

CHAPTER 163--S.F.No. 2685

An act relating to human services; exempting child care providers from the positive support strategies training rule; amending Minnesota Statutes 2016, section 245.8251, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

Section 1. Minnesota Statutes 2016, section 245.8251, subdivision 1, is amended to read:

Subdivision 1. **Rules governing the use of positive support strategies and restrictive interventions.** The commissioner of human services shall, by August 31, 2015, adopt rules to govern the use of positive support strategies, and ensure the applicability of chapter 245D prohibitions and limits on the emergency use of manual restraint and on the use of restrictive interventions to facilities and services governed by the rules. The rules apply to all facilities and services licensed under chapter 245D, and all licensed facilities and licensed services serving persons with a developmental disability or related condition, except child care is governed by section 245A.23. For the purposes of this section, "developmental disability or related condition" has the meaning given in Minnesota Rules, part 9525.0016, subpart 2, items A to E.

Sec. 2. **[245A.23] POSITIVE SUPPORT STRATEGIES; CHILD CARE.**

(a) Programs under paragraphs (b) and (c) are exempt from the requirements under Minnesota Rules, chapter 9544.

(b) Programs licensed as family child care or group family child care under Minnesota Rules, chapter 9502, that care for a child with a developmental disability or related condition must comply with the individualized education program (IEP) developed in accordance with section 125A.08, if one exists for a child.

(c) A program licensed as a child care center under Minnesota Rules, chapter 9503, that cares for a child with a developmental disability or related condition must comply with the individual child care program plan under Minnesota Rules, part 9503.0065, subpart 3, if one exists for the child.

(d) When providing services to a child with a developmental disability or a related condition, staff at a program licensed under paragraphs (b) and (c) are prohibited from using procedures identified in section 245D.06, subdivision 5.

Presented to the governor May 16, 2018

Became law without the governor's signature May 20, 2018