

Bill Summary Comparison of Health and Human Services

House File 2414-2
Article 2: Operations

Senate File UEH2414-1
Article 7: Operations

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Section	Article 2: Operations		Article 7: Operations
1	General. Amends § 13.46, subd. 2. Allows DHS to disseminate data on CCAP participants, applicants, and providers to the commissioner of education. Provides an immediate effective date.	Same	Article 2, Section 1 (13.46, subdivision 2) authorizes the Department of Human Services to share welfare data about child care assistance program participants, applicants, and providers with the Department of Education.
2	Investigative data. Amends § 13.46, subd. 3. Allows welfare data that is collected as part of an enforcement investigation to be disclosed to other agents within the welfare system or to other government investigators, unless the disclosure would compromise an ongoing DHS investigation.	House Only	
		Senate Only	Article 2, Section 2 (13.46, subdivision 4) makes child care provider correction orders or fines due to licensing violations private or nonpublic if the correction order or fine is at least seven years old.
3	Child care assistance program. Amends § 13.461, subd. 28. Specifies the classification of CCAP data. Provides an immediate effective date.	Similar. Staff recommends House language, in part to remove paragraph (b) from the Senate’s proposed language, which is properly included in the Senate E12 omnibus bill.	Article 2, Section 3 (13.461, subdivision 28) provides cross-references in chapter 13 (Minnesota Government Data Practices Act) for data classified in the sections governing the child care assistance program.
4	Liability for certain acts. Amends § 15C.02. Changes the penalty for fraud against the government under chapter 15C so that the civil penalty is tied to the federal False Claims Act, which applies a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990, and which means the penalties are reviewed each year by January 15.	Same	Article 1, Section 1 (15C.02) sets the penalties for violation of the Minnesota False Claims Act at the same levels as the penalties for violations of the federal False Claims Act.

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Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 7, Section 1 (16A.055, subdivision 1a) adds definitions for the results first evaluations conducted by the commissioner of management and budget on grant programs administered by the commissioner of human services.
		Senate Only	Article 1, Section 8 (119B.125, subdivision 10) requires proof of surety bond coverage for child care centers that receive \$250,000 or more in CCAP funds per year. If the provider’s revenue is \$250,000 or more in the previous year, the provider must purchase a surety bond of \$100,000. The surety bond must be in a form approved by the commissioner, must be renewed annually, and must allow for recovery of costs and fees in pursuing a claim on the bond.
		Senate Only	Article 1, Section 9 (119B.125, subdivision 11) permits county human services agencies to conduct investigations of financial misconduct by child care providers, after the county agency has verified that the provider is not currently being investigated by the Department of Human Services. A county agency may immediately suspend a provider’s CCAP authorization if the investigation uncovers a preponderance of evidence of financial misconduct. The county agency must notify the provider and any affected families of its determination and suspension, and the determination is subject to appeal and a fair hearing.
5	Data. Amends § 119B.02, subd. 6. Defines “child care assistance program payment data.” Classifies as private payment data that identifies an individual assistance recipient. Specifies that payment data is public if it relates to payments made to a child care center under certain circumstances. Provides an immediate effective date.	Same	Article 2, Section 4 (119B.02, subdivision 6) defines “child care assistance program data” as data for a specific time period showing that a child care assistance program payment was made and the amount of the payment to the child care center. Certain payment data is public but any data identifying a child is private.

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Section	Article 2: Operations		Article 7: Operations
6	<p>Date of eligibility for assistance. Amends § 119B.09, subd. 7. Limits retroactive payments to three months from the date of application for CCAP (the current limit is six months). Provides a July 1, 2019, effective date.</p>	<p>Different. Senate sets retroactive eligibility at 0 months and House sets it at three months. Technical difference in effective date language.</p>	<p>Article 1, Section 4 (119B.09, subdivision 7) sets retroactivity for CCAP reimbursement at a maximum of zero months from the date of application, for applications processed on or after July 1, 2019.</p>
7	<p>Record-keeping requirement. Amends § 119B.125, subd. 6. Modifies record-keeping requirements CCAP providers must meet. Provides a July 1, 2019, effective date.</p>	<p>Technical difference in organization of paragraphs (a) and (b). Senate paragraph (b) provides exception for agreed upon delay of record production. Paragraph (c) is the same. Technical differences in paragraphs (d) and (e). House provides July 1, 2019 effective date.</p>	<p>Article 1, Section 7 (119B.125, subdivision 6) requires that CCAP attendance records be provided at the time of request, and records produced at a subsequent date are not valid for purposes of establishing proof that the child was present, and modifies the calculation for overpayments so that if a record is insufficient to support the billing, an overpayment results, regardless of whether the child is subsequently determined eligible due to an excused absence.</p>
8	<p>Provider payments. Amends § 119B.13, subd. 6. Requires providers to bill only for services that meet specified documentation requirements. Expands the list of conditions under which the commissioner or a county may refuse to issue a child care authorization to a provider, revoke an existing child care authorization, stop payment issued to a provider, or refuse to pay a bill submitted by a provider. Provides a July 1, 2019, effective date.</p>	<p>Same</p>	<p>Article 1, Section 10 (119B.13, subdivision 6) permits child care providers to bill for CCAP reimbursement only for services documented in attendance records, and permits a county or the commissioner to suspend a provider’s authorization or stop a reimbursement payment if the provider fails to report decreases in child attendance.</p>
9	<p>Absent days. Amends § 119B.13, subd. 7. Defines “absent day” and “holidays limit.” Requires providers to properly bill for absent days and holidays. Specifies that a provider’s failure to properly bill for these days results in an overpayment. Provides a July 1, 2019, effective date.</p>	<p>Technical punctuation differences. Staff recommends House language.</p>	<p>Article 1, Section 11 (119B.13, subdivision 7) sets the CCAP provider reimbursement cap for absent days at 25 per calendar year, defines “absent day” to mean any day that the child is authorized and scheduled to be in care but is absent for the entire day, sets the holidays limit at 10 full days per child per year, requires providers to bill absent days or holidays when they occur, and dictates that a failure to bill an absent day or holiday constitutes an overpayment.</p>

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Section	Article 2: Operations		Article 7: Operations
10	<p>Reconsiderations. Amends § 144.057, subd. 3. Requires the Commissioner of Health to use the same set aside criteria as the Commissioner of Human Services, for individuals employed or seeking employment in the substance use disorder treatment field.</p>	<p>Same</p>	<p>Article 9, Section 6 (144.057, subdivision 3) requires the commissioner to use the same set aside criteria as the commissioner of human services with respect to individuals employed or seeking employment in the substance use disorder field.</p>
11	<p>Limits on receiving public funds. Amends § 245.095.</p> <p>Subd. 1. Prohibition. For providers who are excluded from a program administered by the DHS, requires the commissioner to: (1) prohibit the excluded provider from receiving grant funds or registering in any other program administered by the commissioner; and (2) disenroll, revoke, or suspend a license, disqualify, or debar the excluded provider, vendor, or individual in any other program administered by the commissioner.</p> <p>Subd. 2. Definitions. Modifies the definitions of “excluded” and “provider.” Provides an immediate effective date.</p>	<p>Technical difference in language and cross-reference in subdivision 2, paragraph (b).</p> <p>House amends “Provider” definition in subdivision 2, paragraph (d); Senate does not.</p> <p>House provides immediate effective date.</p>	<p>Article 1, Section 13 (245.095) strengthens the authority of the Commissioner of Human Services to prevent individuals and providers from receiving state funds through a DHS administered program after being excluded from any program administered by DHS.</p>
12	<p>Applicant. Amends § 245A.02, subd. 3. Modifies the definition of “applicant” under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	<p>House Only</p>	
13	<p>Authorized agent. Amends § 245A.02, by adding subd. 3b. Defines “authorized agent” under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	<p>House Only</p>	

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Section	Article 2: Operations		Article 7: Operations
14	<p>License. Amends § 245A.02, subd. 8. Makes a technical change to the definition of “license” under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	House Only	
15	<p>License holder. Amends § 245A.02, subd. 9. Modifies the definition of “license holder” under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	House Only	
16	<p>Organization. Amends § 245A.02, subd. 10c. Defines “organization” under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	House Only	
17	<p>Private agency. Amends § 245A.02, subd. 12. Modifies the definition of “private agency” under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	House Only	
18	<p>Residential program. Amends § 245A.02, subd. 14. Modifies the definition of “residential program” under the chapter of statutes governing human services licensing to add a separate definition for residential programs providing home and community-based services under an MA waiver.</p>	House Only	

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Section	Article 2: Operations		Article 7: Operations
19	<p>Supervision. Amends § 245A.02, subd. 18. Modifies requirements for supervision of school-aged children in licensed child care centers and adds exceptions for restroom use and retrieval or delivery of personal items from a storage space. Provides a September 30, 2019 effective date.</p>	House Only	
20	<p>License required. Amends § 245A.03, subd. 1. Modifies the list of entities prohibited from conducting certain actions without a license under the human services licensing statutes. Provides a January 1, 2020, effective date.</p>	House Only	
		Senate Only	<p>Article 2, Section 6 (245A.03, subdivision 2) permits legal nonlicensed childcare providers to care for up to six unrelated children, with a combined maximum of two toddlers and infants.</p>
21	<p>Unlicensed programs. Amends § 245A.03, subd. 3. Makes conforming changes related to actions that may be taken against an unlicensed entity. Provides a January 1, 2020, effective date.</p>	House Only	
22	<p>Application for licensure. Amends § 245A.04, subd. 1. Makes conforming and other changes, including modifying the list of information that must be provided by the applicant, to licensure application requirements under the chapter of statutes governing human services licensing. Provides a January 1, 2020, effective date.</p>	House Only	

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Section	Article 2: Operations		Article 7: Operations
23	<p>Notification of affected municipality. Amends § 245A.04, subd. 2. Allows the commissioner to provide electronic notification to a municipality or other political subdivision affected by a license issued under the human services licensing statutes. Provides a January 1, 2020, effective date.</p>	<p>House Only</p>	
24	<p>Inspections; waiver. Amends § 245A.04, subd. 4. Paragraphs (a) and (b) modify the list of items a licensing inspection must include and make other technical and conforming changes. Paragraphs (c) and (d) modify requirements related to child care licensing inspections, exit interviews, and adverse licensing actions. Provides a January 1, 2020, effective date for paragraphs (a) and (b), and a September 30, 2019, effective date for paragraphs (c) and (d).</p>	<p>Different: House removes provision for program to be evaluated by its consumers as part of the licensing inspection process; House establishes written process for family child care providers to challenge licensor interpretation of licensing provisions (compare with Senate article 2, section 11). Senate includes cross-reference to new chapter establishing family child care provider licensing inspection procedures and standards; Senate stipulates that it is not a violation for a family child care provider’s relative who resides in the residence to be present in the home; Senate limits public posting of inspection results for no longer than minimum time required by federal law.</p> <p>Similar: Both preclude issuing correction orders or negative licensing actions for violations not discussed during an exit interview; House provides exception if a license holder does not complete or participate in an exit interview. House requires proposing alternate time to complete exit interview if interview cannot be completed.</p>	<p>Article 2, Section 7 (245A.04, subdivision 4) precludes the commissioner of human services from issuing a correction order or negative action for a licensing violation found during an inspection but not discussed during an exit interview. Provides that inspection results must not be publicly available on the DHS website for a period longer than the minimum time imposed by federal law.</p> <p>This section also establishes that inspections of family child care providers shall follow the provisions of section 245A.055, and stipulates that the presence of a family child care provider’s relative in the residence does not constitute a violation, unless the relative is an employee of the child care center or provides a sufficient amount of child care services to exceed the threshold for being subject to the statutory training requirements.</p>
25	<p>Commissioner’s evaluation. Amends § 245A.04, subd. 6. Modifies the list of items the commissioner must evaluate before issuing, denying, suspending, revoking, or making a conditional license. Provides a January 1, 2020, effective date.</p>	<p>House Only</p>	

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Section	Article 2: Operations		Article 7: Operations
26	<p>Grant of license; license extension. Amends § 245A.04, subd. 7. Specifies the commissioner must issue a license consistent with human services licensing application procedures or temporary change of ownership procedures. Removes language prohibiting the transfer of a license and requiring a license holder to notify the commissioner before making any changes that would alter the information included on the license (this is moved to a new subdivision). Makes technical and conforming changes. Provides a January 1, 2020, effective date.</p>	<p>Similar: House includes technical conforming change to remove cross-reference to 245A.04, subdivision 4, paragraph (a), clause (3), which the House removes in Section 24.</p> <p>House limits provision precluding issuance of a license if an applicant has been denied a license under chapter 245A, while Senate does not specify under which chapter the denied license was sought.</p> <p>House limits collateral consequence of having license revoked to the preclusion of holding a license under chapter 245A; Senate does not limit the provision, includes both chapter 245A and 245D.</p>	<p>Article 7, Section 2 (245A.04, subdivision 7) allows the commissioner of human services to issue a temporary change of ownership license or provisional license, but prohibits the commissioner from issuing or reissuing a license if the applicant had been denied a license, including a license following expiration of a provisional license, within the past two years.</p>
27	<p>Notification required. Amends § 245A.04, by adding subd. 7a. Requires a license holder to notify the commissioner and obtain the commissioner’s approval before making any change that would alter the information included on the license. Lists other changes of which the license holder must notify the commissioner. Specifies the documentation that a license holder must provide to the commissioner when a license holder changes information on file with the secretary of state. Provides a January 1, 2020, effective date.</p>	<p>Similar: House specifies that notice of change must be in a manner approved by commissioner; Senate requires notice to be given 30 days before change; House includes giving notice of changes to license holder’s authorized agent; Senate does not. House provides ten additional days for license holder to provide required notice to commissioner if events outside the license holder’s control prevent giving notice prior to the change. Other technical language differences.</p>	<p>Article 7, Section 3 (245A.04, subdivision 7a), paragraph (a) requires a license holder to notify the commissioner and obtain approval before making any changes that would alter the license information.</p> <p>Paragraph (b) requires a license holder to notify the commissioner at least 30 days before the change is effective, in writing, of certain listed changes.</p> <p>Paragraph (c) requires a license holder to provide amended articles of incorporation or other documents reflecting a change to business structure or services.</p>

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Section	Article 2: Operations		Article 7: Operations
28	<p>Child foster home variances for capacity. Amends § 245A.04 by adding subd. 9a. Allows the commissioner to grant a variance for additional foster children in a family foster home if:</p> <ol style="list-style-type: none"> 1) The variance is needed to maintain family connections or because the child has a severe disability; 2) There is no risk of harm to a child in the home; 3) The home can accommodate additional children; 4) The home in compliance with applicable codes; and 5) There is an exception to capacity limits and the ratio of adults to children would still ensure safety and supervision of the children. 	House Only	
29	<p>Adoption agency; additional requirements. Amends § 245A.04, subd. 10. Modifies the list of entities that must meet certain requirements when applying for a license to place children for adoption. Provides a January 1, 2020, effective date.</p>	House Only	
		Senate Only	<p>Article 2, Section 8 (245A.04, subdivision 18) directs the commissioner of human services to consult with relevant child care stakeholders to develop, publicly post, and distribute a plain-language handbook for family child care providers to understand the application and licensing process, and all applicable rules and statutes, by January 1, 2020.</p>
30	<p>License application after change of ownership. Creates § 245A.043.</p> <p>Subd. 1. Transfer prohibited. Specifies a license is not transferable or assignable.</p> <p>Subd. 2. Change of ownership. Requires submission of a new license application if the commissioner determines that</p>	<p><u>Subdivision 1</u></p> <p>Same</p> <p><u>Subdivision 2</u></p>	<p>Article 7, Section 4 [245A.043] establishes procedures for a license application after a change of ownership.</p> <p>Subdivision 1 specifies that a license is not transferable or assignable.</p> <p>Subdivision 2 requires submission of a new license application when the commissioner determines that a change</p>

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	<p>there is a change in ownership. Lists the conditions under which a change in ownership occurs.</p> <p>Subd. 3. Change of ownership process. Specifies the licensing application process when a change of ownership occurs. Specifies this process does not apply to a licensed program or service located in a home where the license holder resides.</p> <p>Subd. 4. Temporary change in ownership license. Allows the commissioner to issue a temporary change in ownership license while the commissioner evaluates the licensing application when a change in ownership is proposed and under certain other circumstances. Specifies requirements regarding the operation of the program or service until a decision is made to grant or deny a license.</p> <p>Provides a January 1, 2020, effective date.</p>	<p>Similar: Technical differences in verb tense. Technical differences in phrasing and organization.</p> <p>Different: House exempts programs located in homes where the license holder resides from submitting a new license application after a change in ownership; Senate does not. Senate provides further detail on when a change of controlling individuals constitutes a change of ownership.</p> <p><u>Subdivision 3</u></p> <p>Paragraph (a): Similar: Technical differences.</p> <p>Paragraph (b): Different: Senate specifies that form and manner of license change application shall be prescribed by the commissioner.</p> <p>Paragraph (c): Similar: Technical differences; Senate specifies that applicant’s compliance is with standards of chapter 245A and other applicable rules.</p> <p>Paragraph (d): Similar: Technical differences.</p> <p>Paragraph (e): Similar: Technical clarifying differences. Staff recommends combining language.</p> <p>Paragraph (f): Different: House permits applicants to submit letter demonstrating remediation of any outstanding actions under chapter 245A.06 and 245A.07; Senate permits applicants to submit letter demonstrating remediation of correction orders only.</p>	<p>in ownership will occur. Specifies what constitutes a change in ownership.</p> <p>Subdivision 3, paragraph (a) requires written notice to the commissioner of any proposed sale or change of ownership at least 60 days prior to the anticipated change, when the new owner intends to assume operation without interruption.</p> <p>Paragraph (b) requires a prospective new owner or operator to submit a license application at least 30 days prior to the change, and comply with all statutory requirements.</p> <p>Paragraph (c) allows the commissioner to develop application procedures for when the applicant is a current license holder, and the program is currently licensed by DHS and in substantial compliance.</p> <p>Paragraph (d) specifies that the existing license holder is responsible for operating the program until a license is issued to the new owner or operator.</p> <p>Paragraph (e) allows the commissioner to waive a new owner or operator’s licensing inspection, under certain circumstances.</p> <p>Paragraph (f) requires a new owner or operator to submit a letter identifying how and when they will resolve any outstanding correction orders, if applicable.</p>

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		<p>House Paragraph (g): Requires the commissioner to issue a license or conditional license if the commissioner determines that the applicant has remedied or has ability to remedy outstanding actions against the license. Content aligns with Senate paragraphs (g) and (h).</p> <p>Senate paragraph (g): Specifies that outstanding action against applicant’s license pursuant to chapter 245A.06 or 245A.07 remains in effect until commissioner determines that basis for action has been remedied.</p> <p>Senate paragraph (h): Establishes that the commissioner may issue a temporary change of ownership license after reviewing an application.</p> <p>House Paragraph (h): Same as Senate paragraph (i)</p> <p>House Paragraph (i): Same as Senate paragraph (j)</p> <p><u>Subdivision 4</u></p> <p>Similar: Technical differences in phrasing and structure.</p> <p>Senate paragraph (b) allows the commissioner to establish criteria for a temporary change of ownership license; House allows the commissioner to issue the license.</p>	<p>Paragraph (g) specifies that any licensing actions taken against the existing license holder when the new owner or operator is applying for a license will remain in effect until the grounds for the action are corrected or no longer exist.</p> <p>Paragraph (h) requires the commissioner to evaluate a license application according to statute.</p> <p>Paragraph (i) allows the commissioner to deny an application according to statute, and allows for appeals.</p> <p>Paragraph (j) specifies that this subdivision does not apply to a home-based program or service.</p> <p>Subdivision 4 establishes a temporary change of ownership license for a new owner or operator while the commissioner evaluates the new owner or operator’s license application, and allows commissioner to establish criteria for issuing such licenses.</p>
31	<p>Denial of application. Amends § 245A.05. Modifies the list of circumstances under which the commissioner may deny a license. Provides a January 1, 2020, effective date.</p>	<p>House Only</p>	

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Section	Article 2: Operations		Article 7: Operations
32	<p>Closing a license. Creates § 245A.055.</p> <p>Subd. 1. Inactive programs. Requires the commissioner to close a license if the commissioner determines that a licensed program has not been serving any client for a consecutive period of 12 months or longer. Does not prohibit the license holder from reapplying for a license if the license holder's license was closed.</p> <p>Subd. 2. Reconsideration of closure. Specifies the process of notification and reconsideration if a license is closed.</p> <p>Subd. 3. Reconsideration final. Specifies the commissioner's disposition of a request for reconsideration is final and not subject to appeal.</p> <p>Provides a January 1, 2020, effective date.</p>	House Only	
		Senate Only	<p>Article 2, Section 9 (245A.055) establishes the statutory requirements, procedures, and standards for inspections of family child care providers.</p> <p>Subdivision 1 reiterates that family child care providers shall be inspected annually, as required under current law.</p> <p>Subdivision 2 defines four types of inspections: initial inspection, full inspection, abbreviated inspection, and follow-up inspection. A full inspection covers all applicable rules and statutes for family care providers. An abbreviated inspection covers certain key indicators that statistically predict full compliance with all applicable rules and statutes. Providers qualify for abbreviated inspections by having a</p>

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			<p>clean inspection history for at least three years. Failure to comply with any key indicator during an abbreviated inspection triggers a full inspection. A follow-up inspection is a full inspection that takes place within six months an inspection that finds a violation that warrants a correction order.</p> <p>Subdivision 3 establishes that the risk of the violation determines the type of corrective action that may be issued by a county licensor, as follows:</p> <ul style="list-style-type: none"> • Level 1: violation presents no risk of harm or a minimal risk of harm and warrants verbal technical assistance from the licensor • Level 2: violation presents a low risk of harm and warrants a written technical assistance notice from the licensor • Level 3: violation presents moderate risk of harm and warrants a fixit ticket • Level 4: violation presents a substantial risk of harm and warrants a correction order or conditional license <p>By January 1, 2020, the commissioner is directed to consult with the relevant industry stakeholders to propose which rules and statutes, if violated, fall into each risk level, as well as which rules and statues may fall into multiple risk levels, depending on the nature of the violation. The commissioner is also directed to identify which violations must be enforced under federal law. By July 1, 2020, the commissioner must provide training to implement the risk-based violation levels during family child care inspections.</p>

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			<p>Subdivision 4 establishes that a follow-up inspection shall take place within six months of an investigation that finds more than one Level 4 violation. The follow-up inspection date does not alter the provider’s typical annual inspection date.</p>
		<p>Senate Only</p>	<p>Article 2, Section 10 (245A.06, subdivision 1) amends the correction order statute to permit licensors to issue correction orders for Level 4 violations, or a failure to correct a Level 3 violation, found during an inspection of a family child care provider.</p>
		<p>Compare with House Section 24, paragraph (d) – Different: Senate <u>requires</u> licensor to seek clarification from DHS; House <u>permits</u> license holder to seek clarification within five days of inspection exit interview. Similar: License holder must be included on any correspondence between DHS and county; correction order may not be issued until interpretation dispute is resolved.</p>	<p>Article 2, Section 11 (245A.06, subdivision 10) requires a county licensor to seek clarification from the Department of Human Services in writing if a child care provider disputes the interpretation of a licensing requirement, before the licensor may issue a correction order to the child care provider.</p>

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Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 2, Section 12 (245A.065) amends the fix-it ticket statute to permit licensors to issue fix-it tickets for Level 3 violations found during an inspection of a family child care provider, beginning July 1, 2020. The commissioner of human services may not publicly post a fix-it ticket unless required by federal law. Effective immediately, this section expands the rules and statutes eligible for fix-it tickets during inspection of a licensed child care provider, to include violations that do not present imminent danger, cannot be corrected at the time of the inspection, and are not a repeat violation. A fix-it ticket may not be issued for violations corrected at the time of the inspection. The section also lists rules and statutes that may qualify only for fix-it tickets, if violated, and requires publicly posted fix-it tickets to identify the federal law requiring publication.
		Senate Only	Article 2, Section 13 [245A.066] establishes the authority for county licensors to issue verbal technical assistance for Level 1 violations, and written technical assistance notices for Level 2 violations, found during an inspection of a family child care provider. The commissioner of human services may not publicly post a written technical assistance order unless required by federal law.
33	Sanctions; appeals; license. Amends § 245A.07, subd. 1. Makes technical and conforming changes.	House Only	
34	Temporary immediate suspension. Amends § 245A.07, subd. 2. Modifies the list of circumstances under which the commissioner must act immediately to temporarily suspend a license. Provides a January 1, 2020, effective date.	House Only	

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Section	Article 2: Operations		Article 7: Operations
35	<p>Immediate suspension; expedited hearing. Amends § 245A.07, subd. 2a. Sets the burden of proof in an expedited hearing as a preponderance of evidence for suspensions in cases where the license holder is criminally charged in state or federal court with an offense that involves fraud or theft against a program administered by the commissioner.</p>	House Only	
36	<p>License suspension, revocation, or fine. Amends § 245A.07, subd. 3. Modifies the list of circumstances under which the commissioner may suspend or revoke a license, or impose a fine. Makes technical changes. Provides a January 1, 2020, effective date.</p>	House Only	
37	<p>License or certification fee for certain programs. Amends § 245A.10, subd. 4. Increases licensing fees for home and community-based services and supports programs and includes additional revenue categories for fees. Removes obsolete language.</p>	House Only	
38	<p>Special family day care homes. Amends § 245A.14, subd. 4. Clarifies applicable fire code for special family day care homes. Allows two or more licensed programs to be housed in the same location, if the programs are operated as separate, distinct programs and comply with all applicable rules and laws. Allows for variances for collaborative child care models. Provides a September 30, 2019, effective date.</p>	<p>Similar: House provides updated cross-references to fire code. Technical differences in capitalization. Staff recommends House language.</p> <p>Paragraph (g): Similar: House authorizes issuance of two or more licenses under existing paragraphs (a) through (f) for multiple providers in the same building, provided that applicants demonstrate compliance with all applicable rules and laws and operate distinct programs; Senate creates new category of license for providers who are located in the same</p>	<p>Article 2, Section 14 (245A.14, subdivision 4) authorizes the commissioner of human services to grant a special family day care license to individuals that provide child care services out of a portion of a commercial or other building that meets certain building code standards.</p>

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		building, provided that the applicant’s building satisfies existing criteria for licenses under paragraph (f). Paragraph (h): House only	
39	Experienced aides; child care centers. Amends § 245A.14, subd. 8. Removes training requirements that are consolidated in this article. Provides a September 30, 2019, effective date.	House Only	
40	Valid driver’s license. Amends § 245A.14 by adding subd. 16. Allows a person with a current, valid driver’s license appropriate to the vehicle to transport children for a licensed child care center. Provides a September 30, 2019 effective date.	House Only	
41	Reusable water bottles or cups. Amends § 245A.14 by adding subd. 17. Allows a child care center to provide drinking water to a child in a reusable water bottle or cup if the center develops and ensures implementation of a written policy that includes procedures for cleaning and sanitizing, proper labeling, and storage. Provides a September 30, 2019, effective date.	Similar. Technical differences in organization. Difference in specific reusable cup or water bottle requirements. House includes reusable cups, and a provision specifying that water bottle or cup must be used only for water. House effective date is September 30, 2019; Senate effective date is the day following final enactment.	Article 2, Section 15 (245A.14, subdivision 16) permits child care centers to provide drinking water in bottles to children, so long as the bottles are washed, rinsed, and sanitized daily after use and stored in a clean and dry manner.

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Section	Article 2: Operations		Article 7: Operations
42	<p>Policies and procedures. Amends § 245A.145, subd. 1. Requires the Department of Human Services, rather than licensed child care providers, to develop policies and procedures for reporting suspected child maltreatment, and to provide the policies and procedures to providers in plain language. Provides a September 30, 2019, effective date.</p>	House Only	
43	<p>Licensing agency phone number displayed. Amends § 245A.145, subd. 2. Removes obsolete date; removes requirement for licensing agency telephone number to be printed in bold and large font on a child care provider license; modifies terminology. Provides an immediate effective date.</p>	House Only	
44	<p>Supervision of family child care license holder’s own child. Proposes coding for § 245A.149. Allows an individual to supervise a family child care license holder’s own child, without meeting licensure requirements, if the individual:</p> <ul style="list-style-type: none"> 1) is related to the license holder; 2) is not a caregiver, helper, or substitute for the program; and 3) cares only for the license holder’s child. <p>Provides a September 30, 2019, effective date.</p>	House Only	
45	<p>Fire marshal inspection. Amends § 245A.151. Adds certified license-exempt child care centers to fire marshal inspection provision. Provides a September 30, 2019, effective date.</p>	House Only	

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
46	<p>Delegation of authority to agencies. Amends § 245A.16, subd. 1. Allows time-limited variances for substitute care in family child care. Requires reporting of fires. Provides a September 30, 2019, effective date.</p>	<p>Different. House includes provision for variance recipient to give notice to parents and guardians, and for provider to notify DHS of fires. House effective date is September 30, 2019; Senate effective date is the day following final enactment.</p>	<p>Article 2, Section 16 (245A.16, subdivision 1) makes conforming technical changes to accommodate the differential monitoring inspection model.</p>
47	<p>Licensed family child foster care. Adds subd. 9 to § 245A.16. Requires a county agency or private agency to review specified information relating to non-disqualifying background study results before denying or revoking a family child foster care license, and to send a summary of the review to the commissioner, including a recommendation for licensing action. Provides a March 1, 2020, effective date.</p>	<p>House Only</p>	
48	<p>Child passenger restraint systems; training requirement. Amends § 245A.18, subd. 2. Removes obsolete language; removes exception for child care providers that only transport school age children in school buses. Lowers age of children transported from nine to eight; establishes variance to training requirements for emergency relative placement under specified circumstances. Provides a September 30, 2019, effective date.</p>	<p>House only</p>	
49	<p>Mandatory reporting. Creates § 245A.24. Requires all county and DHS licensors to report suspected fraud to the appropriate authorities.</p>	<p>Similar. Senate specifies that reports must be made to county or department investigators; House specifies the reports must be made to the appropriate authorities.</p>	<p>Article 1, Section 14 [245A.24] requires all child care licensors, whether at the county or Department of Human Services, to report suspected fraud to county or department investigators.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
50	<p>Child care center training requirements. Amends § 245A.40. Clarifies and consolidates child care center training and documentation requirements for orientation, in-service training, child development and learning, first aid, CPR, abusive head trauma, sudden unexpected infant death, and child passenger restraint systems. Adds definitions for “substitute,” “staff person,” and “unsupervised volunteer.” Provides a September 30, 2019, effective date.</p>	House Only	
51	<p>Child care center health and safety requirements. Amends § 245A.41. Clarifies and consolidates child care training and documentation requirements for allergy prevention and response and handling and disposal of bodily fluids. Modifies emergency preparedness plan requirements. Moves requirements for child passenger restraint requirements. Allows for a provider to satisfy telephone requirements with a cellular phone. Provides a September 30, 2019 effective date.</p>	House Only	
52	<p>Family child care training requirements. Amends § 245A.50. Consolidates and clarifies training family child care training requirements for initial training (adding CPR and first aid training), child development and learning, behavior guidance, first aid, CPR, sudden unexpected infant death and abusive head trauma, child passenger restraint systems, and ongoing training. Defines “helper,” “substitute,” “caregiver,” and “The Basics of Family Child Care for Substitutes.” Provides a September 30, 2019, effective date.</p>	<p><u>Subdivision 1</u> Different: House provides specific initial training requirements for license holders, caregivers, substitutes, and helpers to complete before providing care; Senate requires helpers to complete six hours of training within one year of beginning to provide care. Senate provides that relocating providers are exempt from repeating initial training requirements and from completing county orientation for new license holders.</p>	<p>Article 2: Section 17 (245A.50, subdivision 1) requires child care providers who relocate within the state to continue to satisfy their annual, ongoing training requirements, but relocating providers are not required to complete initial training requirements that the provider completed prior to licensure. If the provider relocates to a new county, the county may not require the relocating provider to complete orientation or training required for new providers.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		<p><u>Subdivision 1a</u></p> <p>House Only</p> <p><u>Subdivision 2</u></p> <p>Different: House requires initial training for license holder and all caregivers; Senate maintains current statutory language requiring initial training for license holder and adult caregivers providing more than 30 hours of care in a 12-month period. House removes language defining training content. House permits annual training to be completed through new courses in Knowledge and Competency Areas I or II; Senate adds annual training in this area to new annual refresher training course.</p> <p><u>Subdivision 3</u></p> <p>Different: House requires first aid training for license holder, caregivers, substitutes; Senate maintains current statutory language requiring training for at least one caregiver. House removes exemption from training for substitutes providing less than 30 hours of care in a 12-month period. Senate includes technical clarification that 2-year renewal must take place in the year prior to the second year from the date of licensure. Staff recommends Senate language on this point.</p> <p><u>Subdivision 4</u></p> <p>Different: House requires CPR training for license holder, caregivers, substitutes; Senate maintains current statutory</p>	<p>Section 18 (245A.50, subdivision 2) removes the annual requirement for family child care providers to complete two hours of child development and learning and behavior guidance training and replaces that requirement with completion of an annual refresher training course, which will include those topics.</p> <p>Sections 19, 20, and 22 (245A.50, subdivisions 3, 4, and 6) clarify the statutory requirements that family child care providers must repeat first aid training and CPR training every two years, prior to the date that the provider’s annual license expires. The same clarification is made for the statutory requirements that family child care providers must repeat child passenger restraint systems training every five years. The section also requires that providers serving or transporting children 8 years old and younger to have received the child passenger restraint systems training.</p>

HOUSE

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Section	Article 2: Operations		Article 7: Operations
		<p>language requiring training for at least one caregiver. House removes exemption from training for substitutes providing less than 30 hours of care in a 12-month period. House updates CPR training content requirements. Senate includes technical clarification that 2-year renewal must take place in the year prior to the second year from the date of licensure. Staff recommends Senate language on this point.</p> <p><u>Subdivision 5</u></p> <p>Similar: House requires license holders to <u>ensure</u> caregivers, substitutes, and helpers receive SUID/AHT training prior to providing care; Senate requires license holders to <u>document</u> receipt of training. Technical differences in structure. House specifies that substitutes are included in training requirements.</p> <p>Different: House removes requirement that content of training must be developed in conjunction with the Minnesota Sudden Infant Death Center and adds approval by Achieve – the MN center for professional development.</p> <p>Different: Senate includes SUID/AHT annual training requirement in new annual refresher training course.</p> <p><u>Subdivision 6</u></p> <p>Different: House removes existing paragraphs (a) and (b)</p> <p>Similar: Senate includes technical clarification that 5-year renewal must take place in the year prior to the fifth year from</p>	<p>Section 21 (245A.50, subdivision 5) adds Sudden Unexpected Infant Death and Abusive Head Trauma training to the annual refresher course.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		<p>the date of licensure. Staff recommends Senate language on this point.</p> <p>Same: Both reduce minimum age from 9 to 8</p> <p><u>Subdivision 7</u></p> <p>Different: Senate reduces annual ongoing training hours requirement for license holders and caregivers to 10; House maintains 16-hour requirement, and establishes specific topic areas for ongoing training; Senate provides January 1, 2020 effective date.</p> <p><u>Subdivision 8</u></p> <p>House Only: establishes requirements for ongoing training for substitutes and helpers.</p> <p><u>Subdivision 9</u></p> <p>Different: House eliminates subdivision 9 and includes supervising for safety in the schedule of ongoing training in subdivision 7; Senate maintains current initial and 5-year training requirements, and includes supervising for safety in annual two-hour refresher course.</p> <p><u>Subdivision 10</u></p> <p>House Only</p> <p><u>Subdivision 11</u></p>	<p>Section 23 (245A.50, subdivision 7) reduces the number of ongoing training hours for family child care providers to 10 hours and establishes that the annual refresher course shall count toward that hours requirement.</p> <p>Section 24 (245A.50, subdivision 9) clarifies the statutory requirement that family child care providers must repeat the full supervising for safety training every five years, prior to the date that the provider’s annual license expires, and replaces the requirement to complete an annual two-hour supervising for safety course with completion of an annual refresher course, which will include this topic.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		<p>House Only</p> <p><u>Subdivision 12</u></p> <p>Different:</p> <p>House requires providers to document completion of training requirements under the chapter.</p> <p>Senate establishes annual two-hour refresher training course to replace annual training on certain topics, beginning January 1, 2020.</p> <p><u>Subdivision 13</u></p> <p>Similar: Provides training exemption for related individuals; House permits exemption for individual related to license holder who cares for license holder’s child; Senate permits exemption for individual related to child who cares for that child.</p> <p>House provides September 30, 2019 effective date.</p> <p><u>Subdivision 14</u></p> <p>Senate Only: Emergency substitutes exempt from training and background study requirements.</p>	<p>Article 2, Section 25 (245A.50, subdivision 12) replaces certain ongoing training requirements for family child care providers with an annual course of up to two hours that refreshes child care provider training on active supervision, child development and behavior guidance, sudden unexpected infant death, head trauma, and any training required by the child care development block grant, beginning January 1, 2020. The course must be available to complete online or through self-study.</p> <p>Section 26 (245A.50, subdivision 13) exempts relatives of children in child care programs from having to complete child care training requirements in order to care for or have contact with the related child at the child care site. Relatives that are designated caregivers, helpers, or substitutes for the child care program must complete the training requirements.</p> <p>Article 2, Section 27 (245A.50, subdivision 14) exempts substitute caregivers from completing child care training and background study requirements when providing care during an emergency situation.</p>

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SENATE

Section	Article 2: Operations		Article 7: Operations
53	<p>Emergency preparedness plan. Amends § 245A.51, subd. 3. Removes obsolete date; adds requirement for accommodations for infants and toddlers in family child care emergency preparedness plans. Provides a September 30, 2019, effective date.</p>	<p>Different: House adds requirement for emergency preparedness plan to include accommodations for infants and toddlers and provides September 30, 2019 effective date; Senate does not. Senate eliminates requirements for providers to post or distribute copy of plan; House does not.</p> <p>House removes outdated implementation date. Staff recommends House language on this point.</p>	<p>Article 2, Section 28 (245A.51, subdivision 3) eliminates the requirement for a licensed child care provider to post in a prominent location and provide a physical or electronic copy of its emergency preparedness plan to a child’s parent or legal guardian upon enrollment.</p>
54	<p>Transporting children. Amends § 245A.51 by adding subd. 4. Moves requirements for transporting children in family child care. Provides a September 30, 2019, effective date.</p>	<p>House Only</p>	
55	<p>Telephone requirement. Amends § 245A.51 by adding subd. 5. Allows for a family child care provider to satisfy telephone requirements with a cellular phone and specifies that a provider is not required to post emergency numbers. Provides a September 30, 2019, effective date.</p>	<p>House Only</p>	
56	<p>Family child care physical space requirements. Proposes coding for § 245A.52. Updates family child care physical space requirements to align with current fire code. Moves requirements from rule to statute and updates requirements to align with current code. Provides a September 30, 2019, effective date.</p>	<p>House Only</p>	
57	<p>Substitute and replacement caregivers in family child care. Proposes coding for § 245A.53. Subd. 1. Total hours allowed. Permits the use of a substitute caregiver for family child care for up to 400 hours</p>	<p><u>Subdivision 1</u></p>	<p>Article 2, Section 29 (245A.52) permits family child care providers to use substitute caregivers for up to 720 hours in a 12-month period.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
	<p>in a calendar year. Requires the license holder to document the substitute care.</p> <p>Subd. 2. Emergency replacement supervision. Paragraph (a) allows for an emergency replacement, who has not completed training or background study requirements, in a licensed family or group family day care; specifies what constitutes an emergency situation.</p> <p>Paragraph (b) requires the license holder to minimize the time an emergency replacement cares for children, not to exceed 24 hours per incident.</p> <p>Paragraph (c) prohibits the license holder from knowingly using an emergency replacement caregiver who would be disqualified from caring for children if a background study were conducted.</p> <p>Paragraph (d) requires the license holder to arrange for emergency care by a substitute, if possible.</p> <p>Paragraph (e) requires the license holder to notify the county licensing agency within 7 days that an emergency replacement was used, and the circumstances leading to the use of the emergency replacement. Requires the county licensing agency to then notify DHS within 3 business days after receiving the notice from the license holder.</p> <p>Paragraph (f) specifies that a license holder is not required to provide names of substitutes or emergency replacements to parents or the county licensing agency.</p> <p>Provides a September 30, 2019, effective date.</p>	<p>Different: House increases permitted hours for use of substitutes to 400 hours per year; Senate increases to 720 hours per 12-month period.</p> <p>House provides effective date of September 30, 2019.</p> <p><u>Subdivision 2</u></p> <p>House Only</p>	

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Section	Article 2: Operations		Article 7: Operations
		Senate Only	<p>Article 2, Section 30 (245A.60) creates and funds a new Office of the Ombudsperson for Child Care Providers. It directs the governor to appoint an ombudsperson for child care providers to serve a six-year term and carry out duties to support and inform family and legal nonlicensed child care providers with all areas of concern related to the provision of child care services, including licensing and regulatory compliance correction orders and appeals, service improvement, and application assistance. The ombudsperson is authorized to hire staff, to access data necessary for discharging the duties of the office, and to receive copies of all provider correction orders, penalty assessments, and complaint investigations on a quarterly basis. The ombudsperson must operate independently of the department of human services and must have experience providing child care as a family child care provider, interpretation of laws and regulations, investigations, record keeping, report writing, public speaking, and management. A person is not eligible to serve as ombudsperson while holding public office and cannot have been previously employed by the child care licensing division of the Department of Human Services or as a county licenser. The commissioner of human services must provide the ombudsperson with office space, supplies, and other support, and must post provide child care providers with the contact information for the ombudsperson.</p>
58	<p>Child care centers; risk reduction plan. Amends § 245A.66, subd. 2. Adds supervision of school-age children to requirements for risk reduction plan. Provides a September 30, 2019, effective date.</p>	House Only	

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
59	<p>Yearly review of risk reduction plan. Amends § 245A.66, subd. 3. Clarifies that review of the risk reduction plan must occur each calendar year. Removes orientation language that is consolidated elsewhere. Provides a September 30, 2019, effective date.</p>	House Only	
60	<p>License-exempt child care center certification holder. Amends § 245C.02 by adding subd. 5a. Defines “license-exempt child care center certification holder” for purposes of the background studies chapter. Provides a September 30, 2019, effective date.</p>	House Only	
61	<p>Child care background study subject. Amends § 245C.02, subd. 6a. Modifies and clarifies the individuals who are required to have a child care-related background study.</p>	House Only	
62	<p>Children’s residential facility. Amends § 245C.02 by adding subd. 6b. Defines “children’s residential facility” for purposes of the background studies chapter. Provides a July 1, 2019, effective date.</p>	House Only	
63	<p>Licensed family child foster care. Amends § 245C.02 by adding subd. 12a. Defines “licensed family child foster care” for purposes of the background studies chapter. Provides a March 1, 2020, effective date.</p>	House Only	
64	<p>Substance use disorder treatment field. Amends § 245C.02 by adding subd. 20. Defines “substance use disorder treatment field” for purposes of the background studies chapter.</p>	Same	<p>Article 7, Section 5 (245C.02, subdivision 20) defines “substance use disorder treatment field” as a licensed, registered program exclusively serving individuals 18 years old and older for substance use disorder treatment or recovery.</p>

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Section	Article 2: Operations		Article 7: Operations
65	<p>Licensed programs. Amends § 245C.03, subd. 1. Clarifies that child care background study subjects are defined in section 245C.02, subd. 6a.</p>	House Only	
66	<p>Privacy notice to background study subject. Amends § 245C.05, subd. 2c. Clarifies language regarding FBI fingerprint retention.</p>	House Only	
67	<p>Fingerprint data notification. Amends § 245C.05, subd. 2d. Clarifies language regarding FBI fingerprint retention.</p>	House Only	
68	<p>Electronic transmission. Amends § 245C.05, subd. 4. Adds a summary of nondisqualifying background study results and relevant underlying investigative information to the information that DHS must transmit electronically to county and private agencies for child foster care. Provides a March 1, 2020, effective date.</p>	House Only	
69	<p>Fingerprints and photograph. Amends § 245C.05, subd. 5. Adds children’s residential facilities. Clarifies language regarding FBI fingerprint retention. Provides a July 1, 2019, effective date for paragraph (a).</p>	House Only	
70	<p>Background study requirements for minors. Amends § 245C.05, subd. 5a. Requires individuals 17 or younger employed by a child care program, or when there is otherwise reasonable cause, to submit non-fingerprint-based data for a check of out-of-state criminal and sex offender registries.</p>	House Only	

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SENATE

Section	Article 2: Operations		Article 7: Operations
71	<p>Background studies conducted by Department of Human Services. Amends § 245C.08, subd. 1. Adds children’s residential facilities to background study provisions. Requires individuals 18 or older affiliated with a child care program to submit non-fingerprint-based data for a check of out-of-state criminal and sex offender registries. Provides a July 1, 2019, effective date for paragraph (a).</p>	House Only	
72	<p>Arrest and investigative information. Amends § 245C.08, subd. 3.</p> <p>(a) Allows for the review of arrest and investigative information by the commissioners of health and human services.</p> <p>(b) Allows the commissioner to review a subject’s FBI records more than once, when specifically required by law.</p> <p>(c) Specifies that national criminal history check information is private data that cannot be shared.</p> <p>(d) Specifies that the entity that submitted a background study is not required to obtain a copy of the disqualification letter if the commissioner disqualifies a subject based on national criminal history check information.</p> <p>Provides an October 1, 2019, effective date.</p>	House Only	
73	<p>Children’s residential facilities. Amends § 245C.10 by adding subd. 14. Specifies that the commissioner will recover a fee for children’s residential facility background studies not to exceed \$51. Provides a July 1, 2019, effective date.</p>	<p>Different. House sets fee for children’s residential facility background studies.</p> <p>Senate sets fee for guardian and conservator background studies.</p>	<p>Article 7, Section 6 (245C.10, subdivision 14) sets a fee of \$110 for background studies for guardians or conservators, beginning January 1, 2020.</p>

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SENATE

Section	Article 2: Operations		Article 7: Operations
74	<p>Direct contact pending completion of background study. Amends § 245C.13, subd. 2. Requires direct continuous supervision prior to completion of a background study for an individual affiliated with a child care center. Prohibits direct contact services in child care centers prior to the receipt of notice that a subject is not disqualified or that more time is needed.</p>	House Only	
75	<p>Other state information. Amends § 245C.13 by adding subd. 3. Allows the commissioner to issue a notice of background study results when the commissioner has not received certain records from other states within ten days of requesting the information.</p>	House Only	
76	<p>Disqualification from direct contact. Amends § 245C.14, subd. 1. Specifies that the commissioner must disqualify an individual applying for family child foster care licensure from any position allowing direct contact with persons served, if the background study contains disqualifying information, as listed in section 245C.15, subdivision 6 (new subdivision). Provides a March 1, 2020, effective date.</p>	House Only	
77	<p>15-year disqualification. Amends § 245C.15, subd. 2. Adds felony criminal penalties for acts including human services programs to list of offenses leading to disqualification for direct contact for 15 years.</p>	House Only	

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SENATE

Section	Article 2: Operations		Article 7: Operations
78	<p>Ten-year disqualification.</p> <p>Amends § 245C.15, subd. 3. Adds gross misdemeanor criminal penalties for acts involving human services programs to list of offenses leading to disqualification from direct contact for ten years.</p>	House Only	
79	<p>Seven-year disqualification.</p> <p>Amends § 245C.15, subd. 4. Adds misdemeanor criminal penalties for acts involving human services programs to list of offenses leading to disqualification from direct contact for seven years.</p>	House Only	
80	<p>Licensed family child foster care disqualifications.</p> <p>Adds subdivision 6 to § 245C.15. Specifies disqualifying crimes and creates new criteria for disqualification for background studies affiliated with family child foster care license applicants.</p> <p>Paragraphs (a) and (b) list actions and crimes for which an applicant is disqualified, no matter how much time has passed.</p> <p>Paragraphs (c) and (d) list actions and crimes for which an applicant is disqualified if less than five years have passed.</p> <p>Provides a March 1, 2020, effective date.</p>	House Only	
81	<p>Risk of harm; set aside.</p> <p>Amends § 245C.22, subd. 4.</p> <p>Specifies criteria for a set-aside of a background study disqualification for an individual seeking employment in the substance use disorder treatment field; lists crimes and conduct for which an individual would remain disqualified; requires the individual to have successfully completed substance use disorder</p>	<p>Similar. Senate includes technical clarification in paragraph (d), item (1). Staff recommends House language.</p>	<p>Article 7, Section 7 (245C.22, subdivision 4) specifies the criteria for setting aside a disqualification for an individual seeking employment in the substance use disorder field.</p>

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SENATE

Section	Article 2: Operations		Article 7: Operations
	treatment at least one year prior and to abstain from controlled substances for at least one year prior to the reconsideration request.		
82	<p>Scope of set-aside. Amends § 245C.22, subd. 5. Provides an exception for a set-aside for a person employed in the substance use disorder treatment field, under subdivision 4, when the individual previously received a set-aside for a different program or agency.</p>	Same	<p>Article 7, Section 8 (245C.22, subdivision 5) provides an exception for a set-aside for a person employed in the substance use disorder field, under subdivision 4, where the individual received a previous set aside for a different program or agency.</p>
83	<p>Disqualification; bar to set aside a disqualification; request for variance. Amends § 245C.24.</p> <p>(b) Requires the commissioner of human services to consider granting a licensing variance or set-aside for an individual if more than 20 years have passed since the discharge of a criminal sentence for a crime or conduct that would otherwise warrant a permanent disqualification from direct contact services. Specifies that the commissioner is not required to consider a variance or set-aside for a person disqualified for criminal sexual conduct.</p> <p>Adds paragraph (d) to subdivision 2, specifying that the commissioner must not set aside a disqualification for any of the crimes or actions listed in section 245C.15, subdivision 6, paragraph (a), for anyone 18 or older affiliated with a licensed family child foster care program.</p> <p>Amends subdivisions 3 and 4 to allow the commissioner to set aside disqualifications for family child foster care licensing, in certain circumstances.</p> <p>Adds subdivision 5, specifying that the commissioner must not set aside a disqualification for any of the crimes or actions listed in</p>	House Only	

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Section	Article 2: Operations		Article 7: Operations
	<p>section 245C.15, subdivision 6, paragraph (c) committed within the past five years, for anyone 18 or older affiliated with a licensed family child foster care program.</p> <p>Adds subdivision 6, specifying that the commissioner must not set aside a disqualification for an individual affiliated with a children's residential facility who was convicted of a felony for physical assault or a drug-related offense in the past five years.</p> <p>Provides a March 1, 2020, effective date and a July 1, 2019, effective date for subdivision 6.</p>		
84	<p>License holder and license-exempt child care center certification holder variance.</p> <p>Amends § 245C.30, subd. 1. Adds license-exempt child care center certification holders to those to whom the commissioner may grant a variance. Provides a September 30, 2019 effective date.</p>	House Only	
85	<p>Disclosure of reason for disqualification.</p> <p>Amends § 245C.30, subd. 2. Adds license-exempt child care center certification holders to provision relating to disqualification disclosure. Provides September 30, 2019, effective date.</p>	House Only	
86	<p>Consequences for failing to comply with conditions of variance.</p> <p>Amends § 245C.30, subd. 3. Adds license-exempt child care center certification holders to provisions relating to failure to comply with variance conditions. Provides September 30, 2019, effective date.</p>	House Only	
		Senate Only	<p>Article 7, Section 9 (245C.32, subdivision 2) makes a conforming change related to background studies for guardians or conservators, effective January 1, 2020.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
87	<p>Financial misconduct or misconduct. Amends § 245E.01, subd. 8. Modifies the definition of “financial misconduct” or “misconduct” under the statute governing CCAP fraud investigations to include the new crimes and criminal penalties created in section 120.</p>	House Only	
88	<p>Provider definitions. Amends § 245E.02, by adding subd. 1a. Defines “provider.”</p>	Same	<p>Article 1, Section 15 (245E.02, subdivision 1a) clarifies that the definition of “provider” for purposes of CCAP financial misconduct investigations includes individual providers or entities, including the owners and controlling individuals of an entity.</p>
89	<p>Substitute. Amends § 245H.01 by adding subd. 7. Defines “substitute” for purposes of certified license-exempt child care centers. Provides a September 30, 2019, effective date.</p>	House Only	
90	<p>Staff Person. Amends § 245H.01 by adding subd. 8. Defines “staff person” for purposes of certified license-exempt child care centers. Provides a September 30, 2019, effective date.</p>	House Only	
91	<p>Unsupervised volunteer. Amends § 245H.01 by adding subd. 9. Defines “unsupervised volunteer” for purposes of certified license-exempt child care centers. Provides a September 30, 2019, effective date.</p>	House Only	
92	<p>Reconsideration of certification denial. Amends § 245H.03 by adding subd. 4. Adds provision allowing for reconsideration of a denial of a certification application. Provides a September 30, 2019, effective date.</p>	House Only	

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Section	Article 2: Operations		Article 7: Operations
93	<p>Decertification. Amends § 245H.07. Adds provisions allowing for reconsideration of a decertification of a certified license-exempt child care center and provides specific procedures for decertifications due to maltreatment and CCAP revocation. Provides a September 30, 2019 effective date for subdivision 1 to 3 and a February 26, 2021, effective date for subdivision 4.</p>	House Only	
94	<p>Individuals to be studied. Amends § 245H.10, subd. 1. Adds reference to child care background study provisions.</p>	House Only	
95	<p>Reporting. Amends § 245H.11. Requires license-exempt child care center certification holder to have written policies for reporting of abuse and neglect. Provides a September 30, 2019, effective date.</p>	House Only	
96	<p>Fees. Amends § 245H.12. Creates a \$200 application fee and \$100 renewal fee for certification of license-exempt child care centers. Provides a July 1, 2019, effective date.</p>	House Only	
97	<p>Building and physical premises; free of hazards. Amends § 245H.13, subd. 5. Adds reference to state fire code and fire marshal inspection requirements for certification of license-exempt child care centers. Provides September 30, 2019, effective date.</p>	House Only	

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SENATE

Section	Article 2: Operations		Article 7: Operations
98	<p>Risk reduction plan. Amends § 245H.13 by adding subd. 7. Requires a certified license-exempt child care center to develop a risk reduction plan; specifies what the plan must include. Provides September 30, 2019, effective date.</p>	House Only	
99	<p>Required policies. Amends § 245H.13 by adding subd. 8. Requires a certified center to have written health and safety policies. Provides September 30, 2019, effective date.</p>	House Only	
100	<p>Behavior guidance. Amends § 245H.13 by adding subd. 9. Requires a certified center to ensure that staff and volunteers use positive behavior guidance; lists prohibited acts. Provides September 30, 2019, effective date.</p>	House Only	
101	<p>Supervision. Amends § 245H. 13 by adding subd. 10. Outlines supervision requirements for certified centers. Provides September 30, 2019, effective date.</p>	House Only	
102	<p>First aid and cardiopulmonary resuscitation. Amends § 245H.14, subd. 1. Requires director and all staff persons in certified centers to have initial first aid and CPR training within specified timelines and every other calendar year thereafter. Provides September 30, 2019, effective date.</p>	House Only	

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
103	<p>Abusive head trauma. Amends § 245H.14, subd. 3. Requires director and all staff persons in certified centers to complete abusive head trauma training before assisting in the care of a child under school age. Provides September 30, 2019, effective date.</p>	House Only	
104	<p>Child development. Amends § 245H.14, subd. 4. Requires director and all staff persons in certified centers to complete child development training within specified timeframes. Provides September 30, 2019, effective date.</p>	House Only	
105	<p>Orientation. Amends § 245H.14, subd. 5. Requires director and all staff persons in certified centers to complete orientation health and safety training within specified timeframes. Provides September 30, 2019, effective date.</p>	House Only	
106	<p>In service. Amends § 245H.14, subd. 6. Requires director and all staff persons in certified centers to complete annual health and safety training within specified timeframes. Provides September 30, 2019, effective date.</p>	House Only	
107	<p>Written emergency plan. Amends § 245H. 51, subd. 1. Adds requirement for accommodations for infants and toddlers in certified license-exempt child care center written emergency plans. Provides September 30, 2019, effective date.</p>	House Only	

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SENATE

Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 7, Section 10 (245I.01) creates a state Office of Inspector General, with an inspector general, who shall be in the unclassified service, appointed by the governor and confirmed by the Senate to a 6 year term. Upon full implementation, the Office of the Inspector General shall assume the duties of the office of the inspector general at the department of human services, the licensing division at the department of health, and the office of health facility complaints at the department of health.
		Senate Only	Article 7, Section 11 (245I.02) phases-in the implementation of the Office of Inspector General by transferring the relevant Department of Human Services duties effective July 1, 2020, and the Department of Health duties effective July 1, 2022.
		Senate Only	Article 7, Section 12 (256.0113) permits counties and tribes receiving human services grants funded exclusively with state dollars to, at the start of the fourth fiscal quarter each year, re-allocate unspent grant dollars for any county or tribal human services purpose. Any proposed re-allocation must be approved by majority vote of the county board or governing tribal body, and all approved re-allocations must be reported to the commissioner of human services.
108	Hearing authority. Amends § 256.046, subd. 1. Makes technical changes.	House Only	
109	Administrative disqualification of child care providers caring for children receiving child care assistance. Amends § 256.046, by adding subd. 3. Specifies the process for DHS or a local agency to pursue an administrative disqualification of a child care provider. Allows a provider to appeal an administrative disqualification.	House Only	

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 1, Section 16 (256.98, subdivision 1) adds a cross-reference to the housing support chapter to the section prohibiting wrongfully obtaining assistance.
110	<p>Disqualification from program. Amends § 256.98, subd. 8. Modifies the disqualification period for child care providers caring for children receiving child care assistance.</p>	<p><u>Paragraphs (a), (b)</u></p> <p>Different: Senate establishes that disqualification based on a court finding is permanent, disqualification based on administrative hearing, consent agreement, or court-ordered stay results in a two-year disqualification for a first offense and a permanent disqualification for a repeat offense; House maintains existing language.</p> <p><u>Paragraph (c)</u></p> <p>Different: Senate establishes that disqualification based on a court finding is permanent, disqualification based on administrative hearing, consent agreement, or court-ordered stay results in a two-year disqualification for a first offense and a permanent disqualification for a repeat offense; House amends existing language to begin with a three-year disqualification for a first offense.</p>	Article 1, Section 17 (256.98, subdivision 8) permanently disqualifies clients, families, and providers from participating in the program in which they committed fraud if there is a finding or an action by a federal court or state court. If the finding or action is by administrative hearing, the first offense results in a two-year disqualification and a second offense is a permanent disqualification.
		Senate Only	Article 1, Section 18 (256.983, subdivision 5) authorizes counties to investigate financial misconduct by any DHS-licensed provider, provided that the department is not actively investigating the provider, and to suspend available assistance payments upon finding a preponderance of evidence of financial misconduct. The section provides for a fair hearing for affected providers.

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Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 1, Section 19 (256.987, subdivision 1) requires that EBT cards include a photograph of the head of household and a list of family members authorized to use the card. It also requires that cardholders show identification before making a purchase.
		Senate Only	Article 1, Section 20 (256.987, subdivision 2) prohibits the receipt of cash for the return of items purchased with an EBT card, requiring that the cost of items purchased with an EBT card be credited back to the card.
111	Vendor of medical care. Amends § 256B.02, subd. 7. Modifies the definition of “vendor of medical care” under the chapter of statutes governing MA.	Different: House continues to define “vendor” as including only licensed providers; Senate defines “vendor” as including any provider that furnishes a good or service eligible for reimbursement under MA state plan or waiver.	Article 1, Section 21 (256B.02, subdivision 7) modifies the definition of “vendor of medical care” to include all home and community-based service providers, thereby clarifying the commissioner’s authority to exclude and sanction these providers for violations of medical assistance requirements.
		Senate Only	Article 7, Section 13 (256B.04, subdivision 21) provides an exception to provider enrollment requirements under medical assistance for pediatric therapy providers if the only reason the provider would be denied enrollment is that the provider has not billed the Medicare program.
112	Grounds for sanctions against vendors. Amends § 256B.064, subd. 1a. Expands the list of reasons for which the commissioner may impose sanctions against a vendor of medical care.	House Only	
113	Sanctions available. Amends § 256B.064, subd. 1b. Requires the commissioner to suspend a vendor's participation in MA for a minimum of five years under certain circumstances.	Similar. Technical phrasing difference. Staff recommends Senate language.	Article 1, Section 33 (256B.064, subdivision 1b) specifies the length of exclusion for medical assistance for a provider sanctioned by a court for a violation of medical assistance requirements.

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
114	<p>Imposition of monetary recovery and sanctions. Amends sec. 256B.064, subd. 2. Allows DHS or a managed care organization to keep any payments being withheld when a provider is convicted of a crime related to MA. Grants the commissioner additional fining authority for providers who repeatedly violate MA program rules.</p>	<p>Similar. Senate clarifies that funds must be forfeited to the department. Staff recommends Senate language.</p>	<p>Article 1, Section 34 (256B.064, subdivision 2) establishes that funds that are the subject of medical assistance fraud shall be forfeited to the commissioner of human services, either as a result of a criminal conviction or a repeat violation.</p>
115	<p>Vendor mandates on prohibited payments. Amends § 256B.064, by adding subd. 3. Paragraph (a) requires the commissioner to maintain and publish a list of each excluded individual and entity that was convicted of a crime related to an MA health service, or suspended or terminated. Prohibits MA payments from being made by a vendor for items or services furnished by an individual or entity that is on the exclusion list. Paragraph (b) specifies vendor requirements related to frequency of checking the exclusion list. Paragraph (c) specifies the vendor's requirement to check the exclusion list and terminate payments to individuals or entities on the list. Paragraph (d) lists sanctions that may be applied if a vendor pays MA funds to an individual or entity on the exclusion list.</p>	<p>Similar: House confines provisions to payments to excluded individuals or entities; Senate prohibits vendors who receive MA funds from hiring or having a business relationship with an excluded individual or entity regardless of whether the vendor makes MA payments to the excluded individual or entity.</p>	<p>Article 1, Section 35 (256B.064, subdivision 3) requires the commissioner of human services to maintain and post a list of each excluded individual and entity that was convicted of a crime related to medical assistance fraud, and excludes from medical assistance eligibility vendors who employ or conduct business with individuals or entities on the list. Vendors employing or doing business with individuals or entities on the list may be subject to administrative sanctions or a civil penalty of up to \$25,000.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
116	<p>Notice. Amends § 256B.064, by adding subd. 4. Paragraph (a) allows DHS to serve notices by first class mail with an affidavit of service.</p> <p>Paragraph (b) requires DHS to give notice in writing to a recipient placed in the Minnesota restricted recipient program. Requires the notice to be sent by first class mail. Allows a recipient placed in the Minnesota restricted recipient program to contest the placement by submitting a written request for a hearing to DHS within 90 days of the notice being mailed.</p>	House Only	
117	<p>Immunity; good faith reporters. Amends § 256B.064, by adding subd. 5. Grants civil and criminal immunity to persons who make a good faith report of fraud or abuse in public assistance programs and ensures the identity of the reporter remains confidential.</p>	House Only	
118	<p>Minnesota restricted recipient program; personal care assistance services. Creates § 256B.0646. Paragraph (a) allows the commissioner to place a recipient of PCA or community first services and supports (CFSS) in the Minnesota restricted recipient program when the recipient's use of those programs results in abusive or fraudulent billing.</p> <p>Paragraph (b) requires a recipient to comply with additional conditions for the use of PCA services or CFSS if the commissioner determines it is necessary to prevent future misuse of PCA services or abusive or fraudulent billing. Lists the additional conditions that may apply.</p>	<p>Similar: Technical organizational and phrasing differences; staff recommends House language.</p> <p>House provides an immediate effective date.</p>	<p>Article 1, Section 36 [256B.0646] permits the commissioner to place a recipient of PCA or CFSS services in the Minnesota restricted recipient program upon evidence of abusive or fraudulent billing. Placement in the program is subject to appeal.</p>

HOUSE

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Section	Article 2: Operations		Article 7: Operations
	<p>Paragraph (c) allows a recipient placed in the Minnesota restricted recipient program to appeal this placement.</p> <p>Provides an immediate effective date.</p>		
119	<p>Recipient protection. Amends § 256B.0651, subd. 17. Allows the commissioner to notify recipients who receive care from a provider that the provider's payments may be withheld or that the provider's participation in MA may be suspended or terminated. Provides an immediate effective date.</p>	<p>House provides an immediate effective date; Senate does not.</p>	<p>Article 1, Section 37 (256B.0651, subdivision 17) clarifies the authority of the commissioner to notify recipients of services that their provider will be terminated as a medical assistance provider.</p>
120	<p>Documentation of PCA services provided. Amends § 256B.0659, subd. 12. Requires the PCA time sheet to include a recipient's MA identification number or date of birth. Provides an immediate effective date.</p>	<p>House provides an immediate effective date; Senate does not.</p>	<p>Article 1, Section 39 (256B.0659, subdivision 12) modifies the service delivery documentation requirements of PCAs.</p>
121	<p>Access to medical records. Amends § 256B.27, subd. 3. Removes a requirement that a vendor of medical care receive 24 hour notification from the commissioner before the commissioner gains access to records. Grants the commissioner immediate access to medical records when investigating a possible overpayment of MA funds. Specifies that denying the commissioner access is cause for the vendor's immediate suspension of payment or termination.</p>	<p>Senate requires department to first confer with Office of Inspector General and document evidentiary basis for demanding records, prior to demanding immediate production of records; House does not.</p>	<p>Article 1, Section 45 (256B.27, subdivision 3) permits the commissioner of human services to demand immediate access to medical records from a vendor suspected of a Medicaid overpayment, without prior notice and during regular business hours, provided that the commissioner has first conferred with the Office of Inspector General and has documented the evidentiary basis for the decision to demand immediate access to the records. Denying access to records is cause for immediate suspension of payment or termination of the vendor's eligibility.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
122	<p>Home and community-based service billing requirements. Amends § 256B.4912, by adding subd. 11. Paragraph (a) lists requirements in order for a home and community-based service to be eligible for reimbursement.</p> <p>Paragraph (b) requires the provider to maintain documentation that staff have attested to and understand a statement regarding service billings for MA or services provided under a federally approved waiver plan.</p> <p>Paragraph (c) allows DHS to recover payment for a service that does not satisfy the requirements of this subdivision.</p>	<p>Technical differences: staff recommends House language.</p>	<p>Article 1, Section 47 (256B.4912, subdivision 11) expands the service delivery documentation requirements for home and community-based services offered through the disability waivers.</p>
123	<p>Home and community-based service documentation requirements. Amends § 256B.4912, by adding subd. 12. Paragraph (a) allows documentation to be collected and maintained electronically or in paper form by providers and requires documentation to be produced upon request of the commissioner.</p> <p>Paragraph (b) requires documentation of a service to be in English and to be legible according to the standard of a reasonable person.</p> <p>Paragraph (c) lists the documentation that must be included for a service that is reimbursed at an hourly or specified minute-based rate.</p> <p>Paragraph (d) lists the documentation that must be included for a service that is reimbursed at a daily rate.</p>	<p>Technical differences: staff recommends House language.</p> <p>Substantive difference: Senate permits documentation that complies with electronic visit verification to satisfy the requirements of this subdivision; House does not.</p>	<p>Article 1, Section 48 (256B.4912, subdivision 12) expands the service delivery documentation requirements for home and community-based services offered through the disability waivers.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
124	<p>Waiver transportation documentation and billing requirements. Amends § 256B.4912, by adding subd. 13. Establishes documentation and billing requirements for waiver transportation services.</p>	<p>Technical differences: staff recommends House language.</p>	<p>Article 1, Section 49 (256B.4912, subdivision 13) expands the service delivery documentation requirements for home and community-based services offered through the disability waivers.</p>
125	<p>Equipment and supply documentation requirements. Amends § 256B.4912, by adding subd. 14. Establishes documentation and billing requirements for equipment and supplies paid for under a home and community-based services waiver.</p>	<p>Technical differences: staff recommends House language.</p>	<p>Article 1, Section 50 (256B.4912, subdivision 14) expands the service delivery documentation requirements for home and community-based services offered through the disability waivers.</p>
126	<p>Adult day service documentation and billing requirements. Amends § 256B.4912, by adding subd. 15. Establishes documentation and billing requirements for adult day services paid for under a home and community-based services waiver. Provides an August 1, 2019, effective date.</p>	<p>Technical difference: staff recommends House language.</p>	<p>Article 1, Section 51 (256B.4912, subdivision 15) expands the service delivery documentation requirements for home and community-based services offered through the disability waivers.</p>
		<p>Senate Only</p>	<p>Article 7, Section 14 (524.5-118) extends the time period for background studies of guardians and conservators from two years to five years, updates terminology to use “national criminal history record check,” requires signed privacy notice to subject of study, establishes requirements to share background study results with courts, and establishes requirements for DHS to review disciplinary sanctions from the background study subject’s affiliated agencies, if any, all to be effective January 1, 2020.</p>
127	<p>Criminal penalties for acts involving human services programs. Creates § 609.817.</p> <p>Subd. 1. Prohibited payments made relating to human services programs. Creates a felony offense for knowingly and willfully offering payment to a person to induce that person to: (1) apply for or receive, or induce another person</p>	<p>House Only</p>	

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
	<p>to apply for or receive, a human services benefit; or (2) purchase, lease, order, or arrange for the purchase, lease, or order of any good, facility, service, or item administered or funded by the DHS.</p> <p>Subd. 2. Receipt of prohibited payments relating to human services programs. Creates a felony offense for knowingly and willfully soliciting or receiving payment in return for: (1) applying for or receiving a human services benefit, service, or grant; or (2) purchasing, leasing, ordering, or arranging for the purchase, lease, or order of any good, facility, service, or item for which payment may be made by DHS or a local social services agency.</p> <p>Subd. 3. Payments exempt. Specifies this section does not apply to remuneration exempted from the federal Anti-Kickback laws and regulations.</p> <p>Subd. 4. Penalties. Specifies criminal penalties for persons who violate subdivision 1 or 2.</p> <p>Subd. 5. Aggregation. Allows the value of the money, property, or services received by the defendant within any six-month period to be aggregated in any prosecution.</p> <p>Subd. 6. Venue. Specifies the venue for prosecution.</p> <p>Subd. 7. False claims. Specifies a claim that includes items or services resulting from a violation of this section constitutes a false claim.</p> <p>Subd. 8. Actual knowledge or specific intent not required. Specifies a person need not have actual</p>		

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
	knowledge of this section or specific intent to commit a violation of this section.		
128	<p>Limitations. Amends § 628.26. Requires indictments or complaints of violations of section 126 to be filed in the proper court within six years of the commission of the offense.</p>	House Only	
		Senate Only	<p>Article 7, Section 15 (Information Technology Projects; Performance Requirement) requires the commissioner of human services to incorporate measureable indicators of progress toward completion on every information technology project contract. The indicators or progress must be periodic and at least measure progress for every 25 percent increment toward the completion of the project. Each contract must withhold at least 10 percent of the total contract amount until the project is complete and must specify that where an indicator is not met that a specified proportion of the contract will be withheld.</p>
		Senate Only	<p>Article 7, Section 16 (Results First Evaluation of Grant Programs; Proven-Effective Practices) requires the commissioner of management and budget, in consultation with the commissioner of human services, to establish a schedule to review each grant program administered by the commissioner of human services to determine if the grant uses or promotes proven-effective or promising practices and can be evaluated using experimental or quasiexperimental design.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 2, Section 43 (Direction to Commissioner; Abbreviated Inspections) directs the commissioner of human services to consult with relevant industry stakeholders to develop the key indicators to be used during abbreviated inspections, and to report the proposed indicators to the legislature by January 1, 2020. The section also directs the commissioner to develop training to implement the abbreviated inspections beginning July 1, 2020.
		Senate Only	Article 2, Section 44 (Direction to Commissioner; Training Requirements) directs the commissioner of human services to develop an annual refresher course for family child care providers to cover certain subjects, and to propose legislative changes to eliminate duplicative training requirements.
		Senate Only	Article 2, Section 45 (Direction to Commissioner; Correction Order Enforcement Review) directs the commissioner of human services to develop and implement a process to review licensing inspection results at the county level, to identify trends of over- or under-enforcement and issue additional guidance and training as needed to correct any imbalance or inaccuracy in correction order enforcement. The commissioner shall include the results of this work in the annual report on child care.

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		Senate Only	<p>Article 2, Section 46 (Family Child Care Task Force) establishes an 18-member task force intended to increase the number of family child care providers and improve the quality of family child care services throughout the state, to be comprised of legislators, child care providers, family child care associations, child care licensors, and business associations. The task force will meet monthly beginning August 1, 2019, and must identify licensing requirements that have led to the closure of family child care programs, recommend business development and technical assistance resources to promote provider recruitment and retainment, identify alternative family child care provider business models, identify and recommend family child care regulatory reforms that improve licensing efficiencies, review Parent Aware participation to identify obstacles and improvements, and review the Revisor’s recodification of Minnesota Rules, chapters 9502 and 9503, and Minnesota Statutes, chapter 245A. The task force’s report is due by March 1, 2020.</p>
		Senate Only	<p>Article 2, Section 47 (Direction to Commissioner; Licensing and Background Study Review) instructs the commissioner of human services to review the rules and statutes relating to child care provider licensing and background study requirements and propose legislation to eliminate unnecessary and duplicative record keeping or documentation requirements. The commissioner is also directed to create a process for child care providers to electronically submit information requested by the department of human services for these purposes.</p>

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
		Senate Only	Article 1, Section 67 (Direction to commissioners; universal child identification number) requires the commissioners of MDE, MDH, and DHS to jointly identify what is needed to establish and use a universal identification number for children participating in early childhood programs to determine the extent of potential duplication in the programs, report to the legislature on their findings by July 1, 2020, and implement the system by July 1, 2021. Universal identification numbers would be considered private data on individuals, but could be shared between MDE, MDH, and DHS.
		Senate Only	Article 2, Section 50 (Revisor Instruction) instructs the Revisor of Statutes to consult with nonpartisan legislative staff and the Department of Human Services to recodify the rules governing day care facility licensing as statutes.
		Senate Only	Article 2, Section 51 (Revisor Instruction) instructs the Revisor of Statutes to consult with nonpartisan legislative staff and the Department of Human Services to recodify the rules governing child care facility licensing as statutes.
		Senate Only	Article 2, Section 52 (Revisor Instruction) instructs the Revisor of Statutes to consult with nonpartisan legislative staff and the Department of Human Services to prepare legislation for the 2020 session that recodifies Minnesota Statutes, chapter 245A, and repeals and enacts as statutes the rules governing day care licensing.
		Senate Only	Article 7, Section 17 (Revisor’s Instruction) directs the Revisor, non-partisan legislative staff, and the relevant departments to draft for the 2020 legislative session proposed legislation to implement the transition of duties to the Office of the Inspector General.

HOUSE

SENATE

Section	Article 2: Operations		Article 7: Operations
<p>129</p>	<p>Repealer. Repeals rules relating to child care fire safety and telephone requirements that are moved to statute in this article; repeals subdivision relating to certified license-exempt child care direct contact and a subdivision related to child care assistance program overpayments for failure to comply with access to records requirements. Provides a September 30, 2019, effective date.</p>	<p>House Only</p>	
		<p>Senate Only</p>	<p>Article 7, Section 18 (Repealer) repeals the statutory subdivisions imposing staffing credentials on individuals performing comprehensive assessments and providing care coordination services for counties.</p>