

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2819

(SENATE AUTHORS: WIKLUND)

DATE	D-PG	OFFICIAL STATUS
03/13/2023	1690	Introduction and first reading Referred to Health and Human Services
03/27/2023	2385a	Comm report: To pass as amended
04/27/2023	2722	Second reading Special Order: Amended Third reading Passed

1.1 A bill for an act

1.2 relating to human services; modifying the procedure for sanctions; modifying

1.3 background studies conducted by the Department of Human Services; modifying

1.4 definitions; prohibiting prone restraints in licensed or certified facilities; modifying

1.5 child care safety provisions; modifying infant safety provisions; modifying foster

1.6 care and child care training requirements; making technical changes to Northstar

1.7 Care for Children assessment rate effective dates; making technical changes to

1.8 relative search requirements and termination of parental rights; making technical

1.9 corrections to child support provision; amending Minnesota Statutes 2022, sections

1.10 62V.05, subdivision 4a; 122A.18, subdivision 8; 245A.02, subdivisions 5a, 10b,

1.11 by adding a subdivision; 245A.04, subdivisions 1, 4, 7; 245A.041, by adding a

1.12 subdivision; 245A.05; 245A.07, subdivisions 1, 2a, 3; 245A.10, subdivisions 3,

1.13 4; 245A.11, by adding a subdivision; 245A.14, subdivision 4; 245A.1435;

1.14 245A.146, subdivision 3; 245A.16, subdivisions 1, 9, by adding a subdivision;

1.15 245A.18, subdivision 2; 245A.52, subdivisions 1, 2, 3, 5, by adding subdivisions;

1.16 245A.66, by adding a subdivision; 245C.02, subdivisions 6a, 11c, by adding

1.17 subdivisions; 245C.03, subdivisions 1, 1a, 4, 5, 5a; 245C.031, subdivisions 1, 4;

1.18 245C.05, subdivision 1, by adding a subdivision; 245C.07; 245C.10, subdivision

1.19 4; 245C.30, subdivision 2; 245C.31, subdivision 1; 245C.33, subdivision 4;

1.20 245E.06, subdivision 3; 245G.13, subdivision 2; 245H.03, by adding a subdivision;

1.21 245H.05; 245H.08, subdivisions 4, 5; 245H.13, subdivisions 3, 7, 9; 256.9685,

1.22 subdivisions 1a, 1b; 256.9686, by adding a subdivision; 256B.04, subdivision 15;

1.23 256B.064; 256B.27, subdivision 3; 256N.24, subdivision 12; 260C.221, subdivision

1.24 1; 260C.317, subdivision 3; 518A.43, subdivision 1b; 524.5-118, subdivision 2a;

1.25 proposing coding for new law in Minnesota Statutes, chapters 119B; 245A;

1.26 repealing Minnesota Statutes 2022, sections 245A.144; 245A.175; 245A.22;

1.27 245C.02, subdivision 9; 245C.301; 256.9685, subdivisions 1c, 1d; 256D.63,

1.28 subdivision 1; 518A.59; Minnesota Rules, parts 2960.3070; 2960.3210; 9502.0425,

1.29 subparts 5, 10; 9505.0505, subpart 18; 9505.0520, subpart 9b.

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

2.2 **ARTICLE 1**

2.3 **HUMAN SERVICES LICENSING AND OFFICE OF INSPECTOR GENERAL**

2.4 Section 1. Minnesota Statutes 2022, section 62V.05, subdivision 4a, is amended to read:

2.5 Subd. 4a. **Background study required.** (a) The board must initiate background studies
2.6 under section 245C.031 of:

2.7 (1) each navigator;

2.8 (2) each in-person assister; and

2.9 (3) each certified application counselor.

2.10 (b) The board may initiate the background studies required by paragraph (a) using the
2.11 online NETStudy 2.0 system operated by the commissioner of human services.

2.12 (c) The board shall not permit any individual to provide any service or function listed
2.13 in paragraph (a) until ~~the board has received notification from the commissioner of human~~
2.14 ~~services indicating that the individual:~~

2.15 (1) the board has evaluated any notification received from the commissioner of human
2.16 services indicating the individual's potential disqualifications and has determined that the
2.17 individual is not disqualified under chapter 245C; or

2.18 (2) the board has determined that the individual is disqualified, but has received granted
2.19 a set aside from the board of that disqualification according to sections 245C.22 and 245C.23.

2.20 (d) The board or its delegate shall review a reconsideration request of an individual in
2.21 paragraph (a), including granting a set aside, according to the procedures and criteria in
2.22 chapter 245C. The board shall notify the individual and the Department of Human Services
2.23 of the board's decision.

2.24 Sec. 2. **[119B.162] RECONSIDERATION OF CORRECTION ORDERS.**

2.25 (a) If a provider believes that the contents of the commissioner's correction order are in
2.26 error, the provider may ask the Department of Human Services to reconsider the parts of
2.27 the correction order that are alleged to be in error. The request for reconsideration must be
2.28 made in writing and must be postmarked and sent to the commissioner within 30 calendar
2.29 days from the date the correction order was mailed to the provider, and:

2.30 (1) specify the parts of the correction order that are alleged to be in error;

3.1 (2) explain why they are in error; and

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

3.3 (b) A request for reconsideration does not stay any provisions or requirements of the
 3.4 correction order. The commissioner's disposition of a request for reconsideration is final
 3.5 and not subject to appeal under chapter 14. The commissioner's decision is appealable by
 3.6 petition for writ of certiorari under chapter 606.

3.7 Sec. 3. Minnesota Statutes 2022, section 122A.18, subdivision 8, is amended to read:

3.8 Subd. 8. **Background studies.** (a) The Professional Educator Licensing and Standards
 3.9 Board and the Board of School Administrators must initiate criminal history background
 3.10 studies of all first-time applicants for educator and administrator licenses under their
 3.11 jurisdiction. Applicants must include with their licensure applications:

3.12 (1) an executed criminal history consent form, including fingerprints; and

3.13 (2) payment to conduct the background study. The Professional Educator Licensing and
 3.14 Standards Board must deposit payments received under this subdivision in an account in
 3.15 the special revenue fund. Amounts in the account are annually appropriated to the
 3.16 Professional Educator Licensing and Standards Board to pay for the costs of background
 3.17 studies on applicants for licensure.

3.18 (b) The background study for all first-time ~~teaching~~ applicants for educator licenses
 3.19 must include a review of information from the Bureau of Criminal Apprehension, including
 3.20 criminal history data as defined in section 13.87, and must also include a review of the
 3.21 national criminal records repository. The superintendent of the Bureau of Criminal
 3.22 Apprehension is authorized to exchange fingerprints with the Federal Bureau of Investigation
 3.23 for purposes of the criminal history check.

3.24 (c) The Professional Educator Licensing and Standards Board may initiate criminal
 3.25 history background studies through the commissioner of human services according to section
 3.26 245C.031 to obtain background study data required under this chapter.

3.27 Sec. 4. Minnesota Statutes 2022, section 245A.02, subdivision 5a, is amended to read:

3.28 Subd. 5a. **Controlling individual.** (a) "Controlling individual" means an owner of a
 3.29 program or service provider licensed under this chapter and the following individuals, if
 3.30 applicable:

4.1 (1) each officer of the organization, including the chief executive officer and chief
4.2 financial officer;

4.3 (2) the individual designated as the authorized agent under section 245A.04, subdivision
4.4 1, paragraph (b);

4.5 (3) the individual designated as the compliance officer under section 256B.04, subdivision
4.6 21, paragraph (g);

4.7 (4) each managerial official whose responsibilities include the direction of the
4.8 management or policies of a program; ~~and~~

4.9 (5) the individual designated as the primary provider of care for a special family child
4.10 care program under section 245A.14, subdivision 4, paragraph (i); and

4.11 (6) the president and treasurer of the board of directors of a nonprofit corporation.

4.12 (b) Controlling individual does not include:

4.13 (1) a bank, savings bank, trust company, savings association, credit union, industrial
4.14 loan and thrift company, investment banking firm, or insurance company unless the entity
4.15 operates a program directly or through a subsidiary;

4.16 (2) an individual who is a state or federal official, or state or federal employee, or a
4.17 member or employee of the governing body of a political subdivision of the state or federal
4.18 government that operates one or more programs, unless the individual is also an officer,
4.19 owner, or managerial official of the program, receives remuneration from the program, or
4.20 owns any of the beneficial interests not excluded in this subdivision;

4.21 (3) an individual who owns less than five percent of the outstanding common shares of
4.22 a corporation:

4.23 (i) whose securities are exempt under section 80A.45, clause (6); or

4.24 (ii) whose transactions are exempt under section 80A.46, clause (2);

4.25 (4) an individual who is a member of an organization exempt from taxation under section
4.26 290.05, unless the individual is also an officer, owner, or managerial official of the program
4.27 or owns any of the beneficial interests not excluded in this subdivision. This clause does
4.28 not exclude from the definition of controlling individual an organization that is exempt from
4.29 taxation; or

4.30 (5) an employee stock ownership plan trust, or a participant or board member of an
4.31 employee stock ownership plan, unless the participant or board member is a controlling
4.32 individual according to paragraph (a).

5.1 (c) For purposes of this subdivision, "managerial official" means an individual who has
 5.2 the decision-making authority related to the operation of the program, and the responsibility
 5.3 for the ongoing management of or direction of the policies, services, or employees of the
 5.4 program. A site director who has no ownership interest in the program is not considered to
 5.5 be a managerial official for purposes of this definition.

5.6 Sec. 5. Minnesota Statutes 2022, section 245A.02, is amended by adding a subdivision to
 5.7 read:

5.8 Subd. 5b. **Cradleboard.** "Cradleboard" means a board or frame on which an infant is
 5.9 secured using blankets or other material such as fabric or leather sides and laces, and which
 5.10 often has a frame extending to protect the infant's head. The infant is always placed with
 5.11 its head facing outward and remains supervised in the cradleboard while sleeping or being
 5.12 carried.

5.13 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.14 Sec. 6. Minnesota Statutes 2022, section 245A.02, subdivision 10b, is amended to read:

5.15 Subd. 10b. **Owner.** "Owner" means an individual or organization that has a direct or
 5.16 indirect ownership interest of five percent or more in a program licensed under this chapter.
 5.17 For purposes of this subdivision, "direct ownership interest" means the possession of equity
 5.18 in capital, stock, or profits of an organization, and "indirect ownership interest" means a
 5.19 direct ownership interest in an entity that has a direct or indirect ownership interest in a
 5.20 licensed program. For purposes of this chapter, "owner of ~~a nonprofit corporation~~" ~~means~~
 5.21 ~~the president and treasurer of the board of directors or, for an entity owned by an employee~~
 5.22 ~~stock ownership plan,~~ means the president and treasurer of the entity. A government entity
 5.23 or nonprofit corporation that is issued a license under this chapter shall be designated the
 5.24 owner.

5.25 Sec. 7. Minnesota Statutes 2022, section 245A.04, subdivision 1, is amended to read:

5.26 Subdivision 1. **Application for licensure.** (a) An individual, organization, or government
 5.27 entity that is subject to licensure under section 245A.03 must apply for a license. The
 5.28 application must be made on the forms and in the manner prescribed by the commissioner.
 5.29 The commissioner shall provide the applicant with instruction in completing the application
 5.30 and provide information about the rules and requirements of other state agencies that affect
 5.31 the applicant. An applicant seeking licensure in Minnesota with headquarters outside of
 5.32 Minnesota must have a program office located within 30 miles of the Minnesota border.

6.1 An applicant who intends to buy or otherwise acquire a program or services licensed under
6.2 this chapter that is owned by another license holder must apply for a license under this
6.3 chapter and comply with the application procedures in this section and section ~~245A.03~~
6.4 245A.043.

6.5 The commissioner shall act on the application within 90 working days after a complete
6.6 application and any required reports have been received from other state agencies or
6.7 departments, counties, municipalities, or other political subdivisions. The commissioner
6.8 shall not consider an application to be complete until the commissioner receives all of the
6.9 required information.

6.10 When the commissioner receives an application for initial licensure that is incomplete
6.11 because the applicant failed to submit required documents or that is substantially deficient
6.12 because the documents submitted do not meet licensing requirements, the commissioner
6.13 shall provide the applicant written notice that the application is incomplete or substantially
6.14 deficient. In the written notice to the applicant the commissioner shall identify documents
6.15 that are missing or deficient and give the applicant 45 days to resubmit a second application
6.16 that is substantially complete. An applicant's failure to submit a substantially complete
6.17 application after receiving notice from the commissioner is a basis for license denial under
6.18 section 245A.05.

6.19 (b) An application for licensure must identify all controlling individuals as defined in
6.20 section 245A.02, subdivision 5a, and must designate one individual to be the authorized
6.21 agent. The application must be signed by the authorized agent and must include the authorized
6.22 agent's first, middle, and last name; mailing address; and email address. By submitting an
6.23 application for licensure, the authorized agent consents to electronic communication with
6.24 the commissioner throughout the application process. The authorized agent must be
6.25 authorized to accept service on behalf of all of the controlling individuals. A government
6.26 entity that holds multiple licenses under this chapter may designate one authorized agent
6.27 for all licenses issued under this chapter or may designate a different authorized agent for
6.28 each license. Service on the authorized agent is service on all of the controlling individuals.
6.29 It is not a defense to any action arising under this chapter that service was not made on each
6.30 controlling individual. The designation of a controlling individual as the authorized agent
6.31 under this paragraph does not affect the legal responsibility of any other controlling individual
6.32 under this chapter.

6.33 (c) An applicant or license holder must have a policy that prohibits license holders,
6.34 employees, subcontractors, and volunteers, when directly responsible for persons served
6.35 by the program, from abusing prescription medication or being in any manner under the

7.1 influence of a chemical that impairs the individual's ability to provide services or care. The
7.2 license holder must train employees, subcontractors, and volunteers about the program's
7.3 drug and alcohol policy.

7.4 (d) An applicant and license holder must have a program grievance procedure that permits
7.5 persons served by the program and their authorized representatives to bring a grievance to
7.6 the highest level of authority in the program.

7.7 (e) The commissioner may limit communication during the application process to the
7.8 authorized agent or the controlling individuals identified on the license application and for
7.9 whom a background study was initiated under chapter 245C. The commissioner may require
7.10 the applicant, except for child foster care, to demonstrate competence in the applicable
7.11 licensing requirements by successfully completing a written examination. The commissioner
7.12 may develop a prescribed written examination format.

7.13 (f) When an applicant is an individual, the applicant must provide:

7.14 (1) the applicant's taxpayer identification numbers including the Social Security number
7.15 or Minnesota tax identification number, and federal employer identification number if the
7.16 applicant has employees;

7.17 (2) at the request of the commissioner, a copy of the most recent filing with the secretary
7.18 of state that includes the complete business name, if any;

7.19 (3) if doing business under a different name, the doing business as (DBA) name, as
7.20 registered with the secretary of state;

7.21 (4) if applicable, the applicant's National Provider Identifier (NPI) number and Unique
7.22 Minnesota Provider Identifier (UMPI) number; and

7.23 (5) at the request of the commissioner, the notarized signature of the applicant or
7.24 authorized agent.

7.25 (g) When an applicant is an organization, the applicant must provide:

7.26 (1) the applicant's taxpayer identification numbers including the Minnesota tax
7.27 identification number and federal employer identification number;

7.28 (2) at the request of the commissioner, a copy of the most recent filing with the secretary
7.29 of state that includes the complete business name, and if doing business under a different
7.30 name, the doing business as (DBA) name, as registered with the secretary of state;

7.31 (3) the first, middle, and last name, and address for all individuals who will be controlling
7.32 individuals, including all officers, owners, and managerial officials as defined in section

8.1 245A.02, subdivision 5a, and the date that the background study was initiated by the applicant
8.2 for each controlling individual;

8.3 (4) if applicable, the applicant's NPI number and UMPI number;

8.4 (5) the documents that created the organization and that determine the organization's
8.5 internal governance and the relations among the persons that own the organization, have
8.6 an interest in the organization, or are members of the organization, in each case as provided
8.7 or authorized by the organization's governing statute, which may include a partnership
8.8 agreement, bylaws, articles of organization, organizational chart, and operating agreement,
8.9 or comparable documents as provided in the organization's governing statute; and

8.10 (6) the notarized signature of the applicant or authorized agent.

8.11 (h) When the applicant is a government entity, the applicant must provide:

8.12 (1) the name of the government agency, political subdivision, or other unit of government
8.13 seeking the license and the name of the program or services that will be licensed;

8.14 (2) the applicant's taxpayer identification numbers including the Minnesota tax
8.15 identification number and federal employer identification number;

8.16 (3) a letter signed by the manager, administrator, or other executive of the government
8.17 entity authorizing the submission of the license application; and

8.18 (4) if applicable, the applicant's NPI number and UMPI number.

8.19 (i) At the time of application for licensure or renewal of a license under this chapter, the
8.20 applicant or license holder must acknowledge on the form provided by the commissioner
8.21 if the applicant or license holder elects to receive any public funding reimbursement from
8.22 the commissioner for services provided under the license that:

8.23 (1) the applicant's or license holder's compliance with the provider enrollment agreement
8.24 or registration requirements for receipt of public funding may be monitored by the
8.25 commissioner as part of a licensing investigation or licensing inspection; and

8.26 (2) noncompliance with the provider enrollment agreement or registration requirements
8.27 for receipt of public funding that is identified through a licensing investigation or licensing
8.28 inspection, or noncompliance with a licensing requirement that is a basis of enrollment for
8.29 reimbursement for a service, may result in:

8.30 (i) a correction order or a conditional license under section 245A.06, or sanctions under
8.31 section 245A.07;

- 9.1 (ii) nonpayment of claims submitted by the license holder for public program
9.2 reimbursement;
- 9.3 (iii) recovery of payments made for the service;
- 9.4 (iv) disenrollment in the public payment program; or
- 9.5 (v) other administrative, civil, or criminal penalties as provided by law.

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

9.7 Sec. 8. Minnesota Statutes 2022, section 245A.04, subdivision 4, is amended to read:

9.8 Subd. 4. **Inspections; waiver.** (a) Before issuing a license under this chapter, the
9.9 commissioner shall conduct an inspection of the program. The inspection must include but
9.10 is not limited to:

9.11 (1) an inspection of the physical plant;

9.12 (2) an inspection of records and documents;

9.13 (3) observation of the program in operation; and

9.14 (4) an inspection for the health, safety, and fire standards in licensing requirements for
9.15 a child care license holder.

9.16 (b) The observation in paragraph (a), clause (3), is not required prior to issuing a license
9.17 under subdivision 7. If the commissioner issues a license under this chapter, these
9.18 requirements must be completed within one year after the issuance of the license.

9.19 (c) Before completing a licensing inspection in a family child care program or child care
9.20 center, the licensing agency must offer the license holder an exit interview to discuss
9.21 violations or potential violations of law or rule observed during the inspection and offer
9.22 technical assistance on how to comply with applicable laws and rules. The commissioner
9.23 shall not issue a correction order or negative licensing action for violations of law or rule
9.24 not discussed in an exit interview, unless a license holder chooses not to participate in an
9.25 exit interview or not to complete the exit interview. If the license holder is unable to complete
9.26 the exit interview, the licensing agency must offer an alternate time for the license holder
9.27 to complete the exit interview.

9.28 (d) If a family child care license holder disputes a county licenser's interpretation of a
9.29 licensing requirement during a licensing inspection or exit interview, the license holder
9.30 may, within five business days after the exit interview or licensing inspection, request
9.31 clarification from the commissioner, in writing, in a manner prescribed by the commissioner.

10.1 The license holder's request must describe the county licensor's interpretation of the licensing
 10.2 requirement at issue, and explain why the license holder believes the county licensor's
 10.3 interpretation is inaccurate. The commissioner and the county must include the license
 10.4 holder in all correspondence regarding the disputed interpretation, and must provide an
 10.5 opportunity for the license holder to contribute relevant information that may impact the
 10.6 commissioner's decision. The county licensor must not issue a correction order related to
 10.7 the disputed licensing requirement until the commissioner has provided clarification to the
 10.8 license holder about the licensing requirement.

10.9 (e) The commissioner or the county shall inspect at least ~~annually~~ once each calendar
 10.10 year a child care provider licensed under this chapter and Minnesota Rules, chapter 9502
 10.11 or 9503, for compliance with applicable licensing standards.

10.12 (f) No later than November 19, 2017, the commissioner shall make publicly available
 10.13 on the department's website the results of inspection reports of all child care providers
 10.14 licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the
 10.15 number of deaths, serious injuries, and instances of substantiated child maltreatment that
 10.16 occurred in licensed child care settings each year.

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

10.18 Sec. 9. Minnesota Statutes 2022, section 245A.04, subdivision 7, is amended to read:

10.19 Subd. 7. **Grant of license; license extension.** (a) If the commissioner determines that
 10.20 the program complies with all applicable rules and laws, the commissioner shall issue a
 10.21 license consistent with this section or, if applicable, a temporary change of ownership license
 10.22 under section 245A.043. At minimum, the license shall state:

10.23 (1) the name of the license holder;

10.24 (2) the address of the program;

10.25 (3) the effective date and expiration date of the license;

10.26 (4) the type of license;

10.27 (5) the maximum number and ages of persons that may receive services from the program;

10.28 ~~and~~

10.29 (6) any special conditions of licensure; and

10.30 (7) the public email address of the program.

10.31 (b) The commissioner may issue a license for a period not to exceed two years if:

11.1 (1) the commissioner is unable to conduct the ~~evaluation or~~ observation required by
 11.2 subdivision 4, paragraph (a), clause ~~(4)~~ (3), because the program is not yet operational;

11.3 (2) certain records and documents are not available because persons are not yet receiving
 11.4 services from the program; and

11.5 (3) the applicant complies with applicable laws and rules in all other respects.

11.6 (c) A decision by the commissioner to issue a license does not guarantee that any person
 11.7 or persons will be placed or cared for in the licensed program.

11.8 (d) Except as provided in paragraphs (f) and (g), the commissioner shall not issue or
 11.9 reissue a license if the applicant, license holder, or controlling individual has:

11.10 (1) been disqualified and the disqualification was not set aside and no variance has been
 11.11 granted;

11.12 (2) been denied a license under this chapter, within the past two years;

11.13 (3) had a license issued under this chapter revoked within the past five years;

11.14 (4) an outstanding debt related to a license fee, licensing fine, or settlement agreement
 11.15 for which payment is delinquent; or

11.16 (5) failed to submit the information required of an applicant under subdivision 1,
 11.17 paragraph (f) ~~or~~ (g), or (h), after being requested by the commissioner.

11.18 When a license issued under this chapter is revoked under clause (1) or (3), the license
 11.19 holder and controlling individual may not hold any license under chapter 245A for five
 11.20 years following the revocation, and other licenses held by the applicant, license holder, or
 11.21 controlling individual shall also be revoked.

11.22 (e) The commissioner shall not issue or reissue a license under this chapter if an individual
 11.23 living in the household where the services will be provided as specified under section
 11.24 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside
 11.25 and no variance has been granted.

11.26 (f) Pursuant to section 245A.07, subdivision 1, paragraph (b), when a license issued
 11.27 under this chapter has been suspended or revoked and the suspension or revocation is under
 11.28 appeal, the program may continue to operate pending a final order from the commissioner.
 11.29 If the license under suspension or revocation will expire before a final order is issued, a
 11.30 temporary provisional license may be issued provided any applicable license fee is paid
 11.31 before the temporary provisional license is issued.

12.1 (g) Notwithstanding paragraph (f), when a revocation is based on the disqualification
 12.2 of a controlling individual or license holder, and the controlling individual or license holder
 12.3 is ordered under section 245C.17 to be immediately removed from direct contact with
 12.4 persons receiving services or is ordered to be under continuous, direct supervision when
 12.5 providing direct contact services, the program may continue to operate only if the program
 12.6 complies with the order and submits documentation demonstrating compliance with the
 12.7 order. If the disqualified individual fails to submit a timely request for reconsideration, or
 12.8 if the disqualification is not set aside and no variance is granted, the order to immediately
 12.9 remove the individual from direct contact or to be under continuous, direct supervision
 12.10 remains in effect pending the outcome of a hearing and final order from the commissioner.

12.11 (h) For purposes of reimbursement for meals only, under the Child and Adult Care Food
 12.12 Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226,
 12.13 relocation within the same county by a licensed family day care provider, shall be considered
 12.14 an extension of the license for a period of no more than 30 calendar days or until the new
 12.15 license is issued, whichever occurs first, provided the county agency has determined the
 12.16 family day care provider meets licensure requirements at the new location.

12.17 (i) Unless otherwise specified by statute, all licenses issued under this chapter expire at
 12.18 12:01 a.m. on the day after the expiration date stated on the license. A license holder must
 12.19 apply for and be granted a new license to operate the program or the program must not be
 12.20 operated after the expiration date.

12.21 (j) The commissioner shall not issue or reissue a license under this chapter if it has been
 12.22 determined that a tribal licensing authority has established jurisdiction to license the program
 12.23 or service.

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

12.25 Sec. 10. Minnesota Statutes 2022, section 245A.041, is amended by adding a subdivision
 12.26 to read:

12.27 **Subd. 6. First date of direct contact; documentation requirements.** Except for family
 12.28 child care, family foster care for children, and family adult day services that the license
 12.29 holder provides in the license holder's residence, license holders must document the first
 12.30 date that a background study subject has direct contact, as defined in section 245C.02,
 12.31 subdivision 11, with a person served by the license holder's program. Unless this chapter
 12.32 otherwise requires, if the license holder does not maintain the documentation required by
 12.33 this subdivision in the license holder's personnel files, the license holder must provide the
 12.34 documentation to the commissioner upon the commissioner's request.

13.1 **EFFECTIVE DATE.** This section is effective January 1, 2024.

13.2 Sec. 11. Minnesota Statutes 2022, section 245A.05, is amended to read:

13.3 **245A.05 DENIAL OF APPLICATION.**

13.4 (a) The commissioner may deny a license if an applicant or controlling individual:

13.5 (1) fails to submit a substantially complete application after receiving notice from the
13.6 commissioner under section 245A.04, subdivision 1;

13.7 (2) fails to comply with applicable laws or rules;

13.8 (3) knowingly withholds relevant information from or gives false or misleading
13.9 information to the commissioner in connection with an application for a license or during
13.10 an investigation;

13.11 (4) has a disqualification that has not been set aside under section 245C.22 and no
13.12 variance has been granted;

13.13 (5) has an individual living in the household who received a background study under
13.14 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that
13.15 has not been set aside under section 245C.22, and no variance has been granted;

13.16 (6) is associated with an individual who received a background study under section
13.17 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to
13.18 children or vulnerable adults, and who has a disqualification that has not been set aside
13.19 under section 245C.22, and no variance has been granted;

13.20 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

13.21 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision
13.22 6;

13.23 (9) has a history of noncompliance as a license holder or controlling individual with
13.24 applicable laws or rules, including but not limited to this chapter and chapters 119B and
13.25 245C;

13.26 (10) is prohibited from holding a license according to section 245.095; or

13.27 (11) for a family foster setting, has or has an individual who is living in the household
13.28 where the licensed services are provided or is otherwise subject to a background study who
13.29 has nondisqualifying background study information, as described in section 245C.05,
13.30 subdivision 4, that reflects on the individual's applicant's ability to safely provide care to
13.31 foster children.

14.1 (b) An applicant whose application has been denied by the commissioner must be given
 14.2 notice of the denial, which must state the reasons for the denial in plain language. Notice
 14.3 must be given by certified mail or personal service. The notice must state the reasons the
 14.4 application was denied and must inform the applicant of the right to a contested case hearing
 14.5 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may
 14.6 appeal the denial by notifying the commissioner in writing by certified mail or personal
 14.7 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20
 14.8 calendar days after the applicant received the notice of denial. If an appeal request is made
 14.9 by personal service, it must be received by the commissioner within 20 calendar days after
 14.10 the applicant received the notice of denial. Section 245A.08 applies to hearings held to
 14.11 appeal the commissioner's denial of an application.

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

14.13 Sec. 12. Minnesota Statutes 2022, section 245A.07, subdivision 1, is amended to read:

14.14 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
 14.15 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
 14.16 or secure an injunction against the continuing operation of the program of a license holder
 14.17 who:

14.18 (1) does not comply with applicable law or rule, ~~or who;~~

14.19 (2) has nondisqualifying background study information, as described in section 245C.05,
 14.20 subdivision 4, that reflects on the license holder's ability to safely provide care to foster
 14.21 children; or

14.22 (3) has an individual living in the household where the licensed services are provided
 14.23 or is otherwise subject to a background study and the individual has nondisqualifying
 14.24 background study information, as described in section 245C.05, subdivision 4, that reflects
 14.25 on the license holder's ability to safely provide care to foster children.

14.26 When applying sanctions authorized under this section, the commissioner shall consider
 14.27 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation
 14.28 on the health, safety, or rights of persons served by the program.

14.29 (b) If a license holder appeals the suspension or revocation of a license and the license
 14.30 holder continues to operate the program pending a final order on the appeal, the commissioner
 14.31 shall issue the license holder a temporary provisional license. Unless otherwise specified
 14.32 by the commissioner, variances in effect on the date of the license sanction under appeal
 14.33 continue under the temporary provisional license. If a license holder fails to comply with

15.1 applicable law or rule while operating under a temporary provisional license, the
15.2 commissioner may impose additional sanctions under this section and section 245A.06, and
15.3 may terminate any prior variance. If a temporary provisional license is set to expire, a new
15.4 temporary provisional license shall be issued to the license holder upon payment of any fee
15.5 required under section 245A.10. The temporary provisional license shall expire on the date
15.6 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
15.7 license shall be issued for the remainder of the current license period.

15.8 (c) If a license holder is under investigation and the license issued under this chapter is
15.9 due to expire before completion of the investigation, the program shall be issued a new
15.10 license upon completion of the reapplication requirements and payment of any applicable
15.11 license fee. Upon completion of the investigation, a licensing sanction may be imposed
15.12 against the new license under this section, section 245A.06, or 245A.08.

15.13 (d) Failure to reapply or closure of a license issued under this chapter by the license
15.14 holder prior to the completion of any investigation shall not preclude the commissioner
15.15 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
15.16 of the investigation.

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

15.18 Sec. 13. Minnesota Statutes 2022, section 245A.07, subdivision 2a, is amended to read:

15.19 Subd. 2a. **Immediate suspension expedited hearing.** (a) Within five working days of
15.20 receipt of the license holder's timely appeal, the commissioner shall request assignment of
15.21 an administrative law judge. The request must include a proposed date, time, and place of
15.22 a hearing. A hearing must be conducted by an administrative law judge within 30 calendar
15.23 days of the request for assignment, unless an extension is requested by either party and
15.24 granted by the administrative law judge for good cause. The commissioner shall issue a
15.25 notice of hearing by certified mail or personal service at least ten working days before the
15.26 hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary
15.27 immediate suspension should remain in effect pending the commissioner's final order under
15.28 section 245A.08, regarding a licensing sanction issued under subdivision 3 following the
15.29 immediate suspension. For suspensions under subdivision 2, paragraph (a), clause (1), the
15.30 burden of proof in expedited hearings under this subdivision shall be limited to the
15.31 commissioner's demonstration that reasonable cause exists to believe that the license holder's
15.32 actions or failure to comply with applicable law or rule poses, or the actions of other
15.33 individuals or conditions in the program poses an imminent risk of harm to the health, safety,
15.34 or rights of persons served by the program. "Reasonable cause" means there exist specific

16.1 articulable facts or circumstances which provide the commissioner with a reasonable
16.2 suspicion that there is an imminent risk of harm to the health, safety, or rights of persons
16.3 served by the program. When the commissioner has determined there is reasonable cause
16.4 to order the temporary immediate suspension of a license based on a violation of safe sleep
16.5 requirements, as defined in section 245A.1435, the commissioner is not required to
16.6 demonstrate that an infant died or was injured as a result of the safe sleep violations. For
16.7 suspensions under subdivision 2, paragraph (a), clause (2), the burden of proof in expedited
16.8 hearings under this subdivision shall be limited to the commissioner's demonstration by a
16.9 preponderance of the evidence that, since the license was revoked, the license holder
16.10 committed additional violations of law or rule which may adversely affect the health or
16.11 safety of persons served by the program.

16.12 (b) The administrative law judge shall issue findings of fact, conclusions, and a
16.13 recommendation within ten working days from the date of hearing. The parties shall have
16.14 ten calendar days to submit exceptions to the administrative law judge's report. The record
16.15 shall close at the end of the ten-day period for submission of exceptions. The commissioner's
16.16 final order shall be issued within ten working days from the close of the record. When an
16.17 appeal of a temporary immediate suspension is withdrawn or dismissed, the commissioner
16.18 shall issue a final order affirming the temporary immediate suspension within ten calendar
16.19 days of the commissioner's receipt of the withdrawal or dismissal. Within 90 calendar days
16.20 after an immediate suspension has been issued and the license holder has not submitted a
16.21 timely appeal under subdivision 2, paragraph (b), or within 90 calendar days after a final
16.22 order affirming an immediate suspension, the commissioner shall ~~make a determination~~
16.23 regarding determine:

16.24 (1) whether a final licensing sanction shall be issued under subdivision 3, paragraph (a),
16.25 clauses (1) to (5). The license holder shall continue to be prohibited from operation of the
16.26 program during this 90-day period; or

16.27 (2) whether the outcome of related, ongoing investigations or judicial proceedings are
16.28 necessary to determine if a final licensing sanction under subdivision 3, paragraph (a),
16.29 clauses (1) to (5), will be issued, and persons served by the program remain at an imminent
16.30 risk of harm during the investigation period or proceedings. If so, the commissioner shall
16.31 issue a suspension order under subdivision 3, paragraph (a), clause (6).

16.32 (c) When the final order under paragraph (b) affirms an immediate suspension or the
16.33 license holder does not submit a timely appeal of the immediate suspension, and a final
16.34 licensing sanction is issued under subdivision 3 and the license holder appeals that sanction,
16.35 the license holder continues to be prohibited from operation of the program pending a final

17.1 commissioner's order under section 245A.08, subdivision 5, regarding the final licensing
17.2 sanction.

17.3 (d) The license holder shall continue to be prohibited from operation of the program
17.4 while a suspension order issued under paragraph (b), clause (2), remains in effect.

17.5 ~~(d)~~ (e) For suspensions under subdivision 2, paragraph (a), clause (3), the burden of
17.6 proof in expedited hearings under this subdivision shall be limited to the commissioner's
17.7 demonstration by a preponderance of the evidence that a criminal complaint and warrant
17.8 or summons was issued for the license holder that was not dismissed, and that the criminal
17.9 charge is an offense that involves fraud or theft against a program administered by the
17.10 commissioner.

17.11 Sec. 14. Minnesota Statutes 2022, section 245A.07, subdivision 3, is amended to read:

17.12 Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend
17.13 or revoke a license, or impose a fine if:

17.14 (1) a license holder fails to comply fully with applicable laws or rules including but not
17.15 limited to the requirements of this chapter and chapter 245C;

17.16 (2) a license holder, a controlling individual, or an individual living in the household
17.17 where the licensed services are provided or is otherwise subject to a background study has
17.18 been disqualified and the disqualification was not set aside and no variance has been granted;

17.19 (3) a license holder knowingly withholds relevant information from or gives false or
17.20 misleading information to the commissioner in connection with an application for a license,
17.21 in connection with the background study status of an individual, during an investigation,
17.22 or regarding compliance with applicable laws or rules;

17.23 (4) a license holder is excluded from any program administered by the commissioner
17.24 under section 245.095; ~~or~~

17.25 (5) revocation is required under section 245A.04, subdivision 7, paragraph (d); or

17.26 (6) for a family foster setting, a license holder, or an individual living in the household
17.27 where the licensed services are provided or who is otherwise subject to a background study
17.28 has nondisqualifying background study information, as described in section 245C.05,
17.29 subdivision 4, that reflects on the license holder's ability to safely provide care to foster
17.30 children.

17.31 A license holder who has had a license issued under this chapter suspended, revoked, or
17.32 has been ordered to pay a fine must be given notice of the action by certified mail or personal

18.1 service. If mailed, the notice must be mailed to the address shown on the application or the
18.2 last known address of the license holder. The notice must state in plain language the reasons
18.3 the license was suspended or revoked, or a fine was ordered.

18.4 (b) If the license was suspended or revoked, the notice must inform the license holder
18.5 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts
18.6 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking
18.7 a license. The appeal of an order suspending or revoking a license must be made in writing
18.8 by certified mail or personal service. If mailed, the appeal must be postmarked and sent to
18.9 the commissioner within ten calendar days after the license holder receives notice that the
18.10 license has been suspended or revoked. If a request is made by personal service, it must be
18.11 received by the commissioner within ten calendar days after the license holder received the
18.12 order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a
18.13 timely appeal of an order suspending or revoking a license, the license holder may continue
18.14 to operate the program as provided in section 245A.04, subdivision 7, paragraphs (f) and
18.15 (g), until the commissioner issues a final order on the suspension or revocation.

18.16 (c)(1) If the license holder was ordered to pay a fine, the notice must inform the license
18.17 holder of the responsibility for payment of fines and the right to a contested case hearing
18.18 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an
18.19 order to pay a fine must be made in writing by certified mail or personal service. If mailed,
18.20 the appeal must be postmarked and sent to the commissioner within ten calendar days after
18.21 the license holder receives notice that the fine has been ordered. If a request is made by
18.22 personal service, it must be received by the commissioner within ten calendar days after
18.23 the license holder received the order.

18.24 (2) The license holder shall pay the fines assessed on or before the payment date specified.
18.25 If the license holder fails to fully comply with the order, the commissioner may issue a
18.26 second fine or suspend the license until the license holder complies. If the license holder
18.27 receives state funds, the state, county, or municipal agencies or departments responsible for
18.28 administering the funds shall withhold payments and recover any payments made while the
18.29 license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine
18.30 until the commissioner issues a final order.

18.31 (3) A license holder shall promptly notify the commissioner of human services, in writing,
18.32 when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the
18.33 commissioner determines that a violation has not been corrected as indicated by the order
18.34 to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify

19.1 the license holder by certified mail or personal service that a second fine has been assessed.

19.2 The license holder may appeal the second fine as provided under this subdivision.

19.3 (4) Fines shall be assessed as follows:

19.4 (i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a
19.5 child under chapter 260E or the maltreatment of a vulnerable adult under section 626.557
19.6 for which the license holder is determined responsible for the maltreatment under section
19.7 260E.30, subdivision 4, paragraphs (a) and (b), or 626.557, subdivision 9c, paragraph (c);

19.8 (ii) if the commissioner determines that a determination of maltreatment for which the
19.9 license holder is responsible is the result of maltreatment that meets the definition of serious
19.10 maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit
19.11 \$5,000;

19.12 (iii) for a program that operates out of the license holder's home and a program licensed
19.13 under Minnesota Rules, parts 9502.0300 to 9502.0445, the fine assessed against the license
19.14 holder shall not exceed \$1,000 for each determination of maltreatment;

19.15 (iv) the license holder shall forfeit \$200 for each occurrence of a violation of law or rule
19.16 governing matters of health, safety, or supervision, including but not limited to the provision
19.17 of adequate staff-to-child or adult ratios, and failure to comply with background study
19.18 requirements under chapter 245C; and

19.19 (v) the license holder shall forfeit \$100 for each occurrence of a violation of law or rule
19.20 other than those subject to a \$5,000, \$1,000, or \$200 fine in items (i) to (iv).

19.21 For purposes of this section, "occurrence" means each violation identified in the
19.22 commissioner's fine order. Fines assessed against a license holder that holds a license to
19.23 provide home and community-based services, as identified in section 245D.03, subdivision
19.24 1, and a community residential setting or day services facility license under chapter 245D
19.25 where the services are provided, may be assessed against both licenses for the same
19.26 occurrence, but the combined amount of the fines shall not exceed the amount specified in
19.27 this clause for that occurrence.

19.28 (5) When a fine has been assessed, the license holder may not avoid payment by closing,
19.29 selling, or otherwise transferring the licensed program to a third party. In such an event, the
19.30 license holder will be personally liable for payment. In the case of a corporation, each
19.31 controlling individual is personally and jointly liable for payment.

19.32 (d) Except for background study violations involving the failure to comply with an order
19.33 to immediately remove an individual or an order to provide continuous, direct supervision,

20.1 the commissioner shall not issue a fine under paragraph (c) relating to a background study
 20.2 violation to a license holder who self-corrects a background study violation before the
 20.3 commissioner discovers the violation. A license holder who has previously exercised the
 20.4 provisions of this paragraph to avoid a fine for a background study violation may not avoid
 20.5 a fine for a subsequent background study violation unless at least 365 days have passed
 20.6 since the license holder self-corrected the earlier background study violation.

20.7 **EFFECTIVE DATE.** Paragraph (a), clause (7), is effective the day following final
 20.8 enactment.

20.9 Sec. 15. Minnesota Statutes 2022, section 245A.10, subdivision 3, is amended to read:

20.10 Subd. 3. **Application fee for initial license or certification.** (a) For fees required under
 20.11 subdivision 1, an applicant for an initial license or certification issued by the commissioner
 20.12 shall submit a \$500 application fee with each new application required under this subdivision.
 20.13 An applicant for an initial day services facility license under chapter 245D shall submit a
 20.14 \$250 application fee with each new application. The application fee shall not be prorated,
 20.15 is nonrefundable, and is in lieu of the annual license or certification fee that expires on
 20.16 December 31. The commissioner shall not process an application until the application fee
 20.17 is paid.

20.18 (b) Except as provided in clauses (1) ~~to (3)~~ and (2), an applicant shall apply for a license
 20.19 to provide services at a specific location.

20.20 (1) For a license to provide home and community-based services to persons with
 20.21 disabilities or age 65 and older under chapter 245D, an applicant shall submit an application
 20.22 to provide services statewide. Notwithstanding paragraph (a), applications received by the
 20.23 commissioner between July 1, 2013, and December 31, 2013, for licensure of services
 20.24 provided under chapter 245D must include an application fee that is equal to the annual
 20.25 license renewal fee under subdivision 4, paragraph (b), or \$500, whichever is less.
 20.26 Applications received by the commissioner after January 1, 2014, must include the application
 20.27 fee required under paragraph (a). Applicants who meet the modified application criteria
 20.28 identified in section 245A.042, subdivision 2, are exempt from paying an application fee.

20.29 ~~(2) For a license to provide independent living assistance for youth under section 245A.22,~~
 20.30 ~~an applicant shall submit a single application to provide services statewide.~~

20.31 ~~(3)~~ (2) For a license for a private agency to provide foster care or adoption services under
 20.32 Minnesota Rules, parts 9545.0755 to 9545.0845, an applicant shall submit a single application
 20.33 to provide services statewide.

21.1 (c) The initial application fee charged under this subdivision does not include the
 21.2 temporary license surcharge under section 16E.22.

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

21.4 Sec. 16. Minnesota Statutes 2022, section 245A.10, subdivision 4, is amended to read:

21.5 Subd. 4. **License or certification fee for certain programs.** (a) Child care centers shall
 21.6 pay an annual nonrefundable license fee based on the following schedule:

21.7		Child Care Center
21.8	Licensed Capacity	License Fee
21.9	1 to 24 persons	\$200
21.10	25 to 49 persons	\$300
21.11	50 to 74 persons	\$400
21.12	75 to 99 persons	\$500
21.13	100 to 124 persons	\$600
21.14	125 to 149 persons	\$700
21.15	150 to 174 persons	\$800
21.16	175 to 199 persons	\$900
21.17	200 to 224 persons	\$1,000
21.18	225 or more persons	\$1,100

21.19 (b)(1) A program licensed to provide one or more of the home and community-based
 21.20 services and supports identified under chapter 245D to persons with disabilities or age 65
 21.21 and older, shall pay an annual nonrefundable license fee based on revenues derived from
 21.22 the provision of services that would require licensure under chapter 245D during the calendar
 21.23 year immediately preceding the year in which the license fee is paid, according to the
 21.24 following schedule:

21.25	License Holder Annual Revenue	License Fee
21.26	less than or equal to \$10,000	\$200
21.27	greater than \$10,000 but less than or	
21.28	equal to \$25,000	\$300
21.29	greater than \$25,000 but less than or	
21.30	equal to \$50,000	\$400
21.31	greater than \$50,000 but less than or	
21.32	equal to \$100,000	\$500
21.33	greater than \$100,000 but less than or	
21.34	equal to \$150,000	\$600
21.35	greater than \$150,000 but less than or	
21.36	equal to \$200,000	\$800

22.1	greater than \$200,000 but less than or	
22.2	equal to \$250,000	\$1,000
22.3	greater than \$250,000 but less than or	
22.4	equal to \$300,000	\$1,200
22.5	greater than \$300,000 but less than or	
22.6	equal to \$350,000	\$1,400
22.7	greater than \$350,000 but less than or	
22.8	equal to \$400,000	\$1,600
22.9	greater than \$400,000 but less than or	
22.10	equal to \$450,000	\$1,800
22.11	greater than \$450,000 but less than or	
22.12	equal to \$500,000	\$2,000
22.13	greater than \$500,000 but less than or	
22.14	equal to \$600,000	\$2,250
22.15	greater than \$600,000 but less than or	
22.16	equal to \$700,000	\$2,500
22.17	greater than \$700,000 but less than or	
22.18	equal to \$800,000	\$2,750
22.19	greater than \$800,000 but less than or	
22.20	equal to \$900,000	\$3,000
22.21	greater than \$900,000 but less than or	
22.22	equal to \$1,000,000	\$3,250
22.23	greater than \$1,000,000 but less than or	
22.24	equal to \$1,250,000	\$3,500
22.25	greater than \$1,250,000 but less than or	
22.26	equal to \$1,500,000	\$3,750
22.27	greater than \$1,500,000 but less than or	
22.28	equal to \$1,750,000	\$4,000
22.29	greater than \$1,750,000 but less than or	
22.30	equal to \$2,000,000	\$4,250
22.31	greater than \$2,000,000 but less than or	
22.32	equal to \$2,500,000	\$4,500
22.33	greater than \$2,500,000 but less than or	
22.34	equal to \$3,000,000	\$4,750
22.35	greater than \$3,000,000 but less than or	
22.36	equal to \$3,500,000	\$5,000
22.37	greater than \$3,500,000 but less than or	
22.38	equal to \$4,000,000	\$5,500
22.39	greater than \$4,000,000 but less than or	
22.40	equal to \$4,500,000	\$6,000
22.41	greater than \$4,500,000 but less than or	
22.42	equal to \$5,000,000	\$6,500
22.43	greater than \$5,000,000 but less than or	
22.44	equal to \$7,500,000	\$7,000
22.45	greater than \$7,500,000 but less than or	
22.46	equal to \$10,000,000	\$8,500

23.1	greater than \$10,000,000 but less than or	
23.2	equal to \$12,500,000	\$10,000
23.3	greater than \$12,500,000 but less than or	
23.4	equal to \$15,000,000	\$14,000
23.5	greater than \$15,000,000	\$18,000

23.6 (2) If requested, the license holder shall provide the commissioner information to verify
 23.7 the license holder's annual revenues or other information as needed, including copies of
 23.8 documents submitted to the Department of Revenue.

23.9 (3) At each annual renewal, a license holder may elect to pay the highest renewal fee,
 23.10 and not provide annual revenue information to the commissioner.

23.11 (4) A license holder that knowingly provides the commissioner incorrect revenue amounts
 23.12 for the purpose of paying a lower license fee shall be subject to a civil penalty in the amount
 23.13 of double the fee the provider should have paid.

23.14 (5) Notwithstanding clause (1), a license holder providing services under one or more
 23.15 licenses under chapter 245B that are in effect on May 15, 2013, shall pay an annual license
 23.16 fee for calendar years 2014, 2015, and 2016, equal to the total license fees paid by the license
 23.17 holder for all licenses held under chapter 245B for calendar year 2013. For calendar year
 23.18 2017 and thereafter, the license holder shall pay an annual license fee according to clause
 23.19 (1).

23.20 (c) A substance use disorder treatment program licensed under chapter 245G, to provide
 23.21 substance use disorder treatment shall pay an annual nonrefundable license fee based on
 23.22 the following schedule:

23.23	Licensed Capacity	License Fee
23.24	1 to 24 persons	\$600
23.25	25 to 49 persons	\$800
23.26	50 to 74 persons	\$1,000
23.27	75 to 99 persons	\$1,200
23.28	100 or more persons	\$1,400

23.29 (d) A detoxification program licensed under Minnesota Rules, parts 9530.6510 to
 23.30 9530.6590, or a withdrawal management program licensed under chapter 245F shall pay
 23.31 an annual nonrefundable license fee based on the following schedule:

23.32	Licensed Capacity	License Fee
23.33	1 to 24 persons	\$760
23.34	25 to 49 persons	\$960
23.35	50 or more persons	\$1,160

24.1 A detoxification program that also operates a withdrawal management program at the same
 24.2 location shall only pay one fee based upon the licensed capacity of the program with the
 24.3 higher overall capacity.

24.4 (e) Except for child foster care, a residential facility licensed under Minnesota Rules,
 24.5 chapter 2960, to serve children shall pay an annual nonrefundable license fee based on the
 24.6 following schedule:

24.7	Licensed Capacity	License Fee
24.8	1 to 24 persons	\$1,000
24.9	25 to 49 persons	\$1,100
24.10	50 to 74 persons	\$1,200
24.11	75 to 99 persons	\$1,300
24.12	100 or more persons	\$1,400

24.13 (f) A residential facility licensed under section 245I.23 or Minnesota Rules, parts
 24.14 9520.0500 to 9520.0670, to serve persons with mental illness shall pay an annual
 24.15 nonrefundable license fee based on the following schedule:

24.16	Licensed Capacity	License Fee
24.17	1 to 24 persons	\$2,525
24.18	25 or more persons	\$2,725

24.19 (g) A residential facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3400,
 24.20 to serve persons with physical disabilities shall pay an annual nonrefundable license fee
 24.21 based on the following schedule:

24.22	Licensed Capacity	License Fee
24.23	1 to 24 persons	\$450
24.24	25 to 49 persons	\$650
24.25	50 to 74 persons	\$850
24.26	75 to 99 persons	\$1,050
24.27	100 or more persons	\$1,250

24.28 ~~(h) A program licensed to provide independent living assistance for youth under section~~
 24.29 ~~245A.22 shall pay an annual nonrefundable license fee of \$1,500.~~

24.30 ~~(i)~~ (h) A private agency licensed to provide foster care and adoption services under
 24.31 Minnesota Rules, parts 9545.0755 to 9545.0845, shall pay an annual nonrefundable license
 24.32 fee of \$875.

25.1 ~~(i)~~ (i) A program licensed as an adult day care center licensed under Minnesota Rules,
 25.2 parts 9555.9600 to 9555.9730, shall pay an annual nonrefundable license fee based on the
 25.3 following schedule:

25.4	Licensed Capacity	License Fee
25.5	1 to 24 persons	\$500
25.6	25 to 49 persons	\$700
25.7	50 to 74 persons	\$900
25.8	75 to 99 persons	\$1,100
25.9	100 or more persons	\$1,300

25.10 ~~(j)~~ (j) A program licensed to provide treatment services to persons with sexual
 25.11 psychopathic personalities or sexually dangerous persons under Minnesota Rules, parts
 25.12 9515.3000 to 9515.3110, shall pay an annual nonrefundable license fee of \$20,000.

25.13 ~~(k)~~ (k) A mental health clinic certified under section 245I.20 shall pay an annual
 25.14 nonrefundable certification fee of \$1,550. If the mental health clinic provides services at a
 25.15 primary location with satellite facilities, the satellite facilities shall be certified with the
 25.16 primary location without an additional charge.

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

25.18 Sec. 17. Minnesota Statutes 2022, section 245A.11, is amended by adding a subdivision
 25.19 to read:

25.20 Subd. 12. License holder qualifications for child foster care. (a) Child foster care
 25.21 license holders must maintain the ability to care for a foster child and ensure a safe home
 25.22 environment for children placed in their care. License holders must immediately notify the
 25.23 licensing agency of:

25.24 (1) any changes to the license holder or household member's physical or behavioral
 25.25 health that may affect the license holder's ability to care for a foster child or pose a risk to
 25.26 a foster child's health; or

25.27 (2) changes related to the care of a child or vulnerable adult for whom the license holder
 25.28 is a parent or legally responsible, including living out of the home for treatment for physical
 25.29 or behavioral health, modified parenting time arrangements, legal custody, or placement in
 25.30 foster care.

25.31 (b) The licensing agency may request a license holder or household member to undergo
 25.32 an evaluation by a specialist in areas such as physical or behavioral health to evaluate the
 25.33 license holder's ability to provide a safe environment for a foster child. The licensing agency

26.1 must request a release of information from the license holder or household member prior
 26.2 to assigning the specialist to evaluate, and the licensing agency must tell the license holder
 26.3 or household member why it is requesting a specialist to evaluate.

26.4 **EFFECTIVE DATE.** This section is effective January 1, 2024.

26.5 Sec. 18. Minnesota Statutes 2022, section 245A.14, subdivision 4, is amended to read:

26.6 Subd. 4. **Special family child care homes.** (a) Nonresidential child care programs
 26.7 serving 14 or fewer children that are conducted at a location other than the license holder's
 26.8 own residence shall be licensed under this section and the rules governing family child care
 26.9 or group family child care if:

26.10 ~~(a)~~ (1) the license holder is the primary provider of care and the nonresidential child
 26.11 care program is conducted in a dwelling that is located on a residential lot;

26.12 ~~(b)~~ (2) the license holder is an employer who may or may not be the primary provider
 26.13 of care, and the purpose for the child care program is to provide child care services to
 26.14 children of the license holder's employees;

26.15 ~~(c)~~ (3) the license holder is a church or religious organization;

26.16 ~~(d)~~ (4) the license holder is a community collaborative child care provider. For purposes
 26.17 of this subdivision, a community collaborative child care provider is a provider participating
 26.18 in a cooperative agreement with a community action agency as defined in section 256E.31;

26.19 ~~(e)~~ (5) the license holder is a not-for-profit agency that provides child care in a dwelling
 26.20 located on a residential lot and the license holder maintains two or more contracts with
 26.21 community employers or other community organizations to provide child care services.
 26.22 The county licensing agency may grant a capacity variance to a license holder licensed
 26.23 under this ~~paragraph~~ clause to exceed the licensed capacity of 14 children by no more than
 26.24 five children during transition periods related to the work schedules of parents, if the license
 26.25 holder meets the following requirements:

26.26 ~~(1)~~ (i) the program does not exceed a capacity of 14 children more than a cumulative
 26.27 total of four hours per day;

26.28 ~~(2)~~ (ii) the program meets a one to seven staff-to-child ratio during the variance period;

26.29 ~~(3)~~ (iii) all employees receive at least an extra four hours of training per year than required
 26.30 in the rules governing family child care each year;

26.31 ~~(4)~~ (iv) the facility has square footage required per child under Minnesota Rules, part
 26.32 9502.0425;

27.1 ~~(5)~~ (v) the program is in compliance with local zoning regulations;

27.2 ~~(6)~~ (vi) the program is in compliance with the applicable fire code as follows:

27.3 ~~(i)~~ (A) if the program serves more than five children older than 2-1/2 years of age, but
 27.4 no more than five children 2-1/2 years of age or less, the applicable fire code is educational
 27.5 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code ~~2015~~
 27.6 2020, Section 202; or

27.7 ~~(ii)~~ (B) if the program serves more than five children 2-1/2 years of age or less, the
 27.8 applicable fire code is Group I-4 ~~Occupancies~~ Occupancy, as provided in the Minnesota
 27.9 State Fire Code ~~2015~~ 2020, Section 202, unless the rooms in which the children 2-1/2 years
 27.10 of age or younger are cared for are located on a level of exit discharge and each of these
 27.11 child care rooms has an exit door directly to the exterior, then the applicable fire code is
 27.12 Group E ~~occupancies~~ Occupancy, as provided in the Minnesota State Fire Code ~~2015~~ 2020,
 27.13 Section 202; and

27.14 ~~(7)~~ (vii) any age and capacity limitations required by the fire code inspection and square
 27.15 footage determinations shall be printed on the license; or

27.16 ~~(8)~~ (6) the license holder is the primary provider of care and has located the licensed
 27.17 child care program in a commercial space, if the license holder meets the following
 27.18 requirements:

27.19 ~~(1)~~ (i) the program is in compliance with local zoning regulations;

27.20 ~~(2)~~ (ii) the program is in compliance with the applicable fire code as follows:

27.21 ~~(i)~~ (A) if the program serves more than five children older than 2-1/2 years of age, but
 27.22 no more than five children 2-1/2 years of age or less, the applicable fire code is educational
 27.23 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code ~~2015~~
 27.24 2020, Section 202; or

27.25 ~~(ii)~~ (B) if the program serves more than five children 2-1/2 years of age or less, the
 27.26 applicable fire code is Group I-4 ~~Occupancies~~ Occupancy, as provided under the Minnesota
 27.27 State Fire Code ~~2015~~ 2020, Section 202, unless the rooms in which the children 2-1/2 years
 27.28 of age or younger are cared for are located on a level of exit discharge and each of these
 27.29 child care rooms has an exit door directly to the exterior, then the applicable fire code is
 27.30 Group E Occupancy, as provided in the Minnesota State Fire Code 2020, Section 202;

27.31 ~~(3)~~ (iii) any age and capacity limitations required by the fire code inspection and square
 27.32 footage determinations are printed on the license; and

28.1 ~~(4)~~ (iv) the license holder prominently displays the license issued by the commissioner
 28.2 which contains the statement "This special family child care provider is not licensed as a
 28.3 child care center."

28.4 ~~(g)~~ (b) Notwithstanding Minnesota Rules, part 9502.0335, subpart 12, the commissioner
 28.5 may issue up to four licenses to an organization licensed under paragraph ~~(b)~~, ~~(c)~~, or ~~(e)~~ (a),
 28.6 clause (2), (3), or (5). Each license must have its own primary provider of care as required
 28.7 under paragraph ~~(i)~~ (d). Each license must operate as a distinct and separate program in
 28.8 compliance with all applicable laws and regulations.

28.9 ~~(h)~~ (c) For licenses issued under paragraph ~~(b)~~, ~~(c)~~, ~~(d)~~, ~~(e)~~, or ~~(f)~~ (a), clause (2), (3),
 28.10 (4), (5), or (6), the commissioner may approve up to four licenses at the same location or
 28.11 under one contiguous roof if each license holder is able to demonstrate compliance with all
 28.12 applicable rules and laws. Each licensed program must operate as a distinct program and
 28.13 within the capacity, age, and ratio distributions of each license.

28.14 ~~(i)~~ (d) For a license issued under paragraph ~~(b)~~, ~~(c)~~, or ~~(e)~~ (a), clause (2), (3), or (5), the
 28.15 license holder must designate a person to be the primary provider of care at the licensed
 28.16 location on a form and in a manner prescribed by the commissioner. The license holder
 28.17 shall notify the commissioner in writing before there is a change of the person designated
 28.18 to be the primary provider of care. The primary provider of care:

28.19 (1) must be the person who will be the provider of care at the program and present during
 28.20 the hours of operation;

28.21 (2) must operate the program in compliance with applicable laws and regulations under
 28.22 chapter 245A and Minnesota Rules, chapter 9502;

28.23 (3) is considered a child care background study subject as defined in section 245C.02,
 28.24 subdivision 6a, and must comply with background study requirements in chapter 245C;

28.25 (4) must complete the training that is required of license holders in section 245A.50;
 28.26 and

28.27 (5) is authorized to communicate with the county licensing agency and the department
 28.28 on matters related to licensing.

28.29 ~~(j)~~ (e) For any license issued under this subdivision, the license holder must ensure that
 28.30 any other caregiver, substitute, or helper who assists in the care of children meets the training
 28.31 requirements in section 245A.50 and background study requirements under chapter 245C.

29.1 Sec. 19. Minnesota Statutes 2022, section 245A.1435, is amended to read:

29.2 **245A.1435 REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT DEATH**
29.3 **IN LICENSED PROGRAMS.**

29.4 (a) When a license holder is placing an infant to sleep, the license holder must place the
29.5 infant on the infant's back, unless the license holder has documentation from the infant's
29.6 physician, advanced practice registered nurse, or physician assistant directing an alternative
29.7 sleeping position for the infant. The physician, advanced practice registered nurse, or
29.8 physician assistant directive must be on a form ~~approved~~ developed by the commissioner
29.9 and must remain on file at the licensed location. An infant who independently rolls onto its
29.10 stomach after being placed to sleep on its back may be allowed to remain sleeping on its
29.11 stomach if the infant is at least six months of age or the license holder has a signed statement
29.12 from the parent indicating that the infant regularly rolls over at home.

29.13 (b) The license holder must place the infant in a crib directly on a firm mattress with a
29.14 fitted sheet that is appropriate to the mattress size, that fits tightly on the mattress, and
29.15 overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of
29.16 the sheet with reasonable effort. The license holder must not place anything in the crib with
29.17 the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title
29.18 16, part 1511. The pacifier must be free from any sort of attachment. The requirements of
29.19 this section apply to license holders serving infants younger than one year of age. Licensed
29.20 child care providers must meet the crib requirements under section 245A.146. A correction
29.21 order shall not be issued under this paragraph unless there is evidence that a violation
29.22 occurred when an infant was present in the license holder's care.

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

29.30 (d) When a license holder places an infant under one year of age down to sleep, the
29.31 infant's clothing or sleepwear must not have weighted materials, a hood, or a bib.

29.32 (e) A license holder may place an infant under one year of age down to sleep wearing
29.33 a helmet if the license holder has signed documentation by a physician, advanced practice

30.1 registered nurse, physician assistant, licensed occupational therapist, or licensed physical
 30.2 therapist on a form developed by the commissioner.

30.3 ~~(d)~~ (f) Placing a swaddled infant down to sleep in a licensed setting is not recommended
 30.4 for an infant of any age and is prohibited for any infant who has begun to roll over
 30.5 independently. However, with the written consent of a parent or guardian according to this
 30.6 paragraph, a license holder may place the infant who has not yet begun to roll over on its
 30.7 own down to sleep in a ~~one-piece sleeper equipped with an attached system that fastens~~
 30.8 ~~securely only across the upper torso, with no constriction of the hips or legs, to create a~~
 30.9 swaddle. A swaddle is defined as a one-piece sleepwear that wraps over the infant's arms,
 30.10 fastens securely only across the infant's upper torso, and does not constrict the infant's hips
 30.11 or legs. If a swaddle is used by a license holder, the license holder must ensure that it meets
 30.12 the requirements of paragraph (d) and is not so tight that it restricts the infant's ability to
 30.13 breathe or so loose that the fabric could cover the infant's nose and mouth. Prior to any use
 30.14 of swaddling for sleep by a provider licensed under this chapter, the license holder must
 30.15 obtain informed written consent for the use of swaddling from the parent or guardian of the
 30.16 infant on a form ~~provided~~ developed by the commissioner ~~and prepared in partnership with~~
 30.17 the Minnesota Sudden Infant Death Center.

30.18 (g) A license holder may request a variance to this section to permit the use of a
 30.19 cradleboard when requested by a parent or guardian for a cultural accommodation. A variance
 30.20 for the use of a cradleboard may be issued only by the commissioner. The variance request
 30.21 must be submitted on a form developed by the commissioner in partnership with Tribal
 30.22 welfare agencies and the Department of Health.

30.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

30.24 Sec. 20. Minnesota Statutes 2022, section 245A.146, subdivision 3, is amended to read:

30.25 Subd. 3. **License holder documentation of cribs.** (a) Annually, from the date printed
 30.26 on the license, all license holders shall check all their cribs' brand names and model numbers
 30.27 against the United States Consumer Product Safety Commission website listing of unsafe
 30.28 cribs.

30.29 (b) The license holder shall maintain written documentation to be reviewed on site for
 30.30 each crib showing that the review required in paragraph (a) has been completed, and which
 30.31 of the following conditions applies:

30.32 (1) the crib was not identified as unsafe on the United States Consumer Product Safety
 30.33 Commission website;

31.1 (2) the crib was identified as unsafe on the United States Consumer Product Safety
31.2 Commission website, but the license holder has taken the action directed by the United
31.3 States Consumer Product Safety Commission to make the crib safe; or

31.4 (3) the crib was identified as unsafe on the United States Consumer Product Safety
31.5 Commission website, and the license holder has removed the crib so that it is no longer
31.6 used by or accessible to children in care.

31.7 (c) Documentation of the review completed under this subdivision shall be maintained
31.8 by the license holder on site and made available to parents or guardians of children in care
31.9 and the commissioner.

31.10 (d) Notwithstanding Minnesota Rules, part 9502.0425, a family child care provider that
31.11 complies with this section may use a mesh-sided or fabric-sided play yard, pack and play,
31.12 or playpen or crib that has not been identified as unsafe on the United States Consumer
31.13 Product Safety Commission website for the care or sleeping of infants.

31.14 (e) On at least a monthly basis, the family child care license holder shall perform safety
31.15 inspections of every mesh-sided or fabric-sided play yard, pack and play, or playpen used
31.16 by or that is accessible to any child in care, and must document the following:

31.17 (1) there are no tears, holes, or loose or unraveling threads in mesh or fabric sides of
31.18 crib;

31.19 (2) the weave of the mesh on the crib is no larger than one-fourth of an inch;

31.20 (3) no mesh fabric is unsecure or unattached to top rail and floor plate of crib;

31.21 (4) no tears or holes to top rail of crib;

31.22 (5) the mattress floor board is not soft and does not exceed one inch thick;

31.23 (6) the mattress floor board has no rips or tears in covering;

31.24 (7) the mattress floor board in use is ~~a waterproof~~ an original mattress or replacement
31.25 mattress provided by the manufacturer of the crib;

31.26 (8) there are no protruding or loose rivets, metal nuts, or bolts on the crib;

31.27 (9) there are no knobs or wing nuts on outside crib legs;

31.28 (10) there are no missing, loose, or exposed staples; and

31.29 (11) the latches on top and side rails used to collapse crib are secure, they lock properly,
31.30 and are not loose.

32.1 (f) If a cradleboard is used in a licensed setting, the license holder must check the
 32.2 cradleboard not less than monthly to ensure the cradleboard is structurally sound and there
 32.3 are no loose or protruding parts. The license holder shall maintain written documentation
 32.4 of this review.

32.5 **EFFECTIVE DATE.** This section is effective January 1, 2024.

32.6 Sec. 21. Minnesota Statutes 2022, section 245A.16, subdivision 1, is amended to read:

32.7 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private
 32.8 agencies that have been designated or licensed by the commissioner to perform licensing
 32.9 functions and activities under section 245A.04 and ~~background studies for family child care~~
 32.10 ~~under chapter 245C~~; to recommend denial of applicants under section 245A.05; to issue
 32.11 correction orders, to issue variances, and recommend a conditional license under section
 32.12 245A.06; or to recommend suspending or revoking a license or issuing a fine under section
 32.13 245A.07, shall comply with rules and directives of the commissioner governing those
 32.14 functions and with this section. The following variances are excluded from the delegation
 32.15 of variance authority and may be issued only by the commissioner:

32.16 (1) dual licensure of family child care and child foster care, dual licensure of child and
 32.17 adult foster care, and adult foster care and family child care;

32.18 (2) adult foster care maximum capacity;

32.19 (3) adult foster care minimum age requirement;

32.20 (4) child foster care maximum age requirement;

32.21 (5) variances regarding disqualified individuals ~~except that, before the implementation~~
 32.22 ~~of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding~~
 32.23 ~~disqualified individuals when the county is responsible for conducting a consolidated~~
 32.24 ~~reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and~~
 32.25 ~~(b), of a county maltreatment determination and a disqualification based on serious or~~
 32.26 ~~recurring maltreatment;~~

32.27 (6) the required presence of a caregiver in the adult foster care residence during normal
 32.28 sleeping hours;

32.29 (7) variances to requirements relating to chemical use problems of a license holder or a
 32.30 household member of a license holder; and

33.1 (8) variances to section 245A.53 for a time-limited period. If the commissioner grants
 33.2 a variance under this clause, the license holder must provide notice of the variance to all
 33.3 parents and guardians of the children in care; and

33.4 (9) variances to section 245A.1435 for the use of a cradleboard for a cultural
 33.5 accommodation.

33.6 Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency must
 33.7 not grant a license holder a variance to exceed the maximum allowable family child care
 33.8 license capacity of 14 children.

33.9 (b) A county agency that has been designated by the commissioner to issue family child
 33.10 care variances must:

33.11 (1) publish the county agency's policies and criteria for issuing variances on the county's
 33.12 public website and update the policies as necessary; and

33.13 (2) annually distribute the county agency's policies and criteria for issuing variances to
 33.14 all family child care license holders in the county.

33.15 ~~(e) Before the implementation of NETStudy 2.0, county agencies must report information~~
 33.16 ~~about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision~~
 33.17 ~~2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the~~
 33.18 ~~commissioner at least monthly in a format prescribed by the commissioner.~~

33.19 ~~(d)~~ (c) For family child care programs, the commissioner shall require a county agency
 33.20 to conduct one unannounced licensing review at least annually.

33.21 ~~(e)~~ (d) For family adult day services programs, the commissioner may authorize licensing
 33.22 reviews every two years after a licensee has had at least one annual review.

33.23 ~~(f)~~ (e) A license issued under this section may be issued for up to two years.

33.24 ~~(g)~~ (f) During implementation of chapter 245D, the commissioner shall consider:

33.25 (1) the role of counties in quality assurance;

33.26 (2) the duties of county licensing staff; and

33.27 (3) the possible use of joint powers agreements, according to section 471.59, with counties
 33.28 through which some licensing duties under chapter 245D may be delegated by the
 33.29 commissioner to the counties.

33.30 Any consideration related to this paragraph must meet all of the requirements of the corrective
 33.31 action plan ordered by the federal Centers for Medicare and Medicaid Services.

34.1 ~~(h)~~ (g) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
 34.2 successor provisions; and section 245D.061 or successor provisions, for family child foster
 34.3 care programs providing out-of-home respite, as identified in section 245D.03, subdivision
 34.4 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and
 34.5 private agencies.

34.6 ~~(i)~~ (h) A county agency shall report to the commissioner, in a manner prescribed by the
 34.7 commissioner, the following information for a licensed family child care program:

34.8 (1) the results of each licensing review completed, including the date of the review, and
 34.9 any licensing correction order issued;

34.10 (2) any death, serious injury, or determination of substantiated maltreatment; and

34.11 (3) any fires that require the service of a fire department within 48 hours of the fire. The
 34.12 information under this clause must also be reported to the state fire marshal within two
 34.13 business days of receiving notice from a licensed family child care provider.

34.14 **EFFECTIVE DATE.** Paragraph (a), clause (9), is effective January 1, 2024, and all
 34.15 other changes are effective the day following final enactment.

34.16 Sec. 22. Minnesota Statutes 2022, section 245A.16, subdivision 9, is amended to read:

34.17 Subd. 9. **Licensed family foster settings.** (a) Before recommending to grant a license,
 34.18 deny a license under section 245A.05, or revoke a license under section 245A.07 for
 34.19 nondisqualifying background study information received under section 245C.05, subdivision
 34.20 4, paragraph (a), clause (3), for a licensed family foster setting, a county agency or private
 34.21 agency that has been designated or licensed by the commissioner must review the following
 34.22 for the license holder, applicant, and an individual living in the household where the licensed
 34.23 services are provided or who is otherwise subject to a background study:

34.24 (1) the type of offenses;

34.25 (2) the number of offenses;

34.26 (3) the nature of the offenses;

34.27 (4) the age of the individual at the time of the offenses;

34.28 (5) the length of time that has elapsed since the last offense;

34.29 (6) the relationship of the offenses and the capacity to care for a child;

34.30 (7) evidence of rehabilitation;

- 35.1 (8) information or knowledge from community members regarding the individual's
35.2 capacity to provide foster care;
- 35.3 (9) any available information regarding child maltreatment reports or child in need of
35.4 protection or services petitions, or related cases, in which the individual has been involved
35.5 or implicated, and documentation that the individual has remedied issues or conditions
35.6 identified in child protection or court records that are relevant to safely caring for a child;
- 35.7 (10) a statement from the study subject;
- 35.8 (11) a statement from the license holder; and
- 35.9 (12) other aggravating and mitigating factors.
- 35.10 (b) For purposes of this section, "evidence of rehabilitation" includes but is not limited
35.11 to the following:
- 35.12 (1) maintaining a safe and stable residence;
- 35.13 (2) continuous, regular, or stable employment;
- 35.14 (3) successful participation in an education or job training program;
- 35.15 (4) positive involvement with the community or extended family;
- 35.16 (5) compliance with the terms and conditions of probation or parole following the
35.17 individual's most recent conviction;
- 35.18 (6) if the individual has had a substance use disorder, successful completion of a substance
35.19 use disorder assessment, substance use disorder treatment, and recommended continuing
35.20 care, if applicable, demonstrated abstinence from controlled substances, as defined in section
35.21 152.01, subdivision 4, or the establishment of a sober network;
- 35.22 (7) if the individual has had a mental illness or documented mental health issues,
35.23 demonstrated completion of a mental health evaluation, participation in therapy or other
35.24 recommended mental health treatment, or appropriate medication management, if applicable;
- 35.25 (8) if the individual's offense or conduct involved domestic violence, demonstrated
35.26 completion of a domestic violence or anger management program, and the absence of any
35.27 orders for protection or harassment restraining orders against the individual since the previous
35.28 offense or conduct;
- 35.29 (9) written letters of support from individuals of good repute, including but not limited
35.30 to employers, members of the clergy, probation or parole officers, volunteer supervisors,
35.31 or social services workers;

36.1 (10) demonstrated remorse for convictions or conduct, or demonstrated positive behavior
36.2 changes; and

36.3 (11) absence of convictions or arrests since the previous offense or conduct, including
36.4 any convictions that were expunged or pardoned.

36.5 (c) An applicant for a family foster setting license must sign all releases of information
36.6 requested by the county or private licensing agency.

36.7 (d) When licensing a relative for a family foster setting, the commissioner shall also
36.8 consider the importance of maintaining the child's relationship with relatives as an additional
36.9 significant factor in determining whether an application will be denied.

36.10 (e) When recommending that the commissioner deny or revoke a license, the county or
36.11 private licensing agency must send a summary of the review completed according to
36.12 paragraph (a), on a form developed by the commissioner, to the commissioner and include
36.13 any recommendation for licensing action.

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

36.15 Sec. 23. Minnesota Statutes 2022, section 245A.16, is amended by adding a subdivision
36.16 to read:

36.17 **Subd. 10. Electronic checklist use by family child care licensors.** County staff who
36.18 perform family child care licensing functions must use the commissioner's electronic licensing
36.19 checklist in the manner prescribed by the commissioner.

36.20 **EFFECTIVE DATE.** This section is effective July 1, 2023.

36.21 Sec. 24. Minnesota Statutes 2022, section 245A.18, subdivision 2, is amended to read:

36.22 **Subd. 2. Child passenger restraint systems; training requirement.** (a) Programs
36.23 licensed by the Department of Human Services under this chapter and Minnesota Rules,
36.24 chapter 2960, that serve a child or children under eight years of age must document training
36.25 that fulfills the requirements in this subdivision. Sections 245A.60, subdivision 4, and
36.26 245A.61, subdivision 4, describe training requirements for family foster care and foster
36.27 residence settings.

36.28 (b) Before a license holder, staff person, or caregiver transports a child or children under
36.29 age eight in a motor vehicle, the person transporting the child must satisfactorily complete
36.30 training on the proper use and installation of child restraint systems in motor vehicles.

37.1 ~~Training completed under this section may be used to meet initial or ongoing training under~~
 37.2 ~~Minnesota Rules, part 2960.3070, subparts 1 and 2.~~

37.3 (c) Training required under this section must be completed at orientation or initial training
 37.4 and repeated at least once every five years. At a minimum, the training must address the
 37.5 proper use of child restraint systems based on the child's size, weight, and age, and the
 37.6 proper installation of a car seat or booster seat in the motor vehicle used by the license
 37.7 holder to transport the child or children.

37.8 (d) Training under paragraph (c) must be provided by individuals who are certified and
 37.9 approved by the ~~Department of Public Safety~~, Office of Traffic Safety within the Department
 37.10 of Public Safety. License holders may obtain a list of certified and approved trainers through
 37.11 the Department of Public Safety website or by contacting the agency.

37.12 ~~(e) Notwithstanding paragraph (a), for an emergency relative placement under section~~
 37.13 ~~245A.035, the commissioner may grant a variance to the training required by this subdivision~~
 37.14 ~~for a relative who completes a child seat safety check up. The child seat safety check up~~
 37.15 ~~trainer must be approved by the Department of Public Safety, Office of Traffic Safety, and~~
 37.16 ~~must provide one-on-one instruction on placing a child of a specific age in the exact child~~
 37.17 ~~passenger restraint in the motor vehicle in which the child will be transported. Once granted~~
 37.18 ~~a variance, and if all other licensing requirements are met, the relative applicant may receive~~
 37.19 ~~a license and may transport a relative foster child younger than eight years of age. A child~~
 37.20 ~~seat safety check up must be completed each time a child requires a different size car seat~~
 37.21 ~~according to car seat and vehicle manufacturer guidelines. A relative license holder must~~
 37.22 ~~complete training that meets the other requirements of this subdivision prior to placement~~
 37.23 ~~of another foster child younger than eight years of age in the home or prior to the renewal~~
 37.24 ~~of the child foster care license.~~

37.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

37.26 Sec. 25. **[245A.211] PRONE RESTRAINT PROHIBITION.**

37.27 Subdivision 1. **Applicability.** This section applies to all programs licensed or certified
 37.28 under this chapter, chapters 245D, 245F, 245G, 245H, and sections 245I.20 and 245I.23.
 37.29 The requirements in this section are in addition to any applicable requirements for the use
 37.30 of holds or restraints for each license or certification type.

37.31 Subd. 2. **Definitions.** (a) "Mechanical restraint" means a restraint device that limits the
 37.32 voluntary movement of a person or the person's limbs.

38.1 (b) "Prone restraint" means a restraint that places a person in a face-down position with
38.2 the person's chest in contact with the floor or other surface.

38.3 (c) "Restraint" means a physical hold, physical restraint, manual restraint, restraint
38.4 equipment, or mechanical restraint that holds a person immobile or limits the voluntary
38.5 movement of a person or the person's limbs.

38.6 Subd. 3. **Prone restraint prohibition.** (a) A license or certification holder must not use
38.7 a prone restraint on any person receiving services in a program, except in the instances
38.8 allowed by paragraphs (b) to (d).

38.9 (b) If a person rolls into a prone position during the use of a restraint, the person must
38.10 be restored to a nonprone position as quickly as possible.

38.11 (c) If the applicable licensing requirements allow a program to use mechanical restraints,
38.12 a person may be briefly held in a prone restraint for the purpose of applying mechanical
38.13 restraints if the person is restored to a nonprone position as quickly as possible.

38.14 (d) If the applicable licensing requirements allow a program to use seclusion, a person
38.15 may be briefly held in a prone restraint to allow staff to safely exit a seclusion room.

38.16 Subd. 4. **Contraindicated physical restraints.** A license or certification holder must
38.17 not implement a restraint on a person receiving services in a program in a way that is
38.18 contraindicated for any of the person's known medical or psychological conditions. Prior
38.19 to using restraints on a person, the license or certification holder must assess and document
38.20 a determination of any medical or psychological conditions that restraints are contraindicated
38.21 for and the type of restraints that will not be used on the person based on this determination.

38.22 Sec. 26. Minnesota Statutes 2022, section 245A.52, subdivision 1, is amended to read:

38.23 Subdivision 1. **Means of escape.** (a)(1) At least one emergency escape route separate
38.24 from the main exit from the space must be available in each room used for sleeping by
38.25 anyone receiving licensed care, and (2) a basement used for child care. One means of escape
38.26 must be a stairway or door leading to the floor of exit discharge. The other must be a door
38.27 or window leading directly outside. A window used as an emergency escape route must be
38.28 openable without special knowledge.

38.29 (b) In homes with construction that began before ~~May 2, 2016~~ March 31, 2020, the
38.30 interior of the window leading directly outside must have a net clear opening area of not
38.31 less than 4.5 square feet or 648 square inches and have minimum clear opening dimensions
38.32 of 20 inches wide and 20 inches high. The net clear opening dimensions shall be the result
38.33 of normal operation of the opening. The opening must be no higher than 48 inches from the

39.1 floor. The height to the window may be measured from a platform if a platform is located
39.2 below the window.

39.3 (c) In homes with construction that began on or after ~~May 2, 2016~~ March 31, 2020, the
39.4 interior of the window leading directly outside must have minimum clear opening dimensions
39.5 of 20 inches wide and 24 inches high. The net clear opening dimensions shall be the result
39.6 of normal operation of the opening. The opening must be no higher than 44 inches from the
39.7 floor.

39.8 ~~(d)~~ Additional requirements are dependent on the distance of the openings from the ground
39.9 outside the window: (1) windows or other openings with a sill height not more than 44
39.10 inches above or below the finished ground level adjacent to the opening (grade-floor
39.11 emergency escape and rescue openings) must have a minimum opening of five square feet;
39.12 and (2) non-grade-floor emergency escape and rescue openings must have a minimum
39.13 opening of 5.7 square feet.

39.14 Sec. 27. Minnesota Statutes 2022, section 245A.52, subdivision 2, is amended to read:

39.15 Subd. 2. **Door to attached garage.** ~~Notwithstanding Minnesota Rules, part 9502.0425,~~
39.16 ~~subpart 5, day care residences with an attached garage are not required to have a self-closing~~
39.17 ~~door to the residence. The door to the residence may be~~ If there is an opening between an
39.18 attached garage and a day care residence, there must be a door that is:

39.19 (1) a solid wood bonded-core door at least 1-3/8 inches thick;

39.20 (2) a steel insulated door if the door is at least 1-3/8 inches thick; or

39.21 (3) a door with a fire protection rating of 20 minutes.

39.22 The separation wall on the garage side between the residence and garage must consist of
39.23 1/2 inch thick gypsum wallboard or its equivalent.

39.24 Sec. 28. Minnesota Statutes 2022, section 245A.52, subdivision 3, is amended to read:

39.25 Subd. 3. **Heating and venting systems.** (a) Notwithstanding Minnesota Rules, part
39.26 9502.0425, subpart 7, item C, items that can be ignited and support combustion, including
39.27 but not limited to plastic, fabric, and wood products must not be located within:

39.28 (1) 18 inches of a gas or fuel-oil heater or furnace; or

39.29 (2) 36 inches of a solid-fuel-burning appliance.

40.1 (b) If a license holder produces manufacturer instructions listing a smaller distance, then
40.2 the manufacturer instructions control the distance combustible items must be from gas,
40.3 fuel-oil, or solid-fuel burning heaters or furnaces.

40.4 Sec. 29. Minnesota Statutes 2022, section 245A.52, subdivision 5, is amended to read:

40.5 Subd. 5. **Carbon monoxide and smoke alarms.** (a) All homes must have an approved
40.6 and operational carbon monoxide alarm installed within ten feet of each room used for
40.7 sleeping children in care.

40.8 (b) Smoke alarms that have been listed by the Underwriter Laboratory must be properly
40.9 installed and maintained ~~on all levels including basements, but not including crawl spaces~~
40.10 ~~and uninhabitable attics, and in hallways outside rooms used for sleeping children in care.~~
40.11 in hallways outside of rooms used for sleeping children and on all levels, including basements
40.12 but not including crawl spaces and uninhabitable attics.

40.13 (c) In homes with construction that began on or after ~~May 2, 2016~~ March 31, 2020,
40.14 smoke alarms must be installed and maintained in each room used for sleeping children in
40.15 care.

40.16 Sec. 30. Minnesota Statutes 2022, section 245A.52, is amended by adding a subdivision
40.17 to read:

40.18 Subd. 7. **Stairways.** All stairways must meet the following conditions.

40.19 (1) Stairways of four or more steps must have handrails on at least one side.

40.20 (2) Any open area between the handrail and stair tread must be enclosed with a protective
40.21 guardrail as specified in the State Building Code. At open risers, openings located more
40.22 than 30 inches (762 mm), as measured vertically, to the floor or grade below shall not permit
40.23 the passage of a sphere four inches (102 mm) in diameter.

40.24 (3) Gates or barriers must be used when children between the ages of six and 18 months
40.25 are in care.

40.26 (4) Stairways must be well lit, in good repair, and free of clutter and obstructions.

40.27 Sec. 31. Minnesota Statutes 2022, section 245A.52, is amended by adding a subdivision
40.28 to read:

40.29 Subd. 8. **Fire code variances.** When a variance is requested of the standards contained
40.30 in subdivision 1, 2, 3, 4, or 5, an applicant or provider must submit written approval from

41.1 the state fire marshal of the variance requested and the alternative measures identified to
 41.2 ensure the safety of children in care.

41.3 Sec. 32. **[245A.60] FAMILY CHILD FOSTER CARE TRAINING REQUIREMENTS.**

41.4 Subdivision 1. **Applicability.** This section applies to programs licensed to provide foster
 41.5 care for children in the license holder's residence. For the purposes of this section, "foster
 41.6 parent" means a license holder under this chapter. For the purposes of this section, "caregiver"
 41.7 means a person who provides services to a child according to the child's case plan in a setting
 41.8 licensed under Minnesota Rules, parts 2960.3000 to 2960.3340.

41.9 Subd. 2. **Orientation.** (a) Each foster parent applicant must complete a minimum of six
 41.10 hours of orientation before the commissioner will license the applicant. An applicant's
 41.11 orientation training hours do not count toward yearly training hours. The commissioner
 41.12 may grant a variance to the applicant regarding the number of orientation hours that this
 41.13 subdivision requires.

41.14 (b) The foster parent's orientation must include training about the following:

41.15 (1) emergency procedures, including evacuation routes, emergency telephone numbers,
 41.16 severe storm and tornado procedures, and the location of alarms and equipment;

41.17 (2) all relevant laws and rules, including this chapter; chapters 260, 260C, 260D, and
 41.18 260E; Minnesota Rules, chapter 9560; and related legal issues and reporting requirements;

41.19 (3) cultural diversity, gender sensitivity, culturally specific services, cultural competence,
 41.20 and information about discrimination and racial bias to ensure that caregivers are culturally
 41.21 competent to care for foster children according to section 260C.212, subdivision 11;

41.22 (4) the foster parent's roles and responsibilities in developing and implementing the
 41.23 child's case plan and involvement in court and administrative reviews of the child's placement;

41.24 (5) the licensing agency's requirements;

41.25 (6) one hour relating to reasonable and prudent parenting standards for the child's
 41.26 participation in age-appropriate or developmentally appropriate extracurricular, social, or
 41.27 cultural activities according to section 260C.212, subdivision 14;

41.28 (7) two hours relating to children's mental health issues according to subdivision 3;

41.29 (8) if subdivision 4 requires, the proper use and installation of child passenger restraint
 41.30 systems in motor vehicles;

42.1 (9) if subdivision 5 requires, at least one hour about reducing the risk of sudden
42.2 unexpected infant death and abusive head trauma from shaking infants and young children;
42.3 and

42.4 (10) if subdivision 6 requires, operating medical equipment.

42.5 Subd. 3. **Mental health training.** Each foster parent prior to licensure and each caregiver
42.6 prior to caring for a foster child must complete two hours of training that addresses the
42.7 causes, symptoms, and key warning signs of children's mental health disorders; cultural
42.8 considerations; and effective approaches to manage a child's behaviors. Each year, each
42.9 foster parent and caregiver must complete at least one hour of training about children's
42.10 mental health issues and treatment. A short-term substitute caregiver is exempt from this
42.11 subdivision. The commissioner of human services shall approve of a mental health training
42.12 curriculum that satisfies the requirements of this subdivision.

42.13 Subd. 4. **Child passenger restraint systems.** (a) Each foster parent and caregiver must
42.14 satisfactorily complete training about the proper use and installation of child passenger
42.15 restraint systems in motor vehicles before transporting a child younger than eight years of
42.16 age in a motor vehicle.

42.17 (b) An individual who is certified and approved by the Office of Traffic Safety within
42.18 the Department of Public Safety must provide training about the proper use and installation
42.19 of child passenger restraint systems in motor vehicles to each foster parent and caregiver
42.20 who transports a child. At a minimum, the training must address the proper use of child
42.21 passenger restraint systems based on a child's size, weight, and age, and the proper installation
42.22 of a car seat or booster seat in the motor vehicle that will be transporting the child. A foster
42.23 parent or caregiver who transports a child must repeat the training in this subdivision at
42.24 least once every five years.

42.25 (c) Notwithstanding paragraph (a), for an emergency relative placement under section
42.26 245A.035, the commissioner may grant a variance to the training required by this subdivision
42.27 to a child's relative who completes a child seat safety checkup. The Office of Traffic Safety
42.28 within the Department of Public Safety must approve of the child seat safety checkup trainer
42.29 and must provide one-on-one instruction to the child's relative applicant about placing a
42.30 child of a specific age in the exact child passenger restraint in the motor vehicle that will
42.31 be used to transport the child. Once the commissioner grants a variance to the child's relative,
42.32 the child's relative may transport a relative foster child younger than eight years of age, and
42.33 once the child's relative meets all other licensing requirements, the commissioner may
42.34 license the child's relative applicant. The child's relative must complete a child seat safety

43.1 checkup each time that the child requires a different sized car seat according to car seat and
43.2 vehicle manufacturer guidelines. A relative license holder must complete training that meets
43.3 the other requirements of this subdivision prior to placement of another foster child younger
43.4 than eight years of age in the relative license holder's home or prior to the renewal of the
43.5 relative license holder's child foster care license.

43.6 **Subd. 5. Training about the risk of sudden unexpected infant death and abusive**
43.7 **head trauma.** (a) Each foster parent and caregiver who cares for an infant or a child five
43.8 years of age or younger must satisfactorily complete at least one hour of training about
43.9 reducing the risk of sudden unexpected infant death pursuant to section 245A.1435 and
43.10 abusive head trauma from shaking infants and young children. Each foster parent and
43.11 caregiver must complete this training prior to caring for an infant or a child five years of
43.12 age or younger. The county or private licensing agency monitoring the foster care provider
43.13 under section 245A.16 must approve of the training about reducing the risk of sudden
43.14 unexpected infant death and abusive head trauma from shaking infants and young children.

43.15 (b) At a minimum, the training must address the risk factors related to sudden unexpected
43.16 infant death and abusive head trauma, means of reducing the risk of sudden unexpected
43.17 infant death and abusive head trauma, and license holder communication with parents
43.18 regarding reducing the risk of sudden unexpected infant death and abusive head trauma.

43.19 (c) For emergency relative placements under section 245A.035, this training must be
43.20 completed before a license is issued. Each foster parent and caregiver must complete the
43.21 training in this subdivision at least once every five years.

43.22 **Subd. 6. Training on use of medical equipment.** (a) If caring for a child who relies on
43.23 medical equipment to sustain the child's life or monitor the child's medical condition, each
43.24 foster parent and caregiver must satisfactorily complete training to operate the child's
43.25 equipment with a health care professional or an individual who provides training on the
43.26 child's equipment.

43.27 (b) A foster parent or caregiver is exempt from this subdivision if:

43.28 (1) the foster parent or caregiver is currently caring for an individual who is using the
43.29 same equipment in the foster home; or

43.30 (2) the foster parent or caregiver has written documentation that the foster parent or
43.31 caregiver has cared for an individual who relied on the same equipment within the past six
43.32 months.

44.1 Subd. 7. **Fetal alcohol spectrum disorders training.** Each foster parent and caregiver
44.2 must complete at least one hour of training yearly on fetal alcohol spectrum disorders. A
44.3 provider who is also licensed to provide home and community-based services under chapter
44.4 245D and the provider's staff are exempt from this subdivision. A short-term substitute
44.5 caregiver is exempt from this subdivision. The commissioner of human services shall approve
44.6 a fetal alcohol spectrum disorders training curriculum that satisfies the requirements of this
44.7 subdivision.

44.8 Subd. 8. **Yearly training requirement.** (a) Each foster parent must complete a minimum
44.9 of 12 hours of training per year. If a foster parent fails to complete the required yearly
44.10 training and does not show good cause why the foster parent did not complete the training,
44.11 the foster parent is prohibited from accepting a new foster child placement until the foster
44.12 parent completes the training. The commissioner may grant a variance to the required number
44.13 of yearly training hours.

44.14 (b) Each year, each foster parent and caregiver must complete one hour of training about
44.15 children's mental health issues according to subdivision 3, and one hour of training about
44.16 fetal alcohol spectrum disorders, if required by subdivision 7.

44.17 (c) Each year, each foster parent and caregiver must complete training about the reporting
44.18 requirements and definitions in chapter 260E, as section 245A.66 requires. Foster parents
44.19 and caregivers caring for youth 18 and older in extended foster care must complete training
44.20 about the reporting requirements and definitions in section 626.557, as section 245A.65,
44.21 subdivision 3 requires.

44.22 (d) At least once every five years, each foster parent and caregiver must complete one
44.23 hour of training about reducing the risk of sudden unexpected infant death and abusive head
44.24 trauma, if required by subdivision 5.

44.25 (e) At least once every five years, each foster parent and caregiver must complete training
44.26 regarding child passenger restraint systems, if required by subdivision 4.

44.27 (f) The commissioner may provide each foster parent with a nonexclusive list of eligible
44.28 training topics and resources that fulfill the remaining hours of required yearly training.

44.29 Subd. 9. **Documentation of training.** (a) The licensing agency must document the
44.30 trainings that this section requires on a form that the commissioner has developed.

44.31 (b) For training required under subdivision 6, the agency must retain a training and skills
44.32 form on file and update the form each year for each foster care provider who completes
44.33 training about caring for a child who relies on medical equipment to sustain the child's life

45.1 or monitor the child's medical condition. The agency placing the child must obtain a copy
 45.2 of the training and skills form from the foster parent or from the agency supervising the
 45.3 foster parent. The agency must retain the form and any updated information on file for the
 45.4 placement's duration. The form must be available to the parent or guardian and the child's
 45.5 social worker for the social worker to make an informed placement decision. The agency
 45.6 must use the training and skills form that the commissioner has developed.

45.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

45.8 Sec. 33. **[245A.61] FOSTER RESIDENCE SETTING STAFF TRAINING**
 45.9 **REQUIREMENTS.**

45.10 Subdivision 1. **Applicability.** This section applies to foster residence settings, which is
 45.11 defined as foster care that a license holder licensed under this chapter provides in a home
 45.12 in which the license holder does not reside. Foster residence setting does not include any
 45.13 program licensed or certified under Minnesota Rules, parts 2960.0010 to 2960.0710. For
 45.14 the purposes of this section, "caregiver" means a person who provides services to a child
 45.15 according to the child's case plan in a setting licensed under Minnesota Rules, parts
 45.16 2960.3000 to 2960.3340.

45.17 Subd. 2. **Orientation.** The license holder must ensure that each staff person attends and
 45.18 successfully completes at least six hours of orientation training before the staff person has
 45.19 unsupervised contact with a foster child. Orientation training hours are not counted toward
 45.20 the hours of yearly training. Orientation must include training about the following:

45.21 (1) emergency procedures including evacuation routes, emergency telephone numbers,
 45.22 severe storm and tornado procedures, and the location of facility alarms and equipment;

45.23 (2) all relevant laws, rules, and legal issues, including reporting requirements for
 45.24 maltreatment, abuse, and neglect specified in chapter 260E and section 626.557 and other
 45.25 reporting requirements based on the children's ages;

45.26 (3) cultural diversity, gender sensitivity, culturally specific services, and information
 45.27 about discrimination and racial bias to ensure that caregivers are culturally sensitive and
 45.28 culturally competent to care for foster children according to section 260C.212, subdivision
 45.29 11;

45.30 (4) general and special needs, including disability needs, of children and families served;

45.31 (5) operational policies and procedures of the license holder;

45.32 (6) data practices requirements and issues;

46.1 (7) two hours of training about children's mental health disorders according to subdivision
46.2 3;

46.3 (8) if required by subdivision 4, the proper use and installation of child passenger restraint
46.4 systems in motor vehicles;

46.5 (9) if required by subdivision 5, at least one hour of training about reducing the risk of
46.6 sudden unexpected infant death and abusive head trauma from shaking infants and young
46.7 children; and

46.8 (10) if required by subdivision 6, caring for a child who relies on medical equipment to
46.9 sustain the child's life or monitor the child's medical condition.

46.10 Subd. 3. **Mental health training.** Prior to caring for a child, a staff person must complete
46.11 two hours of training that addresses the causes, symptoms, and key warning signs of mental
46.12 health disorders; cultural considerations; and effective approaches to manage a child's
46.13 behaviors. A foster residence staff person must complete at least one hour of the yearly
46.14 training requirement regarding children's mental health issues and treatment. The
46.15 commissioner of human services shall approve a mental health training curriculum that
46.16 satisfies the requirements of this subdivision.

46.17 Subd. 4. **Child passenger restraint systems.** Prior to transporting a child younger than
46.18 eight years of age in a motor vehicle, a license holder, staff person, or caregiver must
46.19 satisfactorily complete training about the proper use and installation of child restraint systems
46.20 in motor vehicles. An individual who is certified and approved by the Office of Traffic
46.21 Safety within the Department of Public Safety must provide training to a license holder,
46.22 staff person, or caregiver about the proper use and installation of child restraint systems in
46.23 motor vehicles.

46.24 At a minimum, the training must address the proper use of child passenger restraint
46.25 systems based on a child's size, weight, and age and the proper installation of a car seat or
46.26 booster seat in the motor vehicle transporting the child. Each license holder, staff person,
46.27 and caregiver transporting a child younger than eight years of age in a motor vehicle must
46.28 complete the training in this subdivision at least once every five years.

46.29 Subd. 5. **Training about the risk of sudden unexpected infant death and abusive**
46.30 **head trauma.** (a) A license holder who cares for an infant or a child five years of age or
46.31 younger must document that each staff person has satisfactorily completed at least one hour
46.32 of training about reducing the risk of sudden unexpected infant death pursuant to section
46.33 245A.1435 and abusive head trauma from shaking infants and young children. Each staff
46.34 person must complete the training in this subdivision prior to caring for an infant or a child

47.1 five years of age or younger. The county or private licensing agency responsible for
47.2 monitoring the child foster care provider under section 245A.16 must approve of the training
47.3 about reducing the risk of sudden unexpected infant death and abusive head trauma from
47.4 shaking infants and young children.

47.5 (b) At a minimum, the training must address the risk factors related to sudden unexpected
47.6 infant death and abusive head trauma, means of reducing the risk of sudden unexpected
47.7 infant death and abusive head trauma, and license holder communication with parents
47.8 regarding reducing the risk of sudden unexpected infant death and abusive head trauma
47.9 from shaking infants and young children.

47.10 (c) Each staff person caring for an infant or a child five years of age or younger must
47.11 complete the training in this subdivision at least once every five years.

47.12 Subd. 6. **Training on use of medical equipment.** (a) If caring for a child who relies on
47.13 medical equipment to sustain the child's life or monitor a child's medical condition, the
47.14 license holder or staff person must complete training to operate the child's equipment. A
47.15 health care professional or an individual who provides training on the equipment must train
47.16 the license holder or staff person about how to operate the child's equipment.

47.17 (b) A license holder is exempt from this subdivision if:

47.18 (1) the license holder is currently caring for an individual who is using the same
47.19 equipment in the foster home and each staff person has received training to use the
47.20 equipment; or

47.21 (2) the license holder has written documentation that, within the past six months, the
47.22 license holder has cared for an individual who relied on the same equipment and each current
47.23 staff person has received training to use the same equipment.

47.24 Subd. 7. **Fetal alcohol spectrum disorders training.** (a) For each staff person, at least
47.25 one hour of their yearly training requirement in subdivision 9 must be about fetal alcohol
47.26 spectrum disorders. The commissioner of human services shall approve of a fetal alcohol
47.27 spectrum disorders training curriculum that satisfies the requirements of this subdivision.

47.28 (b) A provider who is also licensed to provide home and community-based services
47.29 under chapter 245D and the provider's staff are exempt from this subdivision.

47.30 Subd. 8. **Prudent parenting standards training.** The license holder must have at least
47.31 one on-site staff person who is trained regarding the reasonable and prudent parenting
47.32 standards in section 260C.212, subdivision 14, and authorized to apply the reasonable and
47.33 prudent parenting standards to decisions involving the approval of a foster child's

48.1 participation in age-appropriate and developmentally appropriate extracurricular, social, or
48.2 cultural activities. The trained on-site staff person is not required to be available 24 hours
48.3 per day.

48.4 Subd. 9. **Yearly training plan and hours.** (a) A license holder must develop a yearly
48.5 training plan for staff and volunteers. The license holder must modify training for staff and
48.6 volunteers each year to meet each person's current needs and provide sufficient training to
48.7 accomplish each staff person's duties. To determine the type and amount of training for
48.8 each person, the license holder must consider the foster care program's target population,
48.9 the program's services, and expected outcomes from the services, as well as the employee's
48.10 job description, tasks, and the position's performance indicators.

48.11 (b) A full-time staff person who has direct contact with children must complete at least
48.12 18 hours of in-service training per year, including nine hours of skill development training.

48.13 (c) A part-time direct care staff person must complete sufficient training to competently
48.14 care for children. The amount of training must be at least one hour of training for each 60
48.15 hours that the part-time direct care staff person has worked, up to 18 hours of training per
48.16 part-time employee per year.

48.17 (d) Other foster residence staff and volunteers must complete in-service training
48.18 requirements each year that are consistent with the foster residence staff and volunteers'
48.19 duties.

48.20 (e) Section 245A.66 requires a license holder to ensure that all staff and volunteers have
48.21 training yearly about the reporting requirements and definitions in chapter 260E.

48.22 Subd. 10. **Documentation of training.** (a) For each staff person and volunteer, the
48.23 license holder must document the date, the number of training hours, and the name of the
48.24 entity that provided the training.

48.25 (b) For training required under subdivision 6, the agency supervising the foster care
48.26 provider must retain a training and skills form on file and update the form each year for
48.27 each staff person who completes training about caring for a child who relies on medical
48.28 equipment to sustain the child's life or monitor a child's medical condition. The agency
48.29 placing the child must obtain a copy of the training and skills form from the foster care
48.30 provider or the agency supervising the foster care provider. The placing agency must retain
48.31 the form and any updated information on file for the placement's duration. The form must
48.32 be available to the child's parent or the child's primary caregiver and the child's social worker
48.33 to make an informed placement decision. The agency must use the training and skills form
48.34 that the commissioner has developed.

49.1 **EFFECTIVE DATE.** This section is effective January 1, 2024.

49.2 Sec. 34. Minnesota Statutes 2022, section 245A.66, is amended by adding a subdivision
49.3 to read:

49.4 **Subd. 4. Ongoing training requirement.** (a) In addition to the orientation training
49.5 required by the applicable licensing rules and statutes, children's residential facility and
49.6 private child-placing agency license holders must provide a training annually on the
49.7 maltreatment of minors reporting requirements and definitions in chapter 260E to each
49.8 mandatory reporter, as described in section 260E.06, subdivision 1.

49.9 (b) In addition to the orientation training required by the applicable licensing rules and
49.10 statutes, all family child foster care license holders and caregivers and foster residence
49.11 setting staff and volunteers that are mandatory reporters as described in section 260E.06,
49.12 subdivision 1, must complete training each year on the maltreatment of minors reporting
49.13 requirements and definitions in chapter 260E.

49.14 **EFFECTIVE DATE.** This section is effective January 1, 2024.

49.15 Sec. 35. Minnesota Statutes 2022, section 245C.02, subdivision 6a, is amended to read:

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

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

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

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

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

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

49.26 (6) an individual ten to 12 years of age who lives in the household where the licensed
49.27 services will be provided when the commissioner has reasonable cause as defined in section
49.28 245C.02, subdivision 15;

49.29 (7) an individual who, without providing direct contact services at a licensed program,
49.30 certified program, or program authorized under chapter 119B, may have unsupervised access

50.1 to a child receiving services from a program when the commissioner has reasonable cause
50.2 as defined in section 245C.02, subdivision 15; or

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

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

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

50.11 (2) the licensed child care center, certified license-exempt child care center, licensed
50.12 family child care program, or legal nonlicensed child care provider authorized under chapter
50.13 119B has obtained advanced written permission from the parent authorizing the child to
50.14 receive the services, which is maintained in the child's record;

50.15 (3) the licensed child care center, certified license-exempt child care center, licensed
50.16 family child care program, or legal nonlicensed child care provider authorized under chapter
50.17 119B maintains documentation on site that identifies the individual service provider and
50.18 the services being provided; and

50.19 (4) the licensed child care center, certified license-exempt child care center, licensed
50.20 family child care program, or legal nonlicensed child care provider authorized under chapter
50.21 119B ensures that the service provider does not have unsupervised access to a child not
50.22 receiving the provider's services.

50.23 Sec. 36. Minnesota Statutes 2022, section 245C.02, subdivision 11c, is amended to read:

50.24 Subd. 11c. **Entity.** "Entity" means any program, organization, license holder, or agency
50.25 ~~initiating~~ required to initiate or submit a background study.

50.26 Sec. 37. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision
50.27 to read:

50.28 Subd. 11f. **Employee.** "Employee" means an individual who provides services or seeks
50.29 to provide services for or through the entity with which they are required to be affiliated in
50.30 NETStudy 2.0 and who is subject to oversight by the entity, which includes but is not limited
50.31 to continuous, direct supervision by the entity and being subject to immediate removal from
50.32 providing direct care services by the entity when required.

51.1 Sec. 38. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision
51.2 to read:

51.3 Subd. 22. **Volunteer.** "Volunteer" means an individual who provides or seeks to provide
51.4 services for or through an entity without direct compensation for services provided, is
51.5 required to be affiliated in NETStudy 2.0 and is subject to oversight by the entity, including
51.6 but not limited to continuous, direct supervision and immediate removal from providing
51.7 direct care services when required.

51.8 Sec. 39. Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:

51.9 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background
51.10 study on:

51.11 (1) the person or persons applying for a license;

51.12 (2) an individual age 13 and over living in the household where the licensed program
51.13 will be provided who is not receiving licensed services from the program;

51.14 (3) current or prospective employees ~~or contractors~~ of the applicant or license holder
51.15 who will have direct contact with persons served by the facility, agency, or program;

51.16 (4) volunteers or student volunteers who will have direct contact with persons served
51.17 by the program to provide program services if the contact is not under the continuous, direct
51.18 supervision by an individual listed in clause (1) or (3);

51.19 (5) an individual age ten to 12 living in the household where the licensed services will
51.20 be provided when the commissioner has reasonable cause as defined in section 245C.02,
51.21 subdivision 15;

51.22 (6) an individual who, without providing direct contact services at a licensed program,
51.23 may have unsupervised access to children or vulnerable adults receiving services from a
51.24 program, when the commissioner has reasonable cause as defined in section 245C.02,
51.25 subdivision 15;

51.26 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;

51.27 (8) notwithstanding the other requirements in this subdivision, child care background
51.28 study subjects as defined in section 245C.02, subdivision 6a; and

51.29 (9) notwithstanding clause (3), for children's residential facilities and foster residence
51.30 settings, any adult working in the facility, whether or not the individual will have direct
51.31 contact with persons served by the facility.

52.1 (b) For child foster care when the license holder resides in the home where foster care
 52.2 services are provided, a short-term substitute caregiver providing direct contact services for
 52.3 a child for less than 72 hours of continuous care is not required to receive a background
 52.4 study under this chapter.

52.5 (c) This subdivision applies to the following programs that must be licensed under
 52.6 chapter 245A:

52.7 (1) adult foster care;

52.8 (2) child foster care;

52.9 (3) children's residential facilities;

52.10 (4) family child care;

52.11 (5) licensed child care centers;

52.12 (6) licensed home and community-based services under chapter 245D;

52.13 (7) residential mental health programs for adults;

52.14 (8) substance use disorder treatment programs under chapter 245G;

52.15 (9) withdrawal management programs under chapter 245F;

52.16 (10) adult day care centers;

52.17 (11) family adult day services;

52.18 ~~(12) independent living assistance for youth;~~

52.19 ~~(13)~~ (12) detoxification programs;

52.20 ~~(14)~~ (13) community residential settings; and

52.21 ~~(15)~~ (14) intensive residential treatment services and residential crisis stabilization under
 52.22 chapter 245I.

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

52.24 Sec. 40. Minnesota Statutes 2022, section 245C.03, subdivision 1a, is amended to read:

52.25 Subd. 1a. **Procedure.** (a) Individuals and organizations that are required under this
 52.26 section to have or initiate background studies shall comply with the requirements of this
 52.27 chapter.

52.28 (b) All studies conducted under this section shall be conducted according to sections
 52.29 299C.60 to 299C.64, including the consent and self-disclosure required in section 299C.62,

53.1 subdivision 2. This requirement does not apply to subdivisions 1, paragraph (c), clauses (2)
53.2 to (5), and 6a.

53.3 Sec. 41. Minnesota Statutes 2022, section 245C.03, subdivision 4, is amended to read:

53.4 Subd. 4. **Personnel pool agencies; temporary personnel agencies; educational**
53.5 **programs; professional services agencies.** (a) The commissioner also may conduct studies
53.6 on individuals specified in subdivision 1, paragraph (a), clauses (3) and (4), when the studies
53.7 are initiated by:

53.8 (1) personnel pool agencies;

53.9 (2) temporary personnel agencies;

53.10 (3) educational programs that train individuals by providing direct contact services in
53.11 licensed programs; and

53.12 (4) professional services agencies that are not licensed and ~~which contract~~ that work
53.13 with licensed programs to provide direct contact services or individuals who provide direct
53.14 contact services.

53.15 (b) Personnel pool agencies, temporary personnel agencies, and professional services
53.16 agencies must employ the individuals providing direct care services for children, people
53.17 with disabilities, or the elderly. Individuals must be affiliated in NETStudy 2.0 and subject
53.18 to oversight by the entity, which includes but is not limited to continuous, direct supervision
53.19 by the entity and being subject to immediate removal from providing direct care services
53.20 when required.

53.21 Sec. 42. Minnesota Statutes 2022, section 245C.03, subdivision 5, is amended to read:

53.22 Subd. 5. **Other state agencies.** The commissioner shall conduct background studies on
53.23 applicants and license holders under the jurisdiction of other state agencies who are required
53.24 in other statutory sections to initiate background studies under this chapter, including the
53.25 applicant's or license holder's employees, ~~contractors,~~ and volunteers when required under
53.26 other statutory sections.

53.27 Sec. 43. Minnesota Statutes 2022, section 245C.03, subdivision 5a, is amended to read:

53.28 Subd. 5a. **Facilities serving children or adults licensed or regulated by the**
53.29 **Department of Health.** (a) Except as specified in paragraph (b), the commissioner shall
53.30 conduct background studies of:

54.1 (1) individuals providing services who have direct contact, as defined under section
54.2 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes,
54.3 outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and
54.4 home care agencies licensed under chapter 144A; assisted living facilities and assisted living
54.5 facilities with dementia care licensed under chapter 144G; and board and lodging
54.6 establishments that are registered to provide supportive or health supervision services under
54.7 section 157.17;

54.8 (2) individuals specified in subdivision 2 who provide direct contact services in a nursing
54.9 home or a home care agency licensed under chapter 144A; an assisted living facility or
54.10 assisted living facility with dementia care licensed under chapter 144G; or a boarding care
54.11 home licensed under sections 144.50 to 144.58. If the individual undergoing a study resides
54.12 outside of Minnesota, the study must include a check for substantiated findings of
54.13 maltreatment of adults and children in the individual's state of residence when the state
54.14 makes the information available;

54.15 (3) all other employees in assisted living facilities or assisted living facilities with
54.16 dementia care licensed under chapter 144G, nursing homes licensed under chapter 144A,
54.17 and boarding care homes licensed under sections 144.50 to 144.58. A disqualification of
54.18 an individual in this section shall disqualify the individual from positions allowing direct
54.19 contact with or access to patients or residents receiving services. "Access" means physical
54.20 access to a client or the client's personal property without continuous, direct supervision as
54.21 defined in section 245C.02, subdivision 8, when the employee's employment responsibilities
54.22 do not include providing direct contact services;

54.23 (4) individuals employed by a supplemental nursing services agency, as defined under
54.24 section 144A.70, who are providing services in health care facilities;

54.25 (5) controlling persons of a supplemental nursing services agency, as defined by section
54.26 144A.70; and

54.27 (6) license applicants, owners, managerial officials, and controlling individuals who are
54.28 required under section 144A.476, subdivision 1, or 144G.13, subdivision 1, to undergo a
54.29 background study under this chapter, regardless of the licensure status of the license applicant,
54.30 owner, managerial official, or controlling individual.

54.31 (b) ~~The commissioner of human services shall not conduct~~ An entity shall not initiate a
54.32 background study on any individual identified in paragraph (a), clauses (1) to (5), if the
54.33 individual has a valid license issued by a health-related licensing board as defined in section
54.34 214.01, subdivision 2, and has completed the criminal background check as required in

55.1 section 214.075. An entity that is affiliated with individuals who meet the requirements of
55.2 this paragraph must separate those individuals from the entity's roster for NETStudy 2.0.
55.3 The Department of Human Services is not liable for conducting background studies that
55.4 have been submitted or not removed from the roster in violation of this provision.

55.5 (c) If a facility or program is licensed by the Department of Human Services and the
55.6 Department of Health and is subject to the background study provisions of this chapter, the
55.7 Department of Human Services is solely responsible for the background studies of individuals
55.8 in the jointly licensed program.

55.9 (d) The commissioner of health shall review and make decisions regarding reconsideration
55.10 requests, including whether to grant variances, according to the procedures and criteria in
55.11 this chapter. The commissioner of health shall inform the requesting individual and the
55.12 Department of Human Services of the commissioner of health's decision regarding the
55.13 reconsideration. The commissioner of health's decision to grant or deny a reconsideration
55.14 of a disqualification is a final administrative agency action.

55.15 Sec. 44. Minnesota Statutes 2022, section 245C.031, subdivision 1, is amended to read:

55.16 Subdivision 1. **Alternative background studies.** (a) The commissioner shall conduct
55.17 an alternative background study of individuals listed in this section.

55.18 (b) Notwithstanding other sections of this chapter, all alternative background studies
55.19 except subdivision 12 shall be conducted according to this section and with sections 299C.60
55.20 to 299C.64, including the consent and self-disclosure required in section 299C.62, subdivision
55.21 2.

55.22 (c) All terms in this section shall have the definitions provided in section 245C.02.

55.23 (d) The entity that submits an alternative background study request under this section
55.24 shall submit the request to the commissioner according to section 245C.05.

55.25 (e) The commissioner shall comply with the destruction requirements in section 245C.051.

55.26 (f) Background studies conducted under this section are subject to the provisions of
55.27 section 245C.32.

55.28 (g) The commissioner shall forward all information that the commissioner receives under
55.29 section 245C.08 to the entity that submitted the alternative background study request under
55.30 subdivision 2. The commissioner shall not make any eligibility determinations regarding
55.31 background studies conducted under this section.

56.1 Sec. 45. Minnesota Statutes 2022, section 245C.031, subdivision 4, is amended to read:

56.2 Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner**
56.3 **of health.** The commissioner shall conduct an alternative background study, including a
56.4 check of state data, and a national criminal history records check of the following individuals.
56.5 For studies under this section, the following persons shall complete a consent form and
56.6 criminal history disclosure form:

56.7 (1) An applicant for initial licensure, temporary licensure, or relicensure after a lapse in
56.8 licensure as an audiologist or speech-language pathologist or an applicant for initial
56.9 certification as a hearing instrument dispenser who must submit to a background study
56.10 under section 144.0572.

56.11 (2) An applicant for a renewal license or certificate as an audiologist, speech-language
56.12 pathologist, or hearing instrument dispenser who was licensed or obtained a certificate
56.13 before January 1, 2018.

56.14 Sec. 46. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:

56.15 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the
56.16 background study must provide the applicant, license holder, or other entity under section
56.17 245C.04 with sufficient information to ensure an accurate study, including:

56.18 (1) the individual's first, middle, and last name and all other names by which the
56.19 individual has been known;

56.20 (2) current home address, city, and state of residence;

56.21 (3) current zip code;

56.22 (4) sex;

56.23 (5) date of birth;

56.24 (6) driver's license number or state identification number or, for those without a driver's
56.25 license or state identification card, an acceptable form of identification as determined by
56.26 the commissioner; and

56.27 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of
56.28 residence for the past five years.

56.29 (b) Every subject of a background study conducted or initiated by counties or private
56.30 agencies under this chapter must also provide the home address, city, county, and state of
56.31 residence for the past five years.

57.1 (c) Every subject of a background study related to private agency adoptions or related
57.2 to child foster care licensed through a private agency, who is 18 years of age or older, shall
57.3 also provide the commissioner a signed consent for the release of any information received
57.4 from national crime information databases to the private agency that initiated the background
57.5 study.

57.6 (d) The subject of a background study shall provide fingerprints and a photograph as
57.7 required in subdivision 5.

57.8 (e) The subject of a background study shall submit a completed criminal and maltreatment
57.9 history records check consent form and criminal history disclosure form for applicable
57.10 national and state level record checks.

57.11 Sec. 47. Minnesota Statutes 2022, section 245C.05, is amended by adding a subdivision
57.12 to read:

57.13 Subd. 8. **Study submitted.** The entity with which the background study subject is seeking
57.14 affiliation shall initiate the background study in the NETStudy 2.0 system.

57.15 Sec. 48. Minnesota Statutes 2022, section 245C.07, is amended to read:

57.16 **245C.07 STUDY SUBJECT AFFILIATED WITH MULTIPLE FACILITIES.**

57.17 (a) Subject to the conditions in paragraph (d), when a license holder, applicant, or other
57.18 entity owns multiple programs or services that are licensed by the Department of Human
57.19 Services, Department of Health, or Department of Corrections, only one background study
57.20 is required for an individual who provides direct contact services in one or more of the
57.21 licensed programs or services if:

57.22 (1) the license holder designates one individual with one address and telephone number
57.23 as the person to receive sensitive background study information for the multiple licensed
57.24 programs or services that depend on the same background study; and

57.25 (2) the individual designated to receive the sensitive background study information is
57.26 capable of determining, upon request of the department, whether a background study subject
57.27 is providing direct contact services in one or more of the license holder's programs or services
57.28 and, if so, at which location or locations.

57.29 (b) When a license holder maintains background study compliance for multiple licensed
57.30 programs according to paragraph (a), and one or more of the licensed programs closes, the
57.31 license holder shall immediately notify the commissioner which staff must be transferred

58.1 to an active license so that the background studies can be electronically paired with the
58.2 license holder's active program.

58.3 (c) When a background study is being initiated by a licensed program or service or a
58.4 foster care provider that is also licensed under chapter 144G, a study subject affiliated with
58.5 multiple licensed programs or services may attach to the background study form a cover
58.6 letter indicating the additional names of the programs or services, addresses, and background
58.7 study identification numbers.

58.8 When the commissioner receives a notice, the commissioner shall notify each program
58.9 or service identified by the background study subject of the study results.

58.10 The background study notice the commissioner sends to the subsequent agencies shall
58.11 satisfy those programs' or services' responsibilities for initiating a background study on that
58.12 individual.

58.13 (d) If a background study was conducted on an individual related to child foster care
58.14 and the requirements under paragraph (a) are met, the background study is transferable
58.15 across all licensed programs. If a background study was conducted on an individual under
58.16 a license other than child foster care and the requirements under paragraph (a) are met, the
58.17 background study is transferable to all licensed programs except child foster care.

58.18 (e) The provisions of this section that allow a single background study in one or more
58.19 licensed programs or services do not apply to background studies submitted by adoption
58.20 agencies, supplemental nursing services agencies, personnel pool agencies, educational
58.21 programs, professional services agencies, temporary personnel agencies, and unlicensed
58.22 personal care provider organizations.

58.23 (f) For an entity operating under NETStudy 2.0, the entity's active roster must be the
58.24 system used to document when a background study subject is affiliated with multiple entities.
58.25 For a background study to be transferable:

58.26 (1) the background study subject must be on and moving to a roster for which the person
58.27 designated to receive sensitive background study information is the same; and

58.28 (2) the same entity must own or legally control both the roster from which the transfer
58.29 is occurring and the roster to which the transfer is occurring. For an entity that holds or
58.30 controls multiple licenses, or unlicensed personal care provider organizations, there must
58.31 be a common highest level entity that has a legally identifiable structure that can be verified
58.32 through records available from the secretary of state.

59.1 Sec. 49. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:

59.2 Subd. 4. **Temporary personnel agencies, personnel pool agencies, educational**
59.3 **programs, and professional services agencies.** The commissioner shall recover the cost
59.4 of the background studies initiated by temporary personnel agencies, personnel pool agencies,
59.5 educational programs, and professional services agencies that initiate background studies
59.6 under section 245C.03, subdivision 4, through a fee of no more than \$42 per study charged
59.7 to the agency. The fees collected under this subdivision are appropriated to the commissioner
59.8 for the purpose of conducting background studies.

59.9 Sec. 50. Minnesota Statutes 2022, section 245C.30, subdivision 2, is amended to read:

59.10 Subd. 2. **Disclosure of reason for disqualification.** (a) The commissioner may not grant
59.11 a variance for a disqualified individual unless the applicant, license-exempt child care center
59.12 certification holder, or license holder requests the variance and the disqualified individual
59.13 provides written consent for the commissioner to disclose to the applicant, license-exempt
59.14 child care center certification holder, or license holder the reason for the disqualification.

59.15 (b) This subdivision does not apply to programs licensed to provide family child care
59.16 for children, foster care for children in the provider's own home, or foster care or day care
59.17 services for adults in the provider's own home. ~~When the commissioner grants a variance~~
59.18 ~~for a disqualified individual in connection with a license to provide the services specified~~
59.19 ~~in this paragraph, the disqualified individual's consent is not required to disclose the reason~~
59.20 ~~for the disqualification to the license holder in the variance issued under subdivision 1,~~
59.21 ~~provided that the commissioner may not disclose the reason for the disqualification if the~~
59.22 ~~disqualification is based on a felony-level conviction for a drug-related offense within the~~
59.23 ~~past five years.~~

59.24 Sec. 51. Minnesota Statutes 2022, section 245C.31, subdivision 1, is amended to read:

59.25 Subdivision 1. **Board determines disciplinary or corrective action.** ~~(a)~~ The
59.26 commissioner shall notify a health-related licensing board as defined in section 214.01,
59.27 subdivision 2, if the commissioner determines that an individual who is licensed by the
59.28 health-related licensing board and who is included on the board's roster list provided in
59.29 accordance with subdivision 3a is responsible for substantiated maltreatment under section
59.30 626.557 or chapter 260E, in accordance with subdivision 2. Upon receiving notification,
59.31 the health-related licensing board shall make a determination as to whether to impose
59.32 disciplinary or corrective action under chapter 214.

60.1 ~~(b) This section does not apply to a background study of an individual regulated by a~~
 60.2 ~~health-related licensing board if the individual's study is related to child foster care, adult~~
 60.3 ~~foster care, or family child care licensure.~~

60.4 Sec. 52. Minnesota Statutes 2022, section 245C.33, subdivision 4, is amended to read:

60.5 Subd. 4. **Information commissioner reviews.** (a) The commissioner shall review the
 60.6 following information regarding the background study subject:

60.7 (1) the information under section 245C.08, subdivisions 1, 3, and 4;

60.8 (2) information from the child abuse and neglect registry for any state in which the
 60.9 subject has resided for the past five years; and

60.10 (3) information from national crime information databases, when required under section
 60.11 245C.08.

60.12 (b) The commissioner shall provide any information collected under this subdivision to
 60.13 the county or private agency that initiated the background study. The commissioner shall
 60.14 also provide the agency:

60.15 ~~(1) with a~~ notice whether the information collected shows that the subject of the
 60.16 background study has a conviction listed in United States Code, title 42, section
 60.17 671(a)(20)(A); ~~and.~~

60.18 ~~(2) for background studies conducted under subdivision 1, paragraph (a), the date of all~~
 60.19 ~~adoption-related background studies completed on the subject by the commissioner after~~
 60.20 ~~June 30, 2007, and the name of the county or private agency that initiated the adoption-related~~
 60.21 ~~background study.~~

60.22 Sec. 53. Minnesota Statutes 2022, section 245E.06, subdivision 3, is amended to read:

60.23 Subd. 3. **Appeal of department action.** A provider's rights related to the department's
 60.24 action taken under this chapter against a provider are established in sections 119B.16 ~~and,~~
 60.25 119B.161, and 119B.162.

60.26 Sec. 54. Minnesota Statutes 2022, section 245G.13, subdivision 2, is amended to read:

60.27 Subd. 2. **Staff development.** (a) A license holder must ensure that each staff member
 60.28 has the training described in this subdivision.

60.29 (b) Each staff member must be trained every two years in:

60.30 (1) client confidentiality rules and regulations and client ethical boundaries; and

61.1 (2) emergency procedures and client rights as specified in sections 144.651, 148F.165,
61.2 and 253B.03.

61.3 (c) Annually each staff member with direct contact must be trained on mandatory
61.4 reporting as specified in sections 245A.65, 626.557, and 626.5572, and chapter 260E,
61.5 including specific training covering the license holder's policies for obtaining a release of
61.6 client information.

61.7 (d) Upon employment and annually thereafter, each staff member with direct contact
61.8 must receive training on HIV minimum standards according to section 245A.19.

61.9 (e) The license holder must ensure that each mandatory reporter, as described in section
61.10 260E.06, subdivision 1, is trained on the maltreatment of minors reporting requirements
61.11 and definitions in chapter 260E before the mandatory reporter has direct contact, as defined
61.12 in section 245C.02, subdivision 11, with a person served by the program.

61.13 ~~(e)~~ (f) A treatment director, supervisor, nurse, or counselor must have a minimum of 12
61.14 hours of training in co-occurring disorders that includes competencies related to philosophy,
61.15 trauma-informed care, screening, assessment, diagnosis and person-centered treatment
61.16 planning, documentation, programming, medication, collaboration, mental health
61.17 consultation, and discharge planning. A new staff member who has not obtained the training
61.18 must complete the training within six months of employment. A staff member may request,
61.19 and the license holder may grant, credit for relevant training obtained before employment,
61.20 which must be documented in the staff member's personnel file.

61.21 **EFFECTIVE DATE.** This section is effective January 1, 2024.

61.22 Sec. 55. Minnesota Statutes 2022, section 245H.03, is amended by adding a subdivision
61.23 to read:

61.24 **Subd. 5. Notification required.** (a) A certification holder must notify the commissioner,
61.25 in a manner prescribed by the commissioner, and obtain the commissioner's approval before
61.26 making any changes:

61.27 (1) to the certification holder as defined in section 245H.01, subdivision 4;

61.28 (2) to the authorized agent as defined in section 245A.02, subdivision 3b;

61.29 (3) to the certification holder information on file with the secretary of state or Department
61.30 of Revenue;

61.31 (4) in the location of the program certified under this chapter;

61.32 (5) to the ages of children served by the program; or

62.1 (6) to the certified center's schedule including its:

62.2 (i) yearly schedule;

62.3 (ii) hours of operation; or

62.4 (iii) days of the week it is open.

62.5 (b) When, for reasons beyond the certification holder's control, a certification holder
 62.6 cannot provide the commissioner with prior notice of the changes in paragraph (a), the
 62.7 certification holder must notify the commissioner by the tenth business day after the change
 62.8 and must provide any additional information requested by the commissioner.

62.9 (c) When a certification holder notifies the commissioner of a change to the certification
 62.10 holder information on file with the secretary of state, the certification holder must provide
 62.11 documentation of the change.

62.12 (d) Upon implementation of the provider licensing and reporting hub, certification holders
 62.13 must enter and update information in the hub in a manner prescribed by the commissioner.

62.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

62.15 Sec. 56. Minnesota Statutes 2022, section 245H.05, is amended to read:

62.16 **245H.05 MONITORING AND INSPECTIONS.**

62.17 (a) The commissioner must conduct an on-site inspection of a certified license-exempt
 62.18 child care center at least ~~annually~~ once each calendar year to determine compliance with
 62.19 the health, safety, and fire standards specific to a certified license-exempt child care center.

62.20 (b) No later than November 19, 2017, the commissioner shall make publicly available
 62.21 on the department's website the results of inspection reports for all certified centers including
 62.22 the number of deaths, serious injuries, and instances of substantiated child maltreatment
 62.23 that occurred in certified centers each year.

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

62.25 Sec. 57. Minnesota Statutes 2022, section 245H.08, subdivision 4, is amended to read:

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

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

63.1 (c) For a child 33 months old through prekindergarten, a maximum group size shall be
63.2 no more than 20 children.

63.3 (d) For a child in kindergarten through 13 years old, a maximum group size shall be no
63.4 more than 30 children.

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

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

63.11 (1) the child remains eligible for child care assistance under section 119B.09, subdivision
63.12 1, paragraph (e); or

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

63.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

63.16 Sec. 58. Minnesota Statutes 2022, section 245H.08, subdivision 5, is amended to read:

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

63.18 six weeks old through 16 months old 1:4

63.19 16 months old through 33 months old 1:7

63.20 33 months old through prekindergarten 1:10

63.21 kindergarten through 13 years old 1:15

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

63.24 (c) For mixed groups, the ratio for the age group of the youngest child applies.

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

63.27 (1) the child remains eligible for child care assistance under section 119B.09, subdivision
63.28 1, paragraph (e); or

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

63.31 **EFFECTIVE DATE.** This section is effective August 1, 2023.

64.1 Sec. 59. Minnesota Statutes 2022, section 245H.13, subdivision 3, is amended to read:

64.2 Subd. 3. **Administration of medication.** (a) A certified center that chooses to administer
64.3 medicine must meet the requirements in this subdivision.

64.4 (b) The certified center must obtain written permission from the child's parent or legal
64.5 guardian before administering prescription medicine, nonprescription medicine, diapering
64.6 product, sunscreen lotion, and insect repellent.

64.7 (c) The certified center must administer nonprescription medicine, diapering product,
64.8 sunscreen lotion, and insect repellent according to the manufacturer's instructions unless
64.9 provided written instructions by a licensed health professional to use a product differently.

64.10 (d) The certified center must obtain and follow written instructions from the prescribing
64.11 health professional before administering prescription medicine. Medicine with the child's
64.12 first and last name and current prescription information on the label is considered written
64.13 instructions.

64.14 (e) The certified center must ensure all prescription and nonprescription medicine is:

64.15 (1) kept in the medicine's original container with a legible label stating the child's first
64.16 and last name;

64.17 (2) given only to the child whose name is on the label;

64.18 (3) not given after an expiration date on the label; and

64.19 (4) returned to the child's parent or legal guardian or destroyed, if unused.

64.20 (f) The certified center must document in the child's record the administration of
64.21 prescription and nonprescription medication, including the child's first and last name; the
64.22 name of the medication or prescription number; the date, time, and dosage; and the name
64.23 and signature of the person who administered the medicine. This documentation must be
64.24 available to the child's parent or legal guardian.

64.25 (g) The certified center must store prescription and nonprescription medicines, insect
64.26 repellents, and diapering products according to directions on the original container.

64.27 **EFFECTIVE DATE.** This section is effective August 1, 2023.

64.28 Sec. 60. Minnesota Statutes 2022, section 245H.13, subdivision 7, is amended to read:

64.29 Subd. 7. **Risk reduction plan.** (a) The certified center must develop a risk reduction
64.30 plan that identifies risks to children served by the child care center. The assessment of risk
64.31 must include risks presented by (1) the physical plant where the certified services are

65.1 provided, including electrical hazards; and (2) the environment, including the proximity to
 65.2 busy roads and bodies of water.

65.3 (b) The certification holder must establish policies and procedures to minimize identified
 65.4 risks. After any change to the risk reduction plan, the certification holder must inform staff
 65.5 of the change in the risk reduction plan and document that staff were informed of the change.

65.6 (c) If middle-school-age children are enrolled in the center and combined with elementary
 65.7 children, the certification holder must establish policies and procedures to ensure adequate
 65.8 supervision as defined in subdivision 10 when children are grouped together.

65.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

65.10 Sec. 61. Minnesota Statutes 2022, section 245H.13, subdivision 9, is amended to read:

65.11 Subd. 9. **Behavior guidance.** The certified center must ensure that staff and volunteers
 65.12 use positive behavior guidance and do not subject children to:

65.13 (1) corporal punishment, including but not limited to rough handling, shoving, hair
 65.14 pulling, ear pulling, shaking, slapping, kicking, biting, pinching, hitting, and spanking;

65.15 (2) humiliation;

65.16 (3) abusive language;

65.17 (4) the use of mechanical restraints, including tying;

65.18 (5) the use of physical restraints other than to physically hold a child when containment
 65.19 is necessary to protect a child or others from harm; ~~or~~

65.20 (6) prone restraints, as prohibited by section 245A.211; or

65.21 ~~(6)~~ (7) the withholding or forcing of food and other basic needs.

65.22 Sec. 62. Minnesota Statutes 2022, section 256.9685, subdivision 1a, is amended to read:

65.23 Subd. 1a. **Administrative reconsideration.** Notwithstanding section 256B.04,
 65.24 subdivision 15, the commissioner shall establish an administrative reconsideration process
 65.25 for appeals of inpatient hospital services determined to be medically unnecessary. A
 65.26 physician, advanced practice registered nurse, physician assistant, or hospital may request
 65.27 a reconsideration of the decision that inpatient hospital services are not medically necessary
 65.28 by submitting a written request for review to the commissioner within ~~30~~ 45 calendar days
 65.29 after receiving the date of the notice of the decision was mailed. The request for
 65.30 reconsideration process shall ~~take place prior to the procedures of subdivision 1b and shall~~

66.1 ~~be conducted~~ be reviewed by the at least one medical review agent that is independent of
66.2 the case under reconsideration. The medical review agent shall make a recommendation to
66.3 the commissioner. The commissioner's decision on reconsideration is final and not subject
66.4 to appeal under chapter 14.

66.5 Sec. 63. Minnesota Statutes 2022, section 256.9685, subdivision 1b, is amended to read:

66.6 Subd. 1b. **Appeal of reconsideration.** ~~Notwithstanding section 256B.72, the~~
66.7 ~~commissioner may recover inpatient hospital payments for services that have been determined~~
66.8 ~~to be medically unnecessary after the reconsideration and determinations. A physician,~~
66.9 ~~advanced practice registered nurse, physician assistant, or hospital may appeal the result of~~
66.10 ~~the reconsideration process by submitting a written request for review to the commissioner~~
66.11 ~~within 30 days after receiving notice of the action. The commissioner shall review the~~
66.12 ~~medical record and information submitted during the reconsideration process and the medical~~
66.13 ~~review agent's basis for the determination that the services were not medically necessary~~
66.14 ~~for inpatient hospital services. The commissioner shall issue an order upholding or reversing~~
66.15 ~~the decision of the reconsideration process based on the review. The commissioner's decision~~
66.16 under subdivision 1a is appealable by petition for writ of certiorari under chapter 606.

66.17 Sec. 64. Minnesota Statutes 2022, section 256.9686, is amended by adding a subdivision
66.18 to read:

66.19 Subd. 7a. **Medical review agent.** "Medical review agent" means the representative of
66.20 the commissioner who is authorized by the commissioner to administer medical record
66.21 reviews; conduct administrative reconsiderations as defined by section 256.9685, subdivision
66.22 1a; and perform other functions as stipulated in the terms of the agent's contract with the
66.23 department. Medical records reviews and administrative reconsiderations will be performed
66.24 by medical professionals within their scope of expertise, including but not limited to
66.25 physicians, physician assistants, advanced practice registered nurses, and registered nurses.
66.26 The medical professional performing the review or reconsideration must be on staff with
66.27 the medical review agent, in good standing, and licensed to practice in the state where the
66.28 medical professional resides.

66.29 Sec. 65. Minnesota Statutes 2022, section 256B.04, subdivision 15, is amended to read:

66.30 Subd. 15. **Utilization review.** (a) Establish on a statewide basis a new program to
66.31 safeguard against unnecessary or inappropriate use of medical assistance services, against
66.32 excess payments, against unnecessary or inappropriate hospital admissions or lengths of
66.33 stay, and against underutilization of services in prepaid health plans, long-term care facilities

67.1 or any health care delivery system subject to fixed rate reimbursement. In implementing
 67.2 the program, the state agency shall utilize both prepayment and postpayment review systems
 67.3 to determine if utilization is reasonable and necessary. The determination of whether services
 67.4 are reasonable and necessary shall be made by the commissioner in consultation with a
 67.5 professional services advisory group or health care consultant appointed by the commissioner.

67.6 (b) Contracts entered into for purposes of meeting the requirements of this subdivision
 67.7 shall not be subject to the set-aside provisions of chapter 16C.

67.8 (c) A recipient aggrieved by the commissioner's termination of services or denial of
 67.9 future services may appeal pursuant to section 256.045. Unless otherwise provided by law,
 67.10 a vendor aggrieved by the commissioner's determination that services provided were not
 67.11 reasonable or necessary may appeal pursuant to the contested case procedures of chapter
 67.12 14. To appeal, the vendor shall notify the commissioner in writing within 30 days of receiving
 67.13 the commissioner's notice. The appeal request shall specify each disputed item, the reason
 67.14 for the dispute, an estimate of the dollar amount involved for each disputed item, the
 67.15 computation that the vendor believes is correct, the authority in statute or rule upon which
 67.16 the vendor relies for each disputed item, the name and address of the person or firm with
 67.17 whom contacts may be made regarding the appeal, and other information required by the
 67.18 commissioner.

67.19 (d) The commissioner may select providers to provide case management services to
 67.20 recipients who use health care services inappropriately or to recipients who are eligible for
 67.21 other managed care projects. The providers shall be selected based upon criteria that may
 67.22 include a comparison with a peer group of providers related to the quality, quantity, or cost
 67.23 of health care services delivered or a review of sanctions previously imposed by health care
 67.24 services programs or the provider's professional licensing board.

67.25 Sec. 66. Minnesota Statutes 2022, section 256B.064, is amended to read:

67.26 **256B.064 SANCTIONS; MONETARY RECOVERY.**

67.27 Subdivision 1. **Terminating payments to ineligible vendors** individuals or entities. The
 67.28 commissioner may terminate payments under this chapter to any person or facility that,
 67.29 under applicable federal law or regulation, has been determined to be ineligible for payments
 67.30 under title XIX of the Social Security Act.

67.31 Subd. 1a. **Grounds for sanctions against vendors.** (a) The commissioner may impose
 67.32 sanctions against ~~a vendor of medical care~~ any individual or entity that receives payments
 67.33 from medical assistance or provides goods or services for which payment is made from

68.1 medical assistance for any of the following: (1) fraud, theft, or abuse in connection with the
68.2 provision of ~~medical care~~ goods and services to recipients of public assistance for which
68.3 payment is made from medical assistance; (2) a pattern of presentment of false or duplicate
68.4 claims or claims for services not medically necessary; (3) a pattern of making false statements
68.5 of material facts for the purpose of obtaining greater compensation than that to which the
68.6 ~~vendor~~ individual or entity is legally entitled; (4) suspension or termination as a Medicare
68.7 vendor; (5) refusal to grant the state agency access during regular business hours to examine
68.8 all records necessary to disclose the extent of services provided to program recipients and
68.9 appropriateness of claims for payment; (6) failure to repay an overpayment or a fine finally
68.10 established under this section; (7) failure to correct errors in the maintenance of health
68.11 service or financial records for which a fine was imposed or after issuance of a warning by
68.12 the commissioner; and (8) any reason for which a ~~vendor~~ an individual or entity could be
68.13 excluded from participation in the Medicare program under section 1128, 1128A, or
68.14 1866(b)(2) of the Social Security Act. For the purposes of this section, goods or services
68.15 for which payment is made from medical assistance includes but is not limited to care and
68.16 services identified in section 256B.0625 or provided pursuant to any federally approved
68.17 waiver.

68.18 (b) The commissioner may impose sanctions against a pharmacy provider for failure to
68.19 respond to a cost of dispensing survey under section 256B.0625, subdivision 13e, paragraph
68.20 (h).

68.21 Subd. 1b. **Sanctions available.** The commissioner may impose the following sanctions
68.22 for the conduct described in subdivision 1a: suspension or withholding of payments to a
68.23 ~~vendor~~ an individual or entity and suspending or terminating participation in the program,
68.24 or imposition of a fine under subdivision 2, paragraph (f). When imposing sanctions under
68.25 this section, the commissioner shall consider the nature, chronicity, or severity of the conduct
68.26 and the effect of the conduct on the health and safety of persons served by the ~~vendor~~
68.27 individual or entity. The commissioner shall suspend a ~~vendor's~~ an individual's or entity's
68.28 participation in the program for a minimum of five years if the ~~vendor~~ individual or entity
68.29 is convicted of a crime, received a stay of adjudication, or entered a court-ordered diversion
68.30 program for an offense related to a provision of a health service under medical assistance,
68.31 including a federally approved waiver, or health care fraud. Regardless of imposition of
68.32 sanctions, the commissioner may make a referral to the appropriate state licensing board.

68.33 Subd. 1c. **Grounds for and methods of monetary recovery.** (a) The commissioner
68.34 may obtain monetary recovery from a ~~vendor who~~ an individual or entity that has been
68.35 improperly paid by the department either as a result of conduct described in subdivision 1a

69.1 or as a result of ~~a vendor or department~~ an error by the individual or entity submitting the
 69.2 claim or by the department, regardless of whether the error was intentional. Patterns need
 69.3 not be proven as a precondition to monetary recovery of erroneous or false claims, duplicate
 69.4 claims, claims for services not medically necessary, or claims based on false statements.

69.5 (b) The commissioner may obtain monetary recovery using methods including but not
 69.6 limited to the following: assessing and recovering money improperly paid and debiting from
 69.7 future payments any money improperly paid. The commissioner shall charge interest on
 69.8 money to be recovered if the recovery is to be made by installment payments or debits,
 69.9 except when the monetary recovery is of an overpayment that resulted from a department
 69.10 error. The interest charged shall be the rate established by the commissioner of revenue
 69.11 under section 270C.40.

69.12 Subd. 1d. **Investigative costs.** The commissioner may seek recovery of investigative
 69.13 costs from any ~~vendor of medical care or services who~~ individual or entity that willfully
 69.14 submits a claim for reimbursement for services that the ~~vendor~~ individual or entity knows,
 69.15 or reasonably should have known, is a false representation and that results in the payment
 69.16 of public funds for which the ~~vendor~~ individual or entity is ineligible. Billing errors that
 69.17 result in unintentional overcharges shall not be grounds for investigative cost recoupment.

69.18 Subd. 2. **Imposition of monetary recovery and sanctions.** (a) The commissioner shall
 69.19 determine any monetary amounts to be recovered and sanctions to be imposed upon ~~a vendor~~
 69.20 ~~of medical care~~ an individual or entity under this section. Except as provided in paragraphs
 69.21 (b) and (d), neither a monetary recovery nor a sanction will be imposed by the commissioner
 69.22 without prior notice and an opportunity for a hearing, according to chapter 14, on the
 69.23 commissioner's proposed action, provided that the commissioner may suspend or reduce
 69.24 payment to ~~a vendor of medical care~~ an individual or entity, except a nursing home or
 69.25 convalescent care facility, after notice and prior to the hearing if in the commissioner's
 69.26 opinion that action is necessary to protect the public welfare and the interests of the program.

69.27 (b) Except when the commissioner finds good cause not to suspend payments under
 69.28 Code of Federal Regulations, title 42, section 455.23 (e) or (f), the commissioner shall
 69.29 withhold or reduce payments to ~~a vendor of medical care~~ an individual or entity without
 69.30 providing advance notice of such withholding or reduction if either of the following occurs:

69.31 (1) the ~~vendor~~ individual or entity is convicted of a crime involving the conduct described
 69.32 in subdivision 1a; or

69.33 (2) the commissioner determines there is a credible allegation of fraud for which an
 69.34 investigation is pending under the program. Allegations are considered credible when they

70.1 have an indicium of reliability and the state agency has reviewed all allegations, facts, and
 70.2 evidence carefully and acts judiciously on a case-by-case basis. A credible allegation of
 70.3 fraud is an allegation which has been verified by the state, from any source, including but
 70.4 not limited to:

70.5 (i) fraud hotline complaints;

70.6 (ii) claims data mining; and

70.7 (iii) patterns identified through provider audits, civil false claims cases, and law
 70.8 enforcement investigations.

70.9 ~~Allegations are considered to be credible when they have an indicia of reliability and~~
 70.10 ~~the state agency has reviewed all allegations, facts, and evidence carefully and acts~~
 70.11 ~~judiciously on a case-by-case basis.~~

70.12 (c) The commissioner must send notice of the withholding or reduction of payments
 70.13 under paragraph (b) within five days of taking such action unless requested in writing by a
 70.14 law enforcement agency to temporarily withhold the notice. The notice must:

70.15 (1) state that payments are being withheld according to paragraph (b);

70.16 (2) set forth the general allegations as to the nature of the withholding action, but need
 70.17 not disclose any specific information concerning an ongoing investigation;

70.18 (3) except in the case of a conviction for conduct described in subdivision 1a, state that
 70.19 the withholding is for a temporary period and cite the circumstances under which withholding
 70.20 will be terminated;

70.21 (4) identify the types of claims to which the withholding applies; and

70.22 (5) inform the ~~vendor~~ individual or entity of the right to submit written evidence for
 70.23 consideration by the commissioner.

70.24 (d) The withholding or reduction of payments will not continue after the commissioner
 70.25 determines there is insufficient evidence of fraud by the ~~vendor~~ individual or entity, or after
 70.26 legal proceedings relating to the alleged fraud are completed, unless the commissioner has
 70.27 sent notice of intention to impose monetary recovery or sanctions under paragraph (a). Upon
 70.28 conviction for a crime related to the provision, management, or administration of a health
 70.29 service under medical assistance, a payment held pursuant to this section by the commissioner
 70.30 or a managed care organization that contracts with the commissioner under section 256B.035
 70.31 is forfeited to the commissioner or managed care organization, regardless of the amount
 70.32 charged in the criminal complaint or the amount of criminal restitution ordered.

71.1 ~~(d)~~ (e) The commissioner shall suspend or terminate ~~a vendor's~~ an individual's or entity's
 71.2 participation in the program without providing advance notice and an opportunity for a
 71.3 hearing when the suspension or termination is required because of the ~~vendor's~~ individual's
 71.4 or entity's exclusion from participation in Medicare. Within five days of taking such action,
 71.5 the commissioner must send notice of the suspension or termination. The notice must:

71.6 (1) state that suspension or termination is the result of the ~~vendor's~~ individual's or entity's
 71.7 exclusion from Medicare;

71.8 (2) identify the effective date of the suspension or termination; and

71.9 (3) inform the ~~vendor~~ individual or entity of the need to be reinstated to Medicare before
 71.10 reapplying for participation in the program.

71.11 ~~(e)~~ (f) Upon receipt of a notice under paragraph (a) that a monetary recovery or sanction
 71.12 is to be imposed, ~~a vendor~~ an individual or entity may request a contested case, as defined
 71.13 in section 14.02, subdivision 3, by filing with the commissioner a written request of appeal.
 71.14 The appeal request must be received by the commissioner no later than 30 days after the
 71.15 date the notification of monetary recovery or sanction was mailed to the ~~vendor~~ individual
 71.16 or entity. The appeal request must specify:

71.17 (1) each disputed item, the reason for the dispute, and an estimate of the dollar amount
 71.18 involved for each disputed item;

71.19 (2) the computation that the ~~vendor~~ individual or entity believes is correct;

71.20 (3) the authority in statute or rule upon which the ~~vendor~~ individual or entity relies for
 71.21 each disputed item;

71.22 (4) the name and address of the person or entity with whom contacts may be made
 71.23 regarding the appeal; and

71.24 (5) other information required by the commissioner.

71.25 ~~(f)~~ (g) The commissioner may order ~~a vendor~~ an individual or entity to forfeit a fine for
 71.26 failure to fully document services according to standards in this chapter and Minnesota
 71.27 Rules, chapter 9505. The commissioner may assess fines if specific required components
 71.28 of documentation are missing. The fine for incomplete documentation shall equal 20 percent
 71.29 of the amount paid on the claims for reimbursement submitted by the ~~vendor~~ individual or
 71.30 entity, or up to \$5,000, whichever is less. If the commissioner determines that ~~a vendor~~ an
 71.31 individual or entity repeatedly violated this chapter, chapter 254B or 245G, or Minnesota
 71.32 Rules, chapter 9505, related to the provision of services to program recipients and the
 71.33 submission of claims for payment, the commissioner may order ~~a vendor~~ an individual or

72.1 entity to forfeit a fine based on the nature, severity, and chronicity of the violations, in an
 72.2 amount of up to \$5,000 or 20 percent of the value of the claims, whichever is greater. The
 72.3 commissioner may issue fines under this paragraph in place of or in addition to full monetary
 72.4 recovery of the value of the claims submitted under subdivision 1c.

72.5 ~~(g)~~ (h) The ~~vendor~~ individual or entity shall pay the fine assessed on or before the
 72.6 payment date specified. If the ~~vendor~~ individual or entity fails to pay the fine, the
 72.7 commissioner may withhold or reduce payments and recover the amount of the fine. A
 72.8 timely appeal shall stay payment of the fine until the commissioner issues a final order.

72.9 Subd. 3. ~~Vendor~~ **Mandates on prohibited payments.** (a) The commissioner shall
 72.10 maintain and publish a list of each excluded individual and entity that was convicted of a
 72.11 crime related to the provision, management, or administration of a medical assistance health
 72.12 service, or suspended or terminated under subdivision 2. Medical assistance payments cannot
 72.13 be made by ~~a vendor~~ an individual or entity for items or services furnished either directly
 72.14 or indirectly by an excluded individual or entity, or at the direction of excluded individuals
 72.15 or entities.

72.16 (b) The ~~vendor~~ entity must check the exclusion list on a monthly basis and document
 72.17 the date and time the exclusion list was checked and the name and title of the person who
 72.18 checked the exclusion list. The ~~vendor~~ entity must immediately terminate payments to an
 72.19 individual or entity on the exclusion list.

72.20 (c) ~~A vendor's~~ An entity's requirement to check the exclusion list and to terminate
 72.21 payments to individuals or entities on the exclusion list applies to each individual or entity
 72.22 on the exclusion list, even if the named individual or entity is not responsible for direct
 72.23 patient care or direct submission of a claim to medical assistance.

72.24 (d) ~~A vendor~~ An entity that pays medical assistance program funds to an individual or
 72.25 entity on the exclusion list must refund any payment related to either items or services
 72.26 rendered by an individual or entity on the exclusion list from the date the individual or entity
 72.27 is first paid or the date the individual or entity is placed on the exclusion list, whichever is
 72.28 later, and ~~a vendor~~ an entity may be subject to:

72.29 (1) sanctions under subdivision 2;

72.30 (2) a civil monetary penalty of up to \$25,000 for each determination by the department
 72.31 that the vendor employed or contracted with an individual or entity on the exclusion list;
 72.32 and

72.33 (3) other fines or penalties allowed by law.

73.1 Subd. 4. **Notice.** (a) The department shall serve the notice required under subdivision 2
 73.2 ~~shall be served~~ by certified mail at the address submitted to the department by the ~~vendor~~
 73.3 individual or entity. Service is complete upon mailing. ~~The commissioner shall place an~~
 73.4 ~~affidavit of the certified mailing in the vendor's file as an indication of the address and the~~
 73.5 ~~date of mailing.~~

73.6 (b) The department shall give notice in writing to a recipient placed in the Minnesota
 73.7 restricted recipient program under section 256B.0646 and Minnesota Rules, part 9505.2200.
 73.8 The department shall send the notice ~~shall be sent~~ by first class mail to the recipient's current
 73.9 address on file with the department. A recipient placed in the Minnesota restricted recipient
 73.10 program may contest the placement by submitting a written request for a hearing to the
 73.11 department within 90 days of the notice being mailed.

73.12 Subd. 5. **Immunity; good faith reporters.** (a) A person who makes a good faith report
 73.13 is immune from any civil or criminal liability that might otherwise arise from reporting or
 73.14 participating in the investigation. Nothing in this subdivision affects ~~a vendor's~~ an individual's
 73.15 or entity's responsibility for an overpayment established under this subdivision.

73.16 (b) A person employed by a lead investigative agency who is conducting or supervising
 73.17 an investigation or enforcing the law according to the applicable law or rule is immune from
 73.18 any civil or criminal liability that might otherwise arise from the person's actions, if the
 73.19 person is acting in good faith and exercising due care.

73.20 (c) For purposes of this subdivision, "person" includes a natural person or any form of
 73.21 a business or legal entity.

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

73.29 Sec. 67. Minnesota Statutes 2022, section 256B.27, subdivision 3, is amended to read:

73.30 Subd. 3. **Access to medical records.** The commissioner of human services, with the
 73.31 written consent of the recipient, on file with the local welfare agency, shall be allowed
 73.32 access in the manner and within the time prescribed by the commissioner to all personal
 73.33 medical records of medical assistance recipients solely for the purposes of investigating

74.1 whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a
 74.2 cost report or a rate application which is duplicative, erroneous, or false in whole or in part,
 74.3 or which results in the vendor obtaining greater compensation than the vendor is legally
 74.4 entitled to; or (b) the medical care was medically necessary. When the commissioner is
 74.5 investigating a possible overpayment of Medicaid funds, the commissioner must be given
 74.6 immediate access without prior notice to the vendor's office during regular business hours
 74.7 and to documentation and records related to services provided and submission of claims
 74.8 for services provided. The department shall document in writing the need for immediate
 74.9 access to records related to a specific investigation. Denying the commissioner access to
 74.10 records is cause for the vendor's immediate suspension of payment or termination according
 74.11 to section 256B.064. Any records not provided to the commissioner at the date and time of
 74.12 the request are inadmissible if offered as evidence by the provider in any proceeding to
 74.13 contest sanctions against or monetary recovery from the provider. The determination of
 74.14 provision of services not medically necessary shall be made by the commissioner.
 74.15 Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject
 74.16 to any civil or criminal liability for providing access to medical records to the commissioner
 74.17 of human services pursuant to this section.

74.18 Sec. 68. Minnesota Statutes 2022, section 524.5-118, subdivision 2a, is amended to read:

74.19 Subd. 2a. **Procedure; state licensing agency data.** (a) The court shall request the
 74.20 commissioner of human services to provide the court within 25 working days of receipt of
 74.21 the request with licensing agency data for licenses directly related to the responsibilities of
 74.22 a professional fiduciary if the study subject indicates current or prior affiliation from the
 74.23 following agencies in Minnesota:

74.24 (1) Lawyers Responsibility Board;

74.25 (2) State Board of Accountancy;

74.26 (3) Board of Social Work;

74.27 (4) Board of Psychology;

74.28 (5) Board of Nursing;

74.29 (6) Board of Medical Practice;

74.30 ~~(7) Department of Education;~~

74.31 ~~(8) (7) Department of Commerce;~~

74.32 ~~(9) (8) Board of Chiropractic Examiners;~~

75.1 ~~(10)~~ (9) Board of Dentistry;

75.2 ~~(11)~~ (10) Board of Marriage and Family Therapy;

75.3 ~~(12)~~ (11) Department of Human Services;

75.4 ~~(13)~~ (12) Peace Officer Standards and Training (POST) Board; and

75.5 ~~(14)~~ (13) Professional Educator Licensing and Standards Board.

75.6 (b) The commissioner shall enter into agreements with these agencies to provide the
75.7 commissioner with electronic access to the relevant licensing data, and to provide the
75.8 commissioner with a quarterly list of new sanctions issued by the agency.

75.9 (c) The commissioner shall provide to the court the electronically available data
75.10 maintained in the agency's database, including whether the proposed guardian or conservator
75.11 is or has been licensed by the agency, and if the licensing agency database indicates a
75.12 disciplinary action or a sanction against the individual's license, including a condition,
75.13 suspension, revocation, or cancellation.

75.14 (d) If the proposed guardian or conservator has resided in a state other than Minnesota
75.15 in the previous ten years, licensing agency data under this section shall also include the
75.16 licensing agency data from any other state where the proposed guardian or conservator
75.17 reported to have resided during the previous ten years if the study subject indicates current
75.18 or prior affiliation. If the proposed guardian or conservator has or has had a professional
75.19 license in another state that is directly related to the responsibilities of a professional fiduciary
75.20 from one of the agencies listed under paragraph (a), state licensing agency data shall also
75.21 include data from the relevant licensing agency of that state.

75.22 (e) The commissioner is not required to repeat a search for Minnesota or out-of-state
75.23 licensing data on an individual if the commissioner has provided this information to the
75.24 court within the prior five years.

75.25 (f) The commissioner shall review the information in paragraph (c) at least once every
75.26 four months to determine if an individual who has been studied within the previous five
75.27 years:

75.28 (1) has new disciplinary action or sanction against the individual's license; or

75.29 (2) did not disclose a prior or current affiliation with a Minnesota licensing agency.

75.30 (g) If the commissioner's review in paragraph (f) identifies new information, the
75.31 commissioner shall provide any new information to the court.

76.1 Sec. 69. **REVISOR INSTRUCTION.**

76.2 The revisor of statutes shall renumber the subdivisions in Minnesota Statutes, section
 76.3 245C.02, in alphabetical order and correct any cross-reference changes that result.

76.4 Sec. 70. **REPEALER.**

76.5 (a) Minnesota Statutes 2022, sections 245A.22; 245C.02, subdivision 9; 245C.301; and
 76.6 256.9685, subdivisions 1c and 1d, are repealed.

76.7 (b) Minnesota Rules, parts 9505.0505, subpart 18; and 9505.0520, subpart 9b, are
 76.8 repealed.

76.9 (c) Minnesota Statutes 2022, sections 245A.144; and 245A.175, are repealed.

76.10 (d) Minnesota Rules, parts 2960.3070; 2960.3210; and 9502.0425, subparts 5 and 10,
 76.11 are repealed.

76.12 **EFFECTIVE DATE.** Paragraphs (a) and (b) are effective the day following final
 76.13 enactment. Paragraphs (c) and (d) are effective January 1, 2024.

76.14 **ARTICLE 2**

76.15 **CHILDREN AND FAMILY SERVICES**

76.16 Section 1. Minnesota Statutes 2022, section 256N.24, subdivision 12, is amended to read:

76.17 Subd. 12. **Approval of initial assessments, special assessments, and reassessments.** (a)
 76.18 Any agency completing initial assessments, special assessments, or reassessments must
 76.19 designate one or more supervisors or other staff to examine and approve assessments
 76.20 completed by others in the agency under subdivision 2. The person approving an assessment
 76.21 must not be the case manager or staff member completing that assessment.

76.22 (b) In cases where a special assessment or reassessment for Northstar kinship assistance
 76.23 and adoption assistance is required under subdivision 8 or 11, the commissioner shall review
 76.24 and approve the assessment as part of the eligibility determination process outlined in section
 76.25 256N.22, subdivision 7, for Northstar kinship assistance, or section 256N.23, subdivision
 76.26 7, for adoption assistance. The assessment determines the maximum of the negotiated
 76.27 agreement amount under section 256N.25.

76.28 (c) The effective date of the new rate is effective the calendar month that the assessment
 76.29 is approved, or the effective date of the agreement, whichever is later. determined as follows:

77.1 (1) for initial assessments of children in foster care, the new rate is effective based on
77.2 the emergency foster care rate for initial placement pursuant to section 256N.26, subdivision
77.3 6;

77.4 (2) for special assessments, the new rate is effective the date of the finalized adoption
77.5 decree or the date of the court order that transfers permanent legal and physical custody to
77.6 a relative;

77.7 (3) for postpermanency reassessments, the new rate is effective the date that the
77.8 commissioner signs the amendment to the Northstar Adoption Assistance or Northstar
77.9 Kinship Assistance benefit agreement.

77.10 Sec. 2. Minnesota Statutes 2022, section 260C.221, subdivision 1, is amended to read:

77.11 Subdivision 1. **Relative search requirements.** (a) The responsible social services agency
77.12 shall exercise due diligence to identify and notify adult relatives, as defined in section
77.13 260C.007, subdivision 27, and current caregivers of a child's sibling, prior to placement or
77.14 within 30 days after the child's removal from the parent, regardless of whether a child is
77.15 placed in a relative's home, as required under subdivision 2. The relative search required
77.16 by this section shall be comprehensive in scope.

77.17 (b) The relative search required by this section shall include both maternal and paternal
77.18 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
77.19 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
77.20 to the exceptions due to family violence in subdivision 5, paragraph (b). The search shall
77.21 also include getting information from the child in an age-appropriate manner about who the
77.22 child considers to be family members and important friends with whom the child has resided
77.23 or had significant contact. The relative search required under this section must fulfill the
77.24 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
77.25 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
77.26 meet placement preferences under United States Code, title 25, section 1915.

77.27 (c) The responsible social services agency has a continuing responsibility to search for
77.28 and identify relatives of a child and send the notice to relatives that is required under
77.29 subdivision 2, unless the court has relieved the agency of this duty under subdivision 5,
77.30 paragraph (e).

78.1 Sec. 3. Minnesota Statutes 2022, section 260C.317, subdivision 3, is amended to read:

78.2 Subd. 3. **Order; retention of jurisdiction.** (a) A certified copy of the findings and the
78.3 order terminating parental rights, and a summary of the court's information concerning the
78.4 child shall be furnished by the court to the commissioner or the agency to which guardianship
78.5 is transferred.

78.6 (b) The orders shall be on a document separate from the findings. The court shall furnish
78.7 the guardian a copy of the order terminating parental rights.

78.8 (c) When the court orders guardianship pursuant to this section, the guardian ad litem
78.9 and counsel for the child shall continue on the case until an adoption decree is entered. An
78.10 in-court appearance hearing must be held every 90 days following termination of parental
78.11 rights for the court to review progress toward an adoptive placement and the specific
78.12 recruitment efforts the agency has taken to find an adoptive family for the child and to
78.13 finalize the adoption or other permanency plan. Review of the progress toward adoption of
78.14 a child under guardianship of the commissioner of human services shall be conducted
78.15 according to section 260C.607.

78.16 (d) Upon terminating parental rights or upon a parent's consent to adoption under
78.17 ~~Minnesota Statutes 2010, section 260C.201, subdivision 11, or section 260C.515, subdivision~~
78.18 ~~5 3~~, resulting in an order for guardianship to the commissioner of human services, the court
78.19 shall retain jurisdiction:

78.20 (1) until the child is adopted;

78.21 (2) through the child's minority; or

78.22 (3) as long as the child continues in or reenters foster care, until the individual becomes
78.23 21 years of age according to sections 260C.193, subdivision 6, and 260C.451.

78.24 Sec. 4. Minnesota Statutes 2022, section 518A.43, subdivision 1b, is amended to read:

78.25 Subd. 1b. **Increase in income of custodial parent.** In a modification of support under
78.26 section 518A.39, the court may deviate from the presumptive child support obligation under
78.27 section 518A.34 when the only change in circumstances is an increase to the custodial
78.28 parent's income and:

78.29 ~~(1) the basic support increases;~~

78.30 ~~(2) the parties' combined gross income is \$6,000 or less; or~~

78.31 ~~(3) the obligor's income is \$2,000 or less.~~

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

79.2 Sec. 5. **REPEALER.**

79.3 Minnesota Statutes 2022, sections 256D.63, subdivision 1; and 518A.59, are repealed.

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

245A.144 TRAINING ON RISK OF SUDDEN UNEXPECTED INFANT DEATH AND ABUSIVE HEAD TRAUMA FOR CHILD FOSTER CARE PROVIDERS.

(a) Licensed child foster care providers that care for infants or children through five years of age must document that before staff persons and caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children. This section does not apply to emergency relative placement under section 245A.035. The training on reducing the risk of sudden unexpected infant death and abusive head trauma may be provided as:

(1) orientation training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 1; or

(2) in-service training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 2.

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden unexpected infant death and abusive head trauma, means of reducing the risk of sudden unexpected infant death and abusive head trauma, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death and abusive head trauma.

(c) Training for child foster care providers must be approved by the county or private licensing agency that is responsible for monitoring the child foster care provider under section 245A.16. The approved training fulfills, in part, training required under Minnesota Rules, part 2960.3070.

245A.175 CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.

Prior to a nonemergency placement of a child in a foster care home, the child foster care license holder and caregivers in foster family and treatment foster care settings, and all staff providing care in foster residence settings must complete two hours of training that addresses the causes, symptoms, and key warning signs of mental health disorders; cultural considerations; and effective approaches for dealing with a child's behaviors. At least one hour of the annual training requirement for the foster family license holder and caregivers, and foster residence staff must be on children's mental health issues and treatment. Except for providers and services under chapter 245D, the annual training must also include at least one hour of training on fetal alcohol spectrum disorders, which must be counted toward the 12 hours of required in-service training per year. Short-term substitute caregivers are exempt from these requirements. Training curriculum shall be approved by the commissioner of human services.

245A.22 INDEPENDENT LIVING ASSISTANCE FOR YOUTH.

Subdivision 1. **Independent living assistance for youth.** "Independent living assistance for youth" means a nonresidential program that provides a system of services that includes training, counseling, instruction, supervision, and assistance provided to youth according to the youth's independent living plan, when the placements in the program are made by the county agency. Services may include assistance in locating housing, budgeting, meal preparation, shopping, personal appearance, counseling, and related social support services needed to meet the youth's needs and improve the youth's ability to conduct such tasks independently. Such services shall not extend to youths needing 24-hour per day supervision and services. Youths needing a 24-hour per day program of supervision and services shall not be accepted or retained in an independent living assistance program.

Subd. 2. **Admission.** (a) The license holder shall accept as clients in the independent living assistance program only youth ages 16 to 21 who are in out-of-home placement, leaving out-of-home placement, at risk of becoming homeless, or homeless.

(b) Youth who have current drug or alcohol problems, a recent history of violent behaviors, or a mental health disorder or issue that is not being resolved through counseling or treatment are not eligible to receive the services described in subdivision 1.

(c) Youth who are not employed, participating in employment training, or enrolled in an academic program are not eligible to receive transitional housing or independent living assistance.

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

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Subd. 3. **Independent living plan.** (a) Unless an independent living plan has been developed by the local agency, the license holder shall develop a plan based on the client's individual needs that specifies objectives for the client. The services provided shall include those specified in this section. The plan shall identify the persons responsible for implementation of each part of the plan. The plan shall be reviewed as necessary, but at least annually.

(b) The following services, or adequate access to referrals for the following services, must be made available to the targeted youth participating in the programs described in subdivision 1:

(1) counseling services for the youth and their families, if appropriate, on site, to help with problems that contributed to the homelessness or could impede making the transition to independent living;

(2) educational, vocational, or employment services;

(3) health care;

(4) transportation services including, where appropriate, assisting the child in obtaining a driver's license;

(5) money management skills training;

(6) planning for ongoing housing;

(7) social and recreational skills training; and

(8) assistance establishing and maintaining connections with the child's family and community.

Subd. 4. **Records.** (a) The license holder shall maintain a record for each client.

(b) For each client the record maintained by the license holder shall document the following:

(1) admission information;

(2) the independent living plan;

(3) delivery of the services required of the license holder in the independent living plan;

(4) the client's progress toward obtaining the objectives identified in the independent living plan; and

(5) a termination summary after service is terminated.

(c) If the license holder manages the client's money, the record maintained by the license holder shall also include the following:

(1) written permission from the client or the client's legal guardian to manage the client's money;

(2) the reasons the license holder is to manage the client's money; and

(3) a complete record of the use of the client's money and reconciliation of the account.

Subd. 5. **Service termination plan.** The license holder, in conjunction with the county agency, shall establish a service termination plan that specifies how independent living assistance services will be terminated and the actions to be performed by the involved agencies, including necessary referrals for other ongoing services.

Subd. 6. **Place of residence provided by program.** When a client's place of residence is provided by the license holder as part of the independent living assistance program, the place of residence is not subject to separate licensure.

Subd. 7. **General licensing requirements apply.** In addition to the requirements of this section, providers of independent living assistance are subject to general licensing requirements of this chapter.

245C.02 DEFINITIONS.

Subd. 9. **Contractor.** "Contractor" means any individual, regardless of employer, who is providing program services for hire under the control of the provider.

245C.301 NOTIFICATION OF SET-ASIDE OR VARIANCE.

(a) Except as provided under paragraphs (b) and (c), if required by the commissioner, family child care providers and child care centers must provide a written notification to parents considering

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enrollment of a child or parents of a child attending the family child care or child care center if the program employs or has living in the home any individual who is the subject of either a set-aside or variance.

(b) Notwithstanding paragraph (a), family child care license holders are not required to disclose that the program has an individual living in the home who is the subject of a set-aside or variance if:

- (1) the household member resides in the residence where the family child care is provided;
- (2) the subject of the set-aside or variance is under the age of 18 years; and
- (3) the set-aside or variance relates to a disqualification under section 245C.15, subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

(c) The notice specified in paragraph (a) is not required when the period of disqualification in section 245C.15, subdivisions 2 to 4, has been exceeded.

256.9685 ESTABLISHMENT OF INPATIENT HOSPITAL PAYMENT SYSTEM.

Subd. 1c. **Judicial review.** A hospital, physician, advanced practice registered nurse, or physician assistant aggrieved by an order of the commissioner under subdivision 1b may appeal the order to the district court of the county in which the physician, advanced practice registered nurse, physician assistant, or hospital is located by:

- (1) serving a written copy of a notice of appeal upon the commissioner within 30 days after the date the commissioner issued the order; and
- (2) filing the original notice of appeal and proof of service with the court administrator of the district court. The appeal shall be treated as a dispositive motion under the Minnesota General Rules of Practice, rule 115. The district court scope of review shall be as set forth in section 14.69.

Subd. 1d. **Transmittal of record.** Within 30 days after being served with the notice of appeal, the commissioner shall transmit to the district court the original or certified copy of the entire record considered by the commissioner in making the final agency decision. The district court shall not consider evidence that was not included in the record before the commissioner.

256D.63 EXPIRATION OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS AND REPORTING REQUIREMENTS.

Subdivision 1. **Expiration of SNAP benefits.** Supplemental Nutrition Assistance Program (SNAP) benefits shall not be stored off line or expunged from a recipient's account unless the benefits have not been accessed for 12 months after the month they were issued.

518A.59 NOTICE OF INTEREST ON LATE CHILD SUPPORT.

Any judgment or decree of dissolution or legal separation containing a requirement of child support and any determination of parentage, order under chapter 518C, order under section 256.87, or order under section 260B.331 or 260C.331 must include a notice to the parties that section 548.091, subdivision 1a, provides for interest to begin accruing on a payment or installment of child support whenever the unpaid amount due is greater than the current support due.

2960.3070 FOSTER PARENT TRAINING.

Subpart 1. **Orientation.** A nonrelative foster parent must complete a minimum of six hours of orientation before admitting a foster child. Orientation is required for relative foster parents who will be licensed as a child's foster parents. Orientation for relatives must be completed within 30 days following the initial placement. The foster parent's orientation must include items A to E:

A. emergency procedures, including evacuation routes, emergency telephone numbers, severe storm and tornado procedures, and location of alarms and equipment;

B. relevant laws and rules, including, but not limited to, chapter 9560 and Minnesota Statutes, chapters 245A, 260, 260C, and 260E, and legal issues and reporting requirements;

C. cultural diversity, gender sensitivity, culturally specific services, cultural competence, and information about discrimination and racial bias issues to ensure that caregivers will be culturally competent to care for foster children according to Minnesota Statutes, section 260C.212, subdivision 11;

D. information about the role and responsibilities of the foster parent in the development and implementation of the case plan and in court and administrative reviews of the child's placement; and

E. requirements of the licensing agency.

Subp. 2. **In-service training.** Each foster parent must complete a minimum of 12 hours of training per year in one or more of the areas in this subpart or in other areas as agreed upon by the licensing agency and the foster parent. If the foster parent has not completed the required annual training at the time of relicensure and does not show good cause why the training was not completed, the foster parent may not accept new foster children until the training is completed. The nonexclusive list of topics in items A to Z provides examples of in-service training topics that could be useful to a foster parent:

A. cultural competence and transcultural placements;

B. adoption and permanency;

C. crisis intervention, including suicide prevention;

D. sexual offender behaviors;

E. children's psychological, spiritual, cultural, sexual, emotional, intellectual, and social development;

F. legal issues including liability;

G. foster family relationships with placing agencies and other service providers;

H. first aid and life-sustaining treatment such as cardiopulmonary resuscitation;

I. preparing foster children for independent living;

J. parenting children who suffered physical, emotional, or sexual abuse or domestic violence;

K. chemical dependency, and signs or symptoms of alcohol and drug abuse;

L. mental health and emotional disturbance issues;

M. Americans with Disabilities Act and Individuals With Disabilities Education Act;

N. caring for children with disabilities and disability-related issues regarding developmental disabilities, emotional and behavioral disorders, and specific learning disabilities;

- O. privacy issues of foster children;
- P. physical and nonphysical behavior guidance, crisis de-escalation, and discipline techniques, including how to handle aggression for specific age groups and specific issues such as developmental disabilities, chemical dependency, emotional disturbances, learning disabilities, and past abuse;
- Q. birth families and reunification;
- R. effects of foster care on foster families;
- S. home safety;
- T. emergency procedures;
- U. child and family wellness;
- V. sexual orientation;
- W. disability bias and discrimination;
- X. management of sexual perpetration, violence, bullying, and exploitative behaviors;
- Y. medical technology-dependent or medically fragile conditions; and
- Z. separation, loss, and attachment.

Subp. 3. **Medical equipment training.** Foster parents who care for children who rely on medical equipment to sustain life or monitor a medical condition must meet the requirements of Minnesota Statutes, section 245A.155.

2960.3210 STAFF TRAINING REQUIREMENTS.

Subpart 1. **Orientation.** The license holder must ensure that all staff attend and successfully complete at least six hours of orientation training before having unsupervised contact with foster children. The number of hours of orientation training are not counted as part of the hours of annual training. Orientation training must include at least the topics in items A to F:

- A. emergency procedures, including evacuation routes, emergency telephone numbers, severe storm and tornado procedures, and location of facility alarms and equipment;
- B. relevant statutes and administrative rules and legal issues, including reporting requirements for abuse and neglect specified in Minnesota Statutes, chapter 260E and section 626.557, and other reporting requirements based on the ages of the children;
- C. cultural diversity and gender sensitivity, culturally specific services, and information about discrimination and racial bias issues to ensure that caregivers have cultural sensitivity and will be culturally competent to care for children according to Minnesota Statutes, section 260C.212, subdivision 11;
- D. general and special needs, including disability needs, of children and families served;
- E. operational policies and procedures of the license holder; and
- F. data practices regulations and issues.

Subp. 2. **Personnel training.** The license holder must provide training for staff that is modified annually to meet the current needs of individual staff persons. The license holder must develop an annual training plan for employees that addresses items A to C.

A. Full-time and part-time direct care staff and volunteers must have sufficient training to accomplish their duties. To determine the type and amount of training an employee needs, the license holder must consider the foster care program's target population, services the program delivers, and outcomes expected from the services, as well as the employee's

position description, tasks to be performed, and the performance indicators for the position. The license holder and staff who care for children who rely on medical equipment to sustain life or monitor a medical condition must meet the requirements of Minnesota Statutes, section 245A.155.

B. Full-time staff who have direct contact with children must complete at least 18 hours of in-service training per year. One-half of the training must be skill development training. Other foster home staff and volunteers must complete in-service training requirements consistent with their duties.

C. Part-time direct care staff must receive sufficient training to competently care for children. The amount of training must be provided at least at a ratio of one hour of training for each 60 hours worked, up to 18 hours of training per part-time employee per year.

Subp. 3. **Documentation of training.** The license holder must document the date and number of hours of orientation and in-service training completed by each staff person in each topic area and the name of the entity that provided the training.

9502.0425 PHYSICAL ENVIRONMENT.

Subp. 5. **Occupancy separations.** Day care residences with an attached garage must have a self-closing, tight fitting solid wood bonded core door at least 1-3/8 inch thick, or door with a fire protection rating of 20 minutes or greater and a separation wall consisting of 5/8 inch thick gypsum wallboard or its equivalent on the garage side between the residence and garage.

Subp. 10. **Stairways.** All stairways must meet the following conditions.

A. Stairways of three or more steps must have handrails.

B. Any open area between the handrail and stair tread must be enclosed with a protective guardrail as specified in the State Building Code. The back of the stair risers must be enclosed.

C. Gates or barriers must be used when children between the ages of 6 and 18 months are in care.

D. Stairways must be well-lighted, in good repair, and free of clutter and obstructions.

9505.0505 DEFINITIONS.

Subp. 18. **Medical review agent.** "Medical review agent" means the representative of the commissioner who is authorized by the commissioner to administer procedures for admission certifications, medical record reviews and reconsideration, and perform other functions as stipulated in the terms of the agent's contract with the department.

9505.0520 INPATIENT ADMISSION CERTIFICATION.

Subp. 9b. **Reconsideration; physician advisers appointed by medical review agent.** Upon receipt of a request for reconsideration under subpart 9, the medical review agent shall appoint at least three physician advisers who did not take part in the decision to deny or withdraw all or part of the admission certification. Each physician adviser shall determine the medical necessity of the admission or the continued stay or, in the case of a readmission, determine whether the admission and readmission meet the criteria in part 9505.0540. The reconsideration decision must be the majority opinion of the physician advisers. In making the decision, the three physician advisers shall use the criteria of medical necessity set out in part 9505.0530.