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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4537

- 03/04/2024 Authored by Pinto
- 03/21/2024 The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
- 04/08/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law
- 04/08/2024 Adoption of Report: Placed on the General Register as Amended
- Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
- 04/11/2024 Adoption of Report: Placed on the General Register
- Joint Rule 2.03 has been waived for any subsequent committee action on this bill
- Read for the Second Time

1.1 A bill for an act

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

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

1.4 2022, sections 245A.04, subdivision 10, by adding a subdivision; 245A.09,

1.5 subdivision 7; 245A.14, subdivision 17; 245A.16, by adding a subdivision;

1.6 245A.52, subdivision 2; 245A.66, subdivision 2; 245C.08, subdivision 4; 245E.08;

1.7 245H.01, by adding subdivisions; 245H.08, subdivision 1; 245H.14, subdivisions

1.8 1, 4; 260E.30, subdivision 3; Minnesota Statutes 2023 Supplement, sections 13.46,

1.9 subdivision 4; 245A.02, subdivision 2c; 245A.16, subdivision 11; 245C.02,

1.10 subdivision 6a; 245C.033, subdivision 3; 245C.10, subdivision 15; 245H.06,

1.11 subdivisions 1, 2; 245H.08, subdivisions 4, 5; proposing coding for new law in

1.12 Minnesota Statutes, chapter 245H; repealing Minnesota Rules, part 9545.0805,

1.13 subpart 1.

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

1.15 Section 1. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, is amended

1.16 to read:

1.17 Subd. 4. **Licensing data.** (a) As used in this subdivision:

1.18 (1) "licensing data" are all data collected, maintained, used, or disseminated by the

1.19 welfare system pertaining to persons licensed or registered or who apply for licensure or

1.20 registration or who formerly were licensed or registered under the authority of the

1.21 commissioner of human services;

1.22 (2) "client" means a person who is receiving services from a licensee or from an applicant

1.23 for licensure; and

1.24 (3) "personal and personal financial data" are Social Security numbers, identity of and

1.25 letters of reference, insurance information, reports from the Bureau of Criminal

1.26 Apprehension, health examination reports, and social/home studies.

2.1 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,
2.2 certification holders, license holders, and former licensees are public: name, address,
2.3 telephone number of licensees, email addresses except for family child foster care, date of
2.4 receipt of a completed application, dates of licensure, licensed capacity, type of client
2.5 preferred, variances granted, record of training and education in child care and child
2.6 development, type of dwelling, name and relationship of other family members, previous
2.7 license history, class of license, the existence and status of complaints, and the number of
2.8 serious injuries to or deaths of individuals in the licensed program as reported to the
2.9 commissioner of human services, the local social services agency, or any other county
2.10 welfare agency. For purposes of this clause, a serious injury is one that is treated by a
2.11 physician.

2.12 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,
2.13 an order of license suspension, an order of temporary immediate suspension, an order of
2.14 license revocation, an order of license denial, or an order of conditional license has been
2.15 issued, or a complaint is resolved, the following data on current and former licensees and
2.16 applicants are public: the general nature of the complaint or allegations leading to the
2.17 temporary immediate suspension; the substance and investigative findings of the licensing
2.18 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence
2.19 of settlement negotiations; the record of informal resolution of a licensing violation; orders
2.20 of hearing; findings of fact; conclusions of law; specifications of the final correction order,
2.21 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license
2.22 contained in the record of licensing action; whether a fine has been paid; and the status of
2.23 any appeal of these actions.

2.24 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07
2.25 is based on a determination that a license holder, applicant, or controlling individual is
2.26 responsible for maltreatment under section 626.557 or chapter 260E, the identity of the
2.27 applicant, license holder, or controlling individual as the individual responsible for
2.28 maltreatment is public data at the time of the issuance of the license denial or sanction.

2.29 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07
2.30 is based on a determination that a license holder, applicant, or controlling individual is
2.31 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling
2.32 individual as the disqualified individual is public data at the time of the issuance of the
2.33 licensing sanction or denial. If the applicant, license holder, or controlling individual requests
2.34 reconsideration of the disqualification and the disqualification is affirmed, the reason for
2.35 the disqualification and the reason to not set aside the disqualification are private data.

3.1 (v) A correction order or fine issued to a child care provider for a licensing violation is
3.2 private data on individuals under section 13.02, subdivision 12, or nonpublic data under
3.3 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

3.4 (2) For applicants who withdraw their application prior to licensure or denial of a license,
3.5 the following data are public: the name of the applicant, the city and county in which the
3.6 applicant was seeking licensure, the dates of the commissioner's receipt of the initial
3.7 application and completed application, the type of license sought, and the date of withdrawal
3.8 of the application.

3.9 (3) For applicants who are denied a license, the following data are public: the name and
3.10 address of the applicant, the city and county in which the applicant was seeking licensure,
3.11 the dates of the commissioner's receipt of the initial application and completed application,
3.12 the type of license sought, the date of denial of the application, the nature of the basis for
3.13 the denial, the existence of settlement negotiations, the record of informal resolution of a
3.14 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final
3.15 order of denial, and the status of any appeal of the denial.

3.16 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the
3.17 victim and the substantiated perpetrator are affiliated with a program licensed under chapter
3.18 245A, the commissioner of human services, local social services agency, or county welfare
3.19 agency may inform the license holder where the maltreatment occurred of the identity of
3.20 the substantiated perpetrator and the victim.

3.21 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder
3.22 and the status of the license are public if the county attorney has requested that data otherwise
3.23 classified as public data under clause (1) be considered private data based on the best interests
3.24 of a child in placement in a licensed program.

3.25 (c) The following are private data on individuals under section 13.02, subdivision 12,
3.26 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data
3.27 on family day care program and family foster care program applicants and licensees and
3.28 their family members who provide services under the license.

3.29 (d) The following are private data on individuals: the identity of persons who have made
3.30 reports concerning licensees or applicants that appear in inactive investigative data, and the
3.31 records of clients or employees of the licensee or applicant for licensure whose records are
3.32 received by the licensing agency for purposes of review or in anticipation of a contested
3.33 matter. The names of reporters of complaints or alleged violations of licensing standards
3.34 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment

4.1 under section 626.557 and chapter 260E, are confidential data and may be disclosed only
4.2 as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

4.3 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this
4.4 subdivision become public data if submitted to a court or administrative law judge as part
4.5 of a disciplinary proceeding in which there is a public hearing concerning a license which
4.6 has been suspended, immediately suspended, revoked, or denied.

4.7 (f) Data generated in the course of licensing investigations that relate to an alleged
4.8 violation of law are investigative data under subdivision 3.

4.9 (g) Data that are not public data collected, maintained, used, or disseminated under this
4.10 subdivision that relate to or are derived from a report as defined in section 260E.03, or
4.11 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,
4.12 subdivision 6, and 626.557, subdivision 12b.

4.13 (h) Upon request, not public data collected, maintained, used, or disseminated under
4.14 this subdivision that relate to or are derived from a report of substantiated maltreatment as
4.15 defined in section 626.557 or chapter 260E may be exchanged with the Department of
4.16 Health for purposes of completing background studies pursuant to section 144.057 and with
4.17 the Department of Corrections for purposes of completing background studies pursuant to
4.18 section 241.021.

4.19 (i) Data on individuals collected according to licensing activities under chapters 245A
4.20 and 245C, data on individuals collected by the commissioner of human services according
4.21 to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E
4.22 may be shared with the Department of Human Rights, the Department of Health, the
4.23 Department of Corrections, the ombudsman for mental health and developmental disabilities,
4.24 and the individual's professional regulatory board when there is reason to believe that laws
4.25 or standards under the jurisdiction of those agencies may have been violated or the
4.26 information may otherwise be relevant to the board's regulatory jurisdiction. Background
4.27 study data on an individual who is the subject of a background study under chapter 245C
4.28 for a licensed service for which the commissioner of human services is the license holder
4.29 may be shared with the commissioner and the commissioner's delegate by the licensing
4.30 division. Unless otherwise specified in this chapter, the identity of a reporter of alleged
4.31 maltreatment or licensing violations may not be disclosed.

4.32 (j) In addition to the notice of determinations required under sections 260E.24,
4.33 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the
4.34 commissioner or the local social services agency has determined that an individual is a

5.1 substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in
5.2 section 260E.03, and the commissioner or local social services agency knows that the
5.3 individual is a person responsible for a child's care in another facility, the commissioner or
5.4 local social services agency shall notify the head of that facility of this determination. The
5.5 notification must include an explanation of the individual's available appeal rights and the
5.6 status of any appeal. If a notice is given under this paragraph, the government entity making
5.7 the notification shall provide a copy of the notice to the individual who is the subject of the
5.8 notice.

5.9 (k) All not public data collected, maintained, used, or disseminated under this subdivision
5.10 and subdivision 3 may be exchanged between the Department of Human Services, Licensing
5.11 Division, and the Department of Corrections for purposes of regulating services for which
5.12 the Department of Human Services and the Department of Corrections have regulatory
5.13 authority.

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

5.15 Sec. 2. Minnesota Statutes 2023 Supplement, section 245A.02, subdivision 2c, is amended
5.16 to read:

5.17 Subd. 2c. **Annual or annually; family child care and family child foster care.** For
5.18 the purposes of family child care under sections 245A.50 to 245A.53 and family child foster
5.19 care training, "annual" or "annually" means each calendar year.

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

5.21 Sec. 3. Minnesota Statutes 2022, section 245A.04, subdivision 10, is amended to read:

5.22 Subd. 10. **Adoption agency; additional requirements.** In addition to the other
5.23 requirements of this section, an individual or organization applying for a license to place
5.24 children for adoption must:

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

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

5.28 (3) provide evidence that a bond has been obtained and will be continuously maintained
5.29 throughout the entire operating period of the agency, to cover the cost of transfer of records
5.30 to and storage of records by the agency which has agreed, according to rule established by
5.31 the commissioner, to receive the applicant agency's records if the applicant agency voluntarily

6.1 or involuntarily ceases operation and fails to provide for proper transfer of the records. The
6.2 bond must be made in favor of the agency which has agreed to receive the records; and

6.3 (4) submit a ~~certified audit~~ financial review completed by an accountant to the
6.4 commissioner each year the license is renewed as required under section 245A.03, subdivision
6.5 1.

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

6.7 Sec. 4. Minnesota Statutes 2022, section 245A.04, is amended by adding a subdivision to
6.8 read:

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

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

6.15 Sec. 5. Minnesota Statutes 2022, section 245A.09, subdivision 7, is amended to read:

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

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

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

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

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

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

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

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

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

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

7.17 Sec. 6. Minnesota Statutes 2022, section 245A.14, subdivision 17, is amended to read:

7.18 Subd. 17. **Reusable water bottles or cups.** Notwithstanding any law to the contrary, a
7.19 licensed child care center may provide drinking water to a child in a reusable water bottle
7.20 or reusable cup if the center develops and ensures implementation of a written policy that
7.21 at a minimum includes the following procedures:

7.22 (1) each day the water bottle or cup is used, the child care center cleans and sanitizes
7.23 the water bottle or cup using procedures that comply with the Food Code under Minnesota
7.24 Rules, chapter 4626, or allows the child's parent or legal guardian to bring the water bottle
7.25 or cup home;

7.26 (2) a water bottle or cup is assigned to a specific child and labeled with the child's first
7.27 and last name;

7.28 (3) water bottles and cups are stored in a manner that reduces the risk of a child using
7.29 the wrong water bottle or cup; and

7.30 (4) a water bottle or cup is used only for water.

8.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 11, is amended
8.2 to read:

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

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

8.7 Sec. 8. Minnesota Statutes 2022, section 245A.16, is amended by adding a subdivision to
8.8 read:

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

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

8.14 (2) ensuring ongoing compliance with licensing requirements; and

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

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

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

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

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

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

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

8.27 Sec. 9. Minnesota Statutes 2022, section 245A.52, subdivision 2, is amended to read:

8.28 Subd. 2. **Door to attached garage.** ~~Notwithstanding Minnesota Rules, part 9502.0425,~~
8.29 ~~subpart 5, day care residences with an attached garage are not required to have a self-closing~~

9.1 ~~door to the residence. The door to the residence may be~~ (a) If there is an opening between
9.2 an attached garage and a day care residence, there must be a door that is:

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

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

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

9.6 (b) The separation wall on the garage side between the residence and garage must consist
9.7 of gypsum wallboard or its equivalent that is 1/2 inch thick.

9.8 Sec. 10. Minnesota Statutes 2022, section 245A.66, subdivision 2, is amended to read:

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

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

9.17 (1) an assessment of the risks presented by the physical plant where the licensed services
9.18 are provided, including an evaluation of the following factors: the condition and design of
9.19 the facility and its outdoor space, bathrooms, storage areas, and accessibility of medications
9.20 and cleaning products that are harmful to children when children are not supervised and the
9.21 existence of areas that are difficult to supervise; and

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

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

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

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

10.6 (2) leaving children in the community without supervision;

10.7 (3) children leaving the facility without supervision;

10.8 (4) caregiver dislocation of children's elbows;

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

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

10.12 (7) sunburn;

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

10.14 (9) children falling from changing tables; and

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

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

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

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

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

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

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

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

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

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

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

11.6 Sec. 11. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 6a, is amended
11.7 to read:

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

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

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

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

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

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

11.18 (6) an individual ten to 12 years of age who lives in the household where the licensed
11.19 services will be provided when the commissioner has reasonable cause as defined in section
11.20 245C.02, subdivision 15;

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

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

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

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

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

12.5 (2) the licensed child care center, certified license-exempt child care center, licensed
12.6 family child care program, or legal nonlicensed child care provider authorized under chapter
12.7 119B has obtained advanced written permission from the parent authorizing the child to
12.8 receive the services, which is maintained in the child's record;

12.9 (3) the licensed child care center, certified license-exempt child care center, licensed
12.10 family child care program, or legal nonlicensed child care provider authorized under chapter
12.11 119B maintains documentation on site that identifies the individual service provider and
12.12 the services being provided; and

12.13 (4) the licensed child care center, certified license-exempt child care center, licensed
12.14 family child care program, or legal nonlicensed child care provider authorized under chapter
12.15 119B ensures that the service provider does not have unsupervised access to a child not
12.16 receiving the provider's services.

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

12.18 Sec. 12. Minnesota Statutes 2023 Supplement, section 245C.033, subdivision 3, is amended
12.19 to read:

12.20 Subd. 3. **Procedure; maltreatment and state licensing agency data.** (a) For requests
12.21 paid directly by the guardian or conservator, requests for maltreatment and state licensing
12.22 agency data checks must be submitted by the guardian or conservator to the commissioner
12.23 on the form or in the manner prescribed by the commissioner. Upon receipt of a signed
12.24 informed consent and payment under section 245C.10, the commissioner shall complete
12.25 the maltreatment and state licensing agency checks. Upon completion of the checks, the
12.26 commissioner shall provide the requested information to the courts on the form or in the
12.27 manner prescribed by the commissioner.

12.28 (b) For requests paid by the court based on the in forma pauperis status of the guardian
12.29 or conservator, requests for maltreatment and state licensing agency data checks must be
12.30 submitted by the court to the commissioner on the form or in the manner prescribed by the
12.31 commissioner. The form will serve as certification that the individual has been granted in
12.32 forma pauperis status. Upon receipt of a signed data request consent form from the court,
12.33 the commissioner shall initiate the maltreatment and state licensing agency checks. Upon

13.1 completion of the checks, the commissioner shall provide the requested information to the
13.2 courts on the form or in the manner prescribed by the commissioner.

13.3 Sec. 13. Minnesota Statutes 2022, section 245C.08, subdivision 4, is amended to read:

13.4 Subd. 4. **Juvenile court records.** (a) For a background study conducted by the
13.5 Department of Human Services, the commissioner shall review records from the juvenile
13.6 courts for an individual studied under ~~section 245C.03, subdivision 1, paragraph (a), this~~
13.7 chapter when the commissioner has reasonable cause.

13.8 ~~(b) For a background study conducted by a county agency for family child care before~~
13.9 ~~the implementation of NETStudy 2.0, the commissioner shall review records from the~~
13.10 ~~juvenile courts for individuals listed in section 245C.03, subdivision 1, who are ages 13~~
13.11 ~~through 23 living in the household where the licensed services will be provided. The~~
13.12 ~~commissioner shall also review records from juvenile courts for any other individual listed~~
13.13 ~~under section 245C.03, subdivision 1, when the commissioner has reasonable cause.~~

13.14 ~~(e)~~ (b) The juvenile courts shall help with the study by giving the commissioner existing
13.15 juvenile court records relating to delinquency proceedings held on individuals ~~described in~~
13.16 ~~section 245C.03, subdivision 1, paragraph (a),~~ who are subjects of studies under this chapter
13.17 when requested pursuant to this subdivision.

13.18 ~~(d)~~ (c) For purposes of this chapter, a finding that a delinquency petition is proven in
13.19 juvenile court shall be considered a conviction in state district court.

13.20 ~~(e)~~ (d) Juvenile courts shall provide orders of involuntary and voluntary termination of
13.21 parental rights under section 260C.301 to the commissioner upon request for purposes of
13.22 conducting a background study under this chapter.

13.23 Sec. 14. Minnesota Statutes 2023 Supplement, section 245C.10, subdivision 15, is amended
13.24 to read:

13.25 Subd. 15. **Guardians and conservators.** (a) The commissioner shall recover the cost
13.26 of conducting maltreatment and state licensing agency checks for guardians and conservators
13.27 under section 245C.033 through a fee of no more than \$50. The fees collected under this
13.28 subdivision are appropriated to the commissioner for the purpose of conducting maltreatment
13.29 and state licensing agency checks.

13.30 (b) The fee must be paid directly to and in the manner prescribed by the commissioner
13.31 before any maltreatment and state licensing agency checks under section 245C.033 may be
13.32 conducted.

14.1 (c) Notwithstanding paragraph (b), the court shall pay the fee for an applicant who has
14.2 been granted in forma pauperis status upon receipt of the invoice from the commissioner.

14.3 Sec. 15. Minnesota Statutes 2022, section 245E.08, is amended to read:

14.4 **245E.08 REPORTING OF SUSPECTED FRAUDULENT ACTIVITY.**

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

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

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

14.22 Sec. 16. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
14.23 to read:

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

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

14.27 Sec. 17. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
14.28 to read:

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

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

15.1 Sec. 18. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
15.2 to read:

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

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

15.7 (2) is 14 years old and has a disability and is eligible for child care assistance under
15.8 chapter 119B;

15.9 (3) is eligible for child care assistance until redetermination under section 119B.09,
15.10 subdivision 1, paragraph (e); or

15.11 (4) attends a certified center that serves only school-age children in a setting that has
15.12 students enrolled in no grade higher than 8th grade.

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

15.14 Sec. 19. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
15.15 to read:

15.16 Subd. 8a. **Toddler.** "Toddler" means a child who is at least 16 months old but less than
15.17 33 months old.

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

15.19 Sec. 20. Minnesota Statutes 2023 Supplement, section 245H.06, subdivision 1, is amended
15.20 to read:

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

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

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

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

15.27 (b) ~~The commissioner may issue a correction order to the applicant or certification holder~~
15.28 ~~through the provider licensing and reporting hub.~~ If the applicant or certification holder
15.29 fails to comply with a law or rule, the commissioner may issue a conditional certification.
15.30 When issuing a conditional certification, the commissioner shall consider the nature,

16.1 chronicity, or severity of the violation of law or rule and the effect of the violation on the
16.2 health, safety, or rights of persons served by the program. The conditional order must state:

16.3 (1) the conditions that constitute a violation of the law or rule;

16.4 (2) the specific law or rule violated;

16.5 (3) the time allowed to correct each violation; and

16.6 (4) the length and terms of the conditional certification, and the reasons for making the
16.7 certification conditional.

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

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

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

16.13 Sec. 21. Minnesota Statutes 2023 Supplement, section 245H.06, subdivision 2, is amended
16.14 to read:

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

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

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

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

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

16.29 (c) A timely request for reconsideration of a conditional certification shall stay imposition
16.30 of the terms of the conditional certification until the commissioner issues a decision on the
16.31 request for reconsideration.

17.1 ~~(e)~~ (d) Upon implementation of the provider licensing and reporting hub, the provider
17.2 must use the hub to request reconsideration. If the order is issued through the provider hub,
17.3 the request must be received by the commissioner within 20 calendar days from the date
17.4 the commissioner issued the order through the hub.

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

17.6 Sec. 22. Minnesota Statutes 2022, section 245H.08, subdivision 1, is amended to read:

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

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

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

17.18 Sec. 23. Minnesota Statutes 2023 Supplement, section 245H.08, subdivision 4, is amended
17.19 to read:

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

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

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

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

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

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

18.3 ~~(1) the child remains eligible for child care assistance under section 119B.09, subdivision~~
 18.4 ~~1, paragraph (e); or~~

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

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

18.8 Sec. 24. Minnesota Statutes 2023 Supplement, section 245H.08, subdivision 5, is amended
 18.9 to read:

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

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

18.12 ~~16 months old through 33 months old~~ toddlers 1:7

18.13 ~~33 months old through prekindergarten~~
 18.14 preschoolers 1:10

18.15 ~~kindergarten through 13 years old~~ school-age
 18.16 children 1:15

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

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

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

18.23 ~~(1) the child remains eligible for child care assistance under section 119B.09, subdivision~~
 18.24 ~~1, paragraph (e); or~~

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

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

18.28 Sec. 25. Minnesota Statutes 2022, section 245H.14, subdivision 1, is amended to read:

18.29 Subdivision 1. **First aid and cardiopulmonary resuscitation.** (a) Before having
 18.30 unsupervised direct contact with a child, but within ~~the first 90 days of employment for~~
 18.31 after the first date of direct contact with a child, the director and all staff persons, and within

19.1 ~~90 days after the first date of direct contact with a child for~~ substitutes, and unsupervised
19.2 volunteers, ~~each person~~ must successfully complete pediatric first aid and pediatric
19.3 cardiopulmonary resuscitation (CPR) training, unless the training has been completed within
19.4 the previous two calendar years. Staff must complete the pediatric first aid and pediatric
19.5 CPR training at least every other calendar year and the center must document the training
19.6 in the staff person's personnel record.

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

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

19.10 Sec. 26. Minnesota Statutes 2022, section 245H.14, subdivision 4, is amended to read:

19.11 Subd. 4. **Child development.** ~~The certified center must ensure that the director and all~~
19.12 ~~staff persons complete child development and learning training within 90 days of employment~~
19.13 ~~and every second calendar year thereafter. Substitutes and unsupervised volunteers must~~
19.14 ~~complete child development and learning training within 90 days after the first date of direct~~
19.15 ~~contact with a child and every second calendar year thereafter. Before having unsupervised~~
19.16 direct contact with a child, but within 90 days after the first date of direct contact with a
19.17 child, the director, all staff persons, substitutes, and unsupervised volunteers must complete
19.18 child development and learning training. Child development and learning training must be
19.19 repeated every second calendar year thereafter. The director and staff persons not including
19.20 substitutes must complete at least two hours of training on child development. The training
19.21 for substitutes and unsupervised volunteers is not required to be of a minimum length. For
19.22 purposes of this subdivision, "child development and learning training" means how a child
19.23 develops physically, cognitively, emotionally, and socially and learns as part of the child's
19.24 family, culture, and community.

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

19.26 Sec. 27. **[245H.19] CHILDREN'S RECORDS.**

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

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

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

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

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

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

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

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

20.11 (3) documentation of any known allergy as required under section 245H.13, subdivision
 20.12 4.

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

20.14 Sec. 28. Minnesota Statutes 2022, section 260E.30, subdivision 3, is amended to read:

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

20.18 (b) A nonmaltreatment mistake occurs when:

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

20.21 ~~(2)~~ (1) the individual has not been determined responsible for a similar incident that
 20.22 resulted in a finding of maltreatment for at least seven years;

20.23 ~~(3)~~ (2) the individual has not been determined to have committed a similar
 20.24 nonmaltreatment mistake under this paragraph for at least four years;

20.25 ~~(4)~~ (3) any injury to a child resulting from the incident, if treated, is treated only with
 20.26 remedies that are available over the counter, whether ordered by a medical professional or
 20.27 not; ~~and~~

20.28 ~~(5)~~ (4) except for the period when the incident occurred, the facility and the individual
 20.29 providing services were both in compliance with all licensing and certification requirements
 20.30 relevant to the incident.; and

21.1 (5) at the time of the incident, the individual was performing duties identified in the
21.2 licensed center's child care program plan required under Minnesota Rules, part 9503.0045.
21.3 This clause applies only to child care centers licensed under Minnesota Rules, chapter 9503.

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

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

21.7 Sec. 29. **DIRECTION TO COMMISSIONER; FAMILY CHILD FOSTER CARE**
21.8 **CONTINUOUS LICENSES.**

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

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

21.14 Sec. 30. **REPEALER.**

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

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

9545.0805 PERSONNEL.

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

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

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

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

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