

AT THE REQUEST OF THE CHAIRS, H4537-2 HAS BEEN ADDED TO THE HOUSE SIDE FOR THIS ARTICLE.

441.15 **ARTICLE 18**

441.16 **DEPARTMENT OF HUMAN SERVICES POLICY**

441.17 Section 1. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, as amended

441.18 by Laws 2024, chapter 80, article 8, section 4, is amended to read:

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

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

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

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

441.23 commissioner of human services;

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

441.25 for licensure; and

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

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

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

441.29 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants, **license**

441.30 holders, **certification holders**, and former licensees are public: name, address, telephone

441.31 number of licensees, email addresses except for family child foster care, date of receipt of

441.32 a completed application, dates of licensure, licensed capacity, type of client preferred,

442.1 variances granted, record of training and education in child care and child development,

442.2 type of dwelling, name and relationship of other family members, previous license history,

442.3 class of license, the existence and status of complaints, and the number of serious injuries

442.4 to or deaths of individuals in the licensed program as reported to the commissioner of human

442.5 services; the commissioner of children, youth, and families; the local social services agency;

442.6 or any other county welfare agency. For purposes of this clause, a serious injury is one that

442.7 is treated by a physician.

442.8 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,

442.9 an order of license suspension, an order of temporary immediate suspension, an order of

442.10 license revocation, an order of license denial, or an order of conditional license has been

442.11 issued, or a complaint is resolved, the following data on current and former licensees and

442.12 applicants are public: the general nature of the complaint or allegations leading to the

442.13 temporary immediate suspension; the substance and investigative findings of the licensing

442.14 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence

442.15 of settlement negotiations; the record of informal resolution of a licensing violation; orders

267.18 **ARTICLE 10**

267.19 **DEPARTMENT OF HUMAN SERVICES OFFICE OF INSPECTOR GENERAL**

 H4537-2 SEC. 1 ALSO AMENDS M.S. SEC. 13.46, SUBD. 4, AND IS INCLUDED BELOW.

267.20 Section 1. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, as amended

267.21 by Laws 2024, chapter 80, article 8, section 4, is amended to read:

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

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

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

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

267.26 commissioner of human services;

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

267.28 for licensure; and

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

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

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

268.1 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,

268.2 **certification holders**, **license** holders, and former licensees are public: name, address,

268.3 telephone number of licensees, email addresses except for family child foster care, date of

268.4 receipt of a completed application, dates of licensure, licensed capacity, type of client

268.5 preferred, variances granted, record of training and education in child care and child

268.6 development, type of dwelling, name and relationship of other family members, previous

268.7 license history, class of license, the existence and status of complaints, and the number of

268.8 serious injuries to or deaths of individuals in the licensed program as reported to the

268.9 commissioner of human services; the commissioner of children, youth, and families; the

268.10 local social services agency; or any other county welfare agency. For purposes of this clause,

268.11 a serious injury is one that is treated by a physician.

268.12 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,

268.13 an order of license suspension, an order of temporary immediate suspension, an order of

268.14 license revocation, an order of license denial, or an order of conditional license has been

268.15 issued, or a complaint is resolved, the following data on current and former licensees and

268.16 applicants are public: the general nature of the complaint or allegations leading to the

268.17 temporary immediate suspension; the substance and investigative findings of the licensing

268.18 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence

268.19 of settlement negotiations; the record of informal resolution of a licensing violation; orders

442.16 of hearing; findings of fact; conclusions of law; specifications of the final correction order,
442.17 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license
442.18 contained in the record of licensing action; whether a fine has been paid; and the status of
442.19 any appeal of these actions.

442.20 (iii) When a license denial under section 142A.15 or 245A.05 or a sanction under section
442.21 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling
442.22 individual is responsible for maltreatment under section 626.557 or chapter 260E, the identity
442.23 of the applicant, license holder, or controlling individual as the individual responsible for
442.24 maltreatment is public data at the time of the issuance of the license denial or sanction.

442.25 (iv) When a license denial under section 142A.15 or 245A.05 or a sanction under section
442.26 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling
442.27 individual is disqualified under chapter 245C, the identity of the license holder, applicant,
442.28 or controlling individual as the disqualified individual is public data at the time of the
442.29 issuance of the licensing sanction or denial. If the applicant, license holder, or controlling
442.30 individual requests reconsideration of the disqualification and the disqualification is affirmed,
442.31 the reason for the disqualification and the reason to not set aside the disqualification are
442.32 private data.

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

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

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

443.13 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the
443.14 victim and the substantiated perpetrator are affiliated with a program licensed under chapter
443.15 142B or 245A; the commissioner of human services; commissioner of children, youth, and
443.16 families; local social services agency; or county welfare agency may inform the license
443.17 holder where the maltreatment occurred of the identity of the substantiated perpetrator and
443.18 the victim.

268.20 of hearing; findings of fact; conclusions of law; specifications of the final correction order,
268.21 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license
268.22 contained in the record of licensing action; whether a fine has been paid; and the status of
268.23 any appeal of these actions.

268.24 (iii) When a license denial under section 142A.15 or 245A.05 or a sanction under section
268.25 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling
268.26 individual is responsible for maltreatment under section 626.557 or chapter 260E, the identity
268.27 of the applicant, license holder, or controlling individual as the individual responsible for
268.28 maltreatment is public data at the time of the issuance of the license denial or sanction.

268.29 (iv) When a license denial under section 142A.15 or 245A.05 or a sanction under section
268.30 142B.18 or 245A.07 is based on a determination that a license holder, applicant, or controlling
268.31 individual is disqualified under chapter 245C, the identity of the license holder, applicant,
268.32 or controlling individual as the disqualified individual is public data at the time of the
268.33 issuance of the licensing sanction or denial. If the applicant, license holder, or controlling
268.34 individual requests reconsideration of the disqualification and the disqualification is affirmed,
269.1 the reason for the disqualification and the reason to not set aside the disqualification are
269.2 private data.

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

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

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

269.18 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the
269.19 victim and the substantiated perpetrator are affiliated with a program licensed under chapter
269.20 142B or 245A; the commissioner of human services; commissioner of children, youth, and
269.21 families; local social services agency; or county welfare agency may inform the license
269.22 holder where the maltreatment occurred of the identity of the substantiated perpetrator and
269.23 the victim.

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

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

443.27 (d) The following are private data on individuals: the identity of persons who have made
443.28 reports concerning licensees or applicants that appear in inactive investigative data, and the
443.29 records of clients or employees of the licensee or applicant for licensure whose records are
443.30 received by the licensing agency for purposes of review or in anticipation of a contested
443.31 matter. The names of reporters of complaints or alleged violations of licensing standards
443.32 under chapters 142B, 245A, 245B, 245C, and 245D, and applicable rules and alleged
443.33 maltreatment under section 626.557 and chapter 260E, are confidential data and may be
444.1 disclosed only as provided in section 260E.21, subdivision 4; 260E.35; or 626.557,
444.2 subdivision 12b.

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

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

444.9 (g) Data that are not public data collected, maintained, used, or disseminated under this
444.10 subdivision that relate to or are derived from a report as defined in section 260E.03, or
444.11 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,
444.12 subdivision 6, and 626.557, subdivision 12b.

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

444.19 (i) Data on individuals collected according to licensing activities under chapters 142B,
444.20 245A, and 245C, data on individuals collected by the commissioner of human services
444.21 according to investigations under section 626.557 and chapters 142B, 245A, 245B, 245C,
444.22 245D, and 260E may be shared with the Department of Human Rights, the Department of
444.23 Health, the Department of Corrections, the ombudsman for mental health and developmental
444.24 disabilities, and the individual's professional regulatory board when there is reason to believe

269.24 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder
269.25 and the status of the license are public if the county attorney has requested that data otherwise
269.26 classified as public data under clause (1) be considered private data based on the best interests
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269.29 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data
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269.31 their family members who provide services under the license.

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270.1 received by the licensing agency for purposes of review or in anticipation of a contested
270.2 matter. The names of reporters of complaints or alleged violations of licensing standards
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270.4 maltreatment under section 626.557 and chapter 260E, are confidential data and may be
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270.9 of a disciplinary proceeding in which there is a public hearing concerning a license which
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270.27 Health, the Department of Corrections, the ombudsman for mental health and developmental
270.28 disabilities, and the individual's professional regulatory board when there is reason to believe

444.25 that laws or standards under the jurisdiction of those agencies may have been violated or
444.26 the information may otherwise be relevant to the board's regulatory jurisdiction. Background
444.27 study data on an individual who is the subject of a background study under chapter 245C
444.28 for a licensed service for which the commissioner of human services or children, youth,
444.29 and families is the license holder may be shared with the commissioner and the
444.30 commissioner's delegate by the licensing division. Unless otherwise specified in this chapter,
444.31 the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

444.32 (j) In addition to the notice of determinations required under sections 260E.24,
444.33 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the
444.34 commissioner of children, youth, and families or the local social services agency has
445.1 determined that an individual is a substantiated perpetrator of maltreatment of a child based
445.2 on sexual abuse, as defined in section 260E.03, and the commissioner or local social services
445.3 agency knows that the individual is a person responsible for a child's care in another facility,
445.4 the commissioner or local social services agency shall notify the head of that facility of this
445.5 determination. The notification must include an explanation of the individual's available
445.6 appeal rights and the status of any appeal. If a notice is given under this paragraph, the
445.7 government entity making the notification shall provide a copy of the notice to the individual
445.8 who is the subject of the notice.

445.9 (k) All not public data collected, maintained, used, or disseminated under this subdivision
445.10 and subdivision 3 may be exchanged between the Department of Human Services, Licensing
445.11 Division, and the Department of Corrections for purposes of regulating services for which
445.12 the Department of Human Services and the Department of Corrections have regulatory
445.13 authority.

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

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271.16 Division, and the Department of Corrections for purposes of regulating services for which
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271.18 authority.

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1.16 to read:

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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.

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

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

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

445.21 Sec. 3. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 2, as amended
445.22 by Laws 2024, chapter 85, section 52, and Laws 2024, chapter 80, article 2, section 35, is
445.23 amended to read:

445.24 Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

445.25 (1) residential or nonresidential programs that are provided to a person by an individual
445.26 who is related;

445.27 (2) nonresidential programs that are provided by an unrelated individual to persons from
445.28 a single related family;

445.29 (3) residential or nonresidential programs that are provided to adults who do not misuse
445.30 substances or have a substance use disorder, a mental illness, a developmental disability, a
445.31 functional impairment, or a physical disability;

446.1 (4) sheltered workshops or work activity programs that are certified by the commissioner
446.2 of employment and economic development;

446.3 (5) programs operated by a public school for children 33 months or older;

446.4 (6) nonresidential programs primarily for children that provide care or supervision for
446.5 periods of less than three hours a day while the child's parent or legal guardian is in the
446.6 same building as the nonresidential program or present within another building that is
446.7 directly contiguous to the building in which the nonresidential program is located;

446.8 (7) nursing homes or hospitals licensed by the commissioner of health except as specified
446.9 under section 245A.02;

446.10 (8) board and lodge facilities licensed by the commissioner of health that do not provide
446.11 children's residential services under Minnesota Rules, chapter 2960, mental health or
446.12 substance use disorder treatment;

446.13 (9) programs licensed by the commissioner of corrections;

446.14 (10) recreation programs for children or adults that are operated or approved by a park
446.15 and recreation board whose primary purpose is to provide social and recreational activities;

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.

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271.20 Sec. 2. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 2, as amended
271.21 by Laws 2024, chapter 80, article 2, section 35, and Laws 2024, chapter 85, section 52, is
271.22 amended to read:

271.23 Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

271.24 (1) residential or nonresidential programs that are provided to a person by an individual
271.25 who is related;

271.26 (2) nonresidential programs that are provided by an unrelated individual to persons from
271.27 a single related family;

271.28 (3) residential or nonresidential programs that are provided to adults who do not misuse
271.29 substances or have a substance use disorder, a mental illness, a developmental disability, a
271.30 functional impairment, or a physical disability;

271.31 (4) sheltered workshops or work activity programs that are certified by the commissioner
271.32 of employment and economic development;

272.1 (5) programs operated by a public school for children 33 months or older;

272.2 (6) nonresidential programs primarily for children that provide care or supervision for
272.3 periods of less than three hours a day while the child's parent or legal guardian is in the
272.4 same building as the nonresidential program or present within another building that is
272.5 directly contiguous to the building in which the nonresidential program is located;

272.6 (7) nursing homes or hospitals licensed by the commissioner of health except as specified
272.7 under section 245A.02;

272.8 (8) board and lodge facilities licensed by the commissioner of health that do not provide
272.9 children's residential services under Minnesota Rules, chapter 2960, mental health or
272.10 substance use disorder treatment;

272.11 (9) programs licensed by the commissioner of corrections;

272.12 (10) recreation programs for children or adults that are operated or approved by a park
272.13 and recreation board whose primary purpose is to provide social and recreational activities;

446.16 (11) noncertified boarding care homes unless they provide services for five or more
446.17 persons whose primary diagnosis is mental illness or a developmental disability;

446.18 (12) programs for children such as scouting, boys clubs, girls clubs, and sports and art
446.19 programs, and nonresidential programs for children provided for a cumulative total of less
446.20 than 30 days in any 12-month period;

446.21 (13) residential programs for persons with mental illness, that are located in hospitals;

446.22 (14) camps licensed by the commissioner of health under Minnesota Rules, chapter
446.23 4630;

446.24 (15) mental health outpatient services for adults with mental illness or children with
446.25 emotional disturbance;

446.26 (16) residential programs serving school-age children whose sole purpose is cultural or
446.27 educational exchange, until the commissioner adopts appropriate rules;

446.28 (17) community support services programs as defined in section 245.462, subdivision
446.29 6, and family community support services as defined in section 245.4871, subdivision 17;

447.1 (18) ~~settings registered under chapter 144D which provide home care services licensed~~
447.2 ~~by the commissioner of health to fewer than seven adults~~ assisted living facilities licensed
447.3 by the commissioner of health under chapter 144G;

447.4 (19) substance use disorder treatment activities of licensed professionals in private
447.5 practice as defined in section 245G.01, subdivision 17;

447.6 (20) consumer-directed community support service funded under the Medicaid waiver
447.7 for persons with developmental disabilities when the individual who provided the service
447.8 is:

447.9 (i) the same individual who is the direct payee of these specific waiver funds or paid by
447.10 a fiscal agent, fiscal intermediary, or employer of record; and

447.11 (ii) not otherwise under the control of a residential or nonresidential program that is
447.12 required to be licensed under this chapter when providing the service;

447.13 (21) a county that is an eligible vendor under section 254B.05 to provide care coordination
447.14 and comprehensive assessment services;

447.15 (22) a recovery community organization that is an eligible vendor under section 254B.05
447.16 to provide peer recovery support services; or

447.17 (23) programs licensed by the commissioner of children, youth, and families in chapter
447.18 142B.

447.19 (b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a
447.20 building in which a nonresidential program is located if it shares a common wall with the

272.14 (11) noncertified boarding care homes unless they provide services for five or more
272.15 persons whose primary diagnosis is mental illness or a developmental disability;

272.16 (12) programs for children such as scouting, boys clubs, girls clubs, and sports and art
272.17 programs, and nonresidential programs for children provided for a cumulative total of less
272.18 than 30 days in any 12-month period;

272.19 (13) residential programs for persons with mental illness, that are located in hospitals;

272.20 (14) camps licensed by the commissioner of health under Minnesota Rules, chapter
272.21 4630;

272.22 (15) mental health outpatient services for adults with mental illness or children with
272.23 emotional disturbance;

272.24 (16) residential programs serving school-age children whose sole purpose is cultural or
272.25 educational exchange, until the commissioner adopts appropriate rules;

272.26 (17) community support services programs as defined in section 245.462, subdivision
272.27 6, and family community support services as defined in section 245.4871, subdivision 17;

272.28 (18) ~~settings registered under chapter 144G that provide home care services licensed by~~
272.29 ~~the commissioner of health to fewer than seven adults~~ assisted living facilities licensed by
272.30 the commissioner of health under chapter 144G;

273.1 (19) substance use disorder treatment activities of licensed professionals in private
273.2 practice as defined in section 245G.01, subdivision 17;

273.3 (20) consumer-directed community support service funded under the Medicaid waiver
273.4 for persons with developmental disabilities when the individual who provided the service
273.5 is:

273.6 (i) the same individual who is the direct payee of these specific waiver funds or paid by
273.7 a fiscal agent, fiscal intermediary, or employer of record; and

273.8 (ii) not otherwise under the control of a residential or nonresidential program that is
273.9 required to be licensed under this chapter when providing the service;

273.10 (21) a county that is an eligible vendor under section 254B.05 to provide care coordination
273.11 and comprehensive assessment services;

273.12 (22) a recovery community organization that is an eligible vendor under section 254B.05
273.13 to provide peer recovery support services; or

273.14 (23) programs licensed by the commissioner of children, youth, and families in chapter
273.15 142B.

273.16 (b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a
273.17 building in which a nonresidential program is located if it shares a common wall with the

447.21 building in which the nonresidential program is located or is attached to that building by
447.22 skyway, tunnel, atrium, or common roof.

447.23 ~~(b)~~ (c) Except for the home and community-based services identified in section 245D.03,
447.24 subdivision 1, nothing in this chapter shall be construed to require licensure for any services
447.25 provided and funded according to an approved federal waiver plan where licensure is
447.26 specifically identified as not being a condition for the services and funding.

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

447.29 Subd. 7b. **Notification to commissioner of changes in key staff positions; children's**
447.30 **residential facilities and detoxification programs.** (a) A license holder must notify the
447.31 commissioner within five business days of a change or vacancy in a key staff position under
447.32 paragraphs (b) or (c). The license holder must notify the commissioner of the staffing change
448.1 on a form approved by the commissioner and include the name of the staff person now
448.2 assigned to the key staff position and the staff person's qualifications for the position. The
448.3 license holder must notify the licensor for the program of a vacancy to discuss how the
448.4 duties of the key position will be fulfilled during the vacancy.

448.5 (b) The key staff position for a children's residential facility licensed according to
448.6 Minnesota Rules, parts 2960.0130 to 2960.0220, is a program director; and

448.7 (c) The key staff positions for a detoxification program licensed according to Minnesota
448.8 Rules, parts 9530.6510 to 9530.6590, are:

448.9 (1) a program director as required by Minnesota Rules, part 9530.6560, subpart 1;
448.10 (2) a registered nurse as required by Minnesota Rules, part 9530.6560, subpart 4; and
448.11 (3) a medical director as required by Minnesota Rules, part 9530.6560, subpart 5.

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

448.13 Sec. 5. Minnesota Statutes 2022, section 245A.04, subdivision 10, is amended to read:

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

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

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

448.20 (3) provide evidence that a bond has been obtained and will be continuously maintained
448.21 throughout the entire operating period of the agency, to cover the cost of transfer of records
448.22 to and storage of records by the agency which has agreed, according to rule established by

273.18 building in which the nonresidential program is located or is attached to that building by
273.19 skyway, tunnel, atrium, or common roof.

273.20 (c) Except for the home and community-based services identified in section 245D.03,
273.21 subdivision 1, nothing in this chapter shall be construed to require licensure for any services
273.22 provided and funded according to an approved federal waiver plan where licensure is
273.23 specifically identified as not being a condition for the services and funding.

273.24 Sec. 3. Minnesota Statutes 2022, section 245A.04, is amended by adding a subdivision to
273.25 read:

273.26 Subd. 7b. **Notification to commissioner of changes in key staff positions; children's**
273.27 **residential facilities and detoxification programs.** (a) A license holder must notify the
273.28 commissioner within five business days of a change or vacancy in a key staff position under
273.29 paragraph (b) or (c). The license holder must notify the commissioner of the staffing change
273.30 on a form approved by the commissioner and include the name of the staff person now
273.31 assigned to the key staff position and the staff person's qualifications for the position. The
274.1 license holder must notify the program licensor of a vacancy to discuss how the duties of
274.2 the key staff position will be fulfilled during the vacancy.

274.3 (b) The key staff position for a children's residential facility licensed according to
274.4 Minnesota Rules, parts 2960.0130 to 2960.0220, is a program director; and

274.5 (c) The key staff positions for a detoxification program licensed according to Minnesota
274.6 Rules, parts 9530.6510 to 9530.6590, are:

274.7 (1) a program director as required by Minnesota Rules, part 9530.6560, subpart 1;
274.8 (2) a registered nurse as required by Minnesota Rules, part 9530.6560, subpart 4; and
274.9 (3) a medical director as required by Minnesota Rules, part 9530.6560, subpart 5.

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

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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

448.23 the commissioner, to receive the applicant agency's records if the applicant agency voluntarily
448.24 or involuntarily ceases operation and fails to provide for proper transfer of the records. The
448.25 bond must be made in favor of the agency which has agreed to receive the records; and

448.26 (4) submit a ~~certified audit~~ financial review completed by an accountant to the
448.27 commissioner each year the license is renewed as required under section 245A.03, subdivision
448.28 1.

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

449.1 Sec. 6. Minnesota Statutes 2022, section 245A.043, subdivision 2, is amended to read:

449.2 Subd. 2. **Change in ownership.** (a) If the commissioner determines that there is a change
449.3 in ownership, the commissioner shall require submission of a new license application. This
449.4 subdivision does not apply to a licensed program or service located in a home where the
449.5 license holder resides. A change in ownership occurs when:

449.6 (1) except as provided in paragraph (b), the license holder sells or transfers 100 percent
449.7 of the property, stock, or assets;

449.8 (2) the license holder merges with another organization;

449.9 (3) the license holder consolidates with two or more organizations, resulting in the
449.10 creation of a new organization;

449.11 (4) there is a change to the federal tax identification number associated with the license
449.12 holder; or

449.13 (5) except as provided in paragraph (b), all controlling individuals ~~associated with~~ for
449.14 the original ~~application~~ license have changed.

449.15 (b) ~~Notwithstanding~~ For changes under paragraph (a), clauses (1) and or (5), no change
449.16 in ownership has occurred and a new license application is not required if at least one
449.17 controlling individual has been ~~listed~~ affiliated as a controlling individual for the license
449.18 for at least the previous 12 months immediately preceding the change.

449.19 Sec. 7. Minnesota Statutes 2023 Supplement, section 245A.043, subdivision 3, is amended
449.20 to read:

449.21 Subd. 3. **Standard change of ownership process.** (a) When a change in ownership is
449.22 proposed and the party intends to assume operation without an interruption in service longer
449.23 than 60 days after acquiring the program or service, the license holder must provide the
449.24 commissioner with written notice of the proposed change on a form provided by the
449.25 commissioner at least ~~60~~ 90 days before the anticipated date of the change in ownership.

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.

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274.11 Sec. 4. Minnesota Statutes 2022, section 245A.043, subdivision 2, is amended to read:

274.12 Subd. 2. **Change in ownership.** (a) If the commissioner determines that there is a change
274.13 in ownership, the commissioner shall require submission of a new license application. This
274.14 subdivision does not apply to a licensed program or service located in a home where the
274.15 license holder resides. A change in ownership occurs when:

274.16 (1) except as provided in paragraph (b), the license holder sells or transfers 100 percent
274.17 of the property, stock, or assets;

274.18 (2) the license holder merges with another organization;

274.19 (3) the license holder consolidates with two or more organizations, resulting in the
274.20 creation of a new organization;

274.21 (4) there is a change to the federal tax identification number associated with the license
274.22 holder; or

274.23 (5) except as provided in paragraph (b), all controlling individuals ~~associated with~~ for
274.24 the original ~~application~~ license have changed.

274.25 (b) ~~Notwithstanding~~ For changes under paragraph (a), clauses (1) and or (5), no change
274.26 in ownership has occurred and a new license application is not required if at least one
274.27 controlling individual has been ~~listed~~ affiliated as a controlling individual for the license
274.28 for at least the previous 12 months immediately preceding the change.

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

275.1 Sec. 5. Minnesota Statutes 2023 Supplement, section 245A.043, subdivision 3, is amended
275.2 to read:

275.3 Subd. 3. **Standard change of ownership process.** (a) When a change in ownership is
275.4 proposed and the party intends to assume operation without an interruption in service longer
275.5 than 60 days after acquiring the program or service, the license holder must provide the
275.6 commissioner with written notice of the proposed change on a form provided by the
275.7 commissioner at least ~~60~~ 90 days before the anticipated date of the change in ownership.

449.26 For purposes of this ~~subdivision and subdivision 4~~ section, "party" means the party that
449.27 intends to operate the service or program.

449.28 (b) The party must submit a license application under this chapter on the form and in
449.29 the manner prescribed by the commissioner at least ~~30~~ 90 days before the change in
449.30 ownership is anticipated to be complete; and must include documentation to support the
449.31 upcoming change. The party must comply with background study requirements under chapter
449.32 245C and shall pay the application fee required under section 245A.10.

450.1 (c) A party that intends to assume operation without an interruption in service longer
450.2 than 60 days after acquiring the program or service is exempt from the requirements of
450.3 sections 245G.03, subdivision 2, paragraph (b), and 254B.03, subdivision 2, paragraphs (c)
450.4 and (d).

450.5 ~~(e)~~ (d) The commissioner may streamline application procedures when the party is an
450.6 existing license holder under this chapter and is acquiring a program licensed under this
450.7 chapter or service in the same service class as one or more licensed programs or services
450.8 the party operates and those licenses are in substantial compliance. For purposes of this
450.9 subdivision, "substantial compliance" means within the previous 12 months the commissioner
450.10 did not (1) issue a sanction under section 245A.07 against a license held by the party, or
450.11 (2) make a license held by the party conditional according to section 245A.06.

450.12 ~~(d) Except when a temporary change in ownership license is issued pursuant to~~
450.13 ~~subdivision 4~~ (e) While the standard change of ownership process is pending, the existing
450.14 license holder ~~is solely~~ remains responsible for operating the program according to applicable
450.15 laws and rules until a license under this chapter is issued to the party.

450.16 ~~(e)~~ (f) If a licensing inspection of the program or service was conducted within the
450.17 previous 12 months and the existing license holder's license record demonstrates substantial
450.18 compliance with the applicable licensing requirements, the commissioner may waive the
450.19 party's inspection required by section 245A.04, subdivision 4. The party must submit to the
450.20 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire
450.21 marshal deemed that an inspection was not warranted, and (2) proof that the premises was
450.22 inspected for compliance with the building code or that no inspection was deemed warranted.

450.23 ~~(f)~~ (g) If the party is seeking a license for a program or service that has an outstanding
450.24 action under section 245A.06 or 245A.07, the party must submit a ~~letter~~ written plan as part
450.25 of the application process identifying how the party has or will come into full compliance
450.26 with the licensing requirements.

450.27 ~~(g)~~ (h) The commissioner shall evaluate the party's application according to section
450.28 245A.04, subdivision 6. If the commissioner determines that the party has remedied or
450.29 demonstrates the ability to remedy the outstanding actions under section 245A.06 or 245A.07
450.30 and has determined that the program otherwise complies with all applicable laws and rules,
450.31 the commissioner shall issue a license or conditional license under this chapter. A conditional
450.32 license issued under this section is final and not subject to reconsideration under section

275.8 For purposes of this ~~subdivision and subdivision 4~~ section, "party" means the party that
275.9 intends to operate the service or program.

275.10 (b) The party must submit a license application under this chapter on the form and in
275.11 the manner prescribed by the commissioner at least ~~30~~ 90 days before the change in
275.12 ownership is anticipated to be complete; and must include documentation to support the
275.13 upcoming change. The party must comply with background study requirements under chapter
275.14 245C and shall pay the application fee required under section 245A.10.

275.15 (c) A party that intends to assume operation without an interruption in service longer
275.16 than 60 days after acquiring the program or service is exempt from the requirements of
275.17 sections 245G.03, subdivision 2, paragraph (b), and 254B.03, subdivision 2, paragraphs (c)
275.18 and (d).

275.19 ~~(e)~~ (d) The commissioner may streamline application procedures when the party is an
275.20 existing license holder under this chapter and is acquiring a program licensed under this
275.21 chapter or service in the same service class as one or more licensed programs or services
275.22 the party operates and those licenses are in substantial compliance. For purposes of this
275.23 subdivision, "substantial compliance" means within the previous 12 months the commissioner
275.24 did not (1) issue a sanction under section 245A.07 against a license held by the party, or
275.25 (2) make a license held by the party conditional according to section 245A.06.

275.26 ~~(d) Except when a temporary change in ownership license is issued pursuant to~~
275.27 ~~subdivision 4~~ (e) While the standard change of ownership process is pending, the existing
275.28 license holder ~~is solely~~ remains responsible for operating the program according to applicable
275.29 laws and rules until a license under this chapter is issued to the party.

275.30 ~~(e)~~ (f) If a licensing inspection of the program or service was conducted within the
275.31 previous 12 months and the existing license holder's license record demonstrates substantial
275.32 compliance with the applicable licensing requirements, the commissioner may waive the
275.33 party's inspection required by section 245A.04, subdivision 4. The party must submit to the
275.34 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire
276.1 marshal deemed that an inspection was not warranted, and (2) proof that the premises was
276.2 inspected for compliance with the building code or that no inspection was deemed warranted.

276.3 ~~(f)~~ (g) If the party is seeking a license for a program or service that has an outstanding
276.4 action under section 245A.06 or 245A.07, the party must submit a ~~letter~~ written plan as part
276.5 of the application process identifying how the party has or will come into full compliance
276.6 with the licensing requirements.

276.7 ~~(g)~~ (h) The commissioner shall evaluate the party's application according to section
276.8 245A.04, subdivision 6. If the commissioner determines that the party has remedied or
276.9 demonstrates the ability to remedy the outstanding actions under section 245A.06 or 245A.07
276.10 and has determined that the program otherwise complies with all applicable laws and rules,
276.11 the commissioner shall issue a license or conditional license under this chapter. A conditional
276.12 license issued under this section is final and not subject to reconsideration under section

450.33 245A.06, subdivision 4. The conditional license remains in effect until the commissioner
450.34 determines that the grounds for the action are corrected or no longer exist.

451.1 ~~(h)~~ (i) The commissioner may deny an application as provided in section 245A.05. An
451.2 applicant whose application was denied by the commissioner may appeal the denial according
451.3 to section 245A.05.

451.4 ~~(h)~~ (i) This subdivision does not apply to a licensed program or service located in a home
451.5 where the license holder resides.

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

451.7 Sec. 8. Minnesota Statutes 2022, section 245A.043, is amended by adding a subdivision
451.8 to read:

451.9 Subd. 3a. **Emergency change in ownership process.** (a) In the event of a death of a
451.10 license holder or sole controlling individual or a court order or other event that results in
451.11 the license holder being inaccessible or unable to operate the program or service, a party
451.12 may submit a request to the commissioner to allow the party to assume operation of the
451.13 program or service under an emergency change in ownership process to ensure persons
451.14 continue to receive services while the commissioner evaluates the party's license application.

451.15 (b) To request the emergency change of ownership process, the party must immediately:

451.16 (1) notify the commissioner of the event resulting in the inability of the license holder
451.17 to operate the program and of the party's intent to assume operations; and

451.18 (2) provide the commissioner with documentation that demonstrates the party has a legal
451.19 or legitimate ownership interest in the program or service if applicable and is able to operate
451.20 the program or service.

451.21 (c) If the commissioner approves the party to continue operating the program or service
451.22 under an emergency change in ownership process, the party must:

451.23 (1) request to be added as a controlling individual or license holder to the existing license;

451.24 (2) notify persons receiving services of the emergency change in ownership in a manner
451.25 approved by the commissioner;

451.26 (3) submit an application for a new license within 30 days of approval;

451.27 (4) comply with the background study requirements under chapter 245C; and

451.28 (5) pay the application fee required under section 245A.10.

451.29 (d) While the emergency change of ownership process is pending, a party approved
451.30 under this subdivision is responsible for operating the program under the existing license
451.31 according to applicable laws and rules until a new license under this chapter is issued.

276.13 245A.06, subdivision 4. The conditional license remains in effect until the commissioner
276.14 determines that the grounds for the action are corrected or no longer exist.

276.15 ~~(h)~~ (i) The commissioner may deny an application as provided in section 245A.05. An
276.16 applicant whose application was denied by the commissioner may appeal the denial according
276.17 to section 245A.05.

276.18 ~~(h)~~ (i) This subdivision does not apply to a licensed program or service located in a home
276.19 where the license holder resides.

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

276.21 Sec. 6. Minnesota Statutes 2022, section 245A.043, is amended by adding a subdivision
276.22 to read:

276.23 Subd. 3a. **Emergency change in ownership process.** (a) In the event of a death of a
276.24 license holder or sole controlling individual or a court order or other event that results in
276.25 the license holder being inaccessible or unable to operate the program or service, a party
276.26 may submit a request to the commissioner to allow the party to assume operation of the
276.27 program or service under an emergency change in ownership process to ensure persons
276.28 continue to receive services while the commissioner evaluates the party's license application.

276.29 (b) To request the emergency change of ownership process, the party must immediately:

276.30 (1) notify the commissioner of the event resulting in the inability of the license holder
276.31 to operate the program and of the party's intent to assume operations; and

277.1 (2) provide the commissioner with documentation that demonstrates the party has a legal
277.2 or legitimate ownership interest in the program or service if applicable and is able to operate
277.3 the program or service.

277.4 (c) If the commissioner approves the party to continue operating the program or service
277.5 under an emergency change in ownership process, the party must:

277.6 (1) request to be added as a controlling individual or license holder to the existing license;

277.7 (2) notify persons receiving services of the emergency change in ownership in a manner
277.8 approved by the commissioner;

277.9 (3) submit an application for a new license within 30 days of approval;

277.10 (4) comply with the background study requirements under chapter 245C; and

277.11 (5) pay the application fee required under section 245A.10.

277.12 (d) While the emergency change of ownership process is pending, a party approved
277.13 under this subdivision is responsible for operating the program under the existing license
277.14 according to applicable laws and rules until a new license under this chapter is issued.

452.1 (e) The provisions in subdivision 3, paragraphs (c), (d), and (f) to (i) apply to this
452.2 subdivision.

452.3 (f) Once a party is issued a new license or has decided not to seek a new license, the
452.4 commissioner must close the existing license.

452.5 (g) This subdivision applies to any program or service licensed under this chapter.

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

452.7 Sec. 9. Minnesota Statutes 2022, section 245A.043, subdivision 4, is amended to read:

452.8 Subd. 4. **Temporary change in ownership transitional license.** ~~(a) After receiving the~~
452.9 ~~party's application pursuant to subdivision 3, upon the written request of the existing license~~
452.10 ~~holder and the party, the commissioner may issue a temporary change in ownership license~~
452.11 ~~to the party while the commissioner evaluates the party's application. Until a decision is~~
452.12 ~~made to grant or deny a license under this chapter, the existing license holder and the party~~
452.13 ~~shall both be responsible for operating the program or service according to applicable laws~~
452.14 ~~and rules, and the sale or transfer of the existing license holder's ownership interest in the~~
452.15 ~~licensed program or service does not terminate the existing license.~~

452.16 (b) ~~The commissioner may issue a temporary change in ownership license when a license~~
452.17 ~~holder's death, divorce, or other event affects the ownership of the program and an applicant~~
452.18 ~~seeks to assume operation of the program or service to ensure continuity of the program or~~
452.19 ~~service while a license application is evaluated.~~

452.20 (c) ~~This subdivision applies to any program or service licensed under this chapter.~~

452.21 If a party's application under subdivision 2 is for a satellite license for a community
452.22 residential setting under section 245D.23 or day services facility under 245D.27 and if the
452.23 party already holds an active license to provide services under chapter 245D, the
452.24 commissioner may issue a temporary transitional license to the party for the community
452.25 residential setting or day services facility while the commissioner evaluates the party's
452.26 application. Until a decision is made to grant or deny a community residential setting or
452.27 day services facility satellite license, the party must be solely responsible for operating the
452.28 program according to applicable laws and rules, and the existing license must be closed.
452.29 The temporary transitional license expires after 12 months from the date it was issued or
452.30 upon issuance of the community residential setting or day services facility satellite license,
452.31 whichever occurs first.

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

277.15 (e) The provisions in subdivision 3, paragraphs (c), (d), and (f) to (i) apply to this
277.16 subdivision.

277.17 (f) Once a party is issued a new license or has decided not to seek a new license, the
277.18 commissioner must close the existing license.

277.19 (g) This subdivision applies to any program or service licensed under this chapter.

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

277.21 Sec. 7. Minnesota Statutes 2022, section 245A.043, subdivision 4, is amended to read:

277.22 Subd. 4. **Temporary change in ownership transitional license.** ~~(a) After receiving the~~
277.23 ~~party's application pursuant to subdivision 3, upon the written request of the existing license~~
277.24 ~~holder and the party, the commissioner may issue a temporary change in ownership license~~
277.25 ~~to the party while the commissioner evaluates the party's application. Until a decision is~~
277.26 ~~made to grant or deny a license under this chapter, the existing license holder and the party~~
277.27 ~~shall both be responsible for operating the program or service according to applicable laws~~
277.28 ~~and rules, and the sale or transfer of the existing license holder's ownership interest in the~~
277.29 ~~licensed program or service does not terminate the existing license.~~

277.30 (b) ~~The commissioner may issue a temporary change in ownership license when a license~~
277.31 ~~holder's death, divorce, or other event affects the ownership of the program and an applicant~~
278.1 ~~seeks to assume operation of the program or service to ensure continuity of the program or~~
278.2 ~~service while a license application is evaluated.~~

278.3 (c) ~~This subdivision applies to any program or service licensed under this chapter.~~

278.4 If a party's application under subdivision 2 is for a satellite license for a community
278.5 residential setting under section 245D.23 or day services facility under 245D.27 and if the
278.6 party already holds an active license to provide services under chapter 245D, the
278.7 commissioner may issue a temporary transitional license to the party for the community
278.8 residential setting or day services facility while the commissioner evaluates the party's
278.9 application. Until a decision is made to grant or deny a community residential setting or
278.10 day services facility satellite license, the party must be solely responsible for operating the
278.11 program according to applicable laws and rules, and the existing license must be closed.
278.12 The temporary transitional license expires after 12 months from the date it was issued or
278.13 upon issuance of the community residential setting or day services facility satellite license,
278.14 whichever occurs first.

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

453.1 Sec. 10. Minnesota Statutes 2022, section 245A.043, is amended by adding a subdivision
453.2 to read:

453.3 Subd. 5. **Failure to comply.** If the commissioner finds that the applicant or license holder
453.4 has not fully complied with this section, the commissioner may impose a licensing sanction
453.5 under section 245A.05, 245A.06, or 245A.07.

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

453.7 Sec. 11. Minnesota Statutes 2023 Supplement, section 245A.07, subdivision 1, as amended
453.8 by Laws 2024, chapter 80, article 2, section 44, is amended to read:

453.9 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
453.10 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
453.11 or secure an injunction against the continuing operation of the program of a license holder
453.12 who does not comply with applicable law or rule.

453.13 When applying sanctions authorized under this section, the commissioner shall consider
453.14 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation
453.15 on the health, safety, or rights of persons served by the program.

453.16 (b) If a license holder appeals the suspension or revocation of a license and the license
453.17 holder continues to operate the program pending a final order on the appeal, the commissioner
453.18 shall issue the license holder a temporary provisional license. The commissioner may include
453.19 terms the license holder must follow pending a final order on the appeal. Unless otherwise
453.20 specified by the commissioner, variances in effect on the date of the license sanction under
453.21 appeal continue under the temporary provisional license. If a license holder fails to comply
453.22 with applicable law or rule while operating under a temporary provisional license, the
453.23 commissioner may impose additional sanctions under this section and section 245A.06, and
453.24 may terminate any prior variance. If a temporary provisional license is set to expire, a new
453.25 temporary provisional license shall be issued to the license holder upon payment of any fee
453.26 required under section 245A.10. The temporary provisional license shall expire on the date
453.27 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
453.28 license shall be issued for the remainder of the current license period.

453.29 (c) If a license holder is under investigation and the license issued under this chapter is
453.30 due to expire before completion of the investigation, the program shall be issued a new
453.31 license upon completion of the reapplication requirements and payment of any applicable
453.32 license fee. Upon completion of the investigation, a licensing sanction may be imposed
453.33 against the new license under this section, section 245A.06, or 245A.08.

454.1 (d) Failure to reapply or closure of a license issued under this chapter by the license
454.2 holder prior to the completion of any investigation shall not preclude the commissioner
454.3 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
454.4 of the investigation.

278.16 Sec. 8. Minnesota Statutes 2022, section 245A.043, is amended by adding a subdivision
278.17 to read:

278.18 Subd. 5. **Failure to comply.** If the commissioner finds that the applicant or license holder
278.19 has not fully complied with this section, the commissioner may impose a licensing sanction
278.20 under section 245A.05, 245A.06, or 245A.07.

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

278.22 Sec. 9. Minnesota Statutes 2023 Supplement, section 245A.07, subdivision 1, as amended
278.23 by Laws 2024, chapter 80, article 2, section 44, is amended to read:

278.24 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
278.25 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
278.26 or secure an injunction against the continuing operation of the program of a license holder
278.27 who does not comply with applicable law or rule. When applying sanctions authorized under
278.28 this section, the commissioner shall consider the nature, chronicity, or severity of the violation
278.29 of law or rule and the effect of the violation on the health, safety, or rights of persons served
278.30 by the program.

278.31 (b) If a license holder appeals the suspension or revocation of a license and the license
278.32 holder continues to operate the program pending a final order on the appeal, the commissioner
279.1 shall issue the license holder a temporary provisional license. The commissioner may include
279.2 terms the license holder must follow pending a final order on the appeal. Unless otherwise
279.3 specified by the commissioner, variances in effect on the date of the license sanction under
279.4 appeal continue under the temporary provisional license. If a license holder fails to comply
279.5 with applicable law or rule while operating under a temporary provisional license, the
279.6 commissioner may impose additional sanctions under this section and section 245A.06, and
279.7 may terminate any prior variance. If a temporary provisional license is set to expire, a new
279.8 temporary provisional license shall be issued to the license holder upon payment of any fee
279.9 required under section 245A.10. The temporary provisional license shall expire on the date
279.10 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
279.11 license shall be issued for the remainder of the current license period.

279.12 (c) If a license holder is under investigation and the license issued under this chapter is
279.13 due to expire before completion of the investigation, the program shall be issued a new
279.14 license upon completion of the reapplication requirements and payment of any applicable
279.15 license fee. Upon completion of the investigation, a licensing sanction may be imposed
279.16 against the new license under this section, section 245A.06, or 245A.08.

279.17 (d) Failure to reapply or closure of a license issued under this chapter by the license
279.18 holder prior to the completion of any investigation shall not preclude the commissioner
279.19 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
279.20 of the investigation.

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

454.6 Sec. 12. Minnesota Statutes 2022, section 245A.07, subdivision 6, is amended to read:

454.7 Subd. 6. **Appeal of multiple sanctions.** (a) When the license holder appeals more than
454.8 one licensing action or sanction that were simultaneously issued by the commissioner, the
454.9 license holder shall specify the actions or sanctions that are being appealed.

454.10 (b) If there are different timelines prescribed in statutes for the licensing actions or
454.11 sanctions being appealed, the license holder must submit the appeal within the longest of
454.12 those timelines specified in statutes.

454.13 (c) The appeal must be made in writing by certified mail ~~or, by~~ personal service, or
454.14 through the provider licensing and reporting hub. If mailed, the appeal must be postmarked
454.15 and sent to the commissioner within the prescribed timeline with the first day beginning
454.16 the day after the license holder receives the certified letter. If a request is made by personal
454.17 service, it must be received by the commissioner within the prescribed timeline with the
454.18 first day beginning the day after the license holder receives the certified letter. If the appeal
454.19 is made through the provider licensing and reporting hub, it must be received by the
454.20 commissioner within the prescribed timeline with the first day beginning the day after the
454.21 commissioner issued the order through the hub.

454.22 (d) When there are different timelines prescribed in statutes for the appeal of licensing
454.23 actions or sanctions simultaneously issued by the commissioner, the commissioner shall
454.24 specify in the notice to the license holder the timeline for appeal as specified under paragraph
454.25 (b).

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

279.22 Sec. 10. Minnesota Statutes 2022, section 245A.07, subdivision 6, is amended to read:

279.23 Subd. 6. **Appeal of multiple sanctions.** (a) When the license holder appeals more than
279.24 one licensing action or sanction that were simultaneously issued by the commissioner, the
279.25 license holder shall specify the actions or sanctions that are being appealed.

279.26 (b) If there are different timelines prescribed in statutes for the licensing actions or
279.27 sanctions being appealed, the license holder must submit the appeal within the longest of
279.28 those timelines specified in statutes.

279.29 (c) The appeal must be made in writing by certified mail ~~or, by~~ personal service, or through
279.30 the provider licensing and reporting hub. If mailed, the appeal must be postmarked and sent
279.31 to the commissioner within the prescribed timeline with the first day beginning the day after
279.32 the license holder receives the certified letter. If a request is made by personal service, it
279.33 must be received by the commissioner within the prescribed timeline with the first day
280.1 beginning the day after the license holder receives the certified letter. If the appeal is made
280.2 through the provider hub, the appeal must be received by the commissioner within the
280.3 prescribed timeline with the first day beginning the day after the commissioner issued the
280.4 order through the hub.

280.5 (d) When there are different timelines prescribed in statutes for the appeal of licensing
280.6 actions or sanctions simultaneously issued by the commissioner, the commissioner shall
280.7 specify in the notice to the license holder the timeline for appeal as specified under paragraph
280.8 (b).

H4537-2

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

454.26 Sec. 13. Minnesota Statutes 2023 Supplement, section 245A.11, subdivision 7, is amended
454.27 to read:

454.28 Subd. 7. **Adult foster care and community residential setting; variance for alternate**
454.29 **overnight supervision.** (a) The commissioner may grant a variance under section 245A.04,
454.30 subdivision 9, to statute or rule parts requiring a caregiver to be present in an adult foster
454.31 care home or a community residential setting during normal sleeping hours to allow for
454.32 alternative methods of overnight supervision. The commissioner may grant the variance if
455.1 the local county licensing agency recommends the variance and the county recommendation
455.2 includes documentation verifying that:

455.3 (1) the county has approved the license holder's plan for alternative methods of providing
455.4 overnight supervision and determined the plan protects the residents' health, safety, and
455.5 rights;

455.6 (2) the license holder has obtained written and signed informed consent from each
455.7 resident or each resident's legal representative documenting the resident's or legal
455.8 representative's agreement with the alternative method of overnight supervision; and

455.9 (3) the alternative method of providing overnight supervision, which may include the
455.10 use of technology, is specified for each resident in the resident's: (i) individualized plan of

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.

UES4699-2

280.9 Sec. 11. Minnesota Statutes 2023 Supplement, section 245A.11, subdivision 7, is amended
280.10 to read:

280.11 Subd. 7. **Adult foster care and community residential setting; variance for alternate**
280.12 **overnight supervision.** (a) The commissioner may grant a variance under section 245A.04,
280.13 subdivision 9, to statute or rule parts requiring a caregiver to be present in an adult foster
280.14 care home or a community residential setting during normal sleeping hours to allow for
280.15 alternative methods of overnight supervision. The commissioner may grant the variance if
280.16 the local county licensing agency recommends the variance and the county recommendation
280.17 includes documentation verifying that:

280.18 (1) the county has approved the license holder's plan for alternative methods of providing
280.19 overnight supervision and determined the plan protects the residents' health, safety, and
280.20 rights;

280.21 (2) the license holder has obtained written and signed informed consent from each
280.22 resident or each resident's legal representative documenting the resident's or legal
280.23 representative's agreement with the alternative method of overnight supervision; and

280.24 (3) the alternative method of providing overnight supervision, which may include the
280.25 use of technology, is specified for each resident in the resident's: (i) individualized plan of

455.11 care; (ii) ~~individual service support~~ plan under section 256B.092, subdivision 1b, if required;
455.12 or (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105,
455.13 subpart 19, if required.

455.14 (b) To be eligible for a variance under paragraph (a), the adult foster care or community
455.15 residential setting license holder must not have had a conditional license issued under section
455.16 245A.06, or any other licensing sanction issued under section 245A.07 during the prior 24
455.17 months based on failure to provide adequate supervision, health care services, or resident
455.18 safety in the adult foster care home or a community residential setting.

455.19 (c) A license holder requesting a variance under this subdivision to utilize technology
455.20 as a component of a plan for alternative overnight supervision may request the commissioner's
455.21 review in the absence of a county recommendation. Upon receipt of such a request from a
455.22 license holder, the commissioner shall review the variance request with the county.

455.23 ~~(d) The variance requirements under this subdivision for alternative overnight supervision~~
455.24 ~~do not apply to community residential settings licensed under chapter 245D.~~

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

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

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

455.31 (1) each day the water bottle or cup is used, the child care center cleans and sanitizes
455.32 the water bottle or cup using procedures that comply with the Food Code under Minnesota
456.1 Rules, chapter 4626, or allows the child's parent or legal guardian to bring the water bottle
456.2 or cup home to be cleaned and sanitized each day the water bottle or cup is used;

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

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

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

456.8 Sec. 15. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 1, as amended
456.9 by Laws 2024, chapter 80, article 2, section 65, is amended to read:

456.10 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies that have been
456.11 designated by the commissioner to perform licensing functions and activities under section

280.26 care; (ii) ~~individual service support~~ plan under section 256B.092, subdivision 1b, if required;
280.27 or (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105,
280.28 subpart 19, if required.

280.29 (b) To be eligible for a variance under paragraph (a), the adult foster care or community
280.30 residential setting license holder must not have had a conditional license issued under section
280.31 245A.06, or any other licensing sanction issued under section 245A.07 during the prior 24
280.32 months based on failure to provide adequate supervision, health care services, or resident
280.33 safety in the adult foster care home or a community residential setting.

281.1 (c) A license holder requesting a variance under this subdivision to utilize technology
281.2 as a component of a plan for alternative overnight supervision may request the commissioner's
281.3 review in the absence of a county recommendation. Upon receipt of such a request from a
281.4 license holder, the commissioner shall review the variance request with the county.

281.5 ~~(d) The variance requirements under this subdivision for alternative overnight supervision~~
281.6 ~~do not apply to community residential settings licensed under chapter 245D.~~

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

H4537-2

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.

UES4699-2

281.8 Sec. 12. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 1, as amended
281.9 by Laws 2024, chapter 80, article 2, section 65, is amended to read:

281.10 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies that have been
281.11 designated by the commissioner to perform licensing functions and activities under section

456.12 245A.04; to recommend denial of applicants under section 245A.05; to issue correction
456.13 orders, to issue variances, and recommend a conditional license under section 245A.06; or
456.14 to recommend suspending or revoking a license or issuing a fine under section 245A.07,
456.15 shall comply with rules and directives of the commissioner governing those functions and
456.16 with this section. The following variances are excluded from the delegation of variance
456.17 authority and may be issued only by the commissioner:

456.18 (1) dual licensure of family child foster care and family adult foster care, dual licensure
456.19 of child foster residence setting and community residential setting, and dual licensure of
456.20 family adult foster care and family child care;

456.21 (2) adult foster care or community residential setting maximum capacity;

456.22 (3) adult foster care or community residential setting minimum age requirement;

456.23 (4) child foster care maximum age requirement;

456.24 (5) variances regarding disqualified individuals;

456.25 (6) the required presence of a caregiver in the adult foster care residence during normal
456.26 sleeping hours;

456.27 (7) variances to requirements relating to chemical use problems of a license holder or a
456.28 household member of a license holder; and

456.29 (8) variances to section 142B.46 for the use of a cradleboard for a cultural
456.30 accommodation.

457.1 (b) For family adult day services programs, the commissioner may authorize licensing
457.2 reviews every two years after a licensee has had at least one annual review.

457.3 (c) A license issued under this section may be issued for up to two years.

457.4 (d) During implementation of chapter 245D, the commissioner shall consider:

457.5 (1) the role of counties in quality assurance;

457.6 (2) the duties of county licensing staff; and

457.7 (3) the possible use of joint powers agreements, according to section 471.59, with counties
457.8 through which some licensing duties under chapter 245D may be delegated by the
457.9 commissioner to the counties.

457.10 Any consideration related to this paragraph must meet all of the requirements of the corrective
457.11 action plan ordered by the federal Centers for Medicare and Medicaid Services.

457.12 (e) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
457.13 successor provisions; and section 245D.061 or successor provisions, for family child foster
457.14 care programs providing out-of-home respite, as identified in section 245D.03, subdivision
457.15 1, paragraph (b), clause (1), is excluded from the delegation of authority to county agencies.

281.12 245A.04; to recommend denial of applicants under section 245A.05; to issue correction
281.13 orders, to issue variances, and recommend a conditional license under section 245A.06; or
281.14 to recommend suspending or revoking a license or issuing a fine under section 245A.07,
281.15 shall comply with rules and directives of the commissioner governing those functions and
281.16 with this section. The following variances are excluded from the delegation of variance
281.17 authority and may be issued only by the commissioner:

281.18 (1) dual licensure of family child foster care and family adult foster care, dual licensure
281.19 of child foster residence setting and community residential setting, and dual licensure of
281.20 family adult foster care and family child care;

281.21 (2) adult foster care or community residential setting maximum capacity;

281.22 (3) adult foster care or community residential setting minimum age requirement;

281.23 (4) child foster care maximum age requirement;

281.24 (5) variances regarding disqualified individuals;

281.25 (6) the required presence of a caregiver in the adult foster care residence during normal
281.26 sleeping hours;

281.27 (7) variances to requirements relating to chemical use problems of a license holder or a
281.28 household member of a license holder; and

281.29 (8) variances to section 142B.46 for the use of a cradleboard for a cultural
281.30 accommodation.

282.1 (b) For family adult day services programs, the commissioner may authorize licensing
282.2 reviews every two years after a licensee has had at least one annual review.

282.3 (c) A license issued under this section may be issued for up to two years.

282.4 (d) During implementation of chapter 245D, the commissioner shall consider:

282.5 (1) the role of counties in quality assurance;

282.6 (2) the duties of county licensing staff; and

282.7 (3) the possible use of joint powers agreements, according to section 471.59, with counties
282.8 through which some licensing duties under chapter 245D may be delegated by the
282.9 commissioner to the counties.

282.10 Any consideration related to this paragraph must meet all of the requirements of the corrective
282.11 action plan ordered by the federal Centers for Medicare and Medicaid Services.

282.12 (e) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
282.13 successor provisions; and section 245D.061 or successor provisions, for family child foster
282.14 care programs providing out-of-home respite, as identified in section 245D.03, subdivision
282.15 1, paragraph (b), clause (1), is excluded from the delegation of authority to county agencies.

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

457.17 Sec. 16. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 11, is amended
457.18 to read:

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

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

457.23 Sec. 17. Minnesota Statutes 2023 Supplement, section 245A.211, subdivision 4, is amended
457.24 to read:

457.25 Subd. 4. **Contraindicated physical restraints.** A license or certification holder must
457.26 not implement a restraint on a person receiving services in a program in a way that is
457.27 contraindicated for any of the person's known medical or psychological conditions. Prior
457.28 to using restraints on a person, ~~the license or certification holder must assess and document~~
457.29 ~~a determination of any~~ with a known medical or psychological conditions that restraints are
457.30 contraindicated for, ~~the license or certification holder must document the contraindication~~
457.31 and the type of restraints that will not be used on the person based on this determination.

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

458.2 Sec. 18. Minnesota Statutes 2023 Supplement, section 245A.242, subdivision 2, is amended
458.3 to read:

458.4 Subd. 2. **Emergency overdose treatment.** (a) A license holder must maintain a supply
458.5 of opiate antagonists as defined in section 604A.04, subdivision 1, available for emergency
458.6 treatment of opioid overdose and must have a written standing order protocol by a physician
458.7 who is licensed under chapter 147, advanced practice registered nurse who is licensed under
458.8 chapter 148, or physician assistant who is licensed under chapter 147A, that permits the
458.9 license holder to maintain a supply of opiate antagonists on site. A license holder must
458.10 require staff to undergo training in the specific mode of administration used at the program,
458.11 which may include intranasal administration, intramuscular injection, or both.

458.12 (b) Notwithstanding any requirements to the contrary in Minnesota Rules, chapters 2960
458.13 and 9530, and Minnesota Statutes, chapters 245F, 245G, and 245I:

458.14 (1) emergency opiate antagonist medications are not required to be stored in a locked
458.15 area and staff and adult clients may carry this medication on them and store it in an unlocked
458.16 location;

458.17 (2) staff persons who only administer emergency opiate antagonist medications only
458.18 require the training required by paragraph (a), which any knowledgeable trainer may provide.

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

H4537-2

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.

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282.17 Sec. 13. Minnesota Statutes 2023 Supplement, section 245A.211, subdivision 4, is amended
282.18 to read:

282.19 Subd. 4. **Contraindicated physical restraints.** A license or certification holder must
282.20 not implement a restraint on a person receiving services in a program in a way that is
282.21 contraindicated for any of the person's known medical or psychological conditions. Prior
282.22 to using restraints on a person, ~~the license or certification holder must assess and document~~
282.23 ~~a determination of any~~ with a known medical or psychological conditions that restraints are
282.24 contraindicated for, ~~the license or certification holder must document the contraindication~~
282.25 and the type of restraints that will not be used on the person based on this determination.

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

282.27 Sec. 14. Minnesota Statutes 2023 Supplement, section 245A.242, subdivision 2, is amended
282.28 to read:

282.29 Subd. 2. **Emergency overdose treatment.** (a) A license holder must maintain a supply
282.30 of opiate antagonists as defined in section 604A.04, subdivision 1, available for emergency
282.31 treatment of opioid overdose and must have a written standing order protocol by a physician
283.1 who is licensed under chapter 147, advanced practice registered nurse who is licensed under
283.2 chapter 148, or physician assistant who is licensed under chapter 147A, that permits the
283.3 license holder to maintain a supply of opiate antagonists on site. A license holder must
283.4 require staff to undergo training in the specific mode of administration used at the program,
283.5 which may include intranasal administration, intramuscular injection, or both.

283.6 (b) Notwithstanding any requirements to the contrary in Minnesota Rules, chapters 2960
283.7 and 9530, and Minnesota Statutes, chapters 245F, 245G, and 245I:

283.8 (1) emergency opiate antagonist medications are not required to be stored in a locked
283.9 area and staff and adult clients may carry this medication on them and store it in an unlocked
283.10 location;

283.11 (2) staff persons who only administer emergency opiate antagonist medications only
283.12 require the training required by paragraph (a), which any knowledgeable trainer may provide.

458.19 The trainer is not required to be a registered nurse or part of an accredited educational
458.20 institution; and

458.21 (3) nonresidential substance use disorder treatment programs that do not administer
458.22 client medications beyond emergency opiate antagonist medications are not required to
458.23 have the policies and procedures required in section 245G.08, subdivisions 5 and 6, and
458.24 must instead describe the program's procedures for administering opiate antagonist
458.25 medications in the license holder's description of health care services under section 245G.08,
458.26 subdivision 1.

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

458.28 Sec. 19. Minnesota Statutes 2022, section 245A.52, subdivision 2, is amended to read:

458.29 Subd. 2. ~~Door to attached garage. Notwithstanding Minnesota Rules, part 9502.0425,~~
458.30 ~~subpart 5, day care residences with an attached garage are not required to have a self-closing~~
458.31 ~~door to the residence. The door to the residence may be~~ (a) If there is an opening between
458.32 an attached garage and a day care residence, there must be a door that is:

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

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

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

459.4 (b) The separation wall on the garage side between the residence and garage must consist
459.5 of 1/2-inch-thick gypsum wallboard or its equivalent.

283.13 The trainer is not required to be a registered nurse or part of an accredited educational
283.14 institution; and

283.15 (3) nonresidential substance use disorder treatment programs that do not administer
283.16 client medications beyond emergency opiate antagonist medications are not required to
283.17 have the policies and procedures required in section 245G.08, subdivisions 5 and 6, and
283.18 must instead describe the program's procedures for administering opiate antagonist
283.19 medications in the license holder's description of health care services under section 245G.08,
283.20 subdivision 1.

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

H4537-2 SEC. 9 ALSO AMENDS M.S. SEC. 245A.52, SUBD. 2, AND IS INCLUDED BELOW.

283.22 Sec. 15. Minnesota Statutes 2022, section 245A.52, subdivision 2, is amended to read:

283.23 Subd. 2. ~~Door to attached garage. Notwithstanding Minnesota Rules, part 9502.0425,~~
283.24 ~~subpart 5, day care residences with an attached garage are not required to have a self-closing~~
283.25 ~~door to the residence. The door to the residence may be~~ (a) If there is an opening between
283.26 an attached garage and a day care residence, there must be a door that is:

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

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

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

283.30 (b) The separation wall on the garage side between the residence and garage must consist
283.31 of 1/2-inch-thick gypsum wallboard or its equivalent.

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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.

459.6 Sec. 20. Minnesota Statutes 2022, section 245A.52, is amended by adding a subdivision
459.7 to read:

459.8 Subd. 8. **Stairways.** (a) All stairways must meet the requirements in this subdivision.
459.9 (b) Stairways of four or more steps must have handrails on at least one side.
459.10 (c) Any open area between the handrail and stair tread must be enclosed with a protective
459.11 guardrail as specified in the State Building Code. At open risers, openings located more
459.12 than 30 inches or 762 millimeters as measured vertically to the floor or grade below must
459.13 not permit the passage of a sphere four inches or 102 millimeters in diameter.
459.14 (d) Gates or barriers must be used when children aged six to 18 months are in care.
459.15 (e) Stairways must be well lit, in good repair, and free of clutter and obstructions.

459.16 Sec. 21. Minnesota Statutes 2022, section 245A.66, subdivision 2, is amended to read:

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

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

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

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

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

460.11 (d) In addition to any program-specific risks identified in paragraph (b), the plan must
460.12 include development and implementation of specific policies and procedures or refer to

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

460.13 existing policies and procedures that minimize the risk of harm or injury to children,
460.14 including:

460.15 (1) closing children's fingers in doors, including cabinet doors;
460.16 (2) leaving children in the community without supervision;
460.17 (3) children leaving the facility without supervision;
460.18 (4) caregiver dislocation of children's elbows;
460.19 (5) burns from hot food or beverages, whether served to children or being consumed by
460.20 caregivers, and the devices used to warm food and beverages;
460.21 (6) injuries from equipment, such as scissors and glue guns;
460.22 (7) sunburn;
460.23 (8) feeding children foods to which they are allergic;
460.24 (9) children falling from changing tables; and
460.25 (10) children accessing dangerous items or chemicals or coming into contact with residue
460.26 from harmful cleaning products.

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

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

460.31 (1) times when children are transitioned from one area within the facility to another;
461.1 (2) nap-time supervision, including infant crib rooms as specified under section 245A.02,
461.2 subdivision 18, which requires that when an infant is placed in a crib to sleep, supervision
461.3 occurs when a staff person is within sight or hearing of the infant. When supervision of a
461.4 crib room is provided by sight or hearing, the center must have a plan to address the other
461.5 supervision components;

461.6 (3) child drop-off and pick-up times;
461.7 (4) supervision during outdoor play and on community activities, including but not
461.8 limited to field trips and neighborhood walks;
461.9 (5) supervision of children in hallways; ~~and~~
461.10 (6) supervision of school-age children when using the restroom and visiting the child's
461.11 personal storage space; and

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

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

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

461.15 Sec. 22. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 6a, is amended
461.16 to read:

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

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

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

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

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

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

461.27 (6) an individual ten to 12 years of age who lives in the household where the licensed
461.28 services will be provided when the commissioner has reasonable cause as defined in section
461.29 245C.02, subdivision 15;

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

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

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

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

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

462.13 (2) the licensed child care center, certified license-exempt child care center, licensed
462.14 family child care program, or legal nonlicensed child care provider authorized under chapter

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

462.15 119B has obtained advanced written permission from the parent authorizing the child to
462.16 receive the services, which is maintained in the child's record;

462.17 (3) the licensed child care center, certified license-exempt child care center, licensed
462.18 family child care program, or legal nonlicensed child care provider authorized under chapter
462.19 119B maintains documentation on site that identifies the individual service provider and
462.20 the services being provided; and

462.21 (4) the licensed child care center, certified license-exempt child care center, licensed
462.22 family child care program, or legal nonlicensed child care provider authorized under chapter
462.23 119B ensures that the service provider does not have unsupervised access to a child not
462.24 receiving the provider's services.

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

462.26 Sec. 23. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 13e, is
462.27 amended to read:

462.28 Subd. 13e. **NETStudy 2.0.** (a) "NETStudy 2.0" means the commissioner's system that
462.29 replaces both NETStudy and the department's internal background study processing system.
462.30 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by
462.31 improving the accuracy of background studies through fingerprint-based criminal record
462.32 checks and expanding the background studies to include a review of information from the
463.1 Minnesota Court Information System and the national crime information database. NETStudy
463.2 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

463.3 (1) providing access to and updates from public web-based data related to employment
463.4 eligibility;

463.5 (2) decreasing the need for repeat studies through electronic updates of background
463.6 study subjects' criminal records;

463.7 (3) supporting identity verification using subjects' Social Security numbers and
463.8 photographs;

463.9 (4) using electronic employer notifications;

463.10 (5) issuing immediate verification of subjects' eligibility to provide services as more
463.11 studies are completed under the NETStudy 2.0 system; and

463.12 (6) providing electronic access to certain notices for entities and background study
463.13 subjects.

463.14 (b) Information obtained by entities from public web-based data through NETStudy 2.0
463.15 under paragraph (a), clause (1), or any other source that is not direct correspondence from

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.
UES4699-2

284.1 Sec. 16. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 13e, is
284.2 amended to read:

284.3 Subd. 13e. **NETStudy 2.0.** (a) "NETStudy 2.0" means the commissioner's system that
284.4 replaces both NETStudy and the department's internal background study processing system.
284.5 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by
284.6 improving the accuracy of background studies through fingerprint-based criminal record
284.7 checks and expanding the background studies to include a review of information from the
284.8 Minnesota Court Information System and the national crime information database. NETStudy
284.9 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

284.10 (1) providing access to and updates from public web-based data related to employment
284.11 eligibility;

284.12 (2) decreasing the need for repeat studies through electronic updates of background
284.13 study subjects' criminal records;

284.14 (3) supporting identity verification using subjects' Social Security numbers and
284.15 photographs;

284.16 (4) using electronic employer notifications;

284.17 (5) issuing immediate verification of subjects' eligibility to provide services as more
284.18 studies are completed under the NETStudy 2.0 system; and

284.19 (6) providing electronic access to certain notices for entities and background study
284.20 subjects.

284.21 (b) Information obtained by entities from public web-based data through NETStudy 2.0
284.22 under paragraph (a), clause (1), or any other source that is not direct correspondence from

463.16 the commissioner is not a notice of disqualification from the commissioner under this
463.17 chapter.

463.18 Sec. 24. Minnesota Statutes 2023 Supplement, section 245C.033, subdivision 3, is amended
463.19 to read:

463.20 Subd. 3. **Procedure; maltreatment and state licensing agency data.** (a) For requests
463.21 paid directly by the guardian or conservator, requests for maltreatment and state licensing
463.22 agency data checks must be submitted by the guardian or conservator to the commissioner
463.23 on the form or in the manner prescribed by the commissioner. Upon receipt of a signed
463.24 informed consent and payment under section 245C.10, the commissioner shall complete
463.25 the maltreatment and state licensing agency checks. Upon completion of the checks, the
463.26 commissioner shall provide the requested information to the courts on the form or in the
463.27 manner prescribed by the commissioner.

463.28 (b) For requests paid by the court based on the in forma pauperis status of the guardian
463.29 or conservator, requests for maltreatment and state licensing agency data checks must be
463.30 submitted by the court to the commissioner on the form or in the manner prescribed by the
463.31 commissioner. The form will serve as certification that the individual has been granted in
463.32 forma pauperis status. Upon receipt of a signed data request consent form from the court,
464.1 the commissioner shall initiate the maltreatment and state licensing agency checks. Upon
464.2 completion of the checks, the commissioner shall provide the requested information to the
464.3 courts on the form or in the manner prescribed by the commissioner.

284.23 the commissioner is not a notice of disqualification from the commissioner under this
284.24 chapter.

H4537-2 SEC. 12 ALSO AMENDS M.S. SEC. 245C.033, SUBD. 3, AND IS INCLUDED BELOW.

284.25 Sec. 17. Minnesota Statutes 2023 Supplement, section 245C.033, subdivision 3, is amended
284.26 to read:

284.27 Subd. 3. **Procedure; maltreatment and state licensing agency data.** (a) For requests
284.28 paid directly by the guardian or conservator, requests for maltreatment and state licensing
284.29 agency data checks must be submitted by the guardian or conservator to the commissioner
284.30 on the form or in the manner prescribed by the commissioner. Upon receipt of a signed
284.31 informed consent and payment under section 245C.10, the commissioner shall complete
284.32 the maltreatment and state licensing agency checks. Upon completion of the checks, the
285.1 commissioner shall provide the requested information to the courts on the form or in the
285.2 manner prescribed by the commissioner.

285.3 (b) For requests paid by the court based on the in forma pauperis status of the guardian
285.4 or conservator, requests for maltreatment and state licensing agency data checks must be
285.5 submitted by the court to the commissioner on the form or in the manner prescribed by the
285.6 commissioner. The form will serve as certification that the individual has been granted in
285.7 forma pauperis status. Upon receipt of a signed data request consent form from the court,
285.8 the commissioner shall initiate the maltreatment and state licensing agency checks. Upon
285.9 completion of the checks, the commissioner shall provide the requested information to the
285.10 courts on the form or in the manner prescribed by the commissioner.

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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

464.4 Sec. 25. **[245C.041] EMERGENCY WAIVER TO TEMPORARILY MODIFY**
464.5 **BACKGROUND STUDY REQUIREMENTS.**

464.6 (a) In the event of an emergency identified by the commissioner, the commissioner may
464.7 temporarily waive or modify provisions in this chapter, except that the commissioner shall
464.8 not waive or modify:

464.9 (1) disqualification standards in section 245C.14 or 245C.15; or

464.10 (2) any provision regarding the scope of individuals required to be subject to a background
464.11 study conducted under this chapter.

464.12 (b) For the purposes of this section, an emergency may include, but is not limited to a
464.13 public health emergency, environmental emergency, natural disaster, or other unplanned
464.14 event that the commissioner has determined prevents the requirements in this chapter from
464.15 being met. This authority shall not exceed the amount of time needed to respond to the
464.16 emergency and reinstate the requirements of this chapter. The commissioner has the authority
464.17 to establish the process and time frame for returning to full compliance with this chapter.
464.18 The commissioner shall determine the length of time an emergency study is valid.

464.19 (c) At the conclusion of the emergency, entities must submit a new, compliant background
464.20 study application and fee for each individual who was the subject of background study
464.21 affected by the powers created in this section, referred to as an "emergency study" to have
464.22 a new study that fully complies with this chapter within a time frame and notice period
464.23 established by the commissioner.

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

464.25 Sec. 26. Minnesota Statutes 2022, section 245C.05, subdivision 5, is amended to read:

464.26 Subd. 5. **Fingerprints and photograph.** (a) Notwithstanding paragraph (b) (c), for
464.27 background studies conducted by the commissioner for child foster care, children's residential
464.28 facilities, adoptions, or a transfer of permanent legal and physical custody of a child, the
464.29 subject of the background study, who is 18 years of age or older, shall provide the
464.30 commissioner with a set of classifiable fingerprints obtained from an authorized agency for
464.31 a national criminal history record check.

465.1 (b) Notwithstanding paragraph (c), for background studies conducted by the commissioner
465.2 for Head Start programs, the subject of the background study shall provide the commissioner
465.3 with a set of classifiable fingerprints obtained from an authorized agency for a national
465.4 criminal history record check.

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.

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285.11 Sec. 18. **[245C.041] EMERGENCY WAIVER TO TEMPORARILY MODIFY**
285.12 **BACKGROUND STUDY REQUIREMENTS.**

285.13 (a) In the event of an emergency identified by the commissioner, the commissioner may
285.14 temporarily waive or modify provisions in this chapter, except that the commissioner shall
285.15 not waive or modify:

285.16 (1) disqualification standards in section 245C.14 or 245C; or

285.17 (2) any provision regarding the scope of individuals required to be subject to a background
285.18 study conducted under this chapter.

285.19 (b) For the purposes of this section, an emergency may include, but is not limited to a
285.20 public health emergency, environmental emergency, natural disaster, or other unplanned
285.21 event that the commissioner has determined prevents the requirements in this chapter from
285.22 being met. This authority shall not exceed the amount of time needed to respond to the
285.23 emergency and reinstate the requirements of this chapter. The commissioner has the authority
285.24 to establish the process and time frame for returning to full compliance with this chapter.
285.25 The commissioner shall determine the length of time an emergency study is valid.

285.26 (c) At the conclusion of the emergency, entities must submit a new, compliant background
285.27 study application and fee for each individual who was the subject of background study
285.28 affected by the powers created in this section, referred to as an "emergency study" to have
285.29 a new study that fully complies with this chapter within a time frame and notice period
285.30 established by the commissioner.

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

286.1 Sec. 19. Minnesota Statutes 2022, section 245C.05, subdivision 5, is amended to read:

286.2 Subd. 5. **Fingerprints and photograph.** (a) Notwithstanding paragraph (b) (c), for
286.3 background studies conducted by the commissioner for child foster care, children's residential
286.4 facilities, adoptions, or a transfer of permanent legal and physical custody of a child, the
286.5 subject of the background study, who is 18 years of age or older, shall provide the
286.6 commissioner with a set of classifiable fingerprints obtained from an authorized agency for
286.7 a national criminal history record check.

286.8 (b) Notwithstanding paragraph (c), for background studies conducted by the commissioner
286.9 for Head Start programs, the subject of the background study shall provide the commissioner
286.10 with a set of classifiable fingerprints obtained from an authorized agency for a national
286.11 criminal history record check.

465.5 ~~(b)~~ (c) For background studies initiated on or after the implementation of NETStudy
465.6 2.0, except as provided under subdivision 5a, every subject of a background study must
465.7 provide the commissioner with a set of the background study subject's classifiable fingerprints
465.8 and photograph. The photograph and fingerprints must be recorded at the same time by the
465.9 authorized fingerprint collection vendor or vendors and sent to the commissioner through
465.10 the commissioner's secure data system described in section 245C.32, subdivision 1a,
465.11 paragraph (b).

465.12 ~~(e)~~ (d) The fingerprints shall be submitted by the commissioner to the Bureau of Criminal
465.13 Apprehension and, when specifically required by law, submitted to the Federal Bureau of
465.14 Investigation for a national criminal history record check.

465.15 ~~(e)~~ (e) The fingerprints must not be retained by the Department of Public Safety, Bureau
465.16 of Criminal Apprehension, or the commissioner. The Federal Bureau of Investigation will
465.17 not retain background study subjects' fingerprints.

465.18 ~~(e)~~ (f) The authorized fingerprint collection vendor or vendors shall, for purposes of
465.19 verifying the identity of the background study subject, be able to view the identifying
465.20 information entered into NETStudy 2.0 by the entity that initiated the background study,
465.21 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
465.22 2.0. The authorized fingerprint collection vendor or vendors shall retain no more than the
465.23 name and date and time the subject's fingerprints were recorded and sent, only as necessary
465.24 for auditing and billing activities.

465.25 ~~(f)~~ (g) For any background study conducted under this chapter, the subject shall provide
465.26 the commissioner with a set of classifiable fingerprints when the commissioner has reasonable
465.27 cause to require a national criminal history record check as defined in section 245C.02,
465.28 subdivision 15a.

465.29 Sec. 27. Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 1, is amended
465.30 to read:

465.31 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
465.32 For a background study conducted by the Department of Human Services, the commissioner
465.33 shall review:

466.1 (1) information related to names of substantiated perpetrators of maltreatment of
466.2 vulnerable adults that has been received by the commissioner as required under section
466.3 626.557, subdivision 9c, paragraph (j);

466.4 (2) the commissioner's records relating to the maltreatment of minors in licensed
466.5 programs, and from findings of maltreatment of minors as indicated through the social
466.6 service information system;

466.7 (3) information from juvenile courts as required ~~in subdivision 4 for individuals listed~~
466.8 ~~in section 245C.03, subdivision 1, paragraph (e), for studies under this chapter~~ when there
466.9 is reasonable cause;

286.12 ~~(b)~~ (c) For background studies initiated on or after the implementation of NETStudy
286.13 2.0, except as provided under subdivision 5a, every subject of a background study must
286.14 provide the commissioner with a set of the background study subject's classifiable fingerprints
286.15 and photograph. The photograph and fingerprints must be recorded at the same time by the
286.16 authorized fingerprint collection vendor or vendors and sent to the commissioner through
286.17 the commissioner's secure data system described in section 245C.32, subdivision 1a,
286.18 paragraph (b).

286.19 ~~(e)~~ (d) The fingerprints shall be submitted by the commissioner to the Bureau of Criminal
286.20 Apprehension and, when specifically required by law, submitted to the Federal Bureau of
286.21 Investigation for a national criminal history record check.

286.22 ~~(e)~~ (e) The fingerprints must not be retained by the Department of Public Safety, Bureau
286.23 of Criminal Apprehension, or the commissioner. The Federal Bureau of Investigation will
286.24 not retain background study subjects' fingerprints.

286.25 ~~(e)~~ (f) The authorized fingerprint collection vendor or vendors shall, for purposes of
286.26 verifying the identity of the background study subject, be able to view the identifying
286.27 information entered into NETStudy 2.0 by the entity that initiated the background study,
286.28 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
286.29 2.0. The authorized fingerprint collection vendor or vendors shall retain no more than the
286.30 name and date and time the subject's fingerprints were recorded and sent, only as necessary
286.31 for auditing and billing activities.

286.32 ~~(f)~~ (g) For any background study conducted under this chapter, the subject shall provide
286.33 the commissioner with a set of classifiable fingerprints when the commissioner has reasonable
287.1 cause to require a national criminal history record check as defined in section 245C.02,
287.2 subdivision 15a.

287.3 Sec. 20. Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 1, is amended
287.4 to read:

287.5 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
287.6 For a background study conducted by the Department of Human Services, the commissioner
287.7 shall review:

287.8 (1) information related to names of substantiated perpetrators of maltreatment of
287.9 vulnerable adults that has been received by the commissioner as required under section
287.10 626.557, subdivision 9c, paragraph (j);

287.11 (2) the commissioner's records relating to the maltreatment of minors in licensed
287.12 programs, and from findings of maltreatment of minors as indicated through the social
287.13 service information system;

287.14 (3) information from juvenile courts as required ~~in subdivision 4 for individuals listed~~
287.15 ~~in section 245C.03, subdivision 1, paragraph (e), for studies under this chapter~~ when there
287.16 is reasonable cause;

466.10 (4) information from the Bureau of Criminal Apprehension, including information
466.11 regarding a background study subject's registration in Minnesota as a predatory offender
466.12 under section 243.166;

466.13 (5) except as provided in clause (6), information received as a result of submission of
466.14 fingerprints for a national criminal history record check, as defined in section 245C.02,
466.15 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
466.16 record check as defined under section 245C.02, subdivision 15a, or as required under section
466.17 144.057, subdivision 1, clause (2);

466.18 (6) for a background study related to a child foster family setting application for licensure,
466.19 foster residence settings, children's residential facilities, a transfer of permanent legal and
466.20 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
466.21 background study required for family child care, certified license-exempt child care, child
466.22 care centers, and legal nonlicensed child care authorized under chapter 119B, the
466.23 commissioner shall also review:

466.24 (i) information from the child abuse and neglect registry for any state in which the
466.25 background study subject has resided for the past five years;

466.26 (ii) when the background study subject is 18 years of age or older, or a minor under
466.27 section 245C.05, subdivision 5a, paragraph (c), information received following submission
466.28 of fingerprints for a national criminal history record check; and

466.29 (iii) when the background study subject is 18 years of age or older or a minor under
466.30 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
466.31 license-exempt child care, licensed child care centers, and legal nonlicensed child care
466.32 authorized under chapter 119B, information obtained using non-fingerprint-based data
466.33 including information from the criminal and sex offender registries for any state in which
467.1 the background study subject resided for the past five years and information from the national
467.2 crime information database and the national sex offender registry;

467.3 (7) for a background study required for family child care, certified license-exempt child
467.4 care centers, licensed child care centers, and legal nonlicensed child care authorized under
467.5 chapter 119B, the background study shall also include, to the extent practicable, a name
467.6 and date-of-birth search of the National Sex Offender Public website; and

467.7 (8) for a background study required for treatment programs for sexual psychopathic
467.8 personalities or sexually dangerous persons, the background study shall only include a
467.9 review of the information required under paragraph (a), clauses (1) to (4).

467.10 (b) Except as otherwise provided in this paragraph, notwithstanding expungement by a
467.11 court, the commissioner may consider information obtained under paragraph (a), clauses
467.12 (3) and (4), unless:

467.13 (1) the commissioner received notice of the petition for expungement and the court order
467.14 for expungement is directed specifically to the commissioner; or

287.17 (4) information from the Bureau of Criminal Apprehension, including information
287.18 regarding a background study subject's registration in Minnesota as a predatory offender
287.19 under section 243.166;

287.20 (5) except as provided in clause (6), information received as a result of submission of
287.21 fingerprints for a national criminal history record check, as defined in section 245C.02,
287.22 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
287.23 record check as defined under section 245C.02, subdivision 15a, or as required under section
287.24 144.057, subdivision 1, clause (2);

287.25 (6) for a background study related to a child foster family setting application for licensure,
287.26 foster residence settings, children's residential facilities, a transfer of permanent legal and
287.27 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
287.28 background study required for family child care, certified license-exempt child care, child
287.29 care centers, and legal nonlicensed child care authorized under chapter 119B, the
287.30 commissioner shall also review:

287.31 (i) information from the child abuse and neglect registry for any state in which the
287.32 background study subject has resided for the past five years;

288.1 (ii) when the background study subject is 18 years of age or older, or a minor under
288.2 section 245C.05, subdivision 5a, paragraph (c), information received following submission
288.3 of fingerprints for a national criminal history record check; and

288.4 (iii) when the background study subject is 18 years of age or older or a minor under
288.5 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
288.6 license-exempt child care, licensed child care centers, and legal nonlicensed child care
288.7 authorized under chapter 119B, information obtained using non-fingerprint-based data
288.8 including information from the criminal and sex offender registries for any state in which
288.9 the background study subject resided for the past five years and information from the national
288.10 crime information database and the national sex offender registry;

288.11 (7) for a background study required for family child care, certified license-exempt child
288.12 care centers, licensed child care centers, and legal nonlicensed child care authorized under
288.13 chapter 119B, the background study shall also include, to the extent practicable, a name
288.14 and date-of-birth search of the National Sex Offender Public website; and

288.15 (8) for a background study required for treatment programs for sexual psychopathic
288.16 personalities or sexually dangerous persons, the background study shall only include a
288.17 review of the information required under paragraph (a), clauses (1) to (4).

288.18 (b) Except as otherwise provided in this paragraph, notwithstanding expungement by a
288.19 court, the commissioner may consider information obtained under paragraph (a), clauses
288.20 (3) and (4), unless:

288.21 (1) the commissioner received notice of the petition for expungement and the court order
288.22 for expungement is directed specifically to the commissioner; or

467.15 (2) the commissioner received notice of the expungement order issued pursuant to section
467.16 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
467.17 to the commissioner.

467.18 The commissioner may not consider information obtained under paragraph (a), clauses (3)
467.19 and (4), or from any other source that identifies a violation of chapter 152 without
467.20 determining if the offense involved the possession of marijuana or tetrahydrocannabinol
467.21 and, if so, whether the person received a grant of expungement or order of expungement,
467.22 or the person was resentenced to a lesser offense. If the person received a grant of
467.23 expungement or order of expungement, the commissioner may not consider information
467.24 related to that violation but may consider any other relevant information arising out of the
467.25 same incident.

467.26 (c) The commissioner shall also review criminal case information received according
467.27 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
467.28 to individuals who have already been studied under this chapter and who remain affiliated
467.29 with the agency that initiated the background study.

467.30 (d) When the commissioner has reasonable cause to believe that the identity of a
467.31 background study subject is uncertain, the commissioner may require the subject to provide
467.32 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
467.33 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
468.1 shall not be saved by the commissioner after they have been used to verify the identity of
468.2 the background study subject against the particular criminal record in question.

468.3 (e) The commissioner may inform the entity that initiated a background study under
468.4 NETStudy 2.0 of the status of processing of the subject's fingerprints.

468.5 Sec. 28. Minnesota Statutes 2022, section 245C.08, subdivision 4, is amended to read:

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

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

468.16 ~~(c)~~ (b) The juvenile courts shall help with the study by giving the commissioner existing
468.17 juvenile court records relating to delinquency proceedings held on individuals ~~described in~~

288.23 (2) the commissioner received notice of the expungement order issued pursuant to section
288.24 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
288.25 to the commissioner.

288.26 The commissioner may not consider information obtained under paragraph (a), clauses (3)
288.27 and (4), or from any other source that identifies a violation of chapter 152 without
288.28 determining if the offense involved the possession of marijuana or tetrahydrocannabinol
288.29 and, if so, whether the person received a grant of expungement or order of expungement,
288.30 or the person was resentenced to a lesser offense. If the person received a grant of
288.31 expungement or order of expungement, the commissioner may not consider information
288.32 related to that violation but may consider any other relevant information arising out of the
288.33 same incident.

289.1 (c) The commissioner shall also review criminal case information received according
289.2 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
289.3 to individuals who have already been studied under this chapter and who remain affiliated
289.4 with the agency that initiated the background study.

289.5 (d) When the commissioner has reasonable cause to believe that the identity of a
289.6 background study subject is uncertain, the commissioner may require the subject to provide
289.7 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
289.8 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
289.9 shall not be saved by the commissioner after they have been used to verify the identity of
289.10 the background study subject against the particular criminal record in question.

289.11 (e) The commissioner may inform the entity that initiated a background study under
289.12 NETStudy 2.0 of the status of processing of the subject's fingerprints.

H4537-2 SEC. 13 ALSO AMENDS M.S. SEC. 245C.08, SUBD. 4, AND IS
INCLUDED BELOW.

289.13 Sec. 21. Minnesota Statutes 2022, section 245C.08, subdivision 4, is amended to read:

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

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

289.24 ~~(c)~~ (b) The juvenile courts shall help with the study by giving the commissioner existing
289.25 juvenile court records relating to delinquency proceedings held on individuals ~~described in~~

468.18 ~~section 245C.03, subdivision 1, paragraph (a),~~ who are subjects of studies under this chapter
468.19 when requested pursuant to this subdivision.

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

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

468.25 Sec. 29. Minnesota Statutes 2023 Supplement, section 245C.10, subdivision 15, is amended
468.26 to read:

468.27 Subd. 15. **Guardians and conservators.** (a) The commissioner shall recover the cost
468.28 of conducting maltreatment and state licensing agency checks for guardians and conservators
468.29 under section 245C.033 through a fee of no more than \$50. The fees collected under this

289.26 ~~section 245C.03, subdivision 1, paragraph (a),~~ who are subjects of studies under this chapter
289.27 when requested pursuant to this subdivision.

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

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

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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 ~~(b)~~ (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 ~~(c)~~ (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 ~~(d)~~ (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.

H4537-2 SEC. 14 ALSO AMENDS M.S. SEC. 245C.10, SUBD. 15, AND IS INCLUDED BELOW.

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290.1 Sec. 22. Minnesota Statutes 2023 Supplement, section 245C.10, subdivision 15, is amended
290.2 to read:

290.3 Subd. 15. **Guardians and conservators.** (a) The commissioner shall recover the cost
290.4 of conducting maltreatment and state licensing agency checks for guardians and conservators
290.5 under section 245C.033 through a fee of no more than \$50. The fees collected under this

468.30 subdivision are appropriated to the commissioner for the purpose of conducting maltreatment
468.31 and state licensing agency checks.

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

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

469.6 Sec. 30. Minnesota Statutes 2022, section 245C.10, subdivision 18, is amended to read:

469.7 Subd. 18. **Applicants, licensees, and other occupations regulated by commissioner**
469.8 **of health.** The applicant or license holder is responsible for paying to the Department of
469.9 Human Services all fees associated with the preparation of the fingerprints, the criminal
469.10 records check consent form, and, through a fee of no more than \$44 per study, the criminal
469.11 background check.

469.12 Sec. 31. Minnesota Statutes 2022, section 245C.14, subdivision 1, is amended to read:

469.13 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
469.14 disqualify an individual who is the subject of a background study from any position allowing
469.15 direct contact with persons receiving services from the license holder or entity identified in
469.16 section 245C.03, upon receipt of information showing, or when a background study
469.17 completed under this chapter shows any of the following:

469.18 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section
469.19 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,
469.20 or misdemeanor level crime;

290.6 subdivision are appropriated to the commissioner for the purpose of conducting maltreatment
290.7 and state licensing agency checks.

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

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

H4537-2

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.

UES4699-2

290.13 Sec. 23. Minnesota Statutes 2022, section 245C.10, subdivision 18, is amended to read:

290.14 Subd. 18. **Applicants, licensees, and other occupations regulated by commissioner**
290.15 **of health.** The applicant or license holder is responsible for paying to the Department of
290.16 Human Services all fees associated with the preparation of the fingerprints, the criminal
290.17 records check consent form, and, through a fee of no more than \$44 per study, the criminal
290.18 background check.

469.21 (2) a preponderance of the evidence indicates the individual has committed an act or
469.22 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of
469.23 whether the preponderance of the evidence is for a felony, gross misdemeanor, or
469.24 misdemeanor level crime; or

469.25 (3) an investigation results in an administrative determination listed under section
469.26 245C.15, subdivision 4, paragraph (b); or

469.27 (4) the individual's parental rights have been terminated under section 260C.301,
469.28 subdivision 1, paragraph (b), or section 260C.301, subdivision 3.

469.29 (b) No individual who is disqualified following a background study under section
469.30 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with
469.31 persons served by a program or entity identified in section 245C.03, unless the commissioner
469.32 has provided written notice under section 245C.17 stating that:

470.1 (1) the individual may remain in direct contact during the period in which the individual
470.2 may request reconsideration as provided in section 245C.21, subdivision 2;

470.3 (2) the commissioner has set aside the individual's disqualification for that program or
470.4 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

470.5 (3) the license holder has been granted a variance for the disqualified individual under
470.6 section 245C.30.

470.7 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated
470.8 with a licensed family foster setting, the commissioner shall disqualify an individual who
470.9 is the subject of a background study from any position allowing direct contact with persons
470.10 receiving services from the license holder or entity identified in section 245C.03, upon
470.11 receipt of information showing or when a background study completed under this chapter
470.12 shows reason for disqualification under section 245C.15, subdivision 4a.

470.13 Sec. 32. Minnesota Statutes 2022, section 245C.14, is amended by adding a subdivision
470.14 to read:

470.15 Subd. 5. **Basis for disqualification.** Information obtained by entities from public
470.16 web-based data through NETStudy 2.0 or any other source that is not direct correspondence
470.17 from the commissioner is not a notice of disqualification from the commissioner under this
470.18 chapter.

470.19 Sec. 33. Minnesota Statutes 2023 Supplement, section 245C.15, subdivision 2, is amended
470.20 to read:

470.21 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14
470.22 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,
470.23 for the offense; and (2) the individual has committed a felony-level violation of any of the
470.24 following offenses: sections 152.021, subdivision 1 or 2b, (aggravated controlled substance
470.25 crime in the first degree; sale crimes); 152.022, subdivision 1 (controlled substance crime

290.19 Sec. 24. Minnesota Statutes 2022, section 245C.14, is amended by adding a subdivision
290.20 to read:

290.21 Subd. 5. **Basis for disqualification.** Information obtained by entities from public
290.22 web-based data through NETStudy 2.0 or any other source that is not direct correspondence
290.23 from the commissioner is not a notice of disqualification from the commissioner under this
290.24 chapter.

470.26 in the second degree; sale crimes); 152.023, subdivision 1 (controlled substance crime in
470.27 the third degree; sale crimes); 152.024, subdivision 1 (controlled substance crime in the
470.28 fourth degree; sale crimes); 152.0263, subdivision 1 (possession of cannabis in the first
470.29 degree); 152.0264, subdivision 1 (sale of cannabis in the first degree); 152.0265, subdivision
470.30 1 (cultivation of cannabis in the first degree); 169A.24 (first-degree driving while impaired);
470.31 256.98 (wrongfully obtaining assistance); 268.182 (fraud); 393.07, subdivision 10, paragraph
470.32 (c) (federal SNAP fraud); 518B.01, subdivision 14 (violation of an order for protection);
470.33 609.165 (felon ineligible to possess firearm); 609.2112, 609.2113, or 609.2114 (criminal
471.1 vehicular homicide or injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third
471.2 or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes
471.3 committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335
471.4 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate
471.5 crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree);
471.6 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree);
471.7 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an
471.8 unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree);
471.9 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion);
471.10 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender);
471.11 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a
471.12 witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.522 (organized retail
471.13 theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53
471.14 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the
471.15 second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession
471.16 of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery);
471.17 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false
471.18 pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns);
471.19 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.746 (interference
471.20 with privacy); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud);
471.21 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene
471.22 materials and performances; distribution and exhibition prohibited; penalty); or 624.713
471.23 (certain persons not to possess firearms).

471.24 (b) An individual is disqualified under section 245C.14 if less than 15 years has passed
471.25 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
471.26 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

471.27 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed
471.28 since the termination of the individual's parental rights under section 260C.301, subdivision
471.29 1, paragraph (b), or subdivision 3.

471.30 (d) An individual is disqualified under section 245C.14 if less than 15 years has passed
471.31 since the discharge of the sentence imposed for an offense in any other state or country, the
471.32 elements of which are substantially similar to the elements of the offenses listed in paragraph
471.33 (a) or since the termination of parental rights in any other state or country, the elements of
471.34 which are substantially similar to the elements listed in paragraph (c).

472.1 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the
472.2 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is
472.3 disqualified but the disqualification look-back period for the offense is the period applicable
472.4 to the gross misdemeanor or misdemeanor disposition.

472.5 (f) When a disqualification is based on a judicial determination other than a conviction,
472.6 the disqualification period begins from the date of the court order. When a disqualification
472.7 is based on an admission, the disqualification period begins from the date of an admission
472.8 in court. When a disqualification is based on an Alford Plea, the disqualification period
472.9 begins from the date the Alford Plea is entered in court. When a disqualification is based
472.10 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
472.11 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
472.12 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

472.13 Sec. 34. Minnesota Statutes 2022, section 245C.15, subdivision 3, is amended to read:

472.14 Subd. 3. **Ten-year disqualification.** (a) An individual is disqualified under section
472.15 245C.14 if: (1) less than ten years have passed since the discharge of the sentence imposed,
472.16 if any, for the offense; and (2) the individual has committed a gross misdemeanor-level
472.17 violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance);
472.18 260B.425 (criminal jurisdiction for contributing to status as a juvenile petty offender or
472.19 delinquency); 260C.425 (criminal jurisdiction for contributing to need for protection or
472.20 services); 268.182 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud);
472.21 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 or 609.222
472.22 (assault in the first or second degree); 609.223 or 609.2231 (assault in the third or fourth
472.23 degree); 609.224 (assault in the fifth degree); 609.224, subdivision 2, paragraph (c) (assault
472.24 in the fifth degree by a caregiver against a vulnerable adult); 609.2242 and 609.2243
472.25 (domestic assault); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of
472.26 residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal
472.27 neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult);
472.28 609.234 (failure to report maltreatment of a vulnerable adult); 609.265 (abduction); 609.275
472.29 (attempt to coerce); 609.324, subdivision 1a (other prohibited acts; minor engaged in
472.30 prostitution); 609.33 (disorderly house); 609.377 (malicious punishment of a child); 609.378
472.31 (neglect or endangerment of a child); 609.466 (medical assistance fraud); 609.52 (theft);
472.32 609.522 (organized retail theft); 609.525 (bringing stolen goods into Minnesota); 609.527
472.33 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks);
472.34 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.631
472.35 (check forgery; offering a forged check); 609.66 (dangerous weapons); 609.71 (riot); 609.72,
473.1 subdivision 3 (disorderly conduct against a vulnerable adult); ~~repeat offenses under 609.746~~
473.2 ~~(interference with privacy)~~; 609.749, subdivision 2 (harassment); 609.82 (fraud in obtaining
473.3 credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving
473.4 a minor; 617.241 (obscene materials and performances); 617.243 (indecent literature,
473.5 distribution); 617.293 (harmful materials; dissemination and display to minors prohibited);
473.6 or Minnesota Statutes 2012, section 609.21; or violation of an order for protection under
473.7 section 518B.01, subdivision 14.

473.8 (b) An individual is disqualified under section 245C.14 if less than ten years has passed
473.9 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
473.10 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

473.11 (c) An individual is disqualified under section 245C.14 if less than ten years has passed
473.12 since the discharge of the sentence imposed for an offense in any other state or country, the
473.13 elements of which are substantially similar to the elements of any of the offenses listed in
473.14 paragraph (a).

473.15 (d) If the individual studied commits one of the offenses listed in paragraph (a), but the
473.16 sentence or level of offense is a misdemeanor disposition, the individual is disqualified but
473.17 the disqualification lookback period for the offense is the period applicable to misdemeanors.

473.18 (e) When a disqualification is based on a judicial determination other than a conviction,
473.19 the disqualification period begins from the date of the court order. When a disqualification
473.20 is based on an admission, the disqualification period begins from the date of an admission
473.21 in court. When a disqualification is based on an Alford Plea, the disqualification period
473.22 begins from the date the Alford Plea is entered in court. When a disqualification is based
473.23 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
473.24 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
473.25 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

473.26 Sec. 35. Minnesota Statutes 2022, section 245C.15, subdivision 4, is amended to read:

473.27 Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section
473.28 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed,
473.29 if any, for the offense; and (2) the individual has committed a misdemeanor-level violation
473.30 of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 260B.425
473.31 (criminal jurisdiction for contributing to status as a juvenile petty offender or delinquency);
473.32 260C.425 (criminal jurisdiction for contributing to need for protection or services); 268.182
473.33 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.2112, 609.2113,
473.34 or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree);
474.1 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231
474.2 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic
474.3 assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report
474.4 maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree);
474.5 609.27 (coercion); violation of an order for protection under 609.3232 (protective order
474.6 authorized; procedures; penalties); 609.466 (medical assistance fraud); 609.52 (theft);
474.7 609.522 (organized retail theft); 609.525 (bringing stolen goods into Minnesota); 609.527
474.8 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks);
474.9 609.611 (insurance fraud); 609.66 (dangerous weapons); 609.665 (spring guns); 609.746
474.10 (interference with privacy); 609.79 (obscene or harassing telephone calls); 609.795 (letter,
474.11 telegram, or package; opening; harassment); 609.82 (fraud in obtaining credit); 609.821
474.12 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.293
474.13 (harmful materials; dissemination and display to minors prohibited); or Minnesota Statutes

474.14 2012, section 609.21; or violation of an order for protection under section 518B.01 (Domestic
474.15 Abuse Act).

474.16 (b) An individual is disqualified under section 245C.14 if less than seven years has
474.17 passed since a determination or disposition of the individual's:

474.18 (1) failure to make required reports under section 260E.06 or 626.557, subdivision 3,
474.19 for incidents in which: (i) the final disposition under section 626.557 or chapter 260E was
474.20 substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

474.21 (2) substantiated serious or recurring maltreatment of a minor under chapter 260E, a
474.22 vulnerable adult under section 626.557, or serious or recurring maltreatment in any other
474.23 state, the elements of which are substantially similar to the elements of maltreatment under
474.24 section 626.557 or chapter 260E for which: (i) there is a preponderance of evidence that
474.25 the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

474.26 (c) An individual is disqualified under section 245C.14 if less than seven years has
474.27 passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of
474.28 the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
474.29 Statutes.

474.30 (d) An individual is disqualified under section 245C.14 if less than seven years has
474.31 passed since the discharge of the sentence imposed for an offense in any other state or
474.32 country, the elements of which are substantially similar to the elements of any of the offenses
474.33 listed in paragraphs (a) and (b).

475.1 (e) When a disqualification is based on a judicial determination other than a conviction,
475.2 the disqualification period begins from the date of the court order. When a disqualification
475.3 is based on an admission, the disqualification period begins from the date of an admission
475.4 in court. When a disqualification is based on an Alford Plea, the disqualification period
475.5 begins from the date the Alford Plea is entered in court. When a disqualification is based
475.6 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
475.7 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
475.8 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

475.9 (f) An individual is disqualified under section 245C.14 if less than seven years has passed
475.10 since the individual was disqualified under section 256.98, subdivision 8.

475.11 Sec. 36. Minnesota Statutes 2023 Supplement, section 245C.15, subdivision 4a, is amended
475.12 to read:

475.13 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding
475.14 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
475.15 regardless of how much time has passed, an individual is disqualified under section 245C.14
475.16 if the individual committed an act that resulted in a felony-level conviction for sections:
475.17 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
475.18 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in

475.19 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first
475.20 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
475.21 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
475.22 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
475.23 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
475.24 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
475.25 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);
475.26 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child
475.27 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663
475.28 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child
475.29 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);
475.30 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child
475.31 in the second degree); 609.268 (injury or death of an unborn child in the commission of a
475.32 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex
475.33 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,
475.34 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct
475.35 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
476.1 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
476.2 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory
476.3 conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual
476.4 conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of
476.5 a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary in the first
476.6 degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246 (use of
476.7 minors in sexual performance prohibited); or 617.247 (possession of pictorial representations
476.8 of minors).

476.9 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated
476.10 with a licensed family foster setting, an individual is disqualified under section 245C.14,
476.11 regardless of how much time has passed, if the individual:

476.12 (1) committed an action under paragraph (e) that resulted in death or involved sexual
476.13 abuse, as defined in section 260E.03, subdivision 20;

476.14 (2) committed an act that resulted in a gross misdemeanor-level conviction for section
476.15 609.3451 (criminal sexual conduct in the fifth degree);

476.16 (3) committed an act against or involving a minor that resulted in a felony-level conviction
476.17 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the
476.18 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);
476.19 or

476.20 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level
476.21 conviction for section 617.293 (dissemination and display of harmful materials to minors).

476.22 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
476.23 family foster setting, an individual is disqualified under section 245C.14 if fewer than 20

476.24 years have passed since the termination of the individual's parental rights under section
476.25 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of
476.26 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to
476.27 involuntarily terminate parental rights. An individual is disqualified under section 245C.14
476.28 if fewer than 20 years have passed since the termination of the individual's parental rights
476.29 in any other state or country, where the conditions for the individual's termination of parental
476.30 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph
476.31 (b).

476.32 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
476.33 family foster setting, an individual is disqualified under section 245C.14 if fewer than five
476.34 years have passed since a felony-level violation for sections: 152.021 (controlled substance
477.1 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023
477.2 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the
477.3 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
477.4 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
477.5 (possession of substance with intent to manufacture methamphetamine); 152.0263,
477.6 subdivision 1 (possession of cannabis in the first degree); 152.0264, subdivision 1 (sale of
477.7 cannabis in the first degree); 152.0265, subdivision 1 (cultivation of cannabis in the first
477.8 degree); 152.027, subdivision 6, paragraph (c) (sale or possession of synthetic cannabinoids);
477.9 152.096 (conspiracies prohibited); 152.097 (simulated controlled substances); 152.136
477.10 (anhydrous ammonia; prohibited conduct; criminal penalties; civil liabilities); 152.137
477.11 (methamphetamine-related crimes involving children or vulnerable adults); 169A.24 (felony
477.12 first-degree driving while impaired); 243.166 (violation of predatory offender registration
477.13 requirements); 609.2113 (criminal vehicular operation; bodily harm); 609.2114 (criminal
477.14 vehicular operation; unborn child); 609.228 (great bodily harm caused by distribution of
477.15 drugs); 609.2325 (criminal abuse of a vulnerable adult not resulting in the death of a
477.16 vulnerable adult); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate
477.17 a crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree);
477.18 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex
477.19 trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the
477.20 first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562
477.21 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2
477.22 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration);
477.23 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or
477.24 stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or
477.25 624.713 (certain people not to possess firearms).

477.26 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a
477.27 background study affiliated with a licensed family child foster care license, an individual
477.28 is disqualified under section 245C.14 if fewer than five years have passed since:

477.29 (1) a felony-level violation for an act not against or involving a minor that constitutes:
477.30 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third

477.31 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the
477.32 fifth degree);

477.33 (2) a violation of an order for protection under section 518B.01, subdivision 14;

477.34 (3) a determination or disposition of the individual's failure to make required reports
477.35 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition
478.1 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment
478.2 was recurring or serious;

478.3 (4) a determination or disposition of the individual's substantiated serious or recurring
478.4 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or
478.5 serious or recurring maltreatment in any other state, the elements of which are substantially
478.6 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet
478.7 the definition of serious maltreatment or recurring maltreatment;

478.8 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
478.9 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);
478.10 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
478.11 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

478.12 (6) committing an act against or involving a minor that resulted in a misdemeanor-level
478.13 violation of section 609.224, subdivision 1 (assault in the fifth degree).

478.14 (f) For purposes of this subdivision, the disqualification begins from:

478.15 (1) the date of the alleged violation, if the individual was not convicted;

478.16 (2) the date of conviction, if the individual was convicted of the violation but not
478.17 committed to the custody of the commissioner of corrections; or

478.18 (3) the date of release from prison, if the individual was convicted of the violation and
478.19 committed to the custody of the commissioner of corrections.

478.20 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation
478.21 of the individual's supervised release, the disqualification begins from the date of release
478.22 from the subsequent incarceration.

478.23 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the
478.24 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
478.25 Statutes, permanently disqualifies the individual under section 245C.14. An individual is
478.26 disqualified under section 245C.14 if fewer than five years have passed since the individual's
478.27 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs
478.28 (d) and (e).

478.29 (h) An individual's offense in any other state or country, where the elements of the
478.30 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),
478.31 permanently disqualifies the individual under section 245C.14. An individual is disqualified

478.32 under section 245C.14 if fewer than five years have passed since an offense in any other
479.1 state or country, the elements of which are substantially similar to the elements of any
479.2 offense listed in paragraphs (d) and (e).

479.3 Sec. 37. Minnesota Statutes 2022, section 245C.22, subdivision 4, is amended to read:

479.4 Subd. 4. **Risk of harm; set aside.** (a) The commissioner may set aside the disqualification
479.5 if the commissioner finds that the individual has submitted sufficient information to
479.6 demonstrate that the individual does not pose a risk of harm to any person served by the
479.7 applicant, license holder, or other entities as provided in this chapter.

479.8 (b) In determining whether the individual has met the burden of proof by demonstrating
479.9 the individual does not pose a risk of harm, the commissioner shall consider:

479.10 (1) the nature, severity, and consequences of the event or events that led to the
479.11 disqualification;

479.12 (2) whether there is more than one disqualifying event;

479.13 (3) the age and vulnerability of the victim at the time of the event;

479.14 (4) the harm suffered by the victim;

479.15 (5) vulnerability of persons served by the program;

479.16 (6) the similarity between the victim and persons served by the program;

479.17 (7) the time elapsed without a repeat of the same or similar event;

479.18 (8) documentation of successful completion by the individual studied of training or
479.19 rehabilitation pertinent to the event; and

479.20 (9) any other information relevant to reconsideration.

479.21 (c) For an individual seeking a child foster care license who is a relative of the child,
479.22 the commissioner shall consider the importance of maintaining the child's relationship with
479.23 relatives as an additional significant factor in determining whether a background study
479.24 disqualification should be set aside.

479.25 ~~(d)~~ (d) If the individual requested reconsideration on the basis that the information relied
479.26 upon to disqualify the individual was incorrect or inaccurate and the commissioner determines
479.27 that the information relied upon to disqualify the individual is correct, the commissioner
479.28 must also determine if the individual poses a risk of harm to persons receiving services in
479.29 accordance with paragraph (b).

479.30 ~~(e)~~ (e) For an individual seeking employment in the substance use disorder treatment
479.31 field, the commissioner shall set aside the disqualification if the following criteria are met:

290.25 Sec. 25. Minnesota Statutes 2022, section 245C.22, subdivision 4, is amended to read:

290.26 Subd. 4. **Risk of harm; set aside.** (a) The commissioner may set aside the disqualification
290.27 if the commissioner finds that the individual has submitted sufficient information to
290.28 demonstrate that the individual does not pose a risk of harm to any person served by the
290.29 applicant, license holder, or other entities as provided in this chapter.

290.30 (b) In determining whether the individual has met the burden of proof by demonstrating
290.31 the individual does not pose a risk of harm, the commissioner shall consider:

291.1 (1) the nature, severity, and consequences of the event or events that led to the
291.2 disqualification;

291.3 (2) whether there is more than one disqualifying event;

291.4 (3) the age and vulnerability of the victim at the time of the event;

291.5 (4) the harm suffered by the victim;

291.6 (5) vulnerability of persons served by the program;

291.7 (6) the similarity between the victim and persons served by the program;

291.8 (7) the time elapsed without a repeat of the same or similar event;

291.9 (8) documentation of successful completion by the individual studied of training or
291.10 rehabilitation pertinent to the event; and

291.11 (9) any other information relevant to reconsideration.

291.12 (c) For an individual seeking a child foster care license who is a relative of the child,
291.13 the commissioner shall consider the importance of maintaining the child's relationship with
291.14 relatives as an additional significant factor in determining whether a background study
291.15 disqualification should be set aside.

291.16 ~~(d)~~ (d) If the individual requested reconsideration on the basis that the information relied
291.17 upon to disqualify the individual was incorrect or inaccurate and the commissioner determines
291.18 that the information relied upon to disqualify the individual is correct, the commissioner
291.19 must also determine if the individual poses a risk of harm to persons receiving services in
291.20 accordance with paragraph (b).

291.21 ~~(e)~~ (e) For an individual seeking employment in the substance use disorder treatment
291.22 field, the commissioner shall set aside the disqualification if the following criteria are met:

480.1 (1) the individual is not disqualified for a crime of violence as listed under section
480.2 624.712, subdivision 5, except for the following crimes: crimes listed under section 152.021,
480.3 subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

480.4 (2) the individual is not disqualified under section 245C.15, subdivision 1;

480.5 (3) the individual is not disqualified under section 245C.15, subdivision 4, paragraph
480.6 (b);

480.7 (4) the individual provided documentation of successful completion of treatment, at least
480.8 one year prior to the date of the request for reconsideration, at a program licensed under
480.9 chapter 245G, and has had no disqualifying crimes or conduct under section 245C.15 after
480.10 the successful completion of treatment;

480.11 (5) the individual provided documentation demonstrating abstinence from controlled
480.12 substances, as defined in section 152.01, subdivision 4, for the period of one year prior to
480.13 the date of the request for reconsideration; and

480.14 (6) the individual is seeking employment in the substance use disorder treatment field.

480.15 Sec. 38. Minnesota Statutes 2022, section 245C.24, subdivision 2, is amended to read:

480.16 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
480.17 paragraphs (b) to ~~(f)~~ (g), the commissioner may not set aside the disqualification of any
480.18 individual disqualified pursuant to this chapter, regardless of how much time has passed,
480.19 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
480.20 1.

480.21 (b) For an individual in the substance use disorder or corrections field who was
480.22 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose
480.23 disqualification was set aside prior to July 1, 2005, the commissioner must consider granting
480.24 a variance pursuant to section 245C.30 for the license holder for a program dealing primarily
480.25 with adults. A request for reconsideration evaluated under this paragraph must include a
480.26 letter of recommendation from the license holder that was subject to the prior set-aside
480.27 decision addressing the individual's quality of care to children or vulnerable adults and the
480.28 circumstances of the individual's departure from that service.

480.29 (c) If an individual who requires a background study for nonemergency medical
480.30 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
480.31 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
480.32 passed since the discharge of the sentence imposed, the commissioner may consider granting
480.33 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
481.1 paragraph must include a letter of recommendation from the employer. This paragraph does
481.2 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
481.3 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
481.4 clause (1); 617.246; or 617.247.

291.23 (1) the individual is not disqualified for a crime of violence as listed under section
291.24 624.712, subdivision 5, except for the following crimes: crimes listed under section 152.021,
291.25 subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

291.26 (2) the individual is not disqualified under section 245C.15, subdivision 1;

291.27 (3) the individual is not disqualified under section 245C.15, subdivision 4, paragraph
291.28 (b);

291.29 (4) the individual provided documentation of successful completion of treatment, at least
291.30 one year prior to the date of the request for reconsideration, at a program licensed under
292.1 chapter 245G, and has had no disqualifying crimes or conduct under section 245C.15 after
292.2 the successful completion of treatment;

292.3 (5) the individual provided documentation demonstrating abstinence from controlled
292.4 substances, as defined in section 152.01, subdivision 4, for the period of one year prior to
292.5 the date of the request for reconsideration; and

292.6 (6) the individual is seeking employment in the substance use disorder treatment field.

292.7 Sec. 26. Minnesota Statutes 2022, section 245C.24, subdivision 2, is amended to read:

292.8 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
292.9 paragraphs (b) to ~~(f)~~ (g), the commissioner may not set aside the disqualification of any
292.10 individual disqualified pursuant to this chapter, regardless of how much time has passed,
292.11 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
292.12 1.

292.13 (b) For an individual in the substance use disorder or corrections field who was
292.14 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose
292.15 disqualification was set aside prior to July 1, 2005, the commissioner must consider granting
292.16 a variance pursuant to section 245C.30 for the license holder for a program dealing primarily
292.17 with adults. A request for reconsideration evaluated under this paragraph must include a
292.18 letter of recommendation from the license holder that was subject to the prior set-aside
292.19 decision addressing the individual's quality of care to children or vulnerable adults and the
292.20 circumstances of the individual's departure from that service.

292.21 (c) If an individual who requires a background study for nonemergency medical
292.22 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
292.23 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
292.24 passed since the discharge of the sentence imposed, the commissioner may consider granting
292.25 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
292.26 paragraph must include a letter of recommendation from the employer. This paragraph does
292.27 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
292.28 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
292.29 clause (1); 617.246; or 617.247.

481.5 (d) When a licensed foster care provider adopts an individual who had received foster
481.6 care services from the provider for over six months, and the adopted individual is required
481.7 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
481.8 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
481.9 to permit the adopted individual with a permanent disqualification to remain affiliated with
481.10 the license holder under the conditions of the variance when the variance is recommended
481.11 by the county of responsibility for each of the remaining individuals in placement in the
481.12 home and the licensing agency for the home.

481.13 (e) For an individual 18 years of age or older affiliated with a licensed family foster
481.14 setting, the commissioner must not set aside or grant a variance for the disqualification of
481.15 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
481.16 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
481.17 4a, paragraphs (a) and (b).

481.18 (f) In connection with a family foster setting license, the commissioner may grant a
481.19 variance to the disqualification for an individual who is under 18 years of age at the time
481.20 the background study is submitted.

481.21 (g) In connection with foster residence settings and children's residential facilities, the
481.22 commissioner must not set aside or grant a variance for the disqualification of any individual
481.23 disqualified pursuant to this chapter, regardless of how much time has passed, if the individual
481.24 was disqualified for a crime or conduct listed in section 245C.15, subdivision 4a, paragraph
481.25 (a) or (b).

481.26 Sec. 39. Minnesota Statutes 2022, section 245C.24, subdivision 5, is amended to read:

481.27 Subd. 5. **Five-year bar to set aside or variance disqualification; children's residential**
481.28 **facilities, foster residence settings.** The commissioner shall not set aside or grant a variance
481.29 for the disqualification of an individual in connection with a license for a children's residential
481.30 facility or foster residence setting who was convicted of a felony within the past five years
481.31 for: (1) physical assault or battery; or (2) a drug-related offense.

292.30 (d) When a licensed foster care provider adopts an individual who had received foster
292.31 care services from the provider for over six months, and the adopted individual is required
292.32 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
292.33 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
293.1 to permit the adopted individual with a permanent disqualification to remain affiliated with
293.2 the license holder under the conditions of the variance when the variance is recommended
293.3 by the county of responsibility for each of the remaining individuals in placement in the
293.4 home and the licensing agency for the home.

293.5 (e) For an individual 18 years of age or older affiliated with a licensed family foster
293.6 setting, the commissioner must not set aside or grant a variance for the disqualification of
293.7 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
293.8 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
293.9 4a, paragraphs (a) and (b).

293.10 (f) In connection with a family foster setting license, the commissioner may grant a
293.11 variance to the disqualification for an individual who is under 18 years of age at the time
293.12 the background study is submitted.

293.13 (g) In connection with foster residence settings and children's residential facilities, the
293.14 commissioner must not set aside or grant a variance for the disqualification of any individual
293.15 disqualified pursuant to this chapter, regardless of how much time has passed, if the individual
293.16 was disqualified for a crime or conduct listed in section 245C.15, subdivision 4a, paragraph
293.17 (a) or (b).

293.18 Sec. 27. Minnesota Statutes 2022, section 245C.24, subdivision 5, is amended to read:

293.19 Subd. 5. **Five-year bar to set aside or variance disqualification; children's residential**
293.20 **facilities, foster residence settings.** The commissioner shall not set aside or grant a variance
293.21 for the disqualification of an individual in connection with a license for a children's residential
293.22 facility or foster residence setting who was convicted of a felony within the past five years
293.23 for: (1) physical assault or battery; or (2) a drug-related offense.

293.24 Sec. 28. Minnesota Statutes 2022, section 245C.24, subdivision 6, is amended to read:

293.25 Subd. 6. **Five-year bar to set aside disqualification; family foster setting.** (a) The
293.26 commissioner shall not set aside or grant a variance for the disqualification of an individual
293.27 18 years of age or older in connection with a foster family setting license if within five years
293.28 preceding the study the individual is convicted of a felony in section 245C.15, subdivision
293.29 4a, paragraph (d).

293.30 (b) In connection with a foster family setting license, the commissioner may set aside
293.31 or grant a variance to the disqualification for an individual who is under 18 years of age at
293.32 the time the background study is submitted.

482.1 Sec. 40. Minnesota Statutes 2022, section 245C.30, is amended by adding a subdivision
482.2 to read:

482.3 Subd. 1b. **Child foster care variances.** For an individual seeking a child foster care
482.4 license who is a relative of the child, the commissioner shall consider the importance of
482.5 maintaining the child's relationship with relatives as an additional significant factor in
482.6 determining whether the individual should be granted a variance.

482.7 Sec. 41. Minnesota Statutes 2022, section 245E.08, is amended to read:

482.8 **245E.08 REPORTING OF SUSPECTED FRAUDULENT ACTIVITY.**

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

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

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

482.26 Sec. 42. Minnesota Statutes 2022, section 245F.09, subdivision 2, is amended to read:

482.27 Subd. 2. **Protective procedures plan.** A license holder must have a written policy and
482.28 procedure that establishes the protective procedures that program staff must follow when
482.29 a patient is in imminent danger of harming self or others. The policy must be appropriate
482.30 to the type of facility and the level of staff training. The protective procedures policy must
482.31 include:

294.1 (c) In connection with a foster family setting license, the commissioner may set aside
294.2 or grant a variance to the disqualification for an individual who is under 18 years of age at
294.3 the time the background study is submitted.

294.4 Sec. 29. Minnesota Statutes 2022, section 245C.30, is amended by adding a subdivision
294.5 to read:

294.6 Subd. 1b. **Child foster care variances.** For an individual seeking a child foster care
294.7 license who is a relative of the child, the commissioner shall consider the importance of
294.8 maintaining the child's relationship with relatives as an additional significant factor in
294.9 determining whether the individual should be granted a variance.

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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.

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294.10 Sec. 30. Minnesota Statutes 2022, section 245F.09, subdivision 2, is amended to read:

294.11 Subd. 2. **Protective procedures plan.** A license holder must have a written policy and
294.12 procedure that establishes the protective procedures that program staff must follow when
294.13 a patient is in imminent danger of harming self or others. The policy must be appropriate
294.14 to the type of facility and the level of staff training. The protective procedures policy must
294.15 include:

483.1 (1) an approval signed and dated by the program director and medical director prior to
483.2 implementation. Any changes to the policy must also be approved, signed, and dated by the
483.3 current program director and the medical director prior to implementation;

483.4 (2) which protective procedures the license holder will use to prevent patients from
483.5 imminent danger of harming self or others;

483.6 (3) the emergency conditions under which the protective procedures are permitted to be
483.7 used, if any;

483.8 (4) the patient's health conditions that limit the specific procedures that may be used and
483.9 alternative means of ensuring safety;

483.10 (5) emergency resources the program staff must contact when a patient's behavior cannot
483.11 be controlled by the procedures established in the policy;

483.12 (6) the training that staff must have before using any protective procedure;

483.13 (7) documentation of approved therapeutic holds;

483.14 (8) the use of law enforcement personnel as described in subdivision 4;

483.15 (9) standards governing emergency use of seclusion. Seclusion must be used only when
483.16 less restrictive measures are ineffective or not feasible. The standards in items (i) to (vii)
483.17 must be met when seclusion is used with a patient:

483.18 (i) seclusion must be employed solely for the purpose of preventing a patient from
483.19 imminent danger of harming self or others;

483.20 (ii) seclusion rooms must be equipped in a manner that prevents patients from self-harm
483.21 using projections, windows, electrical fixtures, or hard objects, and must allow the patient
483.22 to be readily observed without being interrupted;

483.23 (iii) seclusion must be authorized by the program director, a licensed physician, a
483.24 registered nurse, or a licensed physician assistant. If one of these individuals is not present
483.25 in the facility, the program director or a licensed physician, registered nurse, or physician
483.26 assistant must be contacted and authorization must be obtained within 30 minutes of initiating
483.27 seclusion, according to written policies;

483.28 (iv) patients must not be placed in seclusion for more than 12 hours at any one time;

483.29 (v) once the condition of a patient in seclusion has been determined to be safe enough
483.30 to end continuous observation, a patient in seclusion must be observed at a minimum of
483.31 every 15 minutes for the duration of seclusion and must always be within hearing range of
483.32 program staff;

484.1 (vi) a process for program staff to use to remove a patient to other resources available
484.2 to the facility if seclusion does not sufficiently assure patient safety; and

294.16 (1) an approval signed and dated by the program director and medical director prior to
294.17 implementation. Any changes to the policy must also be approved, signed, and dated by the
294.18 current program director and the medical director prior to implementation;

294.19 (2) which protective procedures the license holder will use to prevent patients from
294.20 imminent danger of harming self or others;

294.21 (3) the emergency conditions under which the protective procedures are permitted to be
294.22 used, if any;

294.23 (4) the patient's health conditions that limit the specific procedures that may be used and
294.24 alternative means of ensuring safety;

294.25 (5) emergency resources the program staff must contact when a patient's behavior cannot
294.26 be controlled by the procedures established in the policy;

294.27 (6) the training that staff must have before using any protective procedure;

294.28 (7) documentation of approved therapeutic holds;

294.29 (8) the use of law enforcement personnel as described in subdivision 4;

295.1 (9) standards governing emergency use of seclusion. Seclusion must be used only when
295.2 less restrictive measures are ineffective or not feasible. The standards in items (i) to (vii)
295.3 must be met when seclusion is used with a patient:

295.4 (i) seclusion must be employed solely for the purpose of preventing a patient from
295.5 imminent danger of harming self or others;

295.6 (ii) seclusion rooms must be equipped in a manner that prevents patients from self-harm
295.7 using projections, windows, electrical fixtures, or hard objects, and must allow the patient
295.8 to be readily observed without being interrupted;

295.9 (iii) seclusion must be authorized by the program director, a licensed physician, a
295.10 registered nurse, or a licensed physician assistant. If one of these individuals is not present
295.11 in the facility, the program director or a licensed physician, registered nurse, or physician
295.12 assistant must be contacted and authorization must be obtained within 30 minutes of initiating
295.13 seclusion, according to written policies;

295.14 (iv) patients must not be placed in seclusion for more than 12 hours at any one time;

295.15 (v) once the condition of a patient in seclusion has been determined to be safe enough
295.16 to end continuous observation, a patient in seclusion must be observed at a minimum of
295.17 every 15 minutes for the duration of seclusion and must always be within hearing range of
295.18 program staff;

295.19 (vi) a process for program staff to use to remove a patient to other resources available
295.20 to the facility if seclusion does not sufficiently assure patient safety; and

484.3 (vii) a seclusion area may be used for other purposes, such as intensive observation, if
484.4 the room meets normal standards of care for the purpose and if the room is not locked; and

484.5 (10) physical holds may only be used when less restrictive measures are not feasible.
484.6 The standards in items (i) to (iv) must be met when physical holds are used with a patient:

484.7 (i) physical holds must be employed solely for preventing a patient from imminent
484.8 danger of harming self or others;

484.9 (ii) physical holds must be authorized by the program director, a licensed physician, a
484.10 registered nurse, or a physician assistant. If one of these individuals is not present in the
484.11 facility, the program director or a licensed physician, registered nurse, or physician assistant
484.12 must be contacted and authorization must be obtained within 30 minutes of initiating a
484.13 physical hold, according to written policies;

484.14 (iii) the patient's health concerns must be considered in deciding whether to use physical
484.15 holds and which holds are appropriate for the patient; and

484.16 (iv) only approved holds may be utilized. Prone and contraindicated holds are not allowed
484.17 according to section 245A.211 and must not be authorized.

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

484.19 Sec. 43. Minnesota Statutes 2022, section 245F.14, is amended by adding a subdivision
484.20 to read:

484.21 Subd. 8. **Notification to commissioner of changes in key staff positions.** A license
484.22 holder must notify the commissioner within five business days of a change or vacancy in a
484.23 key staff position. The key positions are a program director as required by subdivision 1, a
484.24 registered nurse as required by subdivision 4, and a medical director as required by
484.25 subdivision 5. The license holder must notify the commissioner of the staffing change on
484.26 a form approved by the commissioner and include the name of the staff person now assigned
484.27 to the key staff position and the staff person's qualifications for the position. The license
484.28 holder must notify the licensor for the program of a vacancy to discuss how the duties of
484.29 the key position will be fulfilled during the vacancy.

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

485.1 Sec. 44. Minnesota Statutes 2022, section 245F.17, is amended to read:

485.2 **245F.17 PERSONNEL FILES.**

485.3 A license holder must maintain a separate personnel file for each staff member. At a
485.4 minimum, the file must contain:

485.5 (1) a completed application for employment signed by the staff member that contains
485.6 the staff member's qualifications for employment and documentation related to the applicant's
485.7 background study data, as defined in chapter 245C;

295.21 (vii) a seclusion area may be used for other purposes, such as intensive observation, if
295.22 the room meets normal standards of care for the purpose and if the room is not locked; and

295.23 (10) physical holds may only be used when less restrictive measures are not feasible.
295.24 The standards in items (i) to (iv) must be met when physical holds are used with a patient:

295.25 (i) physical holds must be employed solely for preventing a patient from imminent
295.26 danger of harming self or others;

295.27 (ii) physical holds must be authorized by the program director, a licensed physician, a
295.28 registered nurse, or a physician assistant. If one of these individuals is not present in the
295.29 facility, the program director or a licensed physician, registered nurse, or physician assistant
295.30 must be contacted and authorization must be obtained within 30 minutes of initiating a
295.31 physical hold, according to written policies;

296.1 (iii) the patient's health concerns must be considered in deciding whether to use physical
296.2 holds and which holds are appropriate for the patient; and

296.3 (iv) only approved holds may be utilized. Prone and contraindicated holds are not allowed
296.4 according to section 245A.211 and must not be authorized.

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

296.6 Sec. 31. Minnesota Statutes 2022, section 245F.14, is amended by adding a subdivision
296.7 to read:

296.8 Subd. 8. **Notification to commissioner of changes in key staff positions.** A license
296.9 holder must notify the commissioner within five business days of a change or vacancy in a
296.10 key staff position. The key positions are a program director as required by subdivision 1, a
296.11 registered nurse as required by subdivision 4, and a medical director as required by
296.12 subdivision 5. The license holder must notify the commissioner of the staffing change on
296.13 a form approved by the commissioner and include the name of the staff person now assigned
296.14 to the key staff position and the staff person's qualifications for the position. The license
296.15 holder must notify the program licensor of a vacancy to discuss how the duties of the key
296.16 staff position will be fulfilled during the vacancy.

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

296.18 Sec. 32. Minnesota Statutes 2022, section 245F.17, is amended to read:

296.19 **245F.17 PERSONNEL FILES.**

296.20 A license holder must maintain a separate personnel file for each staff member. At a
296.21 minimum, the file must contain:

296.22 (1) a completed application for employment signed by the staff member that contains
296.23 the staff member's qualifications for employment and documentation related to the applicant's
296.24 background study data, as defined in chapter 245C;

485.8 (2) documentation of the staff member's current professional license or registration, if
485.9 relevant;

485.10 (3) documentation of orientation and subsequent training; and

485.11 ~~(4) documentation of a statement of freedom from substance use problems; and~~

485.12 ~~(5) an annual job performance evaluation.~~

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

485.14 Sec. 45. Minnesota Statutes 2022, section 245G.07, subdivision 4, is amended to read:

485.15 Subd. 4. **Location of service provision.** ~~The license holder may provide services at any~~
485.16 ~~of the license holder's licensed locations or at another suitable location including a school,~~
485.17 ~~government building, medical or behavioral health facility, or social service organization,~~
485.18 ~~upon notification and approval of the commissioner. If services are provided off site from~~
485.19 ~~the licensed site, the reason for the provision of services remotely must be documented.~~
485.20 ~~The license holder may provide additional services under subdivision 2, clauses (2) to (5);~~
485.21 ~~off site if the license holder includes a policy and procedure detailing the off site location~~
485.22 ~~as a part of the treatment service description and the program abuse prevention plan.~~

485.23 (a) The license holder must provide all treatment services a client receives at one of the
485.24 license holder's substance use disorder treatment licensed locations or at a location allowed
485.25 under paragraphs (b) to (f). If the services are provided at the locations in paragraphs (b) to
485.26 (d), the license holder must document in the client record the location services were provided.

485.27 (b) The license holder may provide nonresidential individual treatment services at a
485.28 client's home or place of residence.

485.29 (c) If the license holder provides treatment services by telehealth, the services must be
485.30 provided according to this paragraph:

486.1 (1) the license holder must maintain a licensed physical location in Minnesota where
486.2 the license holder must offer all treatment services in subdivision 1, paragraph (a), clauses
486.3 (1) to (4), physically in person to each client;

486.4 (2) the license holder must meet all requirements for the provision of telehealth in sections
486.5 254B.05, subdivision 5, paragraph (f), and 256B.0625, subdivision 3b. The license holder
486.6 must document all items in section 256B.0625, subdivision 3b, paragraph (c), for each client
486.7 receiving services by telehealth, regardless of payment type or whether the client is a medical
486.8 assistance enrollee;

486.9 (3) the license holder may provide treatment services by telehealth to clients individually;

486.10 (4) the license holder may provide treatment services by telehealth to a group of clients
486.11 that are each in a separate physical location;

296.25 (2) documentation of the staff member's current professional license or registration, if
296.26 relevant;

296.27 (3) documentation of orientation and subsequent training; and

296.28 ~~(4) documentation of a statement of freedom from substance use problems; and~~

296.29 ~~(5) (4) an annual job performance evaluation.~~

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

297.1 Sec. 33. Minnesota Statutes 2022, section 245G.07, subdivision 4, is amended to read:

297.2 Subd. 4. **Location of service provision.** ~~The license holder may provide services at any~~
297.3 ~~of the license holder's licensed locations or at another suitable location including a school,~~
297.4 ~~government building, medical or behavioral health facility, or social service organization,~~
297.5 ~~upon notification and approval of the commissioner. If services are provided off site from~~
297.6 ~~the licensed site, the reason for the provision of services remotely must be documented.~~
297.7 ~~The license holder may provide additional services under subdivision 2, clauses (2) to (5);~~
297.8 ~~off site if the license holder includes a policy and procedure detailing the off site location~~
297.9 ~~as a part of the treatment service description and the program abuse prevention plan.~~

297.10 (a) The license holder must provide all treatment services a client receives at one of the
297.11 license holder's substance use disorder treatment licensed locations or at a location allowed
297.12 under paragraphs (b) to (f). If the services are provided at the locations in paragraphs (b) to
297.13 (d), the license holder must document in the client record the location services were provided.

297.14 (b) The license holder may provide nonresidential individual treatment services at a
297.15 client's home or place of residence.

297.16 (c) If the license holder provides treatment services by telehealth, the services must be
297.17 provided according to this paragraph:

297.18 (1) the license holder must maintain a licensed physical location in Minnesota where
297.19 the license holder must offer all treatment services in subdivision 1, paragraph (a), clauses
297.20 (1) to (4), physically in person to each client;

297.21 (2) the license holder must meet all requirements for the provision of telehealth in sections
297.22 254B.05, subdivision 5, paragraph (f), and 256B.0625, subdivision 3b. The license holder
297.23 must document all items in section 256B.0625, subdivision 3b, paragraph (c), for each client
297.24 receiving services by telehealth, regardless of payment type or whether the client is a medical
297.25 assistance enrollee;

297.26 (3) the license holder may provide treatment services by telehealth to clients individually;

297.27 (4) the license holder may provide treatment services by telehealth to a group of clients
297.28 that are each in a separate physical location;

486.12 (5) the license holder must not provide treatment services remotely by telehealth to a
486.13 group of clients meeting together in person, unless allowed under clause (7);

486.14 (6) clients and staff may join an in-person group by telehealth if a staff qualified to
486.15 provide the treatment service is physically present with the group of clients meeting together
486.16 in person; and

486.17 (7) the qualified professional providing a residential group treatment service by telehealth
486.18 must be physically present on-site at the licensed residential location while the service is
486.19 being provided. If weather conditions prohibit a qualified professional from traveling to the
486.20 residential program and another qualified professional is not available to provide the service,
486.21 a qualified professional may provide a residential group treatment service by telehealth
486.22 from a location away from the licensed residential location.

486.23 (d) The license holder may provide the additional treatment services under subdivision
486.24 2, clauses (2) to (6) and (8), away from the licensed location at a suitable location appropriate
486.25 to the treatment service.

486.26 (e) Upon written approval from the commissioner for each satellite location, the license
486.27 holder may provide nonresidential treatment services at satellite locations that are in a
486.28 school, jail, or nursing home. A satellite location may only provide services to students of
486.29 the school, inmates of the jail, or residents of the nursing home. Schools, jails, and nursing
486.30 homes are exempt from the licensing requirements in section 245A.04, subdivision 2a, to
486.31 document compliance with building codes, fire and safety codes, health rules, and zoning
486.32 ordinances.

487.1 (f) The commissioner may approve other suitable locations as satellite locations for
487.2 nonresidential treatment services. The commissioner may require satellite locations under
487.3 this paragraph to meet all applicable licensing requirements. The license holder may not
487.4 have more than two satellite locations per license under this paragraph.

487.5 (g) The license holder must provide the commissioner access to all files, documentation,
487.6 staff persons, and any other information the commissioner requires at the main licensed
487.7 location for all clients served at any location under paragraphs (b) to (f).

487.8 (h) Notwithstanding sections 245A.65, subdivision 2, and 626.557, subdivision 14, a
487.9 program abuse prevention plan is not required for satellite or other locations under paragraphs
487.10 (b) to (e). An individual abuse prevention plan is still required for any client that is a
487.11 vulnerable adult as defined in section 626.5572, subdivision 21.

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

297.29 (5) the license holder must not provide treatment services remotely by telehealth to a
297.30 group of clients meeting together in person, unless permitted under clause (7);

297.31 (6) clients and staff may join an in-person group by telehealth if a staff member qualified
297.32 to provide the treatment service is physically present with the group of clients meeting
297.33 together in person; and

298.1 (7) the qualified professional providing a residential group treatment service by telehealth
298.2 must be physically present on-site at the licensed residential location while the service is
298.3 being provided. If weather conditions or short-term illness prohibit a qualified professional
298.4 from traveling to the residential program and another qualified professional is not available
298.5 to provide the service, a qualified professional may provide a residential group treatment
298.6 service by telehealth from a location away from the licensed residential location. In such
298.7 circumstances, a qualified professional must not provide a residential group treatment service
298.8 by telehealth from a location away from the licensed residential location for more than three
298.9 consecutive days and must document the reason for providing the remote telehealth service
298.10 in the records of clients receiving the service.

298.11 (d) The license holder may provide the additional treatment services under subdivision
298.12 2, clauses (2) to (6) and (8), away from the licensed location at a suitable location appropriate
298.13 to the treatment service.

298.14 (e) Upon written approval from the commissioner for each satellite location, the license
298.15 holder may provide nonresidential treatment services at satellite locations that are in a
298.16 school, jail, or nursing home. A satellite location may only provide services to students of
298.17 the school, inmates of the jail, or residents of the nursing home. Schools, jails, and nursing
298.18 homes are exempt from the licensing requirements in section 245A.04, subdivision 2a, to
298.19 document compliance with building codes, fire and safety codes, health rules, and zoning
298.20 ordinances.

298.21 (f) The commissioner may approve other suitable locations as satellite locations for
298.22 nonresidential treatment services. The commissioner may require satellite locations under
298.23 this paragraph to meet all applicable licensing requirements. The license holder may not
298.24 have more than two satellite locations per license under this paragraph.

298.25 (g) The license holder must provide the commissioner access to all files, documentation,
298.26 staff persons, and any other information the commissioner requires at the main licensed
298.27 location for all clients served at any location under paragraphs (b) to (f).

298.28 (h) Notwithstanding sections 245A.65, subdivision 2, and 626.557, subdivision 14, a
298.29 program abuse prevention plan is not required for satellite or other locations under paragraphs
298.30 (b) to (e). An individual abuse prevention plan is still required for any client that is a
298.31 vulnerable adult as defined in section 626.5572, subdivision 21.

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

487.13 Sec. 46. Minnesota Statutes 2022, section 245G.08, subdivision 5, is amended to read:

487.14 Subd. 5. **Administration of medication and assistance with self-medication.** (a) A
487.15 license holder must meet the requirements in this subdivision if a service provided includes
487.16 the administration of medication.

487.17 (b) A staff member, other than a licensed practitioner or nurse, who is delegated by a
487.18 licensed practitioner or a registered nurse the task of administration of medication or assisting
487.19 with self-medication, must:

487.20 (1) successfully complete a medication administration training program for unlicensed
487.21 personnel through an accredited Minnesota postsecondary educational institution. A staff
487.22 member's completion of the course must be documented in writing and placed in the staff
487.23 member's personnel file;

487.24 (2) be trained according to a formalized training program that is taught by a registered
487.25 nurse and offered by the license holder. ~~The training must include the process for~~
487.26 ~~administration of naloxone, if naloxone is kept on site.~~ A staff member's completion of the
487.27 training must be documented in writing and placed in the staff member's personnel records;
487.28 or

487.29 (3) demonstrate to a registered nurse competency to perform the delegated activity. A
487.30 registered nurse must be employed or contracted to develop the policies and procedures for
487.31 administration of medication or assisting with self-administration of medication, or both.

488.1 (c) A registered nurse must provide supervision as defined in section 148.171, subdivision
488.2 23. The registered nurse's supervision must include, at a minimum, monthly on-site
488.3 supervision or more often if warranted by a client's health needs. The policies and procedures
488.4 must include:

488.5 (1) a provision that a delegation of administration of medication is limited to a method
488.6 a staff member has been trained to administer and limited to:

488.7 (i) a medication that is administered orally, topically, or as a suppository, an eye drop,
488.8 an ear drop, an inhalant, or an intranasal; and

488.9 (ii) an intramuscular injection of ~~naloxone~~ an opiate antagonist as defined in section
488.10 604A.04, subdivision 1, or epinephrine;

488.11 (2) a provision that each client's file must include documentation indicating whether
488.12 staff must conduct the administration of medication or the client must self-administer
488.13 medication, or both;

488.14 (3) a provision that a client may carry emergency medication such as nitroglycerin as
488.15 instructed by the client's physician, advanced practice registered nurse, or physician assistant;

488.16 (4) a provision for the client to self-administer medication when a client is scheduled to
488.17 be away from the facility;

299.1 Sec. 34. Minnesota Statutes 2022, section 245G.08, subdivision 5, is amended to read:

299.2 Subd. 5. **Administration of medication and assistance with self-medication.** (a) A
299.3 license holder must meet the requirements in this subdivision if a service provided includes
299.4 the administration of medication.

299.5 (b) A staff member, other than a licensed practitioner or nurse, who is delegated by a
299.6 licensed practitioner or a registered nurse the task of administration of medication or assisting
299.7 with self-medication, must:

299.8 (1) successfully complete a medication administration training program for unlicensed
299.9 personnel through an accredited Minnesota postsecondary educational institution. A staff
299.10 member's completion of the course must be documented in writing and placed in the staff
299.11 member's personnel file;

299.12 (2) be trained according to a formalized training program that is taught by a registered
299.13 nurse and offered by the license holder. ~~The training must include the process for~~
299.14 ~~administration of naloxone, if naloxone is kept on site.~~ A staff member's completion of the
299.15 training must be documented in writing and placed in the staff member's personnel records;
299.16 or

299.17 (3) demonstrate to a registered nurse competency to perform the delegated activity. A
299.18 registered nurse must be employed or contracted to develop the policies and procedures for
299.19 administration of medication or assisting with self-administration of medication, or both.

299.20 (c) A registered nurse must provide supervision as defined in section 148.171, subdivision
299.21 23. The registered nurse's supervision must include, at a minimum, monthly on-site
299.22 supervision or more often if warranted by a client's health needs. The policies and procedures
299.23 must include:

299.24 (1) a provision that a delegation of administration of medication is limited to a method
299.25 a staff member has been trained to administer and limited to:

299.26 (i) a medication that is administered orally, topically, or as a suppository, an eye drop,
299.27 an ear drop, an inhalant, or an intranasal; and

299.28 (ii) an intramuscular injection of ~~naloxone~~ an opiate antagonist as defined in section
299.29 604A.04, subdivision 1, or epinephrine;

299.30 (2) a provision that each client's file must include documentation indicating whether
299.31 staff must conduct the administration of medication or the client must self-administer
299.32 medication, or both;

300.1 (3) a provision that a client may carry emergency medication such as nitroglycerin as
300.2 instructed by the client's physician, advanced practice registered nurse, or physician assistant;

300.3 (4) a provision for the client to self-administer medication when a client is scheduled to
300.4 be away from the facility;

488.18 (5) a provision that if a client self-administers medication when the client is present in
488.19 the facility, the client must self-administer medication under the observation of a trained
488.20 staff member;

488.21 (6) a provision that when a license holder serves a client who is a parent with a child,
488.22 the parent may only administer medication to the child under a staff member's supervision;

488.23 (7) requirements for recording the client's use of medication, including staff signatures
488.24 with date and time;

488.25 (8) guidelines for when to inform a nurse of problems with self-administration of
488.26 medication, including a client's failure to administer, refusal of a medication, adverse
488.27 reaction, or error; and

488.28 (9) procedures for acceptance, documentation, and implementation of a prescription,
488.29 whether written, verbal, telephonic, or electronic.

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

489.1 Sec. 47. Minnesota Statutes 2022, section 245G.08, subdivision 6, is amended to read:

489.2 Subd. 6. **Control of drugs.** A license holder must have and implement written policies
489.3 and procedures developed by a registered nurse that contain:

489.4 (1) a requirement that each drug must be stored in a locked compartment. A Schedule
489.5 II drug, as defined by section 152.02, subdivision 3, must be stored in a separately locked
489.6 compartment, permanently affixed to the physical plant or medication cart;

489.7 (2) a system which accounts for all scheduled drugs each shift;

489.8 (3) a procedure for recording the client's use of medication, including the signature of
489.9 the staff member who completed the administration of the medication with the time and
489.10 date;

489.11 (4) a procedure to destroy a discontinued, outdated, or deteriorated medication;

489.12 (5) a statement that only authorized personnel are permitted access to the keys to a locked
489.13 compartment;

489.14 (6) a statement that no legend drug supply for one client shall be given to another client;
489.15 and

489.16 (7) a procedure for monitoring the available supply of ~~naloxone~~ an opiate antagonist as
489.17 defined in section 604A.04, subdivision 1, on site; and replenishing the naloxone supply
489.18 when needed; and destroying naloxone according to clause (4).

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

300.5 (5) a provision that if a client self-administers medication when the client is present in
300.6 the facility, the client must self-administer medication under the observation of a trained
300.7 staff member;

300.8 (6) a provision that when a license holder serves a client who is a parent with a child,
300.9 the parent may only administer medication to the child under a staff member's supervision;

300.10 (7) requirements for recording the client's use of medication, including staff signatures
300.11 with date and time;

300.12 (8) guidelines for when to inform a nurse of problems with self-administration of
300.13 medication, including a client's failure to administer, refusal of a medication, adverse
300.14 reaction, or error; and

300.15 (9) procedures for acceptance, documentation, and implementation of a prescription,
300.16 whether written, verbal, telephonic, or electronic.

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

300.18 Sec. 35. Minnesota Statutes 2022, section 245G.08, subdivision 6, is amended to read:

300.19 Subd. 6. **Control of drugs.** A license holder must have and implement written policies
300.20 and procedures developed by a registered nurse that contain:

300.21 (1) a requirement that each drug must be stored in a locked compartment. A Schedule
300.22 II drug, as defined by section 152.02, subdivision 3, must be stored in a separately locked
300.23 compartment, permanently affixed to the physical plant or medication cart;

300.24 (2) a system which accounts for all scheduled drugs each shift;

300.25 (3) a procedure for recording the client's use of medication, including the signature of
300.26 the staff member who completed the administration of the medication with the time and
300.27 date;

300.28 (4) a procedure to destroy a discontinued, outdated, or deteriorated medication;

300.29 (5) a statement that only authorized personnel are permitted access to the keys to a locked
300.30 compartment;

301.1 (6) a statement that no legend drug supply for one client shall be given to another client;
301.2 and

301.3 (7) a procedure for monitoring the available supply of ~~naloxone~~ an opiate antagonist as
301.4 defined in section 604A.04, subdivision 1, on site; and replenishing the naloxone supply
301.5 when needed; and destroying naloxone according to clause (4).

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

489.20 Sec. 48. Minnesota Statutes 2022, section 245G.10, is amended by adding a subdivision
489.21 to read:

489.22 Subd. 6. **Notification to commissioner of changes in key staff positions.** A license
489.23 holder must notify the commissioner within five business days of a change or vacancy in a
489.24 key staff position. The key positions are a treatment director as required by subdivision 1,
489.25 an alcohol and drug counselor supervisor as required by subdivision 2, and a registered
489.26 nurse as required by section 245G.08, subdivision 5, paragraph (c). The license holder must
489.27 notify the commissioner of the staffing change on a form approved by the commissioner
489.28 and include the name of the staff person now assigned to the key staff position and the staff
489.29 person's qualifications for the position. The license holder must notify the licensor for the
489.30 program of a vacancy to discuss how the duties of the key position will be fulfilled during
489.31 the vacancy.

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

490.1 Sec. 49. Minnesota Statutes 2023 Supplement, section 245G.22, subdivision 2, is amended
490.2 to read:

490.3 Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision
490.4 have the meanings given them.

490.5 (b) "Diversion" means the use of a medication for the treatment of opioid addiction being
490.6 diverted from intended use of the medication.

490.7 (c) "Guest dose" means administration of a medication used for the treatment of opioid
490.8 addiction to a person who is not a client of the program that is administering or dispensing
490.9 the medication.

490.10 (d) "Medical director" means a practitioner licensed to practice medicine in the
490.11 jurisdiction that the opioid treatment program is located who assumes responsibility for
490.12 administering all medical services performed by the program, either by performing the
490.13 services directly or by delegating specific responsibility to a practitioner of the opioid
490.14 treatment program.

490.15 (e) "Medication used for the treatment of opioid use disorder" means a medication
490.16 approved by the Food and Drug Administration for the treatment of opioid use disorder.

490.17 (f) "Minnesota health care programs" has the meaning given in section 256B.0636.

490.18 (g) "Opioid treatment program" has the meaning given in Code of Federal Regulations,
490.19 title 42, section 8.12, and includes programs licensed under this chapter.

490.20 (h) "Practitioner" means a staff member holding a current, unrestricted license to practice
490.21 medicine issued by the Board of Medical Practice or nursing issued by the Board of Nursing
490.22 and is currently registered with the Drug Enforcement Administration to order or dispense
490.23 controlled substances in Schedules II to V under the Controlled Substances Act, United
490.24 States Code, title 21, part B, section 821. ~~Practitioner includes an advanced practice registered~~

301.7 Sec. 36. Minnesota Statutes 2022, section 245G.10, is amended by adding a subdivision
301.8 to read:

301.9 Subd. 6. **Notification to commissioner of changes in key staff positions.** A license
301.10 holder must notify the commissioner within five business days of a change or vacancy in a
301.11 key staff position. The key positions are a treatment director as required by subdivision 1,
301.12 an alcohol and drug counselor supervisor as required by subdivision 2, and a registered
301.13 nurse as required by section 245G.08, subdivision 5, paragraph (c). The license holder must
301.14 notify the commissioner of the staffing change on a form approved by the commissioner
301.15 and include the name of the staff person now assigned to the key staff position and the staff
301.16 person's qualifications for the position. The license holder must notify the program licensor
301.17 of a vacancy to discuss how the duties of the key staff position will be fulfilled during the
301.18 vacancy.

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

301.20 Sec. 37. Minnesota Statutes 2023 Supplement, section 245G.22, subdivision 2, is amended
301.21 to read:

301.22 Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision
301.23 have the meanings given them.

301.24 (b) "Diversion" means the use of a medication for the treatment of opioid addiction being
301.25 diverted from intended use of the medication.

301.26 (c) "Guest dose" means administration of a medication used for the treatment of opioid
301.27 addiction to a person who is not a client of the program that is administering or dispensing
301.28 the medication.

301.29 (d) "Medical director" means a practitioner licensed to practice medicine in the
301.30 jurisdiction that the opioid treatment program is located who assumes responsibility for
301.31 administering all medical services performed by the program, either by performing the
302.1 services directly or by delegating specific responsibility to a practitioner of the opioid
302.2 treatment program.

302.3 (e) "Medication used for the treatment of opioid use disorder" means a medication
302.4 approved by the Food and Drug Administration for the treatment of opioid use disorder.

302.5 (f) "Minnesota health care programs" has the meaning given in section 256B.0636.

302.6 (g) "Opioid treatment program" has the meaning given in Code of Federal Regulations,
302.7 title 42, section 8.12, and includes programs licensed under this chapter.

302.8 (h) "Practitioner" means a staff member holding a current, unrestricted license to practice
302.9 medicine issued by the Board of Medical Practice or nursing issued by the Board of Nursing
302.10 and is currently registered with the Drug Enforcement Administration to order or dispense
302.11 controlled substances in Schedules II to V under the Controlled Substances Act, United
302.12 States Code, title 21, part B, section 821. ~~Practitioner includes an advanced practice registered~~

490.25 ~~nurse and physician assistant if the staff member receives a variance by the state opioid~~
490.26 ~~treatment authority under section 254A.03 and the federal Substance Abuse and Mental~~
490.27 ~~Health Services Administration.~~

490.28 (i) "Unsupervised use" or "take-home" means the use of a medication for the treatment
490.29 of opioid use disorder dispensed for use by a client outside of the program setting.

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

491.1 Sec. 50. Minnesota Statutes 2022, section 245G.22, subdivision 6, is amended to read:

491.2 Subd. 6. **Criteria for unsupervised use.** (a) To limit the potential for diversion of
491.3 medication used for the treatment of opioid use disorder to the illicit market, medication
491.4 dispensed to a client for unsupervised use shall be subject to the requirements of this
491.5 subdivision. Any client in an opioid treatment program may receive a single unsupervised
491.6 ~~use dose for a day that the clinic is closed for business, including Sundays and state and~~
491.7 ~~federal holidays~~ their individualized take-home doses as ordered for days that the clinic is
491.8 closed for business, on one weekend day (e.g., Sunday) and state and federal holidays, no
491.9 matter their length of time in treatment, as allowed under Code of Federal Regulations, title
491.10 42, part 8.12 (i)(1).

491.11 (b) For take-home doses beyond those allowed by paragraph (a), a practitioner ~~with~~
491.12 ~~authority to prescribe~~ must review and document the criteria in ~~this paragraph and paragraph~~
491.13 ~~(e)~~ the Code of Federal Regulations, title 42, part 8.12 (i)(2), when determining whether
491.14 dispensing medication for a client's unsupervised use is safe and it is appropriate to
491.15 implement, increase, or extend the amount of time between visits to the program. ~~The criteria~~
491.16 ~~are:~~

491.17 ~~(1) absence of recent abuse of drugs including but not limited to opioids, non-narcotics,~~
491.18 ~~and alcohol;~~

491.19 ~~(2) regularity of program attendance;~~

491.20 ~~(3) absence of serious behavioral problems at the program;~~

491.21 ~~(4) absence of known recent criminal activity such as drug dealing;~~

491.22 ~~(5) stability of the client's home environment and social relationships;~~

491.23 ~~(6) length of time in comprehensive maintenance treatment;~~

491.24 ~~(7) reasonable assurance that unsupervised use medication will be safely stored within~~
491.25 ~~the client's home; and~~

491.26 ~~(8) whether the rehabilitative benefit the client derived from decreasing the frequency~~
491.27 ~~of program attendance outweighs the potential risks of diversion or unsupervised use.~~

491.28 (c) The determination, including the basis of the determination must be documented by
491.29 a practitioner in the client's medical record.

302.13 ~~nurse and physician assistant if the staff member receives a variance by the state opioid~~
302.14 ~~treatment authority under section 254A.03 and the federal Substance Abuse and Mental~~
302.15 ~~Health Services Administration.~~

302.16 (i) "Unsupervised use" or "take-home" means the use of a medication for the treatment
302.17 of opioid use disorder dispensed for use by a client outside of the program setting.

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

302.19 Sec. 38. Minnesota Statutes 2022, section 245G.22, subdivision 6, is amended to read:

302.20 Subd. 6. **Criteria for unsupervised use.** (a) To limit the potential for diversion of
302.21 medication used for the treatment of opioid use disorder to the illicit market, medication
302.22 dispensed to a client for unsupervised use shall be subject to the requirements of this
302.23 subdivision. Any client in an opioid treatment program may receive a single unsupervised
302.24 ~~use dose for a day that the clinic is closed for business, including Sundays and state and~~
302.25 ~~federal holidays~~ their individualized take-home doses as ordered for days that the clinic is
302.26 closed for business, on one weekend day (e.g., Sunday) and state and federal holidays, no
302.27 matter their length of time in treatment, as allowed under Code of Federal Regulations, title
302.28 42, part 8.12 (i)(1).

302.29 (b) For take-home doses beyond those allowed by paragraph (a), a practitioner ~~with~~
302.30 ~~authority to prescribe~~ must review and document the criteria in ~~this paragraph and paragraph~~
302.31 ~~(e)~~ the Code of Federal Regulations, title 42, part 8.12 (i)(2), when determining whether
302.32 dispensing medication for a client's unsupervised use is safe and it is appropriate to
303.1 implement, increase, or extend the amount of time between visits to the program. ~~The criteria~~
303.2 ~~are:~~

303.3 ~~(1) absence of recent abuse of drugs including but not limited to opioids, non-narcotics,~~
303.4 ~~and alcohol;~~

303.5 ~~(2) regularity of program attendance;~~

303.6 ~~(3) absence of serious behavioral problems at the program;~~

303.7 ~~(4) absence of known recent criminal activity such as drug dealing;~~

303.8 ~~(5) stability of the client's home environment and social relationships;~~

303.9 ~~(6) length of time in comprehensive maintenance treatment;~~

303.10 ~~(7) reasonable assurance that unsupervised use medication will be safely stored within~~
303.11 ~~the client's home; and~~

303.12 ~~(8) whether the rehabilitative benefit the client derived from decreasing the frequency~~
303.13 ~~of program attendance outweighs the potential risks of diversion or unsupervised use.~~

303.14 (c) The determination, including the basis of the determination must be documented by
303.15 a practitioner in the client's medical record.

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

492.1 Sec. 51. Minnesota Statutes 2022, section 245G.22, subdivision 7, is amended to read:

492.2 Subd. 7. **Restrictions for unsupervised use of methadone hydrochloride.** (a) If a
492.3 ~~medical director or prescribing practitioner assesses and, determines, and documents that~~
492.4 a client meets the criteria in subdivision 6 ~~and may be dispensed a medication used for the~~
492.5 ~~treatment of opioid addiction, the restrictions in this subdivision must be followed when~~
492.6 ~~the medication to be dispensed is methadone hydrochloride. The results of the assessment~~
492.7 ~~must be contained in the client file. The number of unsupervised use medication doses per~~
492.8 ~~week in paragraphs (b) to (d) is in addition to the number of unsupervised use medication~~
492.9 ~~doses a client may receive for days the clinic is closed for business as allowed by subdivision~~
492.10 ~~6, paragraph (a) and that a patient is safely able to manage unsupervised doses of methadone,~~
492.11 ~~the number of take-home doses the client receives must be limited by the number allowed~~
492.12 ~~by the Code of Federal Regulations, title 42, part 8.12 (i)(3).~~

492.13 (b) ~~During the first 90 days of treatment, the unsupervised use medication supply must~~
492.14 ~~be limited to a maximum of a single dose each week and the client shall ingest all other~~
492.15 ~~doses under direct supervision.~~

492.16 (c) ~~In the second 90 days of treatment, the unsupervised use medication supply must be~~
492.17 ~~limited to two doses per week.~~

492.18 (d) ~~In the third 90 days of treatment, the unsupervised use medication supply must not~~
492.19 ~~exceed three doses per week.~~

492.20 (e) ~~In the remaining months of the first year, a client may be given a maximum six-day~~
492.21 ~~unsupervised use medication supply.~~

492.22 (f) ~~After one year of continuous treatment, a client may be given a maximum two-week~~
492.23 ~~unsupervised use medication supply.~~

492.24 (g) ~~After two years of continuous treatment, a client may be given a maximum one-month~~
492.25 ~~unsupervised use medication supply, but must make monthly visits to the program.~~

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

492.27 Sec. 52. Minnesota Statutes 2023 Supplement, section 245G.22, subdivision 17, is amended
492.28 to read:

492.29 Subd. 17. **Policies and procedures.** (a) A license holder must develop and maintain the
492.30 policies and procedures required in this subdivision.

492.31 (b) For a program that is not open every day of the year, the license holder must maintain
492.32 a policy and procedure that covers requirements under section 245G.22, subdivisions 6 and
493.1 7. Unsupervised use of medication used for the treatment of opioid use disorder for days
493.2 that the program is closed for business, including but not limited to Sundays on one weekend

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

303.17 Sec. 39. Minnesota Statutes 2022, section 245G.22, subdivision 7, is amended to read:

303.18 Subd. 7. **Restrictions for unsupervised use of methadone hydrochloride.** (a) If a
303.19 ~~medical director or prescribing practitioner assesses and, determines, and documents that~~
303.20 a client meets the criteria in subdivision 6 ~~and may be dispensed a medication used for the~~
303.21 ~~treatment of opioid addiction, the restrictions in this subdivision must be followed when~~
303.22 ~~the medication to be dispensed is methadone hydrochloride. The results of the assessment~~
303.23 ~~must be contained in the client file. The number of unsupervised use medication doses per~~
303.24 ~~week in paragraphs (b) to (d) is in addition to the number of unsupervised use medication~~
303.25 ~~doses a client may receive for days the clinic is closed for business as allowed by subdivision~~
303.26 ~~6, paragraph (a) and that a patient is safely able to manage unsupervised doses of methadone,~~
303.27 ~~the number of take-home doses the client receives must be limited by the number allowed~~
303.28 ~~by the Code of Federal Regulations, title 42, part 8.12 (i)(3).~~

303.29 (b) ~~During the first 90 days of treatment, the unsupervised use medication supply must~~
303.30 ~~be limited to a maximum of a single dose each week and the client shall ingest all other~~
303.31 ~~doses under direct supervision.~~

304.1 (c) ~~In the second 90 days of treatment, the unsupervised use medication supply must be~~
304.2 ~~limited to two doses per week.~~

304.3 (d) ~~In the third 90 days of treatment, the unsupervised use medication supply must not~~
304.4 ~~exceed three doses per week.~~

304.5 (e) ~~In the remaining months of the first year, a client may be given a maximum six-day~~
304.6 ~~unsupervised use medication supply.~~

304.7 (f) ~~After one year of continuous treatment, a client may be given a maximum two-week~~
304.8 ~~unsupervised use medication supply.~~

304.9 (g) ~~After two years of continuous treatment, a client may be given a maximum one-month~~
304.10 ~~unsupervised use medication supply, but must make monthly visits to the program.~~

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

304.12 Sec. 40. Minnesota Statutes 2023 Supplement, section 245G.22, subdivision 17, is amended
304.13 to read:

304.14 Subd. 17. **Policies and procedures.** (a) A license holder must develop and maintain the
304.15 policies and procedures required in this subdivision.

304.16 (b) For a program that is not open every day of the year, the license holder must maintain
304.17 a policy and procedure that covers requirements under section 245G.22, subdivisions 6 and
304.18 7. Unsupervised use of medication used for the treatment of opioid use disorder for days
304.19 that the program is closed for business, including but not limited to Sundays on one weekend

493.3 day and state and federal holidays, must meet the requirements under section 245G.22,
493.4 subdivisions 6 and 7.

493.5 (c) The license holder must maintain a policy and procedure that includes specific
493.6 measures to reduce the possibility of diversion. The policy and procedure must:

493.7 (1) specifically identify and define the responsibilities of the medical and administrative
493.8 staff for performing diversion control measures; and

493.9 (2) include a process for contacting no less than five percent of clients who have
493.10 unsupervised use of medication, excluding clients approved solely under subdivision 6,
493.11 paragraph (a), to require clients to physically return to the program each month. The system
493.12 must require clients to return to the program within a stipulated time frame and turn in all
493.13 unused medication containers related to opioid use disorder treatment. The license holder
493.14 must document all related contacts on a central log and the outcome of the contact for each
493.15 client in the client's record. The medical director must be informed of each outcome that
493.16 results in a situation in which a possible diversion issue was identified.

493.17 (d) Medication used for the treatment of opioid use disorder must be ordered,
493.18 administered, and dispensed according to applicable state and federal regulations and the
493.19 standards set by applicable accreditation entities. If a medication order requires assessment
493.20 by the person administering or dispensing the medication to determine the amount to be
493.21 administered or dispensed, the assessment must be completed by an individual whose
493.22 professional scope of practice permits an assessment. For the purposes of enforcement of
493.23 this paragraph, the commissioner has the authority to monitor the person administering or
493.24 dispensing the medication for compliance with state and federal regulations and the relevant
493.25 standards of the license holder's accreditation agency and may issue licensing actions
493.26 according to sections 245A.05, 245A.06, and 245A.07, based on the commissioner's
493.27 determination of noncompliance.

493.28 (e) A counselor in an opioid treatment program must not supervise more than 50 clients.

493.29 (f) Notwithstanding paragraph (e), from July 1, 2023, to June 30, 2024, a counselor in
493.30 an opioid treatment program may supervise up to 60 clients. The license holder may continue
493.31 to serve a client who was receiving services at the program on June 30, 2024, at a counselor
493.32 to client ratio of up to one to 60 and is not required to discharge any clients in order to return
493.33 to the counselor to client ratio of one to 50. The license holder may not, however, serve a
494.1 new client after June 30, 2024, unless the counselor who would supervise the new client is
494.2 supervising fewer than 50 existing clients.

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

304.20 day and state and federal holidays, must meet the requirements under section 245G.22,
304.21 subdivisions 6 and 7.

304.22 (c) The license holder must maintain a policy and procedure that includes specific
304.23 measures to reduce the possibility of diversion. The policy and procedure must:

304.24 (1) specifically identify and define the responsibilities of the medical and administrative
304.25 staff for performing diversion control measures; and

304.26 (2) include a process for contacting no less than five percent of clients who have
304.27 unsupervised use of medication, excluding clients approved solely under subdivision 6,
304.28 paragraph (a), to require clients to physically return to the program each month. The system
304.29 must require clients to return to the program within a stipulated time frame and turn in all
304.30 unused medication containers related to opioid use disorder treatment. The license holder
304.31 must document all related contacts on a central log and the outcome of the contact for each
305.1 client in the client's record. The medical director must be informed of each outcome that
305.2 results in a situation in which a possible diversion issue was identified.

305.3 (d) Medication used for the treatment of opioid use disorder must be ordered,
305.4 administered, and dispensed according to applicable state and federal regulations and the
305.5 standards set by applicable accreditation entities. If a medication order requires assessment
305.6 by the person administering or dispensing the medication to determine the amount to be
305.7 administered or dispensed, the assessment must be completed by an individual whose
305.8 professional scope of practice permits an assessment. For the purposes of enforcement of
305.9 this paragraph, the commissioner has the authority to monitor the person administering or
305.10 dispensing the medication for compliance with state and federal regulations and the relevant
305.11 standards of the license holder's accreditation agency and may issue licensing actions
305.12 according to sections 245A.05, 245A.06, and 245A.07, based on the commissioner's
305.13 determination of noncompliance.

305.14 (e) A counselor in an opioid treatment program must not supervise more than 50 clients.

305.15 (f) Notwithstanding paragraph (e), from July 1, 2023, to June 30, 2024, a counselor in
305.16 an opioid treatment program may supervise up to 60 clients. The license holder may continue
305.17 to serve a client who was receiving services at the program on June 30, 2024, at a counselor
305.18 to client ratio of up to one to 60 and is not required to discharge any clients in order to return
305.19 to the counselor to client ratio of one to 50. The license holder may not, however, serve a
305.20 new client after June 30, 2024, unless the counselor who would supervise the new client is
305.21 supervising fewer than 50 existing clients.

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

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494.4 Sec. 53. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
494.5 to read:

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

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

494.9 Sec. 54. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
494.10 to read:

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

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

494.14 Sec. 55. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
494.15 to read:

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

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

494.20 (2) remains eligible for child care assistance under section 119B.09, subdivision 1,
494.21 paragraph (e); or

494.22 (3) attends a certified center that serves only school-age children in a setting that has
494.23 students enrolled in no grade higher than grade 8.

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

494.25 Sec. 56. Minnesota Statutes 2022, section 245H.01, is amended by adding a subdivision
494.26 to read:

494.27 Subd. 8a. **Toddler.** "Toddler" means a child who is at least 16 months old but less than
494.28 33 months old.

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

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.

495.1 Sec. 57. Minnesota Statutes 2023 Supplement, section 245H.06, subdivision 1, is amended
495.2 to read:

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

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

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

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

495.9 (b) ~~The commissioner may issue a correction order to the applicant or certification holder~~
495.10 ~~through the provider licensing and reporting hub. If the certification holder fails to comply~~
495.11 ~~with a law or rule, the commissioner may issue a conditional certification. When issuing a~~
495.12 ~~conditional certification, the commissioner shall consider the nature, chronicity, or severity~~
495.13 ~~of the violation of law or rule and the effect of the violation on the health, safety, or rights~~
495.14 ~~of persons served by the program. The conditional order must state:~~

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

495.16 (2) the specific law or rule violated;

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

495.18 (4) the length and terms of the conditional certification, and the reasons for making the
495.19 certification conditional.

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

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

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

495.25 Sec. 58. Minnesota Statutes 2023 Supplement, section 245H.06, subdivision 2, is amended
495.26 to read:

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

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

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 certification holder fails to comply~~
15.29 ~~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;

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

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

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

496.10 (c) A timely request for reconsideration of a conditional certification shall stay imposition
496.11 of the terms of the conditional certification until the commissioner issues a decision on the
496.12 request for reconsideration.

496.13 ~~(c)~~ (d) Upon implementation of the provider licensing and reporting hub, the provider
496.14 must use the hub to request reconsideration. If the order is issued through the provider hub,
496.15 the request must be received by the commissioner within 20 calendar days from the date
496.16 the commissioner issued the order through the hub.

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

496.18 Sec. 59. Minnesota Statutes 2022, section 245H.08, subdivision 1, is amended to read:

496.19 Subdivision 1. **Staffing requirements.** (a) Except as provided in paragraph (b), during
496.20 hours of operation, a certified center must have a director or designee on site who is
496.21 responsible for overseeing implementation of written policies relating to the management
496.22 and control of the daily activities of the program, ensuring the health and safety of program
496.23 participants, and supervising staff and volunteers.

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

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

497.1 Sec. 60. Minnesota Statutes 2023 Supplement, section 245H.08, subdivision 4, is amended
497.2 to read:

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

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

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

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

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 ~~(c)~~ (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.

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

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

497.17 (1) the child remains eligible for child care assistance under section 119B.09, subdivision
497.18 1, paragraph (e); or

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

497.21 EFFECTIVE DATE. This section is effective October 1, 2024.

497.22 Sec. 61. Minnesota Statutes 2023 Supplement, section 245H.08, subdivision 5, is amended
497.23 to read:

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

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

497.26 ~~16 months old through 33 months old~~ toddlers 1:7

497.27 ~~33 months old through prekindergarten~~
497.28 preschoolers 1:10

497.29 ~~kindergarten through 13 years old~~ school-age
497.30 children 1:15

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

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

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

498.5 (1) the child remains eligible for child care assistance under section 119B.09, subdivision
498.6 1, paragraph (e); or

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

498.9 EFFECTIVE DATE. This section is effective October 1, 2024.

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.

498.10 Sec. 62. Minnesota Statutes 2022, section 245H.14, subdivision 1, is amended to read:

498.11 Subdivision 1. **First aid and cardiopulmonary resuscitation.** (a) Before having

498.12 unsupervised direct contact with a child, but within the first 90 days of employment for

498.13 after the first date of direct contact with a child, the director ~~and~~, all staff persons, ~~and within~~

498.14 ~~90 days after the first date of direct contact with a child for~~ substitutes, and unsupervised

498.15 volunteers, ~~each person~~ must successfully complete pediatric first aid and pediatric

498.16 cardiopulmonary resuscitation (CPR) training, unless the training has been completed within

498.17 the previous two calendar years. Staff must complete the pediatric first aid and pediatric

498.18 CPR training at least every other calendar year and the center must document the training

498.19 in the staff person's personnel record.

498.20 (b) Training completed under this subdivision may be used to meet the in-service training

498.21 requirements under subdivision 6.

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

498.23 Sec. 63. Minnesota Statutes 2022, section 245H.14, subdivision 4, is amended to read:

498.24 Subd. 4. **Child development.** ~~The certified center must ensure that the director and all~~

498.25 ~~staff persons complete child development and learning training within 90 days of employment~~

498.26 ~~and every second calendar year thereafter. Substitutes and unsupervised volunteers must~~

498.27 ~~complete child development and learning training within 90 days after the first date of direct~~

498.28 ~~contact with a child and every second calendar year thereafter. Before having unsupervised~~

498.29 ~~direct contact with a child, but within 90 days after the first date of direct contact with a~~

498.30 ~~child, the director, all staff persons, substitutes, and unsupervised volunteers must complete~~

498.31 ~~child development and learning training. Child development and learning training must be~~

498.32 ~~repeated every second calendar year thereafter. The director and staff persons not including~~

499.1 ~~substitutes must complete at least two hours of training on child development. The training~~

499.2 ~~for substitutes and unsupervised volunteers is not required to be of a minimum length. For~~

499.3 ~~purposes of this subdivision, "child development and learning training" means how a child~~

499.4 ~~develops physically, cognitively, emotionally, and socially and learns as part of the child's~~

499.5 ~~family, culture, and community.~~

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

499.7 Sec. 64. **[245H.19] CHILDREN'S RECORDS.**

499.8 (a) A certification holder must maintain a record for each child enrolled in the certification

499.9 holder's program. The record must contain:

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

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

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;

499.12 (3) the name and telephone number of at least one emergency contact person other than
499.13 the child's parents who can be reached in an emergency or when there is an injury requiring
499.14 medical attention and who is authorized to pick up the child; and
499.15 (4) the names and telephone numbers of any additional persons authorized by the parents
499.16 or legal guardians to pick up the child from the center.
499.17 (b) The certification holder must maintain in the child's record and ensure that during
499.18 all hours of operation staff can access the following information:
499.19 (1) immunization information as required under section 245H.13, subdivision 2;
499.20 (2) medication administration documentation as required under section 245H.13,
499.21 subdivision 3; and
499.22 (3) documentation of any known allergy as required under section 245H.13, subdivision
499.23 4.
499.24 **EFFECTIVE DATE.** This section is effective October 1, 2024.

499.25 Sec. 65. Minnesota Statutes 2023 Supplement, section 256B.064, subdivision 4, is amended
499.26 to read:

499.27 Subd. 4. **Notice.** (a) The department shall serve the notice required under subdivision 2
499.28 ~~by certified mail at~~ using a signature-verified confirmed delivery method to the address
499.29 submitted to the department by the individual or entity. Service is complete upon mailing.

500.1 (b) The department shall give notice in writing to a recipient placed in the Minnesota
500.2 restricted recipient program under section 256B.0646 and Minnesota Rules, part 9505.2200.
500.3 The department shall send the notice by first class mail to the recipient's current address on
500.4 file with the department. A recipient placed in the Minnesota restricted recipient program
500.5 may contest the placement by submitting a written request for a hearing to the department
500.6 within 90 days of the notice being mailed.

500.7 Sec. 66. Minnesota Statutes 2022, section 256B.0757, subdivision 4a, is amended to read:

500.8 Subd. 4a. **Behavioral health home services provider requirements.** A behavioral
500.9 health home services provider must:

- 500.10 (1) be an enrolled Minnesota Health Care Programs provider;
500.11 (2) provide a medical assistance covered primary care or behavioral health service;
500.12 (3) utilize an electronic health record;

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.

UES4699-2, ART. 10, SEC. 41, WAS REMOVED TO MATCH WITH S4699-3,
ART. 17, SEC. 12.

UES4699-2

307.1 Sec. 42. Minnesota Statutes 2023 Supplement, section 256B.064, subdivision 4, is amended
307.2 to read:

307.3 Subd. 4. **Notice.** (a) The department shall serve the notice required under subdivision 2
307.4 ~~by certified mail at~~ using a signature-verified confirmed delivery method to the address
307.5 submitted to the department by the individual or entity. Service is complete upon mailing.

307.6 (b) The department shall give notice in writing to a recipient placed in the Minnesota
307.7 restricted recipient program under section 256B.0646 and Minnesota Rules, part 9505.2200.
307.8 The department shall send the notice by first class mail to the recipient's current address on
307.9 file with the department. A recipient placed in the Minnesota restricted recipient program
307.10 may contest the placement by submitting a written request for a hearing to the department
307.11 within 90 days of the notice being mailed.

THE FOLLOWING TWO SECTIONS ARE FROM UES4699-2 ARTICLE 2.

25.1 Sec. 6. Minnesota Statutes 2022, section 256B.0757, subdivision 4a, is amended to read:

25.2 Subd. 4a. **Behavioral health home services provider requirements.** A behavioral
25.3 health home services provider must:

- 25.4 (1) be an enrolled Minnesota Health Care Programs provider;
25.5 (2) provide a medical assistance covered primary care or behavioral health service;
25.6 (3) utilize an electronic health record;

500.13 (4) utilize an electronic patient registry that contains data elements required by the
500.14 commissioner;

500.15 (5) demonstrate the organization's capacity to administer screenings approved by the
500.16 commissioner for substance use disorder or alcohol and tobacco use;

500.17 (6) demonstrate the organization's capacity to refer an individual to resources appropriate
500.18 to the individual's screening results;

500.19 (7) have policies and procedures to track referrals to ensure that the referral met the
500.20 individual's needs;

500.21 (8) conduct a brief needs assessment when an individual begins receiving behavioral
500.22 health home services. The brief needs assessment must be completed with input from the
500.23 individual and the individual's identified supports. The brief needs assessment must address
500.24 the individual's immediate safety and transportation needs and potential barriers to
500.25 participating in behavioral health home services;

500.26 (9) conduct a health wellness assessment within 60 days after intake that contains all
500.27 required elements identified by the commissioner;

500.28 (10) conduct a health action plan that contains all required elements identified by the
500.29 commissioner. The plan must be completed within 90 days after intake and must be updated
500.30 at least once every six months, or more frequently if significant changes to an individual's
500.31 needs or goals occur;

501.1 (11) agree to cooperate with and participate in the state's monitoring and evaluation of
501.2 behavioral health home services; and

501.3 (12) obtain the individual's ~~written~~ consent to begin receiving behavioral health home
501.4 services using a form approved by the commissioner.

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

501.6 Sec. 67. Minnesota Statutes 2022, section 256B.0757, subdivision 4d, is amended to read:

501.7 Subd. 4d. **Behavioral health home services delivery standards.** (a) A behavioral health
501.8 home services provider must meet the following service delivery standards:

501.9 (1) establish and maintain processes to support the coordination of an individual's primary
501.10 care, behavioral health, and dental care;

501.11 (2) maintain a team-based model of care, including regular coordination and
501.12 communication between behavioral health home services team members;

501.13 (3) use evidence-based practices that recognize and are tailored to the medical, social,
501.14 economic, behavioral health, functional impairment, cultural, and environmental factors
501.15 affecting the individual's health and health care choices;

25.7 (4) utilize an electronic patient registry that contains data elements required by the
25.8 commissioner;

25.9 (5) demonstrate the organization's capacity to administer screenings approved by the
25.10 commissioner for substance use disorder or alcohol and tobacco use;

25.11 (6) demonstrate the organization's capacity to refer an individual to resources appropriate
25.12 to the individual's screening results;

25.13 (7) have policies and procedures to track referrals to ensure that the referral met the
25.14 individual's needs;

25.15 (8) conduct a brief needs assessment when an individual begins receiving behavioral
25.16 health home services. The brief needs assessment must be completed with input from the
25.17 individual and the individual's identified supports. The brief needs assessment must address
25.18 the individual's immediate safety and transportation needs and potential barriers to
25.19 participating in behavioral health home services;

25.20 (9) conduct a health wellness assessment within 60 days after intake that contains all
25.21 required elements identified by the commissioner;

25.22 (10) conduct a health action plan that contains all required elements identified by the
25.23 commissioner. The plan must be completed within 90 days after intake and must be updated
25.24 at least once every six months, or more frequently if significant changes to an individual's
25.25 needs or goals occur;

25.26 (11) agree to cooperate with and participate in the state's monitoring and evaluation of
25.27 behavioral health home services; and

25.28 (12) obtain the individual's ~~written~~ consent to begin receiving behavioral health home
25.29 services using a form approved by the commissioner.

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

26.1 Sec. 7. Minnesota Statutes 2022, section 256B.0757, subdivision 4d, is amended to read:

26.2 Subd. 4d. **Behavioral health home services delivery standards.** (a) A behavioral health
26.3 home services provider must meet the following service delivery standards:

26.4 (1) establish and maintain processes to support the coordination of an individual's primary
26.5 care, behavioral health, and dental care;

26.6 (2) maintain a team-based model of care, including regular coordination and
26.7 communication between behavioral health home services team members;

26.8 (3) use evidence-based practices that recognize and are tailored to the medical, social,
26.9 economic, behavioral health, functional impairment, cultural, and environmental factors
26.10 affecting the individual's health and health care choices;

501.16 (4) use person-centered planning practices to ensure the individual's health action plan
501.17 accurately reflects the individual's preferences, goals, resources, and optimal outcomes for
501.18 the individual and the individual's identified supports;

501.19 (5) use the patient registry to identify individuals and population subgroups requiring
501.20 specific levels or types of care and provide or refer the individual to needed treatment,
501.21 intervention, or services;

501.22 ~~(6) utilize the Department of Human Services Partner Portal to identify past and current~~
501.23 ~~treatment or services and identify potential gaps in care~~ using a tool approved by the
501.24 commissioner;

501.25 (7) deliver services consistent with the standards for frequency and face-to-face contact
501.26 required by the commissioner;

501.27 (8) ensure that a diagnostic assessment is completed for each individual receiving
501.28 behavioral health home services within six months of the start of behavioral health home
501.29 services;

501.30 (9) deliver services in locations and settings that meet the needs of the individual;

502.1 (10) provide a central point of contact to ensure that individuals and the individual's
502.2 identified supports can successfully navigate the array of services that impact the individual's
502.3 health and well-being;

502.4 (11) have capacity to assess an individual's readiness for change and the individual's
502.5 capacity to integrate new health care or community supports into the individual's life;

502.6 (12) offer or facilitate the provision of wellness and prevention education on
502.7 evidenced-based curriculums specific to the prevention and management of common chronic
502.8 conditions;

502.9 (13) help an individual set up and prepare for medical, behavioral health, social service,
502.10 or community support appointments, including accompanying the individual to appointments
502.11 as appropriate, and providing follow-up with the individual after these appointments;

502.12 (14) offer or facilitate the provision of health coaching related to chronic disease
502.13 management and how to navigate complex systems of care to the individual, the individual's
502.14 family, and identified supports;

502.15 (15) connect an individual, the individual's family, and identified supports to appropriate
502.16 support services that help the individual overcome access or service barriers, increase
502.17 self-sufficiency skills, and improve overall health;

502.18 (16) provide effective referrals and timely access to services; and

502.19 (17) establish a continuous quality improvement process for providing behavioral health
502.20 home services.

26.11 (4) use person-centered planning practices to ensure the individual's health action plan
26.12 accurately reflects the individual's preferences, goals, resources, and optimal outcomes for
26.13 the individual and the individual's identified supports;

26.14 (5) use the patient registry to identify individuals and population subgroups requiring
26.15 specific levels or types of care and provide or refer the individual to needed treatment,
26.16 intervention, or services;

26.17 ~~(6) utilize the Department of Human Services Partner Portal to identify past and current~~
26.18 ~~treatment or services and identify potential gaps in care~~ using a tool approved by the
26.19 commissioner;

26.20 (7) deliver services consistent with the standards for frequency and face-to-face contact
26.21 required by the commissioner;

26.22 (8) ensure that a diagnostic assessment is completed for each individual receiving
26.23 behavioral health home services within six months of the start of behavioral health home
26.24 services;

26.25 (9) deliver services in locations and settings that meet the needs of the individual;

26.26 (10) provide a central point of contact to ensure that individuals and the individual's
26.27 identified supports can successfully navigate the array of services that impact the individual's
26.28 health and well-being;

26.29 (11) have capacity to assess an individual's readiness for change and the individual's
26.30 capacity to integrate new health care or community supports into the individual's life;

27.1 (12) offer or facilitate the provision of wellness and prevention education on
27.2 evidenced-based curriculums specific to the prevention and management of common chronic
27.3 conditions;

27.4 (13) help an individual set up and prepare for medical, behavioral health, social service,
27.5 or community support appointments, including accompanying the individual to appointments
27.6 as appropriate, and providing follow-up with the individual after these appointments;

27.7 (14) offer or facilitate the provision of health coaching related to chronic disease
27.8 management and how to navigate complex systems of care to the individual, the individual's
27.9 family, and identified supports;

27.10 (15) connect an individual, the individual's family, and identified supports to appropriate
27.11 support services that help the individual overcome access or service barriers, increase
27.12 self-sufficiency skills, and improve overall health;

27.13 (16) provide effective referrals and timely access to services; and

27.14 (17) establish a continuous quality improvement process for providing behavioral health
27.15 home services.

502.21 (b) The behavioral health home services provider must also create a plan, in partnership
502.22 with the individual and the individual's identified supports, to support the individual after
502.23 discharge from a hospital, residential treatment program, or other setting. The plan must
502.24 include protocols for:

502.25 (1) maintaining contact between the behavioral health home services team member, the
502.26 individual, and the individual's identified supports during and after discharge;

502.27 (2) linking the individual to new resources as needed;

502.28 (3) reestablishing the individual's existing services and community and social supports;
502.29 and

502.30 (4) following up with appropriate entities to transfer or obtain the individual's service
502.31 records as necessary for continued care.

503.1 (c) If the individual is enrolled in a managed care plan, a behavioral health home services
503.2 provider must:

503.3 (1) notify the behavioral health home services contact designated by the managed care
503.4 plan within 30 days of when the individual begins behavioral health home services; and

503.5 (2) adhere to the managed care plan communication and coordination requirements
503.6 described in the behavioral health home services manual.

503.7 (d) Before terminating behavioral health home services, the behavioral health home
503.8 services provider must:

503.9 (1) provide a 60-day notice of termination of behavioral health home services to all
503.10 individuals receiving behavioral health home services, the commissioner, and managed care
503.11 plans, if applicable; and

503.12 (2) refer individuals receiving behavioral health home services to a new behavioral
503.13 health home services provider.

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

503.15 Sec. 68. Minnesota Statutes 2023 Supplement, section 256D.01, subdivision 1a, is amended
503.16 to read:

503.17 Subd. 1a. **Standards.** (a) A principal objective in providing general assistance is to
503.18 provide for single adults, childless couples, or children as defined in section 256D.02,
503.19 subdivision 2b, ineligible for federal programs who are unable to provide for themselves.
503.20 The minimum standard of assistance determines the total amount of the general assistance
503.21 grant without separate standards for shelter, utilities, or other needs.

503.22 (b) The standard of assistance for an assistance unit consisting of a recipient who is
503.23 childless and unmarried or living apart from children and spouse and who does not live with

27.16 (b) The behavioral health home services provider must also create a plan, in partnership
27.17 with the individual and the individual's identified supports, to support the individual after
27.18 discharge from a hospital, residential treatment program, or other setting. The plan must
27.19 include protocols for:

27.20 (1) maintaining contact between the behavioral health home services team member, the
27.21 individual, and the individual's identified supports during and after discharge;

27.22 (2) linking the individual to new resources as needed;

27.23 (3) reestablishing the individual's existing services and community and social supports;
27.24 and

27.25 (4) following up with appropriate entities to transfer or obtain the individual's service
27.26 records as necessary for continued care.

27.27 (c) If the individual is enrolled in a managed care plan, a behavioral health home services
27.28 provider must:

27.29 (1) notify the behavioral health home services contact designated by the managed care
27.30 plan within 30 days of when the individual begins behavioral health home services; and

27.31 (2) adhere to the managed care plan communication and coordination requirements
27.32 described in the behavioral health home services manual.

28.1 (d) Before terminating behavioral health home services, the behavioral health home
28.2 services provider must:

28.3 (1) provide a 60-day notice of termination of behavioral health home services to all
28.4 individuals receiving behavioral health home services, the commissioner, and managed care
28.5 plans, if applicable; and

28.6 (2) refer individuals receiving behavioral health home services to a new behavioral
28.7 health home services provider.

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

THE FOLLOWING FOUR SECTIONS ARE FROM UES4699-1 ART. 11.

316.6 Sec. 4. Minnesota Statutes 2023 Supplement, section 256D.01, subdivision 1a, is amended
316.7 to read:

316.8 Subd. 1a. **Standards.** (a) A principal objective in providing general assistance is to
316.9 provide for single adults, childless couples, or children as defined in section 256D.02,
316.10 subdivision 2b, ineligible for federal programs who are unable to provide for themselves.
316.11 The minimum standard of assistance determines the total amount of the general assistance
316.12 grant without separate standards for shelter, utilities, or other needs.

316.13 (b) The standard of assistance for an assistance unit consisting of a recipient who is
316.14 childless and unmarried or living apart from children and spouse and who does not live with

503.24 a parent or parents or a legal custodian, or consisting of a childless couple, is \$350 per month
503.25 effective October 1, 2024, and must be adjusted by a percentage equal to the change in the
503.26 consumer price index as of January 1 every year, beginning October 1, 2025.

503.27 (c) For an assistance unit consisting of a single adult who lives with a parent or parents,
503.28 the general assistance standard of assistance is \$350 per month effective October 1, ~~2023~~
503.29 2024, and must be adjusted by a percentage equal to the change in the consumer price index
503.30 as of January 1 every year, beginning October 1, 2025. Benefits received by a responsible
503.31 relative of the assistance unit under the Supplemental Security Income program, a workers'
503.32 compensation program, the Minnesota supplemental aid program, or any other program
504.1 based on the responsible relative's disability, and any benefits received by a responsible
504.2 relative of the assistance unit under the Social Security retirement program, may not be
504.3 counted in the determination of eligibility or benefit level for the assistance unit. Except as
504.4 provided below, the assistance unit is ineligible for general assistance if the available
504.5 resources or the countable income of the assistance unit and the parent or parents with whom
504.6 the assistance unit lives are such that a family consisting of the assistance unit's parent or
504.7 parents, the parent or parents' other family members and the assistance unit as the only or
504.8 additional minor child would be financially ineligible for general assistance. For the purposes
504.9 of calculating the countable income of the assistance unit's parent or parents, the calculation
504.10 methods must follow the provisions under section 256P.06.

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

504.12 Sec. 69. Minnesota Statutes 2022, section 256I.04, subdivision 2f, is amended to read:

504.13 Subd. 2f. **Required services.** (a) In ~~licensed and registered~~ authorized settings under
504.14 subdivision 2a, providers shall ensure that participants have at a minimum:

504.15 (1) food preparation and service for three nutritional meals a day on site;

504.16 (2) a bed, clothing storage, linen, bedding, laundering, and laundry supplies or service;

504.17 (3) housekeeping, including cleaning and lavatory supplies or service; and

504.18 (4) maintenance and operation of the building and grounds, including heat, water, garbage
504.19 removal, electricity, telephone for the site, cooling, supplies, and parts and tools to repair
504.20 and maintain equipment and facilities.

504.21 (b) In addition, when providers serve participants described in subdivision 1, paragraph
504.22 (c), the providers are required to assist the participants in applying for continuing housing
504.23 support payments before the end of the eligibility period.

504.24 Sec. 70. Minnesota Statutes 2023 Supplement, section 256I.05, subdivision 1a, is amended
504.25 to read:

504.26 Subd. 1a. **Supplementary service rates.** (a) Subject to the provisions of section 256I.04,
504.27 subdivision 3, the agency may negotiate a payment not to exceed \$494.91 for other services
504.28 necessary to provide room and board if the residence is licensed by or registered by the

316.15 a parent or parents or a legal custodian, or consisting of a childless couple, is \$350 per month
316.16 effective October 1, 2024, and must be adjusted by a percentage equal to the change in the
316.17 consumer price index as of January 1 every year, beginning October 1, 2025.

316.18 (c) For an assistance unit consisting of a single adult who lives with a parent or parents,
316.19 the general assistance standard of assistance is \$350 per month effective October 1, ~~2023~~
316.20 2024, and must be adjusted by a percentage equal to the change in the consumer price index
316.21 as of January 1 every year, beginning October 1, 2025. Benefits received by a responsible
316.22 relative of the assistance unit under the Supplemental Security Income program, a workers'
316.23 compensation program, the Minnesota supplemental aid program, or any other program
316.24 based on the responsible relative's disability, and any benefits received by a responsible
316.25 relative of the assistance unit under the Social Security retirement program, may not be
316.26 counted in the determination of eligibility or benefit level for the assistance unit. Except as
316.27 provided below, the assistance unit is ineligible for general assistance if the available
316.28 resources or the countable income of the assistance unit and the parent or parents with whom
316.29 the assistance unit lives are such that a family consisting of the assistance unit's parent or
316.30 parents, the parent or parents' other family members and the assistance unit as the only or
316.31 additional minor child would be financially ineligible for general assistance. For the purposes
316.32 of calculating the countable income of the assistance unit's parent or parents, the calculation
316.33 methods must follow the provisions under section 256P.06.

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

317.1 Sec. 5. Minnesota Statutes 2022, section 256I.04, subdivision 2f, is amended to read:

317.2 Subd. 2f. **Required services.** (a) In ~~licensed and registered~~ authorized settings under
317.3 subdivision 2a, providers shall ensure that participants have at a minimum:

317.4 (1) food preparation and service for three nutritional meals a day on site;

317.5 (2) a bed, clothing storage, linen, bedding, laundering, and laundry supplies or service;

317.6 (3) housekeeping, including cleaning and lavatory supplies or service; and

317.7 (4) maintenance and operation of the building and grounds, including heat, water, garbage
317.8 removal, electricity, telephone for the site, cooling, supplies, and parts and tools to repair
317.9 and maintain equipment and facilities.

317.10 (b) In addition, when providers serve participants described in subdivision 1, paragraph
317.11 (c), the providers are required to assist the participants in applying for continuing housing
317.12 support payments before the end of the eligibility period.

317.13 Sec. 6. Minnesota Statutes 2023 Supplement, section 256I.05, subdivision 1a, is amended
317.14 to read:

317.15 Subd. 1a. **Supplementary service rates.** (a) Subject to the provisions of section 256I.04,
317.16 subdivision 3, the agency may negotiate a payment not to exceed \$494.91 for other services
317.17 necessary to provide room and board if the residence is licensed by or registered by the

504.29 Department of Health, or licensed by the Department of Human Services to provide services
504.30 in addition to room and board, and if the provider of services is not also concurrently
504.31 receiving funding for services for a recipient in the residence under the following programs
504.32 or funding sources: (1) home and community-based waiver services under chapter 256S or
505.1 section 256B.0913, 256B.092, or 256B.49; (2) personal care assistance under section
505.2 256B.0659; (3) community first services and supports under section 256B.85; or (4) services
505.3 for adults with mental illness grants under section 245.73. If funding is available for other
505.4 necessary services through a home and community-based waiver under chapter 256S, or
505.5 section 256B.0913, 256B.092, or 256B.49; personal care assistance services under section
505.6 256B.0659; community first services and supports under section 256B.85; or services for
505.7 adults with mental illness grants under section 245.73, then the housing support rate is
505.8 limited to the rate set in subdivision 1. Unless otherwise provided in law, in no case may
505.9 the supplementary service rate exceed \$494.91. The registration and licensure requirement
505.10 does not apply to establishments which are exempt from state licensure because they are
505.11 located on Indian reservations and for which the tribe has prescribed health and safety
505.12 requirements. Service payments under this section may be prohibited under rules to prevent
505.13 the supplanting of federal funds with state funds.

505.14 ~~(b) The commissioner is authorized to make cost-neutral transfers from the housing~~
505.15 ~~support fund for beds under this section to other funding programs administered by the~~
505.16 ~~department after consultation with the agency in which the affected beds are located. The~~
505.17 ~~commissioner may also make cost-neutral transfers from the housing support fund to agencies~~
505.18 ~~for beds permanently removed from the housing support census under a plan submitted by~~
505.19 ~~the agency and approved by the commissioner. The commissioner shall report the amount~~
505.20 ~~of any transfers under this provision annually to the legislature.~~

505.21 ~~(e)~~ (b) Agencies must not negotiate supplementary service rates with providers of housing
505.22 support that are licensed as board and lodging with special services and that do not encourage
505.23 a policy of sobriety on their premises and make referrals to available community services
505.24 for volunteer and employment opportunities for residents.

505.25 Sec. 71. Minnesota Statutes 2023 Supplement, section 256I.05, subdivision 11, is amended
505.26 to read:

505.27 Subd. 11. ~~Transfer of emergency shelter funds~~ **Cost-neutral transfers from the**
505.28 **housing support fund.** (a) The commissioner is authorized to make cost-neutral transfers
505.29 from the housing support fund for beds under this section to other funding programs
505.30 administered by the department after consultation with the agency in which the affected
505.31 beds are located.

505.32 (b) The commissioner may also make cost-neutral transfers from the housing support
505.33 fund to agencies for beds removed from the housing support census under a plan submitted
505.34 by the agency and approved by the commissioner.

506.1 ~~(a)~~ (c) The commissioner shall make a cost-neutral transfer of funding from the housing
506.2 support fund to the agency for emergency shelter beds removed from the housing support

317.18 Department of Health, or licensed by the Department of Human Services to provide services
317.19 in addition to room and board, and if the provider of services is not also concurrently
317.20 receiving funding for services for a recipient in the residence under the following programs
317.21 or funding sources: (1) home and community-based waiver services under chapter 256S or
317.22 section 256B.0913, 256B.092, or 256B.49; (2) personal care assistance under section
317.23 256B.0659; (3) community first services and supports under section 256B.85; or (4) services
317.24 for adults with mental illness grants under section 245.73. If funding is available for other
317.25 necessary services through a home and community-based waiver under chapter 256S, or
317.26 section 256B.0913, 256B.092, or 256B.49; personal care assistance services under section
317.27 256B.0659; community first services and supports under section 256B.85; or services for
317.28 adults with mental illness grants under section 245.73, then the housing support rate is
317.29 limited to the rate set in subdivision 1. Unless otherwise provided in law, in no case may
317.30 the supplementary service rate exceed \$494.91. The registration and licensure requirement
317.31 does not apply to establishments which are exempt from state licensure because they are
317.32 located on Indian reservations and for which the tribe has prescribed health and safety
318.1 requirements. Service payments under this section may be prohibited under rules to prevent
318.2 the supplanting of federal funds with state funds.

318.3 ~~(b) The commissioner is authorized to make cost-neutral transfers from the housing~~
318.4 ~~support fund for beds under this section to other funding programs administered by the~~
318.5 ~~department after consultation with the agency in which the affected beds are located. The~~
318.6 ~~commissioner may also make cost-neutral transfers from the housing support fund to agencies~~
318.7 ~~for beds permanently removed from the housing support census under a plan submitted by~~
318.8 ~~the agency and approved by the commissioner. The commissioner shall report the amount~~
318.9 ~~of any transfers under this provision annually to the legislature.~~

318.10 ~~(e)~~ (b) Agencies must not negotiate supplementary service rates with providers of housing
318.11 support that are licensed as board and lodging with special services and that do not encourage
318.12 a policy of sobriety on their premises and make referrals to available community services
318.13 for volunteer and employment opportunities for residents.

318.14 Sec. 7. Minnesota Statutes 2023 Supplement, section 256I.05, subdivision 11, is amended
318.15 to read:

318.16 Subd. 11. ~~Transfer of emergency shelter funds~~ **Cost-neutral transfers from the**
318.17 **housing support fund.** (a) The commissioner is authorized to make cost-neutral transfers
318.18 from the housing support fund for beds under this section to other funding programs
318.19 administered by the department after consultation with the agency in which the affected
318.20 beds are located.

318.21 (b) The commissioner may also make cost-neutral transfers from the housing support
318.22 fund to agencies for beds removed from the housing support census under a plan submitted
318.23 by the agency and approved by the commissioner.

318.24 ~~(a)~~ (c) The commissioner shall make a cost-neutral transfer of funding from the housing
318.25 support fund to the agency for emergency shelter beds removed from the housing support

506.3 census under a ~~biennial~~ plan submitted by the agency and approved by the commissioner.
506.4 Plans submitted under this paragraph must include anticipated and actual outcomes for
506.5 persons experiencing homelessness in emergency shelters.

506.6 ~~The plan~~ (d) Plans submitted under paragraph (b) or (c) must describe: (1) ~~anticipated~~
506.7 ~~and actual outcomes for persons experiencing homelessness in emergency shelters;~~ (2)
506.8 improved efficiencies in administration; ~~(3)~~ (2) requirements for individual eligibility; and
506.9 ~~(4)~~ (3) plans for quality assurance monitoring and quality assurance outcomes. The
506.10 commissioner shall review ~~the agency plan~~ plans to monitor implementation and outcomes
506.11 at least biennially, and more frequently if the commissioner deems necessary.

506.12 ~~(b) The (c)~~ Funding under paragraph ~~(a) (b), (c), or (d)~~ may be used for the provision
506.13 of room and board or supplemental services according to section 256I.03, subdivisions 14a
506.14 and 14b. Providers must meet the requirements of section 256I.04, subdivisions 2a to 2f.
506.15 Funding must be allocated annually, and the room and board portion of the allocation shall
506.16 be adjusted according to the percentage change in the housing support room and board rate.
506.17 ~~The room and board portion of the allocation shall be determined at the time of transfer.~~
506.18 The commissioner or agency may return beds to the housing support fund with 180 days'
506.19 notice, including financial reconciliation.

506.20 Sec. 72. Minnesota Statutes 2022, section 260E.30, subdivision 3, as amended by Laws
506.21 2024, chapter 80, article 8, section 41, is amended to read:

506.22 Subd. 3. **Nonmaltreatment mistake.** (a) If paragraph (b) applies, rather than making a
506.23 determination of substantiated maltreatment by the individual, the commissioner of children,
506.24 youth, and families shall determine that the individual made a nonmaltreatment mistake.

506.25 (b) A nonmaltreatment mistake occurs when:

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

506.28 ~~(2) (1)~~ the individual has not been determined responsible for a similar incident that
506.29 resulted in a finding of maltreatment for at least seven years;

506.30 ~~(3) (2)~~ the individual has not been determined to have committed a similar
506.31 nonmaltreatment mistake under this paragraph for at least four years;

507.1 ~~(4) (3)~~ any injury to a child resulting from the incident, if treated, is treated only with
507.2 remedies that are available over the counter, whether ordered by a medical professional or
507.3 not; and

507.4 ~~(5) (4)~~ except for the period when the incident occurred, the facility and the individual
507.5 providing services were both in compliance with all licensing and certification requirements
507.6 relevant to the incident;

318.26 census under a ~~biennial~~ plan submitted by the agency and approved by the commissioner.
318.27 Plans submitted under this paragraph must include anticipated and actual outcomes for
318.28 persons experiencing homelessness in emergency shelters.

318.29 ~~The plan~~ (d) Plans submitted under paragraph (b) or (c) must describe: (1) ~~anticipated~~
318.30 ~~and actual outcomes for persons experiencing homelessness in emergency shelters;~~ (2)
318.31 improved efficiencies in administration; ~~(3)~~ (2) requirements for individual eligibility; and
318.32 ~~(4)~~ (3) plans for quality assurance monitoring and quality assurance outcomes. The
319.1 commissioner shall review ~~the agency plan~~ plans to monitor implementation and outcomes
319.2 at least biennially, and more frequently if the commissioner deems necessary.

319.3 ~~(b) The (c)~~ Funding under paragraph ~~(a) (b), (c), or (d)~~ may be used for the provision
319.4 of room and board or supplemental services according to section 256I.03, subdivisions 14a
319.5 and 14b. Providers must meet the requirements of section 256I.04, subdivisions 2a to 2f.
319.6 Funding must be allocated annually, and the room and board portion of the allocation shall
319.7 be adjusted according to the percentage change in the housing support room and board rate.
319.8 ~~The room and board portion of the allocation shall be determined at the time of transfer.~~
319.9 The commissioner or agency may return beds to the housing support fund with 180 days'
319.10 notice, including financial reconciliation.

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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

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

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

507.10 Sec. 73. Minnesota Statutes 2022, section 260E.33, subdivision 2, as amended by Laws
507.11 2024, chapter 80, article 8, section 44, is amended to read:

507.12 Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an
507.13 individual or facility that the commissioner of human services; commissioner of children,
507.14 youth, and families; a local welfare agency; or the commissioner of education determines
507.15 has maltreated a child, an interested person acting on behalf of the child, regardless of the
507.16 determination, who contests the investigating agency's final determination regarding
507.17 maltreatment may request the investigating agency to reconsider its final determination
507.18 regarding maltreatment. The request for reconsideration must be submitted in writing or
507.19 submitted in the provider licensing and reporting hub to the investigating agency within 15
507.20 calendar days after receipt of notice of the final determination regarding maltreatment or,
507.21 if the request is made by an interested person who is not entitled to notice, within 15 days
507.22 after receipt of the notice by the parent or guardian of the child. If mailed, the request for
507.23 reconsideration must be postmarked and sent to the investigating agency within 15 calendar
507.24 days of the individual's or facility's receipt of the final determination. If the request for
507.25 reconsideration is made by personal service, it must be received by the investigating agency
507.26 within 15 calendar days after the individual's or facility's receipt of the final determination.
507.27 Upon implementation of the provider licensing and reporting hub, the individual or facility
507.28 must use the hub to request reconsideration. The reconsideration must be received by the
507.29 commissioner within 15 calendar days of the individual's receipt of the notice of
507.30 disqualification.

507.31 (b) An individual who was determined to have maltreated a child under this chapter and
507.32 who was disqualified on the basis of serious or recurring maltreatment under sections
507.33 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and
507.34 the disqualification. The request for reconsideration of the maltreatment determination and
508.1 the disqualification must be submitted within 30 calendar days of the individual's receipt
508.2 of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request
508.3 for reconsideration of the maltreatment determination and the disqualification must be
508.4 postmarked and sent to the investigating agency within 30 calendar days of the individual's
508.5 receipt of the maltreatment determination and notice of disqualification. If the request for
508.6 reconsideration is made by personal service, it must be received by the investigating agency
508.7 within 30 calendar days after the individual's receipt of the notice of disqualification.

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.

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307.12 Sec. 43. Minnesota Statutes 2022, section 260E.33, subdivision 2, as amended by Laws
307.13 2024, chapter 80, article 8, section 44, is amended to read:

307.14 Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an
307.15 individual or facility that the commissioner of human services; commissioner of children,
307.16 youth, and families; a local welfare agency; or the commissioner of education determines
307.17 has maltreated a child, an interested person acting on behalf of the child, regardless of the
307.18 determination, who contests the investigating agency's final determination regarding
307.19 maltreatment may request the investigating agency to reconsider its final determination
307.20 regarding maltreatment. The request for reconsideration must be submitted in writing or
307.21 submitted in the provider licensing and reporting hub to the investigating agency within 15
307.22 calendar days after receipt of notice of the final determination regarding maltreatment or,
307.23 if the request is made by an interested person who is not entitled to notice, within 15 days
307.24 after receipt of the notice by the parent or guardian of the child. If mailed, the request for
307.25 reconsideration must be postmarked and sent to the investigating agency within 15 calendar
307.26 days of the individual's or facility's receipt of the final determination. If the request for
307.27 reconsideration is made by personal service, it must be received by the investigating agency
307.28 within 15 calendar days after the individual's or facility's receipt of the final determination.
307.29 Upon implementation of the provider licensing and reporting hub, the individual or facility
307.30 must use the hub to request reconsideration. The reconsideration must be received by the
307.31 commissioner within 15 calendar days of the individual's receipt of the notice of
307.32 disqualification.

307.33 (b) An individual who was determined to have maltreated a child under this chapter and
307.34 who was disqualified on the basis of serious or recurring maltreatment under sections
308.1 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and
308.2 the disqualification. The request for reconsideration of the maltreatment determination and
308.3 the disqualification must be submitted within 30 calendar days of the individual's receipt
308.4 of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request
308.5 for reconsideration of the maltreatment determination and the disqualification must be
308.6 postmarked and sent to the investigating agency within 30 calendar days of the individual's
308.7 receipt of the maltreatment determination and notice of disqualification. If the request for
308.8 reconsideration is made by personal service, it must be received by the investigating agency
308.9 within 30 calendar days after the individual's receipt of the notice of disqualification.

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508.8 Sec. 74. Laws 2024, chapter 80, article 2, section 5, is amended by adding a subdivision
508.9 to read:

508.10 Subd. 23. Family child foster care annual program evaluation. Upon implementation
508.11 of a continuous license process for family child foster care, the annual program evaluation
508.12 required under Minnesota Rules, part 2960.3100, subpart 1, item G, must be conducted
508.13 utilizing the electronic licensing inspection checklist information and the provider licensing
508.14 and reporting hub in a manner prescribed by the commissioner.

508.15 Sec. 75. Laws 2024, chapter 80, article 2, section 6, subdivision 2, is amended to read:

508.16 Subd. 2. **Change in ownership.** (a) If the commissioner determines that there is a change
508.17 in ownership, the commissioner shall require submission of a new license application. This
508.18 subdivision does not apply to a licensed program or service located in a home where the
508.19 license holder resides. A change in ownership occurs when:

508.20 (1) except as provided in paragraph (b), the license holder sells or transfers 100 percent
508.21 of the property, stock, or assets;

508.22 (2) the license holder merges with another organization;

508.23 (3) the license holder consolidates with two or more organizations, resulting in the
508.24 creation of a new organization;

508.25 (4) there is a change to the federal tax identification number associated with the license
508.26 holder; or

508.27 (5) except as provided in paragraph (b), all controlling individuals ~~associated with~~ for
508.28 the original ~~application~~ license have changed.

508.29 (b) ~~Notwithstanding~~ For changes under paragraph (a), ~~clauses (1) and (5)~~ clause (1) or
508.30 (5), no change in ownership has occurred and a new license application is not required if
508.31 at least one controlling individual has been ~~listed~~ affiliated as a controlling individual for
508.32 the license for at least the previous 12 months immediately preceding the change.

509.1 EFFECTIVE DATE. This section is effective January 1, 2025.

509.2 Sec. 76. Laws 2024, chapter 80, article 2, section 6, subdivision 3, is amended to read:

509.3 Subd. 3. **Standard change of ownership process.** (a) When a change in ownership is
509.4 proposed and the party intends to assume operation without an interruption in service longer
509.5 than 60 days after acquiring the program or service, the license holder must provide the
509.6 commissioner with written notice of the proposed change on a form provided by the
509.7 commissioner at least ~~60~~ 90 days before the anticipated date of the change in ownership.

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.

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308.10 Sec. 44. Laws 2024, chapter 80, article 2, section 6, subdivision 2, is amended to read:

308.11 Subd. 2. **Change in ownership.** (a) If the commissioner determines that there is a change
308.12 in ownership, the commissioner shall require submission of a new license application. This
308.13 subdivision does not apply to a licensed program or service located in a home where the
308.14 license holder resides. A change in ownership occurs when:

308.15 (1) except as provided in paragraph (b), the license holder sells or transfers 100 percent
308.16 of the property, stock, or assets;

308.17 (2) the license holder merges with another organization;

308.18 (3) the license holder consolidates with two or more organizations, resulting in the
308.19 creation of a new organization;

308.20 (4) there is a change to the federal tax identification number associated with the license
308.21 holder; or

308.22 (5) except as provided in paragraph (b), all controlling individuals ~~associated with~~ for
308.23 the original ~~application~~ license have changed.

308.24 (b) ~~Notwithstanding~~ For changes under paragraph (a), ~~clauses~~ clause (1) and or (5), no
308.25 change in ownership has occurred and a new license application is not required if at least
308.26 one controlling individual has been ~~listed~~ affiliated as a controlling individual for the license
308.27 for at least the previous 12 months immediately preceding the change.

308.28 EFFECTIVE DATE. This section is effective January 1, 2025.

308.29 Sec. 45. Laws 2024, chapter 80, article 2, section 6, subdivision 3, is amended to read:

308.30 Subd. 3. **Standard change of ownership process.** (a) When a change in ownership is
308.31 proposed and the party intends to assume operation without an interruption in service longer
309.1 than 60 days after acquiring the program or service, the license holder must provide the
309.2 commissioner with written notice of the proposed change on a form provided by the
309.3 commissioner at least ~~60~~ 90 days before the anticipated date of the change in ownership.

509.8 For purposes of this ~~subdivision and subdivision 4~~ section, "party" means the party that
509.9 intends to operate the service or program.

509.10 (b) The party must submit a license application under this chapter on the form and in
509.11 the manner prescribed by the commissioner at least ~~30~~ 90 days before the change in
509.12 ownership is anticipated to be complete and must include documentation to support the
509.13 upcoming change. The party must comply with background study requirements under chapter
509.14 245C and shall pay the application fee required under section 245A.10.

509.15 (c) The commissioner may streamline application procedures when the party is an existing
509.16 license holder under this chapter and is acquiring a program licensed under this chapter or
509.17 service in the same service class as one or more licensed programs or services the party
509.18 operates and those licenses are in substantial compliance. For purposes of this subdivision,
509.19 "substantial compliance" means within the previous 12 months the commissioner did not
509.20 (1) issue a sanction under section 245A.07 against a license held by the party, or (2) make
509.21 a license held by the party conditional according to section 245A.06.

509.22 (d) ~~Except when a temporary change in ownership license is issued pursuant to~~
509.23 ~~subdivision 4~~ While the standard change of ownership process is pending, the existing
509.24 license holder ~~is solely~~ remains responsible for operating the program according to applicable
509.25 laws and rules until a license under this chapter is issued to the party.

509.26 (e) If a licensing inspection of the program or service was conducted within the previous
509.27 12 months and the existing license holder's license record demonstrates substantial
509.28 compliance with the applicable licensing requirements, the commissioner may waive the
509.29 party's inspection required by section 245A.04, subdivision 4. The party must submit to the
509.30 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire
509.31 marshal deemed that an inspection was not warranted, and (2) proof that the premises was
509.32 inspected for compliance with the building code or that no inspection was deemed warranted.

510.1 (f) If the party is seeking a license for a program or service that has an outstanding action
510.2 under section 245A.06 or 245A.07, the party must submit a letter as part of the application
510.3 process identifying how the party has or will come into full compliance with the licensing
510.4 requirements.

510.5 (g) The commissioner shall evaluate the party's application according to section 245A.04,
510.6 subdivision 6. If the commissioner determines that the party has remedied or demonstrates
510.7 the ability to remedy the outstanding actions under section 245A.06 or 245A.07 and has
510.8 determined that the program otherwise complies with all applicable laws and rules, the
510.9 commissioner shall issue a license or conditional license under this chapter. A conditional
510.10 license issued under this section is final and not subject to reconsideration under section
510.11 142B.16, subdivision 4. The conditional license remains in effect until the commissioner
510.12 determines that the grounds for the action are corrected or no longer exist.

309.4 For purposes of this ~~subdivision and subdivision 4~~ section, "party" means the party that
309.5 intends to operate the service or program.

309.6 (b) The party must submit a license application under this chapter on the form and in
309.7 the manner prescribed by the commissioner at least ~~30~~ 90 days before the change in
309.8 ownership is anticipated to be complete and must include documentation to support the
309.9 upcoming change. The party must comply with background study requirements under chapter
309.10 245C and shall pay the application fee required under section 245A.10.

309.11 (c) The commissioner may streamline application procedures when the party is an existing
309.12 license holder under this chapter and is acquiring a program licensed under this chapter or
309.13 service in the same service class as one or more licensed programs or services the party
309.14 operates and those licenses are in substantial compliance. For purposes of this subdivision,
309.15 "substantial compliance" means within the previous 12 months the commissioner did not
309.16 (1) issue a sanction under section 245A.07 against a license held by the party, or (2) make
309.17 a license held by the party conditional according to section 245A.06.

309.18 (d) ~~Except when a temporary change in ownership license is issued pursuant to~~
309.19 ~~subdivision 4~~ While the standard change of ownership process is pending, the existing
309.20 license holder ~~is solely~~ remains responsible for operating the program according to applicable
309.21 laws and rules until a license under this chapter is issued to the party.

309.22 (e) If a licensing inspection of the program or service was conducted within the previous
309.23 12 months and the existing license holder's license record demonstrates substantial
309.24 compliance with the applicable licensing requirements, the commissioner may waive the
309.25 party's inspection required by section 245A.04, subdivision 4. The party must submit to the
309.26 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire
309.27 marshal deemed that an inspection was not warranted, and (2) proof that the premises was
309.28 inspected for compliance with the building code or that no inspection was deemed warranted.

309.29 (f) If the party is seeking a license for a program or service that has an outstanding action
309.30 under section 245A.06 or 245A.07, the party must submit a letter as part of the application
309.31 process identifying how the party has or will come into full compliance with the licensing
309.32 requirements.

309.33 (g) The commissioner shall evaluate the party's application according to section 245A.04,
309.34 subdivision 6. If the commissioner determines that the party has remedied or demonstrates
310.1 the ability to remedy the outstanding actions under section 245A.06 or 245A.07 and has
310.2 determined that the program otherwise complies with all applicable laws and rules, the
310.3 commissioner shall issue a license or conditional license under this chapter. A conditional
310.4 license issued under this section is final and not subject to reconsideration under section
310.5 142B.16, subdivision 4. The conditional license remains in effect until the commissioner
310.6 determines that the grounds for the action are corrected or no longer exist.

510.13 (h) The commissioner may deny an application as provided in section 245A.05. An
510.14 applicant whose application was denied by the commissioner may appeal the denial according
510.15 to section 245A.05.

510.16 (i) This subdivision does not apply to a licensed program or service located in a home
510.17 where the license holder resides.

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

510.19 Sec. 77. Laws 2024, chapter 80, article 2, section 6, is amended by adding a subdivision
510.20 to read:

510.21 Subd. 3a. **Emergency change in ownership process.** (a) In the event of a death of a
510.22 license holder or sole controlling individual or a court order or other event that results in
510.23 the license holder being inaccessible or unable to operate the program or service, a party
510.24 may submit a request to the commissioner to allow the party to assume operation of the
510.25 program or service under an emergency change in ownership process to ensure persons
510.26 continue to receive services while the commissioner evaluates the party's license application.

510.27 (b) To request the emergency change of ownership process, the party must immediately:

510.28 (1) notify the commissioner of the event resulting in the inability of the license holder
510.29 to operate the program and of the party's intent to assume operations; and

510.30 (2) provide the commissioner with documentation that demonstrates the party has a legal
510.31 or legitimate ownership interest in the program or service if applicable and is able to operate
510.32 the program or service.

511.1 (c) If the commissioner approves the party to continue operating the program or service
511.2 under an emergency change in ownership process, the party must:

511.3 (1) request to be added as a controlling individual or license holder to the existing license;

511.4 (2) notify persons receiving services of the emergency change in ownership in a manner
511.5 approved by the commissioner;

511.6 (3) submit an application for a new license within 30 days of approval;

511.7 (4) comply with the background study requirements under chapter 245C; and

511.8 (5) pay the application fee required under section 142B.12.

511.9 (d) While the emergency change of ownership process is pending, a party approved
511.10 under this subdivision is responsible for operating the program under the existing license
511.11 according to applicable laws and rules until a new license under this chapter is issued.

511.12 (e) The provisions in subdivision 3, paragraphs (c) and (g) to (h), apply to this subdivision.

310.7 (h) The commissioner may deny an application as provided in section 245A.05. An
310.8 applicant whose application was denied by the commissioner may appeal the denial according
310.9 to section 245A.05.

310.10 (i) This subdivision does not apply to a licensed program or service located in a home
310.11 where the license holder resides.

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

310.13 Sec. 46. Laws 2024, chapter 80, article 2, section 6, is amended by adding a subdivision
310.14 to read:

310.15 Subd. 3a. **Emergency change in ownership process.** (a) In the event of a death of a
310.16 license holder or sole controlling individual or a court order or other event that results in
310.17 the license holder being inaccessible or unable to operate the program or service, a party
310.18 may submit a request to the commissioner to allow the party to assume operation of the
310.19 program or service under an emergency change in ownership process to ensure persons
310.20 continue to receive services while the commissioner evaluates the party's license application.

310.21 (b) To request the emergency change of ownership process, the party must immediately:

310.22 (1) notify the commissioner of the event resulting in the inability of the license holder
310.23 to operate the program and of the party's intent to assume operations; and

310.24 (2) provide the commissioner with documentation that demonstrates the party has a legal
310.25 or legitimate ownership interest in the program or service if applicable and is able to operate
310.26 the program or service.

310.27 (c) If the commissioner approves the party to continue operating the program or service
310.28 under an emergency change in ownership process, the party must:

310.29 (1) request to be added as a controlling individual or license holder to the existing license;

310.30 (2) notify persons receiving services of the emergency change in ownership in a manner
310.31 approved by the commissioner;

310.32 (3) submit an application for a new license within 30 days of approval;

311.1 (4) comply with the background study requirements under chapter 245C; and

311.2 (5) pay the application fee required under section 142B.12.

311.3 (d) While the emergency change of ownership process is pending, a party approved
311.4 under this subdivision is responsible for operating the program under the existing license
311.5 according to applicable laws and rules until a new license under this chapter is issued.

311.6 (e) The provisions in subdivision 3, paragraphs (c), (g), and (h), apply to this subdivision.

511.13 (f) Once a party is issued a new license or has decided not to seek a new license, the
511.14 commissioner must close the existing license.

511.15 (g) This subdivision applies to any program or service licensed under this chapter.

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

511.17 Sec. 78. Laws 2024, chapter 80, article 2, section 6, is amended by adding a subdivision
511.18 to read:

511.19 Subd. 5. **Failure to comply.** If the commissioner finds that the applicant or license holder
511.20 has not fully complied with this section, the commissioner may impose a licensing sanction
511.21 under section 142B.15, 142B.16, or 142B.18.

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

511.23 Sec. 79. Laws 2024, chapter 80, article 2, section 10, subdivision 1, is amended to read:

511.24 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
511.25 under section 142B.16, the commissioner may suspend or revoke the license, impose a fine,
511.26 or secure an injunction against the continuing operation of the program of a license holder
511.27 who:

511.28 (1) does not comply with applicable law or rule;

512.1 (2) has nondisqualifying background study information, as described in section 245C.05,
512.2 subdivision 4, that reflects on the license holder's ability to safely provide care to foster
512.3 children; or

512.4 (3) has an individual living in the household where the licensed services are provided
512.5 or is otherwise subject to a background study, and the individual has nondisqualifying
512.6 background study information, as described in section 245C.05, subdivision 4, that reflects
512.7 on the license holder's ability to safely provide care to foster children.

512.8 When applying sanctions authorized under this section, the commissioner shall consider
512.9 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation
512.10 on the health, safety, or rights of persons served by the program.

512.11 (b) If a license holder appeals the suspension or revocation of a license and the license
512.12 holder continues to operate the program pending a final order on the appeal, the commissioner
512.13 shall issue the license holder a temporary provisional license. Unless otherwise specified
512.14 by the commissioner, variances in effect on the date of the license sanction under appeal
512.15 continue under the temporary provisional license. The commissioner may include terms the
512.16 license holder must follow pending a final order on the appeal. If a license holder fails to
512.17 comply with applicable law or rule while operating under a temporary provisional license,
512.18 the commissioner may impose additional sanctions under this section and section 142B.16
512.19 and may terminate any prior variance. If a temporary provisional license is set to expire, a
512.20 new temporary provisional license shall be issued to the license holder upon payment of

311.7 (f) Once a party is issued a new license or has decided not to seek a new license, the
311.8 commissioner must close the existing license.

311.9 (g) This subdivision applies to any program or service licensed under this chapter.

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

311.11 Sec. 47. Laws 2024, chapter 80, article 2, section 6, is amended by adding a subdivision
311.12 to read:

311.13 Subd. 5. **Failure to comply.** If the commissioner finds that the applicant or license holder
311.14 has not fully complied with this section, the commissioner may impose a licensing sanction
311.15 under section 142B.15, 142B.16, or 142B.18.

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

311.17 Sec. 48. Laws 2024, chapter 80, article 2, section 10, subdivision 1, is amended to read:

311.18 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
311.19 under section 142B.16, the commissioner may suspend or revoke the license, impose a fine,
311.20 or secure an injunction against the continuing operation of the program of a license holder
311.21 who:

311.22 (1) does not comply with applicable law or rule;

311.23 (2) has nondisqualifying background study information, as described in section 245C.05,
311.24 subdivision 4, that reflects on the license holder's ability to safely provide care to foster
311.25 children; or

311.26 (3) has an individual living in the household where the licensed services are provided
311.27 or is otherwise subject to a background study, and the individual has nondisqualifying
311.28 background study information, as described in section 245C.05, subdivision 4, that reflects
311.29 on the license holder's ability to safely provide care to foster children.

312.1 When applying sanctions authorized under this section, the commissioner shall consider
312.2 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation
312.3 on the health, safety, or rights of persons served by the program.

312.4 (b) If a license holder appeals the suspension or revocation of a license and the license
312.5 holder continues to operate the program pending a final order on the appeal, the commissioner
312.6 shall issue the license holder a temporary provisional license. Unless otherwise specified
312.7 by the commissioner, variances in effect on the date of the license sanction under appeal
312.8 continue under the temporary provisional license. The commissioner may include terms the
312.9 license holder must follow pending a final order on the appeal. If a license holder fails to
312.10 comply with applicable law or rule while operating under a temporary provisional license,
312.11 the commissioner may impose additional sanctions under this section and section 142B.16
312.12 and may terminate any prior variance. If a temporary provisional license is set to expire, a
312.13 new temporary provisional license shall be issued to the license holder upon payment of

512.21 any fee required under section 142B.12. The temporary provisional license shall expire on
512.22 the date the final order is issued. If the license holder prevails on the appeal, a new
512.23 nonprovisional license shall be issued for the remainder of the current license period.

512.24 (c) If a license holder is under investigation and the license issued under this chapter is
512.25 due to expire before completion of the investigation, the program shall be issued a new
512.26 license upon completion of the reapplication requirements and payment of any applicable
512.27 license fee. Upon completion of the investigation, a licensing sanction may be imposed
512.28 against the new license under this section or section 142B.16 or 142B.20.

512.29 (d) Failure to reapply or closure of a license issued under this chapter by the license
512.30 holder prior to the completion of any investigation shall not preclude the commissioner
512.31 from issuing a licensing sanction under this section or section 142B.16 at the conclusion of
512.32 the investigation.

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

513.1 Sec. 80. Laws 2024, chapter 80, article 2, section 16, is amended by adding a subdivision
513.2 to read:

513.3 Subd. 9. **Licensed child-placing agency personnel requirements.** (a) A licensed
513.4 child-placing agency must have an individual designated on staff or contract who supervises
513.5 the agency's casework. Supervising an agency's casework includes but is not limited to:

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

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

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

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

513.13 (1) is a licensed social worker, licensed graduate social worker, licensed independent
513.14 social worker, or licensed independent clinical social worker;

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

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

312.14 any fee required under section 142B.12. The temporary provisional license shall expire on
312.15 the date the final order is issued. If the license holder prevails on the appeal, a new
312.16 nonprovisional license shall be issued for the remainder of the current license period.

312.17 (c) If a license holder is under investigation and the license issued under this chapter is
312.18 due to expire before completion of the investigation, the program shall be issued a new
312.19 license upon completion of the reapplication requirements and payment of any applicable
312.20 license fee. Upon completion of the investigation, a licensing sanction may be imposed
312.21 against the new license under this section or section 142B.16 or 142B.20.

312.22 (d) Failure to reapply or closure of a license issued under this chapter by the license
312.23 holder prior to the completion of any investigation shall not preclude the commissioner
312.24 from issuing a licensing sanction under this section or section 142B.16 at the conclusion of
312.25 the investigation.

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

UES4699-2, ART. 10, SEC. 49, WAS REMOVED TO MATCH WITH S4699-3,
ART. 14, SEC. 32.

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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.

513.18 (c) The commissioner may grant a variance under section 142B.10, subdivision 16, to
513.19 the requirements in this section.

513.20 Sec. 81. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; FAMILY**
513.21 **CHILD FOSTER CARE CONTINUOUS LICENSES.**

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

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

513.27 Sec. 82. **REVISOR INSTRUCTION.**

513.28 The revisor of statutes shall renumber Minnesota Statutes, section 256D.21, as Minnesota
513.29 Statutes, section 261.004.

514.1 Sec. 83. **REPEALER.**

514.2 (a) Minnesota Statutes 2022, sections 245C.125; 256D.19, subdivisions 1 and 2; 256D.20,
514.3 subdivisions 1, 2, 3, and 4; and 256D.23, subdivisions 1, 2, and 3, are repealed.

514.4 (b) Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 2, is repealed.

514.5 (c) Minnesota Rules, parts 9502.0425, subparts 5 and 10; and 9545.0805, subpart 1, are
514.6 repealed.

514.7 (d) Laws 2024, chapter 80, article 2, section 6, subdivision 4, is repealed.

514.8 **EFFECTIVE DATE.** The repeal of Minnesota Rules, part 9545.0805, subpart 1, is
514.9 effective July 1, 2024. Except for the repeal of Minnesota Statutes 2022, section 245C.125,
514.10 paragraph (a) is effective the day following final enactment.

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.

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.

THE FOLLOWING SECTION IS FROM UES4699-2, ARTICLE 11.
UES4699-2

322.14 Sec. 13. **REVISOR INSTRUCTION.**

322.15 The revisor of statutes shall renumber Minnesota Statutes, section 256D.21, as Minnesota
322.16 Statutes, section 261.004.

313.14 Sec. 50. **REPEALER.**

313.15 (a) Minnesota Statutes 2022, section 245C.125, is repealed.

313.16 (b) Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 2, is repealed.

313.17 (c) Minnesota Rules, part 9502.0425, subpart 5, is repealed.

313.18 (d) Laws 2024, chapter 80, article 2, section 6, subdivision 4, is repealed.

THE FOLLOWING REPEALER IS FROM UES4699-2, ART. 11.

322.17 Sec. 14. **REPEALER.**

322.18 Minnesota Statutes 2022, sections 256D.19, subdivisions 1 and 2; 256D.20, subdivisions
322.19 1, 2, 3, and 4; and 256D.23, subdivisions 1, 2, and 3, are repealed.

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

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- 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.