include up to the two years immediately preceding the  
265.8 commencement of the action. This subdivision applies only if the person or entity has  
265.9 physical custody with the consent of a custodial parent or approval of the court.

265.10 Sec. 22. Minnesota Statutes 2022, section 256P.04, subdivision 13, is amended to read:

265.11 Subd. 13. **Notice to undocumented persons; release of private data.** Agencies, in  
265.12 consultation with the ~~commissioner~~ commissioners of human services and children, youth,  
265.13 and families, shall provide notification to undocumented persons regarding the release of  
265.14 personal data to the United States Citizenship and Immigration Services and develop  
265.15 protocols regarding the release or sharing of data about undocumented persons with the  
265.16 United States Citizenship and Immigration Services as required under sections 404, 411A,  
265.17 and 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

265.18 Sec. 23. Minnesota Statutes 2022, section 260.92, subdivision 1, is amended to read:

265.19 Subdivision 1. **Home study.** The state must have procedures for the orderly and timely  
265.20 interstate placement of children that are implemented in accordance with an interstate  
265.21 compact ~~and that~~. Within 60 days after the state receives from another state a request to  
265.22 conduct a study of a home environment for purposes of assessing the safety and suitability  
265.23 of placing a child in the home, the state shall, directly or by contract, conduct and complete  
265.24 a home study and return to the other state a report on the results of the study, which shall  
265.25 address the extent to which placement in the home would meet the needs of the child; ~~except~~  
265.26 ~~in the case of a home study begun before October 1, 2008,~~. If the state fails to comply with  
265.27 conducting and completing the home study within the 60-day period and this is as a result  
265.28 of circumstances beyond the control of the state, the state has 75 days to comply if the state  
265.29 documents the circumstances involved and certifies that completing the home study is in  
265.30 the best interests of the child.

265.31 This subdivision does not require the completion within the applicable period of the  
265.32 parts of the home study involving the education and training of the prospective foster or  
265.33 adoptive parents.

266.1 Sec. 24. Minnesota Statutes 2022, section 260C.178, subdivision 1, is amended to read:

266.2 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody  
266.3 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a  
266.4 hearing within 72 hours of the time that the child was taken into custody, excluding  
266.5 Saturdays, Sundays, and holidays, to determine whether the child should continue to be in  
266.6 custody.

266.7 (b) Unless there is reason to believe that the child would endanger self or others or not  
266.8 return for a court hearing, or that the child's health or welfare would be immediately  
266.9 endangered, the child shall be released to the custody of a parent, guardian, custodian, or  
266.10 other suitable person, subject to reasonable conditions of release including, but not limited  
266.11 to, a requirement that the child undergo a chemical use assessment as provided in section  
266.12 260C.157, subdivision 1.

266.13 (c) If the court determines that there is reason to believe that the child would endanger  
266.14 self or others or not return for a court hearing, or that the child's health or welfare would be  
266.15 immediately endangered if returned to the care of the parent or guardian who has custody  
266.16 and from whom the child was removed, the court shall order the child:

266.17 (1) into the care of the child's noncustodial parent and order the noncustodial parent to  
266.18 comply with any conditions that the court determines appropriate to ensure the safety and  
266.19 care of the child, including requiring the noncustodial parent to cooperate with paternity  
266.20 establishment proceedings if the noncustodial parent has not been adjudicated the child's  
266.21 father; or

266.22 (2) into foster care as defined in section 260C.007, subdivision 18, under the legal  
266.23 responsibility of the responsible social services agency or responsible probation or corrections  
266.24 agency for the purposes of protective care as that term is used in the juvenile court rules.  
266.25 The court shall not give the responsible social services legal custody and order a trial home  
266.26 visit at any time prior to adjudication and disposition under section 260C.201, subdivision  
266.27 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or  
266.28 guardian who has custody and from whom the child was removed and order the parent or  
266.29 guardian to comply with any conditions the court determines to be appropriate to meet the  
266.30 safety, health, and welfare of the child.

266.31 (d) In determining whether the child's health or welfare would be immediately  
266.32 endangered, the court shall consider whether the child would reside with a perpetrator of  
266.33 domestic child abuse.

267.1 (e) The court, before determining whether a child should be placed in or continue in  
267.2 foster care under the protective care of the responsible agency, shall also make a  
267.3 determination, consistent with section 260.012 as to whether reasonable efforts were made  
267.4 to prevent placement or whether reasonable efforts to prevent placement are not required.  
267.5 In the case of an Indian child, the court shall determine whether active efforts, according  
267.6 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,  
267.7 section 1912(d), were made to prevent placement. The court shall enter a finding that the  
267.8 responsible social services agency has made reasonable efforts to prevent placement when  
267.9 the agency establishes either:

267.10 (1) that the agency has actually provided services or made efforts in an attempt to prevent  
267.11 the child's removal but that such services or efforts have not proven sufficient to permit the  
267.12 child to safely remain in the home; or

267.13 (2) that there are no services or other efforts that could be made at the time of the hearing  
267.14 that could safely permit the child to remain home or to return home. The court shall not  
267.15 make a reasonable efforts determination under this clause unless the court is satisfied that  
267.16 the agency has sufficiently demonstrated to the court that there were no services or other  
267.17 efforts that the agency was able to provide at the time of the hearing enabling the child to  
267.18 safely remain home or to safely return home. When reasonable efforts to prevent placement  
267.19 are required and there are services or other efforts that could be ordered that would permit  
267.20 the child to safely return home, the court shall order the child returned to the care of the  
267.21 parent or guardian and the services or efforts put in place to ensure the child's safety. When  
267.22 the court makes a prima facie determination that one of the circumstances under paragraph  
267.23 (g) exists, the court shall determine that reasonable efforts to prevent placement and to  
267.24 return the child to the care of the parent or guardian are not required.

267.25 (f) If the court finds the social services agency's preventive or reunification efforts have  
267.26 not been reasonable but further preventive or reunification efforts could not permit the child  
267.27 to safely remain at home, the court may nevertheless authorize or continue the removal of  
267.28 the child.

267.29 (g) The court may not order or continue the foster care placement of the child unless the  
267.30 court makes explicit, individualized findings that continued custody of the child by the  
267.31 parent or guardian would be contrary to the welfare of the child and that placement is in the  
267.32 best interest of the child.

268.1 (h) At the emergency removal hearing, or at any time during the course of the proceeding,  
268.2 and upon notice and request of the county attorney, the court shall determine whether a  
268.3 petition has been filed stating a prima facie case that:

268.4 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,  
268.5 subdivision 14;

268.6 (2) the parental rights of the parent to another child have been involuntarily terminated;

268.7 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph  
268.8 (a), clause (2);

268.9 (4) the parents' custodial rights to another child have been involuntarily transferred to a  
268.10 relative under ~~Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),~~  
268.11 ~~clause (1); section 260C.515, subdivision 4; a juvenile protection proceeding~~ or a similar  
268.12 ~~law~~ process of another jurisdiction;

268.13 (5) the parent has committed sexual abuse as defined in section 260E.03, against the  
268.14 child or another child of the parent;

268.15 (6) the parent has committed an offense that requires registration as a predatory offender  
268.16 under section 243.166, subdivision 1b, paragraph (a) or (b); or

268.17 (7) the provision of services or further services for the purpose of reunification is futile  
268.18 and therefore unreasonable.

268.19 (i) When a petition to terminate parental rights is required under section 260C.301,  
268.20 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to  
268.21 proceed with a termination of parental rights petition, and has instead filed a petition to  
268.22 transfer permanent legal and physical custody to a relative under section 260C.507, the  
268.23 court shall schedule a permanency hearing within 30 days of the filing of the petition.

268.24 (j) If the county attorney has filed a petition under section 260C.307, the court shall  
268.25 schedule a trial under section 260C.163 within 90 days of the filing of the petition except  
268.26 when the county attorney determines that the criminal case shall proceed to trial first under  
268.27 section 260C.503, subdivision 2, paragraph (c).

268.28 (k) If the court determines the child should be ordered into foster care and the child's  
268.29 parent refuses to give information to the responsible social services agency regarding the  
268.30 child's father or relatives of the child, the court may order the parent to disclose the names,  
268.31 addresses, telephone numbers, and other identifying information to the responsible social  
268.32 services agency for the purpose of complying with sections 260C.150, 260C.151, 260C.212,  
268.33 260C.215, 260C.219, and 260C.221.

269.1 (l) If a child ordered into foster care has siblings, whether full, half, or step, who are  
269.2 also ordered into foster care, the court shall inquire of the responsible social services agency  
269.3 of the efforts to place the children together as required by section 260C.212, subdivision 2,  
269.4 paragraph (d), if placement together is in each child's best interests, unless a child is in  
269.5 placement for treatment or a child is placed with a previously noncustodial parent who is  
269.6 not a parent to all siblings. If the children are not placed together at the time of the hearing,  
269.7 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place  
269.8 the siblings together, as required under section 260.012. If any sibling is not placed with  
269.9 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing  
269.10 contact among the siblings as required under section 260C.212, subdivision 1, unless it is  
269.11 contrary to the safety or well-being of any of the siblings to do so.

269.12 (m) When the court has ordered the child into the care of a noncustodial parent or in  
269.13 foster care, the court may order a chemical dependency evaluation, mental health evaluation,  
269.14 medical examination, and parenting assessment for the parent as necessary to support the  
269.15 development of a plan for reunification required under subdivision 7 and section 260C.212,  
269.16 subdivision 1, or the child protective services plan under section 260E.26, and Minnesota  
269.17 Rules, part 9560.0228.

269.18 Sec. 25. Minnesota Statutes 2022, section 260C.201, subdivision 1, is amended to read:

269.19 Subdivision 1. **Dispositions.** (a) If the court finds that the child is in need of protection  
269.20 or services or neglected and in foster care, the court shall enter an order making any of the  
269.21 following dispositions of the case:

269.22 (1) place the child under the protective supervision of the responsible social services  
269.23 agency or child-placing agency in the home of a parent of the child under conditions  
269.24 prescribed by the court directed to the correction of the child's need for protection or services:

269.25 (i) the court may order the child into the home of a parent who does not otherwise have  
269.26 legal custody of the child, however, an order under this section does not confer legal custody  
269.27 on that parent;

269.28 (ii) if the court orders the child into the home of a father who is not adjudicated, the  
269.29 father must cooperate with paternity establishment proceedings regarding the child in the  
269.30 appropriate jurisdiction as one of the conditions prescribed by the court for the child to  
269.31 continue in the father's home; and

270.1 (iii) the court may order the child into the home of a noncustodial parent with conditions  
270.2 and may also order both the noncustodial and the custodial parent to comply with the  
270.3 requirements of a case plan under subdivision 2; or

270.4 (2) transfer legal custody to one of the following:

270.5 (i) a child-placing agency; or

270.6 (ii) the responsible social services agency. In making a foster care placement of a child  
270.7 whose custody has been transferred under this subdivision, the agency shall make an  
270.8 individualized determination of how the placement is in the child's best interests using the  
270.9 placement consideration order for relatives and the best interest factors in section 260C.212,  
270.10 subdivision 2, and may include a child colocated with a parent in a licensed residential  
270.11 family-based substance use disorder treatment program under section 260C.190; or

270.12 (3) order a trial home visit without modifying the transfer of legal custody to the  
270.13 responsible social services agency under clause (2). Trial home visit means the child is  
270.14 returned to the care of the parent or guardian from whom the child was removed for a period  
270.15 not to exceed six months. During the period of the trial home visit, the responsible social  
270.16 services agency:

270.17 (i) shall continue to have legal custody of the child, which means that the agency may  
270.18 see the child in the parent's home, at school, in a child care facility, or other setting as the  
270.19 agency deems necessary and appropriate;

270.20 (ii) shall continue to have the ability to access information under section 260C.208;

270.21 (iii) shall continue to provide appropriate services to both the parent and the child during  
270.22 the period of the trial home visit;

270.23 (iv) without previous court order or authorization, may terminate the trial home visit in  
270.24 order to protect the child's health, safety, or welfare and may remove the child to foster care;

270.25 (v) shall advise the court and parties within three days of the termination of the trial  
270.26 home visit when a visit is terminated by the responsible social services agency without a  
270.27 court order; and

270.28 (vi) shall prepare a report for the court when the trial home visit is terminated whether  
270.29 by the agency or court order that describes the child's circumstances during the trial home  
270.30 visit and recommends appropriate orders, if any, for the court to enter to provide for the  
270.31 child's safety and stability. In the event a trial home visit is terminated by the agency by  
270.32 removing the child to foster care without prior court order or authorization, the court shall  
270.33 conduct a hearing within ten days of receiving notice of the termination of the trial home

271.1 visit by the agency and shall order disposition under this subdivision or commence  
271.2 permanency proceedings under sections 260C.503 to 260C.515. The time period for the  
271.3 hearing may be extended by the court for good cause shown and if it is in the best interests  
271.4 of the child as long as the total time the child spends in foster care without a permanency  
271.5 hearing does not exceed 12 months;

271.6 (4) if the child has been adjudicated as a child in need of protection or services because  
271.7 the child is in need of special services or care to treat or ameliorate a physical or mental  
271.8 disability or emotional disturbance as defined in section 245.4871, subdivision 15, the court  
271.9 may order the child's parent, guardian, or custodian to provide it. The court may order the  
271.10 child's health plan company to provide mental health services to the child. Section 62Q.535  
271.11 applies to an order for mental health services directed to the child's health plan company.  
271.12 If the health plan, parent, guardian, or custodian fails or is unable to provide this treatment  
271.13 or care, the court may order it provided. Absent specific written findings by the court that  
271.14 the child's disability is the result of abuse or neglect by the child's parent or guardian, the  
271.15 court shall not transfer legal custody of the child for the purpose of obtaining special  
271.16 treatment or care solely because the parent is unable to provide the treatment or care. If the  
271.17 court's order for mental health treatment is based on a diagnosis made by a treatment  
271.18 professional, the court may order that the diagnosing professional not provide the treatment  
271.19 to the child if it finds that such an order is in the child's best interests; or

271.20 (5) if the court believes that the child has sufficient maturity and judgment and that it is  
271.21 in the best interests of the child, the court may order a child 16 years old or older to be  
271.22 allowed to live independently, either alone or with others as approved by the court under  
271.23 supervision the court considers appropriate, if the county board, after consultation with the  
271.24 court, has specifically authorized this dispositional alternative for a child.

271.25 (b) If the child was adjudicated in need of protection or services because the child is a  
271.26 runaway or habitual truant, the court may order any of the following dispositions in addition  
271.27 to or as alternatives to the dispositions authorized under paragraph (a):

271.28 (1) counsel the child or the child's parents, guardian, or custodian;

271.29 (2) place the child under the supervision of a probation officer or other suitable person  
271.30 in the child's own home under conditions prescribed by the court, including reasonable rules  
271.31 for the child's conduct and the conduct of the parents, guardian, or custodian, designed for  
271.32 the physical, mental, and moral well-being and behavior of the child;

271.33 (3) subject to the court's supervision, transfer legal custody of the child to one of the  
271.34 following:

272.1 (i) a reputable person of good moral character. No person may receive custody of two  
272.2 or more unrelated children unless licensed to operate a residential program under sections  
272.3 245A.01 to 245A.16; or

272.4 (ii) a county probation officer for placement in a group foster home established under  
272.5 the direction of the juvenile court and licensed pursuant to section 241.021;

272.6 (4) require the child to pay a fine of up to \$100. The court shall order payment of the  
272.7 fine in a manner that will not impose undue financial hardship upon the child;

272.8 (5) require the child to participate in a community service project;

272.9 (6) order the child to undergo a chemical dependency evaluation and, if warranted by  
272.10 the evaluation, order participation by the child in a drug awareness program or an inpatient  
272.11 or outpatient chemical dependency treatment program;

272.12 (7) if the court believes that it is in the best interests of the child or of public safety that  
272.13 the child's driver's license or instruction permit be canceled, the court may order the  
272.14 commissioner of public safety to cancel the child's license or permit for any period up to  
272.15 the child's 18th birthday. If the child does not have a driver's license or permit, the court  
272.16 may order a denial of driving privileges for any period up to the child's 18th birthday. The  
272.17 court shall forward an order issued under this clause to the commissioner, who shall cancel  
272.18 the license or permit or deny driving privileges without a hearing for the period specified  
272.19 by the court. At any time before the expiration of the period of cancellation or denial, the  
272.20 court may, for good cause, order the commissioner of public safety to allow the child to  
272.21 apply for a license or permit, and the commissioner shall so authorize;

272.22 (8) order that the child's parent or legal guardian deliver the child to school at the  
272.23 beginning of each school day for a period of time specified by the court; or

272.24 (9) require the child to perform any other activities or participate in any other treatment  
272.25 programs deemed appropriate by the court.

272.26 To the extent practicable, the court shall enter a disposition order the same day it makes  
272.27 a finding that a child is in need of protection or services or neglected and in foster care, but  
272.28 in no event more than 15 days after the finding unless the court finds that the best interests  
272.29 of the child will be served by granting a delay. If the child was under eight years of age at  
272.30 the time the petition was filed, the disposition order must be entered within ten days of the  
272.31 finding and the court may not grant a delay unless good cause is shown and the court finds  
272.32 the best interests of the child will be served by the delay.

273.1 (c) If a child who is 14 years of age or older is adjudicated in need of protection or  
273.2 services because the child is a habitual truant and truancy procedures involving the child  
273.3 were previously dealt with by a school attendance review board or county attorney mediation  
273.4 program under section 260A.06 or 260A.07, the court shall order a cancellation or denial  
273.5 of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th  
273.6 birthday.

273.7 (d) In the case of a child adjudicated in need of protection or services because the child  
273.8 has committed domestic abuse and been ordered excluded from the child's parent's home,  
273.9 the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing  
273.10 to provide an alternative safe living arrangement for the child; as defined in ~~Laws 1997,~~  
273.11 ~~chapter 239, article 10, section 2~~ paragraph (f).

273.12 (e) When a parent has complied with a case plan ordered under subdivision 6 and the  
273.13 child is in the care of the parent, the court may order the responsible social services agency  
273.14 to monitor the parent's continued ability to maintain the child safely in the home under such  
273.15 terms and conditions as the court determines appropriate under the circumstances.

273.16 (f) For the purposes of this subdivision, "alternative safe living arrangement" means a  
273.17 living arrangement for a child proposed by a petitioning parent or guardian if a court excludes  
273.18 the minor from the parent's or guardian's home that is separate from the victim of domestic  
273.19 abuse and safe for the child respondent. A living arrangement proposed by a petitioning  
273.20 parent or guardian is presumed to be an alternative safe living arrangement absent information  
273.21 to the contrary presented to the court. In evaluating any proposed living arrangement, the  
273.22 court shall consider whether the arrangement provides the child with necessary food, clothing,  
273.23 shelter, and education in a safe environment. Any proposed living arrangement that would  
273.24 place the child in the care of an adult who has been physically or sexually violent is presumed  
273.25 unsafe.

273.26 Sec. 26. Minnesota Statutes 2022, section 260C.215, subdivision 5, is amended to read:

273.27 Subd. 5. **Placement reports.** ~~Beginning December 1, 1996,~~ The commissioner shall  
273.28 provide to the Indian Affairs Council, the Minnesota Council on Latino Affairs, the Council  
273.29 for Minnesotans of African Heritage, and the Council on Asian-Pacific Minnesotans the  
273.30 annual report required under section 257.0725.

273.31 Sec. 27. Minnesota Statutes 2022, section 260C.301, subdivision 1, is amended to read:

273.32 Subdivision 1. **Voluntary and involuntary.** The juvenile court may upon petition,  
273.33 terminate all rights of a parent to a child:

274.1 (a) with the written consent of a parent who for good cause desires to terminate parental  
274.2 rights; or

274.3 (b) if it finds that one or more of the following conditions exist:

274.4 (1) that the parent has abandoned the child;

274.5 (2) that the parent has substantially, continuously, or repeatedly refused or neglected to  
274.6 comply with the duties imposed upon that parent by the parent and child relationship,  
274.7 including but not limited to providing the child with necessary food, clothing, shelter,  
274.8 education, and other care and control necessary for the child's physical, mental, or emotional  
274.9 health and development, if the parent is physically and financially able, and either reasonable  
274.10 efforts by the social services agency have failed to correct the conditions that formed the  
274.11 basis of the petition or reasonable efforts would be futile and therefore unreasonable;

274.12 (3) that a parent has been ordered to contribute to the support of the child or financially  
274.13 aid in the child's birth and has continuously failed to do so without good cause. This clause  
274.14 shall not be construed to state a grounds for termination of parental rights of a noncustodial  
274.15 parent if that parent has not been ordered to or cannot financially contribute to the support  
274.16 of the child or aid in the child's birth;

274.17 (4) that a parent is palpably unfit to be a party to the parent and child relationship because  
274.18 of a consistent pattern of specific conduct before the child or of specific conditions directly  
274.19 relating to the parent and child relationship either of which are determined by the court to  
274.20 be of a duration or nature that renders the parent unable, for the reasonably foreseeable  
274.21 future, to care appropriately for the ongoing physical, mental, or emotional needs of the  
274.22 child. It is presumed that a parent is palpably unfit to be a party to the parent and child  
274.23 relationship upon a showing that the parent's parental rights to one or more other children  
274.24 were involuntarily terminated or that the parent's custodial rights to another child have been  
274.25 involuntarily transferred to a relative under ~~Minnesota Statutes 2010, section 260C.201,~~  
274.26 ~~subdivision 11, paragraph (e), clause (1), section 260C.515, subdivision 4, a juvenile~~  
274.27 protection proceeding or a similar law process of another jurisdiction;

274.28 (5) that following the child's placement out of the home, reasonable efforts, under the  
274.29 direction of the court, have failed to correct the conditions leading to the child's placement.  
274.30 It is presumed that reasonable efforts under this clause have failed upon a showing that:

274.31 (i) a child has resided out of the parental home under court order for a cumulative period  
274.32 of 12 months within the preceding 22 months. In the case of a child under age eight at the  
274.33 time the petition was filed alleging the child to be in need of protection or services, the  
274.34 presumption arises when the child has resided out of the parental home under court order

275.1 for six months unless the parent has maintained regular contact with the child and the parent  
275.2 is complying with the out-of-home placement plan;

275.3 (ii) the court has approved the out-of-home placement plan required under section  
275.4 260C.212 and filed with the court under section 260C.178;

275.5 (iii) conditions leading to the out-of-home placement have not been corrected. It is  
275.6 presumed that conditions leading to a child's out-of-home placement have not been corrected  
275.7 upon a showing that the parent or parents have not substantially complied with the court's  
275.8 orders and a reasonable case plan; and

275.9 (iv) reasonable efforts have been made by the social services agency to rehabilitate the  
275.10 parent and reunite the family.

275.11 This clause does not prohibit the termination of parental rights prior to one year, or in  
275.12 the case of a child under age eight, prior to six months after a child has been placed out of  
275.13 the home.

275.14 It is also presumed that reasonable efforts have failed under this clause upon a showing  
275.15 that:

275.16 (A) the parent has been diagnosed as chemically dependent by a professional certified  
275.17 to make the diagnosis;

275.18 (B) the parent has been required by a case plan to participate in a chemical dependency  
275.19 treatment program;

275.20 (C) the treatment programs offered to the parent were culturally, linguistically, and  
275.21 clinically appropriate;

275.22 (D) the parent has either failed two or more times to successfully complete a treatment  
275.23 program or has refused at two or more separate meetings with a caseworker to participate  
275.24 in a treatment program; and

275.25 (E) the parent continues to abuse chemicals.

275.26 (6) that a child has experienced egregious harm in the parent's care which is of a nature,  
275.27 duration, or chronicity that indicates a lack of regard for the child's well-being, such that a  
275.28 reasonable person would believe it contrary to the best interest of the child or of any child  
275.29 to be in the parent's care;

275.30 (7) that in the case of a child born to a mother who was not married to the child's father  
275.31 when the child was conceived nor when the child was born the person is not entitled to

276.1 notice of an adoption hearing under section 259.49 and the person has not registered with  
276.2 the fathers' adoption registry under section 259.52;

276.3 (8) that the child is neglected and in foster care; or

276.4 (9) that the parent has been convicted of a crime listed in section 260.012, paragraph  
276.5 (g), clauses (1) to (5).

276.6 In an action involving an American Indian child, sections 260.751 to 260.835 and the  
276.7 Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to  
276.8 the extent that the provisions of this section are inconsistent with those laws.

276.9 Sec. 28. Minnesota Statutes 2023 Supplement, section 260C.317, subdivision 3, is amended  
276.10 to read:

276.11 Subd. 3. **Order; retention of jurisdiction.** (a) A certified copy of the findings and the  
276.12 order terminating parental rights, and a summary of the court's information concerning the  
276.13 child shall be furnished by the court to the commissioner or the agency to which guardianship  
276.14 is transferred.

276.15 (b) The orders shall be on a document separate from the findings. The court shall furnish  
276.16 the guardian a copy of the order terminating parental rights.

276.17 (c) When the court orders guardianship pursuant to this section, the guardian ad litem  
276.18 and counsel for the child shall continue on the case until an adoption decree is entered. An  
276.19 in-court appearance hearing must be held every 90 days following termination of parental  
276.20 rights for the court to review progress toward an adoptive placement and the specific  
276.21 recruitment efforts the agency has taken to find an adoptive family for the child and to  
276.22 finalize the adoption or other permanency plan. Review of the progress toward adoption of  
276.23 a child under guardianship of the commissioner of human services shall be conducted  
276.24 according to section 260C.607.

276.25 (d) Upon terminating parental rights or upon a parent's consent to adoption under ~~section~~  
276.26 ~~260C.515, subdivision 3, this chapter~~ resulting in an order for guardianship to the  
276.27 commissioner of human services, the court shall retain jurisdiction:

276.28 (1) until the child is adopted;

276.29 (2) through the child's minority; or

276.30 (3) as long as the child continues in or reenters foster care, until the individual becomes  
276.31 21 years of age according to sections 260C.193, subdivision 6, and 260C.451.

277.1 Sec. 29. Minnesota Statutes 2022, section 260D.02, subdivision 5, is amended to read:

277.2 Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster care  
277.3 for treatment" means a child ~~who is emotionally disturbed or developmentally disabled or~~  
277.4 ~~has~~ with emotional disturbance or developmental disability, or who has a related condition  
277.5 and is in foster care under a voluntary foster care agreement between the child's parent and  
277.6 the agency due to concurrence between the agency and the parent when it is determined  
277.7 that foster care is medically necessary:

277.8 (1) due to a determination by the agency's screening team based on its review of the  
277.9 diagnostic and functional assessment under section 245.4885; or

277.10 (2) due to a determination by the agency's screening team under section 256B.092 and  
277.11 Minnesota Rules, parts 9525.0004 to 9525.0016.

277.12 A child is not in voluntary foster care for treatment under this chapter when there is a  
277.13 current determination under chapter 260E that the child requires child protective services  
277.14 or when the child is in foster care for any reason other than the child's emotional or  
277.15 developmental disability or related condition.

277.16 Sec. 30. Minnesota Statutes 2022, section 260D.02, subdivision 9, is amended to read:

277.17 Subd. 9. ~~Emotionally disturbed or~~ **Emotional disturbance.** ~~"Emotionally disturbed"~~  
277.18 ~~or~~ "Emotional disturbance" means emotional disturbance as described in section 245.4871,  
277.19 subdivision 15.

277.20 Sec. 31. Minnesota Statutes 2023 Supplement, section 260E.02, subdivision 1, is amended  
277.21 to read:

277.22 Subdivision 1. **Establishment of team.** A county shall establish a multidisciplinary  
277.23 child protection team that may include, but is not limited to, the director of the local welfare  
277.24 agency or designees, the county attorney or designees, the county sheriff or designees,  
277.25 representatives of health and education, representatives of mental health, representatives of  
277.26 agencies providing specialized services or responding to youth who experience or are at  
277.27 risk of experiencing sex trafficking or sexual exploitation, or other appropriate human  
277.28 services, children's services, or community-based agencies, and parent groups. As used in  
277.29 this section, a "community-based agency" may include, but is not limited to, schools, social  
277.30 services agencies, family service and mental health collaboratives, children's advocacy  
277.31 centers, early childhood and family education programs, Head Start, or other agencies  
277.32 serving children and families. A member of the team must be designated as the lead person

278.1 of the team responsible for the planning process to develop standards for the team's activities  
278.2 with battered women's and domestic abuse programs and services.

278.3 Sec. 32. Minnesota Statutes 2022, section 260E.02, subdivision 2, is amended to read:

278.4 Subd. 2. **Duties of team.** A multidisciplinary child protection team may provide public  
278.5 and professional education, develop resources for prevention, intervention, and treatment,  
278.6 and provide case consultation to the local welfare agency or other interested community-based  
278.7 agencies. The community-based agencies may request case consultation from the  
278.8 multidisciplinary child protection team regarding a child or family for whom the  
278.9 community-based agency is providing services. As used in this section, "case consultation"  
278.10 means a case review process in which recommendations are made concerning services to  
278.11 be provided to the identified children and family. Case consultation may be performed by  
278.12 a committee or subcommittee of members representing human services or children's services,  
278.13 including mental health and substance use disorder providers; law enforcement, including  
278.14 probation and parole; the county attorney; a children's advocacy center; health care;  
278.15 education; community-based agencies and other necessary agencies; and persons directly  
278.16 involved in an individual case as designated by other members performing case consultation.

278.17 Sec. 33. Minnesota Statutes 2022, section 260E.03, subdivision 23, is amended to read:

278.18 Subd. 23. **Threatened injury.** (a) "Threatened injury" means a statement, overt act,  
278.19 condition, or status that represents a substantial risk of physical or sexual abuse or mental  
278.20 injury.

278.21 (b) Threatened injury includes, but is not limited to, exposing a child to a person  
278.22 responsible for the child's care, as defined in subdivision 17, who has:

278.23 (1) subjected a child to, or failed to protect a child from, an overt act or condition that  
278.24 constitutes egregious harm under subdivision 5 or a similar law of another jurisdiction;

278.25 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph  
278.26 (b), clause (4), or a similar law of another jurisdiction;

278.27 (3) committed an act that resulted in an involuntary termination of parental rights under  
278.28 section 260C.301, or a similar law of another jurisdiction; or

278.29 (4) committed an act that resulted in the involuntary transfer of permanent legal and  
278.30 physical custody of a child to a relative under ~~Minnesota Statutes 2010, section 260C.201,~~  
278.31 ~~subdivision 11, paragraph (d), clause (1),~~ section 260C.515, subdivision 4, or a similar law  
278.32 of another jurisdiction.

279.1 (c) A child is the subject of a report of threatened injury when the local welfare agency  
279.2 receives birth match data under section 260E.14, subdivision 4, from the Department of  
279.3 Human Services.

279.4 Sec. 34. Minnesota Statutes 2022, section 260E.14, subdivision 1, is amended to read:

279.5 Subdivision 1. **Facilities and schools.** (a) The local welfare agency is the agency  
279.6 responsible for investigating allegations of maltreatment in child foster care, family child  
279.7 care, legally nonlicensed child care, and reports involving children served by an unlicensed  
279.8 personal care provider organization under section 256B.0659. Copies of findings related to  
279.9 personal care provider organizations under section 256B.0659 must be forwarded to the  
279.10 Department of Human Services provider enrollment.

279.11 (b) The Department of Human Services is the agency responsible for screening and  
279.12 investigating allegations of maltreatment in juvenile correctional facilities listed under  
279.13 section 241.021 located in the local welfare agency's county and in facilities licensed or  
279.14 certified under chapters 245A, and 245D, ~~and 245H,~~ ~~except for child foster care and family~~  
279.15 ~~child care.~~

279.16 (c) The Department of Health is the agency responsible for screening and investigating  
279.17 allegations of maltreatment in facilities licensed under sections 144.50 to 144.58 and 144A.43  
279.18 to 144A.482 or chapter 144H.

279.19 (d) The Department of Education is the agency responsible for screening and investigating  
279.20 allegations of maltreatment in a school as defined in section 120A.05, subdivisions 9, 11,  
279.21 and 13, and chapter 124E. The Department of Education's responsibility to screen and  
279.22 investigate includes allegations of maltreatment involving students 18 to 21 years of age,  
279.23 including students receiving special education services, up to and including graduation and  
279.24 the issuance of a secondary or high school diploma.

279.25 (e) A health or corrections agency receiving a report may request the local welfare agency  
279.26 to provide assistance pursuant to this section and sections 260E.20 and 260E.22.

279.27 (f) The Department of Children, Youth, and Families is the agency responsible for  
279.28 screening and investigating allegations of maltreatment in facilities or programs not listed  
279.29 in paragraph (a) that are licensed or certified under chapters 142B and 142C.

279.30 Sec. 35. Minnesota Statutes 2022, section 260E.20, subdivision 3, is amended to read:

279.31 Subd. 3. **Collection of information.** (a) The local welfare agency responsible for  
279.32 conducting a family assessment or investigation shall collect available and relevant

280.1 information to determine child safety, risk of subsequent maltreatment, and family strengths  
280.2 and needs and share not public information with an Indian's Tribal social services agency  
280.3 without violating any law of the state that may otherwise impose a duty of confidentiality  
280.4 on the local welfare agency in order to implement the Tribal state agreement.

280.5 (b) The local welfare agency or the agency responsible for investigating the report shall  
280.6 collect available and relevant information to ascertain whether maltreatment occurred and  
280.7 whether protective services are needed.

280.8 (c) Information collected includes, when relevant, information ~~with regard to~~ regarding  
280.9 the person reporting the alleged maltreatment, including the nature of the reporter's  
280.10 relationship to the child and to the alleged offender, and the basis of the reporter's knowledge  
280.11 for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker;  
280.12 and other collateral sources having relevant information related to the alleged maltreatment.

280.13 (d) Information relevant to the assessment or investigation must be ~~asked for~~ requested,  
280.14 and may include:

280.15 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment  
280.16 reports that were screened out and not accepted for assessment or investigation; information  
280.17 relating to developmental functioning; credibility of the child's statement; and whether the  
280.18 information provided under this clause is consistent with other information collected during  
280.19 the course of the assessment or investigation;

280.20 (2) the alleged offender's age, a record check for prior reports of maltreatment, and  
280.21 criminal charges and convictions;

280.22 (3) collateral source information regarding the alleged maltreatment and care of the  
280.23 child. Collateral information includes, when relevant: (i) a medical examination of the child;  
280.24 (ii) prior medical records relating to the alleged maltreatment or the care of the child  
280.25 maintained by any facility, clinic, or health care professional and an interview with the  
280.26 treating professionals; and (iii) interviews with the child's caretakers, including the child's  
280.27 parent, guardian, foster parent, child care provider, teachers, counselors, family members,  
280.28 relatives, and other persons who may have knowledge regarding the alleged maltreatment  
280.29 and the care of the child; and

280.30 (4) information on the existence of domestic abuse and violence in the home of the child,  
280.31 and substance abuse.

281.1 (e) Nothing in this subdivision precludes the local welfare agency, the local law  
281.2 enforcement agency, or the agency responsible for assessing or investigating the report from  
281.3 collecting other relevant information necessary to conduct the assessment or investigation.

281.4 (f) Notwithstanding section 13.384 or 144.291 to 144.298, the local welfare agency has  
281.5 access to medical data and records for purposes of paragraph (d), clause (3).

281.6 Sec. 36. Minnesota Statutes 2022, section 260E.20, subdivision 5, is amended to read:

281.7 Subd. 5. **Law enforcement fact finding.** If the report alleges maltreatment by a person  
281.8 who is not a parent, guardian, sibling, person responsible for the child's care functioning  
281.9 within the family unit, or a person who lives in the child's household and who has a  
281.10 significant relationship to the child, in a setting other than a facility as defined in section  
281.11 260E.03, the local welfare agency may rely on the fact-finding efforts of the law enforcement  
281.12 investigation to ~~make a determination whether or not~~ determine if threatened injury or other  
281.13 maltreatment has occurred under section 260E.03, subdivision 12, if an alleged offender  
281.14 has minor children or lives with minors.

281.15 Sec. 37. Minnesota Statutes 2022, section 260E.24, subdivision 5, is amended to read:

281.16 Subd. 5. **Notifications at conclusion of family investigation.** (a) Within ten working  
281.17 days of the conclusion of an investigation, the local welfare agency or agency responsible  
281.18 for investigating the report shall notify the parent or guardian of the child and the person  
281.19 determined to be maltreating the child, if not the parent or guardian of the child, of the  
281.20 determination and a summary of the specific reasons for the determination.

281.21 (b) The notice must include a certification that the information collection procedures  
281.22 under section 260E.20 were followed and a notice of the right of a data subject to obtain  
281.23 access to other private data on the subject collected, created, or maintained under this section.

281.24 (c) In addition, the notice shall include the length of time that the records will be kept  
281.25 under section 260E.35, subdivision 6. The investigating agency shall notify the parent or  
281.26 guardian of the child who is the subject of the report and any person determined to have  
281.27 maltreated the child of their appeal or review rights under this chapter.

281.28 (d) The notice must also state that a finding of maltreatment may result in denial of a  
281.29 license or certification application or background study disqualification under chapter 245C  
281.30 related to employment or services that are licensed or certified by the Department of Human  
281.31 Services under chapter 245A ~~or 245H~~; the Department of Children, Youth, and Families  
281.32 under chapter 142B or 142C; the Department of Health under chapter 144 or 144A; or the

282.1 Department of Corrections under section 241.021, and from providing services related to  
282.2 an unlicensed personal care provider organization under chapter 256B.

282.3 Sec. 38. Minnesota Statutes 2022, section 260E.28, subdivision 1, is amended to read:

282.4 Subdivision 1. **Immediate investigation for alleged maltreatment in a facility.** (a)  
282.5 The commissioner of human services; children, youth, and families; health; or education,  
282.6 whichever is responsible for investigating the report, shall immediately investigate if the  
282.7 report alleges that:

282.8 (1) a child who is in the care of a facility as defined in section 260E.03 is the victim of  
282.9 maltreatment in a facility by an individual in that facility or has been the victim of  
282.10 maltreatment in a facility by an individual in that facility within the three years preceding  
282.11 the report; or

282.12 (2) a child is the victim of maltreatment in a facility by an individual in a facility defined  
282.13 in section 260E.03, subdivision 6, while in the care of that facility within the three years  
282.14 preceding the report.

282.15 (b) The commissioner of the agency responsible for investigating the report shall arrange  
282.16 for the transmittal to the commissioner of reports received by local agencies and may delegate  
282.17 to a local welfare agency the duty to investigate reports. The commissioner of the agency  
282.18 responsible for investigating the report or local welfare agency may interview any children  
282.19 who are or have been in the care of a facility under investigation and the children's parents,  
282.20 guardians, or legal custodians.

282.21 (c) In conducting an investigation under this section, the commissioner has the powers  
282.22 and duties specified for a local welfare agency under this chapter.

282.23 Sec. 39. Minnesota Statutes 2022, section 260E.28, subdivision 3, is amended to read:

282.24 Subd. 3. **Facility records.** The commissioner of human services; the commissioner of  
282.25 children, youth, and families; the ombudsman for mental health and developmental  
282.26 disabilities; the local welfare agencies responsible for investigating reports; the  
282.27 commissioner of education; and the local law enforcement agencies have the right to enter  
282.28 a facility as defined in section 260E.03 and to inspect and copy the facility's records,  
282.29 including medical records, as part of the investigation. Notwithstanding the provisions of  
282.30 chapter 13, the commissioner of human services; the commissioner of children, youth, and  
282.31 families; the ombudsman for mental health and developmental disabilities; the local welfare  
282.32 agencies responsible for investigating reports; the commissioner of education; and the

283.1 local law enforcement agencies also have the right to inform the facility under investigation  
283.2 that an investigation is being conducted, to disclose to the facility the names of the individuals  
283.3 under investigation for maltreating a child, and to provide the facility with a copy of the  
283.4 report and the investigative findings.

283.5 Sec. 40. Minnesota Statutes 2022, section 260E.29, subdivision 2, is amended to read:

283.6 Subd. 2. **Notification requirements for other types of facilities.** When a report is  
283.7 received that alleges maltreatment of a child while in the care of a licensed or unlicensed  
283.8 day care facility, residential facility, agency, hospital, ~~sanitarium,~~ or other facility or  
283.9 institution required to be licensed or certified according to sections 144.50 to 144.58;  
283.10 241.021; or 245A.01 to 245A.16; or chapter 142B, 142C, 144H, or 245D, ~~or 245H;~~ or a  
283.11 school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a  
283.12 nonlicensed personal care provider organization as defined in section 256B.0625, subdivision  
283.13 19a, the commissioner of the agency responsible for investigating the report or local welfare  
283.14 agency investigating the report shall provide the following information to the parent,  
283.15 guardian, or legal custodian of a child alleged to have been the victim of maltreatment in  
283.16 the facility: the name of the facility; the fact that a report alleging maltreatment in the facility  
283.17 has been received; the nature of the alleged maltreatment in the facility; that the agency is  
283.18 conducting an investigation; any protective or corrective measures being taken pending the  
283.19 outcome of the investigation; and that a written memorandum will be provided when the  
283.20 investigation is completed.

283.21 Sec. 41. Minnesota Statutes 2022, section 260E.30, subdivision 3, is amended to read:

283.22 Subd. 3. **Nonmaltreatment mistake.** (a) If paragraph (b) applies, rather than making a  
283.23 determination of substantiated maltreatment by the individual, the commissioner of ~~human~~  
283.24 ~~services~~ children, youth, and families shall determine that the individual made a  
283.25 nonmaltreatment mistake ~~was made by the individual.~~

283.26 (b) A nonmaltreatment mistake occurs when:

283.27 (1) at the time of the incident, the individual was performing duties identified in the  
283.28 ~~center's~~ facility's child care program plan required under Minnesota Rules, part 9503.0045;

283.29 (2) the individual has not been determined responsible for a similar incident that resulted  
283.30 in a finding of maltreatment for at least seven years;

283.31 (3) the individual has not been determined to have committed a similar nonmaltreatment  
283.32 mistake under this paragraph for at least four years;

284.1 (4) any injury to a child resulting from the incident, if treated, is treated only with  
284.2 remedies that are available over the counter, whether ordered by a medical professional or  
284.3 not; and

284.4 (5) except for the period when the incident occurred, the facility and the individual  
284.5 providing services were both in compliance with all licensing requirements relevant to the  
284.6 incident.

284.7 (c) This subdivision only applies to child care centers licensed under Minnesota Rules,  
284.8 chapter 9503.

284.9 Sec. 42. Minnesota Statutes 2022, section 260E.30, subdivision 6, is amended to read:

284.10 **Subd. 6. Notification to parent, child, or offender following investigation.** (a) Within  
284.11 ten working days of the conclusion of an investigation, the local welfare agency or agency  
284.12 responsible for investigating the report of maltreatment in a facility shall notify the parent  
284.13 or guardian of the child, the person determined to be maltreating the child, and the director  
284.14 of the facility of the determination and a summary of the specific reasons for the  
284.15 determination.

284.16 (b) When the investigation involves a child foster care setting that is monitored by a  
284.17 private licensing agency under section 245A.16, the local welfare agency responsible for  
284.18 investigating the report shall notify the private licensing agency of the determination and  
284.19 shall provide a summary of the specific reasons for the determination. The notice to the  
284.20 private licensing agency must include identifying private data, but not the identity of the  
284.21 reporter of maltreatment.

284.22 (c) The notice must also include a certification that the information collection procedures  
284.23 under section 260E.20, subdivision 3, were followed and a notice of the right of a data  
284.24 subject to obtain access to other private data on the subject collected, created, or maintained  
284.25 under this section.

284.26 (d) In addition, the notice shall include the length of time that the records will be kept  
284.27 under section 260E.35, subdivision 6.

284.28 (e) The investigating agency shall notify the parent or guardian of the child who is the  
284.29 subject of the report and any person or facility determined to have maltreated a child of  
284.30 their appeal or review rights under this section.

284.31 (f) The notice must also state that a finding of maltreatment may result in denial of a  
284.32 license or certification application or background study disqualification under chapter 245C  
284.33 related to employment or services that are licensed by the Department of Human Services

285.1 under chapter 245A ~~or 245H~~; the Department of Children, Youth, and Families under  
285.2 chapter 142B or 142C; the Department of Health under chapter 144 or 144A; or the  
285.3 Department of Corrections under section 241.021; and from providing services related to  
285.4 an unlicensed personal care provider organization under chapter 256B.

285.5 Sec. 43. Minnesota Statutes 2022, section 260E.32, subdivision 3, is amended to read:

285.6 Subd. 3. **Report to Department of Health.** Physicians shall report to the Department  
285.7 of Health the results of tests performed under subdivisions 1 and 2. A report shall be made  
285.8 on the certificate of live birth medical supplement or the report of fetal death medical  
285.9 supplement ~~filed on or after February 1, 1991~~. The reports are medical data under section  
285.10 13.384.

285.11 Sec. 44. Minnesota Statutes 2022, section 260E.33, subdivision 2, is amended to read:

285.12 Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an  
285.13 individual or facility that the commissioner of human services; commissioner of children,  
285.14 youth, and families; a local welfare agency; or the commissioner of education determines  
285.15 has maltreated a child, an interested person acting on behalf of the child, regardless of the  
285.16 determination, who contests the investigating agency's final determination regarding  
285.17 maltreatment may request the investigating agency to reconsider its final determination  
285.18 regarding maltreatment. The request for reconsideration must be submitted in writing to the  
285.19 investigating agency within 15 calendar days after receipt of notice of the final determination  
285.20 regarding maltreatment or, if the request is made by an interested person who is not entitled  
285.21 to notice, within 15 days after receipt of the notice by the parent or guardian of the child.  
285.22 If mailed, the request for reconsideration must be postmarked and sent to the investigating  
285.23 agency within 15 calendar days of the individual's or facility's receipt of the final  
285.24 determination. If the request for reconsideration is made by personal service, it must be  
285.25 received by the investigating agency within 15 calendar days after the individual's or facility's  
285.26 receipt of the final determination.

285.27 (b) An individual who was determined to have maltreated a child under this chapter and  
285.28 who was disqualified on the basis of serious or recurring maltreatment under sections  
285.29 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and  
285.30 the disqualification. The request for reconsideration of the maltreatment determination and  
285.31 the disqualification must be submitted within 30 calendar days of the individual's receipt  
285.32 of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request  
285.33 for reconsideration of the maltreatment determination and the disqualification must be

286.1 postmarked and sent to the investigating agency within 30 calendar days of the individual's  
286.2 receipt of the maltreatment determination and notice of disqualification. If the request for  
286.3 reconsideration is made by personal service, it must be received by the investigating agency  
286.4 within 30 calendar days after the individual's receipt of the notice of disqualification.

286.5 Sec. 45. Minnesota Statutes 2022, section 260E.33, subdivision 3, is amended to read:

286.6 Subd. 3. **Request for fair hearing.** (a) Except as provided under subdivisions 5 and 6,  
286.7 if the investigating agency denies the request or fails to act upon the request within 15  
286.8 working days after receiving the request for reconsideration, the person or facility entitled  
286.9 to a fair hearing under section 142A.20 or 256.045 may submit to the commissioner of  
286.10 human services; the commissioner of children, youth, and families; or the commissioner of  
286.11 education a written request for a hearing under section 142A.20 or 256.045. Section 256.045  
286.12 also governs hearings requested to contest a final determination of the commissioner of  
286.13 education. Section 142A.20 governs hearings requested to contest a final determination of  
286.14 the commissioner of children, youth, and families. The investigating agency shall notify  
286.15 persons who request reconsideration of their rights under this paragraph. The hearings  
286.16 specified under this section are the only administrative appeal of a decision issued under  
286.17 subdivision 2. Determinations under this section are not subject to accuracy and completeness  
286.18 challenges under section 13.04.

286.19 (b) Except as provided under subdivision 6, if an individual or facility contests the  
286.20 investigating agency's final determination regarding maltreatment by requesting a fair  
286.21 hearing under section 142A.20 or 256.045, the commissioner of human services or children,  
286.22 youth, and families shall ensure that the hearing is conducted and a decision is reached  
286.23 within 90 days of receipt of the request for a hearing. The time for action on the decision  
286.24 may be extended for as many days as the hearing is postponed or the record is held open  
286.25 for the benefit of either party.

286.26 Sec. 46. Minnesota Statutes 2022, section 260E.33, subdivision 5, is amended to read:

286.27 Subd. 5. **Consolidation.** If an individual was disqualified under sections 245C.14 and  
286.28 245C.15 on the basis of a determination of maltreatment which was serious or recurring,  
286.29 and the individual requested reconsideration of the maltreatment determination under  
286.30 subdivision 2 and requested reconsideration of the disqualification under sections 245C.21  
286.31 to 245C.27, reconsideration of the maltreatment determination and reconsideration of the  
286.32 disqualification shall be consolidated into a single fair hearing. If reconsideration of the  
286.33 maltreatment determination is denied and the individual remains disqualified following a

287.1 reconsideration decision, the individual may request a fair hearing under section 142A.20  
287.2 or 256.045. If an individual requests a fair hearing on the maltreatment determination and  
287.3 the disqualification, the scope of the fair hearing shall include both the maltreatment  
287.4 determination and the disqualification.

287.5 Sec. 47. Minnesota Statutes 2022, section 260E.34, is amended to read:

287.6 **260E.34 IMMUNITY.**

287.7 (a) The following persons are immune from any civil or criminal liability that otherwise  
287.8 might result from the person's actions if the person is acting in good faith:

287.9 (1) a person making a voluntary or mandated report under this chapter or assisting in an  
287.10 assessment under this chapter;

287.11 (2) a person with responsibility for performing duties under this section or supervisor  
287.12 employed by a local welfare agency, the commissioner of an agency responsible for operating  
287.13 or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital,  
287.14 sanitarium, or other facility or institution required to be licensed or certified under sections  
287.15 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter ~~245B or 245H~~ 142B or 142C;  
287.16 or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or  
287.17 a nonlicensed personal care provider organization as defined in section 256B.0625,  
287.18 subdivision 19a, complying with sections 260E.23, subdivisions 2 and 3, and 260E.30; and

287.19 (3) a public or private school, facility as defined in section 260E.03, or the employee of  
287.20 any public or private school or facility who permits access by a local welfare agency, the  
287.21 Department of Education, or a local law enforcement agency and assists in an investigation  
287.22 or assessment pursuant to this chapter.

287.23 (b) A person who is a supervisor or person with responsibility for performing duties  
287.24 under this chapter employed by a local welfare agency; ~~the commissioner of human services;~~  
287.25 the commissioner of children, youth, and families; or the commissioner of education  
287.26 complying with this chapter or any related rule or provision of law is immune from any  
287.27 civil or criminal liability that might otherwise result from the person's actions if the person  
287.28 is (1) acting in good faith and exercising due care, or (2) acting in good faith and following  
287.29 the information collection procedures established under section 260E.20, subdivision 3.

287.30 (c) Any physician or other medical personnel administering a toxicology test under  
287.31 section 260E.32 to determine the presence of a controlled substance in a pregnant woman,  
287.32 in a woman within eight hours after delivery, or in a child at birth or during the first month  
287.33 of life is immune from civil or criminal liability arising from administration of the test if

288.1 the physician ordering the test believes in good faith that the test is required under this  
288.2 section and the test is administered in accordance with an established protocol and reasonable  
288.3 medical practice.

288.4 (d) This section does not provide immunity to any person for failure to make a required  
288.5 report or for committing maltreatment.

288.6 (e) If a person who makes a voluntary or mandatory report under section 260E.06 prevails  
288.7 in a civil action from which the person has been granted immunity under this section, the  
288.8 court may award the person attorney fees and costs.

288.9 Sec. 48. Minnesota Statutes 2022, section 260E.35, subdivision 3, is amended to read:

288.10 Subd. 3. **Classification and release of data.** (a) A written copy of a report maintained  
288.11 by personnel of agencies, other than welfare or law enforcement agencies, which are subject  
288.12 to chapter 13 shall be confidential. An individual subject of the report may obtain access  
288.13 to the original report as provided by paragraphs (g) to (o).

288.14 (b) All reports and records created, collected, or maintained under this chapter by a local  
288.15 welfare agency or law enforcement agency may be disclosed to a local welfare or other  
288.16 child welfare agency of another state when the agency certifies that:

288.17 (1) the reports and records are necessary to conduct an investigation of actions that would  
288.18 qualify as maltreatment under this chapter; and

288.19 (2) the reports and records will be used only for purposes of a child protection assessment  
288.20 or investigation and will not be further disclosed to any other person or agency.

288.21 (c) The local ~~social services~~ welfare agency or law enforcement agency in this state shall  
288.22 keep a record of all records or reports disclosed pursuant to this subdivision and of any  
288.23 agency to which the records or reports are disclosed. If, in any case, records or reports are  
288.24 disclosed before a determination is made under section 260E.24, subdivision 3, paragraph  
288.25 (a), or a disposition of a criminal proceeding is reached, the local ~~social services~~ welfare  
288.26 agency or law enforcement agency in this state shall forward the determination or disposition  
288.27 to any agency that has received a report or record under this subdivision.

288.28 (d) The responsible authority of a local welfare agency or the responsible authority's  
288.29 designee may release private or confidential data on an active case involving assessment  
288.30 or investigation of actions that are defined as maltreatment under this chapter to a court  
288.31 services agency if:

289.1 (1) the court services agency has an active case involving a common client who is the  
289.2 subject of the data; and

289.3 (2) the data are necessary for the court services agency to effectively process the court  
289.4 services agency's case, including investigating or performing other duties relating to the  
289.5 case required by law.

289.6 (e) The data disclosed under paragraph (d) may be used only for purposes of the active  
289.7 court services case described in paragraph (d), clause (1), and may not be further disclosed  
289.8 to any other person or agency, except as authorized by law.

289.9 (f) Records maintained under subdivision 4, paragraph (b), may be shared with another  
289.10 local welfare agency that requests the information because it is conducting an assessment  
289.11 or investigation under this section of the subject of the records.

289.12 (g) Except as provided in paragraphs (b), (h), (i), (o), and (p); subdivision 1; and sections  
289.13 260E.22, subdivision 2; and 260E.23, all records concerning individuals maintained by a  
289.14 local welfare agency or agency responsible for assessing or investigating the report under  
289.15 this chapter, including any written reports filed under sections 260E.06 and 260E.09, shall  
289.16 be private data on individuals, except insofar as copies of reports are required by section  
289.17 260E.12, subdivision 1 or 2, to be sent to the local police department or the county sheriff.

289.18 (h) All records concerning determinations of maltreatment by a facility are nonpublic  
289.19 data as maintained by the Department of Education, except insofar as copies of reports are  
289.20 required by section 260E.12, subdivision 1 or 2, to be sent to the local police department  
289.21 or the county sheriff.

289.22 (i) Reports maintained by any police department or the county sheriff shall be private  
289.23 data on individuals, except the reports shall be made available to the investigating, petitioning,  
289.24 or prosecuting authority, including a county medical examiner or county coroner.

289.25 (j) Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data other than  
289.26 the reports.

289.27 (k) The local welfare agency or agency responsible for assessing or investigating the  
289.28 report shall make available to the investigating, petitioning, or prosecuting authority,  
289.29 including a county medical examiner or county coroner or a professional delegate, any  
289.30 records that contain information relating to a specific incident of maltreatment that is under  
289.31 investigation, petition, or prosecution and information relating to any prior incident of  
289.32 maltreatment involving any of the same persons. The records shall be collected and  
289.33 maintained according to chapter 13.

290.1 (l) An individual subject of a record shall have access to the record according to those  
290.2 sections, except that the name of the reporter shall be confidential while the report is under  
290.3 assessment or investigation except as otherwise permitted by this section.

290.4 (m) Any person conducting an investigation or assessment under this section who  
290.5 intentionally discloses the identity of a reporter before the completion of the investigation  
290.6 or assessment is guilty of a misdemeanor. After the assessment or investigation is completed,  
290.7 the name of the reporter shall be confidential. The subject of the report may compel disclosure  
290.8 of the name of the reporter only with the consent of the reporter or upon a written finding  
290.9 by the court that the report was false and that there is evidence that the report was made in  
290.10 bad faith. This subdivision does not alter disclosure responsibilities or obligations under  
290.11 the Rules of Criminal Procedure.

290.12 (n) Upon request of the legislative auditor, data on individuals maintained under this  
290.13 chapter must be released to the legislative auditor in order for the auditor to fulfill the  
290.14 auditor's duties under section 3.971. The auditor shall maintain the data according to chapter  
290.15 13.

290.16 (o) Active law enforcement investigative data received by a local welfare agency or  
290.17 agency responsible for assessing or investigating the report under this chapter are confidential  
290.18 data on individuals. When this data become inactive in the law enforcement agency, the  
290.19 data are private data on individuals.

290.20 (p) Section 13.03, subdivision 4, applies to data received by the commissioner of  
290.21 education from a licensing entity.

290.22 Sec. 49. Minnesota Statutes 2022, section 260E.36, subdivision 4, is amended to read:

290.23 Subd. 4. **Joint training.** The commissioners of ~~human services~~ children, youth, and  
290.24 families and public safety shall cooperate in ~~the development of~~ developing and maintaining  
290.25 a joint program for training child maltreatment services professionals in the appropriate  
290.26 techniques for child maltreatment assessment and investigation. The program shall include  
290.27 but need not be limited to the following areas:

290.28 (1) the public policy goals of the state as set forth in section 260C.001 and the role of  
290.29 the assessment or investigation in meeting these goals;

290.30 (2) the special duties of child protection workers and law enforcement officers under  
290.31 this chapter;

290.32 (3) the appropriate methods for directing and managing affiliated professionals who  
290.33 may be utilized in providing protective services and strengthening family ties;

291.1 (4) the appropriate methods for interviewing alleged victims of child maltreatment and  
291.2 other children in the course of performing an assessment or an investigation;

291.3 (5) the dynamics of child maltreatment within family systems and the appropriate methods  
291.4 for interviewing parents in the course of the assessment or investigation, including training  
291.5 in recognizing cases in which one of the parents is a victim of domestic abuse and in need  
291.6 of special legal or medical services;

291.7 (6) the legal, evidentiary considerations that may be relevant to the conduct of an  
291.8 assessment or an investigation;

291.9 (7) the circumstances under which it is appropriate to remove the alleged offender or  
291.10 the alleged victim from the home;

291.11 (8) the protective social services that are available to protect alleged victims from further  
291.12 maltreatment, to prevent child maltreatment and domestic abuse, and to preserve the family  
291.13 unit; and training in the preparation of case plans to coordinate services for the alleged child  
291.14 victim with services for any parents who are victims of domestic abuse;

291.15 (9) the methods by which child protection workers and law enforcement workers  
291.16 cooperate in conducting assessments and investigations in order to avoid duplication of  
291.17 efforts; and

291.18 (10) appropriate methods for interviewing alleged victims and conducting investigations  
291.19 in cases where the alleged victim is developmentally, physically, or mentally disabled.

291.20 Sec. 50. Minnesota Statutes 2022, section 393.07, subdivision 1, is amended to read:

291.21 Subdivision 1. **Public child welfare program.** (a) To assist in carrying out the child  
291.22 protection, delinquency prevention and family assistance responsibilities of the state, the  
291.23 local social services agency shall administer a program of social services and financial  
291.24 assistance to be known as the public child welfare program. The public child welfare program  
291.25 shall be supervised by the commissioner of ~~human services~~ children, youth, and families  
291.26 and administered by the local social services agency in accordance with law and with rules  
291.27 of the commissioner.

291.28 (b) The purpose of the public child welfare program is to assure protection for and  
291.29 financial assistance to children who are confronted with social, physical, or emotional  
291.30 problems requiring protection and assistance. These problems include, but are not limited  
291.31 to the following:

291.32 (1) mental, emotional, or physical disability;

292.1 (2) birth of a child to a mother who was not married to the child's father when the child  
292.2 was conceived nor when the child was born, including but not limited to costs of prenatal  
292.3 care, confinement and other care necessary for the protection of a child born to a mother  
292.4 who was not married to the child's father at the time of the child's conception nor at the  
292.5 birth;

292.6 (3) dependency, neglect;

292.7 (4) delinquency;

292.8 (5) abuse or rejection of a child by its parents;

292.9 (6) absence of a parent or guardian able and willing to provide needed care and  
292.10 supervision;

292.11 (7) need of parents for assistance with child rearing problems, or in placing the child in  
292.12 foster care.

292.13 (c) A local social services agency shall make the services of its public child welfare  
292.14 program available as required by law, by the commissioner, or by the courts and shall  
292.15 cooperate with other agencies, public or private, dealing with the problems of children and  
292.16 their parents as provided in this subdivision.

292.17 (d) A local social services agency may rent, lease, or purchase property, or in any other  
292.18 way approved by the commissioner, contract with individuals or agencies to provide needed  
292.19 facilities for foster care of children. It may purchase services or child care from duly  
292.20 authorized individuals, agencies or institutions when in its judgment the needs of a child or  
292.21 the child's family can best be met in this way.

292.22 Sec. 51. Minnesota Statutes 2022, section 393.07, subdivision 2, is amended to read:

292.23 Subd. 2. **Administration of public welfare.** The local social services agency, subject  
292.24 to the supervision of the ~~commissioner~~ commissioners of human services and children,  
292.25 youth, and families, shall administer all forms of public welfare, both for children and adults,  
292.26 responsibility for which now or hereafter may be imposed on the ~~commissioner~~  
292.27 commissioners of human services and children, youth, and families by law, including general  
292.28 assistance, aid to dependent children, county supplementation, if any, or state aid to recipients  
292.29 of Supplemental Security Income for aged, blind and disabled, child welfare services, mental  
292.30 health services, and other public assistance or public welfare services, provided that the  
292.31 local social services agency shall not employ public health nursing or home health service  
292.32 personnel other than homemaker-home help aides, but shall contract for or purchase the  
292.33 necessary services from existing community agencies. The duties of the local social services

293.1 agency shall be performed in accordance with the standards and rules which may be  
293.2 promulgated by the ~~commissioner~~ commissioners of human services and children, youth,  
293.3 and families to achieve the purposes intended by law and in order to comply with the  
293.4 requirements of the federal Social Security Act in respect to public assistance and child  
293.5 welfare services, so that the state may qualify for grants-in-aid available under that act. To  
293.6 avoid administrative penalties under section 256.017, the local social services agency must  
293.7 comply with (1) policies established by state law and (2) instructions from the commissioner  
293.8 relating (i) to public assistance program policies consistent with federal law and regulation  
293.9 and state law and rule and (ii) to local agency program operations. The commissioner may  
293.10 enforce local social services agency compliance with the instructions, and may delay,  
293.11 withhold, or deny payment of all or part of the state and federal share of benefits and federal  
293.12 administrative reimbursement, according to the provisions under section 256.017. The local  
293.13 social services agency shall supervise wards of the commissioner and, when so designated,  
293.14 act as agent of the commissioner of human services or children, youth, and families in the  
293.15 placement of the commissioner's wards in adoptive homes or in other foster care facilities.  
293.16 The local social services agency shall cooperate as needed when the commissioner of  
293.17 children, youth, and families contracts with a licensed child placement agency for adoption  
293.18 services for a child under the ~~commissioner's~~ guardianship of the commissioner of children,  
293.19 youth, and families. The local social services agency may contract with a bank or other  
293.20 financial institution to provide services associated with the processing of public assistance  
293.21 checks and pay a service fee for these services, provided the fee charged does not exceed  
293.22 the fee charged to other customers of the institution for similar services.

293.23 Sec. 52. Minnesota Statutes 2022, section 393.07, subdivision 3, is amended to read:

293.24 Subd. 3. **Federal Social Security.** The local social services agency shall be charged  
293.25 with the duties of administration of all forms of public assistance and public child welfare  
293.26 or other programs within the purview of the federal Social Security Act, other than public  
293.27 health nursing and home health services, and which now are, or hereafter may be, imposed  
293.28 on the ~~commissioner~~ commissioners of human services and children, youth, and families  
293.29 by law, of both children and adults. The duties of such local social services agency shall be  
293.30 performed in accordance with the standards and rules which may be promulgated by the  
293.31 ~~commissioner~~ commissioners of human services and children, youth, and families in order  
293.32 to achieve the purposes of the law and to comply with the requirements of the federal Social  
293.33 Security Act needed to qualify the state to obtain grants-in-aid available under that act.  
293.34 Notwithstanding the provisions of any other law to the contrary, the welfare board shall  
293.35 delegate to the director the authority to determine eligibility and disburse funds without

294.1 first securing board action, provided that the director shall present to the board, at the next  
294.2 scheduled meeting, any such action taken for ratification by the board.

294.3 Sec. 53. Minnesota Statutes 2022, section 393.07, subdivision 4, is amended to read:

294.4 Subd. 4. **Rules.** The ~~commissioner~~ commissioners of human services and children, youth,  
294.5 and families shall be the authority to adopt and enforce rules concerning the use and  
294.6 publication of lists of public assistance recipients and governing the custody, use, and  
294.7 preservation of public assistance, mental health or child welfare records, files, and  
294.8 communications. The ~~commissioner~~ commissioners of human services and children, youth,  
294.9 and families shall adopt such rules as may be necessary to comply with the requirements  
294.10 of the federal Social Security Act; but in any event shall provide for the annual publication  
294.11 of a summary financial statement giving total expenditures for each of the several programs  
294.12 of public assistance; and shall make all finance records available for such examinations and  
294.13 audits as are required by law. No use or publication of the lists, records, files, and  
294.14 communications herein referred to shall be made until such rules are adopted, and then only  
294.15 in the manner and form therein provided. All other laws, or parts of laws, now in effect  
294.16 inconsistent with the provisions of this chapter are hereby repealed, superseded, modified,  
294.17 or amended so far as necessary to conform to and give full force and effect to the provisions  
294.18 of this chapter. The provisions of this chapter will not be construed to apply to poor relief  
294.19 or direct relief given solely in behalf of adult persons.

294.20 Sec. 54. Minnesota Statutes 2022, section 393.07, subdivision 5, is amended to read:

294.21 Subd. 5. **Compliance with Social Security Act; merit system.** The ~~commissioner~~  
294.22 commissioners of human services and children, youth, and families shall have authority to  
294.23 require such methods of administration as are necessary for compliance with requirements  
294.24 of the federal Social Security Act, as amended, and for the proper and efficient operation  
294.25 of all welfare programs. This authority to require methods of administration includes methods  
294.26 relating to the establishment and maintenance of personnel standards on a merit basis as  
294.27 concerns all employees of local social services agencies except those employed in an  
294.28 institution, sanitarium, or hospital. The ~~commissioner~~ commissioners of human services  
294.29 and children, youth, and families shall exercise no authority with respect to the selection,  
294.30 tenure of office, and compensation of any individual employed in accordance with such  
294.31 methods. The adoption of methods relating to the establishment and maintenance of personnel  
294.32 standards on a merit basis of all such employees of the local social services agencies and  
294.33 the examination thereof, and the administration thereof shall be directed and controlled

295.1 exclusively by the ~~commissioner~~ commissioners of human services and children, youth,  
295.2 and families.

295.3 Notwithstanding the provisions of any other law to the contrary, every employee of  
295.4 every local social services agency who occupies a position which requires as prerequisite  
295.5 to eligibility therefor graduation from an accredited four-year college or a certificate of  
295.6 registration as a registered nurse under section 148.231, must be employed in such position  
295.7 under the merit system established under authority of this subdivision. Every such employee  
295.8 now employed by a local social services agency and who is not under said merit system is  
295.9 transferred, as of January 1, 1962, to a position of comparable classification in the merit  
295.10 system with the same status therein as the employee had in the county of employment prior  
295.11 thereto and every such employee shall be subject to and have the benefit of the merit system,  
295.12 including seniority within the local social services agency, as though the employee had  
295.13 served thereunder from the date of entry into the service of the local social services agency.

295.14 Sec. 55. Minnesota Statutes 2022, section 393.07, subdivision 7, is amended to read:

295.15 Subd. 7. **Volunteer programs.** In accordance with procedures established by the  
295.16 ~~commissioner~~ commissioners of human services and children, youth, and families, the local  
295.17 social services agencies may establish volunteer service programs. Persons who participate  
295.18 in these programs may be reimbursed for expenses incurred in performing assigned duties.  
295.19 For purposes of this section, a volunteer worker shall not receive compensation for services  
295.20 rendered but shall be entitled to workers' compensation coverage as provided for in section  
295.21 176.011, subdivision 9.

295.22 Sec. 56. Minnesota Statutes 2022, section 393.07, subdivision 8, is amended to read:

295.23 Subd. 8. **Citizens advisory committee.** In accordance with procedures established by  
295.24 the ~~commissioner~~ commissioners of human services and children, youth, and families, local  
295.25 social services agencies may appoint citizen advisory committees to consult with the agency  
295.26 on any of the programs or services administered by the agency. Within the limits of the  
295.27 appropriation provided, the agency may authorize the reimbursement of committee members  
295.28 for expenses incurred in the performance of their duties.

295.29 Sec. 57. Minnesota Statutes 2022, section 393.07, subdivision 10, is amended to read:

295.30 Subd. 10. **SNAP; Maternal and Child Nutrition Act.** (a) The local social services  
295.31 agency shall establish and administer the Supplemental Nutrition Assistance Program  
295.32 (SNAP) according to rules of the commissioner of ~~human services~~ children, youth, and

296.1 families, the supervision of the commissioner as specified in section 256.01, and all federal  
296.2 laws and regulations. The commissioner of ~~human services~~ children, youth, and families  
296.3 shall monitor SNAP delivery on an ongoing basis to ensure that each county complies with  
296.4 federal laws and regulations. Program requirements to be monitored include, but are not  
296.5 limited to, number of applications, number of approvals, number of cases pending, length  
296.6 of time required to process each application and deliver benefits, number of applicants  
296.7 eligible for expedited issuance, length of time required to process and deliver expedited  
296.8 issuance, number of terminations and reasons for terminations, client profiles by age,  
296.9 household composition and income level and sources, and the use of phone certification  
296.10 and home visits. The commissioner shall determine the county-by-county and statewide  
296.11 participation rate.

296.12 (b) On July 1 of each year, the commissioner of ~~human services~~ children, youth, and  
296.13 families shall determine a statewide and county-by-county SNAP participation rate. The  
296.14 commissioner may designate a different agency to administer the SNAP in a county if the  
296.15 agency administering the program fails to increase the SNAP participation rate among  
296.16 families or eligible individuals, or comply with all federal laws and regulations governing  
296.17 the SNAP. The commissioner shall review agency performance annually to determine  
296.18 compliance with this paragraph.

296.19 (c) A person who commits any of the following acts has violated section 256.98 or  
296.20 609.821, or both, and is subject to both the criminal and civil penalties provided under those  
296.21 sections:

296.22 (1) obtains or attempts to obtain, or aids or abets any person to obtain by means of a  
296.23 willful statement or misrepresentation, or intentional concealment of a material fact, SNAP  
296.24 benefits or vouchers issued according to sections 145.891 to 145.897 to which the person  
296.25 is not entitled or in an amount greater than that to which that person is entitled or which  
296.26 specify nutritional supplements to which that person is not entitled; or

296.27 (2) presents or causes to be presented, coupons or vouchers issued according to sections  
296.28 145.891 to 145.897 for payment or redemption knowing them to have been received,  
296.29 transferred or used in a manner contrary to existing state or federal law; or

296.30 (3) willfully uses, possesses, or transfers SNAP benefits, authorization to purchase cards  
296.31 or vouchers issued according to sections 145.891 to 145.897 in any manner contrary to  
296.32 existing state or federal law, rules, or regulations; or

296.33 (4) buys or sells SNAP benefits, authorization to purchase cards, other assistance  
296.34 transaction devices, vouchers issued according to sections 145.891 to 145.897, or any food

297.1 obtained through the redemption of vouchers issued according to sections 145.891 to 145.897  
297.2 for cash or consideration other than eligible food.

297.3 (d) A peace officer or welfare fraud investigator may confiscate SNAP benefits,  
297.4 authorization to purchase cards, or other assistance transaction devices found in the  
297.5 possession of any person who is neither a recipient of SNAP benefits nor otherwise authorized  
297.6 to possess and use such materials. Confiscated property shall be disposed of as the  
297.7 commissioner may direct and consistent with state and federal SNAP law. The confiscated  
297.8 property must be retained for a period of not less than 30 days to allow any affected person  
297.9 to appeal the confiscation under section 256.045.

297.10 (e) Establishment of an overpayment is limited to 12 months prior to the month of  
297.11 discovery due to agency error. Establishment of an overpayment is limited to six years prior  
297.12 to the month of discovery due to client error or an intentional program violation determined  
297.13 under section 256.046.

297.14 (f) With regard to the federal tax revenue offset program only, recovery incentives  
297.15 authorized by the federal food and consumer service shall be retained at the rate of 50 percent  
297.16 by the state agency and 50 percent by the certifying county agency.

297.17 (g) A peace officer, welfare fraud investigator, federal law enforcement official, or the  
297.18 commissioner of health may confiscate vouchers found in the possession of any person who  
297.19 is neither issued vouchers under sections 145.891 to 145.897, nor otherwise authorized to  
297.20 possess and use such vouchers. Confiscated property shall be disposed of as the commissioner  
297.21 of health may direct and consistent with state and federal law. The confiscated property  
297.22 must be retained for a period of not less than 30 days.

297.23 (h) The commissioner of ~~human services~~ children, youth, and families may seek a waiver  
297.24 from the United States Department of Agriculture to allow the state to specify foods that  
297.25 may and may not be purchased in Minnesota with benefits funded by the federal  
297.26 Supplemental Nutrition Assistance Program. The commissioner shall consult with the  
297.27 members of the house of representatives and senate policy committees having jurisdiction  
297.28 over SNAP issues in developing the waiver. The commissioner, in consultation with the  
297.29 commissioners of health and education, shall develop a broad public health policy related  
297.30 to improved nutrition and health status. The commissioner must seek legislative approval  
297.31 prior to implementing the waiver.

298.1 Sec. 58. Minnesota Statutes 2022, section 393.11, subdivision 2, is amended to read:

298.2 Subd. 2. **Paternity, child support.** The local social services agency or the commissioner  
298.3 of ~~human services~~ children, youth, and families may contract with the county attorney for  
298.4 the provision of legal services to the local social services agency in paternity actions, child  
298.5 support enforcement and related matters as specified in Title IV-D of the Social Security  
298.6 Act. The county attorney may contract as to and perform the services and receive  
298.7 reimbursement therefor as determined by the commissioner. The contract may specify that  
298.8 the reimbursement shall be in addition to the salary of the county attorney as set by the  
298.9 county commissioners pursuant to chapter 388.

298.10 Sec. 59. Minnesota Statutes 2022, section 518A.26, is amended by adding a subdivision  
298.11 to read:

298.12 Subd. 5a. **Commissioner.** "Commissioner" means the commissioner of children, youth,  
298.13 and families.

298.14 Sec. 60. Minnesota Statutes 2022, section 518A.60, is amended to read:

298.15 **518A.60 COLLECTION; ARREARS ONLY.**

298.16 (a) Remedies available for the collection and enforcement of support in this chapter and  
298.17 chapters 142A, 256, 257, 518, and 518C also apply to cases in which the child or children  
298.18 for whom support is owed are emancipated and the obligor owes past support or has an  
298.19 accumulated arrearage as of the date of the youngest child's emancipation. Child support  
298.20 arrearages under this section include arrearages for child support, medical support, child  
298.21 care, pregnancy and birth expenses, and unreimbursed medical expenses as defined in section  
298.22 518A.41, subdivision 1, paragraph (h).

298.23 (b) This section applies retroactively to any support arrearage that accrued on or before  
298.24 June 3, 1997, and to all arrearages accruing after June 3, 1997.

298.25 (c) Past support or pregnancy and confinement expenses ordered for which the obligor  
298.26 has specific court ordered terms for repayment may not be enforced using drivers' and  
298.27 occupational or professional license suspension and credit bureau reporting, unless the  
298.28 obligor fails to comply with the terms of the court order for repayment.

298.29 (d) If an arrearage exists at the time a support order would otherwise terminate and  
298.30 section 518A.53, subdivision 10, paragraph (c), does not apply to this section, the arrearage  
298.31 shall be repaid in an amount equal to the current support order until all arrears have been  
298.32 paid in full, absent a court order to the contrary.

299.1 (e) If an arrearage exists according to a support order which fails to establish a monthly  
299.2 support obligation in a specific dollar amount, the public authority, if it provides child  
299.3 support services, or the obligee, may establish a payment agreement which shall equal what  
299.4 the obligor would pay for current support after application of section 518A.34, plus an  
299.5 additional 20 percent of the current support obligation, until all arrears have been paid in  
299.6 full. If the obligor fails to enter into or comply with a payment agreement, the public  
299.7 authority, if it provides child support services, or the obligee, may move the district court  
299.8 or child support magistrate, if section 484.702 applies, for an order establishing repayment  
299.9 terms.

299.10 (f) If there is no longer a current support order because all of the children of the order  
299.11 are emancipated, the public authority may discontinue child support services and close its  
299.12 case under title IV-D of the Social Security Act if:

299.13 (1) the arrearage is under \$500; or

299.14 (2) the arrearage is considered unenforceable by the public authority because there have  
299.15 been no collections for three years, and all administrative and legal remedies have been  
299.16 attempted or are determined by the public authority to be ineffective because the obligor is  
299.17 unable to pay, the obligor has no known income or assets, and there is no reasonable prospect  
299.18 that the obligor will be able to pay in the foreseeable future.

299.19 (g) At least 60 calendar days before the discontinuation of services under paragraph (f),  
299.20 the public authority must mail a written notice to the obligee and obligor at the obligee's  
299.21 and obligor's last known addresses that the public authority intends to close the child support  
299.22 enforcement case and explaining each party's rights. Seven calendar days after the first  
299.23 notice is mailed, the public authority must mail a second notice under this paragraph to the  
299.24 obligee.

299.25 (h) The case must be kept open if the obligee responds before case closure and provides  
299.26 information that could reasonably lead to collection of arrears. If the case is closed, the  
299.27 obligee may later request that the case be reopened by completing a new application for  
299.28 services, if there is a change in circumstances that could reasonably lead to the collection  
299.29 of arrears.

300.1 Sec. 61. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 1, is amended  
300.2 to read:

300.3 Subdivision 1. **Eligibility; dismissal; exoneration.** (a) A person who is the subject of  
300.4 a criminal record or delinquency record is eligible for a grant of expungement relief without  
300.5 the filing of a petition:

300.6 (1) if the person was arrested and all charges were dismissed after a case was filed unless  
300.7 dismissal was based on a finding that the defendant was incompetent to proceed;

300.8 (2) upon the dismissal and discharge of proceedings against a person under section  
300.9 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession  
300.10 of a controlled substance; or

300.11 (3) if all pending actions or proceedings were resolved in favor of the person.

300.12 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not  
300.13 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is  
300.14 resolved in favor of the person if the petitioner received an order under section 590.11  
300.15 determining that the person is eligible for compensation based on exoneration.

300.16 (c) The service requirements in section 609A.03, subdivision 8, do not apply to any  
300.17 expungements ordered under this subdivision.

300.18 (d) An expungement order does not apply to records held by the commissioners of  
300.19 children, youth, and families; health; and human services.

300.20 Sec. 62. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 2, is amended  
300.21 to read:

300.22 Subd. 2. **Eligibility; diversion and stay of adjudication.** (a) A person is eligible for a  
300.23 grant of expungement relief if the person has successfully completed the terms of a diversion  
300.24 program or stay of adjudication for a qualifying offense that is not a felony and has not been  
300.25 petitioned or charged with a new offense, other than an offense that would be a petty  
300.26 misdemeanor, in Minnesota:

300.27 (1) for one year immediately following completion of the diversion program or stay of  
300.28 adjudication; or

300.29 (2) for one year immediately preceding a subsequent review performed pursuant to  
300.30 subdivision 5, paragraph (a).

300.31 (b) The service requirements in section 609A.03, subdivision 8, do not apply to any  
300.32 expungements ordered under this subdivision.

301.1 (c) An expungement order does not apply to records held by the commissioners of  
301.2 children, youth, and families; health; and human services.

301.3 Sec. 63. Minnesota Statutes 2023 Supplement, section 609A.015, subdivision 3, is amended  
301.4 to read:

301.5 Subd. 3. **Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant  
301.6 of expungement relief if the person:

301.7 (1) was convicted of a qualifying offense;

301.8 (2) has not been convicted of a new offense, other than an offense that would be a petty  
301.9 misdemeanor, in Minnesota:

301.10 (i) during the applicable waiting period immediately following discharge of the disposition  
301.11 or sentence for the crime; or

301.12 (ii) during the applicable waiting period immediately preceding a subsequent review  
301.13 performed pursuant to subdivision 5, paragraph (a); and

301.14 (3) is not charged with an offense, other than an offense that would be a petty  
301.15 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting  
301.16 period or at the time of a subsequent review.

301.17 (b) As used in this subdivision, "qualifying offense" means a conviction for:

301.18 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating  
301.19 to the operation or parking of motor vehicles;

301.20 (2) any misdemeanor offense other than:

301.21 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving  
301.22 while impaired);

301.23 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

301.24 (iii) section 609.224 (assault in the fifth degree);

301.25 (iv) section 609.2242 (domestic assault);

301.26 (v) section 609.746 (interference with privacy);

301.27 (vi) section 609.748 (violation of a harassment restraining order);

301.28 (vii) section 609.78 (interference with emergency call);

301.29 (viii) section 609.79 (obscene or harassing phone calls);

- 302.1 (ix) section 617.23 (indecent exposure); or
- 302.2 (x) section 629.75 (violation of domestic abuse no contact order);
- 302.3 (3) any gross misdemeanor offense other than:
- 302.4 (i) section 169A.25 (second-degree driving while impaired);
- 302.5 (ii) section 169A.26 (third-degree driving while impaired);
- 302.6 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 302.7 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);
- 302.8 (v) section 609.2231 (assault in the fourth degree);
- 302.9 (vi) section 609.224 (assault in the fifth degree);
- 302.10 (vii) section 609.2242 (domestic assault);
- 302.11 (viii) section 609.233 (criminal neglect);
- 302.12 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 302.13 (x) section 609.377 (malicious punishment of child);
- 302.14 (xi) section 609.485 (escape from custody);
- 302.15 (xii) section 609.498 (tampering with witness);
- 302.16 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 302.17 (xiv) section 609.746 (interference with privacy);
- 302.18 (xv) section 609.748 (violation of a harassment restraining order);
- 302.19 (xvi) section 609.749 (harassment; stalking);
- 302.20 (xvii) section 609.78 (interference with emergency call);
- 302.21 (xviii) section 617.23 (indecent exposure);
- 302.22 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 302.23 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 302.24 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 302.25 than:
- 302.26 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 302.27 degree);
- 302.28 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);

303.1 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
303.2 commitment for mental illness); or

303.3 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent  
303.4 violation or minor victim).

303.5 (c) As used in this subdivision, "applicable waiting period" means:

303.6 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

303.7 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the  
303.8 crime;

303.9 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence  
303.10 for the crime;

303.11 (4) if the offense was a felony violation of section 152.025, four years since the discharge  
303.12 of the sentence for the crime; and

303.13 (5) if the offense was any other felony, five years since discharge of the sentence for the  
303.14 crime.

303.15 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to  
303.16 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross  
303.17 misdemeanor offenses ineligible for a grant of expungement under this section remain  
303.18 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

303.19 (e) The service requirements in section 609A.03, subdivision 8, do not apply to any  
303.20 expungements ordered under this subdivision.

303.21 (f) An expungement order does not apply to records held by the commissioners of  
303.22 children, youth, and families; health; and human services.

303.23 Sec. 64. Minnesota Statutes 2023 Supplement, section 609A.06, subdivision 7, is amended  
303.24 to read:

303.25 Subd. 7. **Review and determination.** (a) The Cannabis Expungement Board shall review  
303.26 all available records to determine whether the conviction or stay of adjudication is eligible  
303.27 for an expungement or resentencing to a lesser offense. An expungement under this section  
303.28 is presumed to be in the public interest unless there is clear and convincing evidence that  
303.29 an expungement or resentencing to a lesser offense would create a risk to public safety.

304.1 (b) If the Cannabis Expungement Board determines that an expungement is in the public  
304.2 interest, the board shall determine whether a person's conviction should be vacated and  
304.3 charges should be dismissed.

304.4 (c) If the Cannabis Expungement Board determines that an expungement is in the public  
304.5 interest, the board shall determine whether the limitations under section 609A.03, subdivision  
304.6 5a, apply.

304.7 (d) If the Cannabis Expungement Board determines that an expungement is in the public  
304.8 interest, the board shall determine whether the limitations under section 609A.03, subdivision  
304.9 7a, paragraph (b), clause (5), apply.

304.10 (e) If the Cannabis Expungement Board determines that an expungement is not in the  
304.11 public interest, the board shall determine whether the person is eligible for resentencing to  
304.12 a lesser offense.

304.13 (f) In making a determination under this subdivision, the Cannabis Expungement Board  
304.14 shall consider:

304.15 (1) the nature and severity of the underlying crime, including but not limited to the total  
304.16 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the  
304.17 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,  
304.18 an attempt to inflict bodily harm on another, or an act committed with the intent to cause  
304.19 fear in another of immediate bodily harm or death;

304.20 (2) whether an expungement or resentencing the person a lesser offense would increase  
304.21 the risk, if any, the person poses to other individuals or society;

304.22 (3) if the person is under sentence, whether an expungement or resentencing to a lesser  
304.23 offense would result in the release of the person and whether release earlier than the date  
304.24 that the person would be released under the sentence currently being served would present  
304.25 a danger to the public or would be compatible with the welfare of society;

304.26 (4) aggravating or mitigating factors relating to the underlying crime, including the  
304.27 person's level of participation and the context and circumstances of the underlying crime;

304.28 (5) statements from victims and law enforcement, if any;

304.29 (6) if an expungement or resentencing the person to a lesser offense is considered,  
304.30 whether there is good cause to restore the person's right to possess firearms and ammunition;

305.1 (7) if an expungement is considered, whether an expunged record of a conviction or stay  
305.2 of adjudication may be opened for purposes of a background check required under section  
305.3 122A.18, subdivision 8; and

305.4 (8) other factors deemed relevant by the Cannabis Expungement Board.

305.5 (g) In making a determination under this subdivision, the Cannabis Expungement Board  
305.6 shall not consider the impact the expungement would have on the offender based on any  
305.7 records held by the Department of Health; Department of Children, Youth, and Families;  
305.8 or Department of Human Services.

305.9 (h) The affirmative vote of three members is required for action taken at any meeting.

305.10 Sec. 65. Minnesota Statutes 2023 Supplement, section 609A.06, subdivision 12, is amended  
305.11 to read:

305.12 **Subd. 12. Order of expungement.** (a) Upon receiving notice that an offense qualifies  
305.13 for expungement, the court shall issue an order sealing all records relating to an arrest,  
305.14 indictment or information, trial, verdict, or dismissal and discharge for an offense described  
305.15 in subdivision 3. The courts shall not order the Department of Health; the Department of  
305.16 Children, Youth, and Families; or the Department of Human Services to seal records under  
305.17 this section. If the Cannabis Expungement Board determined that the person's conviction  
305.18 should be vacated and charges should be dismissed, the order shall vacate and dismiss the  
305.19 charges.

305.20 (b) If the Cannabis Expungement Board determined that there is good cause to restore  
305.21 the person's right to possess firearms and ammunition, the court shall issue an order pursuant  
305.22 to section 609.165, subdivision 1d.

305.23 (c) If the Cannabis Expungement Board determined that an expunged record of a  
305.24 conviction or stay of adjudication may not be opened for purposes of a background check  
305.25 required under section 122A.18, subdivision 8, the court shall direct the order specifically  
305.26 to the Professional Educator Licensing and Standards Board.

305.27 (d) The court administrator shall send a copy of an expungement order issued under this  
305.28 section to each agency and jurisdiction whose records are affected by the terms of the order  
305.29 and send a letter to the last known address of the person whose offense has been expunged  
305.30 identifying each agency to which the order was sent.

305.31 (e) In consultation with the commissioner of human services, the court shall establish a  
305.32 schedule on which it shall provide the commissioner of human services a list identifying

306.1 the name and court file number or, if no court file number is available, the citation number  
 306.2 of each record for a person who received an expungement under this section.

306.3 (f) Data on the person whose offense has been expunged in a letter sent under this  
 306.4 subdivision are private data on individuals as defined in section 13.02, subdivision 12.

306.5 Sec. 66. Minnesota Statutes 2022, section 631.40, subdivision 3, is amended to read:

306.6 Subd. 3. **Departments of Human Services; Children, Youth, and Families; and**  
 306.7 **Health licensees.** When a person who is affiliated with a program or facility governed by  
 306.8 the Department of Human Services, Department of Children, Youth, and Families, or  
 306.9 Department of Health is convicted of a disqualifying crime, the probation officer or  
 306.10 corrections agent shall notify the commissioner of the conviction, as provided in chapter  
 306.11 245C.

306.12 Sec. 67. **EXECUTIVE AGENCIES' PRINTED AND ONLINE MATERIALS AND**  
 306.13 **INFORMATION TECHNOLOGY SYSTEMS.**

306.14 (a) Executive agencies are not required to immediately replace existing printed material  
 306.15 only to reflect changed statute numbers in this act and may do so when current printed  
 306.16 material is replaced and new printed material is obtained in the normal course of business.

306.17 (b) Executive agencies are not required to immediately edit online cross-references only  
 306.18 to reflect changed statute numbers in this act and may do so when online documents,  
 306.19 information technology systems, and websites are edited in the normal course of business.

306.20 Sec. 68. **REVISOR INSTRUCTION.**

306.21 (a) The revisor of statutes must renumber sections or subdivisions in column A as column  
 306.22 B.

	<u>Column A</u>	<u>Column B</u>
306.23	<u>256.741</u>	<u>518A.81</u>
306.24	<u>256.87</u>	<u>518A.82</u>
306.25	<u>256.978</u>	<u>518A.83</u>
306.26	<u>256.979</u>	<u>518A.84</u>
306.27	<u>256E.12</u>	<u>256K.10</u>
306.28		

306.29 (b) The revisor of statutes must correct any statutory cross-references consistent with  
 306.30 this renumbering.

307.1 Sec. 69. **REVISOR INSTRUCTION.**

307.2 The revisor of statutes shall make necessary cross-reference changes and remove statutory  
307.3 cross-references in Minnesota Statutes to conform with this act and Laws 2023, chapter 70,  
307.4 article 12. The revisor may make technical and other necessary changes to sentence structure  
307.5 to preserve the meaning of the text. The revisor may alter the statutory coding in this act to  
307.6 incorporate statutory changes made by other law in the 2024 regular legislative session. If  
307.7 a provision repealed in this act is also amended in the 2024 regular legislative session by  
307.8 other law, the revisor shall merge the amendment into the recodification, notwithstanding  
307.9 Minnesota Statutes, section 645.30.

307.10 Sec. 70. **REVISOR INSTRUCTION.**

307.11 The revisor of statutes shall change "the commissioner of human services" to "the  
307.12 commissioner of children, youth, and families" and change "the Department of Human  
307.13 Services" to "the Department of Children, Youth, and Families" as necessary to reflect the  
307.14 changes in this act and Laws 2023, chapter 70, article 12. The revisor shall also make other  
307.15 technical changes resulting from the change of term to the statutory language, sentence  
307.16 structure, or both, if necessary to preserve the meaning of the text. If any potential  
307.17 commissioner changes identified reflect policy changes not yet addressed in this act or Laws  
307.18 2023, chapter 70, article 12, the revisor of statutes shall notify the commissioners of human  
307.19 services and children, youth, and families so that the change may be addressed in the 2025  
307.20 legislative session.

307.21 Sec. 71. **REPEALER.**

307.22 Minnesota Statutes 2022, section 256.741, subdivision 3, is repealed.

307.23 Sec. 72. **EFFECTIVE DATE; TRANSFER OF RESPONSIBILITIES.**

307.24 (a) This act is effective July 1, 2024.

307.25 (b) Notwithstanding paragraph (a), the powers and responsibilities transferred under this  
307.26 act are effective upon notice of the commissioner of children, youth, and families to the  
307.27 commissioners of administration, management and budget, and other relevant departments  
307.28 along with the secretary of the senate, the chief clerk of the house of representatives, and  
307.29 the chairs and ranking minority members of relevant legislative committees and divisions,  
307.30 pursuant to Laws 2023, chapter 70, article 12, section 30, subdivision 1.

307.31 (c) By August 1, 2025, the commissioners of human services and children, youth, and  
307.32 families shall notify the chairs and ranking minority members of relevant legislative

- 308.1 committees and divisions and the revisor of statutes of any sections of this act that are  
308.2 waiting for federal approval to become effective pursuant to Laws 2023, chapter 70, article  
308.3 12, section 30, subdivision 1, paragraph (b).

#### **245A.04 APPLICATION PROCEDURES.**

Subd. 17. **Plain-language handbook.** By January 1, 2020, the commissioner of human services shall, following consultation with family child care license holders, parents, and county agencies, develop a plain-language handbook that describes the process and requirements to become a licensed family child care provider. The handbook shall include a list of the applicable statutory provisions and rules that apply to licensed family child care providers. The commissioner shall electronically publish the handbook on the Department of Human Services website, available at no charge to the public. Each county human services office and the Department of Human Services shall maintain physical copies of the handbook for public use.

#### **245A.09 RULES.**

Subd. 10. **Rulemaking process; commissioner exempted.** When developing, making, adopting, and issuing interpretive guidelines under the authority granted under subdivision 8, the commissioner is exempt from the rulemaking provisions of chapter 14 until July 1, 1998.

#### **245A.18 CHILD PASSENGER RESTRAINT SYSTEMS.**

Subd. 2. **Child passenger restraint systems; training requirement.** (a) Programs licensed by the Department of Human Services under this chapter and Minnesota Rules, chapter 2960, that serve a child or children under eight years of age must document training that fulfills the requirements in this subdivision.

(b) Before a license holder, staff person, or caregiver transports a child or children under age eight in a motor vehicle, the person transporting the child must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles. Training completed under this section may be used to meet initial or ongoing training under Minnesota Rules, part 2960.3070, subparts 1 and 2.

(c) Training required under this section must be completed at orientation or initial training and repeated at least once every five years. At a minimum, the training must address the proper use of child restraint systems based on the child's size, weight, and age, and the proper installation of a car seat or booster seat in the motor vehicle used by the license holder to transport the child or children.

(d) Training under paragraph (c) must be provided by individuals who are certified and approved by the Office of Traffic Safety within the Department of Public Safety. License holders may obtain a list of certified and approved trainers through the Department of Public Safety website or by contacting the agency.

(e) Notwithstanding paragraph (a), for an emergency relative placement under section 245A.035, the commissioner may grant a variance to the training required by this subdivision for a relative who completes a child seat safety check up. The child seat safety check up trainer must be approved by the Department of Public Safety, Office of Traffic Safety, and must provide one-on-one instruction on placing a child of a specific age in the exact child passenger restraint in the motor vehicle in which the child will be transported. Once granted a variance, and if all other licensing requirements are met, the relative applicant may receive a license and may transport a relative foster child younger than eight years of age. A child seat safety check up must be completed each time a child requires a different size car seat according to car seat and vehicle manufacturer guidelines. A relative license holder must complete training that meets the other requirements of this subdivision prior to placement of another foster child younger than eight years of age in the home or prior to the renewal of the child foster care license.

#### **245H.12 FEES.**

The commissioner shall consult with stakeholders to develop an administrative fee to implement this chapter. By February 15, 2019, the commissioner shall provide recommendations on the amount of an administrative fee to the legislative committees with jurisdiction over health and human services policy and finance.

#### **256.01 COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES.**

Subd. 30. **Donated funds from private postsecondary institutions.** The commissioner may accept, on behalf of the state, funds donated from private postsecondary institutions, as the state's share in claiming federal Title IV-E reimbursement, to support the Child Welfare State/University Partnership, consistent with Code of Federal Regulations, title 45, chapter 235, section 235.66, Sources of State Funds, if the funds:

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(1) are transferred to the state and under the state's administrative control;

(2) are donated with no restriction that the funds be used for the training of a particular individual or at a particular facility or institution; and

(3) do not revert to the donor's facility or use.

**256.741 CHILD SUPPORT AND MAINTENANCE.**

Subd. 3. **Existing assignments.** Assignments based on the receipt of public assistance in existence prior to July 1, 1997, are permanently assigned to the state. Arrears that accrued prior to the receipt of assistance that were assigned to the state between July 1, 1997, and October 1, 2009, must no longer be assigned as of October 1, 2009.

**256.9831 BENEFITS; GAMBLING ESTABLISHMENTS.**

Subd. 2. **Financial transaction cards.** The commissioner shall take all actions necessary to ensure that no person may obtain benefits under chapter 256, 256D, or 256J through the use of a financial transaction card, as defined in section 609.821, subdivision 1, paragraph (a), at a terminal located in or attached to a gambling establishment, liquor store, tobacco store, or tattoo parlor.

Subd. 3. **Warrants.** The commissioner shall take all actions necessary to ensure that warrants issued to pay benefits under chapter 256 or 256D bear a restrictive endorsement that prevents their being cashed in a gambling establishment.

**256J.01 ESTABLISHING MINNESOTA FAMILY INVESTMENT PROGRAM.**

Subd. 5. **Compliance system.** The commissioner shall administer a compliance system for the state's temporary assistance for needy families (TANF) program, the SNAP, general assistance, medical assistance, emergency general assistance, Minnesota supplemental aid, preadmission screening, child support program, and alternative care grants under the powers and authorities named in section 256.01, subdivision 2. The purpose of the compliance system is to permit the commissioner to supervise the administration of public assistance programs and to enforce timely and accurate distribution of benefits, completeness of service and efficient and effective program management and operations, to increase uniformity and consistency in the administration and delivery of public assistance programs throughout the state, and to reduce the possibility of sanction and fiscal disallowances for noncompliance with federal regulations and state statutes.

**256J.78 TANF DEMONSTRATION PROJECTS OR WAIVER FROM FEDERAL RULES AND REGULATIONS.**

Subd. 3. **Report to legislature.** The commissioner shall report to the members of the legislative committees having jurisdiction over human services issues by March 1, 2014, regarding the progress of this waiver or demonstration project.