Bill Summary Comparison of

Health and Human Services

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| House File 2414-2 | Senate File UEH2414-1 |
| Article 1: Children and Families | Article 2: Children and Families Services |

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| Section | Article 1: Children and Families |  | Article 2: Children and Families Services |
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|  | Homeless.  Amends § 119B.011, by adding subd. 13b. Defines “homeless” under the statute governing the child care assistance program. Provides a September 21, 2020, effective date. | House Only |  |
|  | Provider.  Amends § 119B.011, subd. 19. Modifies the definition of “provider” under the statute governing the child care assistance program. Provides a July 1, 2019, effective date. | House Only |  |
|  | Transition year families.  Amends § 119B.011, subd. 20. Modifies the definition of “transition year families” under the statute governing the child care assistance program. Provides a March 23, 2020, effective date. | House Only |  |
|  | Supervision of counties and providers.  Amends § 119B.02, subd. 3. Requires the commissioner to provide technical assistance and training to child care providers about proper billing and attendance record-keeping procedures for reimbursement under CCAP and ensure that the training provided to child care providers is linguistically and culturally accessible. Provides a July 1, 2020, effective date. | House Only |  |
|  | Child care market rate survey.  Amends § 119B.02, subd. 7. Changes the frequency of the child care market rate survey from once every two years to once every three years beginning in state fiscal year 2021. Provides an immediate effective date. | House Only |  |
|  | Applications.  Amends § 119B.025, subd. 1. Specifies the process counties must follow when handling applications of families who meet the definition of homeless. Provides a September 21, 2020, effective date. | House Only |  |
|  | Information to applicants; child care fraud.  Amends § 119B.025, by adding subd. 5. At the time of initial application and at redetermination, requires counties to provide written notice to applicants and participants listing the activities that constitute child care fraud and the consequences of committing child care fraud. Requires applicants and participants to acknowledge receipt of the child care fraud notice in writing. Provides a September 1, 2019, effective date. | House Only |  |
|  | Portability pool.  Amends § 119B.03, subd. 9. Modifies the portability pool by requiring families who are receiving basic sliding fee child care assistance and move from one county to another to notify the family’s previous county of residence of the move (under current law, families must notify the new county of residence within 60 days of moving and submit information to the new county of residence to verify eligibility for the basic sliding fee program). Removes the six-month time limit on receipt of portability pool assistance. Provides a December 2, 2019, effective date. | House Only |  |
|  | Eligible participants.  Amends § 119B.05, subd. 1. Expands the list of eligible participants under the MFIP child care program by adding MFIP child-only cases for children six years of age or younger when either (1) the child’s primary caregiver has a diagnosis of mental illness and is in need of intensive treatment, or (2) the child is in need of a consistent caregiver. | House Only |  |
|  | General eligibility requirements.  Amends § 119B.09, subd. 1. Specifies a family remains eligible for child care assistance until the redetermination if the family has a child that reaches 13 years of age or the child has a disability and reaches 15 years of age. Provides a June 29, 2020, effective date. | Senate includes asset limit of $100,000.  House includes redetermination eligibility. | **Article 1,** **Section 2 (119B.09, subdivision 1)** imposes an asset limit of $100,000, excluding vehicles, on CCAP eligibility. |
|  |  | Senate Only | **Article 1, Section 3 (119B.09, subdivision 4)** amends the definition of “income” in CCAP to include deposits into accounts and funds in personal or business accounts that are used to pay personal expenses, requires documentation of the source for loans, and requires that income and assets be verified with documentary evidence either from the applicant or the source of the income or assets. |
|  |  | Senate Only | **Article 1, Section 5 (119B.09, subdivision 9)** precludes the issuance of child care assistance authorizations for children related to family child care providers or their employees. |
|  |  | Senate Only | **Article 1, Section 6 (119B.09, subdivision 9a)** precludes the issuance of child care assistance authorizations to more than seven children of employees or controlling individuals of licensed or license-exempt child care centers. |
|  | Maintain steady child care authorizations.  Amends § 119B.095, subd. 2. Requires the amount of child care authorized to continue at the same number of hours or more hours until redetermination when a child reaches 13 years of age or a child with a disability reaches 15 years of age. Provides a June 29, 2020, effective date. | House Only |  |
|  | Assistance for persons who are homeless.  Amends § 119B.095, by adding subd. 3. Makes homeless applicants for child care assistance eligible for 60 hours of child care assistance per service period for three months from the date the county receives the application. Allows additional hours to be authorized as needed based on the applicant’s participation in employment, education, or Minnesota family investment program (MFIP) or diversionary work program (DWP) employment plan. Requires the parent to verify that the parent meets eligibility and activity requirements for child care assistance to continue receiving assistance after the initial three months. Provides a September 21, 2020, effective date. | House Only |  |
|  | Subsidy restrictions.  Amends § 119B.13, subd. 1. Paragraph (a) modifies the CCAP maximum rates to be based on the 2018 child care provider survey.  Paragraph (i) modifies the maximum registration fee paid under child care assistance to be based on the 2018 market rate survey.  Provides a September 20, 2019, effective date for paragraph (a) and a September 23, 2019, effective date for paragraph (i). | House Only |  |
|  | Fair hearing allowed for applicants and recipients.  Amends § 119B.16, subd. 1. Modifies the fair hearings process under the CCAP. Provides a February 26, 2021, effective date. | House Only |  |
|  | Fair hearing allowed for providers.  Amends § 119B.16, subd. 1a. Modifies the fair hearings process for providers under the CCAP. Provides a February 26, 2021, effective date. | House Only |  |
|  | Joint fair hearings.  Amends § 119B.16, subd. 1b. Modifies the joint fair hearings process for providers and families under the CCAP. Provides a February 26, 2021, effective date. | House Only |  |
|  | Notice to providers.  Amends § 119B.16, by adding subd. 1c. Requires the county or commissioner to mail written notice to the provider against whom the action is being taken prior to taking an appealable action. Specifies timelines for mailing the notice and the information that must be included in the notice. Provides a February 26, 2021, effective date. | House Only |  |
|  | Fair hearing stayed.  Amends § 119B.16, by adding subd. 3. Specifies circumstances under which a provider’s fair hearing must be stayed. Provides a February 26, 2021, effective date. | House Only |  |
|  | Final department action.  Amends § 119B.16, by adding subd. 4. Specifies the county agency’s or the commissioner’s action is considered final unless the commissioner receives a timely and proper request for an appeal. Provides a February 26, 2021, effective date. | House Only |  |
|  | Administrative review.  Creates § 119B.161.  Subd. 1. **Applicability**. Specifies conditions under which a provider has the right to administrative review.  Subd. 2. **Notice**. Specifies the timeline a county agency or the commissioner has for mailing a written notice to a provider when suspending payment or denying or revoking the provider’s authorization. Lists the information that must be included in the notice. Requires the county agency or commissioner to send notice to each affected family if payment to a provider is suspended or the provider’s authorization is denied or revoked.  Subd. 3. **Duration**. Specifies the duration of a payment suspension or the denial or revocation of a provider’s authorization.  Subd. 4. **Good cause exception**. Lists the conditions under which the commissioner may find that good cause exists not to deny, revoke, or suspend a provider’s authorization, or not to continue a denial, revocation, or suspension of a provider’s authorization.  Provides a February 26, 2021, effective date. | House Only |  |
|  | Retaining early educators through attaining incentives now (REETAIN) grant program.  Creates § 119B.195.  Subd. 1. **Establishment; purpose**. Establishes the REETAIN grant program to provide competitive grants to incentivize well-trained child care professionals to stay in the workforce to create more consistent care for children over time.  Subd. 2. **Administration**. Requires the commissioner to allocate grant funds to a nonprofit organization with demonstrated ability to manage benefit programs for child care professionals to administer the REETAIN grant program. Allows up to ten percent of grant funds to be used for administration of the program.  Subd. 3. **Application**. Requires applicants to apply for the grant program on the forms and according to the timelines established by the commissioner.  Subd. 4. **Eligibility**. Lists grant applicant eligibility requirements.  Subd. 5. **Grant awards**. Requires grants to be made annually. Allows grant funds to be used for program supplies, training, or personal expenses.  Subd. 6. **Report**. Requires the commissioner to report annually to the legislature by January 1, on the number of grants awarded and program outcomes.  Provides a July 1, 2019, effective date, and makes the first report under subdivision 6 due by January 1, 2021. | House Only |  |
|  | Use.  Amends § 245C.32, subd. 2. Requires the commissioner to provide maltreatment summary data to government agencies seeking the data for child protection purposes. | House Only |  |
|  | American Indian child welfare projects.  Amends § 256.01, subd. 14b. Adds clarifying language to subdivision allowing for projects to initiate tribal delivery of child welfare services. | House Only |  |
|  |  | Senate Only | **Article 1,** **Section 54 (256D.024, subdivision 3)**expands the ineligibility for general assistance of offenders fleeing from prosecution, custody, or confinement to include any crime. |
|  |  | Senate Only | **Article 1,** **Section 55 [256D.0245]**requires local probation agencies to regularly provide a list of individuals who tested positive for an illegal controlled substance to the welfare fraud division of the local social services agency, for purposes of determining ineligibility for general assistance. |
|  |  | Senate Only | **Article 1,** **Section 56 (256D.0515)**imposes an asset limit on food stamp households of $100,000, excluding vehicles. |
|  |  | Senate Only | **Article 1,** **Section 57 (256D.0516, subdivision 2)**requires food support recipients to report every six months, and to report any changes in income, assets, or employment that affect eligibility within ten days of the change. |
|  |  | Senate Only | **Article 1,** **Section 58 (256J.08, subdivision 47)** amends the definition of “income” in MFIP to require documentation that certain property is not available to the applicant. |
|  |  | Senate Only | **Article 1,** **Section 59 (256J.21, subdivision 2)** amends the definition of “income” in MFIP to exclude in-kind payments of living expenses, and to require documentation of the source for loans. |
|  | MFIP transitional standard.  Amends § 256J.24, subd. 5. Increases the cash portion of the MFIP transitional standard by $100 per month per household beginning February 1, 2020. Requires the commissioner to publish the updated standard. | House Only |  |
|  |  | Senate Only | **Article 1, Section 60 (256J.26, subdivision 3)**expands the ineligibility for MFIP of offenders fleeing from prosecution, custody, or confinement to include any crime. |
|  |  | Senate Only | **Article 1,** **Section 61 [256J.265]**requires local probation agencies to regularly provide a list of individuals who tested positive for an illegal controlled substance to the welfare fraud division of the local social services agency, for purposes of determining ineligibility for MFIP. |
|  | Payments.  Amends § 256M.41, subd. 3. Modifies provision that distributes payments based on county performance by eliminating the 20 percent withhold, so the counties receive 100 percent of the funds on or before July 10 of each year. | Same | **Section 34 (256M.41, subdivision 3)** requires the commissioner of human services to make annual child protection performance-based payments to counties by July 10 each year. |
|  | County performance on child protection measures.  Amends § 256M.41 by adding subd. 4. Requires the commissioner to set child protection measures and standards, and requires an underperforming county to demonstrate that the county has designated sufficient funds and implemented a reasonable strategy to improve child protection performance. Allows the commissioner to redirect up to 20 percent of a county’s funds to the performance improvement plan, and specifies that sanctions for noncompliance with federal performance standards still apply. | Same | **Section 35 (256M.41, subdivision 4)** authorizes the commissioner to require an underperforming county to develop a plan to improve its child protection performance. The commissioner may redirect up to 20% of an underperforming county’s child protection payment amount toward its performance-improvement plan. |
|  |  | Senate Only | **Article 1, Section 63 (256P.04, subdivision 4)** amends the definition of “income” in GA to include deposits into accounts and funds in personal or business accounts that are used to pay personal expenses, and require documentation of the source for loans. |
|  |  | Senate Only | **Article 1, Section 64 (256P.06, subdivision 3)** amends the definition of “earned income” in GA to include deposits into accounts and funds in personal or business accounts that are used to pay personal expenses, excluding certain expenses. |
|  | Foster care.  Amends § 260C.007, subd. 18. Clarifies definition of “foster care.”  Adds placement co-located with a parent or guardian in a licensed residential family-based substance use disorder treatment program, and adds a child returned for a trial home visit to the foster care definition. | House Only |  |
|  | Licensed residential family-based substance use disorder treatment program.  Amends § 260C.007 by adding subd. 22a. Defines “licensed residential family-based substance use disorder treatment program.” | House Only |  |
|  | Hearing and release requirements.  Amends § 260C.178, subd. 1. Adds cross-reference. | House Only |  |
|  | Family-focused residential placement.  Proposes coding for § 260C.190.  Subd. 1. **Placement**. Allows for a child to be placed co-located with a parent in a licensed residential family-based substance use disorder treatment program for up to 12 months.  Subd. 2. **Case plans**. Requires a written case plan indicating that placement with a parent in a residential family-based substance use disorder treatment program is in the child’s best interest; specifies case plan requirements and timelines.  Subd. 3. **Required reviews and permanency proceedings**. Specifies required court procedures and timelines for case review and permanency, in different circumstances, for a child co-located with a parent in a residential family-based substance use disorder treatment program. | House Only |  |
|  | Dispositions.  Amends § 260C.201, subd. 1. Adds language to include a child co-located with a parent in a residential family-based substance use disorder treatment program; clarifies permanency proceeding language. | House Only |  |
|  | Written findings.  Amends § 260C.201, subd. 2. Adds language to include a child co-located with a parent in a residential family-based substance use disorder treatment program, to the requirement for written findings regarding the appropriateness of a placement when legal custody of the child is transferred. | House Only |  |
|  | Case plan.  Amends § 260C.201, subd. 6. Requires a case plan for a child co-located with a parent in a residential family-based substance use disorder treatment program to specify the recommendation for co-location before the placement. | House Only |  |
|  | Placement decisions based on best interest of the child.  Amends § 260C.212, subd. 2. Requires the agency to determine and document whether co-location with a parent in a residential family-based substance use disorder treatment program is in the child’s best interests. | House Only |  |
|  |  | Senate Only | **Section 36 (260C.216)**creates a grant program to facilitate partnerships between counties and community groups or faith communities in order to develop and utilize innovative, nontraditional shared recruitment methods to increase and stabilize the number of available foster care families, while also incorporating efforts to provide additional support services for families in crisis, as an alternative to foster care. |
|  |  | Senate Only | **Section 37 (260C.218)**permits the commissioner of human services to use available parent support outreach program funds to provide mentoring, guidance, and support services for parents in the child welfare system, including through peer-to-peer support groups. |
|  | Voluntary foster care; child is collocated with parent in treatment program.  Proposes coding for § 260C.228.  Subd. 1. **Generally**. Allows for a written voluntary placement agreement after a child’s case plan recommends a co-located placement in a residential family-based substanceuse disorder treatment program.  Subd. 2. **Judicial review**. Establishes requirements for judicial review and agency reporting for a voluntary placement under this section.  Subd. 3. **Termination**. Specifies that the voluntary placement agreement terminates when the parent is discharged for the treatment program, or upon written and dated request from the parent. | House Only |  |
|  | Administrative or court review of placements.  Amends § 260C.452, subd. 4. Adds requirement for official documentation that a youth was formerly in foster care, for a local social services agency transition plan at age 18 or older. | House Only |  |
|  | Required permanency proceedings.  Amends § 260C. 503, subd. 1. Adds reference to new section relating to residential family-based substance use disorder treatment program placement. | House Only |  |
|  | Parent not considered voluntarily unemployed, underemployed, or employed on a less than full-time basis.  Amends § 518A.32, subd. 3. Makes this subdivision applicable to all incarcerated parents by removing the exception for parents incarcerated due to nonpayment of child support. Makes the section effective the day following final enactment. | Same | **Section 38 (518A.32, subdivision 3)** removes the statutory exception that considers a parent who is incarcerated for nonpayment of child support to be voluntarily unemployed, underemployed, or employed on a less than full-time basis, for purposes of imputing income for setting a child support obligation. |
|  |  | Senate Only | **Section 39 (518A.51)** increases the annual fee for child support collection services from $25 to $35, for individuals that have received at least $550 in child support payments through a county’s collection services, effective October 1, 2019. The fee must be retained by the collecting county from the collected support, but may not be retained from the first $550 of collected support. |
|  | Duties of local welfare agency and local law enforcement agency upon receipt of report; mandatory notification between police or sheriff and agency.  Amends § 626.556, subd. 10. Adds requirement for the local welfare agency or the agency responsible for the child welfare assessment or investigation to request that the commissioner collect child abuse and neglect records from each state where an alleged offender lived in the previous five years. Establishes requirements for transmission of requests and notifications. | House Only |  |
|  | Reports required.  Amends § 626.5561, subd. 1. Removes the requirement for health care professionals (who are mandated reporters of suspected child maltreatment) to report a woman’s use of a controlled substance for a nonmedical purpose or excessive consumption of alcohol during pregnancy, if the professional is providing prenatal care or other health care services to the woman. | House Only |  |
|  | Title.  Entitles certain sections “Heaven’s Law.” | House Only |  |
|  | Interstate transfer of child welfare data.  Requires the commissioner of human services to investigate and report to the legislature on potential ways to improve the sharing of child maltreatment information between states, including considering interstate compacts. Requires the report to the legislature by February 1, 2020. | House Only |  |
|  | Instruction to commissioner.  Requires the commissioner of human services to establish a schedule for individuals in connection with a licensed children’s residential facility to receive federal funding to complete a new required background study by March 1, 2020, or by March 1, 2021, for individuals connected with facilities that are not eligible for federal funding. | House Only |  |
|  | Child welfare training academy.  Subd. 1. **Establishment; purpose**. Requires the commissioner to modify the Child Welfare Training System, to be known as the Child Welfare Training Academy.  Subd. 2. **Administration**. Requires the Child Welfare Training Academy to operate through five regional hubs, using training methods best suited to the content and in line with national best practices. Specifies requirements for the training content.  Subd. 3. **Partnerships**. Requires the commissioner to partner with the University of Minnesota to administer the workforce training, and with one or more agencies to focus on workforce well-being and organizational resilience.  Subd.4. **Rulemaking**. Allows the commissioner to adopt rules in accordance with this section. | House Only |  |
|  | Child welfare caseload study.  Requires the commissioner to conduct a child welfare caseload study by July 1, 2020, and report the results to the legislature by December 1, 2020. Requires continued monitoring of child welfare caseloads. | House Only |  |
|  | First children’s finance child care site assistance.  Subd. 1. Purposes. Specifies the grant to First Children’s Finance is for loans to improve child care or early education sites, or loans to plan, design, and construct or expand licensed and legal nonlicensed sites to increase the availability of child care or early education.  Subd. 2. Financing program. Lists the activities for which First Children’s Finance may use the grant funds. Requires First Children’s Finance to establish the terms and conditions for loans and loan guarantees. Allows interest earnings to be used for administrative expenses.  Subd. 3. Reporting. Lists reporting requirements First Children’s Finance must meet. | House Only |  |
|  | Direction to commissioner; homeless youth access to birth records and Minnesota identification cards.  Requires the commissioner to report to the legislature by January 1, 2020, with recommendations on providing no-cost access to birth records and identification cards for homeless youth. | House Only |  |
|  | Direction to commissioner; family first prevention kinship services.  Requires the commissioner to review opportunities to develop kinship navigator models for children in out-of-home placement. Provides an immediate effective date. | House Only |  |
|  | Direction to commissioner; relative search.  Requires the commissioner to develop and provide guidance to assist local social services agencies in conducting relative searches for children in out-of-home placement. Provides an immediate effective date. | House Only |  |
|  |  | Senate Only  (House includes a rider and funding for Pathways to Prosperity in article 21) | **Section 41 (Pathways to Prosperity pilot project)** authorizes the commissioner of human services to develop a pilot project in conjunction with Dakota and Olmsted Counties, to test an alternative benefit delivery system for the distribution of public assistance benefits to certain families, provided that the counties submit documentation of the program’s features, funding, and implementation plan. |
|  |  | Senate Only | **Section 42 (Direction to the commissioner; CCAP redesign)** directs the commissioner of human services to redesign the child care assistance program to improve features of the current program, in a proposal that could be implemented July 1, 2020. The proposal would be submitted to the legislature by January 15, 2020. |
|  |  | Senate Only | **Section 48 (Revisor’s instruction)** instructs the Revisor to replace the terms “food support” and “food stamps” with “Supplementation Nutrition Assistance Program” or “SNAP” throughout statute, where appropriate. |
|  |  | Senate Only | **Section 49 (Revisor’s instruction)** instructs the Revisor to remove statutory references to the child care assistance program, basic sliding fee child care, and MFIP child care, effective July 1, 2020. |
|  | Repealer.  Repeals the following statutes and rules:   * section 119B.16, subd. 2 (informal conference) * section 245E.06, subds. 2 (written notice of department sanction), 4 (consolidated hearing with licensing sanction), and 5 (effect of department’s administrative determination or sanction) * part 3400.0185, subp. 5 (notice to providers of actions adverse to the provider)   part 2960.3030, subp. 3 | Different | **Section 53** repeals the statutes, rules, and laws relating to the child care assistance program, basic sliding fee child care, and MFIP child care, effective July 1, 2020. The section also repeals the session law relating to the Pathways to Prosperity pilot project, effective July 1, 2019. |