

346.19

ARTICLE 9

346.20

OPERATIONS

346.21 Section 1. Minnesota Statutes 2016, section 13.46, subdivision 4, is amended to read:

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

346.23 (1) "licensing data" are all data collected, maintained, used, or disseminated by the
 346.24 welfare system pertaining to persons licensed or registered or who apply for licensure or
 346.25 registration or who formerly were licensed or registered under the authority of the
 346.26 commissioner of human services;

346.27 (2) "client" means a person who is receiving services from a licensee or from an applicant
 346.28 for licensure; and

347.1 (3) "personal and personal financial data" are Social Security numbers, identity of and
 347.2 letters of reference, insurance information, reports from the Bureau of Criminal
 347.3 Apprehension, health examination reports, and social/home studies.

347.4 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license
 347.5 holders, and former licensees are public: name, address, telephone number of licensees,
 347.6 date of receipt of a completed application, dates of licensure, licensed capacity, type of
 347.7 client preferred, variances granted, record of training and education in child care and child
 347.8 development, type of dwelling, name and relationship of other family members, previous
 347.9 license history, class of license, the existence and status of complaints, and the number of
 347.10 serious injuries to or deaths of individuals in the licensed program as reported to the
 347.11 commissioner of human services, the local social services agency, or any other county
 347.12 welfare agency. For purposes of this clause, a serious injury is one that ~~is treated~~ requires
 347.13 treatment by a physician.

347.14 (ii) when a correction order, an order to forfeit a fine, an order of license suspension, an
 347.15 order of temporary immediate suspension, an order of license revocation, an order of license
 347.16 denial, or an order of conditional license has been issued, or a complaint is resolved, the
 347.17 following data on current and former licensees and applicants are public: the general nature
 347.18 of the complaint or allegations leading to the temporary immediate suspension; the substance
 347.19 and investigative findings of the licensing or maltreatment complaint, licensing violation,
 347.20 or substantiated maltreatment; the existence of settlement negotiations; the record of informal
 347.21 resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law;
 347.22 specifications of the final correction order, fine, suspension, temporary immediate suspension,
 347.23 revocation, denial, or conditional license contained in the record of licensing action; whether
 347.24 a fine has been paid; and the status of any appeal of these actions.

347.25 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07
347.26 is based on a determination that a license holder, applicant, or controlling individual is
347.27 responsible for maltreatment under section 626.556 or 626.557, the identity of the applicant,
347.28 license holder, or controlling individual as the individual responsible for maltreatment is
347.29 public data at the time of the issuance of the license denial or sanction.

347.30 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07
347.31 is based on a determination that a license holder, applicant, or controlling individual is
347.32 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling
347.33 individual as the disqualified individual and the reason for the disqualification are public
347.34 data at the time of the issuance of the licensing sanction or denial. If the applicant, license
347.35 holder, or controlling individual requests reconsideration of the disqualification and the
348.1 disqualification is affirmed, the reason for the disqualification and the reason to not set aside
348.2 the disqualification are public data.

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

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

348.15 (4) When maltreatment is substantiated under section 626.556 or 626.557 and the victim
348.16 and the substantiated perpetrator are affiliated with a program licensed under chapter 245A,
348.17 the commissioner of human services, local social services agency, or county welfare agency
348.18 may inform the license holder where the maltreatment occurred of the identity of the
348.19 substantiated perpetrator and the victim.

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

348.24 (c) The following are private data on individuals under section 13.02, subdivision 12,
348.25 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data

348.26 on family day care program and family foster care program applicants and licensees and
348.27 their family members who provide services under the license.

348.28 (d) The following are private data on individuals: the identity of persons who have made
348.29 reports concerning licensees or applicants that appear in inactive investigative data, and the
348.30 records of clients or employees of the licensee or applicant for licensure whose records are
348.31 received by the licensing agency for purposes of review or in anticipation of a contested
348.32 matter. The names of reporters of complaints or alleged violations of licensing standards
348.33 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment
349.1 under sections 626.556 and 626.557, are confidential data and may be disclosed only as
349.2 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

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

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

349.9 (g) Data that are not public data collected, maintained, used, or disseminated under this
349.10 subdivision that relate to or are derived from a report as defined in section 626.556,
349.11 subdivision 2, or 626.5572, subdivision 18, are subject to the destruction provisions of
349.12 sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

349.13 (h) Upon request, not public data collected, maintained, used, or disseminated under
349.14 this subdivision that relate to or are derived from a report of substantiated maltreatment as
349.15 defined in section 626.556 or 626.557 may be exchanged with the Department of Health
349.16 for purposes of completing background studies pursuant to section 144.057 and with the
349.17 Department of Corrections for purposes of completing background studies pursuant to
349.18 section 241.021.

349.19 (i) Data on individuals collected according to licensing activities under chapters 245A
349.20 and 245C, data on individuals collected by the commissioner of human services according
349.21 to investigations under chapters 245A, 245B, 245C, and 245D, and sections 626.556 and
349.22 626.557 may be shared with the Department of Human Rights, the Department of Health,
349.23 the Department of Corrections, the ombudsman for mental health and developmental
349.24 disabilities, and the individual's professional regulatory board when there is reason to believe
349.25 that laws or standards under the jurisdiction of those agencies may have been violated or
349.26 the information may otherwise be relevant to the board's regulatory jurisdiction. Background
349.27 study data on an individual who is the subject of a background study under chapter 245C
349.28 for a licensed service for which the commissioner of human services is the license holder

349.29 may be shared with the commissioner and the commissioner's delegate by the licensing
 349.30 division. Unless otherwise specified in this chapter, the identity of a reporter of alleged
 349.31 maltreatment or licensing violations may not be disclosed.

349.32 (j) In addition to the notice of determinations required under section 626.556, subdivision
 349.33 10f, if the commissioner or the local social services agency has determined that an individual
 349.34 is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined
 350.1 in section 626.556, subdivision 2, and the commissioner or local social services agency
 350.2 knows that the individual is a person responsible for a child's care in another facility, the
 350.3 commissioner or local social services agency shall notify the head of that facility of this
 350.4 determination. The notification must include an explanation of the individual's available
 350.5 appeal rights and the status of any appeal. If a notice is given under this paragraph, the
 350.6 government entity making the notification shall provide a copy of the notice to the individual
 350.7 who is the subject of the notice.

350.8 (k) All not public data collected, maintained, used, or disseminated under this subdivision
 350.9 and subdivision 3 may be exchanged between the Department of Human Services, Licensing
 350.10 Division, and the Department of Corrections for purposes of regulating services for which
 350.11 the Department of Human Services and the Department of Corrections have regulatory
 350.12 authority.

350.13 Sec. 2. Minnesota Statutes 2016, section 245A.02, subdivision 2b, is amended to read:

350.14 Subd. 2b. **Annual or annually.** With the exception of subdivision 2c, "annual" or
 350.15 "annually" means prior to or within the same month of the subsequent calendar year.

350.16 Sec. 3. Minnesota Statutes 2016, section 245A.02, is amended by adding a subdivision to
 350.17 read:

350.18 Subd. 2c. **Annual or annually; family child care training requirements.** For the
 350.19 purposes of section 245A.50, subdivisions 1 to 9, "annual" or "annually" means the 12-month
 350.20 period beginning on the license effective date or the annual anniversary of the effective date
 350.21 and ending on the day prior to the annual anniversary of the license effective date.

THE FOLLOWING SECTIONS ARE FROM HOUSE ARTICLE 4, CHILDREN AND FAMILIES

213.4 Sec. 21. Minnesota Statutes 2016, section 245A.02, subdivision 2b, is amended to read:

213.5 Subd. 2b. **Annual or annually.** With the exception of subdivision 2c, "annual" or
 213.6 "annually" means prior to or within the same month of the subsequent calendar year.

213.7 Sec. 22. Minnesota Statutes 2016, section 245A.02, is amended by adding a subdivision
 213.8 to read:

213.9 Subd. 2c. **Annual or annually; family child care training requirements.** For the
 213.10 purposes of section 245A.50, subdivisions 1 to 9, "annual" or "annually" means the 12-month
 213.11 period beginning on the license effective date or the annual anniversary of the effective date
 213.12 and ending on the day prior to the annual anniversary of the license effective date.

213.13 Sec. 23. Minnesota Statutes 2016, section 245A.04, subdivision 4, is amended to read:

213.14 Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner
 213.15 shall conduct an inspection of the program. The inspection must include but is not limited
 213.16 to:

- 213.17 (1) an inspection of the physical plant;
- 213.18 (2) an inspection of records and documents;
- 213.19 (3) an evaluation of the program by consumers of the program; and
- 213.20 (4) observation of the program in operation.
- 213.21 For the purposes of this subdivision, "consumer" means a person who receives the
- 213.22 services of a licensed program, the person's legal guardian, or the parent or individual having
- 213.23 legal custody of a child who receives the services of a licensed program.
- 213.24 (b) The evaluation required in paragraph (a), clause (3), or the observation in paragraph
- 213.25 (a), clause (4), is not required prior to issuing an initial license under subdivision 7. If the
- 213.26 commissioner issues an initial license under subdivision 7, these requirements must be
- 213.27 completed within one year after the issuance of an initial license.
- 213.28 (c) Before completing a licensing inspection in a family child care program or child care
- 213.29 center, the licensing agency must offer the license holder an exit interview to discuss
- 213.30 violations of law or rule observed during the inspection and offer technical assistance on
- 214.1 how to comply with applicable laws and rules. Nothing in this paragraph limits the ability
- 214.2 of the commissioner to issue a correction order or negative action for violations of law or
- 214.3 rule not discussed in an exit interview or in the event that a license holder chooses not to
- 214.4 participate in an exit interview.
- 214.5 **EFFECTIVE DATE.** This section is effective October 1, 2017.

350.22 Sec. 4. **245A.055 NOTIFICATION TO PROVIDER.**

350.23 (a) When the county agency responsible for family child care and group family child

350.24 care licensing conducts an annual or biennial licensing inspection, the agency must provide,

350.25 before departure from the residence or facility, a written or electronic notification to the

350.26 licensee of potential licensing violations noted during the inspection and the condition that

350.27 constitutes the violation.

350.28 (b) Providing this notification to the licensee does not relieve the county agency from

350.29 notifying the license holder and the commissioner of the violation as required by statute or

350.30 rule.

351.1 Sec. 5. Minnesota Statutes 2016, section 245A.06, subdivision 2, is amended to read:

351.2 Subd. 2. **Reconsideration of correction orders.** (a) If the applicant or license holder
351.3 believes that the contents of the commissioner's correction order are in error, the applicant
351.4 or license holder may ask the Department of Human Services to reconsider the parts of the
351.5 correction order that are alleged to be in error. The request for reconsideration must be made
351.6 in writing and must be postmarked and sent to the commissioner within 20 calendar days
351.7 after receipt of the correction order by the applicant or license holder, and:

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

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

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

351.11 A request for reconsideration does not stay any provisions or requirements of the
351.12 correction order. The commissioner's disposition of a request for reconsideration is final
351.13 and not subject to appeal under chapter 14.

351.14 (b) This paragraph applies only to licensed family child care providers. A licensed family
351.15 child care provider who requests reconsideration of a correction order under paragraph (a)
351.16 may also request, on a form and in the manner prescribed by the commissioner, that the
351.17 commissioner expedite the review if:

351.18 (1) the provider is challenging a violation and provides a description of how complying
351.19 with the corrective action for that violation would require the substantial expenditure of
351.20 funds or a significant change to their program; and

351.21 (2) describes what actions the provider will take in lieu of the corrective action ordered
351.22 to ensure the health and safety of children in care pending the commissioner's review of the
351.23 correction order.

351.24 (c) By January 1, 2018, and each year thereafter, the Department of Human Services
351.25 must report data to the chairs and ranking minority members of the legislative committees
351.26 with jurisdiction over human services policy from the previous year that includes:

351.27 (1) the number of licensed family child care provider appeals of correction orders to the
351.28 Department of Human Services;

351.29 (2) the number of correction order appeals by family child care providers that the
351.30 Department of Human Services grants; and

351.31 (3) the number of correction order appeals that the Department of Human Services
 351.32 denies.

214.6 Sec. 24. Minnesota Statutes 2016, section 245A.06, subdivision 8, is amended to read:

214.7 Subd. 8. **Requirement to post correction order.** (a) For licensed family child care
 214.8 providers and child care centers, upon receipt of any correction order or order of conditional
 214.9 license issued by the commissioner under this section, and notwithstanding a pending request
 214.10 for reconsideration of the correction order or order of conditional license by the license
 214.11 holder, the license holder shall post the correction order or order of conditional license in
 214.12 a place that is conspicuous to the people receiving services and all visitors to the facility
 214.13 for two years. When the correction order or order of conditional license is accompanied by
 214.14 a maltreatment investigation memorandum prepared under section 626.556 or 626.557, the
 214.15 investigation memoranda must be posted with the correction order or order of conditional
 214.16 license.

214.17 (b) If the commissioner reverses or rescinds a violation in a correction order upon
 214.18 reconsideration under subdivision 2, the commissioner shall issue an amended correction
 214.19 order and the license holder shall post the amended order according to paragraph (a).

214.20 (c) If the correction order is rescinded or reversed in full upon reconsideration under
 214.21 subdivision 2, the license holder shall remove the original correction order posted according
 214.22 to paragraph (a).

214.23 Sec. 25. Minnesota Statutes 2016, section 245A.06, is amended by adding a subdivision
 214.24 to read:

214.25 Subd. 9. **Child care correction order quotas prohibited.** The commissioner and county
 214.26 licensing agencies shall not order, mandate, require, or suggest to any person responsible
 214.27 for licensing or inspecting a licensed family child care provider or child care center a quota
 214.28 for the issuance of correction orders on a daily, weekly, monthly, quarterly, or yearly basis.

214.29 Sec. 26. **[245A.065] CHILD CARE FIX-IT TICKET.**

214.30 (a) In lieu of a correction order under section 245A.06, the commissioner shall issue a
 214.31 fix-it ticket to a family child care or child care center license holder if the commissioner
 214.32 finds that:

- 215.1 (1) the license holder has failed to comply with a requirement in this chapter or Minnesota
 215.2 Rules, chapter 9502 or 9503, that the commissioner determines to be eligible for a fix-it
 215.3 ticket;
- 215.4 (2) the violation does not imminently endanger the health, safety, or rights of the persons
 215.5 served by the program;
- 215.6 (3) the license holder did not receive a fix-it ticket or correction order for the violation
 215.7 at the license holder's last licensing inspection;
- 215.8 (4) the violation can be corrected at the time of inspection or within 48 hours, excluding
 215.9 Saturdays, Sundays, and holidays; and
- 215.10 (5) the license holder corrects the violation at the time of inspection or agrees to correct
 215.11 the violation within 48 hours, excluding Saturdays, Sundays, and holidays.
- 215.12 (b) The fix-it ticket must state:
- 215.13 (1) the conditions that constitute a violation of the law or rule;
- 215.14 (2) the specific law or rule violated; and
- 215.15 (3) that the violation was corrected at the time of inspection or must be corrected within
 215.16 48 hours, excluding Saturdays, Sundays, and holidays.
- 215.17 (c) The commissioner shall not publicly publish a fix-it ticket on the department's Web
 215.18 site.
- 215.19 (d) Within 48 hours, excluding Saturdays, Sundays, and holidays, of receiving a fix-it
 215.20 ticket, the license holder must correct the violation and within one week submit evidence
 215.21 to the licensing agency that the violation was corrected.
- 215.22 (e) If the violation is not corrected at the time of inspection or within 48 hours, excluding
 215.23 Saturdays, Sundays, and holidays, or the evidence submitted is insufficient to establish that
 215.24 the license holder corrected the violation, the commissioner must issue a correction order
 215.25 for the violation of Minnesota law or rule identified in the fix-it ticket according to section
 215.26 245A.06.
- 215.27 (f) The commissioner shall, following consultation with family child care license holders,
 215.28 child care center license holders, and county agencies, issue a report by October 1, 2017,
 215.29 that identifies the violations of this chapter and Minnesota Rules, chapters 9502 and 9503,
 215.30 that are eligible for a fix-it ticket. The commissioner shall provide the report to county

352.1 Sec. 6. Minnesota Statutes 2016, section 245A.07, subdivision 3, is amended to read:

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

352.4 (1) a license holder fails to comply fully with applicable laws or rules;

352.5 (2) a license holder, a controlling individual, or an individual living in the household
352.6 where the licensed services are provided or is otherwise subject to a background study has
352.7 a disqualification which has not been set aside under section 245C.22;

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

352.12 (4) after July 1, 2012, and upon request by the commissioner, a license holder fails to
352.13 submit the information required of an applicant under section 245A.04, subdivision 1,
352.14 paragraph (f) or (g).

352.15 A license holder who has had a license suspended, revoked, or has been ordered to pay
352.16 a fine must be given notice of the action by certified mail or personal service. If mailed, the
352.17 notice must be mailed to the address shown on the application or the last known address of
352.18 the license holder. The notice must state the reasons the license was suspended, revoked,
352.19 or a fine was ordered.

352.20 (b) If the license was suspended or revoked, the notice must inform the license holder
352.21 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts
352.22 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking
352.23 a license. The appeal of an order suspending or revoking a license must be made in writing
352.24 by certified mail or personal service. If mailed, the appeal must be postmarked and sent to
352.25 the commissioner within ten calendar days after the license holder receives notice that the
352.26 license has been suspended or revoked. If a request is made by personal service, it must be
352.27 received by the commissioner within ten calendar days after the license holder received the
352.28 order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a
352.29 timely appeal of an order suspending or revoking a license, the license holder may continue

215.31 agencies and the chairs and ranking minority members of the legislative committees with
215.32 jurisdiction over child care, and shall post the report to the department's Web site.

216.1 **EFFECTIVE DATE.** This section is effective October 1, 2017.

- 352.30 to operate the program as provided in section 245A.04, subdivision 7, paragraphs (g) and
352.31 (h), until the commissioner issues a final order on the suspension or revocation.
- 352.32 (c)(1) If the license holder was ordered to pay a fine, the notice must inform the license
352.33 holder of the responsibility for payment of fines and the right to a contested case hearing
353.1 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an
353.2 order to pay a fine must be made in writing by certified mail or personal service. If mailed,
353.3 the appeal must be postmarked and sent to the commissioner within ten calendar days after
353.4 the license holder receives notice that the fine has been ordered. If a request is made by
353.5 personal service, it must be received by the commissioner within ten calendar days after
353.6 the license holder received the order.
- 353.7 (2) The license holder shall pay the fines assessed on or before the payment date specified.
353.8 If the license holder fails to fully comply with the order, the commissioner may issue a
353.9 second fine or suspend the license until the license holder complies. If the license holder
353.10 receives state funds, the state, county, or municipal agencies or departments responsible for
353.11 administering the funds shall withhold payments and recover any payments made while the
353.12 license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine
353.13 until the commissioner issues a final order.
- 353.14 (3) A license holder shall promptly notify the commissioner of human services, in writing,
353.15 when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the
353.16 commissioner determines that a violation has not been corrected as indicated by the order
353.17 to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify
353.18 the license holder by certified mail or personal service that a second fine has been assessed.
353.19 The license holder may appeal the second fine as provided under this subdivision.
- 353.20 (4) Fines shall be assessed as follows:
- 353.21 (i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a
353.22 child under section 626.556 or the maltreatment of a vulnerable adult under section 626.557
353.23 for which the license holder is determined responsible for the maltreatment under section
353.24 626.556, subdivision 10e, paragraph (i), or 626.557, subdivision 9c, paragraph (c);
- 353.25 (ii) if the commissioner determines that a determination of maltreatment for which the
353.26 license holder is responsible is the result of maltreatment that meets the definition of serious
353.27 maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit
353.28 \$5,000;

353.29 (iii) for a program that operates out of the license holder's home and a program licensed
 353.30 under Minnesota Rules, parts 9502.0300 to 9502.0495, the fine assessed against the license
 353.31 holder shall not exceed \$1,000 for each determination of maltreatment;

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

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

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

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

354.16 (d) Except for background study violations involving the failure to comply with an order
 354.17 to immediately remove an individual or an order to provide continuous, direct supervision,
 354.18 the commissioner shall not issue a fine under paragraph (c) relating to a background study
 354.19 violation to a license holder who self-corrects a background study violation before the
 354.20 commissioner discovers the violation. A license holder who has previously exercised the
 354.21 provisions of this paragraph to avoid a fine for a background study violation may not avoid
 354.22 a fine for a subsequent background study violation unless at least 365 days have passed
 354.23 since the license holder self-corrected the earlier background study violation.

354.24 **EFFECTIVE DATE.** This section is effective August 1, 2017.

354.25 Sec. 7. **[245A.1434] INFORMATION FOR CHILD CARE LICENSE HOLDERS.**

354.26 The commissioner shall inform family child care and child care center license holders
 354.27 on a timely basis of changes to state and federal statute, rule, regulation, and policy relating
 354.28 to the provision of licensed child care, the child care assistance program under chapter 119B,
 354.29 the quality rating and improvement system under section 124D.142, and child care licensing

216.2 Sec. 27. **[245A.1434] INFORMATION FOR CHILD CARE LICENSE HOLDERS.**

216.3 The commissioner shall inform family child care and child care center license holders
 216.4 on a timely basis of changes to state and federal statute, rule, regulation, and policy relating
 216.5 to the provision of licensed child care, the child care assistance program under chapter 119B,
 216.6 the quality rating and improvement system under section 124D.142, and child care licensing

354.30 functions delegated to counties. Communications under this section shall include information
 354.31 to promote license holder compliance with identified changes. Communications under this
 354.32 section may be accomplished by electronic means and shall be made available to the public
 354.33 online.

216.7 functions delegated to counties. Communications under this section shall include information
 216.8 to promote license holder compliance with identified changes. Communications under this
 216.9 section may be accomplished by electronic means and shall be made available to the public
 216.10 online.

216.11 Sec. 28. **[245A.153] REPORT TO LEGISLATURE ON THE STATUS OF CHILD**
 216.12 **CARE.**

216.13 Subdivision 1. **Reporting requirements.** Beginning on February 1, 2018, and no later
 216.14 than February 1 of each year thereafter, the commissioner of human services shall provide
 216.15 a report on the status of child care in Minnesota to the chairs and ranking minority members
 216.16 of the legislative committees with jurisdiction over child care.

216.17 Subd. 2. **Contents of report.** (a) The report must include the following:

216.18 (1) summary data on trends in child care center and family child care capacity and
 216.19 availability throughout the state, including the number of centers and programs that have
 216.20 opened and closed and the geographic locations of those centers and programs;

216.21 (2) a description of any changes to statutes, administrative rules, or agency policies and
 216.22 procedures that were implemented in the year preceding the report;

216.23 (3) a description of the actions the department has taken to address or implement the
 216.24 recommendations from the Legislative Task Force on Access to Affordable Child Care
 216.25 Report dated January 15, 2017, including but not limited to actions taken in the areas of:

216.26 (i) encouraging uniformity in implementing and interpreting statutes, administrative
 216.27 rules, and agency policies and procedures relating to child care licensing and access;

216.28 (ii) improving communication with county licensors and child care providers regarding
 216.29 changes to statutes, administrative rules, and agency policies and procedures, ensuring that
 216.30 information is directly and regularly transmitted;

217.1 (iii) providing notice to child care providers before issuing correction orders or negative
 217.2 actions relating to recent changes to statutes, administrative rules, and agency policies and
 217.3 procedures;

217.4 (iv) implementing confidential, anonymous communication processes for child care
 217.5 providers to ask questions and receive prompt, clear answers from the department;

355.1 Sec. 8. Minnesota Statutes 2016, section 626.556, subdivision 3c, is amended to read:

355.2 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**
 355.3 **Health responsible for assessing or investigating reports of maltreatment.** (a) The ~~county~~
 355.4 local welfare agency is the agency responsible for assessing or investigating allegations of
 355.5 maltreatment in child foster care, family child care, legally ~~unlicensed~~ **nonlicensed** child
 355.6 care, ~~juvenile correctional facilities licensed under section 241.021 located in the local~~
 355.7 ~~welfare agency's county~~, and reports involving children served by an unlicensed personal
 355.8 care provider organization under section 256B.0659. Copies of findings related to personal
 355.9 care provider organizations under section 256B.0659 must be forwarded to the Department
 355.10 of Human Services provider enrollment.

355.11 (b) The Department of Human Services is the agency responsible for assessing or
 355.12 investigating allegations of maltreatment in juvenile correctional facilities listed under

217.6 (v) streamlining processes to reduce duplication or overlap in paperwork and training
 217.7 requirements for child care providers; and

217.8 (vi) compiling and distributing information detailing trends in the violations for which
 217.9 correction orders and negative actions are issued;

217.10 (4) a description of the department's efforts to cooperate with counties while addressing
 217.11 and implementing the task force recommendations;

217.12 (5) summary data on child care assistance programs including but not limited to state
 217.13 funding and numbers of families served; and

217.14 (6) summary data on family child care correction orders, including:

217.15 (i) the number of licensed family child care provider appeals or requests for
 217.16 reconsideration of correction orders to the Department of Human Services;

217.17 (ii) the number of family child care correction order appeals or requests for
 217.18 reconsideration that the Department of Human Services grants; and

217.19 (iii) the number of family child care correction order appeals or requests for
 217.20 reconsideration that the Department of Human Services denies.

217.21 (b) The commissioner may offer recommendations for legislative action.

217.22 Subd. 3. **Sunset.** This section expires February 2, 2020.

236.7 Sec. 54. Minnesota Statutes 2016, section 626.556, subdivision 3c, is amended to read:

236.8 Subd. 3c. **Local welfare agency, Department of Human Services or Department of**
 236.9 **Health responsible for assessing or investigating reports of maltreatment.** (a) The ~~county~~
 236.10 local welfare agency is the agency responsible for assessing or investigating allegations of
 236.11 maltreatment in child foster care, family child care, legally ~~unlicensed~~ child care, ~~juvenile~~
 236.12 ~~correctional facilities licensed under section 241.021 located in the local welfare agency's~~
 236.13 ~~county~~, and reports involving children served by an unlicensed personal care provider
 236.14 organization under section 256B.0659. Copies of findings related to personal care provider
 236.15 organizations under section 256B.0659 must be forwarded to the Department of Human
 236.16 Services provider enrollment.

236.17 (b) The Department of Human Services is the agency responsible for assessing or
 236.18 investigating allegations of maltreatment in juvenile correctional facilities licensed by the

355.13 section 241.021 located in the local welfare agency's county and in facilities licensed or
355.14 certified under chapters 245A and 245D, except for child foster care and family child care.

355.15 (c) The Department of Health is the agency responsible for assessing or investigating
355.16 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and
355.17 144A.43 to 144A.482.

236.19 Department of Corrections under section 241.021 and in facilities licensed under chapters
236.20 245A and 245D, except for child foster care and family child care.

236.21 (c) The Department of Health is the agency responsible for assessing or investigating
236.22 allegations of child maltreatment in facilities licensed under sections 144.50 to 144.58 and
236.23 144A.43 to 144A.482.