

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4618

(SENATE AUTHORS: BOLDON, Wiklund and Mitchell)		
DATE	D-PG	OFFICIAL STATUS
03/07/2024	12033	Introduction and first reading
		Referred to Health and Human Services
03/13/2024	12199	Author added Mitchell
03/14/2024		Comm report: To pass as amended and re-refer to Judiciary and Public Safety

1.1

A bill for an act

1.2

relating to human services; the Department of Human Services Office of Inspector

1.3

General executive bill on children's licensing issues; amending Minnesota Statutes

1.4

2022, sections 245A.04, subdivision 10, by adding a subdivision; 245A.09,

1.5

subdivision 7; 245A.16, by adding a subdivision; 245A.66, subdivision 2; 245E.08;

1.6

245H.01, by adding subdivisions; 245H.08, subdivision 1; 245H.14, subdivisions

1.7

1, 4; 260E.30, subdivision 3; Minnesota Statutes 2023 Supplement, sections

1.8

245A.02, subdivision 2c; 245A.16, subdivision 11; 245C.02, subdivision 6a;

1.9

245H.06, subdivisions 1, 2; 245H.08, subdivisions 4, 5; proposing coding for new

1.10

law in Minnesota Statutes, chapter 245H; repealing Minnesota Rules, part

1.11

9545.0805, subpart 1.

1.12

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

1.13

Section 1. Minnesota Statutes 2023 Supplement, section 245A.02, subdivision 2c, is

1.14

amended to read:

1.15

Subd. 2c. **Annual or annually; family child care and family child foster care.** For

1.16

the purposes of family child care under sections 245A.50 to 245A.53 and family child foster

1.17

care training, "annual" or "annually" means each calendar year.

1.18

EFFECTIVE DATE. This section is effective January 1, 2025.

1.19

Sec. 2. Minnesota Statutes 2022, section 245A.04, subdivision 10, is amended to read:

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Subd. 10. **Adoption agency; additional requirements.** In addition to the other

1.21

requirements of this section, an individual or organization applying for a license to place

1.22

children for adoption must:

1.23

(1) incorporate as a nonprofit corporation under chapter 317A;

(2) file with the application for licensure a copy of the disclosure form required under section 259.37, subdivision 2;

(3) provide evidence that a bond has been obtained and will be continuously maintained throughout the entire operating period of the agency, to cover the cost of transfer of records to and storage of records by the agency which has agreed, according to rule established by the commissioner, to receive the applicant agency's records if the applicant agency voluntarily or involuntarily ceases operation and fails to provide for proper transfer of the records. The bond must be made in favor of the agency which has agreed to receive the records; and

(4) submit a ~~certified audit~~ financial review completed by an accountant to the commissioner each year the license is renewed as required under section 245A.03, subdivision 1.

EFFECTIVE DATE. This section is effective January 1, 2025.

Sec. 3. Minnesota Statutes 2022, section 245A.04, is amended by adding a subdivision to read:

Subd. 19. Family child foster care annual program evaluation. Upon implementation of a continuous license process for family child foster care, the annual program evaluation required under Minnesota Rules, part 2960.3100, subpart 1, item G, must be conducted utilizing the electronic licensing inspection checklist information and the provider licensing and reporting hub in a manner prescribed by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 4. Minnesota Statutes 2022, section 245A.09, subdivision 7, is amended to read:

Subd. 7. Regulatory methods. (a) Where appropriate and feasible the commissioner shall identify and implement alternative methods of regulation and enforcement to the extent authorized in this subdivision. These methods shall include:

(1) expansion of the types and categories of licenses that may be granted;

(2) when the standards of another state or federal governmental agency or an independent accreditation body have been shown to require the same standards, methods, or alternative methods to achieve substantially the same intended outcomes as the licensing standards, the commissioner shall consider compliance with the governmental or accreditation standards to be equivalent to partial compliance with the licensing standards; and

(3) use of an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules.

(b) If the commissioner accepts accreditation as documentation of compliance with a licensing standard under paragraph (a), the commissioner shall continue to investigate complaints related to noncompliance with all licensing standards. The commissioner may take a licensing action for noncompliance under this chapter and shall recognize all existing appeal rights regarding any licensing actions taken under this chapter.

(c) The commissioner shall work with the commissioners of health, public safety, administration, and education in consolidating duplicative licensing and certification rules and standards if the commissioner determines that consolidation is administratively feasible, would significantly reduce the cost of licensing, and would not reduce the protection given to persons receiving services in licensed programs. Where administratively feasible and appropriate, the commissioner shall work with the commissioners of health, public safety, administration, and education in conducting joint agency inspections of programs.

(d) The commissioner shall work with the commissioners of health, public safety, administration, and education in establishing a single point of application for applicants who are required to obtain concurrent licensure from more than one of the commissioners listed in this clause.

(e) Unless otherwise specified in statute, the commissioner may conduct routine inspections biennially.

(f) For a licensed child care center, the commissioner shall conduct one unannounced licensing inspection at least ~~annually~~ once each calendar year.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 11, is amended to read:

Subd. 11. **Electronic checklist use** ~~by family child care licensors.~~ County and private agency staff who perform ~~family child care~~ delegated licensing functions must use the commissioner's electronic licensing checklist in the manner prescribed by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 6. Minnesota Statutes 2022, section 245A.16, is amended by adding a subdivision to read:

Subd. 12. Licensed child-placing agency personnel requirements. (a) A licensed child-placing agency must have an individual designated on staff or contract who supervises the agency's casework. Supervising an agency's casework includes but is not limited to:

(1) reviewing and approving each written home study the agency completes on prospective foster parents or applicants to adopt;

(2) ensuring ongoing compliance with licensing requirements; and

(3) overseeing staff and ensuring they have the training and resources needed to perform their responsibilities.

(b) The individual who supervises the agency's casework must meet at least one of the following qualifications:

(1) is a licensed social worker, licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker;

(2) is a trained culturally competent professional with experience in a relevant field; or

(3) is a licensed clinician with experience in a related field, including a clinician licensed by a health-related licensing board, under section 214.01, subdivision 2.

(c) The commissioner may grant a variance under section 245A.04, subdivision 9, to the requirements in this section.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 7. Minnesota Statutes 2022, section 245A.66, subdivision 2, is amended to read:

Subd. 2. Child care centers; risk reduction plan. (a) Child care centers licensed under this chapter and Minnesota Rules, chapter 9503, must develop a risk reduction plan that identifies the general risks to children served by the child care center. The license holder must establish procedures to minimize identified risks, train staff on the procedures, and annually review the procedures.

(b) The risk reduction plan must include an assessment of risk to children the center serves or intends to serve and identify specific risks based on the outcome of the assessment. The assessment of risk must be based on the following:

(1) an assessment of the risks presented by the physical plant where the licensed services are provided, including an evaluation of the following factors: the condition and design of

the facility and its outdoor space, bathrooms, storage areas, and accessibility of medications and cleaning products that are harmful to children when children are not supervised and the existence of areas that are difficult to supervise; and

(2) an assessment of the risks presented by the environment for each facility and for each site, including an evaluation of the following factors: the type of grounds and terrain surrounding the building and the proximity to hazards, busy roads, and publicly accessed businesses.

(c) The risk reduction plan must include a statement of measures that will be taken to minimize the risk of harm presented to children for each risk identified in the assessment required under paragraph (b) related to the physical plant and environment. At a minimum, the stated measures must include the development and implementation of specific policies and procedures or reference to existing policies and procedures that minimize the risks identified.

(d) In addition to any program-specific risks identified in paragraph (b), the plan must include development and implementation of specific policies and procedures or refer to existing policies and procedures that minimize the risk of harm or injury to children, including:

(1) closing children's fingers in doors, including cabinet doors;

(2) leaving children in the community without supervision;

(3) children leaving the facility without supervision;

(4) caregiver dislocation of children's elbows;

(5) burns from hot food or beverages, whether served to children or being consumed by caregivers, and the devices used to warm food and beverages;

(6) injuries from equipment, such as scissors and glue guns;

(7) sunburn;

(8) feeding children foods to which they are allergic;

(9) children falling from changing tables; and

(10) children accessing dangerous items or chemicals or coming into contact with residue from harmful cleaning products.

(e) The plan shall prohibit the accessibility of hazardous items to children.

(f) The plan must include specific policies and procedures to ensure adequate supervision of children at all times as defined under section 245A.02, subdivision 18, with particular emphasis on:

(1) times when children are transitioned from one area within the facility to another;

(2) nap-time supervision, including infant crib rooms as specified under section 245A.02, subdivision 18, which requires that when an infant is placed in a crib to sleep, supervision occurs when a staff person is within sight or hearing of the infant. When supervision of a crib room is provided by sight or hearing, the center must have a plan to address the other supervision components;

(3) child drop-off and pick-up times;

(4) supervision during outdoor play and on community activities, including but not limited to field trips and neighborhood walks;

(5) supervision of children in hallways; ~~and~~

(6) supervision of school-age children when using the restroom and visiting the child's personal storage space; and

(7) supervision of preschool children when using an individual, private restroom within the classroom.

EFFECTIVE DATE. This section is effective August 1, 2024.

Sec. 8. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 6a, is amended to read:

Subd. 6a. **Child care background study subject.** (a) "Child care background study subject" means an individual who is affiliated with a licensed child care center, certified license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B, and who is:

(1) employed by a child care provider for compensation;

(2) assisting in the care of a child for a child care provider;

(3) a person applying for licensure, certification, or enrollment;

(4) a controlling individual as defined in section 245A.02, subdivision 5a;

(5) an individual 13 years of age or older who lives in the household where the licensed program will be provided and who is not receiving licensed services from the program;

(6) an individual ten to 12 years of age who lives in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

(7) an individual who, without providing direct contact services at a licensed program, certified program, or program authorized under chapter 119B, may have unsupervised access to a child receiving services from a program when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15; ~~or~~

(8) a volunteer, contractor providing services for hire in the program, prospective employee, or other individual who has unsupervised physical access to a child served by a program and who is not under supervision by an individual listed in clause (1) or (5), regardless of whether the individual provides program services; or

(9) an authorized agent in a license-exempt certified child care center as defined in section 245H.01, subdivision 2a.

(b) Notwithstanding paragraph (a), an individual who is providing services that are not part of the child care program is not required to have a background study if:

(1) the child receiving services is signed out of the child care program for the duration that the services are provided;

(2) the licensed child care center, certified license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B has obtained advanced written permission from the parent authorizing the child to receive the services, which is maintained in the child's record;

(3) the licensed child care center, certified license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B maintains documentation on site that identifies the individual service provider and the services being provided; and

(4) the licensed child care center, certified license-exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B ensures that the service provider does not have unsupervised access to a child not receiving the provider's services.

EFFECTIVE DATE. This section is effective October 1, 2024.

8.1 Sec. 9. Minnesota Statutes 2022, section 245E.08, is amended to read:

8.2 **245E.08 REPORTING OF SUSPECTED FRAUDULENT ACTIVITY.**

8.3 (a) A person who, in good faith, makes a report of or testifies in any action or proceeding
8.4 in which financial misconduct is alleged, and who is not involved in, has not participated
8.5 in, or has not aided and abetted, conspired, or colluded in the financial misconduct, shall
8.6 have immunity from any liability, civil or criminal, that results by reason of the person's
8.7 report or testimony. For the purpose of any proceeding, the good faith of any person reporting
8.8 or testifying under this provision shall be presumed.

8.9 (b) If a person that is or has been involved in, participated in, aided and abetted, conspired,
8.10 or colluded in the financial misconduct reports the financial misconduct, the department
8.11 may consider that person's report and assistance in investigating the misconduct as a
8.12 mitigating factor in the department's pursuit of civil, criminal, or administrative remedies.

8.13 (c) After an investigation is complete, the reporter's name must be kept confidential.
8.14 The subject of the report may compel disclosure of the reporter's name only with the consent
8.15 of the reporter or upon a written finding by a district court that the report was false and there
8.16 is evidence that the report was made in bad faith. This subdivision does not alter disclosure
8.17 responsibilities or obligations under the Rules of Criminal Procedure, except that when the
8.18 identity of the reporter is relevant to a criminal prosecution the district court shall conduct
8.19 an in-camera review before determining whether to order disclosure of the reporter's identity.

8.20 Sec. 10. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
8.21 to read:

8.22 Subd. 6a. **Infant.** "Infant" means a child who is at least six weeks old but less than 16
8.23 months old.

8.24 **EFFECTIVE DATE.** This section is effective October 1, 2024.

8.25 Sec. 11. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
8.26 to read:

8.27 Subd. 6b. **Preschooler.** "Preschooler" means a child who is at least 33 months old but
8.28 who has not yet attended the first day of kindergarten.

8.29 **EFFECTIVE DATE.** This section is effective October 1, 2024.

9.1 Sec. 12. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
9.2 to read:

9.3 Subd. 6c. **School-age child.** "School-age child" means a child who is of sufficient age
9.4 to have attended the first day of kindergarten or is eligible to enter kindergarten within four
9.5 months and:

9.6 (1) is no more than 13 years old;

9.7 (2) remains eligible for child care assistance under section 119B.09, subdivision 1,
9.8 paragraph (e); or

9.9 (3) the certified center serves only school-age children in a setting that has students
9.10 enrolled in no grade higher than 8th grade.

9.11 **EFFECTIVE DATE.** This section is effective October 1, 2024.

9.12 Sec. 13. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
9.13 to read:

9.14 Subd. 8a. **Toddler.** "Toddler" means a child who is at least 16 months old but less than
9.15 33 months old.

9.16 **EFFECTIVE DATE.** This section is effective October 1, 2024.

9.17 Sec. 14. Minnesota Statutes 2023 Supplement, section 245H.06, subdivision 1, is amended
9.18 to read:

9.19 Subdivision 1. **Correction order and conditional certification requirements.** (a) If
9.20 the applicant or certification holder ~~failed~~ fails to comply with a law or rule, the commissioner
9.21 may issue a correction order. The correction order must state:

9.22 (1) the condition that constitutes a violation of the law or rule;

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

9.24 (3) the time allowed to correct each violation.

9.25 (b) ~~The commissioner may issue a correction order to the applicant or certification holder~~
9.26 ~~through the provider licensing and reporting hub.~~ If the certification holder fails to comply
9.27 with a law or rule, the commissioner may issue a conditional certification. When issuing a
9.28 conditional certification, the commissioner shall consider the nature, chronicity, or severity
9.29 of the violation of law or rule and the effect of the violation on the health, safety, or rights
9.30 of persons served by the program. The conditional order must state:

- 10.1 (1) the conditions that constitute a violation of the law or rule;
10.2 (2) the specific law or rule violated;
10.3 (3) the time allowed to correct each violation; and
10.4 (4) the length and terms of the conditional certification, and the reasons for making the
10.5 certification conditional.

10.6 (c) Nothing in this section prohibits the commissioner from decertifying a center under
10.7 section 245H.07 before issuing a correction order or conditional certification.

10.8 (d) The commissioner may issue a correction order or conditional certification to the
10.9 applicant or certification holder through the provider licensing and reporting hub.

10.10 **EFFECTIVE DATE.** This section is effective October 1, 2024.

10.11 Sec. 15. Minnesota Statutes 2023 Supplement, section 245H.06, subdivision 2, is amended
10.12 to read:

10.13 Subd. 2. **Reconsideration request.** (a) If the applicant or certification holder believes
10.14 that the commissioner's correction order or conditional certification is erroneous, the applicant
10.15 or certification holder may ask the commissioner to reconsider the part of the correction
10.16 order or conditional certification that is allegedly erroneous. A request for reconsideration
10.17 must be made in writing and postmarked or submitted through the provider licensing and
10.18 reporting hub and sent to the commissioner within 20 calendar days after the applicant or
10.19 certification holder received the correction order or conditional certification, and must:

10.20 (1) specify the part of the correction order or conditional certification that is allegedly
10.21 erroneous;

10.22 (2) explain why the specified part is erroneous; and

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

10.24 (b) A request for reconsideration of a correction order does not stay any provision or
10.25 requirement of the correction order. The commissioner's disposition of a request for
10.26 reconsideration is final and not subject to appeal.

10.27 (c) A timely request for reconsideration of a conditional certification shall stay imposition
10.28 of the terms of the conditional certification until the commissioner issues a decision on the
10.29 request for reconsideration.

10.30 ~~(e)~~ (d) Upon implementation of the provider licensing and reporting hub, the provider
10.31 must use the hub to request reconsideration. If the order is issued through the provider hub,

11.1 the request must be received by the commissioner within 20 calendar days from the date
11.2 the commissioner issued the order through the hub.

11.3 **EFFECTIVE DATE.** This section is effective October 1, 2024.

11.4 Sec. 16. Minnesota Statutes 2022, section 245H.08, subdivision 1, is amended to read:

11.5 Subdivision 1. **Staffing requirements.** (a) During hours of operation, a certified center
11.6 must have a director ~~or designee~~ on site who is responsible for overseeing implementation
11.7 of written policies relating to the management and control of the daily activities of the
11.8 program, ensuring the health and safety of program participants, and supervising staff and
11.9 volunteers.

11.10 (b) When the director is absent, a certified center must designate a staff person who is
11.11 at least 18 years old to fulfill the director's responsibilities under this subdivision to ensure
11.12 continuity of program oversight. The designee does not have to meet the director
11.13 qualifications in subdivision 2 but must be aware of their designation and responsibilities
11.14 under this subdivision.

11.15 **EFFECTIVE DATE.** This section is effective October 1, 2024.

11.16 Sec. 17. Minnesota Statutes 2023 Supplement, section 245H.08, subdivision 4, is amended
11.17 to read:

11.18 Subd. 4. **Maximum group size.** (a) ~~For a child six weeks old through 16 months old an~~
11.19 ~~infant~~, the maximum group size shall be no more than eight children.

11.20 (b) ~~For a child 16 months old through 33 months old~~ toddler, the maximum group size
11.21 shall be no more than 14 children.

11.22 (c) ~~For a child 33 months old through prekindergarten~~ preschooler, ~~a~~ the maximum
11.23 group size shall be no more than 20 children.

11.24 (d) ~~For a child in kindergarten through 13 years old~~ school-age child, ~~a~~ the maximum
11.25 group size shall be no more than 30 children.

11.26 (e) The maximum group size applies at all times except during group activity coordination
11.27 time not exceeding 15 minutes, during a meal, outdoor activity, field trip, nap and rest, and
11.28 special activity including a film, guest speaker, indoor large muscle activity, or holiday
11.29 program.

11.30 ~~(f) Notwithstanding paragraph (d), a certified center may continue to serve a child 14~~
11.31 ~~years of age or older if one of the following conditions is true:~~

12.1 ~~(1) the child remains eligible for child care assistance under section 119B.09, subdivision~~
 12.2 ~~1, paragraph (e); or~~

12.3 ~~(2) the certified center serves only school-age children in a setting that has students~~
 12.4 ~~enrolled in no grade higher than 8th grade.~~

12.5 **EFFECTIVE DATE.** This section is effective October 1, 2024.

12.6 Sec. 18. Minnesota Statutes 2023 Supplement, section 245H.08, subdivision 5, is amended
 12.7 to read:

12.8 Subd. 5. **Ratios.** (a) The minimally acceptable staff-to-child ratios are:

12.9 ~~six weeks old through 16 months old~~ infants 1:4

12.10 ~~16 months old through 33 months old~~ toddlers 1:7

12.11 ~~33 months old through prekindergarten~~
 12.12 preschoolers 1:10

12.13 ~~kindergarten through 13 years old~~ school-age
 12.14 children 1:15

12.15 ~~(b) Kindergarten includes a child of sufficient age to have attended the first day of~~
 12.16 ~~kindergarten or who is eligible to enter kindergarten within the next four months.~~

12.17 ~~(e) (b)~~ For ~~mixed~~ mixed-age groups, the ratio for the age group of the youngest child
 12.18 applies.

12.19 ~~(d) Notwithstanding paragraph (a), a certified center may continue to serve a child 14~~
 12.20 ~~years of age or older if one of the following conditions is true:~~

12.21 ~~(1) the child remains eligible for child care assistance under section 119B.09, subdivision~~
 12.22 ~~1, paragraph (e); or~~

12.23 ~~(2) the certified center serves only school-age children in a setting that has students~~
 12.24 ~~enrolled in no grade higher than 8th grade.~~

12.25 **EFFECTIVE DATE.** This section is effective October 1, 2024.

12.26 Sec. 19. Minnesota Statutes 2022, section 245H.14, subdivision 1, is amended to read:

12.27 Subdivision 1. **First aid and cardiopulmonary resuscitation.** (a) Before having
 12.28 unsupervised direct contact with a child, but within ~~the first 90 days of employment for~~
 12.29 after the first date of direct contact with a child, the director ~~and~~ and all staff persons, ~~and within~~
 12.30 ~~90 days after the first date of direct contact with a child for~~ substitutes, and unsupervised
 12.31 volunteers, ~~each person~~ must successfully complete pediatric first aid and pediatric
 12.32 cardiopulmonary resuscitation (CPR) training, unless the training has been completed within

13.1 the previous two calendar years. Staff must complete the pediatric first aid and pediatric
13.2 CPR training at least every other calendar year and the center must document the training
13.3 in the staff person's personnel record.

13.4 (b) Training completed under this subdivision may be used to meet the in-service training
13.5 requirements under subdivision 6.

13.6 **EFFECTIVE DATE.** This section is effective October 1, 2024.

13.7 Sec. 20. Minnesota Statutes 2022, section 245H.14, subdivision 4, is amended to read:

13.8 Subd. 4. **Child development.** ~~The certified center must ensure that the director and all~~
13.9 ~~staff persons complete child development and learning training within 90 days of employment~~
13.10 ~~and every second calendar year thereafter. Substitutes and unsupervised volunteers must~~
13.11 ~~complete child development and learning training within 90 days after the first date of direct~~
13.12 ~~contact with a child and every second calendar year thereafter. Before having unsupervised~~
13.13 direct contact with a child, but within 90 days after the first date of direct contact with a
13.14 child, the director, all staff persons, substitutes, and unsupervised volunteers must complete
13.15 child development and learning training. Child development and learning training must be
13.16 repeated every second calendar year thereafter. The director and staff persons not including
13.17 substitutes must complete at least two hours of training on child development. The training
13.18 for substitutes and unsupervised volunteers is not required to be of a minimum length. For
13.19 purposes of this subdivision, "child development and learning training" means how a child
13.20 develops physically, cognitively, emotionally, and socially and learns as part of the child's
13.21 family, culture, and community.

13.22 **EFFECTIVE DATE.** This section is effective October 1, 2024.

13.23 Sec. 21. **[245H.19] CHILDREN'S RECORDS.**

13.24 (a) A certification holder must maintain a record for each child enrolled in the certification
13.25 holder's program. The record must contain:

13.26 (1) the child's full name, birth date, and home address;

13.27 (2) the name and telephone number of the child's parents or legal guardians;

13.28 (3) the name and telephone number of at least one emergency contact person other than
13.29 the child's parents who can be reached in an emergency or when there is an injury requiring
13.30 medical attention and who is authorized to pick up the child; and

14.1 (4) the names and telephone numbers of any additional persons authorized by the parents
14.2 or legal guardians to pick up the child from the center.

14.3 (b) The certification holder must maintain in the child's record and ensure that during
14.4 all hours of operation staff can access the following information:

14.5 (1) immunization information as required under section 245H.13, subdivision 2;

14.6 (2) medication administration documentation as required under section 245H.13,
14.7 subdivision 3; and

14.8 (3) documentation of any known allergy as required under section 245H.13, subdivision
14.9 4.

14.10 **EFFECTIVE DATE.** This section is effective October 1, 2024.

14.11 Sec. 22. Minnesota Statutes 2022, section 260E.30, subdivision 3, is amended to read:

14.12 Subd. 3. **Nonmaltreatment mistake.** (a) If paragraph (b) applies, rather than making a
14.13 determination of substantiated maltreatment by the individual, the commissioner of human
14.14 services shall determine that a nonmaltreatment mistake was made by the individual.

14.15 (b) A nonmaltreatment mistake occurs when:

14.16 ~~(1) at the time of the incident, the individual was performing duties identified in the~~
14.17 ~~center's child care program plan required under Minnesota Rules, part 9503.0045;~~

14.18 ~~(2)~~ (1) the individual has not been determined responsible for a similar incident that
14.19 resulted in a finding of maltreatment for at least seven years;

14.20 ~~(3)~~ (2) the individual has not been determined to have committed a similar
14.21 nonmaltreatment mistake under this paragraph for at least four years;

14.22 ~~(4)~~ (3) any injury to a child resulting from the incident, if treated, is treated only with
14.23 remedies that are available over the counter, whether ordered by a medical professional or
14.24 not; and

14.25 ~~(5)~~ (4) except for the period when the incident occurred, the facility and the individual
14.26 providing services were both in compliance with all licensing and certification requirements
14.27 relevant to the incident.

14.28 (c) This subdivision only applies to child care centers certified under chapter 245H and
14.29 licensed under Minnesota Rules, chapter 9503.

14.30 **EFFECTIVE DATE.** This section is effective October 1, 2024.

15.1 Sec. 23. **FAMILY CHILD FOSTER CARE CONTINUOUS LICENSES.**

15.2 The commissioner of human services shall develop a continuous license process for
15.3 family child foster care licenses. The continuous license process shall be incorporated into
15.4 the development of the electronic licensing inspection checklist information and provider
15.5 licensing and reporting hub for family child foster care.

15.6 **EFFECTIVE DATE.** This section is effective July 1, 2024.

15.7 Sec. 24. **REPEALER.**

15.8 Minnesota Rules, part 9545.0805, subpart 1, is repealed.

15.9 **EFFECTIVE DATE.** This section is effective July 1, 2024.

9545.0805 PERSONNEL.

Subpart 1. **Supervision by a licensed independent social worker or independent clinical social worker.** An independent social worker or independent clinical social worker as defined in Minnesota Statutes, section 148B.21, must supervise an agency's case work. Supervising an agency's case work includes reviewing and approving each written home study the agency completes on prospective foster parents or applicants to adopt. An agency can meet the supervision requirement by complying with item A, B, C, or D.

A. The agency's chief executive officer is a licensed independent social worker or independent clinical social worker and supervises staff members providing case work.

B. The person who does the case work is licensed as an independent social worker or independent clinical social worker.

C. The agency contracts with a licensed independent social worker or independent clinical social worker to supervise staff members' case work.

D. The agency may retain a supervisor with education or experience comparable to the requirements stated in item A, B, or C if one of the exceptions in Minnesota Statutes, section 148B.28, applies.