A bill for an act
relating to human services; exempting child care providers from the positive support
strategies training rule; amending Minnesota Statutes 2016, section 245.8251,
subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2016, section 245.8251, subdivision 1, is amended to read:

Subdivision 1. Rules governing the use of positive support strategies and restrictive
interventions. The commissioner of human services shall, by August 31, 2015, adopt rules
to govern the use of positive support strategies, and ensure the applicability of chapter 245D
prohibitions and limits on the emergency use of manual restraint and on the use of restrictive
interventions to facilities and services governed by the rules. The rules apply to all facilities
and services licensed under chapter 245D, and all licensed facilities and licensed services
serving persons with a developmental disability or related condition, except child care is
governed by section 245A.23. For the purposes of this section, "developmental disability
or related condition" has the meaning given in Minnesota Rules, part 9525.0016, subpart
2, items A to E.

Sec. 2. [245A.23] POSITIVE SUPPORT STRATEGIES; CHILD CARE.

(a) Programs under paragraphs (b) and (c) are exempt from the requirements under
Minnesota Rules, chapter 9544.

(b) Programs licensed as family child care or group family child care under Minnesota
Rules, chapter 9502, that care for a child with a developmental disability or related condition
must comply with the individualized education program (IEP) developed in accordance
with section 125A.08, if one exists for a child.

(c) A program licensed as a child care center under Minnesota Rules, chapter 9503, that
cares for a child with a developmental disability or related condition must comply with the
individual child care program plan under Minnesota Rules, part 9503.0065, subpart 3, if
one exists for the child.

(d) When providing services to a child with a developmental disability or a related
condition, staff at a program licensed under paragraphs (b) and (c) are prohibited from using
procedures identified in section 245D.06, subdivision 5.