

1 Department of Human Services

2

3 Adopted Rules Relating to Licensing Fees For Day Care and  
4 Residential Facilities and Agencies

5

6 Rules as Adopted

7 9545.2000 DEFINITIONS.

8 Subpart 1. Scope. The terms used in parts 9545.2000 to  
9 9545.2040 have the meanings given to them in this part.


10 Subp. 2. Agency. "Agency" means any individual,  
11 organization, association, or corporation which for gain or  
12 otherwise regularly provides needed social or counseling  
13 services for persons living in their own homes, or receives  
14 persons unable to remain in their own homes and places them in  
15 residential or foster care, or places persons in adoptive  
16 homes. "Agency" includes semi-independent living services  
17 (SILS) licensed under parts 9525.0500 to 9525.0660. "Agency"  
18 does not include a local welfare agency or agencies sponsored by  
19 community mental health boards pursuant to Minnesota Statutes,  
20 section 245.66.

21 Subp. 3. Base fee. "Base fee" means the portion of the  
22 licensing fee that constitutes the minimum charge to an operator  
23 regardless of the licensed capacity or number of persons served  
24 in the day care or residential facility or agency.

25 Subp. 4. Commissioner. "Commissioner" means the  
26 commissioner of the Minnesota Department of Human Services or  
27 the commissioner's designated representative.

28 Subp. 5. Day care facility. "Day care facility" means any  
29 facility, public or private, which for gain or otherwise  
30 regularly provides one or more persons with care, training,  
31 supervision, habilitation, rehabilitation, or developmental  
32 guidance on a regular basis, for periods of less than 24 hours  
33 per day, in a place other than the person's own home. "Day care  
34 facility" includes outpatient treatment programs for chemically  
35 dependent persons licensed under parts 9530.5000 to 9530.6500.

36 Subp. 6. Department. "Department" means the Minnesota

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2 Subp. 7. License. "License" means a certificate issued by  
3 the commissioner authorizing the operator to give specified  
4 services for a specified period of time in accordance with the  
5 terms of the license, Minnesota Statutes, sections 245.781 to  
6 245.812, and 252.28, subdivision 2, and the rules of the  
7 commissioner. "License" includes a provisional license issued  
8 to an operator who is temporarily unable to comply with all of  
9 the requirements for a license.

10 Subp. 8. Licensed capacity. "Licensed capacity" means the  
11 maximum number of persons permitted under the terms of a license  
12 to receive care at any one time in a day care or residential  
13 facility or agency.

14 Subp. 9. Licensed capacity fee. "Licensed capacity fee"  
15 means the portion of the licensing fee charged to an operator  
16 based on the licensed capacity of the day care or residential  
17 facility or agency.

18 Subp. 10. Licensing fee. "Licensing fee" means the fee  
19 charged to an operator by the department for issuing or renewing  
20 a license.

21 Subp. 11. Licensing fee formula. "Licensing fee formula"  
22 means the procedure used by the department to determine the  
23 licensing fee.

24 Subp. 12. Operator. "Operator" means the individual,  
25 corporation, partnership, voluntary association, or other public  
26 or private organization legally responsible for the operation of  
27 a day care or residential facility or agency.

28 Subp. 13. Regularly or regular basis. "Regularly" or  
29 "regular basis" means a cumulative total of more than 30 days  
30 within any 12-month period.

31 Subp. 14. Residential facility. "Residential facility"  
32 means any facility, public or private, which provides one or  
33 more persons with a 24-hour per day substitute for care, food,  
34 lodging, training, education, supervision, habilitation,  
35 rehabilitation, and treatment they need, but which for any  
36 reason cannot be furnished in the person's own

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1 home. "Residential facility" does not include state hospitals  
 2 or other state-operated residential facilities.

3 Subp. 15. Waiver. "Waiver" means written permission by  
 4 the commissioner for an operator to depart from the provisions  
 5 of parts part 9545.2020 ~~to-9545-2030~~.

6 9545.2010 APPLICABILITY.

7 Subpart 1. Applicability. Parts 9545.2000 to 9545.2040  
 8 establish procedures for the department to determine and collect  
 9 fees for issuing and renewing licenses for day care and  
 10 residential facilities and agencies. Parts 9545.2000 to  
 11 9545.2040 apply to operators of all day care and residential  
 12 facilities and agencies required to be licensed under Minnesota  
 13 Statutes, sections 245.781 to 245.812, and 252.28, subdivision  
 14 2, except family foster care homes licensed under parts  
 15 9545.0010 to 9545.0260 and family day care homes licensed under  
 16 parts 9545.0315 to 9545.0445, which are exempt from the  
 17 licensing fees established in parts 9545.2000 to 9545.2040 under  
 18 Minnesota Statutes, section 245.811, subdivision 1.

19 9545.2020 LICENSING FEE FORMULA.

20 Subpart 1. General formula. ~~Beginning July 1, 1985,~~ The  
 21 department shall charge the following annual fees for issuing  
 22 and renewing licenses:

23 A. A base fee of \$25, increasing to \$35 beginning  
 24 July 1, 1987, \$45 beginning July 1, 1989, and \$55 beginning July  
 25 1, 1991.

26 B. A licensed capacity fee of \$5 multiplied by the  
 27 licensed capacity of each day care or residential facility or  
 28 agency. The \$5 fee shall increase to \$6 beginning July 1, 1987,  
 29 \$7 beginning July 1, 1989, and \$8 beginning July 1, 1991.

30 C. The base fee plus the licensed capacity fee is the  
 31 licensing fee to be charged to each operator at the time of  
 32 application for issuance or renewal of a license.

33 Subp. 2. Exceptions. The following are exceptions to the  
 34 fees established in subpart 1:

35 A. The licensing fee for group day care centers

1 licensed under parts 9545.0510 to 9545.0670 shall be one-half of  
 2 the licensing base fee in subpart 1, item A, plus a licensed  
 3 capacity fee of \$1.50 multiplied by the licensed capacity of  
 4 each day care center. The \$1.50 fee shall increase to \$2  
 5 beginning July 1, 1987, \$2.50 beginning July 1, 1989, and \$3  
 6 beginning July 1, 1991.

7 B. The licensing fee for child-caring and  
 8 child-placing agencies licensed under parts 9545.0750 to  
 9 9545.0830 shall be the base fee in subpart 1, item A, plus 50  
 10 cents for each adoption decree granted by a court in the  
 11 previous year for a child placed in an adoptive home by the  
 12 agency and 50 cents for each foster home supervised by the  
 13 agency. The 50-cent fees shall increase to 60 cents beginning  
 14 July 1, 1987, 70 cents beginning July 1, 1989, and 80 cents  
 15 beginning July 1, 1991.

16 C. The licensing fee for outpatient treatment  
 17 programs for chemically dependent persons licensed under parts  
 18 9530.5000 to 9530.6500 shall be the base fee in subpart 1, item  
 19 A, plus 50 cents for each person served in the program in the  
 20 previous year. The 50-cent fee shall increase to 60 cents  
 21 beginning July 1, 1987, 70 cents beginning July 1, 1989, and 80  
 22 cents beginning July 1, 1991.

23 9545.2030 LICENSING FEE PAYMENT.

24 Subpart 1. Payment procedure. The licensing fee payment  
 25 must accompany an operator's application for issuance or renewal  
 26 of a license. The licensing fee shall be payable to the  
 27 treasurer of the state of Minnesota and is nonrefundable.

28 Subp. 2. Proration of fees. The annual licensing fees  
 29 established in part 9545.2020 shall be prorated for day care or  
 30 residential facilities or agencies licensed for a period of time  
 31 other than one year according to the number of months for which  
 32 the license is issued or renewed.

33 Subp. 3. Noncompliance. ~~The department shall not take any~~  
 34 ~~action on an operator's~~ An application for a license or license  
 35 renewal is not complete and no license shall be issued until the  
 36 licensing fee is paid. If an operator requests a waiver under

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1 part 9545.2040, the application for a license or license renewal  
 2 is not complete and no license shall be issued until the  
 3 commissioner has acted on the request and the licensing fee  
 4 approved by the commissioner has been paid.

5 9545.2040 WAIVER.

6 Subpart 1. Written request for waiver. An operator may  
 7 request a waiver from the licensing fee formula or payment  
 8 established in parts part 9545.2020 to-9545-2030. The request  
 9 for a waiver must be submitted to the department in writing and  
 10 must accompany an operator's application for issuance or renewal  
 11 of a license and the licensing fee determined under parts  
 12 9545.2020 and 9545.2030, subpart 2. The request must include  
 13 the following information:

14 A. the section or sections of parts part 9545.2020 to  
 15 9545-2030 with which the operator cannot comply;

16 B. the amount of the licensing fee requested to be  
 17 waived;

18 C. the reasons why compliance with the specified  
 19 section or sections would cause financial hardship; and

20 D. documentation supporting the information in item C.

21 Subp. 2. Standard for granting waiver. The commissioner  
 22 may waive part or all of the licensing fee. A waiver may be  
 23 granted only if the operator has shown that financial  
 24 hardship to the operator or facility or agency would occur from  
 25 strict compliance with parts part 9545.2020 to-9545-2030.

26 Subp. 3. Notice of decision. The commissioner shall grant  
 27 or deny a request for a waiver and mail a written decision to  
 28 the operator ~~within-30-days-after-the-request-for-waiver-is~~  
 29 received. The written decision must accompany the  
 30 commissioner's decision to approve or deny the license  
 31 application. If the commissioner denies a request, the written  
 32 decision must inform the operator of the reason or reasons for  
 33 the denial. If the commissioner grants the request, the  
 34 licensing fee submitted with the request shall be returned to  
 35 the operator with instructions for submitting the fee approved  
 36 by the commissioner.

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