

Subject Creating an Office of Ombudsperson for Child Care Providers

Authors Demuth and others

Analyst Annie Mach

Date March 12, 2021

Summary

This bill creates an Office of Ombudsperson for Child Care Providers to assist child care providers with licensing, compliance, and other issues and appropriates money for the office.

Section	Description
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1	Ombudsperson for child care providers.
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Creates §119B.27.

Subd. 1. Appointment. Requires the governor to appoint an ombudsperson in the classified service to assist child care providers with licensing, compliance, and other issues. Sets the term of the ombudsperson to two years and allows the ombudsperson to be removed prior to the end of the term for just cause.

Subd. 2. Duties. Lists the duties of the ombudsperson and requires the ombudsperson to report annually to the commissioner and the legislature on the ombudsperson's activities.

Subd. 3. Staff. Allows the ombudsperson to appoint and compensate out of available funds a deputy, confidential secretary, and other employees in the unclassified service. Makes the ombudsperson and the full-time staff members of the Minnesota State Retirement Association. Allows the ombudsperson to delegate to members of the staff any authority or duties of the office except the duty to formally make recommendations to a child care provider or reports to the commissioner or legislature.

Subd. 4. Access to records. Paragraph (a) specifies the ombudsperson's or designee's access to state data, including records classified as confidential or private data on individuals, and requires the ombudsperson or designee to obtain consent from the individual under certain circumstances.

Paragraph (b) requires each state agency responsible for licensing, regulating, and enforcing state and federal laws and regulations concerning child care providers to provide the ombudsperson copies of all correction orders, penalty assessments, and complaint investigation reports.

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Subd. 5. Independence of action. Allows the ombudsperson to act independently of Department of Human Services (DHS) to provide testimony to the legislature, make periodic reports to the legislature, and address areas of concern to child care providers.

Subd. 6. Civil actions. Specifies the ombudsperson or designee is not civilly liable for any action taken under this section if the action was taken in good faith, was within the scope of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

Subd. 7. Qualifications. Specifies qualifications the ombudsperson must meet. Prohibits a person from serving as ombudsperson while holding public office.

Subd. 8. Office support. Requires the commissioner to provide the ombudsperson with the necessary office space, supplies, equipment, and clerical support to effectively perform the duties of the office.

Subd. 9. Posting. Paragraph (a) requires the commissioner to post on the DHS website the address and telephone number for the Office of Ombudsperson for Child Care Providers. Requires the commissioner and counties to provide child care providers with the address and telephone number of the office.

Paragraph (b) requires the ombudsperson to approve all posting and notice required by DHS and counties.

2 **Appropriation.**

Provides blank appropriations in fiscal years 2022 and 2023 to DHS for the ombudsperson for child care providers. Makes this section effective July 1, 2021.



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