

CHAPTER 245

DEPARTMENT OF PUBLIC WELFARE

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245.62 COMMUNITY MENTAL HEALTH CENTER.

Subdivision 1. **Establishment.** Any city, county, town, combination thereof, or private nonprofit corporation may establish a community mental health center.

Subd. 2. **Definition.** A community mental health center is a private nonprofit corporation or public agency approved under the temporary and permanent rules promulgated by the commissioner pursuant to subdivision 4.

Subd. 3. **Clinical director.** All community mental health center services shall be provided under the clinical direction of a licensed consulting psychologist licensed under sections 148.88 to 148.98, or a physician who is board certified or eligible for board certification in psychiatry, and who is licensed under section 147.02.

Subd. 4. **Rules.** The commissioner shall promulgate temporary and permanent rules to establish standards for the designation of an agency as a community mental health center. These standards shall include, but are not limited to:

(a) provision of mental health services in the prevention, identification, treatment and aftercare of emotional disorders, chronic and acute mental illness, mental retardation and developmental disabilities, and alcohol and drug abuse and dependency, including the services listed in section 245.61 except detoxification services;

(b) establishment of a community mental health center board pursuant to section 245.66; and

(c) approval pursuant to section 245.69, subdivision 2.

History: 1983 c 312 art 5 s 1

245.66 COMMUNITY MENTAL HEALTH CENTER BOARDS.

Every city, county, town, combination thereof or nonprofit corporation establishing a community mental health center shall establish a community mental health center board. The community mental health center board may include county commissioner representatives from each participating county and shall be representative of the local population, including at least health and human service professions and advocate associations, other fields of employment, and the general public. Each community mental health center board shall be responsible for the governance and performance of its center.

History: 1983 c 312 art 5 s 2

245.73 GRANTS FOR RESIDENTIAL SERVICES FOR ADULT MENTALLY ILL PERSONS.

[For text of subd 1, see M.S.1982]

Subd. 2. **Application; criteria.** County boards may submit an application and budget for use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner for residential facilities for adult mentally ill persons to meet licensing requirements pursuant to sections 245.781 to 245.812. Funds shall not be used to supplant or reduce local, state, or federal expenditure levels supporting existing resources unless the reduction in available moneys is the result of a state or federal decision not to refund an existing program. State funds received by a county pursuant to this section shall be used only for direct service costs. Both direct service and other costs, including but not limited to renovation, construction or rent of buildings, purchase or lease of vehicles or equipment as required for licensure as a facility for adult mentally ill persons under sections 245.781 to 245.812, may be paid out of the matching funds required under subdivision 3. Neither the state funds nor the matching funds shall be used for room and board costs.

[For text of subds 3 and 4, see M.S.1982]

History: 1983 c 164 s 1

245.783 APPLICATIONS; INSPECTION.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. **Study of applicant.** Before issuing a license or renewing a license, the commissioner shall conduct a study of the applicant and the agency or the day care or residential facility. The bureau of criminal apprehension, a county attorney, a county sheriff, and a chief of a local police department, after notice to the subject of the data, shall assist in this study by providing to the commissioner, the director of any local agency responsible for licensing, or their representatives all criminal conviction data, arrest information, reports regarding abuse or neglect of children, and investigation results available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals connected with the application for or renewal of a license: applicants, operators, all persons living in the household, all staff of any day care or residential facility and all staff of agencies placing children for care. If the commissioner is satisfied that the provisions of sections 245.781 to 245.812 and 252.28, subdivision 2 and the applicable rules promulgated by him are substantially met, a license shall be issued. If the results of the study indicate that all of the applicable laws and rules cannot be met immediately, but can and will be met within one year or less, and the deviations do not threaten the health, rights, or safety of persons to be served, a provisional license may be issued for a period not to exceed one year from the date of issuance.

The commissioner may request advice from persons using the facility, agency, or service, operators of a similar facility, agency, or service, and relevant professionals as part of the evaluation of an applicant.

[For text of subds 4 to 6, see M.S.1982]

History: 1983 c 304 s 1

245.801 REVOCATION OF LICENSE; DENIAL.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. **Suspension; appeal.** An operator whose license the commissioner proposes to suspend, revoke, or make probationary shall be given notice by certified mail addressed to the location shown on the license. The notice shall contain a statement of, and the reasons for, the proposed action and shall inform the operator of his right to appeal the decision to the commissioner, in writing, within ten days after receipt of the notice of the proposed action. Upon receiving a timely written appeal, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner. The local welfare agency may demonstrate reasonable cause to revoke, suspend, not renew, or make probationary a family foster care or family day care license by submitting reports, statements, affidavits, or other reliable hearsay to substantiate the allegations of noncompliance with rules promulgated by the commissioner pursuant to section 245.802 governing family foster care licensing and family day care licensing. Upon demonstration by the agency that reasonable cause exists to take the proposed action with respect to a family foster care or family day care license, the burden of proof shifts to the licensee to demonstrate compliance with the rule by a preponderance of the evidence. The hearing examiner shall make a recommendation to the commissioner as to whether the license shall be suspended, revoked, or made probationary. However, if the commissioner finds that the health, safety or rights of the persons served by the facility or agency are in imminent danger, he shall order the immediate suspension of the license. The operator shall be given written notice of the order by personal service. The notice shall contain a statement of the reasons for the suspension and shall inform the operator of his right to petition the commissioner for reconsideration of the order. The petition shall be in writing and shall be made within five days after the personal service of the order. Upon receiving a timely written petition, the commissioner shall give the operator reasonable notice and an opportunity for a prompt hearing before an impartial hearing examiner with respect to the order of suspension of the license. The hearing examiner shall make a recommendation to the commissioner as to whether the order of suspension should be affirmed or reversed. The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 14 and as stated in this section.

[For text of subs 5 and 6, see M.S.1982]

History: 1983 c 304 s 2

245.83 CHILD CARE SERVICES; DEFINITIONS.

Subdivision 1. As used in sections 245.83 to 245.87 the words defined in this section shall have the meanings given them.

Subd. 2. "Child care services" means family day care homes, group day care centers, nursery schools, day nurseries, child day care centers, play groups, head start and parent cooperatives, as defined by rules of the commissioner, and in-home child care as defined in the Minnesota plan for social services to families and children.

Subd. 3. "Child" means any person 14 years of age or younger.

Subd. 4. "Commissioner" means the commissioner of public welfare.

Subd. 5. "Interim financing" means funds to carry out such activities as are necessary for family day care homes, group family day care homes and cooperative child care centers to receive and maintain state licensing, and operating funds for a period of six consecutive months following receipt of state licensing by a

family day care home, group family day care home, or cooperative child care center.

History: 1983 c 312 art 2 s 1

245.84 AUTHORIZATION TO MAKE GRANTS.

Subdivision 1. **Authority.** The county board is authorized to provide child care services, to make grants from the community social service fund or other sources to any municipality, corporation or combination thereof for the cost of providing technical assistance and child care services, or to contract for services with any licensed day care facility, as the board deems necessary or proper to carry out the purposes of sections 245.83 to 245.87.

The board is further authorized to make grants to or contract with any municipality, incorporated licensed child care facility, or corporation or combination thereof for any of the following purposes:

(a) For creating new licensed day care facilities and expanding existing facilities including, but not limited to, supplies, equipment, and facility renovation and remodeling;

(b) For improving licensed day care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling;

(c) For supportive child development services including, but not limited to, inservice training, curriculum development, consulting specialist, resource centers, and program and resource materials;

(d) For carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training; and,

(e) For interim financing.

Subd. 2. **Allocation, eligibility, sliding fee.** (a) Within the limit of appropriations available and subject to the allocation requirements of section 245.87 the commissioner shall establish a program to allocate available appropriations to counties for the purpose of reducing according to a sliding fee schedule the costs of child care for eligible families. The commissioner shall promulgate rules to govern the program in accordance with this subdivision. No later than April 1 of each odd-numbered year, the commissioner shall notify all county boards of the allocation procedures for the sliding fee program. No later than June 1 of each odd-numbered year, each county shall inform the commissioner of the number of persons estimated to be entitled to child care services, the number of persons estimated to use the program, and the expected cost for the following two state fiscal years. No later than July 1 of that year, the commissioner shall allocate to each county its proportionate share of the appropriation for that and the next fiscal year, determined according to the county's report. If the appropriation is insufficient to meet the needs in all counties, the amount shall be prorated among the counties. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature no later than January 15 of each odd-numbered year of the effectiveness of the program.

(b) In addition to payments from parents, contributions to the cost of the program shall be made by counties as follows: 5 percent in the first year, and 15 percent in the second and subsequent years, that the county provides services under this subdivision.

(c) Families receiving child care services under this subdivision on July 1, 1983 are entitled to child care services under this paragraph. As money that is allowed or required to be used for providing child care becomes available to the county from federal, state, or local sources, the county board shall to the extent practical make child care services available to single parent families in which the parent needs child care services under this section to secure or retain employment, or to obtain the training or education necessary to secure employment, or for other circumstances, established by the commissioner, related to education, training, or employment, and, in the following order of priority:

(1) who are receiving aid to families with dependent children under sections 256.72 to 256.87. Child care services to these families shall be made available as in-kind services, to cover the difference between the actual cost and \$160 per month per child or the amount disregarded under rules for persons not employed full-time; then

(2) whose household income is within the income range established by the county board. Child care services to these families shall be made available on a sliding fee. The minimum income range a county board may establish is between the aid to families with dependent children eligibility limit and household income of less than 70 percent of the state median income for a family of four adjusted for family size, and the maximum income range is between the aid to families with dependent children eligibility limit and household income of less than 90 percent of the state median income for a family of four adjusted for family size.

(d) In setting the sliding fee schedule, the commissioner shall exclude from the amount of income used to determine eligibility under the income range established by the county board an amount for federal and state income and social security taxes attributable to that income level according to federal and state standardized tax tables. The total fee charged for child care to any family shall not exceed 75 percent of the income so determined to be above the maximum allowable for fully subsidized child care.

(e) In each case where the county charges a fee that is less than the fee set by the commissioner for the same service, the state's payment shall be limited to the difference between the fee set by the commissioner and the charge for care.

In cases where the provider of the child care service charges in excess of 125 percent of the median charge for like care arrangements in the geographic area defined by the commissioner for the purposes of ascertaining the median charge, the state's payment shall be limited to the difference between 125 percent of the median charge for like care arrangements in the geographic area and the parents' fee.

(f) The county board shall ensure that child care services are available to county residents entitled to them under paragraph (c), that the availability of services is well-advertised, and that all recipients of and applicants for aid to families with dependent children are informed of any availability of child care services under paragraph (c). The county board may accept any gifts, grants, bequests, devises, or offers of inclusion of services as employees' fringe benefits for use in providing services under Laws 1983, chapter 312, article 2, sections 1 to 8.

(g) The commissioner shall promulgate temporary and permanent rules in accordance with sections 14.05 to 14.36 to implement this section. No more than seven percent of any allocation shall be used for the county's administration expenses.

[For text of subd 3, see M.S.1982]

Subd. 4. The commissioner may appoint an advisory task force of not more than 35 members which shall advise the commissioner on grants and other child care issues. One-third of the members of the advisory council shall be parents who use child care services. The membership expiration, terms, compensation and removal from office of members of the advisory council shall be according to section 15.059.

Subd. 5. **Biennial plan.** The county board shall biennially develop a plan for the distribution of money for child care services as part of the community social services plan prescribed in section 256E.09. All licensed child care programs shall be given written notice concerning the availability of money and the application process.

History: 1983 c 260 s 52; 1983 c 312 art 2 s 2-4

245.85 SUPERVISION OF SERVICES.

The county board shall supervise and coordinate all child care services and programs for which money has been made available pursuant to sections 245.83 to 245.87, and shall endeavor insofar as possible to establish a set of program standards and uniform regulations to coordinate child care services and programs at the local level. The board shall, from time to time, review the budgets, expenditures and development of each child care service and program to which money has been made available pursuant to sections 245.83 to 245.87.

History: 1983 c 312 art 2 s 5

245.86 AUTHORIZATION TO COUNTIES AND MUNICIPALITIES TO CONTRACT OR MAKE GRANTS.

Any county or municipality may contract for services or make grants from special tax revenues or from its general fund to any organization, governmental or corporate, for the same purposes for which the commissioner is authorized to make allocations by sections 245.83 to 245.87.

History: 1983 c 312 art 2 s 6

245.87 ALLOCATIONS.

For the purposes of section 245.84, subdivision 2, the commissioner shall allocate money appropriated between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for migrant day care services, administrative costs and statewide projects. At least ten percent of the total program allocation under section 245.84, subdivision 1 shall be designated for interim financing. The commissioner is further instructed that the allocation in each area be based on a need and population basis.

History: 1983 c 312 art 2 s 7