

245A.10 FEES.

Subdivision 1. **Application or license fee required, programs exempt from fee.** (a) Unless exempt under paragraph (b), the commissioner shall charge a fee for evaluation of applications and inspection of programs which are licensed under this chapter.

(b) Except as provided under subdivision 2, no application or license fee shall be charged for child foster care, adult foster care, family and group family child care, or a community residential setting.

Subd. 2. **County fees for background studies and licensing inspections.** (a) Before the implementation of NETStudy 2.0, for purposes of family and group family child care licensing under this chapter, a county agency may charge a fee to an applicant or license holder to recover the actual cost of background studies, but in any case not to exceed \$100 annually. A county agency may also charge a license fee to an applicant or license holder not to exceed \$50 for a one-year license or \$100 for a two-year license.

(b) Before the implementation of NETStudy 2.0, a county agency may charge a fee to a legal nonlicensed child care provider or applicant for authorization to recover the actual cost of background studies completed under section 119B.125, but in any case not to exceed \$100 annually.

(c) Counties may elect to reduce or waive the fees in paragraph (a) or (b):

- (1) in cases of financial hardship;
- (2) if the county has a shortage of providers in the county's area;
- (3) for new providers; or
- (4) for providers who have attained at least 16 hours of training before seeking initial licensure.

(d) Counties may allow providers to pay the applicant fees in paragraph (a) or (b) on an installment basis for up to one year. If the provider is receiving child care assistance payments from the state, the provider may have the fees under paragraph (a) or (b) deducted from the child care assistance payments for up to one year and the state shall reimburse the county for the county fees collected in this manner.

(e) For purposes of adult foster care and child foster care licensing, and licensing the physical plant of a community residential setting, under this chapter, a county agency may charge a fee to a corporate applicant or corporate license holder to recover the actual cost of licensing inspections, not to exceed \$500 annually.

(f) Counties may elect to reduce or waive the fees in paragraph (e) under the following circumstances:

- (1) in cases of financial hardship;
- (2) if the county has a shortage of providers in the county's area; or
- (3) for new providers.

Subd. 3. **Application fee for initial license or certification.** (a) For fees required under subdivision 1, an applicant for an initial license or certification issued by the commissioner shall submit a \$500 application fee with each new application required under this subdivision. An applicant for an initial day services facility license under chapter 245D shall submit a \$250 application fee with each new application. The application fee shall not be prorated, is nonrefundable, and is in lieu of the annual license or certification fee that expires on December 31. The commissioner shall not process an application until the application fee is paid.

(b) Except as provided in clauses (1) to (3), an applicant shall apply for a license to provide services at a specific location.

(1) For a license to provide home and community-based services to persons with disabilities or age 65 and older under chapter 245D, an applicant shall submit an application to provide services statewide. Notwithstanding paragraph (a), applications received by the commissioner between July 1, 2013, and December 31, 2013, for licensure of services provided under chapter 245D must include an application fee that is equal to the annual license renewal fee under subdivision 4, paragraph (b), or \$500, whichever is less. Applications received by the commissioner after January 1, 2014, must include the application fee required under paragraph (a). Applicants who meet the modified application criteria identified in section 245A.042, subdivision 2, are exempt from paying an application fee.

(2) For a license to provide independent living assistance for youth under section 245A.22, an applicant shall submit a single application to provide services statewide.

(3) For a license for a private agency to provide foster care or adoption services under Minnesota Rules, parts 9545.0755 to 9545.0845, an applicant shall submit a single application to provide services statewide.

(c) The initial application fee charged under this subdivision does not include the temporary license surcharge under section 16E.22.

Subd. 4. **License or certification fee for certain programs.** (a) Child care centers shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | Child Care Center License Fee |
|---------------------|-------------------------------|
| 1 to 24 persons | \$200 |
| 25 to 49 persons | \$300 |
| 50 to 74 persons | \$400 |
| 75 to 99 persons | \$500 |
| 100 to 124 persons | \$600 |
| 125 to 149 persons | \$700 |
| 150 to 174 persons | \$800 |
| 175 to 199 persons | \$900 |
| 200 to 224 persons | \$1,000 |
| 225 or more persons | \$1,100 |

(b)(1) A program licensed to provide one or more of the home and community-based services and supports identified under chapter 245D to persons with disabilities or age 65 and older, shall pay an annual nonrefundable license fee based on revenues derived from the provision of services that would require licensure under chapter 245D during the calendar year immediately preceding the year in which the license fee is paid, according to the following schedule:

| License Holder Annual Revenue | License Fee |
|----------------------------------------------------------------|-------------|
| less than or equal to \$10,000 | \$200 |
| greater than \$10,000 but less than or equal to \$25,000 | \$300 |
| greater than \$25,000 but less than or equal to \$50,000 | \$400 |
| greater than \$50,000 but less than or equal to \$100,000 | \$500 |
| greater than \$100,000 but less than or equal to \$150,000 | \$600 |
| greater than \$150,000 but less than or equal to \$200,000 | \$800 |
| greater than \$200,000 but less than or equal to \$250,000 | \$1,000 |
| greater than \$250,000 but less than or equal to \$300,000 | \$1,200 |
| greater than \$300,000 but less than or equal to \$350,000 | \$1,400 |
| greater than \$350,000 but less than or equal to \$400,000 | \$1,600 |
| greater than \$400,000 but less than or equal to \$450,000 | \$1,800 |
| greater than \$450,000 but less than or equal to \$500,000 | \$2,000 |
| greater than \$500,000 but less than or equal to \$600,000 | \$2,250 |
| greater than \$600,000 but less than or equal to \$700,000 | \$2,500 |
| greater than \$700,000 but less than or equal to \$800,000 | \$2,750 |
| greater than \$800,000 but less than or equal to \$900,000 | \$3,000 |
| greater than \$900,000 but less than or equal to \$1,000,000 | \$3,250 |
| greater than \$1,000,000 but less than or equal to \$1,250,000 | \$3,500 |

| | |
|------------------------------------------------------------------|----------|
| greater than \$1,250,000 but less than or equal to \$1,500,000 | \$3,750 |
| greater than \$1,500,000 but less than or equal to \$1,750,000 | \$4,000 |
| greater than \$1,750,000 but less than or equal to \$2,000,000 | \$4,250 |
| greater than \$2,000,000 but less than or equal to \$2,500,000 | \$4,500 |
| greater than \$2,500,000 but less than or equal to \$3,000,000 | \$4,750 |
| greater than \$3,000,000 but less than or equal to \$3,500,000 | \$5,000 |
| greater than \$3,500,000 but less than or equal to \$4,000,000 | \$5,500 |
| greater than \$4,000,000 but less than or equal to \$4,500,000 | \$6,000 |
| greater than \$4,500,000 but less than or equal to \$5,000,000 | \$6,500 |
| greater than \$5,000,000 but less than or equal to \$7,500,000 | \$7,000 |
| greater than \$7,500,000 but less than or equal to \$10,000,000 | \$8,500 |
| greater than \$10,000,000 but less than or equal to \$12,500,000 | \$10,000 |
| greater than \$12,500,000 but less than or equal to \$15,000,000 | \$14,000 |
| greater than \$15,000,000 | \$18,000 |

(2) If requested, the license holder shall provide the commissioner information to verify the license holder's annual revenues or other information as needed, including copies of documents submitted to the Department of Revenue.

(3) At each annual renewal, a license holder may elect to pay the highest renewal fee, and not provide annual revenue information to the commissioner.

(4) A license holder that knowingly provides the commissioner incorrect revenue amounts for the purpose of paying a lower license fee shall be subject to a civil penalty in the amount of double the fee the provider should have paid.

(5) Notwithstanding clause (1), a license holder providing services under one or more licenses under chapter 245B that are in effect on May 15, 2013, shall pay an annual license fee for calendar years 2014,

2015, and 2016, equal to the total license fees paid by the license holder for all licenses held under chapter 245B for calendar year 2013. For calendar year 2017 and thereafter, the license holder shall pay an annual license fee according to clause (1).

(c) A chemical dependency treatment program licensed under chapter 245G, to provide chemical dependency treatment shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | License Fee |
|---------------------|-------------|
| 1 to 24 persons | \$600 |
| 25 to 49 persons | \$800 |
| 50 to 74 persons | \$1,000 |
| 75 to 99 persons | \$1,200 |
| 100 or more persons | \$1,400 |

(d) A chemical dependency program licensed under Minnesota Rules, parts 9530.6510 to 9530.6590, to provide detoxification services shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | License Fee |
|--------------------|-------------|
| 1 to 24 persons | \$760 |
| 25 to 49 persons | \$960 |
| 50 or more persons | \$1,160 |

(e) Except for child foster care, a residential facility licensed under Minnesota Rules, chapter 2960, to serve children shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | License Fee |
|---------------------|-------------|
| 1 to 24 persons | \$1,000 |
| 25 to 49 persons | \$1,100 |
| 50 to 74 persons | \$1,200 |
| 75 to 99 persons | \$1,300 |
| 100 or more persons | \$1,400 |

(f) A residential facility licensed under Minnesota Rules, parts 9520.0500 to 9520.0670, to serve persons with mental illness shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | License Fee |
|--------------------|-------------|
| 1 to 24 persons | \$2,525 |
| 25 or more persons | \$2,725 |

(g) A residential facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3400, to serve persons with physical disabilities shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | License Fee |
|---------------------|-------------|
| 1 to 24 persons | \$450 |
| 25 to 49 persons | \$650 |
| 50 to 74 persons | \$850 |
| 75 to 99 persons | \$1,050 |
| 100 or more persons | \$1,250 |

(h) A program licensed to provide independent living assistance for youth under section 245A.22 shall pay an annual nonrefundable license fee of \$1,500.

(i) A private agency licensed to provide foster care and adoption services under Minnesota Rules, parts 9545.0755 to 9545.0845, shall pay an annual nonrefundable license fee of \$875.

(j) A program licensed as an adult day care center licensed under Minnesota Rules, parts 9555.9600 to 9555.9730, shall pay an annual nonrefundable license fee based on the following schedule:

| Licensed Capacity | License Fee |
|---------------------|-------------|
| 1 to 24 persons | \$500 |
| 25 to 49 persons | \$700 |
| 50 to 74 persons | \$900 |
| 75 to 99 persons | \$1,100 |
| 100 or more persons | \$1,300 |

(k) A program licensed to provide treatment services to persons with sexual psychopathic personalities or sexually dangerous persons under Minnesota Rules, parts 9515.3000 to 9515.3110, shall pay an annual nonrefundable license fee of \$20,000.

(l) A mental health center or mental health clinic requesting certification for purposes of insurance and subscriber contract reimbursement under Minnesota Rules, parts 9520.0750 to 9520.0870, shall pay a certification fee of \$1,550 per year. If the mental health center or mental health clinic provides services at a primary location with satellite facilities, the satellite facilities shall be certified with the primary location without an additional charge.

Subd. 5. [Repealed, 1Sp2011 c 9 art 4 s 10]

Subd. 6. **License not issued until license or certification fee is paid.** The commissioner shall not issue a license or certification until the license or certification fee is paid. The commissioner shall send a bill for the license or certification fee to the billing address identified by the license holder. If the license holder does not submit the license or certification fee payment by the due date, the commissioner shall send the license holder a past due notice. If the license holder fails to pay the license or certification fee by the due date on the past due notice, the commissioner shall send a final notice to the license holder informing the

license holder that the program license will expire on December 31 unless the license fee is paid before December 31. If a license expires, the program is no longer licensed and, unless exempt from licensure under section 245A.03, subdivision 2, must not operate after the expiration date. After a license expires, if the former license holder wishes to provide licensed services, the former license holder must submit a new license application and application fee under subdivision 3.

Subd. 7. **Human services licensing fees to recover expenditures.** Notwithstanding section 16A.1285, subdivision 2, related to activities for which the commissioner charges a fee, the commissioner must plan to fully recover direct expenditures for licensing activities under this chapter over a five-year period. The commissioner may have anticipated expenditures in excess of anticipated revenues in a biennium by using surplus revenues accumulated in previous bienniums.

Subd. 8. **Deposit of license fees.** A human services licensing account is created in the state government special revenue fund. Fees collected under subdivisions 3 and 4 must be deposited in the human services licensing account and are annually appropriated to the commissioner for licensing activities authorized under this chapter.

History: 1987 c 333 s 11; 1995 c 158 s 4; 2000 c 327 s 6; 1Sp2003 c 14 art 6 s 9; 2005 c 56 s 1; 1Sp2005 c 4 art 3 s 4; art 5 s 6; 2007 c 112 s 12; 2007 c 147 art 3 s 2; 2008 c 268 s 2; 2009 c 79 art 1 s 1,2; 1Sp2011 c 9 art 4 s 1-5; 2013 c 108 art 8 s 15; 1Sp2017 c 6 art 16 s 3; 2018 c 182 art 2 s 10