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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 3403

03/08/2018 Authored by Peterson and Jessup  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to human services; modifying provisions relating to child care licensing;  
1.3 amending Minnesota Statutes 2016, sections 245A.14, by adding a subdivision;  
1.4 245A.1435; 245A.152; 245A.16, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2016, section 245A.14, is amended by adding a subdivision  
1.7 to read:

1.8 Subd. 16. Group family day care licensed capacity. A licensed group family day care  
1.9 with two adult caregivers present may serve up to 17 children. Of the total children under  
1.10 school age, a combined total of no more than six children shall be infants and toddlers and  
1.11 no more than four children shall be infants. The two adult caregivers must meet the minimum  
1.12 staff licensure or certification requirements for the setting.

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

1.14 Sec. 2. Minnesota Statutes 2016, section 245A.1435, is amended to read:

1.15 **245A.1435 REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT DEATH**  
1.16 **IN LICENSED PROGRAMS.**

1.17 (a) When a license holder is placing an infant to sleep, the license holder must place the  
1.18 infant on the infant's back, unless the license holder has documentation from the infant's  
1.19 physician directing an alternative sleeping position for the infant. The physician directive  
1.20 must be on a form approved by the commissioner and must remain on file at the licensed  
1.21 location. An infant who independently rolls onto its stomach after being placed to sleep on  
1.22 its back may be allowed to remain sleeping on its stomach if the infant is at least six months

2.1 of age or the license holder has a signed statement from the parent indicating that the infant  
 2.2 regularly rolls over at home.

2.3 (b) The license holder must place the infant in a crib directly on a firm mattress with a  
 2.4 fitted sheet that is appropriate to the mattress size, that fits tightly on the mattress, and  
 2.5 overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of  
 2.6 the sheet with reasonable effort. The license holder must not place anything in the crib with  
 2.7 the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title  
 2.8 16, part 1511. The requirements of this section apply to license holders serving infants  
 2.9 younger than one year of age. Licensed child care providers must meet the crib requirements  
 2.10 under section 245A.146. A correction order shall not be issued under this paragraph unless  
 2.11 there is evidence that a violation occurred when an infant was present in the license holder's  
 2.12 care.

2.13 (c) If an infant falls asleep before being placed in a crib, the license holder must move  
 2.14 the infant to a crib as soon as practicable, and must keep the infant within sight of the license  
 2.15 holder until the infant is placed in a crib. When an infant falls asleep while being held, the  
 2.16 license holder must consider the supervision needs of other children in care when determining  
 2.17 how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant  
 2.18 must not be in a position where the airway may be blocked or with anything covering the  
 2.19 infant's face.

2.20 (d) ~~Placing a swaddled~~ an infant swaddled in a blanket down to sleep in a licensed setting  
 2.21 is not recommended for an infant of any age and is prohibited for any infant who has begun  
 2.22 to roll over independently. However, with the written consent of a parent or guardian  
 2.23 according to this paragraph, a license holder may place the infant who has not yet begun to  
 2.24 roll over on its own down to sleep in a ~~one-piece sleeper equipped with an attached system~~  
 2.25 ~~that fastens securely only across the upper torso,~~ sleep system that is not under a recall or  
 2.26 warning from the United States Consumer Product Safety Commission, with no constriction  
 2.27 of the hips or legs, to create a swaddle. Prior to any use of swaddling for sleep by a provider  
 2.28 licensed under this chapter, the license holder must obtain informed written consent for the  
 2.29 use of swaddling from the parent or guardian of the infant on a form provided by the  
 2.30 commissioner and prepared in partnership with the Minnesota Sudden Infant Death Center.

2.31 Sec. 3. Minnesota Statutes 2016, section 245A.152, is amended to read:

2.32 **245A.152 CHILD CARE LICENSE HOLDER INSURANCE.**

2.33 (a) A license holder must provide a written notice to all parents or guardians of all  
 2.34 children to be accepted for care prior to admission stating whether the license holder has

3.1 liability insurance. This notice may be incorporated into and provided on the admission  
3.2 form used by the license holder.

3.3 (b) If the license holder has liability insurance:

3.4 (1) the license holder shall inform parents in writing that a current certificate of coverage  
3.5 for insurance is available for inspection to all parents or guardians of children receiving  
3.6 services and to all parents seeking services from the family child care program;

3.7 (2) the notice must provide the parent or guardian with the date of expiration or next  
3.8 renewal of the policy; and

3.9 (3) upon the expiration ~~date~~ of the policy or a change in coverage, the license holder  
3.10 must provide a new written notice informing all parents or guardians of children receiving  
3.11 services of the change and indicating whether the insurance policy has lapsed ~~or whether~~  
3.12 ~~the license holder has renewed the policy.~~

3.13 ~~If the policy was renewed, the license holder must provide the new expiration date of the~~  
3.14 ~~policy in writing to the parents or guardians.~~

3.15 If a license holder has an insurance policy that automatically renews each year, the license  
3.16 holder may indicate the policy's annual renewal date in the initial written notice to parents  
3.17 and guardians. This initial written notice shall remain valid and no further notices are required  
3.18 until the insurance coverage changes or the policy lapses.

3.19 (c) If the license holder does not have liability insurance, the license holder must provide  
3.20 an annual notice, on a form developed and made available by the commissioner, to the  
3.21 parents or guardians of children in care indicating that the license holder does not carry  
3.22 liability insurance.

3.23 (d) The license holder must notify all parents and guardians in writing immediately of  
3.24 any change in insurance status.

3.25 (e) The license holder must make available upon request the certificate of liability  
3.26 insurance to the parents of children in care, to the commissioner, and to county licensing  
3.27 agents.

3.28 (f) The license holder must document, with the signature of the parent or guardian, that  
3.29 the parent or guardian received the notices required by this section.

3.30 Sec. 4. Minnesota Statutes 2016, section 245A.16, subdivision 2, is amended to read:

3.31 Subd. 2. **Investigations.** (a) The county or private agency shall conduct timely  
3.32 investigations of allegations of maltreatment of children or adults in programs for which

4.1 the county or private agency is the commissioner's designated representative and record a  
4.2 disposition of each complaint in accordance with applicable law or rule. The county or  
4.3 private agency shall conduct similar investigations of allegations of violations of rules  
4.4 governing licensure of the program.

4.5 (b) If an investigation conducted under paragraph (a) results in evidence that the  
4.6 commissioner should deny an application or suspend, revoke, or make conditional a license,  
4.7 the county or private agency shall make that recommendation to the commissioner within  
4.8 ten working days. If the commissioner's determination differs from the county's  
4.9 recommendation, the commissioner must, on the notice of the determination, provide the  
4.10 applicant or license holder with the reasons for the deviation, with specificity and in clear  
4.11 and plain language.

4.12 (c) If an investigation conducted under paragraph (a) does not result in evidence that  
4.13 the commissioner should deny an application or suspend, revoke, or make a conditional  
4.14 license, and the commissioner's determination differs from the county's determination, the  
4.15 commissioner must, on the notice of the determination, provide the applicant or license  
4.16 holder with the reasons for the deviation, with specificity and in clear and plain language.

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