

## STATE OF MINNESOTA

## NINETY-FIRST SESSION — 2020

## SEVENTIETH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 4, 2020

The House of Representatives convened at 4:15 p.m. and was called to order by Melissa Hortman, Speaker of the House.

Prayer was offered by the Reverend Joy McDonald Coltvet, Christ on Capitol Hill, St. Paul, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Acomb	Demuth	Heinrich	Lippert	Nornes	Stephenson
Albright	Dettmer	Heintzeman	Lislegard	Novotny	Sundin
Anderson	Drazkowski	Her	Long	O'Driscoll	Swedzinski
Bahner	Ecklund	Hertaus	Lucero	Olson	Tabke
Bahr	Edelson	Hornstein	Lueck	Pelowski	Theis
Baker	Elkins	Howard	Mahoney	Persell	Torkelson
Becker-Finn	Erickson	Huot	Mann	Petersburg	Urdahl
Bennett	Fabian	Johnson	Marquart	Pierson	Vang
Bernardy	Fischer	Jordan	Masin	Pinto	Vogel
Bierman	Freiberg	Jurgens	McDonald	Poppe	Wagenius
Boe	Garofalo	Kiel	Mekeland	Poston	Wazlawik
Brand	Gomez	Klevorn	Miller	Pryor	West
Cantrell	Green	Koegel	Moller	Quam	Winkler
Carlson, A.	Grossell	Kotzya-Witthuhn	Moran	Richardson	Wolgamott
Carlson, L.	Gruenhagen	Koznick	Morrison	Robbins	Xiong, J.
Christensen	Gunther	Kresha	Munson	Runbeck	Xiong, T.
Considine	Haley	Kunesh-Podein	Murphy	Sandell	Youakim
Daniels	Halverson	Layman	Nash	Sandstede	Spk. Hortman
Daudt	Hamilton	Lee	Nelson, M.	Sauke	
Davids	Hansen	Lesch	Nelson, N.	Schomacker	
Davnie	Hassan	Lien	Neu	Schultz	
Dehn	Hausman	Lillie	Noor	Scott	

A quorum was present.

Backer, Claflin, Franson, Liebling, Mariani and O'Neill were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 55, A bill for an act relating to education; modifying school meal provisions; amending Minnesota Statutes 2018, section 124D.111.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 124D.111, is amended to read:

### **124D.111 SCHOOL MEAL POLICY; LUNCH AID; FOOD SERVICE ACCOUNTING.**

Subdivision 1. **School ~~lunch aid computation~~ meal policy.** (a) Each Minnesota participant in the national school lunch program must adopt and post to its website, or the website of the organization where the meal is served, a school meal policy. The policy must:

(1) be in writing, accessible in multiple languages, and clearly communicate student meal charges when payment cannot be collected at the point of service;

(2) be reasonable and well-defined and maintain the dignity of students by prohibiting lunch shaming or otherwise ostracizing the student;

(3) address whether the participant uses a collections agency to collect unpaid school meal debt;

(4) require any communication to collect unpaid school meal debt be done by school staff trained on the school district's policy on collecting student meal debt;

(5) require that all communication relating to school meal debt be delivered only to a student's parent or guardian and not directly to the student;

(6) ensure that once a participant has placed a meal on a tray or otherwise served the meal to a student, the meal may not be subsequently withdrawn from the student by the cashier or other school official, because the student has outstanding meal debt;

(7) ensure that a student who has been determined eligible for free and reduced-price lunch must always be served a reimbursable meal even if the student has outstanding debt;

(8) provide the vendor with its school meal policy if the school contracts with a third party for its meal services; and

(9) require school nutrition staff be trained on the policy.

(b) Any contract between a school and a third-party provider of meal services entered into or modified on or after July 1, 2020, must ensure that the third-party provider adheres to the participant's school meal policy.

Subd. 1a. **School lunch aid amounts.** Each school year, the state must pay participants in the national school lunch program the amount of 12.5 cents for each full paid and free student lunch and 52.5 cents for each reduced-price lunch served to students.

Subd. 2. **Application.** A school district, charter school, nonpublic school, or other participant in the national school lunch program shall apply to the department for this payment on forms provided by the department.

Subd. 2a. **Federal child and adult care food program; criteria and notice.** The commissioner must post on the department's website eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal child and adult care food program. The posted criteria and information must inform interested nonprofit organizations about:

(1) the criteria the commissioner uses to approve or disapprove an application, including how an applicant demonstrates financial viability for the Minnesota program, among other criteria;

(2) the commissioner's process and time line for notifying an applicant when its application is approved or disapproved and, if the application is disapproved, the explanation the commissioner provides to the applicant; and

(3) any appeal or other recourse available to a disapproved applicant.

Subd. 3. **School food service fund.** (a) The expenses described in this subdivision must be recorded as provided in this subdivision.

(b) In each district, the expenses for a school food service program for pupils must be attributed to a school food service fund. Under a food service program, the school food service may prepare or serve milk, meals, or snacks in connection with school or community service activities.

(c) Revenues and expenditures for food service activities must be recorded in the food service fund. The costs of processing applications, accounting for meals, preparing and serving food, providing kitchen custodial services, and other expenses involving the preparing of meals or the kitchen section of the lunchroom may be charged to the food service fund or to the general fund of the district. The costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program must be charged to the general fund.

That portion of superintendent and fiscal manager costs that can be documented as attributable to the food service program may be charged to the food service fund provided that the school district does not employ or contract with a food service director or other individual who manages the food service program, or food service management company. If the cost of the superintendent or fiscal manager is charged to the food service fund, the charge must be at a wage rate not to exceed the statewide average for food service directors as determined by the department.

(d) Capital expenditures for the purchase of food service equipment must be made from the general fund and not the food service fund, unless the restricted balance in the food service fund at the end of the last fiscal year is greater than the cost of the equipment to be purchased.

(e) If the condition set out in paragraph (d) applies, the equipment may be purchased from the food service fund.

(f) If a deficit in the food service fund exists at the end of a fiscal year, and the deficit is not eliminated by revenues from food service operations in the next fiscal year, then the deficit must be eliminated by a permanent fund transfer from the general fund at the end of that second fiscal year. However, if a district contracts with a food service management company during the period in which the deficit has accrued, the deficit must be eliminated by a payment from the food service management company.

(g) Notwithstanding paragraph (f), a district may incur a deficit in the food service fund for up to three years without making the permanent transfer if the district submits to the commissioner by January 1 of the second fiscal year a plan for eliminating that deficit at the end of the third fiscal year.

(h) If a surplus in the food service fund exists at the end of a fiscal year for three successive years, a district may recode for that fiscal year the costs of lunchroom supervision, lunchroom custodial services, lunchroom utilities, and other administrative costs of the food service program charged to the general fund according to paragraph (c) and charge those costs to the food service fund in a total amount not to exceed the amount of surplus in the food service fund.

Subd. 4. **No fees.** A participant that receives school lunch aid under this section must make lunch available without charge and must not deny a school lunch to all participating students who qualify for free or reduced-price meals, whether or not that student has an outstanding balance in the student's meal account attributable to a la carte purchases or for any other reason.

Subd. 5. **Respectful treatment.** (a) The participant must also provide meals to students in a respectful manner according to the policy adopted under subdivision 1. The participant must ensure that any reminders for payment of outstanding student meal balances debt do not intentionally demean or stigmatize, or humiliate any child participating in the school lunch program. The participant must not impose any other restriction prohibited under section 123B.37 due to unpaid student meal debt. The participant must not limit a student's participation in any school activities, graduation ceremonies, field trips, athletics, activity clubs, or other extracurricular activities or access to materials, technology, or other items provided to students due to an unpaid student meal debt.

(b) If the commissioner or the commissioner's designee determines a participant has violated the requirement to provide meals to participating students in a respectful manner, the commissioner or the commissioner's designee must send a letter of noncompliance to the participant. The participant is required to respond and, if applicable, remedy the practice within 60 days.

Subd. 6. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "A la carte" means a food item ordered separately from the school meal.

(c) "School meal" means a meal provided to students during the school day.

**EFFECTIVE DATE.** This section is effective July 1, 2020."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 244, A bill for an act relating to education; health; requiring school districts to conduct radon testing; amending Minnesota Statutes 2018, section 123B.571.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 123B.571, is amended to read:

**123B.571 RADON TESTING.**

Subdivision 1. **Voluntary Plan.** The commissioners of health and education may jointly develop a plan to encourage school districts and charter schools to accurately and efficiently test for the presence of radon in public school buildings serving students in kindergarten through grade 12. ~~To the extent possible, the commissioners shall base the plan on the standards established by the United States Environmental Protection Agency.~~ For purposes of this section, buildings also include the Minnesota State Academies in Faribault and the Perpich Center for Arts Education in Golden Valley.

Subd. 2. **Radon testing.** A school district may include radon testing as a part of its ten-year facility plan under section 123B.595, subdivision 4. If a school district receives authority to use long-term facilities maintenance revenue to conduct radon testing, the district shall conduct the testing according to the radon testing plan developed by the commissioners of health and education.

Subd. 3. **Reporting.** A school district ~~that has tested~~ or charter school must test its school buildings for the presence of radon ~~shall~~ and must report the results of its tests to the Department of Health in a form and manner prescribed by the commissioner of health. A school district that has tested for the presence of radon ~~shall~~ must also report the results of its testing at a school board meeting.

Subd. 4. **Testing requirements.** (a) A school district or charter school must adopt a radon testing schedule requiring a short-term or long-term test be conducted in every building serving students at least once every five years. A school district or charter school must begin testing school buildings by July 1, 2021, and complete testing of all buildings that serve students within five years.

(b) Tests must be conducted with certified radon testing devices as listed by either the National Radon Proficiency Program or the National Radon Safety Board. Tests must test all frequently occupied rooms with ground contact and rooms immediately above unoccupied spaces that are in contact with the ground, such as crawl spaces and tunnels.

(c) If a radon test shows that a frequently occupied room has a radon level at or above four picocuries per liter, a school district or charter school must mitigate or take corrective action, and retest after corrective measures to show radon reductions. A school district or charter school must follow the Radon Mitigation Standards for Schools and Large Buildings released by the American National Standards Institute/American Association of Radon Scientists and Technologists. The district or charter school must conduct follow-up testing within two years.

(d) All radon measurement and mitigation work must be completed by individuals licensed under Minnesota Statutes, section 144.4961.

**EFFECTIVE DATE.** This section is effective July 1, 2020."

With the recommendation that when so amended the bill be re-referred to the Health and Human Services Finance Division.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 250, A bill for an act relating to education; requiring affirmative consent instruction; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 121A.

Reported the same back with the recommendation that the bill be re-referred to the Education Finance Division.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 575, A bill for an act relating to education; providing for disposal of unclaimed drugs or medications in schools; amending Minnesota Statutes 2018, section 121A.22, subdivision 1, by adding a subdivision.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 771, A bill for an act relating to human services; modifying provisions governing cultural and ethnic communities leadership council; amending Minnesota Statutes 2018, section 256.041, by adding a subdivision; repealing Minnesota Statutes 2018, section 256.041, subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2018, section 256.041, is amended to read:

**256.041 CULTURAL AND ETHNIC COMMUNITIES LEADERSHIP COUNCIL.**

Subdivision 1. **Establishment; purpose.** (a) There is hereby established the Cultural and Ethnic Communities Leadership Council for the Department of Human Services. The purpose of the council is to advise the commissioner of human services on reducing inequities and disparities that particularly affect racial and ethnic groups in Minnesota.

(b) This council is comprised of racially and ethnically diverse community leaders and American Indians who are residents of Minnesota and may present with compounded challenges of systemic inequities. Members include people who are refugees, immigrants, and LGBTQ+; people who may have a disability; and people who live in rural Minnesota.

Subd. 2. **Members.** (a) The council must consist of:

(1) the chairs and ranking minority members of the committees in the house of representatives and the senate with jurisdiction over human services, or their designees; and

(2) no fewer than 15 and no more than 25 members appointed by and serving at the pleasure of the commissioner of human services, in consultation with county, tribal, cultural, and ethnic communities; diverse program participants; and parent representatives from these communities, and Cultural and Ethnic Communities Leadership Council members.

(b) In making appointments under this section, the commissioner shall give priority consideration to public members of the legislative councils of color established under ~~chapter 3~~ section 15.0145.

(c) Members must be appointed to allow for representation of the following groups:

- (1) racial and ethnic minority groups;
- (2) the American Indian community, which must be represented by two members;
- (3) culturally and linguistically specific advocacy groups and service providers;
- (4) human services program participants;
- (5) public and private institutions;
- (6) parents of human services program participants;
- (7) members of the faith community;
- (8) Department of Human Services employees; and
- (9) any other group the commissioner deems appropriate to facilitate the goals and duties of the council.

Subd. 3. **Guidelines.** The commissioner shall direct the development of guidelines defining the membership of the council; setting out definitions; and developing duties of the commissioner, the council, and council members regarding racial and ethnic disparities reduction. The guidelines must be developed in consultation with:

- (1) the chairs of relevant committees; and
- (2) county, tribal, and cultural communities and program participants from these communities.

Subd. 4. **Chair.** The commissioner shall accept recommendations from the council to appoint a chair or chairs.

~~Subd. 5. **Terms for first appointees.** The initial members appointed shall serve until January 15, 2016.~~

Subd. 6. **Terms.** A term shall be for two years and appointees may be reappointed to serve two additional terms. The commissioner shall make appointments to replace members vacating their positions by January 15 of each year in a timely manner, no more than three months after the council reviews panel recommendations.

Subd. 7. **Duties of commissioner.** (a) The commissioner of human services or the commissioner's designee shall:

- (1) maintain and actively engage with the council established in this section;
- (2) supervise and coordinate policies for persons from racial, ethnic, cultural, linguistic, and tribal communities who experience disparities in access and outcomes;

(3) identify human services rules or statutes affecting persons from racial, ethnic, cultural, linguistic, and tribal communities that may need to be revised;

(4) investigate and implement ~~cost-effective~~ equitable and culturally responsive models of ~~service delivery such as program implementation, including careful adaptation~~ adoption of clinically proven services that constitute one strategy for increasing the number of and culturally relevant services available to currently underserved populations; ~~and~~

(5) based on recommendations of the council, review identified department policies that maintain racial, ethnic, cultural, linguistic, and tribal disparities, ~~and~~ make adjustments to ensure those disparities are not perpetuated-, and advise on progress and accountability measures for addressing inequities;

(6) in partnership with the council, renew and implement equity policy with action plans and resources necessary to implement the action plans;

(7) support interagency collaboration to advance equity;

(8) address the council at least twice annually on the state of equity within the department; and

(9) support member participation in the council, including participation in educational and community engagement events across Minnesota that address equity in human services.

(b) The commissioner of human services or the commissioner's designee shall consult with the council and receive recommendations from the council when meeting the requirements in this subdivision.

Subd. 8. **Duties of council.** The council shall:

(1) recommend to the commissioner for review ~~identified policies in the Department of Human Services policy, budgetary, and operational decisions and practices that maintain~~ impact racial, ethnic, cultural, linguistic, and tribal disparities;

(2) with community input, advance legislative proposals to improve racial and health equity outcomes;

(3) identify issues regarding inequities and disparities by engaging diverse populations in human services programs;

~~(3)~~ (4) engage in mutual learning essential for achieving human services parity and optimal wellness for service recipients;

~~(4)~~ (5) raise awareness about human services disparities to the legislature and media;

~~(5)~~ (6) provide technical assistance and consultation support to counties, private nonprofit agencies, and other service providers to build their capacity to provide equitable human services for persons from racial, ethnic, cultural, linguistic, and tribal communities who experience disparities in access and outcomes;

~~(6)~~ (7) provide technical assistance to promote statewide development of culturally and linguistically appropriate, accessible, and cost-effective human services and related policies;

~~(7) provide~~ (8) recommend and monitor training and outreach to facilitate access to culturally and linguistically appropriate, accessible, and cost-effective human services to prevent disparities;

~~(8) facilitate culturally appropriate and culturally sensitive admissions, continued services, discharges, and utilization review for human services agencies and institutions;~~

(9) form work groups to help carry out the duties of the council that include, but are not limited to, persons who provide and receive services and representatives of advocacy groups, and provide the work groups with clear guidelines, standardized parameters, and tasks for the work groups to accomplish;

(10) promote information sharing in the human services community and statewide; ~~and~~

(11) by February 15 ~~each year in the second year of the biennium~~, prepare and submit to the chairs and ranking minority members of the committees in the house of representatives and the senate with jurisdiction over human services a report that summarizes the activities of the council, identifies the major problems and issues confronting racial and ethnic groups in accessing human services, makes recommendations to address issues, ~~and lists the specific objectives that the council seeks to attain during the next biennium, and provides recommendations to strengthen equity, diversity, and inclusion within the department.~~ The report ~~must also include a list of programs, groups, and grants used to reduce disparities, and statistically valid reports of outcomes on the reduction of the disparities.~~ shall identify racial and ethnic groups' difficulty in accessing human services and make recommendations to address the issues. The report must include any updated Department of Human Services equity policy, implementation plans, equity initiatives, and the council's progress.

Subd. 9. **Duties of council members.** The members of the council shall:

(1) with no more than three absences per year, attend and participate in scheduled meetings and be prepared by reviewing meeting notes;

(2) maintain open communication channels with respective constituencies;

(3) identify and communicate issues and risks that could impact the timely completion of tasks;

(4) collaborate on inequity and disparity reduction efforts;

(5) communicate updates of the council's work progress and status on the Department of Human Services website; ~~and~~

(6) participate in any activities the council or chair deems appropriate and necessary to facilitate the goals and duties of the council; and

(7) participate in work groups to carry out council duties.

Subd. 10. **Expiration.** The council ~~expires on June 30, 2020~~ shall expire when racial and ethnic-based disparities no longer exist in the state of Minnesota.

Subd. 11. **Compensation.** Compensation for members of the council is governed by section 15.059, subdivision 3."

Delete the title and insert:

"A bill for an act relating to human services; modifying provisions governing Cultural and Ethnic Communities Leadership Council; amending Minnesota Statutes 2018, section 256.041."

With the recommendation that when so amended the bill be re-referred to the Committee on Government Operations.

The report was adopted.

Freiberg from the Committee on Government Operations to which was referred:

H. F. No. 983, A bill for an act relating to elections; authorizing jurisdictions to adopt ranked-choice voting; establishing procedures for adoption, implementation, and use of ranked-choice voting; allowing municipalities to use electronic voting systems with a reallocation feature; authorizing rulemaking; amending Minnesota Statutes 2018, sections 205.13, subdivision 2; 206.58, subdivision 1; 206.83; 206.89, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[204E.01] APPLICABILITY.**

This chapter applies to all elections expressly authorized by law to use ranked-choice voting. All other provisions of the Minnesota Election Law also apply, to the extent they are not inconsistent with this chapter.

Sec. 2. **[204E.02] DEFINITIONS.**

Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

Subd. 2. **Batch elimination.** "Batch elimination" means a simultaneous defeat of multiple continuing candidates that have no mathematical chance of being elected.

Subd. 3. **Cast vote record.** "Cast vote record" means the tabulatable record of all votes produced by a single voter in one voting session.

Subd. 4. **Duplicate ranking.** "Duplicate ranking" means a voter has ranked the same candidate at multiple rankings for the office being counted.

Subd. 5. **Exhausted ballot.** "Exhausted ballot" means a ballot that can no longer be advanced under the procedures in section 204E.06.

Subd. 6. **Highest continuing ranking.** "Highest continuing ranking" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

Subd. 7. **Local election official.** "Local election official" means the principal officer in the jurisdiction charged with duties relating to elections.

Subd. 8. **Mathematically impossible to be elected.** "Mathematically impossible to be elected" means either:

(1) the candidate cannot be elected because the candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes and surplus votes would not be enough to surpass the candidate with the next higher current vote total; or

(2) the candidate has a lower current vote total than a candidate who is described by clause (1).

Subd. 9. **Overvote.** "Overvote" means a voter has ranked more than one candidate at the same ranking.

Subd. 10. **Partially defective ballot.** "Partially defective ballot" means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent with respect to the office being counted.

Subd. 11. **Ranked-choice voting.** "Ranked-choice voting" means an election method in which voters rank candidates for an office in order of their preference, with each vote counting for the highest-ranked continuing candidate on each ballot until that candidate has been elected or defeated by the method established in this chapter.

Subd. 12. **Ranked-choice voting tabulation center.** "Ranked-choice voting tabulation center" means the place selected for the automatic or manual processing and tabulation of ballots.

Subd. 13. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking. A ranking of lower numerical value indicates a greater preference for a candidate than a ranking of higher numerical value.

Subd. 14. **Round.** "Round" means an instance of the sequence of voting tabulation steps established in section 204E.06.

Subd. 15. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

Subd. 16. **Surplus.** "Surplus" means the total number of votes cast for an elected candidate in excess of the threshold.

Subd. 17. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated by dividing the surplus by the total votes cast for the elected candidate, calculated to four decimal places, ignoring any remainder.

Subd. 18. **Threshold.** "Threshold" means the number of votes sufficient for a candidate to be elected. In any given election, the threshold equals the total votes counted in the first round after removing defective ballots, divided by the sum of one plus the number of offices to be filled and adding one to the quotient, disregarding any fractions.

Subd. 19. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction of each vote by its current value, calculated to four decimal places, ignoring any remainder. The transfer value of a vote cast for a defeated candidate is the same as its current value.

Subd. 20. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote for a candidate who has been either elected or defeated.

Subd. 21. **Totally defective ballot.** "Totally defective ballot" means a ballot that is defective to the extent that election judges are unable to determine the voter's intent for any office on the ballot.

Subd. 22. **Undervote.** "Undervote" means a voter did not rank any candidates for an office.

Sec. 3. **[204E.03] AUTHORIZATION TO ADOPT RANKED-CHOICE VOTING; IMPLEMENTATION.**

(a) The following political subdivisions may adopt, in the manner provided in this section, ranked-choice voting as a method of voting for local offices within the political subdivision:

(1) home rule charter or statutory cities;

(2) counties;

(3) townships; and

(4) school districts.

(b) A jurisdiction that adopts ranked-choice voting may do so by adopting an ordinance or resolution or by a ballot question presented to the voters. The ranked-choice voting method may be repealed by one of the same methods provided for adoption.

(c) A home rule charter jurisdiction that adopts a ranked-choice voting system in its charter may adopt this chapter by reference in an ordinance, but is not required to do so. Nothing in this chapter prevents a home rule charter jurisdiction from adopting another voting method in its charter.

(d) Ranked-choice voting shall only be used to elect local offices at a general or special election, or at a primary election which serves as a party-nominating election for a partisan office. A primary election must not be held for any nonpartisan offices that are elected using ranked-choice voting.

(e) A jurisdiction that adopts the use of ranked-choice voting in local elections must do so no later than 30 days before the first day for filing affidavits of candidacy for the office for which ranked-choice voting is to be used as the method of election.

(f) Repeal of ranked-choice voting must be no later than 30 days before the first day for filing affidavits of candidacy for offices for which ranked-choice voting is used as the method of election.

(g) The local election official shall notify the secretary of state and, if applicable, the county auditor within 30 days following adoption or repeal of ranked-choice voting.

#### Sec. 4. **[204E.04] BALLOTS.**

Subdivision 1. **Ballot format.** (a) If there are three or more qualified candidates, a ballot must allow a voter to rank at least three candidates for each office in order of preference and must also allow the voter to add write-in candidates.

(b) A ballot must:

(1) include instructions to voters that clearly indicate how to mark the ballot;

(2) include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference; and

(3) indicate the number of seats to be elected for each office.

(c) A jurisdiction may use ballots compatible with alphanumeric character recognition voting equipment.

Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked-choice voting is used in addition to other methods of voting, the ranked-choice voting and non-ranked-choice voting elections must be on the same ballot card if possible, with ranked-choice voting and non-ranked-choice voting portions clearly separated on the ballot card. A separate ballot card may be used if necessary. A jurisdiction may deviate from the standard ballot order of offices to allow separation of ranked-choice voting and non-ranked-choice voting elections.

Subd. 3. **Ballot format rules.** The local election official shall establish administrative rules for ballot format after a voting mechanism has been selected, consistent with this section.

Sec. 5. **[204E.05] RANKED-CHOICE VOTING TABULATION CENTER.**

Subdivision 1. **Tabulation of votes; generally.** The local election official shall designate one location to serve as the ranked-choice voting tabulation center. If the tabulation includes a manual count of physical ballots, the center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in section 204E.06.

Subd. 2. **Precinct tabulation.** When the hours for voting have ended and all voting has concluded, the election judges in each precinct shall record and publicly declare the number of first choices cast for each candidate in that precinct. The election judges must then securely transfer all electronic voting data and ballots from the precinct to the ranked-choice voting tabulation center designated under this section. Upon receipt at the ranked-choice voting tabulation center, all electronic voting data and ballots shall be secured.

Subd. 3. **Notice of recess in count.** At any time following receipt of materials under subdivision 1, the local election official may declare a recess. Notice of the recess must include the date, time, and location at which the process of recording and tabulating votes will resume and the reason for the recess. Notice must be posted on the city's official bulletin board and on the door of the ranked-choice voting tabulation center.

Subd. 4. **Recording write-in votes.** At a time set by the local election official, the election judges shall convene at the ranked-choice voting tabulation center to examine ballots on which voters have indicated a write-in choice, and record the names and number of votes received by each write-in candidate. In the event that votes cast for the write-in category are not eliminated as provided in section 204E.06, the results must be entered into the ranked-choice voting tabulation software.

Subd. 5. **Ranked-choice vote tabulation.** After all votes have been recorded, and at a time set by the local election official, the process of tabulating votes cast for offices to be elected using the ranked-choice method must begin. The counting must continue until preliminary results for all races are determined, subject to subdivision 3.

Sec. 6. **[204E.06] TABULATION OF VOTES.**

(a) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated and publicly declared. Each round must proceed sequentially as follows:

(1) the number of votes cast for each candidate for the current round must be counted. If the number of candidates whose vote totals equal or exceed the threshold are equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates whose vote totals are equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as provided in the remainder of this paragraph;

(2) surplus votes for any candidates whose vote totals are equal to or greater than the threshold must be calculated;

(3) after any surplus votes are calculated but not yet transferred, all candidates for whom it is mathematically impossible to be elected must be defeated by batch elimination. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, and the tabulation process reiterates beginning with clause (2). If no candidate can be defeated mathematically, the tabulation must continue as described in clause (4);

(4) the transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. Of the candidates whose vote totals reach or exceed the threshold, the candidate with the largest surplus is declared elected and that candidate's surplus is transferred. A tie between two or more candidates must immediately and publicly be resolved by lot by the local election official at the tabulation center. The surplus

of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount. If no candidate has a surplus, the tabulation must continue as described in clause (5); otherwise, the tabulation process must reiterate beginning with clause (2);

(5) if there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must be decided by lot, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount. The tabulation process must reiterate beginning with clause (2); and

(6) the procedures in clauses (2) to (5) must be repeated until the number of candidates whose vote totals are equal to or exceed the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of offices yet to be elected. If the number of continuing candidates is equal to the number of offices yet to be elected, the remaining continuing candidates must be declared elected. In the case of a tie between two continuing candidates, the tie must be decided by lot as provided in section 204C.34, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(b) When a single skipped ranking is encountered on a ballot, that ballot must count toward the next nonskipped ranking. If any ballot cannot be advanced because no further candidates are ranked on that ballot, because a voter has skipped more than one ranking, or because an undervote, overvote, or duplicate ranking is encountered, the ballot must not count toward any candidate in that round or in subsequent rounds for the office being counted.

#### Sec. 7. **[204E.07] REPORTING RESULTS.**

(a) Each precinct must print a precinct summary statement, which must include the number of first choices cast for each candidate in that precinct.

(b) The ranked-choice voting tabulation center must print a summary statement with the following information: total votes cast; number of undervotes; number of totally defective and spoiled ballots; threshold calculation; total first choice rankings for all candidates; round-by-round tabulation results, including simultaneous batch eliminations, surplus transfers, and defeated candidate transfers; and exhausted ballots at each round.

(c) In jurisdictions where ballots are scanned and recorded electronically, the local election official must provide an electronically available spreadsheet of the cast vote record.

(d) The election abstract must include the information required in the ranked-choice voting tabulation center summary statement, with the addition of the number of registered voters by precinct, the number of same-day voter registrations, and the number of absentee voters.

#### Sec. 8. **[204E.08] RECOUNTS.**

(a) A candidate defeated in the final round of tabulation may request a recount as provided in section 204C.36.

(b) A candidate defeated in the final round of tabulation when the vote difference is greater than that provided in section 204C.36 may request a recount at the candidate's own expense. A candidate defeated in an earlier round of tabulation may request a recount at the candidate's own expense. The candidate is responsible for all expenses associated with the recount, regardless of the vote difference between the candidates in the round in which the requesting candidate was defeated. The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. Expenses must be determined as provided in section 204C.36, subdivision 4.

(c) Rules adopted by the secretary of state under section 204C.36 for recounts apply to recounts conducted under this section.

Sec. 9. **[204E.09] RULES.**

The secretary of state may adopt rules necessary to implement the requirements and procedures established by this chapter.

Sec. 10. Minnesota Statutes 2018, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must indicate the method of election to be used for the offices on the ballot. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

Sec. 11. Minnesota Statutes 2018, section 206.58, subdivision 1, is amended to read:

Subdivision 1. **Municipalities.** (a) The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

(b) No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

(c) The governing body of a municipality may provide for the use of an electronic voting system that has been approved by the secretary of state under section 206.57 but includes an automatic tabulating equipment reallocation feature that has not been approved by the secretary of state if the municipal clerk certifies to the secretary of state, within 30 days from the date of adoption under paragraph (a), that the reallocation feature:

(1) has been certified as required under section 206.57, subdivision 6; and

(2) meets the municipality's ordinance requirements for electronic voting systems.

Sec. 12. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

Any new voting equipment purchased for use in Minnesota for the purpose of replacing a voting system must have the ability to:

(1) capture, store, and publicly report ballot data;

(2) to the extent practicable, produce a single human-readable file for each contest on the ballot containing all cast vote records captured for that contest;

(3) keep data anonymous;

(4) accept ranked or cumulative voting data under a variety of tabulation rules;

(5) be programmable to follow all other specifications of the ranked-choice voting system as provided in chapter 204E;

(6) provide a minimum of three rankings for ranked-choice voting elections;

(7) to the extent practicable, notify voters of the following errors: overvotes, skipped rankings, and duplicate rankings in a ranked-choice voting election; and

(8) be programmable to print a zero tape indicating all rankings for all candidates in a ranked-choice voting election.

**EFFECTIVE DATE.** This section is effective upon certification by the secretary of state that equipment meeting the standards required by this section is available for purchase and implementation.

Sec. 13. Minnesota Statutes 2018, section 206.83, is amended to read:

### **206.83 TESTING OF VOTING SYSTEMS.**

(a) Within 14 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including ranked-choice voting if applicable, and through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If an election is to be conducted using ranked-choice voting, the equipment must also be tested to ensure that each ranking for each candidate is recorded properly.

(b) If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election.

(c) After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 14. Minnesota Statutes 2018, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section. In jurisdictions where ranked-choice voting is used, the date, time, and place for postelection review must be set by the local election official at least 30 days before the election. The postelection review must not begin before the 11th day after the state general election and must be complete no later than the 18th day after the state general election.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. The ballots to be reviewed for a precinct include both the ballots counted at the polling place for that precinct and the absentee ballots counted centrally by a ballot board for that precinct. The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000

registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office website.

Sec. 15. Minnesota Statutes 2018, section 206.89, subdivision 3, is amended to read:

Subd. 3. **Scope and conduct of review.** The county canvassing board shall appoint the postelection review official as defined in subdivision 1. The postelection review must be conducted of the votes cast for president or governor; United States senator; and United States representative. In jurisdictions where ranked-choice voting is used, the review must also include at least one single-seat ranked-choice voting election and at least one multiple-seat ranked-choice voting election, if such an election occurred. A postelection review of a ranked-choice voting election must be conducted for elections decided most closely in the final round, by percentage. The same requirement applies in jurisdictions where ranked-choice voting is used in odd-year elections. The postelection review official may conduct postelection review of the votes cast for additional offices.

The postelection review must be conducted in public at the location where the voted ballots have been securely stored after the state general election or at another location chosen by the county canvassing board. The postelection review official for each precinct selected must conduct the postelection review and may be assisted by election judges designated by the postelection review official for this purpose. The party balance requirement of section 204B.19 applies to election judges designated for the review. The postelection review must consist of a manual count of the ballots used in the precincts selected and must be performed in the manner provided by section 204C.21. The postelection review must be conducted in the manner provided for recounts under section 204C.361 to the extent practicable, and where ranked-choice voting is used, must include testing of the accumulation software using stored electronic data for those precincts that are not reviewed by manual count. The review must be completed no later than two days before the meeting of the state canvassing board to certify the results of the state general election."

Delete the title and insert:

"A bill for an act relating to elections; authorizing jurisdictions to adopt ranked-choice voting; establishing procedures for adoption, implementation, and use of ranked-choice voting; allowing municipalities to use electronic voting systems with a reallocation feature; authorizing rulemaking; amending Minnesota Statutes 2018, sections 205.13, subdivision 2; 206.58, subdivision 1; 206.83; 206.89, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E."

With the recommendation that when so amended the bill be re-referred to the State Government Finance Division.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 1732, A bill for an act relating to children; reorganizing and clarifying sections relating to child maltreatment and neglect; making technical changes; amending Minnesota Statutes 2018, sections 13.32, subdivision 3; 13.3805, subdivision 3; 13.43, subdivision 14; 13.46, subdivisions 3, 4; 13.82, subdivisions 8, 9, 17; 13.821; 13.84, subdivision 9; 13.871, subdivision 6; 13.88; 120B.22, subdivision 2; 122A.20, subdivision 2; 122A.40, subdivision 13; 122A.41, subdivision 6; 125A.0942, subdivision 4; 135A.15, subdivision 10; 144.225, subdivision 2b; 144.343, subdivision 4; 144.7065, subdivision 10; 144.7068; 144A.472, subdivision 1; 144A.479, subdivision 6; 144A.4796, subdivisions 2, 6; 144H.16, subdivision 1; 144H.18, subdivision 3; 145.902, subdivision 3; 145.952, subdivision 2; 146A.025; 148B.593; 148E.240, subdivision 7; 148F.13, subdivision 12; 148F.205, subdivision 1; 153B.70; 214.103, subdivision 8; 214.104; 243.166, subdivision 7; 245.8261, subdivision 9; 245A.04, subdivision 5; 245A.06, subdivision 8; 245A.07, subdivisions 3, 5; 245A.08, subdivision 2a; 245A.085; 245A.11, subdivision 7b; 245A.145, subdivision 1; 245A.40, subdivision 1; 245A.66, subdivision 3; 245C.05, subdivision 6; 245C.15, subdivision 4; 245C.16, subdivision 1; 245C.17, subdivision 3; 245C.21, subdivision 2; 245C.24, subdivision 4; 245C.25; 245C.27, subdivisions 1, 2; 245C.28, subdivision 1; 245C.29, subdivision 1; 245C.31, subdivision 1; 245C.32, subdivision 2; 245D.02, subdivision 11; 245D.06, subdivisions 1, 6; 245D.09, subdivision 4; 245D.32, subdivision 5; 245F.04, subdivision 1; 245F.15, subdivisions 3, 5; 245F.16, subdivisions 1, 2; 245F.18; 245G.03, subdivision 1; 245G.10, subdivision 3; 245G.11, subdivisions 3, 4; 245G.12; 245G.13, subdivisions 1, 2; 245H.11; 254A.09; 254B.04, subdivision 1; 256.01, subdivisions 12, 14b, 15; 256.045, subdivisions 3, 3b, 4; 256B.0621, subdivision 4; 256B.0625, subdivision 33; 256B.0945, subdivision 1; 256B.0949, subdivision 16; 256B.0951, subdivision 5; 256B.0954; 256B.097, subdivisions 4, 6; 256B.77, subdivision 17; 256B.85, subdivisions 10, 12a; 256E.21, subdivision 5; 256F.10, subdivisions 1, 4; 256L.07, subdivision 4; 256M.10, subdivision 2; 256M.40, subdivision 1; 256M.41, subdivisions 1, 3; 257.0764; 260.012; 260.761, subdivision 2; 260B.171, subdivision 6; 260B.198, subdivision 1; 260C.007, subdivisions 3, 5, 6, 13; 260C.139, subdivision 3; 260C.150, subdivision 3; 260C.171, subdivision 3; 260C.177; 260C.178, subdivision 1; 260C.201, subdivision 6; 260C.209, subdivision 2; 260C.212, subdivision 12; 260C.221; 260C.503, subdivision 2; 260D.01; 260D.02, subdivisions 3, 5; 299C.093; 388.051, subdivision 2; 518.165, subdivisions 2, 5; 524.5-118, subdivision 2; 595.02, subdivisions 1, 2; 609.26, subdivision 7; 609.3457, subdivision 2; 609.379, subdivision 2; 609.507; 609.7495, subdivision 1; 611A.203, subdivision 4; 611A.90, subdivision 1; 626.557, subdivision 9d; proposing coding for new law in Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 2018, sections 626.556, subdivisions 1, 2, 3, 3a, 3b, 3c, 3d, 3e, 3f, 4, 4a, 5, 6, 6a, 7, 7a, 8, 9, 10, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, 10m, 10n, 11, 11a, 11b, 11c, 11d, 12, 14, 15, 16; 626.5561; 626.5562; 626.558; 626.559, subdivisions 1, 1a, 1b, 2, 3, 5; 626.5591; 626.561.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
REORGANIZATION

Section 1. **[260E.01] POLICY.**

(a) The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through maltreatment. While it is recognized that most parents want to keep their children safe, sometimes circumstances or conditions interfere with their ability to do so. When this occurs, the health and safety of the children must be of paramount concern. Intervention and prevention efforts must address immediate concerns for child safety and the ongoing risk of maltreatment and should engage the protective capacities of families. In furtherance of this public policy, it is the intent of the legislature under this chapter to:

(1) protect children and promote child safety;

(2) strengthen the family;

(3) make the home, school, and community safe for children by promoting responsible child care in all settings; and

(4) provide, when necessary, a safe temporary or permanent home environment for maltreated children.

(b) In addition, it is the policy of this state to:

(1) require the reporting of maltreatment of children in the home, school, and community settings;

(2) provide for the voluntary reporting of maltreatment of children;

(3) require an investigation when the report alleges sexual abuse or substantial child endangerment;

(4) provide a family assessment, if appropriate, when the report does not allege sexual abuse or substantial child endangerment; and

(5) provide protective, family support, and family preservation services when needed in appropriate cases.

Sec. 2. **[260E.02] MULTIDISCIPLINARY CHILD PROTECTION TEAM.**

Subdivision 1. **Establishment of team.** A county shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service or community-based agencies, and parent groups. As used in this section, a "community-based agency" may include, but is not limited to, schools, social service agencies, family service and mental health collaboratives, children's advocacy centers, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for the team's activities with battered women's and domestic abuse programs and services.

Subd. 2. **Duties of team.** A multidisciplinary child protection team may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency or other interested community-based agencies. The community-based agencies may request case consultation from the multidisciplinary child protection team regarding a child or family for whom the community-based agency is providing services. As used in this section, "case consultation" means a case review process in which recommendations are made concerning services to be provided to the identified children and family. Case consultation may be performed by a committee or subcommittee of members representing human services, including mental health and chemical dependency; law enforcement, including probation and parole; the county attorney; a children's advocacy center; health care; education; community-based agencies and other necessary agencies; and persons directly involved in an individual case as designated by other members performing case consultation.

Subd. 3. **Sexually exploited youth outreach program.** A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for sexually exploited youth, including homeless, runaway, and truant youth who are at

risk of sexual exploitation. For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. A juvenile's receipt of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

**Subd. 4. Information sharing.** (a) The local welfare agency may make available to the case consultation committee or subcommittee all records collected and maintained by the agency under this chapter and in connection with case consultation. A case consultation committee or subcommittee member may share information acquired in the member's professional capacity with the committee or subcommittee to assist in case consultation.

(b) Case consultation committee or subcommittee members must annually sign a data sharing agreement, approved by the commissioner of human services, assuring compliance with chapter 13. Not public data, as defined in section 13.02, subdivision 8a, may be shared with members appointed to the committee or subcommittee in connection with an individual case when the members have signed the data sharing agreement.

(c) All data acquired by the case consultation committee or subcommittee in exercising case consultation duties are confidential as defined in section 13.02, subdivision 3, and shall not be disclosed except to the extent necessary to perform case consultation, and shall not be subject to subpoena or discovery.

(d) No members of a case consultation committee or subcommittee meeting shall disclose what transpired at a case consultation meeting, except to the extent necessary to carry out the case consultation plan. The proceedings and records of the case consultation meeting are not subject to discovery, and may not be introduced into evidence in any civil or criminal action against a professional or local welfare agency arising out of the matter or matters which are the subject of consideration of the case consultation meeting. Information, documents, or records otherwise available from original sources are not immune from discovery or use in any civil or criminal action merely because they were presented during a case consultation meeting. Any person who presented information before the consultation committee or subcommittee or who is a member shall not be prevented from testifying as to matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information before the case consultation committee or subcommittee or about opinions formed as a result of the case consultation meetings.

(e) A person who violates this subdivision is subject to the civil remedies and penalties provided under chapter 13.

**Subd. 5. Children's advocacy center; definition.** (a) For purposes of this section, "children's advocacy center" means an organization using a multidisciplinary team approach whose primary purpose is to provide children who have been the victims of abuse and their nonoffending family members with:

(1) support and advocacy;

(2) specialized medical evaluation;

(3) trauma-focused mental health services; and

(4) forensic interviews.

(b) Children's advocacy centers provide multidisciplinary case review and the tracking and monitoring of case progress.

Sec. 3. **[260E.03] DEFINITIONS.**

Subdivision 1. **Scope.** As used in this chapter, the following terms have the meanings given them unless the specific content indicates otherwise.

Subd. 2. **Accidental.** "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

Subd. 3. **Child fatality.** "Child fatality" means the death of a child from maltreatment.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of human services unless otherwise indicated in this chapter.

Subd. 5. **Egregious harm.** "Egregious harm" means harm under section 260C.007, subdivision 14, or a similar law of another jurisdiction.

Subd. 6. **Facility.** "Facility" means:

(1) a licensed or unlicensed day care facility, certified license-exempt child care center, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 144H, 245D, or 245H;

(2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or

(3) a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

Subd. 7. **Family assessment.** "Family assessment" means a comprehensive assessment of child safety, risk of subsequent maltreatment, and family strengths and needs that is applied to a maltreatment report that does not allege sexual abuse or substantial child endangerment. Family assessment does not include a determination as to whether maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

Subd. 8. **Findings and information.** "Findings and information" means a written summary described in section 260E.35, subdivision 7, paragraph (b), of actions taken or services rendered by a local welfare agency following receipt of a report.

Subd. 9. **Immediately.** "Immediately" means as soon as possible but in no event longer than 24 hours.

Subd. 10. **Interested person acting on behalf of the child.** "Interested person acting on behalf of the child" means a parent or legal guardian; stepparent; grandparent; guardian ad litem; adult stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person has been determined to be the offender who committed the maltreatment.

Subd. 11. **Investigation.** "Investigation" means fact gathering conducted during:

(1) a family investigation related to the current safety of a child and the risk of subsequent maltreatment that determines whether maltreatment occurred and whether child protective services are needed; or

(2) a facility investigation related to duties under section 260E.28.

Subd. 12. **Maltreatment.** "Maltreatment" means any of the following acts or omissions:

(1) egregious harm under subdivision 5;

(2) neglect under subdivision 15;

(3) physical abuse under subdivision 18;

(4) sexual abuse under subdivision 20;

(5) substantial child endangerment under subdivision 22;

(6) threatened injury under subdivision 23;

(7) mental injury under subdivision 13; and

(8) maltreatment of a child in a facility.

Subd. 13. **Mental injury.** "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

Subd. 14. **Near fatality.** "Near fatality" means a case in which a physician, advanced practice registered nurse, or physician assistant determines that a child is in serious or critical condition as the result of sickness or injury caused by maltreatment.

Subd. 15. **Neglect.** (a) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (8), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder;

(6) medical neglect, as defined in section 260C.007, subdivision 6, clause (5);

(7) chronic and severe use of alcohol or a controlled substance by a person responsible for the child's care that adversely affects the child's basic needs and safety; or

(8) emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child, which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(b) Nothing in this chapter shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

(c) This chapter does not impose upon persons not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care a duty to provide that care.

**Subd. 16. Person in a current or recent position of authority.** "Person in a current or recent position of authority" means an individual in a position of authority over a child and includes but is not limited to any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, within 120 days immediately preceding the act. Person in a position of authority includes a psychotherapist.

**Subd. 17. Person responsible for the child's care.** "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

**Subd. 18. Physical abuse.** (a) "Physical abuse" means any physical injury, mental injury under subdivision 14, or threatened injury under subdivision 23, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 125A.0942 or 245.825.

(b) Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582.

(c) For the purposes of this subdivision, actions that are not reasonable and moderate include, but are not limited to, any of the following:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

(3) shaking a child under age three;

(4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age;

(5) unreasonable interference with a child's breathing;

(6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

(7) striking a child under age one on the face or head;

(8) striking a child who is at least age one but under age four on the face or head, which results in an injury;

(9) purposely giving a child:

(i) poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner in order to control or punish the child; or

(ii) other substances that substantially affect the child's behavior, motor coordination, or judgment; that result in sickness or internal injury; or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(10) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(11) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

Subd. 19. **Report.** "Report" means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.

Subd. 20. **Sexual abuse.** "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, or by a person in a current or recent position of authority, to any act that constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), 609.3451 (criminal sexual conduct in the fifth degree), or 609.352 (solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children). Sexual abuse also includes any act involving a child that constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse, which includes the status of a parent or household member who has committed a violation that requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

Subd. 21. **Significant relationship.** "Significant relationship" means a situation in which the alleged offender is:

(1) the child's parent, stepparent, or guardian;

(2) any of the following persons related to the child by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) an adult who jointly resides intermittently or regularly in the same dwelling as the child and who is not the child's spouse.

Subd. 22. **Substantial child endangerment.** "Substantial child endangerment" means that a person responsible for a child's care, by act or omission, commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm under subdivision 5;

(2) abandonment under section 260C.301, subdivision 2;

(3) neglect under subdivision 15, paragraph (a), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(5) manslaughter in the first or second degree under section 609.20 or 609.205;

(6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(7) solicitation, inducement, and promotion of prostitution under section 609.322;

(8) criminal sexual conduct under sections 609.342 to 609.3451;

(9) solicitation of children to engage in sexual conduct under section 609.352;

(10) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(11) use of a minor in sexual performance under section 617.246; or

(12) parental behavior, status, or condition that mandates that the county attorney file a termination of parental rights petition under section 260C.503, subdivision 2.

Subd. 23. **Threatened injury.** (a) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

(b) Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in subdivision 17, who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm under subdivision 5 or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction.

(c) A child is the subject of a report of threatened injury when the local welfare agency receives birth match data under section 260E.14, subdivision 4, from the Department of Human Services.

#### Sec. 4. **[260E.04] EVIDENCE.**

No evidence relating to the maltreatment of a child or to any prior incident of maltreatment involving any of the same persons accused of maltreatment shall be excluded in any proceeding arising out of the alleged maltreatment on the grounds of privilege set forth in section 595.02, subdivision 1, paragraph (a), (d), or (g).

#### Sec. 5. **[260E.05] CULTURAL PRACTICES.**

A person who conducts an assessment or investigation under this chapter shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices that are not injurious to the child's health, welfare, and safety.

Sec. 6. **[260E.06] MALTREATMENT REPORTING.**

Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe a child is being maltreated, as defined in section 260E.03, or has been maltreated within the preceding three years, shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, correctional supervision, probation and correctional services, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

(b) "Practice of social services," for the purposes of this subdivision, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

Subd. 2. **Voluntary reporters.** Any person may voluntarily report to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department if the person knows, has reason to believe, or suspects a child is being or has been maltreated.

Subd. 3. **Reporting in cases where selection of spiritual means or prayer for treatment or care may cause serious danger to child's health.** If the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care, the parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 1, has a duty to report if a lack of medical care may cause serious danger to the child's health.

Subd. 4. **Licensing board duty to report.** A board or other entity whose licensees perform work within a school facility, upon receiving a complaint of alleged maltreatment, shall report the alleged maltreatment to the commissioner of education.

Sec. 7. **[260E.07] RETALIATION PROHIBITED.**

(a) An employer of any person required to make reports under section 260E.06, subdivision 1, or 260E.11, subdivision 1, shall not retaliate against the person for reporting in good faith maltreatment pursuant to this chapter or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under section 260E.06, subdivision 1, or 260E.11, subdivision 1, who retaliates against the person because of a report of maltreatment is liable to that person for actual damages and, in addition, a penalty of up to \$10,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under section 260E.06, subdivision 1, or 260E.11, subdivision 1, which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

(1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

**Sec. 8. [260E.08] CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL PENALTY FOR MAKING FALSE REPORT.**

(a) A person mandated by section 260E.06, subdivision 1, to report who knows or has reason to believe that a child is maltreated, as defined in section 260E.03, or has been maltreated within the preceding three years, and fails to report is guilty of a misdemeanor.

(b) A person mandated by section 260E.06, subdivision 1, to report who knows or has reason to believe that two or more children not related to the offender have been maltreated, as defined in section 260E.03, by the same offender within the preceding ten years, and fails to report is guilty of a gross misdemeanor.

(c) A parent, guardian, or caretaker who knows or reasonably should know that the child's health is in serious danger and who fails to report as required by section 260E.06, subdivision 3, is guilty of a gross misdemeanor if the child suffers substantial or great bodily harm because of the lack of medical care. If the child dies because of the lack of medical care, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both. The provision in section 609.378, subdivision 1, paragraph (a), clause (1), providing that a parent, guardian, or caretaker may, in good faith, select and depend on spiritual means or prayer for treatment or care of a child, does not exempt a parent, guardian, or caretaker from the duty to report under this chapter.

(d) Any person who knowingly or recklessly makes a false report under the provisions of this chapter shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees.

**Sec. 9. [260E.09] REPORTING REQUIREMENTS.**

(a) An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under section 260E.06, subdivision 1, to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, the agency responsible for assessing or investigating the report, or the local welfare agency.

(b) Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment, and the name and address of the reporter. The local welfare agency or agency responsible for assessing or investigating the report shall accept a report made under section 260E.06 notwithstanding refusal by a reporter to provide the reporter's name or address as long as the report is otherwise sufficient under this paragraph.

**Sec. 10. [260E.10] NOTIFICATION TO REPORTERS.**

Subdivision 1. **Screening notification.** If requested, the agency responsible for assessing or investigating a report shall inform the reporter within ten days after the report was made, either orally or in writing, whether the report was accepted or not. If the responsible agency determines the report does not constitute a report under this chapter, the agency shall advise the reporter that the report was screened out.

Subd. 2. **Final notification.** Any person mandated to report shall receive a summary of the disposition of any report made by that reporter, including whether the case has been opened for child protection or other services, or if a referral has been made to a community organization, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

Sec. 11. **[260E.11] AGENCY DESIGNATED TO RECEIVE REPORTS.**

Subdivision 1. **Reports of maltreatment in facility.** A person mandated to report child maltreatment occurring within a licensed facility shall report the information to the agency responsible for licensing or certifying the facility under sections 144.50 to 144.58, 241.021, and 245A.01 to 245A.16; or chapter 144H, 245D, or 245H; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a.

Subd. 2. **Reporting deprivation of parental rights or kidnapping to law enforcement.** A person mandated to report under section 260E.06, subdivision 1, who knows or has reason to know of a violation of section 609.25 or 609.26 shall report the information to the local police department or the county sheriff.

Subd. 3. **Report to medical examiner or coroner; notification to local agency and law enforcement; report ombudsman.** (a) A person mandated to report maltreatment who knows or has reason to believe a child has died as a result of maltreatment shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department, or county sheriff.

(b) The medical examiner or coroner shall notify the local welfare agency, police department, or county sheriff in instances in which the medical examiner or coroner believes that the child has died as a result of maltreatment. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

(c) If the child was receiving services or treatment for mental illness, developmental disability, chemical dependency, or emotional disturbance from an agency, facility, or program as defined in section 245.91, the medical examiner or coroner shall also notify and report findings to the ombudsman established under sections 245.91 to 245.97.

Sec. 12. **[260E.12] REQUIRED ACTIONS OF THE RESPONSIBLE AGENCY AND LAW ENFORCEMENT UPON RECEIVING REPORT.**

Subdivision 1. **Police department or county sheriff.** (a) The police department or the county sheriff shall immediately notify the local welfare agency or agency responsible for child protection reports under this chapter orally and in writing when a report is received.

(b) Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency or the agency responsible for assessing or investigating the report. The police department or the county sheriff may keep copies of reports received by them.

(c) The county sheriff and the head of each local welfare agency, agency responsible for child protection reports, and police department shall designate a person within the agency, department, or office who is responsible for ensuring that the notification duties of this section are carried out. If the alleged maltreatment occurs on tribal land, the local welfare agency or agency responsible for child protection reports and the local police department or county sheriff shall immediately notify the tribe's social services agency and tribal law enforcement orally and in writing when a report is received. When a police department or county determines that a child has been the subject of

maltreatment by a person licensed by the Professional Educator Licensing and Standards Board or the Board of School Administrators, the department or sheriff shall, in addition to other duties under this section, immediately inform the licensing board.

(d) If a child is the victim of an alleged crime under subdivision 2, paragraph (c), the law enforcement agency shall immediately notify the local welfare agency, which shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the maltreated child.

Subd. 2. **Local welfare agency or agency responsible for maltreatment report.** (a) The local welfare agency or agency responsible for child protection reports shall immediately notify the local police department or the county sheriff orally and in writing when a report is received.

(b) Copies of written reports received by a local welfare agency or the agency responsible for assessing or investigating the report shall be forwarded immediately to the local police department or the county sheriff.

(c) Receipt by a local welfare agency of a report or notification of a report of kidnapping under section 609.25 or depriving another of custodial or parental rights under section 609.26 shall not be construed to invoke the duties under this chapter except notification of law enforcement and the offer of services under section 260E.20, subdivision 1, paragraph (a), as appropriate.

Subd. 3. **Penalties for failure to cross notify.** (a) If a local welfare agency receives a report under section 260E.06 and fails to notify the local police department or county sheriff as required by subdivision 2, the person within the agency who is responsible for ensuring that notification is made shall be subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees.

(b) If a local police department or a county sheriff receives a report under section 260E.06 and fails to notify the local welfare agency as required by subdivision 1, the person within the police department or county sheriff's office who is responsible for ensuring that notification is made shall be subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees.

#### Sec. 13. **[260E.13] REPORT TO OMBUDSMAN.**

When a local welfare agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of maltreatment at an agency, facility, or program, as defined in section 245.91, the local welfare agency shall, in addition to its other duties under this chapter, immediately inform the ombudsman established under sections 245.91 to 245.97. The commissioner of education shall inform the ombudsman established under sections 245.91 to 245.97 of reports regarding a child who is a client, as defined in section 245.91, that maltreatment occurred at a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

#### Sec. 14. **[260E.14] AGENCY RESPONSIBLE FOR SCREENING AND ASSESSMENT OR INVESTIGATION.**

Subdivision 1. **Facilities and schools.** (a) The local welfare agency is the agency responsible for investigating allegations of maltreatment in child foster care, family child care, legally nonlicensed child care, and reports involving children served by an unlicensed personal care provider organization under section 256B.0659. Copies of findings related to personal care provider organizations under section 256B.0659 must be forwarded to the Department of Human Services provider enrollment.

(b) The Department of Human Services is the agency responsible for screening and investigating allegations of maltreatment in juvenile correctional facilities listed under section 241.021 located in the local welfare agency's county and in facilities licensed or certified under chapters 245A, 245D, and 245G, except for child foster care and family child care.

(c) The Department of Health is the agency responsible for screening and investigating allegations of maltreatment in facilities licensed under sections 144.50 to 144.58 and 144A.43 to 144A.482 or chapter 144H.

(d) The Department of Education is the agency responsible for screening and investigating allegations of maltreatment in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E. The Department of Education's responsibility to screen and investigate includes allegations of maltreatment involving students 18 to 21 years of age, including students receiving special education services, up to and including graduation and the issuance of a secondary or high school diploma.

(e) A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to this section and sections 260E.19 and 260E.22.

Subd. 2. **Sexual abuse.** (a) The local welfare agency is the agency responsible for investigating an allegation of sexual abuse if the alleged offender is the parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the child's care, or a person with a significant relationship to the child if that person resides in the child's household.

(b) The local welfare agency is also responsible for investigating when a child is identified as a victim of sex trafficking.

Subd. 3. **Neglect or physical abuse.** The local welfare agency is responsible for immediately conducting a family assessment or investigation if the report alleges neglect or physical abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care.

Subd. 4. **Birth match.** (a) Upon receiving data under section 144.225, subdivision 2b, contained in a birth record or recognition of parentage identifying a child who is subject to threatened injury under section 260E.03, subdivision 23, the Department of Human Services shall send the data to the responsible local welfare agency. The data is known as "birth match data."

(b) Unless the responsible local welfare agency has already begun an investigation or assessment of the report due to the birth of the child or execution of the recognition of parentage and the parent's previous history with child protection, the agency shall accept the birth match data as a report under section 260E.03, subdivision 23.

Subd. 5. **Law enforcement.** (a) The local law enforcement agency is the agency responsible for investigating a report of maltreatment if a violation of a criminal statute is alleged.

(b) Law enforcement and the responsible agency must coordinate their investigations or assessments as required under this chapter when the report alleges maltreatment that is a violation of a criminal statute by a person who is a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility as defined in section 260E.03.

#### Sec. 15. **[260E.15] SCREENING GUIDELINES.**

(a) Child protection staff, supervisors, and others involved in child protection screening shall follow the guidance provided in the maltreatment screening guidelines issued by the commissioner and, when notified by the commissioner, shall immediately implement updated procedures and protocols.

(b) Any modification to the screening guidelines must be preapproved by the commissioner and must not be less protective of children than is mandated by statute. The county agency must consult with the county attorney before proposing modifications to the commissioner. The guidelines may provide additional protection for children but must not limit reports that are screened in or provide additional limits on consideration of reports that were screened out in making a screening determination.

Sec. 16. **[260E.16] TIMELINE FOR SCREENING.**

(a) The local welfare agency shall determine if the report is to be screened in or out as soon as possible but in no event longer than 24 hours after the report is received.

(b) When determining whether a report will be screened in or out, the agency receiving the report must consider, when relevant, all previous history, including reports that were screened out. The agency may communicate with treating professionals and individuals specified under section 260E.35, subdivision 4, paragraph (b).

Sec. 17. **[260E.17] RESPONSE PATH ASSIGNMENT.**

Subdivision 1. Local welfare agency. (a) Upon receipt of a report, the local welfare agency shall determine whether to conduct a family assessment or an investigation as appropriate to prevent or provide a remedy for maltreatment.

(b) The local welfare agency shall conduct an investigation when the report involves sexual abuse or substantial child endangerment.

(c) The local welfare agency shall begin an immediate investigation if, at any time when the local welfare agency is using a family assessment response, the local welfare agency determines that there is reason to believe that sexual abuse or substantial child endangerment or a serious threat to the child's safety exists.

(d) The local welfare agency may conduct a family assessment for reports that do not allege sexual abuse or substantial child endangerment. In determining that a family assessment is appropriate, the local welfare agency may consider issues of child safety, parental cooperation, and the need for an immediate response.

(e) The local welfare agency may conduct a family assessment on a report that was initially screened and assigned for an investigation. In determining that a complete investigation is not required, the local welfare agency must document the reason for terminating the investigation and notify the local law enforcement agency if the local law enforcement agency is conducting a joint investigation.

Subd. 2. Responsible social service agency. The responsible agency shall conduct an investigation when the report alleges maltreatment in a facility required to be licensed under chapter 144H, 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider association as defined in section 256B.0625, subdivision 19a.

Sec. 18. **[260E.18] NOTICE TO CHILD'S TRIBE.**

The local welfare agency shall provide immediate notice, according to section 260.761, subdivision 2, to an Indian child's tribe when the agency has reason to believe the family assessment or investigation may involve an Indian child. For purposes of this section, "immediate notice" means notice provided within 24 hours.

Sec. 19. **[260E.19] CONFLICT OF INTEREST.**

(a) A potential conflict of interest related to assisting in an investigation or assessment under this chapter resulting in a direct or shared financial interest with a child maltreatment treatment provider or resulting from a personal or family relationship with a party in the investigation must be considered by the local welfare agency in an effort to prevent unethical relationships.

(b) A person who conducts an investigation or assessment under this chapter may not have:

(1) any direct or shared financial interest or referral relationship resulting in a direct shared financial gain with a child maltreatment treatment provider; or

(2) a personal or family relationship with a party in the assessment or investigation.

(c) If an independent assessor is not available, the person responsible for making the determination under this chapter may use the services of an assessor with a financial interest, referral, or personal or family relationship.

Sec. 20. **[260E.20] AGENCY DUTIES REGARDING INVESTIGATION AND ASSESSMENT.**

Subdivision 1. General duties. (a) The local welfare agency shall offer services to prevent future maltreatment, safeguarding and enhancing the welfare of the maltreated child, and supporting and preserving family life whenever possible.

(b) If the report alleges a violation of a criminal statute involving maltreatment or child endangerment under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of the agency's investigation or assessment.

(c) In cases of alleged child maltreatment resulting in death, the local agency may rely on the fact-finding efforts of a law enforcement investigation to make a determination of whether or not maltreatment occurred.

(d) When necessary, the local welfare agency shall seek authority to remove the child from the custody of a parent, guardian, or adult with whom the child is living.

(e) In performing any of these duties, the local welfare agency shall maintain an appropriate record.

(f) In conducting a family assessment or investigation, the local welfare agency shall gather information on the existence of substance abuse and domestic violence.

(g) If the family assessment or investigation indicates there is a potential for abuse of alcohol or other drugs by the parent, guardian, or person responsible for the child's care, the local welfare agency shall conduct a chemical use assessment pursuant to Minnesota Rules, part 9530.6615.

(h) The agency may use either a family assessment or investigation to determine whether the child is safe when responding to a report resulting from birth match data under section 260E.03, subdivision 23, paragraph (c). If the child subject of birth match data is determined to be safe, the agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is determined not to be safe, the agency and the county attorney shall take appropriate action as required under section 260C.503, subdivision 2.

Subd. 2. Face-to-face contact. (a) Upon receipt of a screened in report, the local welfare agency shall conduct a face-to-face contact with the child reported to be maltreated and with the child's primary caregiver sufficient to complete a safety assessment and ensure the immediate safety of the child.

(b) The face-to-face contact with the child and primary caregiver shall occur immediately if sexual abuse or substantial child endangerment is alleged and within five calendar days for all other reports. If the alleged offender was not already interviewed as the primary caregiver, the local welfare agency shall also conduct a face-to-face interview with the alleged offender in the early stages of the assessment or investigation.

(c) At the initial contact with the alleged offender, the local welfare agency or the agency responsible for assessing or investigating the report must inform the alleged offender of the complaints or allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report. The interview with the alleged offender may be postponed if it would jeopardize an active law enforcement investigation.

(d) The local welfare agency or the agency responsible for assessing or investigating the report must provide the alleged offender with an opportunity to make a statement. The alleged offender may submit supporting documentation relevant to the assessment or investigation.

**Subd. 3. Collection of information.** (a) The local welfare agency responsible for conducting a family assessment or investigation shall collect available and relevant information to determine child safety, risk of subsequent maltreatment, and family strengths and needs and share not public information with an Indian's tribal social services agency without violating any law of the state that may otherwise impose a duty of confidentiality on the local welfare agency in order to implement the tribal state agreement.

(b) The local welfare agency or the agency responsible for investigating the report shall collect available and relevant information to ascertain whether maltreatment occurred and whether protective services are needed.

(c) Information collected includes, when relevant, information with regard to the person reporting the alleged maltreatment, including the nature of the reporter's relationship to the child and to the alleged offender, and the basis of the reporter's knowledge for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral sources having relevant information related to the alleged maltreatment.

(d) Information relevant to the assessment or investigation must be asked for, and may include:

(1) the child's sex and age; prior reports of maltreatment, including any maltreatment reports that were screened out and not accepted for assessment or investigation; information relating to developmental functioning; credibility of the child's statement; and whether the information provided under this clause is consistent with other information collected during the course of the assessment or investigation;

(2) the alleged offender's age, a record check for prior reports of maltreatment, and criminal charges and convictions;

(3) collateral source information regarding the alleged maltreatment and care of the child. Collateral information includes, when relevant: (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or the care of the child maintained by any facility, clinic, or health care professional and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child; and

(4) information on the existence of domestic abuse and violence in the home of the child, and substance abuse.

(e) Nothing in this subdivision precludes the local welfare agency, the local law enforcement agency, or the agency responsible for assessing or investigating the report from collecting other relevant information necessary to conduct the assessment or investigation.

(f) Notwithstanding section 13.384 or 144.291 to 144.298, the local welfare agency has access to medical data and records for purposes of paragraph (d), clause (3).

Subd. 4. **Consultation regarding alleged medical neglect.** If the report alleges medical neglect as defined in section 260C.007, subdivision 6, clause (5), the local welfare agency shall, in addition to its other duties under this section, immediately consult with designated hospital staff and with the parents of the infant to verify that appropriate nutrition, hydration, and medication are being provided; and shall immediately secure an independent medical review of the infant's medical charts and records and, if necessary, seek a court order for an independent medical examination of the infant.

Subd. 5. **Law enforcement fact finding.** If the report alleges maltreatment by a person who is not a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or a person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility as defined in section 260E.03, the local welfare agency may rely on the fact-finding efforts of the law enforcement investigation to make a determination whether or not threatened injury or other maltreatment has occurred under section 260E.03, subdivision 12, if an alleged offender has minor children or lives with minors.

Sec. 21. **[260E.21] SCREENED OUT REPORTS.**

Subdivision 1. **Records.** A report that is screened out must be maintained according to section 260E.35, subdivision 6, paragraph (b).

Subd. 2. **Offer of social services.** A local welfare agency or agency responsible for investigating or assessing a report may use a screened out report for making an offer of social services to the subjects of the screened out report.

Sec. 22. **[260E.22] INTERVIEWS.**

Subdivision 1. **Authority to interview.** (a) The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan.

(b) Authority of the local welfare agency responsible for assessing or investigating the maltreatment report, the agency responsible for assessing or investigating the report, and the local law enforcement agency responsible for investigating the alleged maltreatment includes but is not limited to authority to interview, without parental consent, the alleged victim and any other children who currently reside with or who have resided with the alleged offender.

Subd. 2. **Interview procedure.** (a) The interview may take place at school or at any facility or other place where the alleged victim or other children might be found or the child may be transported to, and the interview may be conducted at a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency.

(b) The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian, or school official.

(c) For a family assessment, it is the preferred practice to request a parent or guardian's permission to interview the child before conducting the child interview, unless doing so would compromise the safety assessment.

Subd. 3. **Notification after interview.** (a) Except as provided in this subdivision, the parent, legal custodian, or guardian shall be notified by the responsible agency or local law enforcement agency no later than the conclusion of the investigation or assessment that this interview has occurred.

(b) Notwithstanding notice required under the Minnesota Rules of Juvenile Protection, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this subdivision, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

Subd. 4. **Tennessen notice not required.** In conducting investigations and assessments pursuant to this chapter, the notice required by section 13.04, subdivision 2, need not be provided to a child under the age of ten who is the alleged victim of maltreatment.

Subd. 5. **Court order for interview.** (a) Where the alleged offender or a person responsible for the care of the alleged victim or other child prevents access to the victim or other child by the local welfare agency, the juvenile court may order the parent, legal custodian, or guardian to produce the alleged victim or other child for questioning by the local welfare agency or the local law enforcement agency outside the presence of the alleged offender or any person responsible for the child's care at reasonable places and times as specified by court order.

(b) Before making an order under paragraph (a), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interview and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

Subd. 6. **Interview format.** (a) When conducting an investigation, the local welfare agency shall use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses.

(b) For investigations only, the following interviewing methods and procedures must be used whenever possible when collecting information:

(1) audio recording of all interviews with witnesses and collateral sources; and

(2) in a case of alleged sexual abuse, audio-video recording of each interview with the alleged victim and a child witness.

Subd. 7. **Interviews on school property.** (a) When the local welfare agency, local law enforcement agency, or the agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials before the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For an interview conducted by the local welfare agency, the notification shall be signed by the chair of the local welfare agency or the chair's designee. The notification shall be private data on individuals subject to the provisions of this subdivision. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare agency or local law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until that time, the local welfare agency, local law enforcement agency, or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

(b) Except where the alleged offender is believed to be a school official or employee, the time, place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare agency or local law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable, and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare agency or local law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

Sec. 23. **[260E.23] DOCUMENTING INTERVIEWS WITH CHILD MALTREATMENT VICTIMS.**

Subdivision 1. **Policy.** It is the policy of this state to encourage adequate and accurate documentation of the number and content of interviews conducted with alleged child maltreatment victims during the course of a child maltreatment assessment or investigation, criminal investigation, or prosecution, and to discourage interviews that are unnecessary, duplicative, or otherwise not in the best interests of the child.

Subd. 2. **Definitions.** As used in this section:

(1) "government employee" means an employee of a state or local agency, and any person acting as an agent of a state or local agency;

(2) "interview" means a statement of an alleged maltreatment victim which is given or made to a government employee during the course of a maltreatment assessment or investigation, criminal investigation, or prosecution; and

(3) "record" means an audio or video recording of an interview, or a written record of an interview.

Subd. 3. **Record required.** Whenever an interview is conducted, the interviewer must make a record of the interview. The record must contain the following information:

(1) the date, time, place, and duration of the interview;

(2) the identity of the persons present at the interview; and

(3) if the record is in writing, a summary of the information obtained during the interview.

Subd. 4. **Records maintained.** The records shall be maintained by the interviewer in accordance with applicable provisions of section 260E.35 and chapter 13.

Subd. 5. **Guidelines on tape recording of interviews.** Every county attorney's office shall be responsible for developing written guidelines on the tape recording of interviews by government employees who conduct child maltreatment assessments or investigations, criminal investigations, or prosecutions. The guidelines are public data as defined in section 13.02, subdivision 14.

Sec. 24. **[260E.24] CONCLUSION OF FAMILY ASSESSMENT OR FAMILY INVESTIGATION BY LOCAL WELFARE AGENCY.**

Subdivision 1. **Timing.** The local welfare agency shall conclude the family assessment or the investigation within 45 days of the receipt of a report. The conclusion of the assessment or investigation may be extended to permit the completion of a criminal investigation or the receipt of expert information requested within 45 days of the receipt of the report.

Subd. 2. **Determination after family assessment.** After conducting a family assessment, the local welfare agency shall determine whether child protective services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment.

Subd. 3. **Determinations after family investigation.** (a) After conducting an investigation, the local welfare agency shall make two determinations: (1) whether maltreatment occurred; and (2) whether child protective services are needed.

(b) No determination of maltreatment shall be made when the alleged offender is a child under the age of ten.

(c) The local welfare agency or the agency responsible for investigating the report may make a determination of no maltreatment early in an investigation, and close the case and retain immunity, if the collected information shows no basis for a full investigation.

Subd. 4. **Child protective services.** For the purposes of this chapter, except for section 260E.37, a determination that child protective services are needed means that the local welfare agency documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 260E.37, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individual or individuals responsible for the child's care have not taken or are not likely to take action to protect the child from maltreatment or risk of maltreatment.

Subd. 5. **Notifications at conclusion of family investigation.** (a) Within ten working days of the conclusion of an investigation, the local welfare agency or agency responsible for investigating the report shall notify the parent or guardian of the child and the person determined to be maltreating the child, if not the parent or guardian of the child, of the determination and a summary of the specific reasons for the determination.

(b) The notice must include a certification that the information collection procedures under section 260E.20 were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section.

(c) In addition, the notice shall include the length of time that the records will be kept under section 260E.35, subdivision 6. The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person determined to have maltreated the child, of their appeal or review rights under this chapter.

(d) The notice must also state that a finding of maltreatment may result in denial of a license or certification application or background study disqualification under chapter 245C related to employment or services that are licensed or certified by the Department of Human Services under chapter 245A or 245H, the Department of Health under chapter 144 or 144A, the Department of Corrections under section 241.021, and from providing services related to an unlicensed personal care provider organization under chapter 256B.

Subd. 6. **Required referral to early intervention services.** A child under age three who is involved in a substantiated case of maltreatment shall be referred for screening under the Individuals with Disabilities Education Act, part C. Parents must be informed that the evaluation and acceptance of services are voluntary. The commissioner of human services shall monitor referral rates by county and annually report the information to the legislature. Refusal to have a child screened is not a basis for a child in need of protection or services petition under chapter 260C.

Subd. 7. **Notification at conclusion of family assessment.** Within ten working days of the conclusion of a family assessment, the local welfare agency shall notify the parent or guardian of the child of the need for services to address child safety concerns or significant risk of subsequent maltreatment. The local welfare agency and the family may also jointly agree that family support and family preservation services are needed.

Sec. 25. **[260E.25] PROVISION OF MEDICAL CARE.**

(a) If lack of medical care due to a parent's, guardian's, or caretaker's good faith selection and dependence upon spiritual means or prayer for treatment or care of disease or remedial care for the child in lieu of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(b) If the review or examination required under section 260E.20, subdivision 4, leads to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by initiating legal proceedings under section 260C.141 and by filing an expedited motion to prevent the withholding of medically indicated treatment.

Sec. 26. **[260E.26] PROVISION OF CHILD PROTECTIVE SERVICES.**

The local welfare agency shall create a written plan, in collaboration with the family whenever possible, within 30 days of the determination that child protective services are needed or upon joint agreement of the local welfare agency and the family that family support and preservation services are needed. Child protective services for a family are voluntary unless ordered by the court.

Sec. 27. **[260E.27] CONSULTATION WITH THE COUNTY ATTORNEY.**

The local welfare agency shall consult with the county attorney to determine the appropriateness of filing a petition alleging the child is in need of protection or services under section 260C.007, subdivision 6, if:

- (1) the family does not accept or comply with a plan for child protective services;
- (2) voluntary child protective services may not provide sufficient protection for the child; or
- (3) the family is not cooperating with an investigation or assessment.

Sec. 28. **[260E.28] CONDUCTING INVESTIGATION IN FACILITY OR SCHOOL.**

Subdivision 1. **Immediate investigation for alleged maltreatment in a facility.** (a) The commissioner of human services, health, or education, whichever is responsible for investigating the report, shall immediately investigate if the report alleges that:

(1) a child who is in the care of a facility as defined in section 260E.03 is the victim of maltreatment in a facility by an individual in that facility or has been the victim of maltreatment in a facility by an individual in that facility within the three years preceding the report; or

(2) a child is the victim of maltreatment in a facility by an individual in a facility defined in section 260E.03, subdivision 6, while in the care of that facility within the three years preceding the report.

(b) The commissioner of the agency responsible for investigating the report shall arrange for the transmittal to the commissioner of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. The commissioner of the agency responsible for investigating the report or local welfare agency may interview any children who are or have been in the care of a facility under investigation and the children's parents, guardians, or legal custodians.

(c) In conducting an investigation under this section, the commissioner has the powers and duties specified for a local welfare agency under this chapter.

**Subd. 2. Preinterview notification for facility investigation.** Before any interview related to maltreatment in a facility under the provisions of section 260E.22, the commissioner of the agency responsible for investigating the report or local welfare agency shall notify the parent, guardian, or legal custodian of a child who will be interviewed in the manner provided for in section 260E.22. If reasonable efforts to reach the parent, guardian, or legal custodian of a child in an out-of-home placement have failed, the child may be interviewed if there is reason to believe the interview is necessary to protect the child or other children in the facility. The commissioner of the agency responsible for assessing or investigating the report or local agency must provide the information required in this subdivision to the parent, guardian, or legal custodian of a child interviewed without parental notification as soon as possible after the interview. When the investigation is completed, any parent, guardian, or legal custodian notified under this subdivision shall receive the written memorandum provided for in section 260E.30, subdivision 5.

**Subd. 3. Facility records.** The commissioner of human services, the ombudsman for mental health and developmental disabilities, the local welfare agencies responsible for investigating reports, the commissioner of education, and the local law enforcement agencies have the right to enter a facility as defined in section 260E.03 and to inspect and copy the facility's records, including medical records, as part of the investigation. Notwithstanding the provisions of chapter 13, the commissioner of human services, the ombudsman for mental health and developmental disabilities, the local welfare agencies responsible for investigating reports, the commissioner of education, and the local law enforcement agencies also have the right to inform the facility under investigation that an investigation is being conducted, to disclose to the facility the names of the individuals under investigation for maltreating a child, and to provide the facility with a copy of the report and the investigative findings.

**Subd. 4. Access to information.** In conducting investigations under this chapter, the commissioner or local welfare agency shall obtain access to information consistent with section 260E.20, subdivision 3. In conducting investigations under this section, the commissioner of education shall obtain access to reports and investigative data that are relevant to a report of maltreatment and are in the possession of a school facility as defined in section 260E.03, subdivision 6, clause (2), notwithstanding the classification of the data as educational or personnel data under chapter 13. This includes but is not limited to school investigative reports, information concerning the conduct of school personnel alleged to have committed maltreatment of students, information about witnesses, and any protective or corrective action taken by the school facility regarding the school personnel alleged to have committed maltreatment.

**Subd. 5. Investigation involving school facility.** In conducting an investigation involving a school facility as defined in section 260E.03, subdivision 6, clause (2), the commissioner of education shall collect available and relevant information and use the procedures in sections 260E.20, subdivisions 2 and 3, and 260E.22, except that the requirement for face-to-face observation of the child and face-to-face interview of the alleged offender is to occur in the initial stages of the investigation provided that the commissioner may also base the investigation on investigative reports and data received from the school facility and local law enforcement agency, to the extent those investigations satisfy the requirements of sections 260E.20, subdivisions 2 and 3, and 260E.22.

## Sec. 29. **[260E.29] NOTIFICATION REQUIREMENTS FOR SCHOOLS AND FACILITIES.**

**Subdivision 1. Notification requirements for school facility.** (a) Notwithstanding section 260E.09, the commissioner of education must inform the parent, guardian, or legal custodian of the child who is the subject of a report of alleged maltreatment in a school facility within ten days of receiving the report, either orally or in writing, whether the commissioner is investigating the report of alleged maltreatment.

(b) Regardless of whether a report is made under section 260E.09, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident occurred that may constitute maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

Subd. 2. **Notification requirements for other types of facilities.** When a report is received that alleges maltreatment of a child while in the care of a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed or certified according to sections 144.50 to 144.58; 241.021; or 245A.01 to 245A.16; or chapter 144H, 245D, or 245H; or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a, the commissioner of the agency responsible for investigating the report or local welfare agency investigating the report shall provide the following information to the parent, guardian, or legal custodian of a child alleged to have been the victim of maltreatment in the facility; the name of the facility; the fact that a report alleging maltreatment in the facility has been received; the nature of the alleged maltreatment in the facility; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.

Subd. 3. **Discretionary notification.** The commissioner of the agency responsible for investigating the report or local welfare agency may also provide the information in subdivision 2 to the parent, guardian, or legal custodian of any other child in the facility if the investigative agency knows or has reason to believe the alleged maltreatment of a child in the facility occurred. In determining whether to exercise this authority, the commissioner of the agency responsible for investigating the report or local welfare agency shall consider the seriousness of the alleged maltreatment of a child in the facility; the number of alleged victims of maltreatment of a child in the facility; the number of alleged offenders; and the length of the investigation. The facility shall be notified whenever this discretion is exercised.

Sec. 30. **[260E.30] CONCLUSION OF SCHOOL OR FACILITY INVESTIGATION.**

Subdivision 1. **Investigation involving a school facility.** If the commissioner of education conducts an investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment occurred, the commissioner shall report to the employer, the school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer that a report was received; the subject of the report; the date of the initial report; the category of maltreatment alleged as defined in section 260E.03, subdivision 12; the fact that maltreatment was not determined; and a summary of the specific reasons for the determination.

Subd. 2. **Investigation involving a facility.** (a) When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible, or whether both the facility and the individual were responsible for the maltreatment using the mitigating factors in subdivision 4. Determinations under this subdivision must be made based on a preponderance of the evidence and are private data on individuals or nonpublic data as maintained by the commissioner of education.

(b) Any operator, employee, or volunteer worker at any facility who intentionally maltreats any child in the care of that facility may be charged with a violation of section 609.255, 609.377, or 609.378. Any operator of a facility who knowingly permits conditions to exist that result in maltreatment of a child in a facility while in the care of that facility may be charged with a violation of section 609.378. The facility operator shall inform all mandated reporters employed by or otherwise associated with the facility of the duties required of mandated reporters and shall inform all mandatory reporters of the prohibition against retaliation for reports made in good faith under this section.

Subd. 3. **Nonmaltreatment mistake.** (a) If paragraph (b) applies, rather than making a determination of substantiated maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

(b) A nonmaltreatment mistake occurs when:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.

(c) This subdivision only applies to child care centers licensed under Minnesota Rules, chapter 9503.

**Subd. 4. Mitigating factors in investigating facilities.** (a) When determining whether the facility or individual is the responsible party, or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(b) The evaluation of the facility's responsibility under paragraph (a), clause (2), must not be based on the completeness of the risk assessment or risk reduction plan required under section 245A.66, but must be based on the facility's compliance with the regulatory standards for policies and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota Rules.

(c) Notwithstanding paragraphs (a) and (b), when maltreatment is determined to have been committed by an individual who is also the facility license holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing or certification actions under sections 245A.06, 245A.07, 245H.06, or 245H.07 apply.

**Subd. 5. Notification when school or facility investigation is completed.** (a) When the commissioner of the agency responsible for investigating the report or local welfare agency has completed its investigation, every parent, guardian, or legal custodian previously notified of the investigation by the commissioner or local welfare agency shall be provided with the following information in a written memorandum: the name of the facility investigated;

the nature of the alleged maltreatment of a child in the facility; the investigator's name; a summary of the investigation findings; a statement of whether maltreatment was found; and the protective or corrective measures that are being or will be taken.

(b) The memorandum shall be written in a manner that protects the identity of the reporter and the child and shall not contain the name or, to the extent possible, reveal the identity of the alleged offender or the identity of individuals interviewed during the investigation.

(c) If maltreatment is determined to exist, the commissioner or local welfare agency shall also provide the written memorandum to the parent, guardian, or legal custodian of each child in the facility who had contact with the individual responsible for the maltreatment.

(d) When the facility is the responsible party for maltreatment, the commissioner or local welfare agency shall also provide the written memorandum to the parent, guardian, or legal custodian of each child who received services in the population of the facility where the maltreatment occurred.

(e) This notification must be provided to the parent, guardian, or legal custodian of each child receiving services from the time the maltreatment occurred until either the individual responsible for maltreatment is no longer in contact with a child or children in the facility or the conclusion of the investigation.

(f) In the case of maltreatment within a school facility, as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E, the commissioner of education need not provide notification to parents, guardians, or legal custodians of each child in the facility, but shall, within ten days after the investigation is completed, provide written notification to the parent, guardian, or legal custodian of any student alleged to have been maltreated.

(g) The commissioner of education may notify the parent, guardian, or legal custodian of any student involved as a witness to alleged maltreatment.

**Subd. 6. Notification to parent, child, or offender following investigation.** (a) Within ten working days of the conclusion of an investigation, the local welfare agency or agency responsible for investigating the report of maltreatment in a facility shall notify the parent or guardian of the child, the person determined to be maltreating the child, and the director of the facility of the determination and a summary of the specific reasons for the determination.

(b) When the investigation involves a child foster care setting that is monitored by a private licensing agency under section 245A.16, the local welfare agency responsible for investigating the report shall notify the private licensing agency of the determination and shall provide a summary of the specific reasons for the determination. The notice to the private licensing agency must include identifying private data, but not the identity of the reporter of maltreatment.

(c) The notice must also include a certification that the information collection procedures under section 260E.20, subdivision 3, were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section.

(d) In addition, the notice shall include the length of time that the records will be kept under section 260E.35, subdivision 6.

(e) The investigating agency shall notify the parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal or review rights under this section.

(f) The notice must also state that a finding of maltreatment may result in denial of a license or certification application or background study disqualification under chapter 245C related to employment or services that are licensed by the Department of Human Services under chapter 245A or 245H, the Department of Health under chapter 144 or 144A, the Department of Corrections under section 241.021, and from providing services related to an unlicensed personal care provider organization under chapter 256B.

Sec. 31. **[260E.31] REPORTING OF PRENATAL EXPOSURE TO CONTROLLED SUBSTANCES.**

Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person mandated to report under this chapter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

(b) A health care professional or a social service professional who is mandated to report under this chapter is exempt from reporting under paragraph (a) a woman's use or consumption of tetrahydrocannabinol or alcoholic beverages during pregnancy if the professional is providing the woman with prenatal care or other health care services.

(c) Any person may make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

(d) An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. Any report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter. The local welfare agency shall accept a report made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the reporter's name or address as long as the report is otherwise sufficient.

(e) For purposes of this section, "prenatal care" means the comprehensive package of medical and psychological support provided throughout the pregnancy.

Subd. 2. **Local welfare agency.** Upon receipt of a report of prenatal exposure to a controlled substance required under subdivision 1, the local welfare agency shall immediately conduct an appropriate assessment and offer services indicated under the circumstances. Services offered may include but are not limited to a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, and a referral for prenatal care. The local welfare agency may also take any appropriate action under chapter 253B, including seeking an emergency admission under section 253B.05. The local welfare agency shall seek an emergency admission under section 253B.05 if the pregnant woman refuses recommended voluntary services or fails recommended treatment.

Subd. 3. **Related provisions.** Reports under this section are governed by sections 260E.05, 260E.06, 260E.34, and 260E.35.

Subd. 4. **Controlled substances.** For purposes of this section and section 260E.32, "controlled substance" means a controlled substance listed in section 253B.02, subdivision 2.

Sec. 32. **[260E.32] TOXICOLOGY TESTS REQUIRED.**

Subdivision 1. **Test; report.** (a) A physician shall administer a toxicology test to a pregnant woman under the physician's care or to a woman under the physician's care within eight hours after delivery to determine whether there is evidence that she has ingested a controlled substance, if the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose.

(b) If the test results are positive, the physician shall report the results under section 260E.31. A negative test result does not eliminate the obligation to report under section 260E.31 if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose.

Subd. 2. **Newborns.** (a) A physician shall administer to each newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance, if the physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose during the pregnancy.

(b) If the test results are positive, the physician shall report the results as neglect under section 260E.03. A negative test result does not eliminate the obligation to report under this chapter if other medical evidence of prenatal exposure to a controlled substance is present.

Subd. 3. **Report to Department of Health.** Physicians shall report to the Department of Health the results of tests performed under subdivisions 1 and 2. A report shall be made on the certificate of live birth medical supplement or the report of fetal death medical supplement filed on or after February 1, 1991. The reports are medical data under section 13.384.

Subd. 4. **Reliability of tests.** A positive test result reported under this section must be obtained from a confirmatory test performed by a drug testing laboratory that meets the requirements of section 181.953 and must be performed according to the requirements for performance of confirmatory tests imposed by the licensing, accreditation, or certification program listed in section 181.953, subdivision 1, in which the laboratory participates.

Sec. 33. **[260E.33] RECONSIDERATION AND APPEAL OF MALTREATMENT DETERMINATION FOLLOWING INVESTIGATION.**

Subdivision 1. **Following family assessment.** Administrative reconsideration is not applicable in a family assessment since no determination concerning maltreatment is made.

Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an individual or facility that the commissioner of human services, a local welfare agency, or the commissioner of education determines has maltreated a child, an interested person acting on behalf of the child, regardless of the determination, who contests the investigating agency's final determination regarding maltreatment, may request the investigating agency to reconsider its final determination regarding maltreatment. The request for reconsideration must be submitted in writing to the investigating agency within 15 calendar days after receipt of notice of the final determination regarding maltreatment or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the parent or guardian of the child. If mailed, the request for reconsideration must be postmarked and sent to the investigating agency within 15 calendar days of the individual's or facility's receipt of the final determination. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 15 calendar days after the individual's or facility's receipt of the final determination.

(b) An individual who was determined to have maltreated a child under this chapter and who was disqualified on the basis of serious or recurring maltreatment under sections 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment

determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment determination and the disqualification must be postmarked and sent to the investigating agency within 30 calendar days of the individual's receipt of the maltreatment determination and notice of disqualification. If the request for reconsideration is made by personal service, it must be received by the investigating agency within 30 calendar days after the individual's receipt of the notice of disqualification.

**Subd. 3. Request for fair hearing.** (a) Except as provided under subdivisions 5 and 6, if the investigating agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045 may submit to the commissioner of human services or the commissioner of education a written request for a hearing under section 256.045. Section 256.045 also governs hearings requested to contest a final determination of the commissioner of education. The investigating agency shall notify persons who request reconsideration of their rights under this paragraph. The hearings specified under this section are the only administrative appeal of a decision issued under subdivision 2. Determinations under this section are not subject to accuracy and completeness challenges under section 13.04.

(b) Except as provided under subdivision 6, if an individual or facility contests the investigating agency's final determination regarding maltreatment by requesting a fair hearing under section 256.045, the commissioner of human services shall ensure that the hearing is conducted and a decision is reached within 90 days of receipt of the request for a hearing. The time for action on the decision may be extended for as many days as the hearing is postponed or the record is held open for the benefit of either party.

**Subd. 4. Change of maltreatment determination.** If, as a result of a reconsideration or fair hearing, the investigating agency changes the determination of maltreatment, that agency shall notify every parent, guardian, or legal custodian previously notified of the investigation, the commissioner of the agency responsible for assessing or investigating the report, the local welfare agency, and, if applicable, the director of the facility and the private licensing agency.

**Subd. 5. Consolidation.** If an individual was disqualified under sections 245C.14 and 245C.15 on the basis of a determination of maltreatment which was serious or recurring, and the individual requested reconsideration of the maltreatment determination under subdivision 2 and requested reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single fair hearing. If reconsideration of the maltreatment determination is denied and the individual remains disqualified following a reconsideration decision, the individual may request a fair hearing under section 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

**Subd. 6. Contested case hearing.** If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 245A.08, subdivision 2a, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing regarding the maltreatment determination and disqualification shall not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination as provided under this subdivision, and reconsideration of a disqualification as provided under section 245C.22, shall also not be conducted when:

(1) a denial of a license under section 245A.05 or a licensing sanction under section 245A.07 is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under subdivision 2 and section 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under subdivision 2 and sections 245C.27 and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

Subd. 7. **Process for correction order or decertification.** If a maltreatment determination is the basis for a correction order under section 245H.06 or decertification under section 245H.07, the certification holder has the right to request reconsideration under sections 245H.06 and 245H.07. If the certification holder appeals the maltreatment determination or disqualification, but does not appeal the correction order or decertification, reconsideration of the maltreatment determination shall be conducted under subdivision 2 and reconsideration of the disqualification shall be conducted under section 245C.22.

Sec. 34. **[260E.34] IMMUNITY.**

(a) The following persons are immune from any civil or criminal liability that otherwise might result from the person's actions, if the person is acting in good faith:

(1) a person making a voluntary or mandated report under this chapter or assisting in an assessment under this chapter;

(2) a person with responsibility for performing duties under this section or supervisor employed by a local welfare agency, the commissioner of an agency responsible for operating or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed or certified under sections 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 245B or 245H; or a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed personal care provider organization as defined in section 256B.0625, subdivision 19a, complying with sections 260E.23, subdivisions 2 and 3, and 260E.30; and

(3) a public or private school, facility as defined in section 260E.03, or the employee of any public or private school or facility who permits access by a local welfare agency, the Department of Education, or a local law enforcement agency and assists in an investigation or assessment pursuant to this chapter.

(b) A person who is a supervisor or person with responsibility for performing duties under this chapter employed by a local welfare agency, the commissioner of human services, or the commissioner of education complying with this chapter or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is (1) acting in good faith and exercising due care, or (2) acting in good faith and following the information collection procedures established under section 260E.20, subdivision 3.

(c) Any physician or other medical personnel administering a toxicology test under section 260E.32 to determine the presence of a controlled substance in a pregnant woman, in a woman within eight hours after delivery, or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test, if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with an established protocol and reasonable medical practice.

(d) This section does not provide immunity to any person for failure to make a required report or for committing maltreatment.

(e) If a person who makes a voluntary or mandatory report under section 260E.06 prevails in a civil action from which the person has been granted immunity under this section, the court may award the person attorney fees and costs.

Sec. 35. **[260E.35] DATA PRACTICES.**

Subdivision 1. **Maintaining data.** Notwithstanding the data's classification in the possession of any other agency, data acquired by the local welfare agency or the agency responsible for assessing or investigating the report during the course of the assessment or investigation are private data on individuals and must be maintained according to this section.

Subd. 2. **Data collected during investigation of maltreatment in school.** (a) Data of the commissioner of education collected or maintained during and for the purpose of an investigation of alleged maltreatment in a school are governed by this chapter, notwithstanding the data's classification as educational, licensing, or personnel data under chapter 13.

(b) In conducting an investigation involving a school facility as defined in section 260E.03, subdivision 6, clause (2), the commissioner of education shall collect investigative reports and data that are relevant to a report of maltreatment from local law enforcement and the school facility.

Subd. 3. **Classification and release of data.** (a) A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by paragraphs (g) to (o).

(b) All reports and records created, collected, or maintained under this chapter by a local welfare agency or law enforcement agency may be disclosed to a local welfare or other child welfare agency of another state when the agency certifies that:

(1) the reports and records are necessary to conduct an investigation of actions that would qualify as maltreatment under this chapter; and

(2) the reports and records will be used only for purposes of a child protection assessment or investigation and will not be further disclosed to any other person or agency.

(c) The local social service agency or law enforcement agency in this state shall keep a record of all records or reports disclosed pursuant to this subdivision and of any agency to which the records or reports are disclosed. If in any case records or reports are disclosed before a determination is made under section 260E.24, subdivision 3, paragraph (a), or a disposition of a criminal proceeding is reached, the local social service agency or law enforcement agency in this state shall forward the determination or disposition to any agency that has received a report or record under this subdivision.

(d) The responsible authority of a local welfare agency or the responsible authority's designee may release private or confidential data on an active case involving assessment or investigation of actions that are defined as maltreatment under this chapter to a court services agency if:

(1) the court services agency has an active case involving a common client who is the subject of the data; and

(2) the data are necessary for the court services agency to effectively process the court services agency's case, including investigating or performing other duties relating to the case required by law.

(e) The data disclosed under paragraph (d) may be used only for purposes of the active court services case described in paragraph (d), clause (1), and may not be further disclosed to any other person or agency, except as authorized by law.

(f) Records maintained under subdivision 4, paragraph (b), may be shared with another local welfare agency that requests the information because it is conducting an assessment or investigation under this section of the subject of the records.

(g) Except as provided in paragraphs (b), (h), (i), (p), and (q); subdivision 1; and sections 260E.22, subdivision 2; and 260E.23, all records concerning individuals maintained by a local welfare agency or agency responsible for assessing or investigating the report under this chapter, including any written reports filed under sections 260E.06 and 260E.09, shall be private data on individuals, except insofar as copies of reports are required by section 260E.12, subdivision 1 or 2, to be sent to the local police department or the county sheriff.

(h) All records concerning determinations of maltreatment by a facility are nonpublic data as maintained by the Department of Education, except insofar as copies of reports are required by section 260E.12, subdivision 1 or 2, to be sent to the local police department or the county sheriff.

(i) Reports maintained by any police department or the county sheriff shall be private data on individuals, except the reports shall be made available to the investigating, petitioning, or prosecuting authority, including a county medical examiner or county coroner.

(j) Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data other than the reports.

(k) The local welfare agency or agency responsible for assessing or investigating the report shall make available to the investigating, petitioning, or prosecuting authority, including a county medical examiner or county coroner or a professional delegate, any records that contain information relating to a specific incident of maltreatment that is under investigation, petition, or prosecution and information relating to any prior incident of maltreatment involving any of the same persons. The records shall be collected and maintained according to chapter 13.

(l) An individual subject of a record shall have access to the record according to those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this section.

(m) Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter before the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure.

(n) Upon request of the legislative auditor, data on individuals maintained under this chapter must be released to the legislative auditor in order for the auditor to fulfill the auditor's duties under section 3.971. The auditor shall maintain the data according to chapter 13.

(o) Active law enforcement investigative data received by a local welfare agency or agency responsible for assessing or investigating the report under this chapter are confidential data on individuals. When this data become inactive in the law enforcement agency, the data are private data on individuals.

(p) Section 13.03, subdivision 4, applies to data received by the commissioner of education from a licensing entity.

**Subd. 4. Data disclosed to reporter.** (a) A local welfare or child protection agency, or the agency responsible for assessing or investigating the report of maltreatment, shall provide relevant private data on individuals obtained under this chapter to a mandated reporter who made the report and who has an ongoing responsibility for the health, education, or welfare of a child affected by the data, unless the agency determines that providing the data would not be in the best interests of the child.

(b) The agency may provide the data to other mandated reporters with ongoing responsibility for the health, education, or welfare of the child. Mandated reporters with ongoing responsibility for the health, education, or welfare of a child affected by the data include the child's teachers or other appropriate school personnel, foster parents, health care providers, respite care workers, therapists, social workers, child care providers, residential care staff, crisis nursery staff, probation officers, and court services personnel. Under this chapter, a mandated reporter need not have made the report to be considered a person with ongoing responsibility for the health, education, or welfare of a child affected by the data. Data provided under this chapter must be limited to data pertinent to the individual's responsibility for caring for the child.

(c) A reporter who receives private data on individuals under this subdivision must treat the data according to that classification, regardless of whether the reporter is an employee of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply if a reporter releases data in violation of this chapter or other law.

**Subd. 5. Data provided to commissioner of education.** The commissioner of education must be provided with all requested data that are relevant to a report of maltreatment and are in possession of a school facility as defined in section 260E.03, subdivision 6, clause (2), when the data are requested pursuant to an assessment or investigation of a maltreatment report of a student in a school. If the commissioner of education makes a determination of maltreatment involving an individual performing work within a school facility who is licensed by a board or other agency, the commissioner shall provide a copy of its offender maltreatment determination report to the licensing entity with all student-identifying information removed. The offender maltreatment determination report shall include but is not limited to the following sections: report of alleged maltreatment; legal standard; investigation; summary of findings; determination; corrective action by a school; reconsideration process; and a listing of records related to the investigation. Notwithstanding section 13.03, subdivision 4, data received by a licensing entity under this paragraph are governed by section 13.41 or other applicable law governing data of the receiving entity, except that this section applies to the classification of and access to data on the reporter of the maltreatment.

**Subd. 6. Data retention.** (a) Notwithstanding sections 138.163 and 138.17, a record maintained or a record derived from a report of maltreatment by a local welfare agency, agency responsible for assessing or investigating the report, court services agency, or school under this chapter shall be destroyed as provided in paragraphs (b) to (e) by the responsible authority.

(b) For a report alleging maltreatment that was not accepted for assessment or investigation, a family assessment case, and a case where an investigation results in no determination of maltreatment or the need for child protective services, the record must be maintained for a period of five years after the date the report was not accepted for

assessment or investigation or the date of the final entry in the case record. A record of a report that was not accepted must contain sufficient information to identify the subjects of the report, the nature of the alleged maltreatment, and the reasons as to why the report was not accepted. Records under this paragraph may not be used for employment, background checks, or purposes other than to assist in future screening decisions and risk and safety assessments.

(c) All records relating to reports that, upon investigation, indicate either maltreatment or a need for child protective services shall be maintained for ten years after the date of the final entry in the case record.

(d) All records regarding a report of maltreatment, including a notification of intent to interview that was received by a school under section 260E.22, subdivision 7, shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision.

(e) Private or confidential data released to a court services agency under subdivision 3, paragraph (d), must be destroyed by the court services agency when ordered to do so by the local welfare agency that released the data. The local welfare agency or agency responsible for assessing or investigating the report shall order destruction of the data when other records relating to the assessment or investigation are destroyed under this subdivision.

**Subd. 7. Disclosure to public.** (a) Notwithstanding any other provision of law and subject to this subdivision, a public agency shall disclose to the public, upon request, the findings and information related to a child fatality or near fatality if:

(1) a person is criminally charged with having caused the child fatality or near fatality;

(2) a county attorney certifies that a person would have been charged with having caused the child fatality or near fatality but for that person's death; or

(3) a child protection investigation resulted in a determination of maltreatment.

(b) Findings and information disclosed under this subdivision consist of a written summary that includes any of the following information the agency is able to provide:

(1) the cause and circumstances regarding the child fatality or near fatality;

(2) the age and gender of the child;

(3) information on any previous reports of maltreatment that are pertinent to the maltreatment that led to the child fatality or near fatality;

(4) information on any previous investigations that are pertinent to the maltreatment that led to the child fatality or near fatality;

(5) the result of any investigations described in clause (4);

(6) actions of and services provided by the local welfare agency on behalf of a child that are pertinent to the maltreatment that led to the child fatality or near fatality; and

(7) the result of any review of the state child mortality review panel, a local child mortality review panel, a local community child protection team, or any public agency.

(c) Nothing in this subdivision authorizes access to the private data in the custody of a local welfare agency, or the disclosure to the public of the records or content of any psychiatric, psychological, or therapeutic evaluation, or the disclosure of information that would reveal the identities of persons who provided information related to maltreatment of the child.

(d) A person whose request is denied may apply to the appropriate court for an order compelling disclosure of all or part of the findings and information of the public agency. The application must set forth, with reasonable particularity, factors supporting the application. The court has jurisdiction to issue these orders. Actions under this chapter must be set down for immediate hearing, and subsequent proceedings in those actions must be given priority by the appellate courts.

(e) A public agency or its employees acting in good faith in disclosing or declining to disclose information under this chapter are immune from criminal or civil liability that might otherwise be incurred or imposed for that action.

Subd. 8. **Disclosure not required.** When interviewing a child under this chapter, an individual does not include the parent or guardian of the child for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged offender.

Sec. 36. **[260E.36] SPECIALIZED TRAINING AND EDUCATION REQUIRED.**

Subdivision 1. **Job classification; continuing education.** (a) The commissioner of human services, for employees subject to the Minnesota Merit System, and directors of county personnel systems, for counties not subject to the Minnesota Merit System, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills, and experience required to satisfactorily perform child protection duties pursuant to this chapter.

(b) All child protection workers or social services staff having responsibility for child protection duties under this chapter shall receive 15 hours of continuing education or in-service training each year relevant to providing child protective services. The local welfare agency shall maintain a record of training completed by each employee having responsibility for performing child protection duties.

Subd. 2. **Child protection worker foundation education.** An individual who seeks employment as a child protection worker after the commissioner of human services has implemented the foundation training program developed under section 260E.37 must complete competency-based foundation training during their first six months of employment as a child protection worker.

Subd. 3. **Background studies.** (a) County employees hired on or after July 1, 2015, who have responsibility for child protection duties or current county employees who are assigned new child protection duties on or after July 1, 2015, are required to undergo a background study. A county may complete these background studies by either:

- (1) use of the Department of Human Services NETStudy 2.0 system according to sections 245C.03 and 245C.10; or
- (2) an alternative process defined by the county.

(b) County social services agencies and local welfare agencies must initiate background studies before an individual begins a position allowing direct contact with persons served by the agency.

Subd. 4. **Joint training.** The commissioners of human services and public safety shall cooperate in the development of a joint program for training child maltreatment services professionals in the appropriate techniques for child maltreatment assessment and investigation. The program shall include but need not be limited to the following areas:

(1) the public policy goals of the state as set forth in section 260C.001 and the role of the assessment or investigation in meeting these goals;

(2) the special duties of child protection workers and law enforcement officers under this chapter;

(3) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services and strengthening family ties;

(4) the appropriate methods for interviewing alleged victims of child maltreatment and other children in the course of performing an assessment or an investigation;

(5) the dynamics of child maltreatment within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation, including training in recognizing cases in which one of the parents is a victim of domestic abuse and in need of special legal or medical services;

(6) the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;

(7) the circumstances under which it is appropriate to remove the alleged offender or the alleged victim from the home;

(8) the protective social services that are available to protect alleged victims from further maltreatment, to prevent child maltreatment and domestic abuse, and to preserve the family unit; and training in the preparation of case plans to coordinate services for the alleged child victim with services for any parents who are victims of domestic abuse;

(9) the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts; and

(10) appropriate methods for interviewing alleged victims and conducting investigations in cases where the alleged victim is developmentally, physically, or mentally disabled.

Subd. 5. **Priority training.** The commissioners of human services and public safety shall provide the program courses described in subdivision 2 at convenient times and locations in the state. The commissioners shall give training priority in the program areas cited in subdivision 2 to persons currently performing assessments and investigations pursuant to this chapter.

Subd. 6. **Revenue.** (a) The commissioner of human services shall add the following funds to the funds appropriated under section 260E.37, subdivision 2, to develop and support training.

(b) The commissioner of human services shall submit claims for federal reimbursement earned through the activities and services supported through Department of Human Services child protection or child welfare training funds. Federal revenue earned must be used to improve and expand training services by the department. The department expenditures eligible for federal reimbursement under this section must not be made from federal funds or funds used to match other federal funds.

(c) Each year, the commissioner of human services shall withhold from funds distributed to each county under Minnesota Rules, parts 9550.0300 to 9550.0370, an amount equivalent to 1.5 percent of each county's annual title XX allocation under section 256M.50. The commissioner must use these funds to ensure decentralization of training.

(d) The federal revenue under this subdivision is available for these purposes until the funds are expended.

Sec. 37. **[260E.37] CHILD PROTECTION WORKERS; TRAINING.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given unless the specific context indicates otherwise.

(b) "Advanced training" means training provided to a local child protection worker after the person has performed an initial six months of employment as a child protection worker.

(c) "Child protection agency" means an agency authorized to receive reports, conduct assessments and investigations, and make determinations pursuant to this chapter.

(d) "Child protection services" means the receipt and assessment of reports of maltreatment and the provision of services to families and children when maltreatment has occurred or when there is risk of maltreatment. These services include:

(1) the assessment of risk to a child alleged to have been maltreated;

(2) interviews of any person alleged to have maltreated a child and the child or children involved in the report, and interviews with persons having facts or knowledge necessary to assess the level of risk to a child and the need for protective intervention;

(3) the gathering of written or evidentiary materials;

(4) the recording of case findings and determinations; and

(5) other actions required by this chapter, administrative rule, or agency policy.

(e) "Competency-based training" means a course of instruction that provides both information and skills practice, which is based upon clearly stated and measurable instructional objectives, and which requires demonstration of the achievement of a particular standard of skills and knowledge for satisfactory completion.

(f) "Foundation training" means training provided to a local child protection worker after the person has begun to perform child protection duties, but before the expiration of six months of employment as a child protection worker. This foundation training must occur during the performance of job duties and must include an evaluation of the employee's application of skills and knowledge.

Subd. 2. **Training program; development.** The commissioner of human services shall develop a program of competency-based foundation and advanced training for child protection workers if funds are appropriated to the commissioner for this purpose.

Sec. 38. **[260E.38] AUDIT.**

Subdivision 1. **Audit required.** The commissioner shall regularly audit for accuracy the data reported by counties on maltreatment of children.

Subd. 2. **Audit procedure.** The commissioner shall develop a plan to perform quality assurance reviews of local welfare agency screening practices and decisions. The commissioner shall provide oversight and guidance to counties to ensure consistent application of screening guidelines, thorough and appropriate screening decisions, and correct documentation and maintenance of reports.

Subd. 3. **Report required.** The commissioner shall produce an annual report of the summary results of the reviews. The report must only contain aggregate data and may not include any data that could be used to personally identify any subject whose data is included in the report. The report is public information and must be provided to the chairs and ranking minority members of the legislative committees having jurisdiction over child protection issues.

Sec. 39. **REPEALER.**

(a) Minnesota Statutes 2018, sections 626.556, subdivisions 1, 3, 3a, 3c, 3d, 3f, 4, 4a, 5, 6, 6a, 7, 7a, 8, 9, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, 10m, 10n, 11a, 11b, 11c, 11d, 12, 14, 15, and 16; 626.5561; 626.5562; 626.558; 626.559, subdivisions 1, 1a, 1b, 2, 3, and 5; 626.5591; and 626.561, are repealed.

(b) Minnesota Statutes 2019 Supplement, section 626.556, subdivisions 2, 3b, 3e, 10, and 11, are repealed.

ARTICLE 2  
CONFORMING CHANGES

Section 1. Minnesota Statutes 2018, section 13.32, subdivision 3, is amended to read:

Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) pursuant to a statute specifically authorizing access to the private data;
- (d) to disclose information in health, including mental health, and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 34, section 99.36;
- (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations, title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;
- (f) to appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted;
- (g) when disclosure is required for institutions that participate in a program under title IV of the Higher Education Act, United States Code, title 20, section 1092;
- (h) to the appropriate school district officials to the extent necessary under subdivision 6, annually to indicate the extent and content of remedial instruction, including the results of assessment testing and academic performance at a postsecondary institution during the previous academic year by a student who graduated from a Minnesota school district within two years before receiving the remedial instruction;
- (i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;

(j) to volunteers who are determined to have a legitimate educational interest in the data and who are conducting activities and events sponsored by or endorsed by the educational agency or institution for students or former students;

(k) to provide student recruiting information, from educational data held by colleges and universities, as required by and subject to Code of Federal Regulations, title 32, section 216;

(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;

(m) with respect to Social Security numbers of students in the adult basic education system, to Minnesota State Colleges and Universities and the Department of Employment and Economic Development for the purpose and in the manner described in section 124D.52, subdivision 7;

(n) to the commissioner of education for purposes of an assessment or investigation of a report of alleged maltreatment of a student as mandated by ~~section 626.556~~ chapter 260E. Upon request by the commissioner of education, data that are relevant to a report of maltreatment and are from charter school and school district investigations of alleged maltreatment of a student must be disclosed to the commissioner, including, but not limited to, the following:

(1) information regarding the student alleged to have been maltreated;

(2) information regarding student and employee witnesses;

(3) information regarding the alleged perpetrator; and

(4) what corrective or protective action was taken, if any, by the school facility in response to a report of maltreatment by an employee or agent of the school or school district;

(o) when the disclosure is of the final results of a disciplinary proceeding on a charge of a crime of violence or nonforcible sex offense to the extent authorized under United States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title 34, sections 99.31 (a)(13) and (14);

(p) when the disclosure is information provided to the institution under United States Code, title 42, section 14071, concerning registered sex offenders to the extent authorized under United States Code, title 20, section 1232g(b)(7); or

(q) when the disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law or of any rule or policy of the institution, governing the use or possession of alcohol or of a controlled substance, to the extent authorized under United States Code, title 20, section 1232g(i), and Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution has an information release form signed by the student authorizing disclosure to a parent. The institution must notify parents and students about the purpose and availability of the information release forms. At a minimum, the institution must distribute the information release forms at parent and student orientation meetings.

Sec. 2. Minnesota Statutes 2018, section 13.3805, subdivision 3, is amended to read:

Subd. 3. **Office of Health Facility Complaints; investigative data.** Except for investigative data under ~~section 626.556~~ chapter 260E, all investigative data maintained by the Department of Health's Office of Health Facility Complaints are subject to provisions of and classified pursuant to section 626.557, subdivision 12b, paragraphs (b) to (d). Notwithstanding sections ~~626.556, subdivision 11,~~ 260E.21, subdivision 4; 260E.35; and 626.557,

subdivision 12b, paragraph (b), data identifying an individual substantiated as the perpetrator are public data. For purposes of this subdivision, an individual is substantiated as the perpetrator if the commissioner of health determines that the individual is the perpetrator and the determination of the commissioner is upheld after the individual either exercises applicable administrative appeal rights or fails to exercise these rights within the time allowed by law.

Sec. 3. Minnesota Statutes 2018, section 13.43, subdivision 14, is amended to read:

Subd. 14. **Maltreatment data.** (a) When a report of alleged maltreatment of a student in a school facility, as defined in section ~~626.556, subdivision 2, paragraph (e)~~ 260E.03, subdivision 6, is made to the commissioner of education under ~~section 626.556 chapter 260E~~, data that are relevant to a report of maltreatment and are collected by the school facility about the person alleged to have committed maltreatment must be provided to the commissioner of education upon request for purposes of an assessment or investigation of the maltreatment report. Data received by the commissioner of education pursuant to these assessments or investigations are classified under ~~section 626.556 chapter 260E~~.

(b) Personnel data may be released for purposes of providing information to a parent, legal guardian, or custodian of a child under section ~~626.556, subdivision 7~~ 260E.15.

Sec. 4. Minnesota Statutes 2019 Supplement, section 13.46, subdivision 3, is amended to read:

Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of services, licensees, and applicants that is collected, maintained, used, or disseminated by the welfare system in an investigation, authorized by statute, and relating to the enforcement of rules or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

(1) pursuant to section 13.05;

(2) pursuant to statute or valid court order;

(3) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense;

(4) to an agent of the welfare system or an investigator acting on behalf of a county, state, or federal government, including a law enforcement officer or attorney in the investigation or prosecution of a criminal, civil, or administrative proceeding, unless the commissioner of human services determines that disclosure may compromise a Department of Human Services ongoing investigation; or

(5) to provide notices required or permitted by statute.

The data referred to in this subdivision shall be classified as public data upon submission to an administrative law judge or court in an administrative or judicial proceeding. Inactive welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

(b) Notwithstanding any other provision in law, the commissioner of human services shall provide all active and inactive investigative data, including the name of the reporter of alleged maltreatment under section ~~626.556 or 626.557~~ or chapter 260E, to the ombudsman for mental health and developmental disabilities upon the request of the ombudsman.

(c) Notwithstanding paragraph (a) and section 13.39, the existence of an investigation by the commissioner of human services of possible overpayments of public funds to a service provider or recipient may be disclosed if the commissioner determines that it will not compromise the investigation.

Sec. 5. Minnesota Statutes 2019 Supplement, section 13.46, subdivision 4, is amended to read:

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

(1) "licensing data" are all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" are Social Security numbers, identity of and letters of reference, insurance information, reports from the Bureau of Criminal Apprehension, health examination reports, and social/home studies.

(b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license holders, and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician.

(ii) Except as provided in item (v), when a correction order, an order to forfeit a fine, an order of license suspension, an order of temporary immediate suspension, an order of license revocation, an order of license denial, or an order of conditional license has been issued, or a complaint is resolved, the following data on current and former licensees and applicants are public: the general nature of the complaint or allegations leading to the temporary immediate suspension; the substance and investigative findings of the licensing or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence of settlement negotiations; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, temporary immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; whether a fine has been paid; and the status of any appeal of these actions.

(iii) When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that a license holder, applicant, or controlling individual is responsible for maltreatment under section ~~626.556 or 626.557~~ or chapter 260E, the identity of the applicant, license holder, or controlling individual as the individual responsible for maltreatment is public data at the time of the issuance of the license denial or sanction.

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

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

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

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

(4) When maltreatment is substantiated under section ~~626.556~~ or 626.557 or chapter 260E and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

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

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

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters of complaints or alleged violations of licensing standards under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment under ~~sections 626.556 and section 626.557 and chapter 260E~~, are confidential data and may be disclosed only as provided in ~~section 626.556, subdivision 11, section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.~~

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

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

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section ~~626.556, subdivision 2~~ 260E.03, or 626.5572, subdivision 18, are subject to the destruction provisions of sections ~~626.556, subdivision 11~~ 260E.35, subdivision 6, and 626.557, subdivision 12b.

(h) Upon request, not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report of substantiated maltreatment as defined in section ~~626.556~~ or 626.557 or chapter 260E may be exchanged with the Department of Health for purposes of completing background studies pursuant to section 144.057 and with the Department of Corrections for purposes of completing background studies pursuant to section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, data on individuals collected by the commissioner of human services according to investigations under section 626.557 and chapters 245A, 245B, 245C, and 245D, and ~~sections 626.556 and 626.557~~ 260E may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the ombudsman for mental health and developmental disabilities, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated or the information may otherwise be relevant to the board's regulatory jurisdiction. Background study data on an individual who is the subject of a background study under chapter 245C for a licensed service for which the commissioner of human services is the license holder may be shared with the commissioner and the commissioner's delegate by the licensing division. Unless otherwise specified in this chapter, the identity of a reporter of alleged maltreatment or licensing violations may not be disclosed.

(j) In addition to the notice of determinations required under ~~section 626.556, subdivision 10,~~ sections 260E.24, subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section ~~626.556, subdivision 2~~ 260E.03, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

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

Sec. 6. Minnesota Statutes 2018, section 13.82, subdivision 8, is amended to read:

Subd. 8. **Child abuse identity data.** Active or inactive investigative data that identify a victim of child abuse or neglect reported under ~~section 626.556~~ chapter 260E are private data on individuals. Active or inactive investigative data that identify a reporter of child abuse or neglect under ~~section 626.556~~ chapter 260E are confidential data on individuals, unless the subject of the report compels disclosure under ~~section 626.556, subdivision 11~~ sections 260E.21, subdivision 4, or 260E.35.

Sec. 7. Minnesota Statutes 2018, section 13.82, subdivision 9, is amended to read:

Subd. 9. **Inactive child abuse data.** Investigative data that become inactive under subdivision 7, clause (a) or (b), and that relate to the alleged abuse or neglect of a child by a person responsible for the child's care, as defined in section ~~626.556, subdivision 2~~ 260E.03, are private data.

Sec. 8. Minnesota Statutes 2018, section 13.82, subdivision 17, is amended to read:

Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or sex trafficking under section 609.322, 609.341 to 609.3451, or 617.246, subdivision 2;

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or

(h) when access to the data would reveal the identity of a mandated reporter under section 60A.952, subdivision 2, 609.456, ~~626.556~~, or 626.557 or chapter 260E.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

Sec. 9. Minnesota Statutes 2018, section 13.821, is amended to read:

**13.821 VIDEOTAPES OF CHILD ABUSE VICTIMS.**

(a) Notwithstanding section 13.04, subdivision 3, an individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or 611A.90. The definitions of physical abuse and sexual abuse in section ~~626.556, subdivision 2~~ 260E.03, apply to this section, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

(b) This section does not limit other rights of access to data by an individual under section 13.04, subdivision 3, other than the right to obtain a copy of the videotape, nor prohibit rights of access pursuant to discovery in a court proceeding.

Sec. 10. Minnesota Statutes 2018, section 13.84, subdivision 9, is amended to read:

Subd. 9. **Child abuse data; release to child protective services.** A court services agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect under ~~section 626.556~~ chapter 260E to a local welfare agency if:

(1) the local welfare agency has an active case involving a common client or clients who are the subject of the data; and

(2) the data are necessary for the local welfare agency to effectively process the agency's case, including investigating or performing other duties relating to the case required by law.

Court services data disclosed under this subdivision may be used only for purposes of the active case described in clause (1) and may not be further disclosed to any other person or agency, except as authorized by law.

Sec. 11. Minnesota Statutes 2018, section 13.871, subdivision 6, is amended to read:

Subd. 6. **Training; investigation; apprehension; reports.** (a) **Reports of gunshot wounds.** Disclosure of the name of a person making a report under section ~~626.52, subdivision 2,~~ 260E.03 is governed by section 626.53.

(b) **Child abuse report records.** Data contained in child abuse report records are classified under ~~section 626.556~~ chapter 260E.

(c) **Interstate data exchange.** Disclosure of child abuse reports to agencies of another state is classified under section ~~626.556, subdivision 10g~~ 260E.35, subdivision 3, paragraphs (b) and (c).

(d) **Release to family court services.** Release of child abuse data to a court services agency is authorized under section ~~626.556, subdivision 10h~~ 260E.35, subdivision 3, paragraphs (d) and (e).

(e) **Release of data to mandated reporters.** Release of child abuse data to mandated reporters who have an ongoing responsibility for the health, education, or welfare of a child affected by the data is authorized under section ~~626.556, subdivision 10j~~ 260E.35, subdivision 4.

(f) **Release of child abuse assessment or investigative records to other counties.** Release of child abuse investigative records to local welfare agencies is authorized under section ~~626.556, subdivision 10k~~ 260E.35, subdivision 3, paragraph (f).

(g) **Classifying and sharing records and reports of child abuse.** The classification of child abuse data and the sharing of records and reports of child abuse by and between local welfare agencies and law enforcement agencies are governed under ~~section 626.556, subdivision 11~~ sections 260E.21, subdivision 4, and 260E.35.

(h) **Disclosure of information not required in certain cases.** Disclosure of certain data obtained from interviewing a minor is governed by section ~~626.556, subdivision 11a~~ 260E.35, subdivision 8.

(i) **Data received from law enforcement.** Classifying child abuse data received by certain agencies from law enforcement agencies is governed under section ~~626.556, subdivision 11b~~ 260E.35, subdivision 3, paragraph (p).

(j) **Disclosure in child fatality cases.** Disclosure of information relating to a child fatality is governed under section ~~626.556, subdivision 11d~~ 260E.35, subdivision 7.

(k) **Reports of prenatal exposure to controlled substances.** Data on persons making reports under section ~~626.556~~ 260E.31 are classified under section ~~626.5561, subdivision 3~~ 260E.35, subdivision 3.

(l) **Vulnerable adult report records.** Data contained in vulnerable adult report records are classified under section 626.557, subdivision 12b.

(m) **Adult protection team information sharing.** Sharing of local welfare agency vulnerable adult data with a protection team is governed by section 626.5571, subdivision 3.

(n) **Child protection team.** Data acquired by a case consultation committee or subcommittee of a child protection team are classified by section ~~626.558, subdivision 3~~ 260E.02, subdivision 4.

(o) **Peace officer discipline procedures.** Access by an officer under investigation to the investigating agency's investigative report on the officer is governed by section 626.89, subdivision 6.

(p) **Racial profiling study data.** Racial profiling study data is governed by Minnesota Statutes 2006, section 626.951.

Sec. 12. Minnesota Statutes 2018, section 13.88, is amended to read:

#### **13.88 COMMUNITY DISPUTE RESOLUTION CENTER DATA.**

The guidelines shall provide that all files relating to a case in a community dispute resolution program are to be classified as private data on individuals, pursuant to section 13.02, subdivision 12, with the following exceptions:

(1) When a party to the case has been formally charged with a criminal offense, the data are to be classified as public data on individuals, pursuant to section 13.02, subdivision 15.

(2) Data relating to suspected neglect or physical or sexual abuse of children or maltreatment of vulnerable adults are to be subject to the reporting requirements of ~~sections 626.556 and section 626.557~~ and chapter 260E.

Sec. 13. Minnesota Statutes 2018, section 120B.22, subdivision 2, is amended to read:

Subd. 2. **In-service training.** Each district is encouraged to provide training for district staff and school board members on the following:

(1) helping students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways;

(2) responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and

(3) complying with mandatory reporting requirements under ~~section 626.556~~ chapter 260E.

The in-service training must be ongoing and involve experts familiar with sexual abuse, domestic violence, and personal safety issues.

Sec. 14. Minnesota Statutes 2019 Supplement, section 122A.20, subdivision 2, is amended to read:

Subd. 2. **Mandatory reporting.** (a) A school board, superintendent, charter school board, charter school executive director, or charter school authorizer must report to the Professional Educator Licensing and Standards Board, the Board of School Administrators, or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has jurisdiction over the teacher's or administrator's license, when its teacher or administrator is discharged or resigns from employment after a charge is filed with the school board under section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5), or chapter 260E; or 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7; or 626.556, or when a teacher or administrator is suspended without an investigation under section 122A.41, subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7; ~~or 626.556~~, or chapter 260E. The report must be made to the appropriate licensing board within ten days after the discharge, suspension, or resignation has occurred. The licensing board to which the report is made must investigate the report for violation of subdivision 1 and the reporting board, administrator, or authorizer must cooperate in the investigation. Notwithstanding any provision in chapter 13 or any law to the contrary, upon written request from the licensing board having jurisdiction over the license, a board, charter school, authorizer, charter school executive director, or school superintendent shall provide the licensing board with information about the teacher or administrator from the district's files, any termination or disciplinary proceeding, any settlement or compromise, or any investigative file. Upon written request from the appropriate licensing board, a board or school superintendent may, at the discretion of the board or school superintendent, solicit the written consent of a student and the student's parent to provide the licensing board with information that may aid the licensing board in its investigation and license proceedings. The licensing board's request need not identify a student or parent by name. The consent of the student and the student's parent must meet the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99.30. The licensing board may provide a consent form to the district. Any data transmitted to any board under this section is private data under section 13.02, subdivision 12, notwithstanding any other classification of the data when it was in the possession of any other agency.

(b) The licensing board to which a report is made must transmit to the Attorney General's Office any record or data it receives under this subdivision for the sole purpose of having the Attorney General's Office assist that board in its investigation. When the Attorney General's Office has informed an employee of the appropriate licensing board in writing that grounds exist to suspend or revoke a teacher's license to teach, that licensing board must consider suspending or revoking or decline to suspend or revoke the teacher's or administrator's license within 45 days of receiving a stipulation executed by the teacher or administrator under investigation or a recommendation from an administrative law judge that disciplinary action be taken.

(c) The Professional Educator Licensing and Standards Board and Board of School Administrators must report to the appropriate law enforcement authorities a revocation, suspension, or agreement involving a loss of license, relating to a teacher or administrator's inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement authority" means a police department, county sheriff, or tribal police department. A report by the Professional Educator Licensing and Standards Board to appropriate law enforcement authorities does not diminish, modify, or otherwise affect the responsibilities of a school board or any person mandated to report abuse under ~~section 626.556~~ chapter 260E.

Sec. 15. Minnesota Statutes 2019 Supplement, section 122A.40, subdivision 13, is amended to read:

Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

(1) immoral conduct, insubordination, or conviction of a felony;

(2) conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;

(3) failure without justifiable cause to teach without first securing the written release of the school board;

(4) gross inefficiency which the teacher has failed to correct after reasonable written notice;

(5) willful neglect of duty; or

(6) continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 12.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

Prior to discharging a teacher under this paragraph, the board must notify the teacher in writing and state its ground for the proposed discharge in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. The board may suspend a teacher with pay pending the conclusion of the hearing and determination of the issues raised in the hearing after charges have been filed which constitute ground for discharge. If a teacher has been charged with a felony and the underlying conduct that is the subject of the felony charge is a ground for a proposed immediate discharge, the suspension pending the conclusion of the hearing and determination of the issues may be without pay. If a hearing under this paragraph is held, the board must reimburse the teacher for any salary or compensation withheld if the final decision of the board or the arbitrator does not result in a penalty to or suspension, termination, or discharge of the teacher.

(b) A board must discharge a continuing-contract teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse, as defined in section 609.185; sex trafficking in the first degree under section 609.322, subdivision 1; sex trafficking in the second degree under section 609.322, subdivision 1a; engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1; sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3; solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352; interference with privacy under section 609.746 or harassment or stalking under section 609.749 and the victim was a minor; using minors in a sexual performance under section 617.246; possessing pornographic works involving a minor under section 617.247; or any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States.

(c) When a teacher is discharged under paragraph (b) or when the commissioner makes a final determination of child maltreatment involving a teacher under section ~~626.556, subdivision 11~~, 260E.21, subdivision 4, or 260E.35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under section 13.41, subdivision 5, and must provide the Professional Educator Licensing and Standards Board and the licensing division at the department with the necessary and relevant information to enable the Professional Educator Licensing and Standards Board and the department's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. Information received by the Professional Educator Licensing and Standards Board or the licensing division at the department under this paragraph is governed by section 13.41 or other applicable law governing data of the receiving entity. In addition to the background check required under section 123B.03, a school board or other school hiring authority must contact the Professional Educator Licensing and Standards Board and the department to determine whether the teacher's license has been suspended or revoked,

consistent with the discharge and final maltreatment determinations identified in this paragraph. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

Sec. 16. Minnesota Statutes 2019 Supplement, section 122A.41, subdivision 6, is amended to read:

Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

- (1) immoral character, conduct unbecoming a teacher, or insubordination;
- (2) failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;
- (3) inefficiency in teaching or in the management of a school, consistent with subdivision 5, paragraph (b);
- (4) affliction with a communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; or
- (5) discontinuance of position or lack of pupils.

For purposes of this paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363A.13.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse, as defined in section 609.185; sex trafficking in the first degree under section 609.322, subdivision 1; sex trafficking in the second degree under section 609.322, subdivision 1a; engaging in hiring or agreeing to hire a minor to engage in prostitution under section 609.324, subdivision 1; sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3; solicitation of children to engage in sexual conduct or communication of sexually explicit materials to children under section 609.352; interference with privacy under section 609.746 or harassment or stalking under section 609.749 and the victim was a minor; using minors in a sexual performance under section 617.246; possessing pornographic works involving a minor under section 617.247; or any other offense not listed in this paragraph that requires the person to register as a predatory offender under section 243.166, or a crime under a similar law of another state or the United States.

(c) When a teacher is discharged under paragraph (b) or when the commissioner makes a final determination of child maltreatment involving a teacher under section ~~626.556, subdivision 11~~, 260E.21, subdivision 4, or 260E.35, the school principal or other person having administrative control of the school must include in the teacher's employment record the information contained in the record of the disciplinary action or the final maltreatment determination, consistent with the definition of public data under section 13.41, subdivision 5, and must provide the Professional Educator Licensing and Standards Board and the licensing division at the department with the necessary and relevant information to enable the Professional Educator Licensing and Standards Board and the department's licensing division to fulfill their statutory and administrative duties related to issuing, renewing, suspending, or revoking a teacher's license. Information received by the Professional Educator Licensing and Standards Board or the licensing division at the department under this paragraph is governed by section 13.41 or other applicable law governing data of the receiving entity. In addition to the background check required under section 123B.03, a school board or other school hiring authority must contact the Professional Educator Licensing

and Standards Board and the department to determine whether the teacher's license has been suspended or revoked, consistent with the discharge and final maltreatment determinations identified in this paragraph. Unless restricted by federal or state data practices law or by the terms of a collective bargaining agreement, the responsible authority for a school district must disseminate to another school district private personnel data on a current or former teacher employee or contractor of the district, including the results of background investigations, if the requesting school district seeks the information because the subject of the data has applied for employment with the requesting school district.

Sec. 17. Minnesota Statutes 2018, section 125A.0942, subdivision 4, is amended to read:

Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

- (1) engaging in conduct prohibited under section 121A.58;
- (2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- (3) totally or partially restricting a child's senses as punishment;
- (4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- (5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
- (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under ~~section 626.556~~ chapter 260E;
- (7) withholding regularly scheduled meals or water;
- (8) denying access to bathroom facilities;
- (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and
- (10) prone restraint.

Sec. 18. Minnesota Statutes 2018, section 135A.15, subdivision 10, is amended to read:

Subd. 10. **Applicability of other laws.** This section does not exempt mandatory reporters from the requirements of section ~~626.556~~ or 626.557 or chapter 260E governing the reporting of maltreatment of minors or vulnerable adults. Nothing in this section limits the authority of an institution to comply with other applicable state or federal laws related to investigations or reports of sexual harassment, sexual violence, or sexual assault.

Sec. 19. Minnesota Statutes 2018, section 144.225, subdivision 2b, is amended to read:

Subd. 2b. **Commissioner of health; duties.** Notwithstanding the designation of certain of this data as confidential under subdivision 2 or private under subdivision 2a, the commissioner shall give the commissioner of human services access to birth record data and data contained in recognitions of parentage prepared according to

section 257.75 necessary to enable the commissioner of human services to identify a child who is subject to threatened injury, as defined in section ~~626.556, subdivision 2, paragraph (p)~~ 260E.03, subdivision 23, by a person responsible for the child's care, as defined in section ~~626.556, subdivision 2, paragraph (j), clause (1)~~ 260E.03, subdivision 17. The commissioner shall be given access to all data included on official birth records.

Sec. 20. Minnesota Statutes 2018, section 144.343, subdivision 4, is amended to read:

Subd. 4. **Limitations.** No notice shall be required under this section if:

(1) the attending physician certifies in the pregnant woman's medical record that the abortion is necessary to prevent the woman's death and there is insufficient time to provide the required notice; or

(2) the abortion is authorized in writing by the person or persons who are entitled to notice; or

(3) the pregnant minor woman declares that she is a victim of sexual abuse, neglect, or physical abuse as defined in section ~~626.556~~ chapter 260E. Notice of that declaration shall be made to the proper authorities as provided in section ~~626.556, subdivision 3~~ 260E.06.

Sec. 21. Minnesota Statutes 2018, section 144.7065, subdivision 10, is amended to read:

Subd. 10. **Relation to other law; data classification.** (a) Adverse health events described in subdivisions 2 to 6 do not constitute "maltreatment," "neglect," or "a physical injury that is not reasonably explained" under section ~~626.556 or 626.557~~ or chapter 260E and are excluded from the reporting requirements of ~~sections 626.556 and section 626.557~~ and chapter 260E, provided the facility makes a determination within 24 hours of the discovery of the event that this section is applicable and the facility files the reports required under this section in a timely fashion.

(b) A facility that has determined that an event described in subdivisions 2 to 6 has occurred must inform persons who are mandated reporters under section ~~626.556, subdivision 3, 260E.06~~ or 626.5572, subdivision 16, of that determination. A mandated reporter otherwise required to report under section ~~626.556, subdivision 3, 260E.06~~ or 626.557, subdivision 3, paragraph (e), is relieved of the duty to report an event that the facility determines under paragraph (a) to be reportable under subdivisions 2 to 6.

(c) The protections and immunities applicable to voluntary reports under ~~sections 626.556 and section 626.557~~ and chapter 260E are not affected by this section.

(d) Notwithstanding section ~~626.556, 626.557, chapter 260E~~, or any other provision of Minnesota statute or rule to the contrary, a lead agency under section ~~626.556, subdivision 3e~~ 260E.14, subdivision 1, paragraphs (a), (b), and (c), a lead investigative agency under section 626.5572, subdivision 13, the commissioner of health, or the director of the Office of Health Facility Complaints is not required to conduct an investigation of or obtain or create investigative data or reports regarding an event described in subdivisions 2 to 6. If the facility satisfies the requirements described in paragraph (a), the review or investigation shall be conducted and data or reports shall be obtained or created only under sections 144.706 to 144.7069, except as permitted or required under sections 144.50 to 144.564, or as necessary to carry out the state's certification responsibility under the provisions of sections 1864 and 1867 of the Social Security Act. If a licensed health care provider reports an event to the facility required to be reported under subdivisions 2 to 6 in a timely manner, the provider's licensing board is not required to conduct an investigation of or obtain or create investigative data or reports regarding the individual reporting of the events described in subdivisions 2 to 6.

(e) Data contained in the following records are nonpublic and, to the extent they contain data on individuals, confidential data on individuals, as defined in section 13.02:

- (1) reports provided to the commissioner under sections 147.155, 147A.155, 148.267, 151.301, and 153.255;
- (2) event reports, findings of root cause analyses, and corrective action plans filed by a facility under this section; and
- (3) records created or obtained by the commissioner in reviewing or investigating the reports, findings, and plans described in clause (2).

For purposes of the nonpublic data classification contained in this paragraph, the reporting facility shall be deemed the subject of the data.

Sec. 22. Minnesota Statutes 2018, section 144.7068, is amended to read:

**144.7068 REPORTS FROM LICENSING BOARDS.**

(a) Effective upon full implementation of the adverse health care events reporting system, the records maintained under sections 147.155, 147A.155, 148.267, 151.301, and 153.255, shall be reported to the commissioner on the schedule established in those sections.

(b) The commissioner shall forward these reports to the facility named in the report.

(c) The facility shall determine whether the event has been previously reported under section 144.7065. The facility shall notify the commissioner whether the event has been reported previously. If the event has not been previously reported, the facility shall make a determination whether the event was reportable under section 144.7065. If the facility determines the event was reportable, the date of discovery of the event for the purposes of section 144.7065, subdivision 10, paragraph (d), shall be as follows:

(1) if the commissioner determines that the facility knew or reasonably should have known about the occurrence of the event, the date the event occurred shall be the date of discovery. The facility shall be considered out of compliance with the reporting act, and the event shall be subject to ~~sections 626.556 and section 626.557 and chapter 260E~~; or

(2) if the commissioner determines that the facility did not know about the occurrence of the event, the date the facility receives the report from the commissioner shall serve as the date of discovery.

If the facility determines that the event was not reportable under section 144.7065, the facility shall notify the commissioner of that determination.

Sec. 23. Minnesota Statutes 2018, section 144A.472, subdivision 1, is amended to read:

Subdivision 1. **License applications.** Each application for a home care provider license must include information sufficient to show that the applicant meets the requirements of licensure, including:

- (1) the applicant's name, e-mail address, physical address, and mailing address, including the name of the county in which the applicant resides and has a principal place of business;
- (2) the initial license fee in the amount specified in subdivision 7;
- (3) the e-mail address, physical address, mailing address, and telephone number of the principal administrative office;

- (4) the e-mail address, physical address, mailing address, and telephone number of each branch office, if any;
- (5) the names, e-mail and mailing addresses, and telephone numbers of all owners and managerial officials;
- (6) documentation of compliance with the background study requirements of section 144A.476 for all persons involved in the management, operation, or control of the home care provider;
- (7) documentation of a background study as required by section 144.057 for any individual seeking employment, paid or volunteer, with the home care provider;
- (8) evidence of workers' compensation coverage as required by sections 176.181 and 176.182;
- (9) documentation of liability coverage, if the provider has it;
- (10) identification of the license level the provider is seeking;
- (11) documentation that identifies the managerial official who is in charge of day-to-day operations and attestation that the person has reviewed and understands the home care provider regulations;
- (12) documentation that the applicant has designated one or more owners, managerial officials, or employees as an agent or agents, which shall not affect the legal responsibility of any other owner or managerial official under this chapter;
- (13) the signature of the officer or managing agent on behalf of an entity, corporation, association, or unit of government;
- (14) verification that the applicant has the following policies and procedures in place so that if a license is issued, the applicant will implement the policies and procedures and keep them current:
  - (i) requirements in ~~sections 626.556~~ chapter 260E, reporting of maltreatment of minors, and section 626.557, reporting of maltreatment of vulnerable adults;
  - (ii) conducting and handling background studies on employees;
  - (iii) orientation, training, and competency evaluations of home care staff, and a process for evaluating staff performance;
  - (iv) handling complaints from clients, family members, or client representatives regarding staff or services provided by staff;
  - (v) conducting initial evaluation of clients' needs and the providers' ability to provide those services;
  - (vi) conducting initial and ongoing client evaluations and assessments and how changes in a client's condition are identified, managed, and communicated to staff and other health care providers as appropriate;
  - (vii) orientation to and implementation of the home care client bill of rights;
  - (viii) infection control practices;

(ix) reminders for medications, treatments, or exercises, if provided; and

(x) conducting appropriate screenings, or documentation of prior screenings, to show that staff are free of tuberculosis, consistent with current United States Centers for Disease Control and Prevention standards; and

(15) other information required by the department.

Sec. 24. Minnesota Statutes 2018, section 144A.479, subdivision 6, is amended to read:

Subd. 6. **Reporting maltreatment of vulnerable adults and minors.** (a) All home care providers must comply with requirements for the reporting of maltreatment of minors in ~~section 626.556~~ chapter 260E and the requirements for the reporting of maltreatment of vulnerable adults in section 626.557. Each home care provider must establish and implement a written procedure to ensure that all cases of suspected maltreatment are reported.

(b) Each home care provider must develop and implement an individual abuse prevention plan for each vulnerable minor or adult for whom home care services are provided by a home care provider. The plan shall contain an individualized review or assessment of the person's susceptibility to abuse by another individual, including other vulnerable adults or minors; the person's risk of abusing other vulnerable adults or minors; and statements of the specific measures to be taken to minimize the risk of abuse to that person and other vulnerable adults or minors. For purposes of the abuse prevention plan, the term abuse includes self-abuse.

Sec. 25. Minnesota Statutes 2019 Supplement, section 144A.4796, subdivision 2, is amended to read:

Subd. 2. **Content.** (a) The orientation must contain the following topics:

(1) an overview of sections 144A.43 to 144A.4798;

(2) introduction and review of all the provider's policies and procedures related to the provision of home care services by the individual staff person;

(3) handling of emergencies and use of emergency services;

(4) compliance with and reporting of the maltreatment of minors or vulnerable adults under ~~sections 626.556 and section 626.557~~ and chapter 260E;

(5) home care bill of rights under section 144A.44;

(6) handling of clients' complaints, reporting of complaints, and where to report complaints including information on the Office of Health Facility Complaints and the Common Entry Point;

(7) consumer advocacy services of the Office of Ombudsman for Long-Term Care, Office of Ombudsman for Mental Health and Developmental Disabilities, Managed Care Ombudsman at the Department of Human Services, county managed care advocates, or other relevant advocacy services; and

(8) review of the types of home care services the employee will be providing and the provider's scope of licensure.

(b) In addition to the topics listed in paragraph (a), orientation may also contain training on providing services to clients with hearing loss. Any training on hearing loss provided under this subdivision must be high quality and research-based, may include online training, and must include training on one or more of the following topics:

(1) an explanation of age-related hearing loss and how it manifests itself, its prevalence, and challenges it poses to communication;

(2) health impacts related to untreated age-related hearing loss, such as increased incidence of dementia, falls, hospitalizations, isolation, and depression; or

(3) information about strategies and technology that may enhance communication and involvement, including communication strategies, assistive listening devices, hearing aids, visual and tactile alerting devices, communication access in real time, and closed captions.

Sec. 26. Minnesota Statutes 2018, section 144A.4796, subdivision 6, is amended to read:

Subd. 6. **Required annual training.** (a) All staff that perform direct home care services must complete at least eight hours of annual training for each 12 months of employment. The training may be obtained from the home care provider or another source and must include topics relevant to the provision of home care services. The annual training must include:

(1) training on reporting of maltreatment of minors under ~~section 626.556~~ chapter 260E and maltreatment of vulnerable adults under section 626.557, whichever is applicable to the services provided;

(2) review of the home care bill of rights in section 144A.44;

(3) review of infection control techniques used in the home and implementation of infection control standards including a review of hand-washing techniques; the need for and use of protective gloves, gowns, and masks; appropriate disposal of contaminated materials and equipment, such as dressings, needles, syringes, and razor blades; disinfecting reusable equipment; disinfecting environmental surfaces; and reporting of communicable diseases; and

(4) review of the provider's policies and procedures relating to the provision of home care services and how to implement those policies and procedures.

(b) In addition to the topics listed in paragraph (a), annual training may also contain training on providing services to clients with hearing loss. Any training on hearing loss provided under this subdivision must be high quality and research-based, may include online training, and must include training on one or more of the following topics:

(1) an explanation of age-related hearing loss and how it manifests itself, its prevalence, and challenges it poses to communication;

(2) health impacts related to untreated age-related hearing loss, such as increased incidence of dementia, falls, hospitalizations, isolation, and depression; or

(3) information about strategies and technology that may enhance communication and involvement, including communication strategies, assistive listening devices, hearing aids, visual and tactile alerting devices, communication access in real time, and closed captions.

Sec. 27. Minnesota Statutes 2018, section 144H.16, subdivision 1, is amended to read:

Subdivision 1. **Reporting of maltreatment of minors.** A PPEC center must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements of ~~section 626.556~~ chapter 260E. The policies and procedures must include the telephone numbers of the local county child protection agency for reporting suspected maltreatment. The policies and procedures specified in this subdivision must be provided to the parents or guardians of all children at the time of admission to the PPEC center and must be available upon request.

Sec. 28. Minnesota Statutes 2018, section 144H.18, subdivision 3, is amended to read:

Subd. 3. **Fines for violations of other statutes.** The commissioner shall impose a fine of \$250 on a PPEC center, employee, or contractor for each violation by that PPEC center, employee, or contractor of section 144H.16, subdivision 2, ~~or 626.556 or chapter 260E.~~

Sec. 29. Minnesota Statutes 2018, section 145.902, subdivision 3, is amended to read:

Subd. 3. **Immunity.** (a) A safe place with responsibility for performing duties under this section, and any employee, doctor, ambulance personnel, or other medical professional working at the safe place, are immune from any criminal liability that otherwise might result from their actions, if they are acting in good faith in receiving a newborn, and are immune from any civil liability that otherwise might result from merely receiving a newborn.

(b) A safe place performing duties under this section, or an employee, doctor, ambulance personnel, or other medical professional working at the safe place who is a mandated reporter under ~~section 626.556~~ chapter 260E, is immune from any criminal or civil liability that otherwise might result from the failure to make a report under that section if the person is acting in good faith in complying with this section.

Sec. 30. Minnesota Statutes 2018, section 145.952, subdivision 2, is amended to read:

Subd. 2. **Abuse.** "Abuse" means physical abuse, sexual abuse, neglect, mental injury, and threatened injury, as those terms are defined in ~~section 626.556, subdivision 2~~ chapter 260E.

Sec. 31. Minnesota Statutes 2018, section 146A.025, is amended to read:

#### **146A.025 MALTREATMENT OF MINORS.**

Nothing in this chapter shall restrict the ability of a local welfare agency, local law enforcement agency, the commissioner of human services, or the state to take action regarding the maltreatment of minors under section 609.378 ~~or 626.556 or chapter 260E.~~ A parent who obtains complementary and alternative health care for the parent's minor child is not relieved of the duty to seek necessary medical care consistent with the requirements of ~~sections~~ section 609.378 and 626.556 and chapter 260E. A complementary or alternative health care practitioner who is providing services to a child who is not receiving necessary medical care must make a report under ~~section 626.556~~ chapter 260E. A complementary or alternative health care provider is a mandated reporter under ~~section 626.556, subdivision 3~~ 260E.06.

Sec. 32. Minnesota Statutes 2019 Supplement, section 148B.593, is amended to read:

#### **148B.593 DISCLOSURE OF INFORMATION.**

(a) A person licensed under sections 148B.50 to 148B.593 may not disclose without written consent of the client any communication made by the client to the licensee in the course of the practice of professional counseling, nor may any employee of the licensee reveal the information without the consent of the employer or client except as provided under section ~~626.556 or 626.557~~ or chapter 260E.

(b) For purposes of sections 148B.50 to 148B.593, the confidential relations and communications between the licensee and a client are placed upon the same basis as those that exist between a licensed psychologist and client. Nothing in sections 148B.50 to 148B.593 may be construed to require any communications to be disclosed except by court order or as provided in paragraph (c).

(c) Private information may be disclosed without the consent of the client when a duty to warn arises, or as otherwise provided by law or court order. The duty to warn of, or take reasonable precautions to provide protection from, violent behavior arises only when a client or other person has communicated to the provider a specific, serious threat of physical violence to self or a specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty is discharged by the provider if reasonable efforts are made to communicate the threat to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties who are in a position to prevent or avert the harm. No monetary liability and no cause of action or disciplinary action by the board may arise against a provider for disclosure of confidences to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good faith effort to warn against or take precautions against a client's violent behavior or threat of suicide.

(d) For purposes of this section, (1) "provider" includes a licensee, an applicant for licensure, and a student or intern practicing professional counseling or professional clinical counseling under supervision as part of an accredited graduate educational program or under a supervised postgraduate experience in professional counseling or professional clinical counseling required for licensure; (2) "other person" means an immediate family member or someone who personally knows the client and has reason to believe the client is capable of and will carry out the serious, specific threat of harm to a specific, clearly identified, or identifiable victim; and (3) "reasonable efforts" means communicating the serious, specific threat to the potential victim and if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim of the client.

Sec. 33. Minnesota Statutes 2018, section 148E.240, subdivision 7, is amended to read:

Subd. 7. **Reporting maltreatment of minors.** An applicant or licensee must comply with the reporting of maltreatment of minors established by ~~section 626.556~~ chapter 260E.

Sec. 34. Minnesota Statutes 2018, section 148F.13, subdivision 12, is amended to read:

Subd. 12. **Abuse or neglect of minors or vulnerable adults.** An applicant or licensee must comply with the reporting of maltreatment of minors established in ~~section 626.556~~ chapter 260E and the reporting of maltreatment of vulnerable adults established in section 626.557.

Sec. 35. Minnesota Statutes 2018, section 148F.205, subdivision 1, is amended to read:

Subdivision 1. **Mandatory reporting requirements.** A provider is required to file a complaint when the provider knows or has reason to believe that another provider:

(1) is unable to practice with reasonable skill and safety as a result of a physical or mental illness or condition, including, but not limited to, substance abuse or dependence, except that this mandated reporting requirement is deemed fulfilled by a report made to the Health Professionals Services Program (HPSP) as provided by section 214.33, subdivision 1;

(2) is engaging in or has engaged in sexual behavior with a client or former client in violation of section 148F.165, subdivision 6 or 7;

(3) has failed to report abuse or neglect of children or vulnerable adults in violation of section ~~626.556~~ 626.557 or chapter 260E; or

(4) has employed fraud or deception in obtaining or renewing an alcohol and drug counseling license.

Sec. 36. Minnesota Statutes 2018, section 153B.70, is amended to read:

**153B.70 GROUNDS FOR DISCIPLINARY ACTION.**

(a) The board may refuse to issue or renew a license, revoke or suspend a license, or place on probation or reprimand a licensee for one or any combination of the following:

- (1) making a material misstatement in furnishing information to the board;
- (2) violating or intentionally disregarding the requirements of this chapter;
- (3) conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in this state or elsewhere, reasonably related to the practice of the profession. Conviction, as used in this clause, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered;
- (4) making a misrepresentation in order to obtain or renew a license;
- (5) displaying a pattern of practice or other behavior that demonstrates incapacity or incompetence to practice;
- (6) aiding or assisting another person in violating the provisions of this chapter;
- (7) failing to provide information within 60 days in response to a written request from the board, including documentation of completion of continuing education requirements;
- (8) engaging in dishonorable, unethical, or unprofessional conduct;
- (9) engaging in conduct of a character likely to deceive, defraud, or harm the public;
- (10) inability to practice due to habitual intoxication, addiction to drugs, or mental or physical illness;
- (11) being disciplined by another state or territory of the United States, the federal government, a national certification organization, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one of the grounds in this section;
- (12) directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered;
- (13) incurring a finding by the board that the licensee, after the licensee has been placed on probationary status, has violated the conditions of the probation;
- (14) abandoning a patient or client;
- (15) willfully making or filing false records or reports in the course of the licensee's practice including, but not limited to, false records or reports filed with state or federal agencies;
- (16) willfully failing to report child maltreatment as required under the Maltreatment of Minors Act, ~~section 626.556~~ chapter 260E; or
- (17) soliciting professional services using false or misleading advertising.

(b) A license to practice is automatically suspended if (1) a guardian of a licensee is appointed by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other than the minority of the licensee, or (2) the licensee is committed by order of a court pursuant to chapter 253B. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing. The licensee may be reinstated to practice, either with or without restrictions, by demonstrating clear and convincing evidence of rehabilitation. The regulated person is not required to prove rehabilitation if the subsequent court decision overturns previous court findings of public risk.

(c) If the board has probable cause to believe that a licensee or applicant has violated paragraph (a), clause (10), it may direct the person to submit to a mental or physical examination. For the purpose of this section, every person is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and to have waived all objections to the admissibility of the examining physician's testimony or examination report on the grounds that the testimony or report constitutes a privileged communication. Failure of a regulated person to submit to an examination when directed constitutes an admission of the allegations against the person, unless the failure was due to circumstances beyond the person's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A regulated person affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the person can resume the competent practice of the regulated profession with reasonable skill and safety to the public. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against a regulated person in any other proceeding.

(d) In addition to ordering a physical or mental examination, the board may, notwithstanding section 13.384 or 144.293, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a licensee or applicant without the person's or applicant's consent if the board has probable cause to believe that a licensee is subject to paragraph (a), clause (10). The medical data may be requested from a provider as defined in section 144.291, subdivision 2, paragraph (i), an insurance company, or a government agency, including the Department of Human Services. A provider, insurance company, or government agency shall comply with any written request of the board under this section and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this section, unless the information is false and the provider giving the information knew, or had reason to know, the information was false. Information obtained under this section is private data on individuals as defined in section 13.02.

(e) If the board issues an order of immediate suspension of a license, a hearing must be held within 30 days of the suspension and completed without delay.

Sec. 37. Minnesota Statutes 2018, section 214.103, subdivision 8, is amended to read:

Subd. 8. **Dismissal and reopening of a complaint.** (a) A complaint may not be dismissed without the concurrence of at least two board members and, upon the request of the complainant, a review by a representative of the attorney general's office. The designee of the attorney general must review before dismissal any complaints which allege any violation of chapter 609, any conduct which would be required to be reported under section ~~626.556~~ or 626.557 or chapter 260E, any sexual contact or sexual conduct with a client, any violation of a federal law, any actual or potential inability to practice the regulated profession or occupation by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or as a result of any mental or physical condition, any violation of state medical assistance laws, or any disciplinary action related to credentialing in another jurisdiction or country which was based on the same or related conduct specified in this subdivision.

(b) The board may reopen a dismissed complaint if the board receives newly discovered information that was not available to the board during the initial investigation of the complaint, or if the board receives a new complaint that indicates a pattern of behavior or conduct.

Sec. 38. Minnesota Statutes 2018, section 214.104, is amended to read:

**214.104 HEALTH-RELATED LICENSING BOARDS; SUBSTANTIATED MALTREATMENT.**

(a) A health-related licensing board shall make determinations as to whether regulated persons who are under the board's jurisdiction should be the subject of disciplinary or corrective action because of substantiated maltreatment under section ~~626.556~~ or 626.557 or chapter 260E. The board shall make a determination upon receipt, and after the review, of an investigation memorandum or other notice of substantiated maltreatment under section ~~626.556~~ or 626.557, chapter 260E, or of a notice from the commissioner of human services that a background study of a regulated person shows substantiated maltreatment.

(b) Upon completion of its review of a report of substantiated maltreatment, the board shall notify the commissioner of human services of its determination. The board shall notify the commissioner of human services if, following a review of the report of substantiated maltreatment, the board determines that it does not have jurisdiction in the matter and the commissioner shall make the appropriate disqualification decision regarding the regulated person as otherwise provided in chapter 245C. The board shall also notify the commissioner of health or the commissioner of human services immediately upon receipt of knowledge of a facility or program allowing a regulated person to provide direct contact services at the facility or program while not complying with requirements placed on the regulated person.

(c) In addition to any other remedy provided by law, the board may, through its designated board member, temporarily suspend the license of a licensee; deny a credential to an applicant; or require the regulated person to be continuously supervised, if the board finds there is probable cause to believe the regulated person referred to the board according to paragraph (a) poses an immediate risk of harm to vulnerable persons. The board shall consider all relevant information available, which may include but is not limited to:

- (1) the extent the action is needed to protect persons receiving services or the public;
- (2) the recency of the maltreatment;
- (3) the number of incidents of maltreatment;
- (4) the intrusiveness or violence of the maltreatment; and
- (5) the vulnerability of the victim of maltreatment.

The action shall take effect upon written notice to the regulated person, served by certified mail, specifying the statute violated. The board shall notify the commissioner of health or the commissioner of human services of the suspension or denial of a credential. The action shall remain in effect until the board issues a temporary stay or a final order in the matter after a hearing or upon agreement between the board and the regulated person. At the time the board issues the notice, the regulated person shall inform the board of all settings in which the regulated person is employed or practices. The board shall inform all known employment and practice settings of the board action and schedule a disciplinary hearing to be held under chapter 14. The board shall provide the regulated person with at least 30 days' notice of the hearing, unless the parties agree to a hearing date that provides less than 30 days' notice, and shall schedule the hearing to begin no later than 90 days after issuance of the notice of hearing.

Sec. 39. Minnesota Statutes 2019 Supplement, section 243.166, subdivision 7, is amended to read:

Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections 244.052 and 299C.093, the data provided under this section is private data on individuals under section 13.02, subdivision 12.

(b) The data may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under ~~section 626.556~~ chapter 260E. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057.

(c) The commissioner of human services is authorized to have access to the data for:

(1) state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b); and

(2) purposes of completing background studies under chapter 245C.

Sec. 40. Minnesota Statutes 2018, section 245.8261, subdivision 9, is amended to read:

Subd. 9. **Conditions on use of restrictive procedures.** Restrictive procedures must not:

(1) be implemented with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under ~~section 626.556~~ chapter 260E, the reporting of maltreatment of minors;

(2) restrict a child's normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, or necessary clothing or to any protection required by state licensing standards and federal regulations governing the program;

(3) be used as punishment or for the convenience of staff; or

(4) deny the child visitation or contact with legal counsel and next of kin.

Sec. 41. Minnesota Statutes 2018, section 245A.04, subdivision 5, is amended to read:

Subd. 5. **Commissioner's right of access.** (a) When the commissioner is exercising the powers conferred by this chapter ~~and~~, sections 245.69, ~~626.556~~, and 626.557, and chapter 260E, the commissioner must be given access to:

(1) the physical plant and grounds where the program is provided;

(2) documents and records, including records maintained in electronic format;

(3) persons served by the program; and

(4) staff and personnel records of current and former staff whenever the program is in operation and the information is relevant to inspections or investigations conducted by the commissioner. Upon request, the license holder must provide the commissioner verification of documentation of staff work experience, training, or educational requirements.

The commissioner must be given access without prior notice and as often as the commissioner considers necessary if the commissioner is investigating alleged maltreatment, conducting a licensing inspection, or investigating an alleged violation of applicable laws or rules. In conducting inspections, the commissioner may request and shall receive assistance from other state, county, and municipal governmental agencies and departments. The applicant or license holder shall allow the commissioner to photocopy, photograph, and make audio and video tape recordings during the inspection of the program at the commissioner's expense. The commissioner shall obtain a court order or the consent of the subject of the records or the parents or legal guardian of the subject before photocopying hospital medical records.

(b) Persons served by the program have the right to refuse to consent to be interviewed, photographed, or audio or videotaped. Failure or refusal of an applicant or license holder to fully comply with this subdivision is reasonable cause for the commissioner to deny the application or immediately suspend or revoke the license.

Sec. 42. Minnesota Statutes 2018, section 245A.06, subdivision 8, is amended to read:

Subd. 8. **Requirement to post conditional license.** For licensed family child care providers and child care centers, upon receipt of any order of conditional license issued by the commissioner under this section, and notwithstanding a pending request for reconsideration of the order of conditional license by the license holder, the license holder shall post the order of conditional license in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. When the order of conditional license is accompanied by a maltreatment investigation memorandum prepared under section ~~626.556~~ or 626.557 or chapter 260E, the investigation memoranda must be posted with the order of conditional license.

Sec. 43. Minnesota Statutes 2019 Supplement, section 245A.07, subdivision 3, is amended to read:

Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend or revoke a license, or impose a fine if:

(1) a license holder fails to comply fully with applicable laws or rules including but not limited to the requirements of this chapter and chapter 245C;

(2) a license holder, a controlling individual, or an individual living in the household where the licensed services are provided or is otherwise subject to a background study has been disqualified and the disqualification was not set aside and no variance has been granted;

(3) a license holder knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license, in connection with the background study status of an individual, during an investigation, or regarding compliance with applicable laws or rules;

(4) a license holder is excluded from any program administered by the commissioner under section 245.095; or

(5) revocation is required under section 245A.04, subdivision 7, paragraph (d).

A license holder who has had a license issued under this chapter suspended, revoked, or has been ordered to pay a fine must be given notice of the action by certified mail or personal service. If mailed, the notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state in plain language the reasons the license was suspended or revoked, or a fine was ordered.

(b) If the license was suspended or revoked, the notice must inform the license holder of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking a license. The appeal of an order suspending or revoking a license must be made in writing by certified mail or personal service. If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar days after the license holder receives notice that the license has been suspended or revoked. If a request is made by personal service, it must be received by the commissioner within ten calendar days after the license holder received the order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a timely appeal of an order suspending or revoking a license, the license holder may continue to operate the program as provided in section 245A.04, subdivision 7, paragraphs (f) and (g), until the commissioner issues a final order on the suspension or revocation.

(c)(1) If the license holder was ordered to pay a fine, the notice must inform the license holder of the responsibility for payment of fines and the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an order to pay a fine must be made in writing by certified mail or personal service. If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar days after the license holder receives notice that the fine has been ordered. If a request is made by personal service, it must be received by the commissioner within ten calendar days after the license holder received the order.

(2) The license holder shall pay the fines assessed on or before the payment date specified. If the license holder fails to fully comply with the order, the commissioner may issue a second fine or suspend the license until the license holder complies. If the license holder receives state funds, the state, county, or municipal agencies or departments responsible for administering the funds shall withhold payments and recover any payments made while the license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine until the commissioner issues a final order.

(3) A license holder shall promptly notify the commissioner of human services, in writing, when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify the license holder by certified mail or personal service that a second fine has been assessed. The license holder may appeal the second fine as provided under this subdivision.

(4) Fines shall be assessed as follows:

(i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a child under ~~section 626.556~~ chapter 260E or the maltreatment of a vulnerable adult under section 626.557 for which the license holder is determined responsible for the maltreatment under section ~~626.556, subdivision 10e, paragraph (i), 260E.30, subdivision 4, paragraphs (a) and (b),~~ or 626.557, subdivision 9c, paragraph (c);

(ii) if the commissioner determines that a determination of maltreatment for which the license holder is responsible is the result of maltreatment that meets the definition of serious maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit \$5,000;

(iii) for a program that operates out of the license holder's home and a program licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, the fine assessed against the license holder shall not exceed \$1,000 for each determination of maltreatment;

(iv) the license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff-to-child or adult ratios, and failure to comply with background study requirements under chapter 245C; and

(v) the license holder shall forfeit \$100 for each occurrence of a violation of law or rule other than those subject to a \$5,000, \$1,000, or \$200 fine in items (i) to (iv).

For purposes of this section, "occurrence" means each violation identified in the commissioner's fine order. Fines assessed against a license holder that holds a license to provide home and community-based services, as identified in section 245D.03, subdivision 1, and a community residential setting or day services facility license under chapter 245D where the services are provided, may be assessed against both licenses for the same occurrence, but the combined amount of the fines shall not exceed the amount specified in this clause for that occurrence.

(5) When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.

(d) Except for background study violations involving the failure to comply with an order to immediately remove an individual or an order to provide continuous, direct supervision, the commissioner shall not issue a fine under paragraph (c) relating to a background study violation to a license holder who self-corrects a background study violation before the commissioner discovers the violation. A license holder who has previously exercised the provisions of this paragraph to avoid a fine for a background study violation may not avoid a fine for a subsequent background study violation unless at least 365 days have passed since the license holder self-corrected the earlier background study violation.

Sec. 44. Minnesota Statutes 2018, section 245A.07, subdivision 5, is amended to read:

**Subd. 5. Requirement to post licensing order or fine.** For licensed family child care providers and child care centers, upon receipt of any order of license suspension, temporary immediate suspension, fine, or revocation issued by the commissioner under this section, and notwithstanding a pending appeal of the order of license suspension, temporary immediate suspension, fine, or revocation by the license holder, the license holder shall post the order of license suspension, temporary immediate suspension, fine, or revocation in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. When the order of license suspension, temporary immediate suspension, fine, or revocation is accompanied by a maltreatment investigation memorandum prepared under section ~~626.556~~ or 626.557 or chapter 260E, the investigation memoranda must be posted with the order of license suspension, temporary immediate suspension, fine, or revocation.

Sec. 45. Minnesota Statutes 2018, section 245A.08, subdivision 2a, is amended to read:

**Subd. 2a. Consolidated contested case hearings.** (a) When a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, subdivision 3, is based on a disqualification for which reconsideration was timely requested and which was not set aside under section 245C.22, the scope of the contested case hearing shall include the disqualification and the licensing sanction or denial of a license, unless otherwise specified in this subdivision. When the licensing sanction or denial of a license is based on a determination of maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, or a disqualification for serious or recurring maltreatment which was not set aside, the scope of the contested case hearing shall include the maltreatment determination, disqualification, and the licensing sanction or denial of a license, unless otherwise specified in this subdivision. In such cases, a fair hearing under section 256.045 shall not be conducted as provided for in sections 245C.27, ~~626.556, subdivision 10i~~ 260E.33, and 626.557, subdivision 9d.

(b) Except for family child care and child foster care, reconsideration of a maltreatment determination under sections ~~626.556, subdivision 10i~~, 260E.33 and 626.557, subdivision 9d, and reconsideration of a disqualification under section 245C.22, shall not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder is based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification, and denial of a license or licensing sanction. In these cases, a fair hearing shall not be conducted under sections 245C.27, ~~626.556, subdivision 10i~~ 260E.33, and 626.557, subdivision 9d. The scope of the contested case hearing must include the maltreatment determination, disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections ~~626.556, subdivision 10i~~, 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i~~ 260E.33, and 626.557, subdivision 9d.

(c) In consolidated contested case hearings regarding sanctions issued in family child care, child foster care, family adult day services, adult foster care, and community residential settings, the county attorney shall defend the commissioner's orders in accordance with section 245A.16, subdivision 4.

(d) The commissioner's final order under subdivision 5 is the final agency action on the issue of maltreatment and disqualification, including for purposes of subsequent background studies under chapter 245C and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

(e) When consolidated hearings under this subdivision involve a licensing sanction based on a previous maltreatment determination for which the commissioner has issued a final order in an appeal of that determination under section 256.045, or the individual failed to exercise the right to appeal the previous maltreatment determination under section ~~626.556, subdivision 10i~~, 260E.33 or 626.557, subdivision 9d, the commissioner's order is conclusive on the issue of maltreatment. In such cases, the scope of the administrative law judge's review shall be limited to the disqualification and the licensing sanction or denial of a license. In the case of a denial of a license or a licensing sanction issued to a facility based on a maltreatment determination regarding an individual who is not the license holder or a household member, the scope of the administrative law judge's review includes the maltreatment determination.

(f) The hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge, if:

(1) a maltreatment determination or disqualification, which was not set aside under section 245C.22, is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07;

(2) the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under section 245C.03; and

(3) the individual has a hearing right under section 245C.27.

(g) When a denial of a license under section 245A.05 or a licensing sanction under section 245A.07 is based on a disqualification for which reconsideration was requested and was not set aside under section 245C.22, and the individual otherwise has no hearing right under section 245C.27, the scope of the administrative law judge's review shall include the denial or sanction and a determination whether the disqualification should be set aside, unless section 245C.24 prohibits the set-aside of the disqualification. In determining whether the disqualification should be set aside, the administrative law judge shall consider the factors under section 245C.22, subdivision 4, to determine whether the individual poses a risk of harm to any person receiving services from the license holder.

(h) Notwithstanding section 245C.30, subdivision 5, when a licensing sanction under section 245A.07 is based on the termination of a variance under section 245C.30, subdivision 4, the scope of the administrative law judge's review shall include the sanction and a determination whether the disqualification should be set aside, unless section 245C.24 prohibits the set-aside of the disqualification. In determining whether the disqualification should be set aside, the administrative law judge shall consider the factors under section 245C.22, subdivision 4, to determine whether the individual poses a risk of harm to any person receiving services from the license holder.

Sec. 46. Minnesota Statutes 2018, section 245A.085, is amended to read:

**245A.085 CONSOLIDATION OF HEARINGS; RECONSIDERATION.**

Hearings authorized under this chapter, ~~chapter 245C, and~~ sections 256.045, 256B.04, ~~626.556, and 626.557,~~ and chapters 245C and 260E, shall be consolidated if feasible and in accordance with other applicable statutes and rules. Reconsideration under sections 245C.28; ~~626.556, subdivision 10;~~ 260E.33; and 626.557, subdivision 9d, shall also be consolidated if feasible.

Sec. 47. Minnesota Statutes 2018, section 245A.11, subdivision 7b, is amended to read:

**Subd. 7b. Adult foster care data privacy and security.** (a) An adult foster care or community residential setting license holder who creates, collects, records, maintains, stores, or discloses any individually identifiable recipient data, whether in an electronic or any other format, must comply with the privacy and security provisions of applicable privacy laws and regulations, including:

(1) the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-1; and the HIPAA Privacy Rule, Code of Federal Regulations, title 45, part 160, and subparts A and E of part 164; and

(2) the Minnesota Government Data Practices Act as codified in chapter 13.

(b) For purposes of licensure, the license holder shall be monitored for compliance with the following data privacy and security provisions:

(1) the license holder must control access to data on residents served by the program according to the definitions of public and private data on individuals under section 13.02; classification of the data on individuals as private under section 13.46, subdivision 2; and control over the collection, storage, use, access, protection, and contracting related to data according to section 13.05, in which the license holder is assigned the duties of a government entity;

(2) the license holder must provide each resident served by the program with a notice that meets the requirements under section 13.04, in which the license holder is assigned the duties of the government entity, and that meets the requirements of Code of Federal Regulations, title 45, part 164.52. The notice shall describe the purpose for collection of the data, and to whom and why it may be disclosed pursuant to law. The notice must inform the individual that the license holder uses electronic monitoring and, if applicable, that recording technology is used;

(3) the license holder must not install monitoring cameras in bathrooms;

(4) electronic monitoring cameras must not be concealed from the residents served by the program; and

(5) electronic video and audio recordings of residents served by the program shall be stored by the license holder for five days unless: (i) a resident served by the program or legal representative requests that the recording be held longer based on a specific report of alleged maltreatment; or (ii) the recording captures an incident or event of alleged maltreatment under section ~~626.556 or~~ 626.557 or chapter 260E or a crime under chapter 609. When requested by a resident served by the program or when a recording captures an incident or event of alleged maltreatment or a crime, the license holder must maintain the recording in a secured area for no longer than 30 days to give the investigating agency an opportunity to make a copy of the recording. The investigating agency will maintain the electronic video or audio recordings as required in section 626.557, subdivision 12b.

(c) The commissioner shall develop, and make available to license holders and county licensing workers, a checklist of the data privacy provisions to be monitored for purposes of licensure.

Sec. 48. Minnesota Statutes 2019 Supplement, section 245A.145, subdivision 1, is amended to read:

Subdivision 1. **Policies and procedures.** (a) The Department of Human Services must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements in ~~section 626.556~~ chapter 260E and provide the policies and procedures to all licensed child care providers. The policies and procedures must be written in plain language.

(b) The policies and procedures required in paragraph (a) must:

- (1) be provided to the parents of all children at the time of enrollment in the child care program; and
- (2) be made available upon request.

Sec. 49. Minnesota Statutes 2019 Supplement, section 245A.40, subdivision 1, is amended to read:

Subdivision 1. **Orientation.** (a) The child care center license holder must ensure that the director, staff persons, substitutes, and unsupervised volunteers are given orientation training and successfully complete the training before starting assigned duties. The orientation training must include information about:

(1) the center's philosophy, child care program, and procedures for maintaining health and safety according to section 245A.41 and Minnesota Rules, part 9503.0140, and handling emergencies and accidents according to Minnesota Rules, part 9503.0110;

(2) specific job responsibilities;

(3) the behavior guidance standards in Minnesota Rules, part 9503.0055;

(4) the reporting responsibilities in ~~section 626.556~~, chapter 260E and Minnesota Rules, part 9503.0130;

(5) the center's drug and alcohol policy under section 245A.04, subdivision 1, paragraph (c);

(6) the center's risk reduction plan as required under section 245A.66, subdivision 2;

(7) at least one-half hour of training on the standards under section 245A.1435 and on reducing the risk of sudden unexpected infant death as required in subdivision 5, if applicable;

(8) at least one-half hour of training on the risk of abusive head trauma as required for the director and staff under subdivision 5a, if applicable; and

(9) training required by a child's individual child care program plan as required under Minnesota Rules, part 9503.0065, subpart 3, if applicable.

(b) In addition to paragraph (a), before having unsupervised direct contact with a child, the director and staff persons within the first 90 days of employment, and substitutes and unsupervised volunteers within 90 days after the first date of direct contact with a child, must complete:

(1) pediatric first aid, in accordance with subdivision 3; and

(2) pediatric cardiopulmonary resuscitation, in accordance with subdivision 4.

(c) In addition to paragraph (b), the director and staff persons within the first 90 days of employment, and substitutes and unsupervised volunteers within 90 days from the first date of direct contact with a child, must complete training in child development, in accordance with subdivision 2.

(d) The license holder must ensure that documentation, as required in subdivision 10, identifies the number of hours completed for each topic with a minimum training time identified, if applicable, and that all required content is included.

(e) Training in this subdivision must not be used to meet in-service training requirements in subdivision 7.

(f) Training completed within the previous 12 months under paragraphs (a), clauses (7) and (8), and (c) are transferable to another child care center.

Sec. 50. Minnesota Statutes 2018, section 245C.05, subdivision 6, is amended to read:

Subd. 6. **Applicant, license holder, other entities, and agencies.** (a) The applicant, license holder, other entities as provided in this chapter, Bureau of Criminal Apprehension, law enforcement agencies, commissioner of health, and county agencies shall help with the study by giving the commissioner criminal conviction data and reports about the maltreatment of adults substantiated under section 626.557 and the maltreatment of minors substantiated under ~~section 626.556~~ chapter 260E.

(b) If a background study is initiated by an applicant, license holder, or other entities as provided in this chapter, and the applicant, license holder, or other entity receives information about the possible criminal or maltreatment history of an individual who is the subject of the background study, the applicant, license holder, or other entity must immediately provide the information to the commissioner.

(c) The program or county or other agency must provide written notice to the individual who is the subject of the background study of the requirements under this subdivision.

Sec. 51. Minnesota Statutes 2018, section 245C.15, subdivision 4, is amended to read:

Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a misdemeanor-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree); 609.27 (coercion); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.466 (medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.611 (insurance fraud); 609.66 (dangerous weapons); 609.665 (spring guns); 609.746 (interference with privacy); 609.79 (obscene or harassing telephone calls); 609.795 (letter, telegram, or package; opening; harassment); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.293 (harmful materials; dissemination and display to minors prohibited); or Minnesota Statutes 2012, section 609.21; or violation of an order for protection under section 518B.01 (Domestic Abuse Act).

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

(1) failure to make required reports under section ~~626.556, subdivision 3, 260E.06~~ or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section ~~626.556 or 626.557~~ or chapter 260E was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

(2) substantiated serious or recurring maltreatment of a minor under ~~section 626.556~~ chapter 260E, a vulnerable adult under section 626.557, or serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under section ~~626.556 or 626.557~~ or chapter 260E for which: (i) there is a preponderance of evidence that the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

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

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

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

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

Sec. 52. Minnesota Statutes 2018, section 245C.16, subdivision 1, is amended to read:

Subdivision 1. **Determining immediate risk of harm.** (a) If the commissioner determines that the individual studied has a disqualifying characteristic, the commissioner shall review the information immediately available and make a determination as to the subject's immediate risk of harm to persons served by the program where the individual studied will have direct contact with, or access to, people receiving services.

(b) The commissioner shall consider all relevant information available, including the following factors in determining the immediate risk of harm:

- (1) the recency of the disqualifying characteristic;
- (2) the recency of discharge from probation for the crimes;
- (3) the number of disqualifying characteristics;
- (4) the intrusiveness or violence of the disqualifying characteristic;
- (5) the vulnerability of the victim involved in the disqualifying characteristic;

(6) the similarity of the victim to the persons served by the program where the individual studied will have direct contact;

(7) whether the individual has a disqualification from a previous background study that has not been set aside; and

(8) if the individual has a disqualification which may not be set aside because it is a permanent bar under section 245C.24, subdivision 1, or the individual is a child care background study subject who has a felony-level conviction for a drug-related offense in the last five years, the commissioner may order the immediate removal of the individual from any position allowing direct contact with, or access to, persons receiving services from the program.

(c) This section does not apply when the subject of a background study is regulated by a health-related licensing board as defined in chapter 214, and the subject is determined to be responsible for substantiated maltreatment under section ~~626.556~~ or 626.557 or chapter 260E.

(d) This section does not apply to a background study related to an initial application for a child foster care license.

(e) Except for paragraph (f), this section does not apply to a background study that is also subject to the requirements under section 256B.0659, subdivisions 11 and 13, for a personal care assistant or a qualified professional as defined in section 256B.0659, subdivision 1.

(f) If the commissioner has reason to believe, based on arrest information or an active maltreatment investigation, that an individual poses an imminent risk of harm to persons receiving services, the commissioner may order that the person be continuously supervised or immediately removed pending the conclusion of the maltreatment investigation or criminal proceedings.

Sec. 53. Minnesota Statutes 2018, section 245C.17, subdivision 3, is amended to read:

Subd. 3. **Disqualification notification.** (a) The commissioner shall notify an applicant, license holder, or other entity as provided in this chapter who is not the subject of the study:

(1) that the commissioner has found information that disqualifies the individual studied from being in a position allowing direct contact with, or access to, people served by the program; and

(2) the commissioner's determination of the individual's risk of harm under section 245C.16.

(b) If the commissioner determines under section 245C.16 that an individual studied poses an imminent risk of harm to persons served by the program where the individual studied will have direct contact with, or access to, people served by the program, the commissioner shall order the license holder to immediately remove the individual studied from any position allowing direct contact with, or access to, people served by the program.

(c) If the commissioner determines under section 245C.16 that an individual studied poses a risk of harm that requires continuous, direct supervision, the commissioner shall order the applicant, license holder, or other entities as provided in this chapter to:

(1) immediately remove the individual studied from any position allowing direct contact with, or access to, people receiving services; or

(2) before allowing the disqualified individual to be in a position allowing direct contact with, or access to, people receiving services, the applicant, license holder, or other entity, as provided in this chapter, must:

(i) obtain from the disqualified individual a copy of the individual's notice of disqualification from the commissioner that explains the reason for disqualification;

(ii) ensure that the individual studied is under continuous, direct supervision when in a position allowing direct contact with, or access to, people receiving services during the period in which the individual may request a reconsideration of the disqualification under section 245C.21; and

(iii) ensure that the disqualified individual requests reconsideration within 30 days of receipt of the notice of disqualification.

(d) If the commissioner determines under section 245C.16 that an individual studied does not pose a risk of harm that requires continuous, direct supervision, the commissioner shall order the applicant, license holder, or other entities as provided in this chapter to:

(1) immediately remove the individual studied from any position allowing direct contact with, or access to, people receiving services; or

(2) before allowing the disqualified individual to be in any position allowing direct contact with, or access to, people receiving services, the applicant, license holder, or other entity as provided in this chapter must:

(i) obtain from the disqualified individual a copy of the individual's notice of disqualification from the commissioner that explains the reason for disqualification; and

(ii) ensure that the disqualified individual requests reconsideration within 15 days of receipt of the notice of disqualification.

(e) The commissioner shall not notify the applicant, license holder, or other entity as provided in this chapter of the information contained in the subject's background study unless:

(1) the basis for the disqualification is failure to cooperate with the background study or substantiated maltreatment under section ~~626.556~~ or 626.557 or chapter 260E;

(2) the Data Practices Act under chapter 13 provides for release of the information; or

(3) the individual studied authorizes the release of the information.

Sec. 54. Minnesota Statutes 2018, section 245C.21, subdivision 2, is amended to read:

**Subd. 2. Time frame for requesting reconsideration.** (a) When the commissioner sends an individual a notice of disqualification based on a finding under section 245C.16, subdivision 2, paragraph (a), clause (1) or (2), the disqualified individual must submit the request for a reconsideration within 30 calendar days of the individual's receipt of the notice of disqualification. If mailed, the request for reconsideration must be postmarked and sent to the commissioner within 30 calendar days of the individual's receipt of the notice of disqualification. If a request for reconsideration is made by personal service, it must be received by the commissioner within 30 calendar days after the individual's receipt of the notice of disqualification. Upon showing that the information under subdivision 3 cannot be obtained within 30 days, the disqualified individual may request additional time, not to exceed 30 days, to obtain the information.

(b) When the commissioner sends an individual a notice of disqualification based on a finding under section 245C.16, subdivision 2, paragraph (a), clause (3), the disqualified individual must submit the request for reconsideration within 15 calendar days of the individual's receipt of the notice of disqualification. If mailed, the request for reconsideration must be postmarked and sent to the commissioner within 15 calendar days of the individual's receipt of the notice of disqualification. If a request for reconsideration is made by personal service, it must be received by the commissioner within 15 calendar days after the individual's receipt of the notice of disqualification.

(c) An individual who was determined to have maltreated a child under ~~section 626.556~~ chapter 260E or a vulnerable adult under section 626.557, and who is disqualified on the basis of serious or recurring maltreatment, may request a reconsideration of both the maltreatment and the disqualification determinations. The request must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification. If mailed, the request for reconsideration must be postmarked and sent to the commissioner within 30 calendar days of the individual's receipt of the notice of disqualification. If a request for reconsideration is made by personal service, it must be received by the commissioner within 30 calendar days after the individual's receipt of the notice of disqualification.

(d) Except for family child care and child foster care, reconsideration of a maltreatment determination under sections ~~626.556, subdivision 10i,~~ 260E.33 and 626.557, subdivision 9d, and reconsideration of a disqualification under section 245C.22, shall not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination, disqualification, and denial of a license or licensing sanction. In such cases, a fair hearing under section 256.045 must not be conducted under sections 245C.27, ~~626.556, subdivision 10i,~~ 260E.33, and 626.557, subdivision 9d. Under section 245A.08, subdivision 2a, the scope of the consolidated contested case hearing must include the maltreatment determination, disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections ~~626.556, subdivision 10i,~~ 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i,~~ 260E.33, and 626.557, subdivision 9d.

Sec. 55. Minnesota Statutes 2018, section 245C.24, subdivision 4, is amended to read:

Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set aside the disqualification of an individual in connection with a license to provide family child care for children, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home if within seven years preceding the study:

(1) the individual committed an act that constitutes maltreatment of a child under ~~section 626.556, subdivision 10e,~~ sections 260E.24, subdivisions 1, 2, and 3, and 260E.30, subdivisions 1, 2, and 4, and the maltreatment resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(2) the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

Sec. 56. Minnesota Statutes 2018, section 245C.25, is amended to read:

**245C.25 CONSOLIDATED RECONSIDERATION OF MALTREATMENT DETERMINATION AND DISQUALIFICATION.**

If an individual is disqualified on the basis of a determination of maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, which was serious or recurring, and the individual requests reconsideration of the maltreatment determination under section ~~626.556, subdivision 10;~~ 260E.33 or 626.557, subdivision 9d, and also requests reconsideration of the disqualification under section 245C.21, the commissioner shall consolidate the reconsideration of the maltreatment determination and the disqualification into a single reconsideration.

Sec. 57. Minnesota Statutes 2018, section 245C.27, subdivision 1, is amended to read:

Subdivision 1. **Fair hearing following a reconsideration decision.** (a) An individual who is disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes listed in section 245C.15; for a determination under section ~~626.556~~ or 626.557 or chapter 260E of substantiated maltreatment that was serious or recurring under section 245C.15; or for failure to make required reports under section ~~626.556, subdivision 3;~~ 260E.06, subdivision 1 or 2; 260E.11, subdivision 1; or 626.557, subdivision 3, pursuant to section 245C.15, subdivision 4, paragraph (b), clause (1), may request a fair hearing under section 256.045, following a reconsideration decision issued under section 245C.23, unless the disqualification is deemed conclusive under section 245C.29.

(b) The fair hearing is the only administrative appeal of the final agency determination for purposes of appeal by the disqualified individual. The disqualified individual does not have the right to challenge the accuracy and completeness of data under section 13.04.

(c) Except as provided under paragraph (e), if the individual was disqualified based on a conviction of, admission to, or Alford Plea to any crimes listed in section 245C.15, subdivisions 1 to 4, or for a disqualification under section 256.98, subdivision 8, the reconsideration decision under section 245C.22 is the final agency determination for purposes of appeal by the disqualified individual and is not subject to a hearing under section 256.045. If the individual was disqualified based on a judicial determination, that determination is treated the same as a conviction for purposes of appeal.

(d) This subdivision does not apply to a public employee's appeal of a disqualification under section 245C.28, subdivision 3.

(e) Notwithstanding paragraph (c), if the commissioner does not set aside a disqualification of an individual who was disqualified based on both a preponderance of evidence and a conviction or admission, the individual may request a fair hearing under section 256.045, unless the disqualifications are deemed conclusive under section 245C.29. The scope of the hearing conducted under section 256.045 with regard to the disqualification based on a conviction or admission shall be limited solely to whether the individual poses a risk of harm, according to section 256.045, subdivision 3b. In this case, the reconsideration decision under section 245C.22 is not the final agency decision for purposes of appeal by the disqualified individual.

Sec. 58. Minnesota Statutes 2018, section 245C.27, subdivision 2, is amended to read:

Subd. 2. **Consolidated fair hearing following a reconsideration decision.** (a) If an individual who is disqualified on the bases of serious or recurring maltreatment requests a fair hearing on the maltreatment determination under section ~~626.556, subdivision 10;~~ 260E.33 or 626.557, subdivision 9d, and requests a fair hearing under this section on the disqualification following a reconsideration decision under section 245C.23, the scope of the fair hearing under section 256.045 shall include the maltreatment determination and the disqualification.

(b) A fair hearing is the only administrative appeal of the final agency determination. The disqualified individual does not have the right to challenge the accuracy and completeness of data under section 13.04.

(c) This subdivision does not apply to a public employee's appeal of a disqualification under section 245C.28, subdivision 3.

Sec. 59. Minnesota Statutes 2018, section 245C.28, subdivision 1, is amended to read:

Subdivision 1. **License holder.** (a) If a maltreatment determination or a disqualification for which reconsideration was timely requested and which was not set aside is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The license holder must submit the appeal under section 245A.05 or 245A.07, subdivision 3.

(b) As provided under section 245A.08, subdivision 2a, if the denial of a license or licensing sanction is based on a disqualification for which reconsideration was timely requested and was not set aside, the scope of the consolidated contested case hearing must include:

(1) the disqualification, to the extent the license holder otherwise has a hearing right on the disqualification under this chapter; and

(2) the licensing sanction or denial of a license.

(c) As provided for under section 245A.08, subdivision 2a, if the denial of a license or licensing sanction is based on a determination of maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, or a disqualification for serious or recurring maltreatment which was not set aside, the scope of the contested case hearing must include:

(1) the maltreatment determination, if the maltreatment is not conclusive under section 245C.29;

(2) the disqualification, if the disqualification is not conclusive under section 245C.29; and

(3) the licensing sanction or denial of a license. In such cases, a fair hearing must not be conducted under section 256.045. If the disqualification was based on a determination of substantiated serious or recurring maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, the appeal must be submitted under sections 245A.07, subdivision 3, and ~~626.556, subdivision 10i, 260E.33,~~ or 626.557, subdivision 9d.

(d) Except for family child care and child foster care, reconsideration of a maltreatment determination under sections ~~626.556, subdivision 10i, 260E.33~~ and 626.557, subdivision 9d, and reconsideration of a disqualification under section 245C.22, must not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination, disqualification, and denial of a license or licensing sanction. In such cases a fair hearing under section 256.045 must not be conducted under sections 245C.27, ~~626.556, subdivision 10i, 260E.33,~~ and 626.557, subdivision 9d. Under section 245A.08, subdivision 2a, the scope of the consolidated contested case hearing must include the maltreatment determination, disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections ~~626.556, subdivision 10i, 260E.33~~ and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i, 260E.33,~~ and 626.557, subdivision 9d.

Sec. 60. Minnesota Statutes 2018, section 245C.29, subdivision 1, is amended to read:

Subdivision 1. **Conclusive maltreatment determination or disposition.** Unless otherwise specified in statute, a maltreatment determination or disposition under section ~~626.556 or 626.557~~ or chapter 260E is conclusive, if:

(1) the commissioner has issued a final order in an appeal of that determination or disposition under section 245A.08, subdivision 5, or 256.045;

(2) the individual did not request reconsideration of the maltreatment determination or disposition under section ~~626.556 or 626.557~~ or chapter 260E; or

(3) the individual did not request a hearing of the maltreatment determination or disposition under section 256.045.

Sec. 61. Minnesota Statutes 2018, section 245C.31, subdivision 1, is amended to read:

Subdivision 1. **Board determines disciplinary or corrective action.** (a) When the subject of a background study is regulated by a health-related licensing board as defined in chapter 214, and the commissioner determines that the regulated individual is responsible for substantiated maltreatment under section ~~626.556 or 626.557~~ or chapter 260E, instead of the commissioner making a decision regarding disqualification, the board shall make a determination whether to impose disciplinary or corrective action under chapter 214.

(b) This section does not apply to a background study of an individual regulated by a health-related licensing board if the individual's study is related to child foster care, adult foster care, or family child care licensure.

Sec. 62. Minnesota Statutes 2018, section 245C.32, subdivision 2, is amended to read:

Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain and provide criminal history data from the Bureau of Criminal Apprehension, criminal history data held by the commissioner, and data about substantiated maltreatment under section ~~626.556 or 626.557~~ or chapter 260E, for other purposes, provided that:

(1) the background study is specifically authorized in statute; or

(2) the request is made with the informed consent of the subject of the study as provided in section 13.05, subdivision 4.

(b) An individual making a request under paragraph (a), clause (2), must agree in writing not to disclose the data to any other individual without the consent of the subject of the data.

(c) The commissioner may recover the cost of obtaining and providing background study data by charging the individual or entity requesting the study a fee of no more than \$20 per study. The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies.

(d) The commissioner shall recover the cost of obtaining background study data required under section 524.5-118 through a fee of \$50 per study for an individual who has not lived outside Minnesota for the past ten years, and a fee of \$100 for an individual who has resided outside of Minnesota for any period during the ten years preceding the background study. The commissioner shall recover, from the individual, any additional fees charged by other states' licensing agencies that are associated with these data requests. Fees under subdivision 3 also apply when criminal history data from the National Criminal Records Repository is required.

Sec. 63. Minnesota Statutes 2018, section 245D.02, subdivision 11, is amended to read:

Subd. 11. **Incident.** "Incident" means an occurrence which involves a person and requires the program to make a response that is not a part of the program's ordinary provision of services to that person, and includes:

- (1) serious injury of a person as determined by section 245.91, subdivision 6;
- (2) a person's death;
- (3) any medical emergency, unexpected serious illness, or significant unexpected change in an illness or medical condition of a person that requires the program to call 911, physician treatment, or hospitalization;
- (4) any mental health crisis that requires the program to call 911, a mental health crisis intervention team, or a similar mental health response team or service when available and appropriate;
- (5) an act or situation involving a person that requires the program to call 911, law enforcement, or the fire department;
- (6) a person's unauthorized or unexplained absence from a program;
- (7) conduct by a person receiving services against another person receiving services that:
  - (i) is so severe, pervasive, or objectively offensive that it substantially interferes with a person's opportunities to participate in or receive service or support;
  - (ii) places the person in actual and reasonable fear of harm;
  - (iii) places the person in actual and reasonable fear of damage to property of the person; or
  - (iv) substantially disrupts the orderly operation of the program;
- (8) any sexual activity between persons receiving services involving force or coercion as defined under section 609.341, subdivisions 3 and 14;
- (9) any emergency use of manual restraint as identified in section 245D.061 or successor provisions; or
- (10) a report of alleged or suspected child or vulnerable adult maltreatment under section ~~626.556~~ or 626.557 or chapter 260E.

Sec. 64. Minnesota Statutes 2018, section 245D.06, subdivision 1, is amended to read:

Subdivision 1. **Incident response and reporting.** (a) The license holder must respond to incidents under section 245D.02, subdivision 11, that occur while providing services to protect the health and safety of and minimize risk of harm to the person.

(b) The license holder must maintain information about and report incidents to the person's legal representative or designated emergency contact and case manager within 24 hours of an incident occurring while services are being provided, within 24 hours of discovery or receipt of information that an incident occurred, unless the license holder has reason to know that the incident has already been reported, or as otherwise directed in a person's coordinated service and support plan or coordinated service and support plan addendum. An incident of suspected or alleged maltreatment must be reported as required under paragraph (d), and an incident of serious injury or death must be reported as required under paragraph (e).

(c) When the incident involves more than one person, the license holder must not disclose personally identifiable information about any other person when making the report to each person and case manager unless the license holder has the consent of the person.

(d) Within 24 hours of reporting maltreatment as required under section ~~626.556~~ or 626.557 or chapter 260E, the license holder must inform the case manager of the report unless there is reason to believe that the case manager is involved in the suspected maltreatment. The license holder must disclose the nature of the activity or occurrence reported and the agency that received the report.

(e) The license holder must report the death or serious injury of the person as required in paragraph (b) and to the Department of Human Services Licensing Division, and the Office of Ombudsman for Mental Health and Developmental Disabilities as required under section 245.94, subdivision 2a, within 24 hours of the death or serious injury, or receipt of information that the death or serious injury occurred, unless the license holder has reason to know that the death or serious injury has already been reported.

(f) When a death or serious injury occurs in a facility certified as an intermediate care facility for persons with developmental disabilities, the death or serious injury must be reported to the Department of Health, Office of Health Facility Complaints, and the Office of Ombudsman for Mental Health and Developmental Disabilities, as required under sections 245.91 and 245.94, subdivision 2a, unless the license holder has reason to know that the death or serious injury has already been reported.

(g) The license holder must conduct an internal review of incident reports of deaths and serious injuries that occurred while services were being provided and that were not reported by the program as alleged or suspected maltreatment, for identification of incident patterns, and implementation of corrective action as necessary to reduce occurrences. The review must include an evaluation of whether related policies and procedures were followed, whether the policies and procedures were adequate, whether there is a need for additional staff training, whether the reported event is similar to past events with the persons or the services involved, and whether there is a need for corrective action by the license holder to protect the health and safety of persons receiving services. Based on the results of this review, the license holder must develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by staff or the license holder, if any.

(h) The license holder must verbally report the emergency use of manual restraint of a person as required in paragraph (b) within 24 hours of the occurrence. The license holder must ensure the written report and internal review of all incident reports of the emergency use of manual restraints are completed according to the requirements in section 245D.061 or successor provisions.

Sec. 65. Minnesota Statutes 2018, section 245D.06, subdivision 6, is amended to read:

Subd. 6. **Restricted procedures.** (a) The following procedures are allowed when the procedures are implemented in compliance with the standards governing their use as identified in clauses (1) to (3). Allowed but restricted procedures include:

(1) permitted actions and procedures subject to the requirements in subdivision 7;

(2) procedures identified in a positive support transition plan subject to the requirements in subdivision 8; or

(3) emergency use of manual restraint subject to the requirements in section 245D.061.

(b) A restricted procedure identified in paragraph (a) must not:

(1) be implemented with a child in a manner that constitutes sexual abuse, neglect, physical abuse, or mental injury, as defined in section ~~626.556, subdivision 2~~ 260E.03;

(2) be implemented with an adult in a manner that constitutes abuse or neglect as defined in section 626.5572, subdivision 2 or 17;

(3) be implemented in a manner that violates a person's rights identified in section 245D.04;

(4) restrict a person's normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, necessary clothing, or any protection required by state licensing standards or federal regulations governing the program;

(5) deny the person visitation or ordinary contact with legal counsel, a legal representative, or next of kin;

(6) be used for the convenience of staff, as punishment, as a substitute for adequate staffing, or as a consequence if the person refuses to participate in the treatment or services provided by the program;

(7) use prone restraint. For purposes of this section, "prone restraint" means use of manual restraint that places a person in a face-down position. Prone restraint does not include brief physical holding of a person who, during an emergency use of manual restraint, rolls into a prone position, if the person is restored to a standing, sitting, or side-lying position as quickly as possible;

(8) apply back or chest pressure while a person is in a prone position as identified in clause (7), supine position, or side-lying position; or

(9) be implemented in a manner that is contraindicated for any of the person's known medical or psychological limitations.

Sec. 66. Minnesota Statutes 2018, section 245D.09, subdivision 4, is amended to read:

Subd. 4. **Orientation to program requirements.** Except for a license holder who does not supervise any direct support staff, within 60 calendar days of hire, unless stated otherwise, the license holder must provide and ensure completion of orientation sufficient to create staff competency for direct support staff that combines supervised on-the-job training with review of and instruction in the following areas:

(1) the job description and how to complete specific job functions, including:

(i) responding to and reporting incidents as required under section 245D.06, subdivision 1; and

(ii) following safety practices established by the license holder and as required in section 245D.06, subdivision 2;

(2) the license holder's current policies and procedures required under this chapter, including their location and access, and staff responsibilities related to implementation of those policies and procedures;

(3) data privacy requirements according to sections 13.01 to 13.10 and 13.46, the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and staff responsibilities related to complying with data privacy practices;

(4) the service recipient rights and staff responsibilities related to ensuring the exercise and protection of those rights according to the requirements in section 245D.04;

(5) sections 245A.65, 245A.66, ~~626.556~~, and 626.557 and chapter 260E, governing maltreatment reporting and service planning for children and vulnerable adults, and staff responsibilities related to protecting persons from maltreatment and reporting maltreatment. This orientation must be provided within 72 hours of first providing direct contact services and annually thereafter according to section 245A.65, subdivision 3;

(6) the principles of person-centered service planning and delivery as identified in section 245D.07, subdivision 1a, and how they apply to direct support service provided by the staff person;

(7) the safe and correct use of manual restraint on an emergency basis according to the requirements in section 245D.061 or successor provisions, and what constitutes the use of restraints, time out, and seclusion, including chemical restraint;

(8) staff responsibilities related to prohibited procedures under section 245D.06, subdivision 5, or successor provisions, why such procedures are not effective for reducing or eliminating symptoms or undesired behavior, and why such procedures are not safe;

(9) basic first aid; and

(10) other topics as determined necessary in the person's coordinated service and support plan by the case manager or other areas identified by the license holder.

Sec. 67. Minnesota Statutes 2018, section 245D.32, subdivision 5, is amended to read:

Subd. 5. **Investigations of alleged or suspected maltreatment.** Nothing in this section changes the commissioner's responsibilities to investigate alleged or suspected maltreatment of a minor under ~~section 626.556~~ chapter 260E or a vulnerable adult under section 626.557.

Sec. 68. Minnesota Statutes 2018, section 245F.04, subdivision 1, is amended to read:

Subdivision 1. **General application and license requirements.** An applicant for licensure as a clinically managed withdrawal management program or medically monitored withdrawal management program must meet the following requirements, except where otherwise noted. All programs must comply with federal requirements and the general requirements in ~~chapters 245A and 245C~~ and sections ~~626.556~~, 626.557, and 626.5572 and chapters 245A, 245C, and 260E. A withdrawal management program must be located in a hospital licensed under sections 144.50 to 144.581, or must be a supervised living facility with a class B license from the Department of Health under Minnesota Rules, parts 4665.0100 to 4665.9900.

Sec. 69. Minnesota Statutes 2018, section 245F.15, subdivision 3, is amended to read:

Subd. 3. **Program director qualifications.** A program director must:

(1) have at least one year of work experience in direct service to individuals with substance use disorders or one year of work experience in the management or administration of direct service to individuals with substance use disorders;

(2) have a baccalaureate degree or three years of work experience in administration or personnel supervision in human services; and

(3) know and understand the requirements of this chapter ~~and chapters 245A and 245C, and~~ sections 253B.04, 253B.05, ~~626.556, 626.557, and 626.5572,~~ and chapters 245A, 245C, and 260E.

Sec. 70. Minnesota Statutes 2018, section 245F.15, subdivision 5, is amended to read:

Subd. 5. **Responsible staff person qualifications.** Each responsible staff person must know and understand the requirements of this chapter ~~and~~ sections 245A.65, 253B.04, 253B.05, ~~626.556, 626.557, and 626.5572,~~ and chapter 260E. In a clinically managed program, the responsible staff person must be a licensed practical nurse employed by or under contract with the license holder. In a medically monitored program, the responsible staff person must be a registered nurse, program director, or physician.

Sec. 71. Minnesota Statutes 2018, section 245F.16, subdivision 1, is amended to read:

Subdivision 1. **Policy requirements.** A license holder must have written personnel policies and must make them available to staff members at all times. The personnel policies must:

(1) ensure that a staff member's retention, promotion, job assignment, or pay are not affected by a good-faith communication between the staff member and the Department of Human Services, Department of Health, Ombudsman for Mental Health and Developmental Disabilities, law enforcement, or local agencies that investigate complaints regarding patient rights, health, or safety;

(2) include a job description for each position that specifies job responsibilities, degree of authority to execute job responsibilities, standards of job performance related to specified job responsibilities, and qualifications;

(3) provide for written job performance evaluations for staff members of the license holder at least annually;

(4) describe behavior that constitutes grounds for disciplinary action, suspension, or dismissal, including policies that address substance use problems and meet the requirements of section 245F.15, subdivisions 1 and 2. The policies and procedures must list behaviors or incidents that are considered substance use problems. The list must include:

(i) receiving treatment for substance use disorder within the period specified for the position in the staff qualification requirements;

(ii) substance use that has a negative impact on the staff member's job performance;

(iii) substance use that affects the credibility of treatment services with patients, referral sources, or other members of the community; and

(iv) symptoms of intoxication or withdrawal on the job;

(5) include policies prohibiting personal involvement with patients and policies prohibiting patient maltreatment as specified under ~~chapter 604 and~~ sections 245A.65, ~~626.556, 626.557, and 626.5572~~ and chapters 260E and 604;

(6) include a chart or description of organizational structure indicating the lines of authority and responsibilities;

(7) include a written plan for new staff member orientation that, at a minimum, includes training related to the specific job functions for which the staff member was hired, program policies and procedures, patient needs, and the areas identified in subdivision 2, paragraphs (b) to (e); and

(8) include a policy on the confidentiality of patient information.

Sec. 72. Minnesota Statutes 2018, section 245F.16, subdivision 2, is amended to read:

Subd. 2. **Staff development.** (a) A license holder must ensure that each staff member receives orientation training before providing direct patient care and at least 30 hours of continuing education every two years. A written record must be kept to demonstrate completion of training requirements.

(b) Within 72 hours of beginning employment, all staff having direct patient contact must be provided orientation on the following:

(1) specific license holder and staff responsibilities for patient confidentiality;

(2) standards governing the use of protective procedures;

(3) patient ethical boundaries and patient rights, including the rights of patients admitted under chapter 253B;

(4) infection control procedures;

(5) mandatory reporting under sections 245A.65, ~~626.556~~, and 626.557; and chapter 260E, including specific training covering the facility's policies concerning obtaining patient releases of information;

(6) HIV minimum standards as required in section 245A.19;

(7) motivational counseling techniques and identifying stages of change; and

(8) eight hours of training on the program's protective procedures policy required in section 245F.09, including:

(i) approved therapeutic holds;

(ii) protective procedures used to prevent patients from imminent danger of harming self or others;

(iii) the emergency conditions under which the protective procedures may be used, if any;

(iv) documentation standards for using protective procedures;

(v) how to monitor and respond to patient distress; and

(vi) person-centered planning and trauma-informed care.

(c) All staff having direct patient contact must be provided annual training on the following:

(1) infection control procedures;

(2) mandatory reporting under sections 245A.65, ~~626.556~~, and 626.557; and chapter 260E, including specific training covering the facility's policies concerning obtaining patient releases of information;

- (3) HIV minimum standards as required in section 245A.19; and
- (4) motivational counseling techniques and identifying stages of change.
- (d) All staff having direct patient contact must be provided training every two years on the following:
  - (1) specific license holder and staff responsibilities for patient confidentiality;
  - (2) standards governing use of protective procedures, including:
    - (i) approved therapeutic holds;
    - (ii) protective procedures used to prevent patients from imminent danger of harming self or others;
    - (iii) the emergency conditions under which the protective procedures may be used, if any;
    - (iv) documentation standards for using protective procedures;
    - (v) how to monitor and respond to patient distress; and
    - (vi) person-centered planning and trauma-informed care; and
  - (3) patient ethical boundaries and patient rights, including the rights of patients admitted under chapter 253B.
- (e) Continuing education that is completed in areas outside of the required topics must provide information to the staff person that is useful to the performance of the individual staff person's duties.

Sec. 73. Minnesota Statutes 2018, section 245F.18, is amended to read:

**245F.18 POLICY AND PROCEDURES MANUAL.**

A license holder must develop a written policy and procedures manual that is alphabetically indexed and has a table of contents, so that staff have immediate access to all policies and procedures, and that consumers of the services and other authorized parties have access to all policies and procedures. The manual must contain the following materials:

- (1) a description of patient education services as required in section 245F.06;
- (2) personnel policies that comply with section 245F.16;
- (3) admission information and referral and discharge policies that comply with section 245F.05;
- (4) a health monitoring plan that complies with section 245F.12;
- (5) a protective procedures policy that complies with section 245F.09, if the program elects to use protective procedures;
- (6) policies and procedures for assuring appropriate patient-to-staff ratios that comply with section 245F.14;
- (7) policies and procedures for assessing and documenting the susceptibility for risk of abuse to the patient as the basis for the individual abuse prevention plan required by section 245A.65;

- (8) procedures for mandatory reporting as required by sections 245A.65, ~~626.556~~, and 626.557 and chapter 260E;
- (9) a medication control plan that complies with section 245F.13; and
- (10) policies and procedures regarding HIV that meet the minimum standards under section 245A.19.

Sec. 74. Minnesota Statutes 2018, section 245G.03, subdivision 1, is amended to read:

Subdivision 1. **License requirements.** (a) An applicant for a license to provide substance use disorder treatment must comply with the general requirements in ~~chapters 245A and 245C, sections 626.556 and section 626.557, chapters 245A, 245C, and 260E,~~ and Minnesota Rules, chapter 9544.

(b) The commissioner may grant variances to the requirements in this chapter that do not affect the client's health or safety if the conditions in section 245A.04, subdivision 9, are met.

Sec. 75. Minnesota Statutes 2018, section 245G.10, subdivision 3, is amended to read:

Subd. 3. **Responsible staff member.** A treatment director must designate a staff member who, when present in the facility, is responsible for the delivery of treatment service. A license holder must have a designated staff member during all hours of operation. A license holder providing room and board and treatment at the same site must have a responsible staff member on duty 24 hours a day. The designated staff member must know and understand the implications of this chapter, ~~and sections 245A.65, 626.556, 626.557, and 626.5572, and chapter 260E.~~

Sec. 76. Minnesota Statutes 2018, section 245G.11, subdivision 3, is amended to read:

Subd. 3. **Treatment directors.** A treatment director must:

(1) have at least one year of work experience in direct service to an individual with substance use disorder or one year of work experience in the management or administration of direct service to an individual with substance use disorder;

(2) have a baccalaureate degree or three years of work experience in administration or personnel supervision in human services; and

(3) know and understand the implications of this chapter, ~~chapter 245A, and sections 626.556, 626.557, and 626.5572, and chapters 245A and 260E.~~ Demonstration of the treatment director's knowledge must be documented in the personnel record.

Sec. 77. Minnesota Statutes 2018, section 245G.11, subdivision 4, is amended to read:

Subd. 4. **Alcohol and drug counselor supervisors.** An alcohol and drug counselor supervisor must:

(1) meet the qualification requirements in subdivision 5;

(2) have three or more years of experience providing individual and group counseling to individuals with substance use disorder; and

(3) know and understand the implications of this chapter ~~and, sections 245A.65, 626.556, 626.557, and 626.5572, and chapter 260E.~~

Sec. 78. Minnesota Statutes 2019 Supplement, section 245G.12, is amended to read:

**245G.12 PROVIDER POLICIES AND PROCEDURES.**

A license holder must develop a written policies and procedures manual, indexed according to section 245A.04, subdivision 14, paragraph (c), that provides staff members immediate access to all policies and procedures and provides a client and other authorized parties access to all policies and procedures. The manual must contain the following materials:

- (1) assessment and treatment planning policies, including screening for mental health concerns and treatment objectives related to the client's identified mental health concerns in the client's treatment plan;
- (2) policies and procedures regarding HIV according to section 245A.19;
- (3) the license holder's methods and resources to provide information on tuberculosis and tuberculosis screening to each client and to report a known tuberculosis infection according to section 144.4804;
- (4) personnel policies according to section 245G.13;
- (5) policies and procedures that protect a client's rights according to section 245G.15;
- (6) a medical services plan according to section 245G.08;
- (7) emergency procedures according to section 245G.16;
- (8) policies and procedures for maintaining client records according to section 245G.09;
- (9) procedures for reporting the maltreatment of minors according to ~~section 626.556~~ chapter 260E, and vulnerable adults according to sections 245A.65, 626.557, and 626.5572;
- (10) a description of treatment services that: (i) includes the amount and type of services provided; (ii) identifies which services meet the definition of group counseling under section 245G.01, subdivision 13a; and (iii) defines the program's treatment week;
- (11) the methods used to achieve desired client outcomes;
- (12) the hours of operation; and
- (13) the target population served.

Sec. 79. Minnesota Statutes 2019 Supplement, section 245G.13, subdivision 1, is amended to read:

Subdivision 1. **Personnel policy requirements.** A license holder must have written personnel policies that are available to each staff member. The personnel policies must:

- (1) ensure that staff member retention, promotion, job assignment, or pay are not affected by a good faith communication between a staff member and the department, the Department of Health, the ombudsman for mental health and developmental disabilities, law enforcement, or a local agency for the investigation of a complaint regarding a client's rights, health, or safety;

(2) contain a job description for each staff member position specifying responsibilities, degree of authority to execute job responsibilities, and qualification requirements;

(3) provide for a job performance evaluation based on standards of job performance conducted on a regular and continuing basis, including a written annual review;

(4) describe behavior that constitutes grounds for disciplinary action, suspension, or dismissal, including policies that address staff member problematic substance use and the requirements of section 245G.11, subdivision 1, policies prohibiting personal involvement with a client in violation of chapter 604, and policies prohibiting client abuse described in sections 245A.65, ~~626.556~~, 626.557, and 626.5572, and chapter 260E;

(5) identify how the program will identify whether behaviors or incidents are problematic substance use, including a description of how the facility must address:

(i) receiving treatment for substance use within the period specified for the position in the staff qualification requirements, including medication-assisted treatment;

(ii) substance use that negatively impacts the staff member's job performance;

(iii) substance use that affects the credibility of treatment services with a client, referral source, or other member of the community;

(iv) symptoms of intoxication or withdrawal on the job; and

(v) the circumstances under which an individual who participates in monitoring by the health professional services program for a substance use or mental health disorder is able to provide services to the program's clients;

(6) include a chart or description of the organizational structure indicating lines of authority and responsibilities;

(7) include orientation within 24 working hours of starting for each new staff member based on a written plan that, at a minimum, must provide training related to the staff member's specific job responsibilities, policies and procedures, client confidentiality, HIV minimum standards, and client needs; and

(8) include policies outlining the license holder's response to a staff member with a behavior problem that interferes with the provision of treatment service.

Sec. 80. Minnesota Statutes 2018, section 245G.13, subdivision 2, is amended to read:

Subd. 2. **Staff development.** (a) A license holder must ensure that each staff member has the training described in this subdivision.

(b) Each staff member must be trained every two years in:

(1) client confidentiality rules and regulations and client ethical boundaries; and

(2) emergency procedures and client rights as specified in sections 144.651, 148F.165, and 253B.03.

(c) Annually each staff member with direct contact must be trained on mandatory reporting as specified in sections 245A.65, ~~626.556~~, ~~626.5561~~, 626.557, and 626.5572, and chapter 260E, including specific training covering the license holder's policies for obtaining a release of client information.

(d) Upon employment and annually thereafter, each staff member with direct contact must receive training on HIV minimum standards according to section 245A.19.

(e) A treatment director, supervisor, nurse, or counselor must have a minimum of 12 hours of training in co-occurring disorders that includes competencies related to philosophy, trauma-informed care, screening, assessment, diagnosis and person-centered treatment planning, documentation, programming, medication, collaboration, mental health consultation, and discharge planning. A new staff member who has not obtained the training must complete the training within six months of employment. A staff member may request, and the license holder may grant, credit for relevant training obtained before employment, which must be documented in the staff member's personnel file.

Sec. 81. Minnesota Statutes 2019 Supplement, section 245H.11, is amended to read:

#### **245H.11 REPORTING.**

(a) The certification holder must comply and must have written policies for staff to comply with the reporting requirements for abuse and neglect specified in ~~section 626.556~~ chapter 260E. A person mandated to report physical or sexual child abuse or neglect occurring within a certified center shall report the information to the commissioner.

(b) The certification holder must inform the commissioner within 24 hours of:

- (1) the death of a child in the program; and
- (2) any injury to a child in the program that required treatment by a physician.

Sec. 82. Minnesota Statutes 2018, section 254A.09, is amended to read:

#### **254A.09 CONFIDENTIALITY OF RECORDS.**

The Department of Human Services shall assure confidentiality to individuals who are the subject of research by the state authority or are recipients of substance misuse or substance use disorder information, assessment, or treatment from a licensed or approved program. The commissioner shall withhold from all persons not connected with the conduct of the research the names or other identifying characteristics of a subject of research unless the individual gives written permission that information relative to treatment and recovery may be released. Persons authorized to protect the privacy of subjects of research may not be compelled in any federal, state or local, civil, criminal, administrative or other proceeding to identify or disclose other confidential information about the individuals. Identifying information and other confidential information related to substance misuse or substance use disorder information, assessment, treatment, or aftercare services may be ordered to be released by the court for the purpose of civil or criminal investigations or proceedings if, after review of the records considered for disclosure, the court determines that the information is relevant to the purpose for which disclosure is requested. The court shall order disclosure of only that information which is determined relevant. In determining whether to compel disclosure, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the treatment relationship in the program affected and in other programs similarly situated, and the actual or potential harm to the ability of programs to attract and retain patients if disclosure occurs. This section does not exempt any person from the reporting obligations under ~~section 626.556~~ chapter 260E, nor limit the use of information reported in any proceeding arising out of the abuse or neglect of a child. Identifying information and other confidential information related to substance misuse or substance use disorder, assessment, treatment, or aftercare services may be ordered to be released by the court for the purpose of civil or criminal investigations or proceedings. No information may be released pursuant to this section that would not be released pursuant to section 595.02, subdivision 2.

Sec. 83. Minnesota Statutes 2019 Supplement, section 254B.04, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** (a) Persons eligible for benefits under Code of Federal Regulations, title 25, part 20, who meet the income standards of section 256B.056, subdivision 4, and are not enrolled in medical assistance, are entitled to chemical dependency fund services. State money appropriated for this paragraph must be placed in a separate account established for this purpose.

(b) Persons with dependent children who are determined to be in need of chemical dependency treatment pursuant to an assessment under section ~~626.556, subdivision 10~~, 260E.20, subdivision 1, or a case plan under section 260C.201, subdivision 6, or 260C.212, shall be assisted by the local agency to access needed treatment services. Treatment services must be appropriate for the individual or family, which may include long-term care treatment or treatment in a facility that allows the dependent children to stay in the treatment facility. The county shall pay for out-of-home placement costs, if applicable.

(c) Notwithstanding paragraph (a), persons enrolled in medical assistance are eligible for room and board services under section 254B.05, subdivision 5, paragraph (b), clause (12).

Sec. 84. Minnesota Statutes 2018, section 256.01, subdivision 12, is amended to read:

Subd. 12. **Child mortality review panel.** (a) The commissioner shall establish a child mortality review panel to review deaths of children in Minnesota, including deaths attributed to maltreatment or in which maltreatment may be a contributing cause and to review near fatalities as defined in section ~~626.556, subdivision 11d~~ 260E.35. The commissioners of health, education, and public safety and the attorney general shall each designate a representative to the child mortality review panel. Other panel members shall be appointed by the commissioner, including a board-certified pathologist and a physician who is a coroner or a medical examiner. The purpose of the panel shall be to make recommendations to the state and to county agencies for improving the child protection system, including modifications in statute, rule, policy, and procedure.

(b) The commissioner may require a county agency to establish a local child mortality review panel. The commissioner may establish procedures for conducting local reviews and may require that all professionals with knowledge of a child mortality case participate in the local review. In this section, "professional" means a person licensed to perform or a person performing a specific service in the child protective service system. "Professional" includes law enforcement personnel, social service agency attorneys, educators, and social service, health care, and mental health care providers.

(c) If the commissioner of human services has reason to believe that a child's death was caused by maltreatment or that maltreatment was a contributing cause, the commissioner has access to not public data under chapter 13 maintained by state agencies, statewide systems, or political subdivisions that are related to the child's death or circumstances surrounding the care of the child. The commissioner shall also have access to records of private hospitals as necessary to carry out the duties prescribed by this section. Access to data under this paragraph is limited to police investigative data; autopsy records and coroner or medical examiner investigative data; hospital, public health, or other medical records of the child; hospital and other medical records of the child's parent that relate to prenatal care; and records created by social service agencies that provided services to the child or family within three years preceding the child's death. A state agency, statewide system, or political subdivision shall provide the data upon request of the commissioner. Not public data may be shared with members of the state or local child mortality review panel in connection with an individual case.

(d) Notwithstanding the data's classification in the possession of any other agency, data acquired by a local or state child mortality review panel in the exercise of its duties is protected nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary to carry out the purposes of the review panel. The data is not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but shall not

disclose data that was classified as confidential or private data on decedents, under section 13.10, or private, confidential, or protected nonpublic data in the disseminating agency, except that the commissioner may disclose local social service agency data as provided in section 626.556, subdivision 11d, on individual cases involving a fatality or near fatality of a person served by the local social service agency prior to the date of death.

(e) A person attending a child mortality review panel meeting shall not disclose what transpired at the meeting, except to carry out the purposes of the mortality review panel. The proceedings and records of the mortality review panel are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state or a county agency, arising out of the matters the panel is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review panel. A person who presented information before the review panel or who is a member of the panel shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information to the review panel or opinions formed by the person as a result of the review meetings.

Sec. 85. Minnesota Statutes 2019 Supplement, section 256.01, subdivision 14b, is amended to read:

Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human services may authorize projects to initiate tribal delivery of child welfare services to American Indian children and their parents and custodians living on the reservation. The commissioner has authority to solicit and determine which tribes may participate in a project. Grants may be issued to Minnesota Indian tribes to support the projects. The commissioner may waive existing state rules as needed to accomplish the projects. The commissioner may authorize projects to use alternative methods of (1) screening, investigating, and assessing reports of child maltreatment, and (2) administrative reconsideration, administrative appeal, and judicial appeal of maltreatment determinations, provided the alternative methods used by the projects comply with the provisions of ~~sections~~ section 256.045 and 626.556 and chapter 260E that deal with the rights of individuals who are the subjects of reports or investigations, including notice and appeal rights and data practices requirements. The commissioner shall only authorize alternative methods that comply with the public policy under section 626.556, subdivision 1. The commissioner may seek any federal approvals necessary to carry out the projects as well as seek and use any funds available to the commissioner, including use of federal funds, foundation funds, existing grant funds, and other funds. The commissioner is authorized to advance state funds as necessary to operate the projects. Federal reimbursement applicable to the projects is appropriated to the commissioner for the purposes of the projects. The projects must be required to address responsibility for safety, permanency, and well-being of children.

(b) For the purposes of this section, "American Indian child" means a person under 21 years old and who is a tribal member or eligible for membership in one of the tribes chosen for a project under this subdivision and who is residing on the reservation of that tribe.

(c) In order to qualify for an American Indian child welfare project, a tribe must:

- (1) be one of the existing tribes with reservation land in Minnesota;
- (2) have a tribal court with jurisdiction over child custody proceedings;
- (3) have a substantial number of children for whom determinations of maltreatment have occurred;

(4)(i) have capacity to respond to reports of abuse and neglect under ~~section 626.556~~ chapter 260E; or (ii) have codified the tribe's screening, investigation, and assessment of reports of child maltreatment procedures, if authorized to use an alternative method by the commissioner under paragraph (a);

(5) provide a wide range of services to families in need of child welfare services; and

(6) have a tribal-state title IV-E agreement in effect.

(d) Grants awarded under this section may be used for the nonfederal costs of providing child welfare services to American Indian children on the tribe's reservation, including costs associated with:

(1) assessment and prevention of child abuse and neglect;

(2) family preservation;

(3) facilitative, supportive, and reunification services;

(4) out-of-home placement for children removed from the home for child protective purposes; and

(5) other activities and services approved by the commissioner that further the goals of providing safety, permanency, and well-being of American Indian children.

(e) When a tribe has initiated a project and has been approved by the commissioner to assume child welfare responsibilities for American Indian children of that tribe under this section, the affected county social service agency is relieved of responsibility for responding to reports of abuse and neglect under ~~section 626.556~~ chapter 260E for those children during the time within which the tribal project is in effect and funded. The commissioner shall work with tribes and affected counties to develop procedures for data collection, evaluation, and clarification of ongoing role and financial responsibilities of the county and tribe for child welfare services prior to initiation of the project. Children who have not been identified by the tribe as participating in the project shall remain the responsibility of the county. Nothing in this section shall alter responsibilities of the county for law enforcement or court services.

(f) Participating tribes may conduct children's mental health screenings under section 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the initiative and living on the reservation and who meet one of the following criteria:

(1) the child must be receiving child protective services;

(2) the child must be in foster care; or

(3) the child's parents must have had parental rights suspended or terminated.

Tribes may access reimbursement from available state funds for conducting the screenings. Nothing in this section shall alter responsibilities of the county for providing services under section 245.487.

(g) Participating tribes may establish a local child mortality review panel. In establishing a local child mortality review panel, the tribe agrees to conduct local child mortality reviews for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes with established child mortality review panels shall have access to nonpublic data and shall protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide written notice to the commissioner and affected counties when a local child mortality review panel has been established and shall provide data upon request of the commissioner for purposes of sharing nonpublic data with members of the state child mortality review panel in connection to an individual case.

(h) The commissioner shall collect information on outcomes relating to child safety, permanency, and well-being of American Indian children who are served in the projects. Participating tribes must provide information to the state in a format and completeness deemed acceptable by the state to meet state and federal reporting requirements.

(i) In consultation with the White Earth Band, the commissioner shall develop and submit to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services a plan to transfer legal responsibility for providing child protective services to White Earth Band member children residing in Hennepin County to the White Earth Band. The plan shall include a financing proposal, definitions of key terms, statutory amendments required, and other provisions required to implement the plan. The commissioner shall submit the plan by January 15, 2012.

Sec. 86. Minnesota Statutes 2018, section 256.01, subdivision 15, is amended to read:

Subd. 15. **Citizen review panels.** (a) The commissioner shall establish a minimum of three citizen review panels to examine the policies and procedures of state and local welfare agencies to evaluate the extent to which the agencies are effectively discharging their child protection responsibilities. Local social service agencies shall cooperate and work with the citizen review panels. Where appropriate, the panels may examine specific cases to evaluate the effectiveness of child protection activities. The panels must examine the extent to which the state and local agencies are meeting the requirements of the federal Child Abuse Prevention and Treatment Act and the Reporting of Maltreatment of Minors Act. The commissioner may authorize mortality review panels or child protection teams to carry out the duties of a citizen review panel if membership meets or is expanded to meet the requirements of this section.

(b) The panel membership must include volunteers who broadly represent the community in which the panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect, child protection advocates, and representatives of the councils of color and ombudsperson for families.

(c) A citizen review panel has access to the following data for specific case review under this paragraph: police investigative data; autopsy records and coroner or medical examiner investigative data; hospital, public health, or other medical records of the child; hospital and other medical records of the child's parent that relate to prenatal care; records created by social service agencies that provided services to the child or family; and personnel data related to an employee's performance in discharging child protection responsibilities. A state agency, statewide system, or political subdivision shall provide the data upon request of the commissioner. Not public data may be shared with members of the state or local citizen review panel in connection with an individual case.

(d) Notwithstanding the data's classification in the possession of any other agency, data acquired by a local or state citizen review panel in the exercise of its duties are protected nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary to carry out the purposes of the review panel. The data are not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but may not disclose data on individuals that were classified as confidential or private data on individuals in the possession of the state agency, statewide system, or political subdivision from which the data were received, except that the commissioner may disclose local social service agency data as provided in section ~~626.556, subdivision 11d~~ 260E.35, on individual cases involving a fatality or near fatality of a person served by the local social service agency prior to the date of death.

(e) A person attending a citizen review panel meeting may not disclose what transpired at the meeting, except to carry out the purposes of the review panel. The proceedings and records of the review panel are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or county agency arising out of the matters the panel is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review

panel. A person who presented information before the review panel or who is a member of the panel is not prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person must not be questioned about the person's presentation of information to the review panel or opinions formed by the person as a result of the review panel meetings.

Sec. 87. Minnesota Statutes 2018, section 256.045, subdivision 3, is amended to read:

Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

(1) any person applying for, receiving or having received public assistance, medical care, or a program of social services granted by the state agency or a county agency or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;

(2) any patient or relative aggrieved by an order of the commissioner under section 252.27;

(3) a party aggrieved by a ruling of a prepaid health plan;

(4) except as provided under chapter 245C, any individual or facility determined by a lead investigative agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557;

(5) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under ~~section 626.556~~ chapter 260E is denied or not acted upon with reasonable promptness, regardless of funding source;

(6) any person to whom a right of appeal according to this section is given by other provision of law;

(7) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15;

(8) an applicant aggrieved by an adverse decision to an application or redetermination for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

(9) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under ~~section 626.556~~ chapter 260E, after the individual or facility has exercised the right to administrative reconsideration under ~~section 626.556~~ chapter 260E;

(10) except as provided under chapter 245C, an individual disqualified under sections 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23, on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section ~~626.556, subdivision 3,~~ 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (9) and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services judge shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment;

(11) any person with an outstanding debt resulting from receipt of public assistance, medical care, or the federal Food Stamp Act who is contesting a setoff claim by the Department of Human Services or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt;

(12) a person issued a notice of service termination under section 245D.10, subdivision 3a, from residential supports and services as defined in section 245D.03, subdivision 1, paragraph (c), clause (3), that is not otherwise subject to appeal under subdivision 4a;

(13) an individual disability waiver recipient based on a denial of a request for a rate exception under section 256B.4914; or

(14) a person issued a notice of service termination under section 245A.11, subdivision 11, that is not otherwise subject to appeal under subdivision 4a.

(b) The hearing for an individual or facility under paragraph (a), clause (4), (9), or (10), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case proceeding under the provisions of chapter 14. Hearings requested under paragraph (a), clause (9), apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under paragraph (a), clauses (4), (9), and (10), is only available when there is no district court action pending. If such action is filed in district court while an administrative review is pending that arises out of some or all of the events or circumstances on which the appeal is based, the administrative review must be suspended until the judicial actions are completed. If the district court proceedings are completed, dismissed, or overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(d) The scope of hearings involving claims to foster care payments under paragraph (a), clause (5), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(e) The scope of hearings under paragraph (a), clauses (12) and (14), shall be limited to whether the proposed termination of services is authorized under section 245D.10, subdivision 3a, paragraph (b), or 245A.11, subdivision 11, and whether the requirements of section 245D.10, subdivision 3a, paragraphs (c) to (e), or 245A.11, subdivision 2a, paragraphs (d) to (f), were met. If the appeal includes a request for a temporary stay of termination of services, the scope of the hearing shall also include whether the case management provider has finalized arrangements for a residential facility, a program, or services that will meet the assessed needs of the recipient by the effective date of the service termination.

(f) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

(g) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

(h) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

(i) Unless federal or Minnesota law specifies a different time frame in which to file an appeal, an individual or organization specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause, as defined in section 256.0451, subdivision 13, why the request was not submitted within the 30-day time limit. The individual filing the appeal has the burden of proving good cause by a preponderance of the evidence.

Sec. 88. Minnesota Statutes 2018, section 256.045, subdivision 3b, is amended to read:

Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a) The state human services judge shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under ~~sections 626.556 and section 626.557~~ and chapter 260E. For purposes of hearings regarding disqualification, the state human services judge shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph (a), clause (10), if a preponderance of the evidence shows the individual has:

- (1) committed maltreatment under section ~~626.556 or 626.557~~ or chapter 260E, which is serious or recurring;
- (2) committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or
- (3) failed to make required reports under section ~~626.556 or 626.557~~ or chapter 260E, for incidents in which the final disposition under section ~~626.556 or 626.557~~ or chapter 260E was substantiated maltreatment that was serious or recurring.

(b) If the disqualification is affirmed, the state human services judge shall determine whether the individual poses a risk of harm in accordance with the requirements of section 245C.22, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the human services judge shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside.

(c) If a disqualification is based solely on a conviction or is conclusive for any reason under section 245C.29, the disqualified individual does not have a right to a hearing under this section.

(d) The state human services judge shall recommend an order to the commissioner of health, education, or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.482, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29.

Sec. 89. Minnesota Statutes 2018, section 256.045, subdivision 4, is amended to read:

Subd. 4. **Conduct of hearings.** (a) All hearings held pursuant to subdivision 3, 3a, 3b, or 4a shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of human services. County agencies shall install equipment necessary to conduct telephone hearings. A state human services judge may schedule a telephone conference hearing when the distance or time required to

travel to the county agency offices will cause a delay in the issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings may be conducted by telephone conferences unless the applicant, recipient, former recipient, person, or facility contesting maltreatment objects. A human services judge may grant a request for a hearing in person by holding the hearing by interactive video technology or in person. The human services judge must hear the case in person if the person asserts that either the person or a witness has a physical or mental disability that would impair the person's or witness's ability to fully participate in a hearing held by interactive video technology. The hearing shall not be held earlier than five days after filing of the required notice with the county or state agency. The state human services judge shall notify all interested persons of the time, date, and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other representative of their choice, including a provider of therapy services, at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant, recipient, former recipient, person, or facility contesting maltreatment shall have the opportunity to examine the contents of the case file and all documents and records to be used by the county or state agency at the hearing at a reasonable time before the date of the hearing and during the hearing. In hearings under subdivision 3, paragraph (a), clauses (4), (9), and (10), either party may subpoena the private data relating to the investigation prepared by the agency under section ~~626.556~~ or 626.557 or chapter 260E that is not otherwise accessible under section 13.04, provided the identity of the reporter may not be disclosed.

(b) The private data obtained by subpoena in a hearing under subdivision 3, paragraph (a), clause (4), (9), or (10), must be subject to a protective order which prohibits its disclosure for any other purpose outside the hearing provided for in this section without prior order of the district court. Disclosure without court order is punishable by a sentence of not more than 90 days imprisonment or a fine of not more than \$1,000, or both. These restrictions on the use of private data do not prohibit access to the data under section 13.03, subdivision 6. Except for appeals under subdivision 3, paragraph (a), clauses (4), (5), (9), and (10), upon request, the county agency shall provide reimbursement for transportation, child care, photocopying, medical assessment, witness fee, and other necessary and reasonable costs incurred by the applicant, recipient, or former recipient in connection with the appeal. All evidence, except that privileged by law, commonly accepted by reasonable people in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3. The agency must present its evidence prior to or at the hearing, and may not submit evidence after the hearing except by agreement of the parties at the hearing, provided the petitioner has the opportunity to respond.

(c) In hearings under subdivision 3, paragraph (a), clauses (4), (9), and (10), involving determinations of maltreatment or disqualification made by more than one county agency, by a county agency and a state agency, or by more than one state agency, the hearings may be consolidated into a single fair hearing upon the consent of all parties and the state human services judge.

(d) For hearings under subdivision 3, paragraph (a), clause (4) or (10), involving a vulnerable adult, the human services judge shall notify the vulnerable adult who is the subject of the maltreatment determination and, if known, a guardian of the vulnerable adult appointed under section 524.5-310, or a health care agent designated by the vulnerable adult in a health care directive that is currently effective under section 145C.06 and whose authority to make health care decisions is not suspended under section 524.5-310, of the hearing. The notice must be sent by certified mail and inform the vulnerable adult of the right to file a signed written statement in the proceedings. A guardian or health care agent who prepares or files a written statement for the vulnerable adult must indicate in the statement that the person is the vulnerable adult's guardian or health care agent and sign the statement in that capacity. The vulnerable adult, the guardian, or the health care agent may file a written statement with the human services judge hearing the case no later than five business days before commencement of the hearing. The human services judge shall include the written statement in the hearing record and consider the statement in deciding the appeal. This subdivision does not limit, prevent, or excuse the vulnerable adult from being called as a witness testifying at the hearing or grant the vulnerable adult, the guardian, or health care agent a right to participate in the proceedings or appeal the human services judge's decision in the case. The lead investigative agency must consider

including the vulnerable adult victim of maltreatment as a witness in the hearing. If the lead investigative agency determines that participation in the hearing would endanger the well-being of the vulnerable adult or not be in the best interests of the vulnerable adult, the lead investigative agency shall inform the human services judge of the basis for this determination, which must be included in the final order. If the human services judge is not reasonably able to determine the address of the vulnerable adult, the guardian, or the health care agent, the human services judge is not required to send a hearing notice under this subdivision.

Sec. 90. Minnesota Statutes 2018, section 256B.0621, subdivision 4, is amended to read:

Subd. 4. **Relocation targeted county case management provider qualifications.** (a) A relocation targeted county case management provider is an enrolled medical assistance provider who is determined by the commissioner to have all of the following characteristics:

(1) the legal authority to provide public welfare under sections 393.01, subdivision 7; and 393.07; or a federally recognized Indian tribe;

(2) the demonstrated capacity and experience to provide the components of case management to coordinate and link community resources needed by the eligible population;

(3) the administrative capacity and experience to serve the target population for whom it will provide services and ensure quality of services under state and federal requirements;

(4) the legal authority to provide complete investigative and protective services under section ~~626.556, subdivision 10~~ 260E.14; and child welfare and foster care services under section 393.07, subdivisions 1 and 2; or a federally recognized Indian tribe;

(5) a financial management system that provides accurate documentation of services and costs under state and federal requirements; and

(6) the capacity to document and maintain individual case records under state and federal requirements.

(b) A provider of targeted case management under section 256B.0625, subdivision 20, may be deemed a certified provider of relocation targeted case management.

(c) A relocation targeted county case management provider may subcontract with another provider to deliver relocation targeted case management services. Subcontracted providers must demonstrate the ability to provide the services outlined in subdivision 6, and have a procedure in place that notifies the recipient and the recipient's legal representative of any conflict of interest if the contracted targeted case management provider also provides, or will provide, the recipient's services and supports. Counties must require that contracted providers must provide information on all conflicts of interest and obtain the recipient's informed consent or provide the recipient with alternatives.

Sec. 91. Minnesota Statutes 2018, section 256B.0625, subdivision 33, is amended to read:

Subd. 33. **Child welfare targeted case management.** Medical assistance, subject to federal approval, covers child welfare targeted case management services as defined in section 256B.094 to children under age 21 who have been assessed and determined in accordance with section 256F.10 to be:

(1) at risk of placement or in placement as defined in section 260C.212, subdivision 1;

(2) at risk of maltreatment or experiencing maltreatment as defined in section ~~626.556, subdivision 10~~ 260E.03, subdivision 12; or

(3) in need of protection or services as defined in section 260C.007, subdivision 6.

Sec. 92. Minnesota Statutes 2018, section 256B.0945, subdivision 1, is amended to read:

Subdivision 1. **Residential services; provider qualifications.** (a) Counties must arrange to provide residential services for children with severe emotional disturbance according to sections 245.4882, 245.4885, and this section.

(b) Services must be provided by a facility that is licensed according to section 245.4882 and administrative rules promulgated thereunder, and under contract with the county.

(c) Eligible service costs may be claimed for a facility that is located in a state that borders Minnesota if:

(1) the facility is the closest facility to the child's home, providing the appropriate level of care; and

(2) the commissioner of human services has completed an inspection of the out-of-state program according to the interagency agreement with the commissioner of corrections under section 260B.198, subdivision 11, paragraph (b), and the program has been certified by the commissioner of corrections under section 260B.198, subdivision 11, paragraph (a), to substantially meet the standards applicable to children's residential mental health treatment programs under Minnesota Rules, chapter 2960. Nothing in this section requires the commissioner of human services to enforce the background study requirements under chapter 245C or the requirements related to prevention and investigation of alleged maltreatment under section ~~626.556 or 626.557~~ or chapter 260E. Complaints received by the commissioner of human services must be referred to the out-of-state licensing authority for possible follow-up.

(d) Notwithstanding paragraph (b), eligible service costs may be claimed for an out-of-state inpatient treatment facility if:

(1) the facility specializes in providing mental health services to children who are deaf, deafblind, or hard-of-hearing and who use American Sign Language as their first language;

(2) the facility is licensed by the state in which it is located; and

(3) the state in which the facility is located is a member state of the Interstate Compact on Mental Health.

Sec. 93. Minnesota Statutes 2018, section 256B.0949, subdivision 16, is amended to read:

Subd. 16. **Agency duties.** (a) An agency delivering an EIDBI service under this section must:

(1) enroll as a medical assistance Minnesota health care program provider according to Minnesota Rules, part 9505.0195, and section 256B.04, subdivision 21, and meet all applicable provider standards and requirements;

(2) demonstrate compliance with federal and state laws for EIDBI service;

(3) verify and maintain records of a service provided to the person or the person's legal representative as required under Minnesota Rules, parts 9505.2175 and 9505.2197;

(4) demonstrate that while enrolled or seeking enrollment as a Minnesota health care program provider the agency did not have a lead agency contract or provider agreement discontinued because of a conviction of fraud; or did not have an owner, board member, or manager fail a state or federal criminal background check or appear on the list of excluded individuals or entities maintained by the federal Department of Human Services Office of Inspector General;

(5) have established business practices including written policies and procedures, internal controls, and a system that demonstrates the organization's ability to deliver quality EIDBI services;

(6) have an office located in Minnesota;

(7) conduct a criminal background check on an individual who has direct contact with the person or the person's legal representative;

(8) report maltreatment according to ~~sections 626.556 and~~ section 626.557 and chapter 260E;

(9) comply with any data requests consistent with the Minnesota Government Data Practices Act, sections 256B.064 and 256B.27;

(10) provide training for all agency staff on the requirements and responsibilities listed in the Maltreatment of Minors Act, ~~section 626.556~~ chapter 260E, and the Vulnerable Adult Protection Act, section 626.557, including mandated and voluntary reporting, nonretaliation, and the agency's policy for all staff on how to report suspected abuse and neglect;

(11) have a written policy to resolve issues collaboratively with the person and the person's legal representative when possible. The policy must include a timeline for when the person and the person's legal representative will be notified about issues that arise in the provision of services;

(12) provide the person's legal representative with prompt notification if the person is injured while being served by the agency. An incident report must be completed by the agency staff member in charge of the person. A copy of all incident and injury reports must remain on file at the agency for at least five years from the report of the incident; and

(13) before starting a service, provide the person or the person's legal representative a description of the treatment modality that the person shall receive, including the staffing certification levels and training of the staff who shall provide a treatment.

(b) When delivering the ITP, and annually thereafter, an agency must provide the person or the person's legal representative with:

(1) a written copy and a verbal explanation of the person's or person's legal representative's rights and the agency's responsibilities;

(2) documentation in the person's file the date that the person or the person's legal representative received a copy and explanation of the person's or person's legal representative's rights and the agency's responsibilities; and

(3) reasonable accommodations to provide the information in another format or language as needed to facilitate understanding of the person's or person's legal representative's rights and the agency's responsibilities.

Sec. 94. Minnesota Statutes 2018, section 256B.0951, subdivision 5, is amended to read:

Subd. 5. **Variance of certain standards prohibited.** The safety standards, rights, or procedural protections under ~~chapter 245C and~~ sections 245.825; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivisions 1b, clause (7), and 10; ~~626.556; and 626.557; and~~ chapters 245C and 260E, and procedures for the monitoring of psychotropic medications shall not be varied under the alternative quality assurance licensing system. The commission may make recommendations to the commissioners of human services and health or to the legislature regarding alternatives to or modifications of the rules and procedures referenced in this subdivision.

Sec. 95. Minnesota Statutes 2018, section 256B.0954, is amended to read:

**256B.0954 CERTAIN PERSONS DEFINED AS MANDATED REPORTERS.**

Members of the Quality Assurance Commission established under section 256B.0951, members of quality assurance review councils established under section 256B.0952, quality assurance managers appointed under section 256B.0952, and members of quality assurance teams established under section 256B.0952 are mandated reporters as that term is defined in sections ~~626.556, subdivision 3~~ 260E.06, subdivision 1, and 626.5572, subdivision 16.

Sec. 96. Minnesota Statutes 2018, section 256B.097, subdivision 4, is amended to read:

Subd. 4. **Regional quality councils.** (a) The commissioner shall establish, as selected by the State Quality Council, regional quality councils of key stakeholders, including regional representatives of:

(1) disability service recipients and their family members;

(2) disability service providers;

(3) disability advocacy groups; and

(4) county human services agencies and staff from the Department of Human Services and Ombudsman for Mental Health and Developmental Disabilities.

(b) Each regional quality council shall:

(1) direct and monitor the community-based, person-directed quality assurance system in this section;

(2) approve a training program for quality assurance team members under clause (13);

(3) review summary reports from quality assurance team reviews and make recommendations to the State Quality Council regarding program licensure;

(4) make recommendations to the State Quality Council regarding the system;

(5) resolve complaints between the quality assurance teams, counties, providers, persons receiving services, their families, and legal representatives;

(6) analyze and review quality outcomes and critical incident data reporting incidents of life safety concerns immediately to the Department of Human Services licensing division;

(7) provide information and training programs for persons with disabilities and their families and legal representatives on service options and quality expectations;

(8) disseminate information and resources developed to other regional quality councils;

(9) respond to state-level priorities;

(10) establish regional priorities for quality improvement;

(11) submit an annual report to the State Quality Council on the status, outcomes, improvement priorities, and activities in the region;

(12) choose a representative to participate on the State Quality Council and assume other responsibilities consistent with the priorities of the State Quality Council; and

(13) recruit, train, and assign duties to members of quality assurance teams, taking into account the size of the service provider, the number of services to be reviewed, the skills necessary for the team members to complete the process, and ensure that no team member has a financial, personal, or family relationship with the facility, program, or service being reviewed or with anyone served at the facility, program, or service. Quality assurance teams must be comprised of county staff, persons receiving services or the person's families, legal representatives, members of advocacy organizations, providers, and other involved community members. Team members must complete the training program approved by the regional quality council and must demonstrate performance-based competency. Team members may be paid a per diem and reimbursed for expenses related to their participation in the quality assurance process.

(c) The commissioner shall monitor the safety standards, rights, and procedural protections for the monitoring of psychotropic medications and those identified under sections 245.825; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivision 1b, clause (7); ~~626.556~~; and 626.557; and chapter 260E.

(d) The regional quality councils may hire staff to perform the duties assigned in this subdivision.

(e) The regional quality councils may charge fees for their services.

(f) The quality assurance process undertaken by a regional quality council consists of an evaluation by a quality assurance team of the facility, program, or service. The process must include an evaluation of a random sample of persons served. The sample must be representative of each service provided. The sample size must be at least five percent but not less than two persons served. All persons must be given the opportunity to be included in the quality assurance process in addition to those chosen for the random sample.

(g) A facility, program, or service may contest a licensing decision of the regional quality council as permitted under chapter 245A.

Sec. 97. Minnesota Statutes 2018, section 256B.097, subdivision 6, is amended to read:

Subd. 6. **Mandated reporters.** Members of the State Quality Council under subdivision 3, the regional quality councils under subdivision 4, and quality assurance team members under subdivision 4, paragraph (b), clause (13), are mandated reporters as defined in sections ~~626.556, subdivision 3~~ 260E.06, subdivision 1, and 626.5572, subdivision 16.

Sec. 98. Minnesota Statutes 2018, section 256B.77, subdivision 17, is amended to read:

Subd. 17. **Approval of alternatives.** The commissioner may approve alternatives to administrative rules if the commissioner determines that appropriate alternative measures are in place to protect the health, safety, and rights of enrollees and to assure that services are of sufficient quality to produce the outcomes described in the personal support plans. Prior approved waivers, if needed by the demonstration project, shall be extended. The commissioner shall not waive the rights or procedural protections under sections 245.825; 245.91 to 245.97; 252.41, subdivision 9; 256B.092, subdivision 10; ~~626.556~~; and 626.557; and chapter 260E or procedures for the monitoring of psychotropic medications. Prohibited practices as defined in statutes and rules governing service delivery to eligible individuals are applicable to services delivered under this demonstration project.

Sec. 99. Minnesota Statutes 2019 Supplement, section 256B.85, subdivision 10, is amended to read:

Subd. 10. **Agency-provider and FMS provider qualifications and duties.** (a) Agency-providers identified in subdivision 11 and FMS providers identified in subdivision 13a shall:

(1) enroll as a medical assistance Minnesota health care programs provider and meet all applicable provider standards and requirements;

(2) demonstrate compliance with federal and state laws and policies for CFSS as determined by the commissioner;

(3) comply with background study requirements under chapter 245C and maintain documentation of background study requests and results;

(4) verify and maintain records of all services and expenditures by the participant, including hours worked by support workers;

(5) not engage in any agency-initiated direct contact or marketing in person, by telephone, or other electronic means to potential participants, guardians, family members, or participants' representatives;

(6) directly provide services and not use a subcontractor or reporting agent;

(7) meet the financial requirements established by the commissioner for financial solvency;

(8) have never had a lead agency contract or provider agreement discontinued due to fraud, or have never had an owner, board member, or manager fail a state or FBI-based criminal background check while enrolled or seeking enrollment as a Minnesota health care programs provider; and

(9) have an office located in Minnesota.

(b) In conducting general duties, agency-providers and FMS providers shall:

(1) pay support workers based upon actual hours of services provided;

(2) pay for worker training and development services based upon actual hours of services provided or the unit cost of the training session purchased;

(3) withhold and pay all applicable federal and state payroll taxes;

(4) make arrangements and pay unemployment insurance, taxes, workers' compensation, liability insurance, and other benefits, if any;

(5) enter into a written agreement with the participant, participant's representative, or legal representative that assigns roles and responsibilities to be performed before services, supports, or goods are provided;

(6) report maltreatment as required under ~~sections 626.556 and~~ section 626.557 and chapter 260E;

(7) comply with the labor market reporting requirements described in section 256B.4912, subdivision 1a;

(8) comply with any data requests from the department consistent with the Minnesota Government Data Practices Act under chapter 13; and

(9) maintain documentation for the requirements under subdivision 16, paragraph (e), clause (2), to qualify for an enhanced rate under this section.

Sec. 100. Minnesota Statutes 2018, section 256B.85, subdivision 12a, is amended to read:

Subd. 12a. **CFSS agency-provider requirements; policies for complaint process and incident response.** (a) The CFSS agency-provider must establish policies and procedures that promote service recipient rights by providing a simple complaint process for participants served by the program and their authorized representatives to bring a grievance. The complaint process must:

(1) provide staff assistance with the complaint process when requested;

(2) allow the participant to bring the complaint to the highest level of authority in the program if the grievance cannot be resolved by other staff members, and provide the name, address, and telephone number of that person;

(3) provide the addresses and telephone numbers of outside agencies to assist the participant;

(4) require a prompt response to all complaints affecting a participant's health and safety and a timely response to all other complaints;

(5) require an evaluation of whether:

(i) related policies and procedures were followed and adequate;

(ii) there is a need for additional staff training;

(iii) the complaint is similar to past complaints with the persons, staff, or services involved; and

(iv) there is a need for corrective action by the agency-provider to protect the health and safety of participants receiving services;

(6) provide a written summary of the complaint and a notice of the complaint resolution to the participant and, if applicable, case manager or care coordinator; and

(7) require that the complaint summary and resolution notice be maintained in the participant's service record.

(b) The CFSS agency-provider must establish policies and procedures for responding to incidents that occur while services are being provided. When a participant has a legal representative or a participant's representative, incidents must be reported to these representatives. For the purposes of this paragraph, "incident" means an occurrence that involves a participant and requires a response that is not a part of the ordinary provision of the services to that participant, and includes:

- (1) serious injury of a participant as determined by section 245.91, subdivision 6;
- (2) a participant's death;
- (3) any medical emergency, unexpected serious illness, or significant unexpected change in a participant's illness or medical condition that requires a call to 911, physician treatment, or hospitalization;
- (4) any mental health crisis that requires a call to 911 or a mental health crisis intervention team;
- (5) an act or situation involving a participant that requires a call to 911, law enforcement, or the fire department;
- (6) a participant's unexplained absence;
- (7) behavior that creates an imminent risk of harm to the participant or another; and
- (8) a report of alleged or suspected child or vulnerable adult maltreatment under section ~~626.556~~ or 626.557 or chapter 260E.

Sec. 101. Minnesota Statutes 2018, section 256E.21, subdivision 5, is amended to read:

Subd. 5. **Child abuse.** "Child abuse" means sexual abuse, neglect, or physical abuse as defined in section ~~626.556, subdivision 2, paragraphs (g), (k), and (n)~~ 260E.03, subdivisions 15, 18, and 20.

Sec. 102. Minnesota Statutes 2018, section 256F.10, subdivision 1, is amended to read:

Subdivision 1. **Eligibility.** Persons under 21 years of age who are eligible to receive medical assistance are eligible for child welfare targeted case management services under section 256B.094 and this section if they have received an assessment and have been determined by the local county or tribal social services agency to be:

- (1) at risk of placement or in placement as described in section 260C.212, subdivision 1;
- (2) at risk of maltreatment or experiencing maltreatment as defined in section ~~626.556, subdivision 10~~ 260E.03, subdivision 12; or
- (3) in need of protection or services as defined in section 260C.007, subdivision 6.

Sec. 103. Minnesota Statutes 2018, section 256F.10, subdivision 4, is amended to read:

Subd. 4. **Provider qualifications and certification standards.** The commissioner must certify each provider before enrolling it as a child welfare targeted case management provider of services under section 256B.094 and this section. The certification process shall examine the provider's ability to meet the qualification requirements and certification standards in this subdivision and other federal and state requirements of this service. A certified child welfare targeted case management provider is an enrolled medical assistance provider who is determined by the commissioner to have all of the following:

(1) the legal authority to provide public welfare under sections 393.01, subdivision 7, and 393.07 or a federally recognized Indian tribe;

(2) the demonstrated capacity and experience to provide the components of case management to coordinate and link community resources needed by the eligible population;

(3) administrative capacity and experience in serving the target population for whom it will provide services and in ensuring quality of services under state and federal requirements;

(4) the legal authority to provide complete investigative and protective services under section ~~626.556, subdivision 10~~ 260E.20, and child welfare and foster care services under section 393.07, subdivisions 1 and 2, or a federally recognized Indian tribe;

(5) a financial management system that provides accurate documentation of services and costs under state and federal requirements; and

(6) the capacity to document and maintain individual case records under state and federal requirements.

Sec. 104. Minnesota Statutes 2018, section 256L.07, subdivision 4, is amended to read:

Subd. 4. **Families with children in need of chemical dependency treatment.** Premiums for families with children when a parent has been determined to be in need of chemical dependency treatment pursuant to an assessment conducted by the county under section ~~626.556, subdivision 10~~ 260E.20, subdivision 1, paragraph (g), or a case plan under section 260C.201, subdivision 6, or 260C.212, who are eligible for MinnesotaCare under section 256L.04, subdivision 1, may be paid by the county of residence of the person in need of treatment for one year from the date the family is determined to be eligible or if the family is currently enrolled in MinnesotaCare from the date the person is determined to be in need of chemical dependency treatment. Upon renewal, the family is responsible for any premiums owed under section 256L.15. If the family is not currently enrolled in MinnesotaCare, the local county human services agency shall determine whether the family appears to meet the eligibility requirements and shall assist the family in applying for the MinnesotaCare program.

Sec. 105. Minnesota Statutes 2018, section 256M.10, subdivision 2, is amended to read:

Subd. 2. **Vulnerable children and adults services.** (a) "Vulnerable children and adults services" means services provided or arranged for by county boards for vulnerable children under ~~chapter chapters 260C and 260E, and sections 626.556 and 626.5561~~, and adults under section 626.557 who experience dependency, abuse, or neglect, as well as services for family members to support those individuals. These services may be provided by professionals or nonprofessionals, including the person's natural supports in the community. For the purpose of this chapter, "vulnerable children" means children and adolescents.

(b) Vulnerable children and adults services do not include services under the public assistance programs known as the Minnesota family investment program, Minnesota supplemental aid, medical assistance, general assistance, MinnesotaCare, or community health services.

Sec. 106. Minnesota Statutes 2018, section 256M.40, subdivision 1, is amended to read:

Subdivision 1. **Formula.** The commissioner shall allocate state funds appropriated under this chapter to each county board on a calendar year basis in an amount determined according to the formula in paragraphs (a) to (e).

(a) For calendar years 2011 and 2012, the commissioner shall allocate available funds to each county in proportion to that county's share in calendar year 2010.

(b) For calendar year 2013 and each calendar year thereafter, the commissioner shall allocate available funds to each county as follows:

(1) 75 percent must be distributed on the basis of the county share in calendar year 2012;

(2) five percent must be distributed on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer;

(3) ten percent must be distributed on the basis of the number of vulnerable children that are subjects of reports under ~~chapter chapters~~ 260C ~~and sections 626.556 and 626.5561~~ and 260E, and in the county as determined by the most recent data of the commissioner; and

(4) ten percent must be distributed on the basis of the number of vulnerable adults that are subjects of reports under section 626.557 in the county as determined by the most recent data of the commissioner.

(c) The commissioner is precluded from changing the formula under this subdivision or recommending a change to the legislature without public review and input.

Sec. 107. Minnesota Statutes 2018, section 256M.41, subdivision 1, is amended to read:

Subdivision 1. **Formula for county staffing funds.** (a) The commissioner shall allocate state funds appropriated under this section to each county board on a calendar year basis in an amount determined according to the following formula:

(1) 50 percent must be distributed on the basis of the child population residing in the county as determined by the most recent data of the state demographer;

(2) 25 percent must be distributed on the basis of the number of screened-in reports of child maltreatment under ~~sections 626.556 and 626.5561~~ chapter 260E, and in the county as determined by the most recent data of the commissioner; and

(3) 25 percent must be distributed on the basis of the number of open child protection case management cases in the county as determined by the most recent data of the commissioner.

(b) Notwithstanding this subdivision, no county shall be awarded an allocation of less than \$75,000.

Sec. 108. Minnesota Statutes 2018, section 257.0764, is amended to read:

#### **257.0764 COMPLAINTS.**

An ombudsperson may receive a complaint from any source concerning an action of an agency, facility, or program. After completing a review, the ombudsperson shall inform the complainant, agency, facility, or program. Services to a child shall not be unfavorably altered as a result of an investigation or complaint. An agency, facility, or program shall not retaliate or take adverse action, as defined in section ~~626.556, subdivision 4a,~~ 260E.07, paragraph (c), against an individual who, in good faith, makes a complaint or assists in an investigation.

Sec. 109. Minnesota Statutes 2018, section 260.012, is amended to read:

**260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY REUNIFICATION; REASONABLE EFFORTS.**

(a) Once a child alleged to be in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate services, by the social services agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time, and the court must ensure that the responsible social services agency makes reasonable efforts to finalize an alternative permanent plan for the child as provided in paragraph (e). In determining reasonable efforts to be made with respect to a child and in making those reasonable efforts, the child's best interests, health, and safety must be of paramount concern. Reasonable efforts to prevent placement and for rehabilitation and reunification are always required except upon a determination by the court that a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been terminated involuntarily;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parent's custodial rights to another child have been involuntarily transferred to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

(5) the parent has committed sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, against the child or another child of the parent;

(6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

(7) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable under the circumstances.

(b) When the court makes one of the prima facie determinations under paragraph (a), either permanency pleadings under section 260C.505, or a termination of parental rights petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under sections 260C.503 to 260C.521 must be held within 30 days of this determination.

(c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178, 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court must make findings and conclusions consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, the responsible social services agency must provide active efforts as required under United States Code, title 25, section 1911(d).

(d) "Reasonable efforts to prevent placement" means:

(1) the agency has made reasonable efforts to prevent the placement of the child in foster care by working with the family to develop and implement a safety plan; or

(2) given the particular circumstances of the child and family at the time of the child's removal, there are no services or efforts available which could allow the child to safely remain in the home.

(e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence by the responsible social services agency to:

(1) reunify the child with the parent or guardian from whom the child was removed;

(2) assess a noncustodial parent's ability to provide day-to-day care for the child and, where appropriate, provide services necessary to enable the noncustodial parent to safely provide the care, as required by section 260C.219;

(3) conduct a relative search to identify and provide notice to adult relatives as required under section 260C.221;

(4) place siblings removed from their home in the same home for foster care or adoption, or transfer permanent legal and physical custody to a relative. Visitation between siblings who are not in the same foster care, adoption, or custodial placement or facility shall be consistent with section 260C.212, subdivision 2; and

(5) when the child cannot return to the parent or guardian from whom the child was removed, to plan for and finalize a safe and legally permanent alternative home for the child, and considers permanent alternative homes for the child inside or outside of the state, preferably through adoption or transfer of permanent legal and physical custody of the child.

(f) Reasonable efforts are made upon the exercise of due diligence by the responsible social services agency to use culturally appropriate and available services to meet the needs of the child and the child's family. Services may include those provided by the responsible social services agency and other culturally appropriate services available in the community. At each stage of the proceedings where the court is required to review the appropriateness of the responsible social services agency's reasonable efforts as described in paragraphs (a), (d), and (e), the social services agency has the burden of demonstrating that:

(1) it has made reasonable efforts to prevent placement of the child in foster care;

(2) it has made reasonable efforts to eliminate the need for removal of the child from the child's home and to reunify the child with the child's family at the earliest possible time;

(3) it has made reasonable efforts to finalize an alternative permanent home for the child, and considers permanent alternative homes for the child inside or outside of the state; or

(4) reasonable efforts to prevent placement and to reunify the child with the parent or guardian are not required. The agency may meet this burden by stating facts in a sworn petition filed under section 260C.141, by filing an affidavit summarizing the agency's reasonable efforts or facts the agency believes demonstrate there is no need for reasonable efforts to reunify the parent and child, or through testimony or a certified report required under juvenile court rules.

(g) Once the court determines that reasonable efforts for reunification are not required because the court has made one of the prima facie determinations under paragraph (a), the court may only require reasonable efforts for reunification after a hearing according to section 260C.163, where the court finds there is not clear and convincing evidence of the facts upon which the court based its prima facie determination. In this case when there is clear and convincing evidence that the child is in need of protection or services, the court may find the child in need of protection or services and order any of the dispositions available under section 260C.201, subdivision 1. Reunification of a child with a parent is not required if the parent has been convicted of:

(1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

(2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

(3) a violation of, or an attempt or conspiracy to commit a violation of, United States Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;

(4) committing sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, against the child or another child of the parent; or

(5) an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b).

(h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and conclusions as to the provision of reasonable efforts. When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:

(1) relevant to the safety and protection of the child;

(2) adequate to meet the needs of the child and family;

(3) culturally appropriate;

(4) available and accessible;

(5) consistent and timely; and

(6) realistic under the circumstances.

In the alternative, the court may determine that provision of services or further services for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances or that reasonable efforts are not required as provided in paragraph (a).

(i) This section does not prevent out-of-home placement for treatment of a child with a mental disability when it is determined to be medically necessary as a result of the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program and the level or intensity of supervision and treatment cannot be effectively and safely provided in the child's home or community and it is determined that a residential treatment setting is the least restrictive setting that is appropriate to the needs of the child.

(j) If continuation of reasonable efforts to prevent placement or reunify the child with the parent or guardian from whom the child was removed is determined by the court to be inconsistent with the permanent plan for the child or upon the court making one of the prima facie determinations under paragraph (a), reasonable efforts must be made to place the child in a timely manner in a safe and permanent home and to complete whatever steps are necessary to legally finalize the permanent placement of the child.

(k) Reasonable efforts to place a child for adoption or in another permanent placement may be made concurrently with reasonable efforts to prevent placement or to reunify the child with the parent or guardian from whom the child was removed. When the responsible social services agency decides to concurrently make

reasonable efforts for both reunification and permanent placement away from the parent under paragraph (a), the agency shall disclose its decision and both plans for concurrent reasonable efforts to all parties and the court. When the agency discloses its decision to proceed on both plans for reunification and permanent placement away from the parent, the court's review of the agency's reasonable efforts shall include the agency's efforts under both plans.

Sec. 110. Minnesota Statutes 2018, section 260.761, subdivision 2, is amended to read:

Subd. 2. **Agency and court notice to tribes.** (a) When a local social services agency has information that a family assessment or investigation being conducted may involve an Indian child, the local social services agency shall notify the Indian child's tribe of the family assessment or investigation according to section ~~626.556, subdivision 10, paragraph (a), clause (5)~~ 260E.18. Initial notice shall be provided by telephone and by e-mail or facsimile. The local social services agency shall request that the tribe or a designated tribal representative participate in evaluating the family circumstances, identifying family and tribal community resources, and developing case plans.

(b) When a local social services agency has information that a child receiving services may be an Indian child, the local social services agency shall notify the tribe by telephone and by e-mail or facsimile of the child's full name and date of birth, the full names and dates of birth of the child's biological parents, and, if known, the full names and dates of birth of the child's grandparents and of the child's Indian custodian. This notification must be provided so the tribe can determine if the child is enrolled in the tribe or eligible for membership, and must be provided within seven days. If information regarding the child's grandparents or Indian custodian is not available within the seven-day period, the local social services agency shall continue to request this information and shall notify the tribe when it is received. Notice shall be provided to all tribes to which the child may have any tribal lineage. If the identity or location of the child's parent or Indian custodian and tribe cannot be determined, the local social services agency shall provide the notice required in this paragraph to the United States secretary of the interior.

(c) In accordance with sections 260C.151 and 260C.152, when a court has reason to believe that a child placed in emergency protective care is an Indian child, the court administrator or a designee shall, as soon as possible and before a hearing takes place, notify the tribal social services agency by telephone and by e-mail or facsimile of the date, time, and location of the emergency protective case hearing. The court shall make efforts to allow appearances by telephone for tribal representatives, parents, and Indian custodians.

(d) A local social services agency must provide the notices required under this subdivision at the earliest possible time to facilitate involvement of the Indian child's tribe. Nothing in this subdivision is intended to hinder the ability of the local social services agency and the court to respond to an emergency situation. Lack of participation by a tribe shall not prevent the tribe from intervening in services and proceedings at a later date. A tribe may participate at any time. At any stage of the local social services agency's involvement with an Indian child, the agency shall provide full cooperation to the tribal social services agency, including disclosure of all data concerning the Indian child. Nothing in this subdivision relieves the local social services agency of satisfying the notice requirements in the Indian Child Welfare Act.

Sec. 111. Minnesota Statutes 2018, section 260B.171, subdivision 6, is amended to read:

Subd. 6. **Attorney access to records.** An attorney representing a child, parent, or guardian ad litem in a proceeding under this chapter shall be given access to records, local social services agency files, and reports which form the basis of any recommendation made to the court. An attorney does not have access under this subdivision to the identity of a person who made a report under ~~section 626.556~~ chapter 260E. The court may issue protective orders to prohibit an attorney from sharing a specified record or portion of a record with a client other than a guardian ad litem.

Sec. 112. Minnesota Statutes 2019 Supplement, section 260B.198, subdivision 1, is amended to read:

Subdivision 1. **Court order, findings, remedies, treatment.** (a) If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

- (1) counsel the child or the parents, guardian, or custodian;
- (2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court including reasonable rules for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;
- (3) if the court determines that the child is a danger to self or others, subject to the supervision of the court, transfer legal custody of the child to one of the following:
  - (i) a child-placing agency;
  - (ii) the local social services agency;
  - (iii) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16;
  - (iv) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or
  - (v) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;
- (4) transfer legal custody by commitment to the commissioner of corrections;
- (5) if the child is found to have violated a state or local law or ordinance which has resulted in damage to the person or property of another, the court may order the child to make reasonable restitution for such damage;
- (6) require the child to pay a fine of up to \$1,000. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;
- (7) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;
- (8) if the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize;

(9) if the court believes that it is in the best interest of the child and of public safety that the child is enrolled in school, the court may require the child to remain enrolled in a public school until the child reaches the age of 18 or completes all requirements needed to graduate from high school. Any child enrolled in a public school under this clause is subject to the provisions of the Pupil Fair Dismissal Act in chapter 127;

(10) if the child is petitioned and found by the court to have committed a controlled substance offense under sections 152.021 to 152.027, the court shall determine whether the child unlawfully possessed or sold the controlled substance while driving a motor vehicle. If so, the court shall notify the commissioner of public safety of its determination and order the commissioner to revoke the child's driver's license for the applicable time period specified in section 152.0271. If the child does not have a driver's license or if the child's driver's license is suspended or revoked at the time of the delinquency finding, the commissioner shall, upon the child's application for driver's license issuance or reinstatement, delay the issuance or reinstatement of the child's driver's license for the applicable time period specified in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to take the licensing action without a hearing;

(11) if the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency petition based on one or more of those sections, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court must be experienced in the evaluation and treatment of juvenile sex offenders. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment. Notwithstanding sections 13.384, 13.85, 144.291 to 144.298, or 260B.171, ~~or 626.556, or chapter 260E.~~ the assessor has access to the following private or confidential data on the child if access is relevant and necessary for the assessment:

- (i) medical data under section 13.384;
- (ii) corrections and detention data under section 13.85;
- (iii) health records under sections 144.291 to 144.298;
- (iv) juvenile court records under section 260B.171; and
- (v) local welfare agency records under ~~section 626.556~~ chapter 260E.

Data disclosed under this clause may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law; or

(12) if the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs.

(b) Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered and shall also set forth in writing the following information:

- (1) why the best interests of the child are served by the disposition ordered; and
- (2) what alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case. Clause (1) does not apply to a disposition under subdivision 1a.

Sec. 113. Minnesota Statutes 2018, section 260C.007, subdivision 3, is amended to read:

Subd. 3. **Case plan.** "Case plan" means any plan for the delivery of services to a child and parent or guardian, or, when reunification is not required, the child alone, that is developed according to the requirements of section 245.4871, subdivision 19 or 21; 245.492, subdivision 16; 256B.092; 260C.212, subdivision 1; or ~~626.556, subdivision 10~~ 260E.26.

Sec. 114. Minnesota Statutes 2018, section 260C.007, subdivision 5, is amended to read:

Subd. 5. **Child abuse.** "Child abuse" means an act that involves a minor victim that constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.322, 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, 617.246, or that is physical or sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, or an act committed in another state that involves a minor victim and would constitute a violation of one of these sections if committed in this state.

Sec. 115. Minnesota Statutes 2018, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as defined in subdivision 15;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from an infant with a disability with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or advanced practice registered nurse's reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or advanced practice registered nurse's reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child who entered foster care under a voluntary placement agreement between the parent and the responsible social services agency under section 260C.227;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

(11) is a sexually exploited youth;

(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.503, subdivision 2, is not in the best interests of the child.

Sec. 116. Minnesota Statutes 2018, section 260C.007, subdivision 13, is amended to read:

Subd. 13. **Domestic child abuse.** "Domestic child abuse" means:

(1) any physical injury to a minor family or household member inflicted by an adult family or household member other than by accidental means;

(2) subjection of a minor family or household member by an adult family or household member to any act which constitutes a violation of sections 609.321 to 609.324, 609.342, 609.343, 609.344, 609.345, or 617.246; or

(3) physical or sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, subdivision 18 or 20.

Sec. 117. Minnesota Statutes 2019 Supplement, section 260C.139, subdivision 3, is amended to read:

Subd. 3. **Status of child.** For purposes of proceedings under this chapter and adoption proceedings, a newborn left at a safe place, pursuant to subdivision 4 and section 145.902, is considered an abandoned child under section ~~626.556, subdivision 2, paragraph (e), clause (2)~~ 260E.03, subdivision 22, clause (2). The child is abandoned under sections 260C.007, subdivision 6, clause (1), and 260C.301, subdivision 1, paragraph (b), clause (1).

Sec. 118. Minnesota Statutes 2018, section 260C.150, subdivision 3, is amended to read:

Subd. 3. **Identifying parents of child; diligent efforts; data.** (a) The responsible social services agency shall make diligent efforts to identify and locate both parents of any child who is the subject of proceedings under this chapter. Diligent efforts include:

(1) asking the custodial or known parent to identify any nonresident parent of the child and provide information that can be used to verify the nonresident parent's identity including the dates and locations of marriages and divorces; dates and locations of any legal proceedings regarding paternity; date and place of the child's birth; nonresident parent's full legal name; nonresident parent's date of birth, or if the nonresident parent's date of birth is unknown, an approximate age; the nonresident parent's Social Security number; the nonresident parent's whereabouts including last known whereabouts; and the whereabouts of relatives of the nonresident parent. For purposes of this subdivision, "nonresident parent" means a parent who does not reside in the same household as the child or did not reside in the same household as the child at the time the child was removed when the child is in foster care;

(2) obtaining information that will identify and locate the nonresident parent from the county and state of Minnesota child support enforcement information system;

(3) requesting a search of the Minnesota Fathers' Adoption Registry 30 days after the child's birth; and

(4) using any other reasonable means to identify and locate the nonresident parent.

(b) The agency may disclose data which is otherwise private under section 13.46 ~~or 626.556~~ or chapter 260E in order to carry out its duties under this subdivision.

(c) Upon the filing of a petition alleging the child to be in need of protection or services, the responsible social services agency may contact a putative father who registered with the Minnesota Fathers' Adoption Registry more than 30 days after the child's birth. The social service agency may consider a putative father for the day-to-day care of the child under section 260C.219 if the putative father cooperates with genetic testing and there is a positive test result under section 257.62, subdivision 5. Nothing in this paragraph:

(1) relieves a putative father who registered with the Minnesota Fathers' Adoption Registry more than 30 days after the child's birth of the duty to cooperate with paternity establishment proceedings under section 260C.219;

(2) gives a putative father who registered with the Minnesota Fathers' Adoption Registry more than 30 days after the child's birth the right to notice under section 260C.151 unless the putative father is entitled to notice under sections 259.24 and 259.49, subdivision 1, paragraph (a) or (b), clauses (1) to (7); or

(3) establishes a right to assert an interest in the child in a termination of parental rights proceeding contrary to section 259.52, subdivision 6, unless the putative father is entitled to notice under sections 259.24 and 259.49, subdivision 1, paragraph (a) or (b), clauses (1) to (7).

Sec. 119. Minnesota Statutes 2018, section 260C.171, subdivision 3, is amended to read:

Subd. 3. **Attorney access to records.** An attorney representing a child, parent, or guardian ad litem in a proceeding under this chapter shall be given access to records, responsible social services agency files, and reports which form the basis of any recommendation made to the court. An attorney does not have access under this subdivision to the identity of a person who made a report under ~~section 626.556~~ chapter 260E. The court may issue protective orders to prohibit an attorney from sharing a specified record or portion of a record with a client other than a guardian ad litem.

Sec. 120. Minnesota Statutes 2018, section 260C.177, is amended to read:

**260C.177 PARENTAL AND LAW ENFORCEMENT NOTIFICATION.**

An emergency shelter and its agents, employees, and volunteers must comply with court orders, ~~section 626.556,~~ this chapter, chapter 260E, and all other applicable laws. In any event, unless other legal requirements require earlier or different notification or actions, an emergency shelter must attempt to notify a runaway's parent or legal guardian of the runaway's location and status within 72 hours. The notification must include a description of the runaway's physical and emotional condition and the circumstances surrounding the runaway's admission to the emergency shelter, unless there are compelling reasons not to provide the parent or legal guardian with this information. Compelling reasons may include circumstances in which the runaway is or has been exposed to domestic violence or a victim of abuse, neglect, or abandonment.

Sec. 121. Minnesota Statutes 2019 Supplement, section 260C.178, subdivision 1, is amended to read:

Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a hearing within 72 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in custody.

(b) Unless there is reason to believe that the child would endanger self or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260C.157, subdivision 1.

(c) If the court determines there is reason to believe that the child would endanger self or others or not return for a court hearing, or that the child's health or welfare would be immediately endangered if returned to the care of the parent or guardian who has custody and from whom the child was removed, the court shall order the child into foster care as defined in section 260C.007, subdivision 18, under the legal responsibility of the responsible social services agency or responsible probation or corrections agency for the purposes of protective care as that term is used in the juvenile court rules or into the home of a noncustodial parent and order the noncustodial parent to comply with any conditions the court determines to be appropriate to the safety and care of the child, including cooperating with paternity establishment proceedings in the case of a man who has not been adjudicated the child's father. The court shall not give the responsible social services legal custody and order a trial home visit at any time prior to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or guardian who has custody and from whom the child was removed and order the parent or guardian to comply with any conditions the court determines to be appropriate to meet the safety, health, and welfare of the child.

(d) In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse.

(e) The court, before determining whether a child should be placed in or continue in foster care under the protective care of the responsible agency, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts were made to prevent placement or whether reasonable efforts to prevent placement are not required. In the case of an Indian child, the court shall determine whether active efforts, according to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement. The court shall enter a finding that the responsible social services agency has made reasonable efforts to prevent placement when the agency establishes either:

(1) that it has actually provided services or made efforts in an attempt to prevent the child's removal but that such services or efforts have not proven sufficient to permit the child to safely remain in the home; or

(2) that there are no services or other efforts that could be made at the time of the hearing that could safely permit the child to remain home or to return home. When reasonable efforts to prevent placement are required and there are services or other efforts that could be ordered which would permit the child to safely return home, the court shall order the child returned to the care of the parent or guardian and the services or efforts put in place to ensure the child's safety. When the court makes a prima facie determination that one of the circumstances under paragraph (g) exists, the court shall determine that reasonable efforts to prevent placement and to return the child to the care of the parent or guardian are not required.

If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

(f) The court may not order or continue the foster care placement of the child unless the court makes explicit, individualized findings that continued custody of the child by the parent or guardian would be contrary to the welfare of the child and that placement is in the best interest of the child.

(g) At the emergency removal hearing, or at any time during the course of the proceeding, and upon notice and request of the county attorney, the court shall determine whether a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been involuntarily terminated;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parents' custodial rights to another child have been involuntarily transferred to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e), clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

(5) the parent has committed sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, against the child or another child of the parent;

(6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

(7) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable.

(h) When a petition to terminate parental rights is required under section 260C.301, subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to proceed with a termination of parental rights petition, and has instead filed a petition to transfer permanent legal and physical custody to a relative under section 260C.507, the court shall schedule a permanency hearing within 30 days of the filing of the petition.

(i) If the county attorney has filed a petition under section 260C.307, the court shall schedule a trial under section 260C.163 within 90 days of the filing of the petition except when the county attorney determines that the criminal case shall proceed to trial first under section 260C.503, subdivision 2, paragraph (c).

(j) If the court determines the child should be ordered into foster care and the child's parent refuses to give information to the responsible social services agency regarding the child's father or relatives of the child, the court may order the parent to disclose the names, addresses, telephone numbers, and other identifying information to the responsible social services agency for the purpose of complying with sections 260C.151, 260C.212, 260C.215, and 260C.221.

(k) If a child ordered into foster care has siblings, whether full, half, or step, who are also ordered into foster care, the court shall inquire of the responsible social services agency of the efforts to place the children together as required by section 260C.212, subdivision 2, paragraph (d), if placement together is in each child's best interests, unless a child is in placement for treatment or a child is placed with a previously noncustodial parent who is not a parent to all siblings. If the children are not placed together at the time of the hearing, the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place the siblings together, as required under section 260.012. If any sibling is not placed with another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing contact among the siblings as required under section 260C.212, subdivision 1, unless it is contrary to the safety or well-being of any of the siblings to do so.

(l) When the court has ordered the child into foster care or into the home of a noncustodial parent, the court may order a chemical dependency evaluation, mental health evaluation, medical examination, and parenting assessment for the parent as necessary to support the development of a plan for reunification required under subdivision 7 and section 260C.212, subdivision 1, or the child protective services plan under section ~~626.556, subdivision 10~~ 260E.26, and Minnesota Rules, part 9560.0228.

Sec. 122. Minnesota Statutes 2019 Supplement, section 260C.201, subdivision 6, is amended to read:

Subd. 6. **Case plan.** (a) For each disposition ordered where the child is placed away from a parent or guardian, the court shall order the responsible social services agency to prepare a written out-of-home placement plan according to the requirements of section 260C.212, subdivision 1. When a foster child is colocated with a parent in a licensed residential family-based substance use disorder treatment program under section 260C.190, the case plan must specify the recommendation for the colocation before the child is colocated with the parent.

(b) In cases where the child is not placed out of the home or is ordered into the home of a noncustodial parent, the responsible social services agency shall prepare a plan for delivery of social services to the child and custodial parent under section ~~626.556, subdivision 10~~ 260E.26, or any other case plan required to meet the needs of the child. The plan shall be designed to safely maintain the child in the home or to reunite the child with the custodial parent.

(c) The court may approve the case plan as presented or modify it after hearing from the parties. Once the plan is approved, the court shall order all parties to comply with it. A copy of the approved case plan shall be attached to the court's order and incorporated into it by reference.

(d) A party has a right to request a court review of the reasonableness of the case plan upon a showing of a substantial change of circumstances.

Sec. 123. Minnesota Statutes 2018, section 260C.209, subdivision 2, is amended to read:

Subd. 2. **General procedures.** (a) When accessing information under subdivision 1, the agency shall require the individual being assessed to provide sufficient information to ensure an accurate assessment under this section, including:

- (1) the individual's first, middle, and last name and all other names by which the individual has been known;
- (2) home address, zip code, city, county, and state of residence for the past five years;

- (3) sex;
- (4) date of birth; and
- (5) driver's license number or state identification number.

(b) When notified by the responsible social services agency that it is accessing information under subdivision 1, the Bureau of Criminal Apprehension, commissioners of health and human services, law enforcement, and county agencies must provide the responsible social services agency or county attorney with the following information on the individual being assessed: criminal history data, local law enforcement data about the household, reports about the maltreatment of adults substantiated under section 626.557, and reports of maltreatment of minors substantiated under ~~section 626.556~~ chapter 260E.

Sec. 124. Minnesota Statutes 2018, section 260C.212, subdivision 12, is amended to read:

Subd. 12. **Fair hearing review.** Any person whose claim for foster care payment pursuant to the placement of a child resulting from a child protection assessment under ~~section 626.556~~ chapter 260E is denied or not acted upon with reasonable promptness may appeal the decision under section 256.045, subdivision 3.

Sec. 125. Minnesota Statutes 2018, section 260C.221, is amended to read:

#### **260C.221 RELATIVE SEARCH.**

(a) The responsible social services agency shall exercise due diligence to identify and notify adult relatives prior to placement or within 30 days after the child's removal from the parent. The county agency shall consider placement with a relative under this section without delay and whenever the child must move from or be returned to foster care. The relative search required by this section shall be comprehensive in scope. After a finding that the agency has made reasonable efforts to conduct the relative search under this paragraph, the agency has the continuing responsibility to appropriately involve relatives, who have responded to the notice required under this paragraph, in planning for the child and to continue to consider relatives according to the requirements of section 260C.212, subdivision 2. At any time during the course of juvenile protection proceedings, the court may order the agency to reopen its search for relatives when it is in the child's best interest to do so.

(b) The relative search required by this section shall include both maternal and paternal adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians of the child's siblings; and any other adult relatives suggested by the child's parents, subject to the exceptions due to family violence in paragraph (c). The search shall also include getting information from the child in an age-appropriate manner about who the child considers to be family members and important friends with whom the child has resided or had significant contact. The relative search required under this section must fulfill the agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the breakup of the Indian family under United States Code, title 25, section 1912(d), and to meet placement preferences under United States Code, title 25, section 1915. The relatives must be notified:

(1) of the need for a foster home for the child, the option to become a placement resource for the child, and the possibility of the need for a permanent placement for the child;

(2) of their responsibility to keep the responsible social services agency and the court informed of their current address in order to receive notice in the event that a permanent placement is sought for the child and to receive notice of the permanency progress review hearing under section 260C.204. A relative who fails to provide a current address to the responsible social services agency and the court forfeits the right to receive notice of the possibility of permanent placement and of the permanency progress review hearing under section 260C.204. A decision by a relative not to be identified as a potential permanent placement resource or participate in planning for the child at the beginning of the case shall not affect whether the relative is considered for placement of the child with that relative later;

(3) that the relative may participate in the care and planning for the child, including that the opportunity for such participation may be lost by failing to respond to the notice sent under this subdivision. "Participate in the care and planning" includes, but is not limited to, participation in case planning for the parent and child, identifying the strengths and needs of the parent and child, supervising visits, providing respite and vacation visits for the child, providing transportation to appointments, suggesting other relatives who might be able to help support the case plan, and to the extent possible, helping to maintain the child's familiar and regular activities and contact with friends and relatives;

(4) of the family foster care licensing requirements, including how to complete an application and how to request a variance from licensing standards that do not present a safety or health risk to the child in the home under section 245A.04 and supports that are available for relatives and children who reside in a family foster home; and

(5) of the relatives' right to ask to be notified of any court proceedings regarding the child, to attend the hearings, and of a relative's right or opportunity to be heard by the court as required under section 260C.152, subdivision 5.

(c) A responsible social services agency may disclose private data, as defined in ~~sections~~ section 13.02 and ~~626.556 chapter 260E~~, to relatives of the child for the purpose of locating and assessing a suitable placement and may use any reasonable means of identifying and locating relatives including the Internet or other electronic means of conducting a search. The agency shall disclose data that is necessary to facilitate possible placement with relatives and to ensure that the relative is informed of the needs of the child so the relative can participate in planning for the child and be supportive of services to the child and family. If the child's parent refuses to give the responsible social services agency information sufficient to identify the maternal and paternal relatives of the child, the agency shall ask the juvenile court to order the parent to provide the necessary information. If a parent makes an explicit request that a specific relative not be contacted or considered for placement due to safety reasons including past family or domestic violence, the agency shall bring the parent's request to the attention of the court to determine whether the parent's request is consistent with the best interests of the child and the agency shall not contact the specific relative when the juvenile court finds that contacting the specific relative would endanger the parent, guardian, child, sibling, or any family member.

(d) At a regularly scheduled hearing not later than three months after the child's placement in foster care and as required in section 260C.202, the agency shall report to the court:

(1) its efforts to identify maternal and paternal relatives of the child and to engage the relatives in providing support for the child and family, and document that the relatives have been provided the notice required under paragraph (a); and

(2) its decision regarding placing the child with a relative as required under section 260C.212, subdivision 2, and to ask relatives to visit or maintain contact with the child in order to support family connections for the child, when placement with a relative is not possible or appropriate.

(e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives identified, searched for, and contacted for the purposes of the court's review of the agency's due diligence.

(f) When the court is satisfied that the agency has exercised due diligence to identify relatives and provide the notice required in paragraph (a), the court may find that reasonable efforts have been made to conduct a relative search to identify and provide notice to adult relatives as required under section 260.012, paragraph (e), clause (3). If the court is not satisfied that the agency has exercised due diligence to identify relatives and provide the notice required in paragraph (a), the court may order the agency to continue its search and notice efforts and to report back to the court.

(g) When the placing agency determines that permanent placement proceedings are necessary because there is a likelihood that the child will not return to a parent's care, the agency must send the notice provided in paragraph (h), may ask the court to modify the duty of the agency to send the notice required in paragraph (h), or may ask the court to completely relieve the agency of the requirements of paragraph (h). The relative notification requirements of paragraph (h) do not apply when the child is placed with an appropriate relative or a foster home that has committed to adopting the child or taking permanent legal and physical custody of the child and the agency approves of that foster home for permanent placement of the child. The actions ordered by the court under this section must be consistent with the best interests, safety, permanency, and welfare of the child.

(h) Unless required under the Indian Child Welfare Act or relieved of this duty by the court under paragraph (f), when the agency determines that it is necessary to prepare for permanent placement determination proceedings, or in anticipation of filing a termination of parental rights petition, the agency shall send notice to the relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan. The notice must state that a permanent home is sought for the child and that the individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The notice must state that within 30 days of receipt of the notice an individual receiving the notice must indicate to the agency the individual's interest in providing a permanent home for the child or that the individual may lose the opportunity to be considered for a permanent placement.

Sec. 126. Minnesota Statutes 2018, section 260C.503, subdivision 2, is amended to read:

Subd. 2. **Termination of parental rights.** (a) The responsible social services agency must ask the county attorney to immediately file a termination of parental rights petition when:

- (1) the child has been subjected to egregious harm as defined in section 260C.007, subdivision 14;
- (2) the child is determined to be the sibling of a child who was subjected to egregious harm;
- (3) the child is an abandoned infant as defined in section 260C.301, subdivision 2, paragraph (a), clause (2);
- (4) the child's parent has lost parental rights to another child through an order involuntarily terminating the parent's rights;
- (5) the parent has committed sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, against the child or another child of the parent;
- (6) the parent has committed an offense that requires registration as a predatory offender under section 243.166, subdivision 1b, paragraph (a) or (b); or
- (7) another child of the parent is the subject of an order involuntarily transferring permanent legal and physical custody of the child to a relative under this chapter or a similar law of another jurisdiction;

The county attorney shall file a termination of parental rights petition unless the conditions of paragraph (d) are met.

(b) When the termination of parental rights petition is filed under this subdivision, the responsible social services agency shall identify, recruit, and approve an adoptive family for the child. If a termination of parental rights petition has been filed by another party, the responsible social services agency shall be joined as a party to the petition.

(c) If criminal charges have been filed against a parent arising out of the conduct alleged to constitute egregious harm, the county attorney shall determine which matter should proceed to trial first, consistent with the best interests of the child and subject to the defendant's right to a speedy trial.

(d) The requirement of paragraph (a) does not apply if the responsible social services agency and the county attorney determine and file with the court:

(1) a petition for transfer of permanent legal and physical custody to a relative under sections 260C.505 and 260C.515, subdivision 3, including a determination that adoption is not in the child's best interests and that transfer of permanent legal and physical custody is in the child's best interests; or

(2) a petition under section 260C.141 alleging the child, and where appropriate, the child's siblings, to be in need of protection or services accompanied by a case plan prepared by the responsible social services agency documenting a compelling reason why filing a termination of parental rights petition would not be in the best interests of the child.

Sec. 127. Minnesota Statutes 2018, section 260D.01, is amended to read:

**260D.01 CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.**

(a) Sections 260D.01 to 260D.10, may be cited as the "child in voluntary foster care for treatment" provisions of the Juvenile Court Act.

(b) The juvenile court has original and exclusive jurisdiction over a child in voluntary foster care for treatment upon the filing of a report or petition required under this chapter. All obligations of the agency to a child and family in foster care contained in chapter 260C not inconsistent with this chapter are also obligations of the agency with regard to a child in foster care for treatment under this chapter.

(c) This chapter shall be construed consistently with the mission of the children's mental health service system as set out in section 245.487, subdivision 3, and the duties of an agency under sections 256B.092 and 260C.157 and Minnesota Rules, parts 9525.0004 to 9525.0016, to meet the needs of a child with a developmental disability or related condition. This chapter:

(1) establishes voluntary foster care through a voluntary foster care agreement as the means for an agency and a parent to provide needed treatment when the child must be in foster care to receive necessary treatment for an emotional disturbance or developmental disability or related condition;

(2) establishes court review requirements for a child in voluntary foster care for treatment due to emotional disturbance or developmental disability or a related condition;

(3) establishes the ongoing responsibility of the parent as legal custodian to visit the child, to plan together with the agency for the child's treatment needs, to be available and accessible to the agency to make treatment decisions, and to obtain necessary medical, dental, and other care for the child; and

(4) applies to voluntary foster care when the child's parent and the agency agree that the child's treatment needs require foster care either:

(i) due to a level of care determination by the agency's screening team informed by the diagnostic and functional assessment under section 245.4885; or

(ii) due to a determination regarding the level of services needed by the responsible social services' screening team under section 256B.092, and Minnesota Rules, parts 9525.0004 to 9525.0016.

(d) This chapter does not apply when there is a current determination under ~~section 626.556~~ chapter 260E that the child requires child protective services or when the child is in foster care for any reason other than treatment for the child's emotional disturbance or developmental disability or related condition. When there is a determination under ~~section 626.556~~ chapter 260E that the child requires child protective services based on an assessment that there are safety and risk issues for the child that have not been mitigated through the parent's engagement in services or otherwise, or when the child is in foster care for any reason other than the child's emotional disturbance or developmental disability or related condition, the provisions of chapter 260C apply.

(e) The paramount consideration in all proceedings concerning a child in voluntary foster care for treatment is the safety, health, and the best interests of the child. The purpose of this chapter is:

(1) to ensure a child with a disability is provided the services necessary to treat or ameliorate the symptoms of the child's disability;

(2) to preserve and strengthen the child's family ties whenever possible and in the child's best interests, approving the child's placement away from the child's parents only when the child's need for care or treatment requires it and the child cannot be maintained in the home of the parent; and

(3) to ensure the child's parent retains legal custody of the child and associated decision-making authority unless the child's parent willfully fails or is unable to make decisions that meet the child's safety, health, and best interests. The court may not find that the parent willfully fails or is unable to make decisions that meet the child's needs solely because the parent disagrees with the agency's choice of foster care facility, unless the agency files a petition under chapter 260C, and establishes by clear and convincing evidence that the child is in need of protection or services.

(f) The legal parent-child relationship shall be supported under this chapter by maintaining the parent's legal authority and responsibility for ongoing planning for the child and by the agency's assisting the parent, where necessary, to exercise the parent's ongoing right and obligation to visit or to have reasonable contact with the child. Ongoing planning means:

(1) actively participating in the planning and provision of educational services, medical, and dental care for the child;

(2) actively planning and participating with the agency and the foster care facility for the child's treatment needs; and

(3) planning to meet the child's need for safety, stability, and permanency, and the child's need to stay connected to the child's family and community.

(g) The provisions of section 260.012 to ensure placement prevention, family reunification, and all active and reasonable effort requirements of that section apply. This chapter shall be construed consistently with the requirements of the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et al., and the provisions of the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

Sec. 128. Minnesota Statutes 2018, section 260D.02, subdivision 3, is amended to read:

Subd. 3. **Case plan.** "Case plan" means any plan for the delivery of services to a child and parent, or when reunification is not required, the child alone, that is developed according to the requirements of sections 245.4871, subdivision 19 or 21; 245.492, subdivision 16; 256B.092; and 260C.212, subdivision 1; ~~626.556, subdivision 10;~~ and Minnesota Rules, parts 9525.0004 to 9525.0016.

Sec. 129. Minnesota Statutes 2018, section 260D.02, subdivision 5, is amended to read:

Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster care for treatment" means a child who is emotionally disturbed or developmentally disabled or has a related condition and is in foster care under a voluntary foster care agreement between the child's parent and the agency due to concurrence between the agency and the parent when it is determined that foster care is medically necessary:

(1) due to a determination by the agency's screening team based on its review of the diagnostic and functional assessment under section 245.4885; or

(2) due to a determination by the agency's screening team under section 256B.092 and Minnesota Rules, parts 9525.0004 to 9525.0016.

A child is not in voluntary foster care for treatment under this chapter when there is a current determination under ~~section 626.556~~ chapter 260E that the child requires child protective services or when the child is in foster care for any reason other than the child's emotional or developmental disability or related condition.

Sec. 130. Minnesota Statutes 2019 Supplement, section 299C.093, is amended to read:

**299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

The superintendent of the Bureau of Criminal Apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the data required to be provided under section 243.166, subdivisions 4, 4a, and 4b, and indicate the time period that the person is required to register. The superintendent shall maintain this data in a manner that ensures that it is readily available to law enforcement agencies. This data is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing a family assessment under ~~section 626.556~~ chapter 260E. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057. The commissioner of human services has access to the data for state-operated services, as defined in section 246.014, for the purposes described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies under chapter 245C.

Sec. 131. Minnesota Statutes 2018, section 388.051, subdivision 2, is amended to read:

Subd. 2. **Special provisions.** (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington Counties, only the county attorney shall prosecute gross misdemeanor violations of sections 289A.63, subdivisions 1, 2, 4, and 6; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

(b) In Ramsey County, only the county attorney shall prosecute gross misdemeanor violations of sections 609.255, subdivision 3; 609.377; and 609.378.

(c) The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section ~~626.556, subdivision 6, 260E.08, paragraphs (a), (b), and (c)~~, violations of fifth-degree criminal sexual conduct under section 609.3451, and environmental law violations under sections 115.071, 299F.098, and 609.671.

(d) Except in Hennepin and Ramsey Counties, only the county attorney shall prosecute gross misdemeanor violations of section 152.025.

Sec. 132. Minnesota Statutes 2018, section 518.165, subdivision 2, is amended to read:

Subd. 2. **Required appointment of guardian ad litem.** In all proceedings for child custody or for marriage dissolution or legal separation in which custody or parenting time with a minor child is an issue, if the court has reason to believe that the minor child is a victim of domestic child abuse or neglect, as those terms are defined in ~~sections~~ section 260C.007 and 626.556 chapter 260E, respectively, the court shall appoint a guardian ad litem. The guardian ad litem shall represent the interests of the child and advise the court with respect to custody and parenting time. If the child is represented by a guardian ad litem in any other pending proceeding, the court may appoint that guardian to represent the child in the custody or parenting time proceeding. No guardian ad litem need be appointed if the alleged domestic child abuse or neglect is before the court on a juvenile dependency and neglect petition. Nothing in this subdivision requires the court to appoint a guardian ad litem in any proceeding for child custody, marriage dissolution, or legal separation in which an allegation of domestic child abuse or neglect has not been made.

Sec. 133. Minnesota Statutes 2018, section 518.165, subdivision 5, is amended to read:

Subd. 5. **Procedure, criminal history, and maltreatment records background study.** (a) When the court requests a background study under subdivision 4, paragraph (a), the request shall be submitted to the Department of Human Services through the department's electronic online background study system.

(b) When the court requests a search of the National Criminal Records Repository, the court must provide a set of classifiable fingerprints of the subject of the study on a fingerprint card provided by the commissioner of human services.

(c) The commissioner of human services shall provide the court with criminal history data as defined in section 13.87 from the Bureau of Criminal Apprehension in the Department of Public Safety, other criminal history data held by the commissioner of human services, and data regarding substantiated maltreatment of a minor under ~~section 626.556~~ chapter 260E, and substantiated maltreatment of a vulnerable adult under section 626.557, within 15 working days of receipt of a request. If the subject of the study has been determined by the Department of Human Services or the Department of Health to be the perpetrator of substantiated maltreatment of a minor or vulnerable adult in a licensed facility, the response must include a copy of the public portion of the investigation memorandum under section ~~626.556, subdivision 10f~~ 260E.30, or the public portion of the investigation memorandum under section 626.557, subdivision 12b. When the background study shows that the subject has been determined by a county adult protection or child protection agency to have been responsible for maltreatment, the court shall be informed of the county, the date of the finding, and the nature of the maltreatment that was substantiated. The commissioner shall provide the court with information from the National Criminal Records Repository within three working days of the commissioner's receipt of the data. When the commissioner finds no criminal history or substantiated maltreatment on a background study subject, the commissioner shall make these results available to the court electronically through the secure online background study system.

(d) Notwithstanding section ~~626.556, subdivision 10f~~, 260E.30 or 626.557, subdivision 12b, if the commissioner or county lead agency or lead investigative agency has information that a person on whom a background study was previously done under this section has been determined to be a perpetrator of maltreatment of a minor or vulnerable adult, the commissioner or the county may provide this information to the court that requested the background study.

Sec. 134. Minnesota Statutes 2018, section 524.5-118, subdivision 2, is amended to read:

Subd. 2. **Procedure; criminal history and maltreatment records background check.** (a) The court shall request the commissioner of human services to complete a background study under section 245C.32. The request must be accompanied by the applicable fee and the signed consent of the subject of the study authorizing the release

of the data obtained to the court. If the court is requesting a search of the National Criminal Records Repository, the request must be accompanied by a set of classifiable fingerprints of the subject of the study. The fingerprints must be recorded on a fingerprint card provided by the commissioner of human services.

(b) The commissioner of human services shall provide the court with criminal history data as defined in section 13.87 from the Bureau of Criminal Apprehension in the Department of Public Safety, other criminal history data held by the commissioner of human services, and data regarding substantiated maltreatment of vulnerable adults under section 626.557 and substantiated maltreatment of minors under ~~section 626.556~~ chapter 260E within 15 working days of receipt of a request. If the subject of the study has been the perpetrator of substantiated maltreatment of a vulnerable adult or minor, the response must include a copy of the public portion of the investigation memorandum under section 626.557, subdivision 12b, or the public portion of the investigation memorandum under section ~~626.556, subdivision 10~~ 260E.30. If the court did not request a search of the National Criminal Records Repository and information from the Bureau of Criminal Apprehension indicates that the subject is a multistate offender or that multistate offender status is undetermined, the response must include this information. The commissioner shall provide the court with information from the National Criminal Records Repository within three working days of the commissioner's receipt of the data.

(c) Notwithstanding section 260E.30 or 626.557, subdivision 12b, ~~or 626.556, subdivision 10~~, if the commissioner of human services or a county lead agency or lead investigative agency has information that a person on whom a background study was previously done under this section has been determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the commissioner or the county may provide this information to the court that requested the background study. The commissioner may also provide the court with additional criminal history or substantiated maltreatment information that becomes available after the background study is done.

Sec. 135. Minnesota Statutes 2018, section 595.02, subdivision 1, is amended to read:

Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist, consulting psychologist, or licensed social worker engaged in a psychological or social assessment or treatment of an individual at the individual's request shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. Nothing in this clause exempts licensed social workers from compliance with the provisions of ~~sections 626.556 and~~ section 626.557 and chapter 260E.

(h) An interpreter for a person disabled in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person disabled in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is

charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of ~~sections 626.556 and~~ section 626.557 and chapter 260E.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without the consent of the victim unless ordered by the court. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and domestic abuse advocate, and the services if disclosure occurs. Nothing in this paragraph exempts domestic abuse advocates from compliance with the provisions of ~~sections 626.556 and~~ section 626.557 and chapter 260E.

For the purposes of this section, "domestic abuse advocate" means an employee or supervised volunteer from a community-based battered women's shelter and domestic abuse program eligible to receive grants under section 611A.32; that provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse and who is not employed by or under the direct supervision of a law enforcement agency, a prosecutor's office, or by a city, county, or state agency.

(m) A person cannot be examined as to any communication or document, including work notes, made or used in the course of or because of mediation pursuant to an agreement to mediate or a collaborative law process pursuant to an agreement to participate in collaborative law. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement or a stipulated agreement resulting from the collaborative law process set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation or collaborative law by the common law.

(n) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(o) A communication assistant for a telecommunications relay system for persons who have communication disabilities shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

Sec. 136. Minnesota Statutes 2018, section 595.02, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** (a) The exception provided by paragraphs (d) and (g) of subdivision 1 shall not apply to any testimony, records, or other evidence relating to the abuse or neglect of a minor in any proceeding under chapter 260 or any proceeding under section 245A.08, to revoke a day care or foster care license, arising out of the neglect or physical or sexual abuse of a minor, as defined in section ~~626.556, subdivision 2~~ 260E.03.

(b) The exception provided by paragraphs (d) and (g) of subdivision 1 shall not apply to criminal proceedings arising out of the neglect or physical or sexual abuse of a minor, as defined in section ~~626.556, subdivision 2~~ 260E.03, if the court finds that:

(1) there is a reasonable likelihood that the records in question will disclose material information or evidence of substantial value in connection with the investigation or prosecution; and

(2) there is no other practicable way of obtaining the information or evidence. This clause shall not be construed to prohibit disclosure of the patient record when it supports the otherwise uncorroborated statements of any material fact by a minor alleged to have been abused or neglected by the patient; and

(3) the actual or potential injury to the patient-health professional relationship in the treatment program affected, and the actual or potential harm to the ability of the program to attract and retain patients, is outweighed by the public interest in authorizing the disclosure sought.

No records may be disclosed under this paragraph other than the records of the specific patient suspected of the neglect or abuse of a minor. Disclosure and dissemination of any information from a patient record shall be limited under the terms of the order to assure that no information will be disclosed unnecessarily and that dissemination will be no wider than necessary for purposes of the investigation or prosecution.

Sec. 137. Minnesota Statutes 2018, section 609.26, subdivision 7, is amended to read:

Subd. 7. **Reporting of deprivation of parental rights.** Any violation of this section shall be reported pursuant to section ~~626.556, subdivision 3a~~ 260E.11, subdivision 2.

Sec. 138. Minnesota Statutes 2018, section 609.3457, subdivision 2, is amended to read:

Subd. 2. **Access to data.** Notwithstanding sections 13.384, 13.85, 144.291 to 144.298, 260B.171, 260C.171, or 626.556, the assessor has access to the following private or confidential data on the person if access is relevant and necessary for the assessment:

- (1) medical data under section 13.384;
- (2) corrections and detention data under section 13.85;
- (3) health records under sections 144.291 to 144.298;
- (4) juvenile court records under sections 260B.171 and 260C.171; and
- (5) local welfare agency records under ~~section 626.556~~ chapter 260E.

Data disclosed under this section may be used only for purposes of the assessment and may not be further disclosed to any other person, except as authorized by law.

Sec. 139. Minnesota Statutes 2018, section 609.379, subdivision 2, is amended to read:

Subd. 2. **Applicability.** This section applies to sections 260B.425, 260C.425, 609.255, 609.376, and 609.378; ~~and 626.556 and chapter 260E~~.

Sec. 140. Minnesota Statutes 2018, section 609.507, is amended to read:

**609.507 FALSELY REPORTING CHILD ABUSE.**

A person is guilty of a misdemeanor who:

(1) informs another person that a person has committed sexual abuse, physical abuse, or neglect of a child, as defined in section ~~626.556, subdivision 2~~ 260E.03;

(2) knows that the allegation is false or is without reason to believe that the alleged abuser committed the abuse or neglect; and

(3) has the intent that the information influence a child custody hearing.

Sec. 141. Minnesota Statutes 2018, section 609.7495, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them.

(a) "Facility" means any of the following:

(1) a hospital or other health institution licensed under sections 144.50 to 144.56;

(2) a medical facility as defined in section 144.561;

(3) an agency, clinic, or office operated under the direction of or under contract with the commissioner of health or a community health board, as defined in section 145A.02;

(4) a facility providing counseling regarding options for medical services or recovery from an addiction;

(5) a facility providing emergency shelter services for battered women, as defined in section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children;

(6) a facility as defined in section ~~626.556, subdivision 2, paragraph (e)~~ 260E.03, subdivision 6;

(7) a facility as defined in section 626.5572, subdivision 6, where the services described in that paragraph are provided;

(8) a place to or from which ambulance service, as defined in section 144E.001, is provided or sought to be provided; and

(9) a hospice provider licensed under section 144A.753.

(b) "Aggrieved party" means a person whose access to or egress from a facility is obstructed in violation of subdivision 2, or the facility.

Sec. 142. Minnesota Statutes 2018, section 611A.203, subdivision 4, is amended to read:

Subd. 4. **Duties; access to data.** (a) The domestic fatality review team shall collect, review, and analyze death certificates and death data, including investigative reports, medical and counseling records, victim service records, employment records, child abuse reports, or other information concerning domestic violence deaths, survivor interviews and surveys, and other information deemed by the team as necessary and appropriate concerning the causes and manner of domestic violence deaths.

(b) The review team has access to the following not public data, as defined in section 13.02, subdivision 8a, relating to a case being reviewed by the team: inactive law enforcement investigative data under section 13.82; autopsy records and coroner or medical examiner investigative data under section 13.83; hospital, public health, or other medical records of the victim under section 13.384; records under section 13.46, created by social service agencies that provided services to the victim, the alleged perpetrator, or another victim who experienced or was threatened with domestic abuse by the perpetrator; and child maltreatment records under ~~section 626.556~~ chapter 260E, relating to the victim or a family or household member of the victim. Access to medical records under this paragraph also includes records governed by sections 144.291 to 144.298. The review team has access to corrections and detention data as provided in section 13.85.

(c) As part of any review, the domestic fatality review team may compel the production of other records by applying to the district court for a subpoena, which will be effective throughout the state according to the Rules of Civil Procedure.

Sec. 143. Minnesota Statutes 2018, section 611A.90, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section, "physical abuse" and "sexual abuse" have the meanings given in section ~~626.556, subdivision 2~~ 260E.03, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

Sec. 144. Minnesota Statutes 2018, section 626.557, subdivision 9d, is amended to read:

Subd. 9d. **Administrative reconsideration; review panel.** (a) Except as provided under paragraph (e), any individual or facility which a lead investigative agency determines has maltreated a vulnerable adult, or the vulnerable adult or an interested person acting on behalf of the vulnerable adult, regardless of the lead investigative agency's determination, who contests the lead investigative agency's final disposition of an allegation of maltreatment, may request the lead investigative agency to reconsider its final disposition. The request for reconsideration must be submitted in writing to the lead investigative agency within 15 calendar days after receipt of notice of final disposition or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the vulnerable adult or the vulnerable adult's guardian or health care agent. If mailed, the request for reconsideration must be postmarked and sent to the lead investigative agency within 15 calendar days of the individual's or facility's receipt of the final disposition. If the request for reconsideration is made by personal service, it must be received by the lead investigative agency within 15 calendar days of the individual's or facility's receipt of the final disposition. An individual who was determined to have maltreated a vulnerable adult under this section and who was disqualified on the basis of serious or recurring maltreatment under sections 245C.14 and 245C.15, may request reconsideration of the maltreatment determination and the disqualification. The request for reconsideration of the maltreatment determination and the disqualification must be submitted in writing within 30 calendar days of the individual's receipt of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request for reconsideration of the maltreatment determination and the disqualification must be postmarked and sent to the lead investigative agency within 30 calendar days of the individual's receipt of the notice of disqualification. If the request for reconsideration is made by personal service, it must be received by the lead investigative agency within 30 calendar days after the individual's receipt of the notice of disqualification.

(b) Except as provided under paragraphs (e) and (f), if the lead investigative agency denies the request or fails to act upon the request within 15 working days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045, may submit to the commissioner of human services a written request for a hearing under that statute. The vulnerable adult, or an interested person acting on behalf of the vulnerable adult, may request a review by the Vulnerable Adult Maltreatment Review Panel under section 256.021 if the lead investigative agency denies the request or fails to act upon the request, or if the vulnerable adult or interested person contests a reconsidered disposition. The lead investigative agency shall notify persons who request reconsideration

of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the lead investigative agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered disposition. The request must specifically identify the aspects of the lead investigative agency determination with which the person is dissatisfied.

(c) If, as a result of a reconsideration or review, the lead investigative agency changes the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (f).

(d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable adult" means a person designated in writing by the vulnerable adult to act on behalf of the vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy or health care agent appointed under chapter 145B or 145C, or an individual who is related to the vulnerable adult, as defined in section 245A.02, subdivision 13.

(e) If an individual was disqualified under sections 245C.14 and 245C.15, on the basis of a determination of maltreatment, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under paragraph (a) and reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration of the maltreatment determination and requested reconsideration of the disqualification shall be consolidated into a single reconsideration. If reconsideration of the maltreatment determination is denied and the individual remains disqualified following a reconsideration decision, the individual may request a fair hearing under section 256.045. If an individual requests a fair hearing on the maltreatment determination and the disqualification, the scope of the fair hearing shall include both the maltreatment determination and the disqualification.

(f) If a maltreatment determination or a disqualification based on serious or recurring maltreatment is the basis for a denial of a license under section 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for under section 245A.08, the scope of the contested case hearing must include the maltreatment determination, disqualification, and licensing sanction or denial of a license. In such cases, a fair hearing must not be conducted under section 256.045. Except for family child care and child foster care, reconsideration of a maltreatment determination under this subdivision, and reconsideration of a disqualification under section 245C.22, must not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section 245A.07, is based on a determination that the license holder is responsible for maltreatment or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination or disqualification, and denial of a license or licensing sanction.

Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections ~~626.556, subdivision 10~~, 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10~~, 260E.33, and 626.557, subdivision 9d.

If the disqualified subject is an individual other than the license holder and upon whom a background study must be conducted under chapter 245C, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge.

(g) Until August 1, 2002, an individual or facility that was determined by the commissioner of human services or the commissioner of health to be responsible for neglect under section 626.5572, subdivision 17, after October 1, 1995, and before August 1, 2001, that believes that the finding of neglect does not meet an amended definition of neglect may request a reconsideration of the determination of neglect. The commissioner of human services or the commissioner of health shall mail a notice to the last known address of individuals who are eligible to seek this reconsideration. The request for reconsideration must state how the established findings no longer meet the elements of the definition of neglect. The commissioner shall review the request for reconsideration and make a determination within 15 calendar days. The commissioner's decision on this reconsideration is the final agency action.

(1) For purposes of compliance with the data destruction schedule under subdivision 12b, paragraph (d), when a finding of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, the date of the original finding of a substantiated maltreatment must be used to calculate the destruction date.

(2) For purposes of any background studies under chapter 245C, when a determination of substantiated maltreatment has been changed as a result of a reconsideration under this paragraph, any prior disqualification of the individual under chapter 245C that was based on this determination of maltreatment shall be rescinded, and for future background studies under chapter 245C the commissioner must not use the previous determination of substantiated maltreatment as a basis for disqualification or as a basis for referring the individual's maltreatment history to a health-related licensing board under section 245C.31."

Delete the title and insert:

"A bill for an act relating to children; reorganizing and clarifying sections relating to child maltreatment and neglect; making technical changes; amending Minnesota Statutes 2018, sections 13.32, subdivision 3; 13.3805, subdivision 3; 13.43, subdivision 14; 13.82, subdivisions 8, 9, 17; 13.821; 13.84, subdivision 9; 13.871, subdivision 6; 13.88; 120B.22, subdivision 2; 125A.0942, subdivision 4; 135A.15, subdivision 10; 144.225, subdivision 2b; 144.343, subdivision 4; 144.7065, subdivision 10; 144.7068; 144A.472, subdivision 1; 144A.479, subdivision 6; 144A.4796, subdivision 6; 144H.16, subdivision 1; 144H.18, subdivision 3; 145.902, subdivision 3; 145.952, subdivision 2; 146A.025; 148E.240, subdivision 7; 148F.13, subdivision 12; 148F.205, subdivision 1; 153B.70; 214.103, subdivision 8; 214.104; 245.8261, subdivision 9; 245A.04, subdivision 5; 245A.06, subdivision 8; 245A.07, subdivision 5; 245A.08, subdivision 2a; 245A.085; 245A.11, subdivision 7b; 245C.05, subdivision 6; 245C.15, subdivision 4; 245C.16, subdivision 1; 245C.17, subdivision 3; 245C.21, subdivision 2; 245C.24, subdivision 4; 245C.25; 245C.27, subdivisions 1, 2; 245C.28, subdivision 1; 245C.29, subdivision 1; 245C.31, subdivision 1; 245C.32, subdivision 2; 245D.02, subdivision 11; 245D.06, subdivisions 1, 6; 245D.09, subdivision 4; 245D.32, subdivision 5; 245F.04, subdivision 1; 245F.15, subdivisions 3, 5; 245F.16, subdivisions 1, 2; 245F.18; 245G.03, subdivision 1; 245G.10, subdivision 3; 245G.11, subdivisions 3, 4; 245G.13, subdivision 2; 254A.09; 256.01, subdivisions 12, 15; 256.045, subdivisions 3, 3b, 4; 256B.0621, subdivision 4; 256B.0625, subdivision 33; 256B.0945, subdivision 1; 256B.0949, subdivision 16; 256B.0951, subdivision 5; 256B.0954; 256B.097, subdivisions 4, 6; 256B.77, subdivision 17; 256B.85, subdivision 12a; 256E.21, subdivision 5; 256F.10, subdivisions 1, 4; 256L.07, subdivision 4; 256M.10, subdivision 2; 256M.40, subdivision 1; 256M.41, subdivision 1; 257.0764; 260.012; 260.761, subdivision 2; 260B.171, subdivision 6; 260C.007, subdivisions 3, 5, 6, 13; 260C.150, subdivision 3; 260C.171, subdivision 3; 260C.177; 260C.209, subdivision 2; 260C.212, subdivision 12; 260C.221; 260C.503, subdivision 2; 260D.01; 260D.02, subdivisions 3, 5; 388.051, subdivision 2; 518.165, subdivisions 2, 5; 524.5-118, subdivision 2; 595.02, subdivisions 1, 2; 609.26, subdivision 7; 609.3457, subdivision 2; 609.379, subdivision 2; 609.507; 609.7495, subdivision 1; 611A.203, subdivision 4; 611A.90, subdivision 1; 626.557, subdivision 9d; Minnesota Statutes 2019 Supplement, sections 13.46, subdivisions 3, 4; 122A.20, subdivision 2; 122A.40, subdivision 13; 122A.41, subdivision 6; 144A.4796, subdivision 2; 148B.593; 243.166, subdivision 7; 245A.07, subdivision 3; 245A.145, subdivision 1; 245A.40, subdivision 1; 245G.12; 245G.13, subdivision 1; 245H.11; 254B.04, subdivision 1; 256.01, subdivision 14b; 256B.85, subdivision 10; 260B.198, subdivision 1; 260C.139, subdivision 3; 260C.178, subdivision 1; 260C.201, subdivision 6; 299C.093; proposing coding for new

law as Minnesota Statutes, chapter 260E; repealing Minnesota Statutes 2018, sections 626.556, subdivisions 1, 3, 3a, 3c, 3d, 3f, 4, 4a, 5, 6, 6a, 7, 7a, 8, 9, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, 10m, 10n, 11a, 11b, 11c, 11d, 12, 14, 15, 16; 626.5561; 626.5562; 626.558; 626.559, subdivisions 1, 1a, 1b, 2, 3, 5; 626.5591; 626.561; Minnesota Statutes 2019 Supplement, section 626.556, subdivisions 2, 3b, 3e, 10, 11."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 1901, A bill for an act relating to education; requiring school board policy on student deaths; proposing coding for new law in Minnesota Statutes, chapter 123B.

Reported the same back with the following amendments:

Page 1, line 6, delete "(a)"

Page 1, delete lines 14 to 16

Page 1, line 17, delete "2020-2021" and insert "2021-2022"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2044, A bill for an act relating to health; changing access to birth and death records; amending Minnesota Statutes 2018, section 144.225, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2019 Supplement, section 144.225, subdivision 7, is amended to read:

Subd. 7. **Certified birth or death record.** (a) The state registrar or local issuance office shall issue a certified birth or death record or a statement of no vital record found to an individual upon the individual's proper completion of an attestation provided by the commissioner and payment of the required fee:

(1) to a person who ~~has a tangible interest in the requested vital record.~~ A person who has a tangible interest is:

(i) the subject of the vital record;

(ii) a child of the subject;

(iii) the spouse of the subject;

(iv) a parent of the subject;

(v) the grandparent or grandchild of the subject;

(vi) if the requested record is a death record, a sibling of the subject;

~~(vii) the party responsible for filing the vital record;~~

~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;

~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy is required for administration of the estate;

~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is deceased, by sworn affidavit of the fact that the certified copy is required for administration of the estate;

~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit of the fact that the certified copy is needed for the proper administration of the trust;

~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary for the determination or protection of a personal or property right, pursuant to rules adopted by the commissioner; or

~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches as required by section 259.83;

(2) to any local, state, tribal, or federal governmental agency upon request if the certified vital record is necessary for the governmental agency to perform its authorized duties;

(3) to an attorney representing the subject of the vital record or another person listed in clause (1), upon evidence of the attorney's license;

(4) pursuant to a court order issued by a court of competent jurisdiction. For purposes of this section, a subpoena does not constitute a court order; or

(5) to a representative authorized by a person under clauses (1) to (4).

(b) The state registrar or local issuance office shall also issue a certified death record to an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of the individual, a licensed mortician furnishes the registrar with a properly completed attestation in the form provided by the commissioner within 180 days of the time of death of the subject of the death record. This paragraph is not subject to the requirements specified in Minnesota Rules, part 4601.2600, subpart 5, item B."

Correct the title numbers accordingly

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2179, A bill for an act relating to mortuary science; clarifying an exception to licensure regarding casket and urn sales; amending Minnesota Statutes 2018, section 149A.01, subdivision 3.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Carlson, L., from the Committee on Ways and Means to which was referred:

H. F. No. 2490, A bill for an act relating to state government; establishing a grant program for skate parks throughout the state; authorizing the Minnesota Amateur Sports Commission to build skate parks; appropriating money; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 240A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [240A.20] PROMOTING CONSTRUCTION AND RENOVATION OF PUBLIC SKATE PARKS THROUGHOUT THE STATE.**

Subdivision 1. **Definition.** For purposes of this section, "skate" means wheeled, nonmotorized recreation, including skateboarding, roller blading, and roller skating, and not including cycling or biking.

Subd. 2. **Promotion of public skate parks.** The Minnesota Amateur Sports Commission shall:

(1) develop new statewide public skate parks; and

(2) provide matching grants to local units of government for public skate parks based on the criteria in this section.

Subd. 3. **Criteria for grants to local units of government for public skate parks.** (a) The commission shall administer a site selection process for the skate parks. The commission shall invite proposals from cities or counties or consortia of cities. A proposal for a skate park must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(b) The location for all proposed facilities must be in areas of maximum demonstrated interest and must maximize accessibility to an arterial highway, transit, or pedestrian or bike path.

(c) To the extent possible, all proposed facilities must be dispersed equitably, must be located to maximize potential for full utilization, must accommodate noncompetitive family and community skating for all ages, and must encourage use of skate parks by a diverse population.

(d) The commission will give priority to proposals that come from more than one local government unit.

(e) The commission may also use the money to upgrade, rehabilitate, or renovate current facilities.

(f) To the extent possible, 50 percent of all grants must be awarded to communities in greater Minnesota.

(g) A grant for a new facility may not exceed \$250,000 unless the grantee demonstrates that the facility will have a regional or statewide draw.

(h) Grant money may be used to upgrade existing facilities to comply with the bleacher safety requirements of section 326B.112.

Subd. 4. **Technical assistance.** To the extent possible, the commission shall provide technical assistance on skate park planning, design, and operation to communities.

Subd. 5. **Agreements with local governments and cooperative purchasing agreements.** (a) The Minnesota Amateur Sports Commission may enter into agreements with local units of government and provide financial assistance in the form of grants for the construction of skate parks that, in the determination of the commission, conform to its criteria.

(b) The commission may enter into cooperative purchasing agreements under section 471.59 with local governments to purchase skate park equipment and services through state contracts. The cooperative skate park equipment purchasing revolving fund is a separate account in the state treasury. The commission may charge a fee to cover the commission's administrative expenses to government units that have joint or cooperative purchasing agreements with the state under section 471.59. The fees collected must be deposited in the revolving fund established by this subdivision. Money in the fund is appropriated to the commission to administer the programs and services covered by this subdivision.

Subd. 6. **General obligation special tax bonds for skate parks.** State general obligation bonds issued to finance the construction of the skate parks provided for in this section may be general obligation special tax bonds under section 16A.661 and debt service on the bonds may be paid from sports and health club sales tax revenue as provided in section 16A.661, subdivision 3, paragraph (b).

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

Sec. 2. **GENERAL FUND APPROPRIATION.**

\$250,000 in fiscal year 2021 is appropriated from the general fund to the Minnesota Amateur Sports Commission to contract with a qualified nonprofit organization to establish criteria to evaluate skate park proposals for receiving grants under Minnesota Statutes, section 240A.20; to provide technical advice to local units of government or the Minnesota Amateur Sports Commission about the development, design, construction, and maintenance of a skate park; and for grants to local units of government to promote the use of skate parks by a diverse population.

Sec. 3. **BOND PROCEEDS APPROPRIATION.**

(a) \$2,500,000 is appropriated from the bond proceeds fund to the Minnesota Amateur Sports Commission for up to ten grants of up to \$250,000 each, under Minnesota Statutes, section 240A.20, subdivision 2, clause (2).

(b) \$3,750,000 is appropriated from the bond proceeds fund to the Minnesota Amateur Sports Commission for up to five grants of up to \$750,000 each, under Minnesota Statutes, section 240A.20, subdivision 2, clause (2), for skate parks with regional impact.

(c) \$2,000,000 is appropriated from the bond proceeds fund to the Minnesota Amateur Sports Commission for a grant under Minnesota Statutes, section 240A.20, subdivision 2, clause (1), for a skate park that has a statewide draw.

Sec. 4. **BOND SALE.**

To provide the money appropriated in this act from the bond proceeds fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to \$8,250,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

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

Delete the title and insert:

"A bill for an act relating to state government; establishing a grant program for skate parks throughout the state; authorizing the Minnesota Amateur Sports Commission to build skate parks; appropriating money; authorizing the sale and issuance of state bonds; proposing coding for new law in Minnesota Statutes, chapter 240A."

With the recommendation that when so amended the bill be re-referred to the Capital Investment Division without further recommendation.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2772, A bill for an act relating to health; expanding a home and community-based services employee scholarship program to also repay qualified educational loans of employees; amending Minnesota Statutes 2018, section 144.1503.

Reported the same back with the following amendments:

Page 1, line 12, after "fields" insert "to cover expenses related to training, field experience, and examination for persons seeking licensure as an assisted living director under section 144A.20, subdivision 4;"

Page 2, line 11, strike "Home and community-based services employee scholarship program" and insert "Criteria for programs operated by providers"

Page 2, line 18, after "nursing" insert "or that leads to licensure as an assisted living director"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3032, A bill for an act relating to health; prohibiting the sale or furnishing of flavored products; modifying administrative penalties for selling or furnishing certain devices or products; providing for alternative civil penalties for certain persons under age 21 who sell or distribute flavored products; providing criminal penalties; amending Minnesota Statutes 2018, sections 461.12, subdivisions 2, 3, 4; 461.19; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 3, line 30, after the semicolon, insert "or"

With the recommendation that when so amended the bill be re-referred to the Committee on Commerce.

The report was adopted.

Freiberg from the Committee on Government Operations to which was referred:

H. F. No. 3119, A bill for an act relating to state government; establishing the SAVI program for state agencies to encourage innovation and cost savings; amending Minnesota Statutes 2019 Supplement, section 16A.28, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 15.

Reported the same back with the recommendation that the bill be re-referred to the State Government Finance Division.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 3123, A bill for an act relating to education; requiring concussion and sudden cardiac arrest information and training for student athletes; amending Minnesota Statutes 2018, sections 121A.37; 121A.38; 128C.02, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[121A.35] SUDDEN CARDIAC ARREST PREVENTION.**

**Subdivision 1. Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Youth athletic activity" means any sport or other athletic activity related to competition, practice, or training exercises which is intended for youth athletes and at which a coach or official is present in an official capacity as a coach or official. For the purposes of school-sponsored sports under this section, youth athletic activities are extracurricular athletic activities.

(c) "Youth athlete" means a person under age 18 who actively participates in an athletic activity, including a sport.

(d) "Provider" means a health care provider who is:

(1) registered, licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment;

(2) trained and experienced in evaluating and managing pediatric cardiac arrest; and

(3) practicing within the person's medical training and scope of practice.

**Subd. 2. School-sponsored sports; educational materials.** (a) The appropriate sports governing body, including the high school league under chapter 128C, among other sports governing bodies, shall work with public and nonpublic school coaches, officials, youth athletes, and the athletes' parents or guardians to make information available about the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and abnormal racing heart rate.

(b) The sports governing body may use existing materials developed by organizations dedicated to protecting youth from sudden cardiac arrest and preventable sudden cardiac death.

(c) At the start of each school year, school officials shall make information available about the nature and warning signs of sudden cardiac arrest to youth athletes and the athletes' parents or guardians. If a parent of a youth athlete must sign a consent form to allow the youth athlete to participate in a school-sponsored athletic activity, the form must include information about the nature and risk of sudden cardiac arrest.

**Subd. 3. Informational meeting.** A school may hold an informational meeting prior to the start of each athletic season for all ages of competitors regarding the symptoms and warning signs of sudden cardiac arrest. In addition to students, parents, coaches, and other school officials, informational meetings may include providers and athletic trainers.

**Subd. 4. Removal from play.** (a) A student who, as determined by a game official, coach from the student's team, certified athletic trainer, licensed physician, or other official designated by the student's school, exhibits signs or symptoms of sudden cardiac arrest while participating in an athletic activity shall be removed from participation at that time, subject to paragraph (c).

(b) If a student is known to have exhibited signs or symptoms of sudden cardiac arrest at any time prior to or following an athletic activity, the student must not participate in the athletic activity, subject to paragraph (c).

(c) A student who has been removed or prevented from participating in an athletic activity under paragraph (a) or (b) must not return to participating in the athletic activity until the student is evaluated and cleared for participation in writing by a provider.

(d) The provider may consult any other licensed or certified medical professionals trained and experienced in evaluating and managing sudden cardiac arrest in children to help determine whether a student is ready to return to participation in athletic activities.

(e) Failure to remove a student or allowing a student to continue to participate in an athletic activity as required under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with subdivision 7.

**Subd. 5. Required training course.** Each coach and official involved in youth athletic activities must receive initial training and subsequent training at least once every three school years thereafter. A coach or official must not coach or officiate the youth athletic activity until the coach or official has completed the required training.

**Subd. 6. Other youth athletic activities.** A sponsor of youth athletic activities not associated with a school is encouraged to follow this section.

**Subd. 7. Construction.** This section does not create any additional liability for or create any cause of action against a school or school district or any office, employee, or volunteer of a school or school district.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 2. Minnesota Statutes 2018, section 124E.03, subdivision 7, is amended to read:

Subd. 7. **Additional program-specific requirements.** (a) A charter school offering online courses or programs must comply with section 124D.095 governing online learning.

(b) A charter school that provides early childhood health and developmental screening must comply with sections 121A.16 to 121A.19 governing early childhood screening.

(c) A charter school that provides school-sponsored youth athletic activities must comply with section 121A.38 governing policies on concussions.

(d) A charter school that provides school-sponsored youth athletic activities must comply with the requirements of section 121A.35 governing policies on sudden cardiac arrest prevention.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later.

Sec. 3. Minnesota Statutes 2018, section 128C.02, is amended by adding a subdivision to read:

Subd. 3c. **Sudden cardiac arrest awareness, safety, and prevention.** The league may adopt a sudden cardiac arrest awareness, safety, and prevention policy that exceeds the requirements of section 121A.35.

**EFFECTIVE DATE.** This section is effective for the 2020-2021 school year and later."

Delete the title and insert:

"A bill for an act relating to education; establishing standards for sudden cardiac arrest prevention, safety and awareness education, and required training for coaches and officials of youth athletic activities; amending Minnesota Statutes 2018, sections 124E.03, subdivision 7; 128C.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 121A."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Pelowski from the Greater Minnesota Jobs and Economic Development Finance Division to which was referred:

H. F. No. 3232, A bill for an act relating to education; creating a pilot project for training career and technical education teachers; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Higher Education Finance and Policy Division.

The report was adopted.

Schultz from the Long-Term Care Division to which was referred:

H. F. No. 3236, A bill for an act relating to energy; establishing a nursing home energy efficiency grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

Reported the same back with the following amendments:

Page 1, line 19, before "Grants" insert "(a)"

Page 2, after line 2, insert:

"(b) Notwithstanding any other law to the contrary, erection, construction, installation, remodeling, and repair supported by a grant awarded under this section is a project as defined in section 177.42, subdivision 2, and is subject to the requirements of sections 177.30 and 177.41 to 177.45."

With the recommendation that when so amended the bill be re-referred to the Energy and Climate Finance and Policy Division.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3276, A bill for an act relating to child welfare; modifying provisions governing out-of-home placement cost of care, examination, and treatment; amending Minnesota Statutes 2018, sections 242.19, subdivision 2; 260B.331, subdivision 1; 260C.331, subdivision 1; 518A.43, subdivision 1.

Reported the same back with the following amendments:

Page 4, after line 18, insert:

"Sec. 3. Minnesota Statutes 2018, section 260C.219, is amended to read:

**260C.219 AGENCY RESPONSIBILITIES FOR PARENTS AND CHILDREN IN PLACEMENT.**

Subdivision 1. Responsibilities for parents; noncustodial parents. (a) When a child is in foster care, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

(+) (b) The responsible social services agency shall assess whether a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child temporarily or permanently. An assessment under this ~~clause~~ paragraph may include, but is not limited to, obtaining information under section 260C.209. If after assessment, the responsible social services agency determines that a noncustodial or nonadjudicated parent is willing and capable of providing day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.

(-) (c) If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall:

(+) (1) prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care; and

(+) (2) provide a parent who is the subject of a background study under section 260C.209 15 days' notice that it intends to use the study to recommend against putting the child with that parent, and the court shall afford the parent an opportunity to be heard concerning the study.

The results of a background study of a noncustodial parent shall not be used by the agency to determine that the parent is incapable of providing day-to-day care of the child unless the agency reasonably believes that placement of the child into the home of that parent would endanger the child's health, safety, or welfare.

~~(3)~~ (d) If, after the provision of services following an out-of-home placement plan under this ~~section~~ subdivision, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.515, subdivision 4. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under chapter 257.

~~(4)~~ (e) The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260C.141.

**Subd. 2. Notice to parent or guardian.** ~~(b)~~ The responsible social services agency shall give notice to the parent or guardian of each child in foster care, other than a child in voluntary foster care for treatment under chapter 260D, of the following information:

(1) that the child's placement in foster care may result in termination of parental rights or an order permanently placing the child out of the custody of the parent, but only after notice and a hearing as required under this chapter and the juvenile court rules;

(2) time limits on the length of placement and of reunification services, including the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;

(3) the nature of the services available to the parent;

(4) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;

(5) the first consideration for placement with relatives;

(6) the benefit to the child in getting the child out of foster care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;

(7) when safe for the child, the benefits to the child and the parent of maintaining visitation with the child as soon as possible in the course of the case and, in any event, according to the visitation plan under this section; and

(8) the financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in foster care.

**Subd. 3. Information for a parent considering voluntary placement.** ~~(c)~~ The responsible social services agency shall inform a parent considering voluntary placement of a child under section 260C.227 of the following information:

(1) the parent and the child each has a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;

(2) the parent is not required to agree to the voluntary placement, and a parent who enters a voluntary placement agreement may at any time request that the agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request;

(3) evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking termination of parental rights or other permanent placement of the child away from the parent;

(4) if the responsible social services agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights or other permanent placement of the child away from the parent, the parent would have the right to appointment of separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and

(5) the timelines and procedures for review of voluntary placements under section 260C.212, subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under sections 260C.503 to 260C.521.

**Subd. 4. Medical examinations.** ~~(d)~~ When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has an examination within 30 days of coming into the agency's care and once a year in subsequent years.

**Subd. 5. Children reaching age of majority; copies of records.** ~~(e)~~ Whether under state guardianship or not, if a child leaves foster care by reason of having attained the age of majority under state law, the child must be given at no cost a copy of the child's social and medical history, as defined in section 259.43, and education report.

**Subd. 6. Initial foster care phone call.** (a) When a child enters foster care or moves to a new foster care placement, the responsible social services agency shall:

(1) coordinate a phone call between the foster parent or facility and the child's parent or legal guardian to establish a connection and encourage ongoing information sharing between the child's parent or legal guardian and the foster parent or facility; and

(2) provide an opportunity to share any information regarding the child, the child's needs, or the child's care that would facilitate the child's adjustment to the foster home, promote stability, reduce the risk of trauma, or otherwise improve the quality of the child's care.

(b) The responsible social services agency shall coordinate the phone call in paragraph (a) as soon as practicable after the child arrives at the placement but no later than 48 hours after the child's placement. If the responsible social services agency determines that the phone call is not in the child's best interests, or if the agency is unable to identify, locate, or contact the child's parent or legal guardian despite reasonable efforts, or despite active efforts if the child is an American Indian child, the agency may delay the phone call until up to 48 hours after the agency determines that the phone call is in the child's best interests, or up to 48 hours after the child's parent or legal guardian is located or becomes available for the phone call.

(c) The responsible social services agency shall document: the date and time of the phone call in paragraph (a); its efforts to coordinate the phone call; its efforts to identify, locate, or find availability for the child's parent or legal guardian; any determination of whether the phone call is in the child's best interests; and any reasons that the phone call did not occur.

**EFFECTIVE DATE.** This section is effective for children entering out-of-home placement or moving between placements on or after November 1, 2020."

Page 7, after line 20, insert:

"Sec. 6. **DIRECTION TO COMMISSIONER; INITIAL FOSTER CARE PHONE CALL TRAINING.**

By August 1, 2020, the commissioner of human services shall issue written guidance to county social services agencies, foster parents, and facilities to fully implement the initial foster care phone call procedures in Minnesota Statutes, section 260C.219, subdivision 6.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring an initial phone call between the foster parent and child's parent or legal guardian;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Judiciary Finance and Civil Law Division.

The report was adopted.

Pinto from the Early Childhood Finance and Policy Division to which was referred:

H. F. No. 3311, A bill for an act relating to human services; modifying Birth to Age Eight Pilot Project; amending Laws 2017, First Special Session chapter 6, article 7, section 33, subdivisions 2, 3.

Reported the same back with the following amendments:

Page 1, after line 15, insert:

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

Page 2, after line 8, insert:

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

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3322, A bill for an act relating to human services; modifying medical assistance requirements for persons needing treatment for breast or cervical cancer; amending Minnesota Statutes 2018, section 256B.057, subdivision 10.

Reported the same back with the recommendation that the bill be re-referred to the Health and Human Services Finance Division.

The report was adopted.

Schultz from the Long-Term Care Division to which was referred:

H. F. No. 3359, A bill for an act relating to human services; codifying existing session law governing consumer-directed community supports; amending Minnesota Statutes 2018, section 256B.49, subdivision 16; Minnesota Statutes 2019 Supplement, sections 256B.0711, subdivision 1; 256S.01, subdivision 6; 256S.19, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Laws 2005, First Special Session chapter 4, article 7, sections 50; 51; Laws 2012, chapter 247, article 4, section 47, as amended; Laws 2015, chapter 71, article 7, section 54, as amended; Laws 2017, First Special Session chapter 6, article 1, sections 44, as amended; 45, as amended.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Policy.

The report was adopted.

Freiberg from the Committee on Government Operations to which was referred:

H. F. No. 3387, A bill for an act relating to state government; establishing Autism Awareness Day; proposing coding for new law in Minnesota Statutes, chapter 10.

Reported the same back with the following amendments:

Page 1, line 5, before "DAY" insert "AND ACCEPTANCE"

Page 1, line 6, before "Day" insert "and Acceptance"

Amend the title as follows:

Page 1, line 2, before "Day" insert "and Acceptance"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Youakim from the Committee on Education Policy to which was referred:

H. F. No. 3396, A bill for an act relating to education; modifying student discipline and nonexclusionary disciplinary policies and practices; amending Minnesota Statutes 2018, sections 120A.22, subdivision 7; 121A.41, subdivision 10, by adding subdivisions; 121A.45, subdivision 1; 121A.46, subdivision 4, by adding a subdivision; 121A.47, subdivision 2; 121A.53, subdivision 1; 121A.55.

Reported the same back with the following amendments:

Page 3, line 9, delete "removal and"

Page 3, line 10, delete "removing a pupil from class or"

Page 3, line 17, delete "removing a pupil from class or"

Page 3, line 20, after the third semicolon, insert "and"

Page 3, line 21, delete "; and 123A.56"

Page 6, line 22, delete "after expulsion"

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3445, A bill for an act relating to human services; eliminating requirement to involve state medical review agent in determination and documentation of medically necessary psychiatric residential treatment facility services; requiring establishment of per diem rate per provider of youth psychiatric residential treatment services; permitting facilities or licensed professionals to submit billing for arranged services; amending Minnesota Statutes 2018, section 256B.0941, subdivisions 1, 3.

Reported the same back with the following amendments:

Page 1, line 10, reinstate "(a)"

Page 2, after line 13, insert:

"(b) The commissioner shall provide oversight and conduct utilization reviews of referrals to and admitted clients in psychiatric residential treatment facilities to ensure that eligibility criteria, clinical services, and treatment planning are reflective of clinical, state, and federal standards for psychiatric residential treatment facility level of care. The commissioner shall coordinate a statewide list of children and youth who meet the medical necessity criteria for psychiatric residential treatment facility level of care and who are awaiting admission. The statewide list must not be used to direct admission of children and youth in specific facilities."

With the recommendation that when so amended the bill be placed on the General Register.

The report was adopted.

Freiberg from the Committee on Government Operations to which was referred:

H. F. No. 3499, A bill for an act relating to elections; transferring and appropriating money for purposes of the Help America Vote Act.

Reported the same back with the recommendation that the bill be re-referred to the State Government Finance Division.

The report was adopted.

Hansen from the Environment and Natural Resources Finance Division to which was referred:

H. F. No. 3590, A bill for an act relating to natural resources; appropriating money for carbon sequestration report.

Reported the same back with the recommendation that the bill be re-referred to the Energy and Climate Finance and Policy Division.

The report was adopted.

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 3603, A bill for an act relating to domestic violence; enacting the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; amending Minnesota Statutes 2018, section 518B.01, subdivision 19a; proposing coding for new law as Minnesota Statutes, chapter 518F.

Reported the same back with the recommendation that the bill be re-referred to the Judiciary Finance and Civil Law Division without further recommendation.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3678, A bill for an act relating to human services; extending the expiration date of an income and asset exclusion for certain public assistance program eligibility as part of the income and child development in the first three years of life demonstration project; amending Laws 2016, chapter 189, article 15, section 29.

Reported the same back with the recommendation that the bill be re-referred to the Early Childhood Finance and Policy Division without further recommendation.

The report was adopted.

Mahoney from the Jobs and Economic Development Finance Division to which was referred:

H. F. No. 3694, A bill for an act relating to labor; modifying provisions affecting the Bureau of Mediation Services; amending Minnesota Statutes 2018, section 179A.04, subdivision 3; repealing Minnesota Statutes 2018, sections 179A.102; 179A.103.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Poppe from the Agriculture and Food Finance and Policy Division to which was referred:

H. F. No. 3699, A bill for an act relating to agriculture; increasing the minimum biofuel content in gasoline to 15 percent; requiring fuel retailers to offer blends of ten percent biofuel for use by certain motorists; modifying certain dates; amending Minnesota Statutes 2018, section 239.791.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Commerce.

The report was adopted.

Freiberg from the Committee on Government Operations to which was referred:

H. F. No. 3732, A bill for an act relating to state government; ratifying labor agreements and a compensation plan.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Labor.

The report was adopted.

Poppe from the Agriculture and Food Finance and Policy Division to which was referred:

H. F. No. 3767, A bill for an act relating to county agricultural societies; modifying the required use for a portion of revenues; amending Minnesota Statutes 2019 Supplement, section 38.27, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 11, before "maintain" insert "maintain the fairgrounds or"

With the recommendation that when so amended the bill be re-referred to the Committee on Taxes.

The report was adopted.

Poppe from the Agriculture and Food Finance and Policy Division to which was referred:

H. F. No. 3799, A bill for an act relating to agriculture; modifying membership of the Minnesota Agricultural Education Leadership Council; modifying terminology; amending Minnesota Statutes 2018, sections 41D.01; 41D.02; 41D.03; 41D.04.

Reported the same back with the recommendation that the bill be placed on the General Register.

The report was adopted.

Mariani from the Public Safety and Criminal Justice Reform Finance and Policy Division to which was referred:

H. F. No. 3816, A bill for an act relating to public safety; providing for an automatic expungement process for certain offenders; providing for prosecutor-initiated expungement; amending Minnesota Statutes 2018, sections 609A.01; 609A.02, subdivision 3, by adding a subdivision; 609A.025; 609A.03, subdivisions 1, 5, 7a, 9; proposing coding for new law in Minnesota Statutes, chapter 609A.

Reported the same back with the recommendation that the bill be re-referred to the Judiciary Finance and Civil Law Division.

The report was adopted.

Moran from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3838, A bill for an act relating to health; reducing Board of Pharmacy application and renewal fees for medical gas dispensers; changing terminology and making related changes; modifying term lengths and appointment procedures for the Opiate Epidemic Response Advisory Council; making technical changes to the opiate epidemic response account; eliminating refill timelines for opiate or narcotic pain relievers; appropriating money; amending Minnesota Statutes 2018, section 151.071, subdivision 8; Minnesota Statutes 2019 Supplement, sections 16A.151, subdivision 2; 151.065, subdivisions 1, 3, 6, 7; 151.071, subdivision 2; 151.19, subdivision 3; 151.252, subdivision 1; 152.11, subdivision 1; 256.042, subdivisions 2, 4; 256.043; Laws 2019, chapter 63, article 3, sections 1; 2.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Government Operations.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 55, 575, 1732, 1901, 2044, 2179, 2772, 3123, 3311, 3387, 3396, 3445, 3694 and 3799 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Sundin, Lien, Sandstede, Lislegard and Ecklund introduced:

H. F. No. 4045, A bill for an act relating to capital investment; appropriating money for local government roads wetland replacement; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Huot introduced:

H. F. No. 4046, A bill for an act relating to capital investment; appropriating money for a driver training facility at Dakota County Technical College; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

McDonald introduced:

H. F. No. 4047, A bill for an act relating to housing; appropriating money to Wright County Community Action for homeownership education, counseling, and training services.

The bill was read for the first time and referred to the Housing Finance and Policy Division.

Ecklund introduced:

H. F. No. 4048, A bill for an act relating to legacy; appropriating money from the parks and trail fund for Big Falls campground.

The bill was read for the first time and referred to the Legacy Finance Division.

Tabke introduced:

H. F. No. 4049, A bill for an act relating to corrections; providing identification cards for offenders released from incarceration; amending Minnesota Statutes 2019 Supplement, section 171.06, subdivision 3.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Acomb, Lillie, Morrison and Fischer introduced:

H. F. No. 4050, A bill for an act relating to legacy; ensuring that priority for using clean water fund money is implementing restoration and protection projects; amending Minnesota Statutes 2018, sections 114D.20, subdivision 6; 114D.50, subdivision 4; Minnesota Statutes 2019 Supplement, sections 114D.20, subdivisions 5, 7; 114D.26, subdivision 3.

The bill was read for the first time and referred to the Legacy Finance Division.

Schomacker introduced:

H. F. No. 4051, A bill for an act relating to capital investment; appropriating money for improvements to public infrastructure in the city of Currie; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Schomacker introduced:

H. F. No. 4052, A bill for an act relating to health occupations; creating a Nurse Licensure Compact; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Drazkowski introduced:

H. F. No. 4053, A bill for an act relating to taxes; property and local; reimbursing state general fund for extra payments made in the previous year; amending Minnesota Statutes 2018, section 477A.014, by adding a subdivision.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Sandstede, Ecklund, Lislegard, Layman and Sundin introduced:

H. F. No. 4054, A bill for an act relating to education finance; creating a regional Grow Your Own teachers grant program; appropriating money.

The bill was read for the first time and referred to the Education Finance Division.

Kotyza-Witthuhn introduced:

H. F. No. 4055, A bill for an act relating to commerce; making technical changes to various provisions governing or administered by the Department of Commerce; amending Minnesota Statutes 2018, sections 48A.11; 53A.01, by adding a subdivision; 53A.03; 53C.01, subdivision 12; 53C.02; 58.02, subdivision 21; 58A.02, subdivision 13; 58A.13; 60A.07, subdivision 1d; 60A.131; 60A.16, subdivisions 1, 2; 82.68, subdivision 2; 82C.02, subdivision 8; 82C.10; 82C.12; 82C.14; 82C.17, subdivision 4; 332.54, subdivision 4; 332.57, subdivision 2; repealing Minnesota Statutes 2018, sections 53B.27, subdivisions 3, 4; 60A.07, subdivision 1a; 72B.14.

The bill was read for the first time and referred to the Committee on Commerce.

Huot introduced:

H. F. No. 4056, A bill for an act relating to health; modifying certification requirements for certain occupations regulated by the Emergency Medical Services Regulatory Board; modifying requirements for education programs and education program primary instructors; amending Minnesota Statutes 2018, sections 144E.001, by adding a subdivision; 144E.27; 144E.28, subdivisions 1, 3, 7, 8; 144E.283; 144E.285, subdivisions 1, 2, 4, by adding subdivisions; repealing Minnesota Statutes 2018, section 144E.27, subdivisions 1, 1a.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Huot introduced:

H. F. No. 4057, A bill for an act relating to transportation; providing a process for towns to establish speed limits on town roads; amending Minnesota Statutes 2019 Supplement, section 169.14, subdivision 5h.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Persell, Becker-Finn, Hansen, Wagenius and Fischer introduced:

H. F. No. 4058, A bill for an act relating to environment; modifying provisions for priority qualified facilities; modifying authority to acquire property interests; requiring rulemaking to modify scoring system for superfund sites; amending Minnesota Statutes 2018, sections 115B.406, subdivisions 1, 9; 115B.407; 116.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Pryor introduced:

H. F. No. 4059, A bill for an act relating to higher education; appropriating money for research related to Lyme disease.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Nelson, N., introduced:

H. F. No. 4060, A bill for an act relating to capital investment; appropriating money for development of the Oberstar Trail; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Johnson, Ecklund, Dettmer, Davids, Schomacker, Persell and Neu introduced:

H. F. No. 4061, A bill for an act relating to state government; transferring responsibility for management and operation of a state facility in Cambridge from the commissioner of human services to the commissioner of veterans affairs.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Johnson introduced:

H. F. No. 4062, A bill for an act relating to public safety; prohibiting courts from sentencing a person without regard to the mandatory minimum sentence applicable to certain designated crimes involving firearms; amending Minnesota Statutes 2018, section 609.11, subdivision 8.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Masin; Poston; Bahner; Bennett; Nelson, M.; Dehn; Miller; Hamilton; Sandell; Mann; Hansen; Kunesh-Podein; Scott; Davnie; Noor; Cantrell; Xiong, T.; Huot; Howard; Morrison; Sandstede; Olson; West; Heinrich; Fischer; Backer; Pierson; Boe; McDonald; Robbins; Demuth; Xiong, J.; Bahr; Bernardy and Mariani introduced:

H. F. No. 4063, A resolution calling for an end to the cold genocide and forced organ harvesting from Falun Gong practitioners in China.

The bill was read for the first time and referred to the Committee on Government Operations.

Hertaus introduced:

H. F. No. 4064, A bill for an act relating to capital investment; appropriating money for Big Island Park in Orono; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Robbins, Erickson, Kresha, Nash, Scott, Koznick, McDonald, Albright, Heinrich, Neu, Grossell, Baker, Hamilton, Daudt and Runbeck introduced:

H. F. No. 4065, A bill for an act relating to education; modifying requirements for reading proficiency, retention, promotion, and literacy incentive aid; requiring a report; amending Minnesota Statutes 2018, sections 120B.12, as amended; 120B.30, subdivision 1a; 122A.185, subdivision 1; 124D.98, as amended; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A.

The bill was read for the first time and referred to the Committee on Education Policy.

Lien, Davids and Carlson, L., introduced:

H. F. No. 4066, A bill for an act relating to taxation; individual income; modifying the income definition used for the Minnesota education credit; amending Minnesota Statutes 2018, section 290.0674, subdivision 2; Minnesota Statutes 2019 Supplement, section 290.0674, subdivision 1; repealing Minnesota Statutes 2018, section 290.0674, subdivision 2a.

The bill was read for the first time and referred to the Committee on Taxes.

Elkins and Vogel introduced:

H. F. No. 4067, A bill for an act relating to financial institutions; modifying authorized investments for banks and trust companies; amending Minnesota Statutes 2018, section 48.61, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce.

Runbeck and Petersburg introduced:

H. F. No. 4068, A bill for an act relating to transportation; mass transit; requiring deployment of peace officers for each light rail transit train in operation; authorizing arrest for violations of public nuisance and crimes involving transit; amending Minnesota Statutes 2018, sections 473.407, by adding a subdivision; 609.855, by adding a subdivision.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Schultz, Liebling, Gruenhagen, Munson and Bahr introduced:

H. F. No. 4069, A bill for an act relating to legislative enactments; providing for the expiration of policy provisions in appropriation bills; amending Minnesota Statutes 2018, section 16A.28, subdivision 3.

The bill was read for the first time and referred to the Committee on Government Operations.

Lislegard, Lueck, Klevorn, Schultz and Lippert introduced:

H. F. No. 4070, A bill for an act relating to human services; modifying resident assessments and classifications provisions; requiring certain related party disclosures; establishing interim and settle-up payment rates for new owners and operators; appropriating money for improved financial integrity of nursing facility payments; amending Minnesota Statutes 2018, sections 144.0724, subdivisions 4, 5, 8; 256R.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256R.

The bill was read for the first time and referred to the Long-Term Care Division.

Dehn, Urdahl, Howard and Gomez introduced:

H. F. No. 4071, A bill for an act relating to elections; requiring rotation of major political party candidates on the state general election ballot; amending Minnesota Statutes 2018, section 204D.13, by adding a subdivision; repealing Minnesota Statutes 2018, section 204D.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Government Operations.

Ecklund and Anderson introduced:

H. F. No. 4072, A bill for an act relating to agriculture; requiring the Department of Agriculture to enable farm safety consultants to perform certain workplace safety surveys; expanding eligibility for certain workplace safety grants and loans; amending Minnesota Statutes 2018, section 79.253, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Labor.

Hausman, Lesch and Xiong, J., introduced:

H. F. No. 4073, A bill for an act relating to capital investment; appropriating money for Saint Paul College; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Acomb, Pryor and Elkins introduced:

H. F. No. 4074, A bill for an act relating to taxation; sales and use; extending an exemption for purchases made by certain public safety facilities; amending Minnesota Statutes 2019 Supplement, section 297A.71, subdivision 52.

The bill was read for the first time and referred to the Committee on Taxes.

Carlson, L.; Hortman and Davnie introduced:

H. F. No. 4075, A bill for an act relating to education; modifying school meal policy and aid provisions; appropriating money; amending Minnesota Statutes 2018, sections 124D.111; 126C.05, subdivision 16; Laws 2019, First Special Session chapter 11, article 7, section 1, subdivision 2.

The bill was read for the first time and referred to the Committee on Education Policy.

Lippert, Hansen, Wazlawik and Brand introduced:

H. F. No. 4076, A bill for an act relating to clean water; appropriating money for specialized agricultural equipment.

The bill was read for the first time and referred to the Environment and Natural Resources Finance Division.

Wolgamott, Christensen, Poston, Considine and O'Neill introduced:

H. F. No. 4077, A bill for an act relating to corrections; appropriating money for the Community Corrections Act subsidy and county probation officers reimbursement.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Runbeck and Moller introduced:

H. F. No. 4078, A bill for an act relating to capital investment; appropriating money for multiuse trail segments on Rice Creek North Regional Trail; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Miller, Bahr, Poston, Drazkowski and Backer introduced:

H. F. No. 4079, A bill for an act relating to public employment; requiring certain managerial employee discipline for financial misfeasance; proposing coding for new law in Minnesota Statutes, chapter 43A.

The bill was read for the first time and referred to the Committee on Government Operations.

Clafin, Wagenius, Fischer and Persell introduced:

H. F. No. 4080, A bill for an act relating to natural resources; providing for land and water protection on off-road vehicle touring routes; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Pinto, Winkler, Lesch, Moller and Mariani introduced:

H. F. No. 4081, A bill for an act relating to public safety; setting the maximum term of incarceration for a gross misdemeanor at 364 days; amending Minnesota Statutes 2018, section 609.03; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Mariani introduced:

H. F. No. 4082, A bill for an act relating to taxation; creating a gross receipts tax for cannabinoid products; appropriating funds to the commissioner of public safety; amending Minnesota Statutes 2018, sections 297A.61, subdivision 3; 297A.67, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 295.

The bill was read for the first time and referred to the Committee on Taxes.

Tabke introduced:

H. F. No. 4083, A bill for an act relating to telecommunications; modifying the definition of local government unit to include school districts; amending Minnesota Statutes 2018, section 237.162, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce.

Nash introduced:

H. F. No. 4084, A bill for an act relating to elections; providing for election technology and cybersecurity assessment, maintenance, and enhancement; requiring certain election security notifications; amending Minnesota Statutes 2018, sections 201.022, subdivision 1; 204B.27, subdivisions 5, 10; 206.57, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 5; 209.

The bill was read for the first time and referred to the Committee on Government Operations.

Nash introduced:

H. F. No. 4085, A bill for an act relating to public safety; establishing the crime of unauthorized access of critical state information technology systems; amending Minnesota Statutes 2018, section 609.891, subdivision 2.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Stephenson, Lesch, Persell, Gomez, Lillie, Cantrell, Bierman, Acomb, Brand, Bahner and Considine introduced:

H. F. No. 4086, A bill for an act relating to health; establishing duties for commissioner of health and hospitals regarding violence against health care workers in hospitals; modifying administrative penalties; amending Minnesota Statutes 2018, section 144.566.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Marquart introduced:

H. F. No. 4087, A bill for an act relating to local government; reestablishing the Council on Local Results and Innovation; modifying program requirements; appropriating money; amending Minnesota Statutes 2018, sections 6.90; 6.91.

The bill was read for the first time and referred to the Committee on Government Operations.

Noor introduced:

H. F. No. 4088, A bill for an act relating to higher education; appropriating money for grants to student teachers.

The bill was read for the first time and referred to the Higher Education Finance and Policy Division.

Mariani introduced:

H. F. No. 4089, A bill for an act relating to liquor; allowing identification issued by a United States territory to establish proof of age for the purchase of alcohol; amending Minnesota Statutes 2018, section 340A.503, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce.

Sandstede, Layman, Sundin, Ecklund and Persell introduced:

H. F. No. 4090, A bill for an act relating to transportation; directing inclusion of a project on U.S. Highway 169 in Department of Transportation's ten-year capital highway investment plan; appropriating money.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Sandstede, Layman, Ecklund, Sundin and Persell introduced:

H. F. No. 4091, A bill for an act relating to natural resources; establishing Hill-Annex Mine State Park Advisory Council; establishing management requirements for Hill-Annex Mine State Park; amending Laws 2019, First Special Session chapter 4, article 3, section 111; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Schomacker introduced:

H. F. No. 4092, A bill for an act relating to health care; establishing a patient insulin assistance program; requiring health plan companies to provide notice to enrollees with dependent child coverage when that coverage ends; appropriating money; amending Minnesota Statutes 2019 Supplement, sections 151.06, subdivision 6; 214.122; proposing coding for new law in Minnesota Statutes, chapters 62Q; 62V.

The bill was read for the first time and referred to the Committee on Commerce.

Daudt introduced:

H. F. No. 4093, A bill for an act relating to capital investment; appropriating money for design of a highway interchange in Zimmerman; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Sundin introduced:

H. F. No. 4094, A bill for an act relating to game and fish; modifying trapping provisions for nonresidents; amending Minnesota Statutes 2018, section 97B.601, subdivision 3a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Kunesh-Podein and Bernardy introduced:

H. F. No. 4095, A bill for an act relating to capital investment; appropriating money for the city of Isanti to provide an educational and community center for the Tibetan American Foundation of Minnesota; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Bernardy, Kunesh-Podein and Jordan introduced:

H. F. No. 4096, A bill for an act relating to capital investment; appropriating money for an educational and community center for the Tibetan American Foundation of Minnesota.

The bill was read for the first time and referred to the Jobs and Economic Development Finance Division.

Bernardy, Hornstein, Tabke, Koegel, Elkins and Wolgamott introduced:

H. F. No. 4097, A bill for an act relating to transportation; governing road examinations for a driver's license; establishing a fee; requiring a report; amending Minnesota Statutes 2018, section 171.13, subdivision 7, by adding a subdivision.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Sandell, Mariani, Christensen, Edelson and Kunesh-Podein introduced:

H. F. No. 4098, A bill for an act relating to education; establishing the innovation research zone program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124D.

The bill was read for the first time and referred to the Committee on Education Policy.

Davids introduced:

H. F. No. 4099, A bill for an act relating to health care; changing funding provisions for MNsure; amending Minnesota Statutes 2018, section 62V.05, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce.

Mahoney and Moran introduced:

H. F. No. 4100, A bill for an act relating to human rights; prohibiting employers from inquiring about past pay; amending Minnesota Statutes 2018, section 363A.08, by adding a subdivision.

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division.

Cantrell introduced:

H. F. No. 4101, A bill for an act relating to human services; creating the Minnesota Easy Enrollment Health Insurance Program; appropriating money; amending Minnesota Statutes 2018, sections 270B.14, subdivision 1; 270C.445, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 256; 290.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Brand, Huot, Lippert and Hamilton introduced:

H. F. No. 4102, A bill for an act relating to agriculture; appropriating money for farm advocate services.

The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division.

Runbeck, Quam and West introduced:

H. F. No. 4103, A bill for an act relating to local government aids; requiring certain cities to reserve a portion of local government aid for public safety purposes; amending Minnesota Statutes 2018, section 477A.013, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Brand, Anderson, Lippert, Huot and Hamilton introduced:

H. F. No. 4104, A bill for an act relating to agriculture; appropriating money for farm advocate services.

The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division.

Green and Marquart introduced:

H. F. No. 4105, A bill for an act relating to local government; increasing appropriation for town aid; amending Minnesota Statutes 2018, sections 477A.013, subdivision 1; 477A.03, subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Green and Poston introduced:

H. F. No. 4106, A bill for an act relating to public safety; establishing when vehicle is involved in collision for purposes of investigation and reporting; amending Minnesota Statutes 2018, section 169.09, by adding a subdivision.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Nelson, M., introduced:

H. F. No. 4107, A bill for an act relating to retirement; volunteer firefighters relief associations; relief association dissolution and retirement plan termination; amending Minnesota Statutes 2018, section 424B.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 424B; repealing Minnesota Statutes 2018, sections 424B.20; 424B.21.

The bill was read for the first time and referred to the Committee on Government Operations.

Mahoney introduced:

H. F. No. 4108, A bill for an act relating to taxation; sales and use; providing an exemption for certain construction materials for a St. Paul water treatment facility; amending Minnesota Statutes 2018, section 297A.71, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Dehn introduced:

H. F. No. 4109, A bill for an act relating to public safety; authorizing the Metropolitan Airports Commission to receive pathway to policing grants; amending Laws 2017, chapter 95, article 1, section 11, subdivision 7.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Brand and Considine introduced:

H. F. No. 4110, A bill for an act relating to education finance; appropriating money for a grant to the Children's Museum of Southern Minnesota.

The bill was read for the first time and referred to the Education Finance Division.

Vang introduced:

H. F. No. 4111, A bill for an act relating to agriculture; modifying provisions related to industrial hemp; providing for sale of certain hemp products; amending Minnesota Statutes 2018, sections 18K.04, subdivisions 1, 3; 18K.06; 31.01, subdivision 30; 34A.02; Minnesota Statutes 2019 Supplement, section 151.72, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 31.

The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division.

Hausman introduced:

H. F. No. 4112, A bill for an act relating to housing; modifying bond limitation; amending Minnesota Statutes 2018, section 462A.22, subdivision 1.

The bill was read for the first time and referred to the Housing Finance and Policy Division.

O'Driscoll introduced:

H. F. No. 4113, A bill for an act relating to capital investment; modifying prior appropriations for Sauk River Regional Park; amending Laws 2014, chapter 294, article 1, section 7, subdivision 11, as amended; Laws 2017, chapter 91, article 3, section 7.

The bill was read for the first time and referred to the Legacy Finance Division.

Bahner, Liebling, Schultz and Morrison introduced:

H. F. No. 4114, A bill for an act relating to health; placing additional limits on enrollee prescription drug cost-sharing; amending Minnesota Statutes 2019 Supplement, section 62W.12.

The bill was read for the first time and referred to the Committee on Commerce.

Bahner, Liebling, Morrison and Klevorn introduced:

H. F. No. 4115, A bill for an act relating to health care; prohibiting pharmacy benefit managers from contractually restricting pharmacies from discussing reimbursement amounts to enrollees or health carriers; amending Minnesota Statutes 2019 Supplement, section 62W.11.

The bill was read for the first time and referred to the Committee on Commerce.

Poston introduced:

H. F. No. 4116, A bill for an act relating to capital investment; appropriating money for an access road in Wadena; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Becker-Finn introduced:

H. F. No. 4117, A bill for an act relating to education; modifying provisions of the American Indian Education Act; allowing disclosure of certain educational data to tribal nations; requiring consideration of advice from tribal nations, communities, and the Tribal Nations Education Committee in the development of statewide core academic standards; requiring school districts and charter schools to allow American Indian students to wear regalia and objects of cultural significance at graduation; modifying provision regarding school board member training; amending Minnesota Statutes 2018, sections 13.32, subdivision 3; 120B.021, subdivision 2; 123B.09, subdivision 2; 124D.74, subdivision 1; 124D.78, subdivisions 1, 3; 124D.79, subdivision 2; 124D.81, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 124D.

The bill was read for the first time and referred to the Committee on Education Policy.

Hassan, Considine, Bahner, Persell, Fischer, Cantrell, Brand, Lesch and Lien introduced:

H. F. No. 4118, A bill for an act relating to health; expanding eligibility for MinnesotaCare; expanding the use of integrated health partnerships and modifying service delivery; increasing provider payment rates; modifying enrollee premiums; requiring an implementation plan; modifying benefit coverage requirements for joint self-insurance plans; establishing the MinnesotaCare Advisory Council; amending Minnesota Statutes 2018, sections 62H.04; 62H.18, subdivision 9; 62U.04, subdivision 11; 256L.03, subdivision 1; 256L.04, subdivisions 1, 1c, 7; 256L.07, subdivision 1; 256L.11, by adding a subdivision; 256L.15, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2018, sections 256L.01, subdivision 7; 256L.07, subdivision 2; 256L.11, subdivisions 1, 3, 4; 256L.12; 256L.121, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Commerce.

Mann; Hausman; Bierman; Jordan; Schultz; Elkins; Freiberg; Long; Youakim; Christensen; Klevorn; Sandell; Moran; Edelson; Hornstein; Kunesh-Podein; Morrison; Davnie; Xiong, J.; Lee; Carlson, L.; Howard; Dehn; Liebling; Wolgamott; Tabke; Murphy; Huot; Sauke; Acomb; Lillie; Claffin; Lippert; Bernardy and Sandstede introduced:

H. F. No. 4119, A bill for an act relating to health; expanding eligibility for MinnesotaCare; expanding the use of integrated health partnerships and modifying service delivery; increasing provider payment rates; modifying enrollee premiums; requiring an implementation plan; modifying benefit coverage requirements for joint self-insurance plans; establishing the MinnesotaCare Advisory Council; amending Minnesota Statutes 2018, sections 62H.04; 62H.18, subdivision 9; 62U.04, subdivision 11; 256L.03, subdivision 1; 256L.04, subdivisions 1, 1c, 7; 256L.07, subdivision 1; 256L.11, by adding a subdivision; 256L.15, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2018, sections 256L.01, subdivision 7; 256L.07, subdivision 2; 256L.11, subdivisions 1, 3, 4; 256L.12; 256L.121, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Commerce.

Mann and Gomez introduced:

H. F. No. 4120, A bill for an act relating to health care; modifying the parental notification for an abortion; amending Minnesota Statutes 2018, section 144.343, subdivisions 3, 6.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Xiong, T.; Bernardy; Edelson and Noor introduced:

H. F. No. 4121, A bill for an act relating to higher education; requiring notation on transcripts of certain students disciplined or investigated for sexual assault; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Higher Education Finance and Policy Division.

Dehn, Moran, Gomez, Lee, Becker-Finn, Long and Hornstein introduced:

H. F. No. 4122, A bill for an act relating to public safety; modifying a peace officer's authority to use deadly force; amending Minnesota Statutes 2018, sections 609.066, subdivision 2, by adding a subdivision; 626.8452, subdivision 1.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Christensen, Moller and Acomb introduced:

H. F. No. 4123, A bill for an act relating to energy; establishing a revolving loan fund for energy conservation in schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

Moller and Becker-Finn introduced:

H. F. No. 4124, A bill for an act relating to capital investment; appropriating money to extend bus rapid transit line A; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Wazlawik introduced:

H. F. No. 4125, A bill for an act relating to energy; establishing a residential energy conservation grant program; appropriating money.

The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division.

McDonald, Hertaus, Daniels, Jurgens and Robbins introduced:

H. F. No. 4126, A bill for an act relating to taxation; individual income; reducing tax rates; amending Minnesota Statutes 2019 Supplement, section 290.06, subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Lee introduced:

H. F. No. 4127, A bill for an act relating to education; modifying after-school community learning programs and providing for program grants; appropriating money; amending Minnesota Statutes 2018, section 124D.2211.

The bill was read for the first time and referred to the Committee on Education Policy.

Davids introduced:

H. F. No. 4128, A bill for an act relating to taxation; individual income; providing an exemption for income earned by certain nonresident employees; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Taxes.

Gunther introduced:

H. F. No. 4129, A bill for an act relating to taxation; local sales and use; authorizing the city of Fairmont to impose a local sales and use tax.

The bill was read for the first time and referred to the Property and Local Tax Division.

Pinto introduced:

H. F. No. 4130, A bill for an act relating to human services; appropriating money for a payment to a day school in Ramsey County for child care assistance overpayments.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Huot, Scott, Wolgamott, Lesch and Baker introduced:

H. F. No. 4131, A bill for an act relating to education; permitting youth development organizations informational access to students; proposing coding for new law in Minnesota Statutes, chapter 123B.

The bill was read for the first time and referred to the Committee on Education Policy.

Cantrell introduced:

H. F. No. 4132, A bill for an act relating to health care costs; setting limits on certain executive salaries; proposing coding for new law in Minnesota Statutes, chapter 62J.

The bill was read for the first time and referred to the Committee on Commerce.

Neu, Johnson and Dettmer introduced:

H. F. No. 4133, A bill for an act relating to capital investment; appropriating money for reconstruction of marked U.S. Highway 8; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Lislegard, Petersburg, Jurgens, Anderson, Gunther, Nornes and Mekeland introduced:

H. F. No. 4134, A bill for an act relating to transportation; taxation; imposing a flat amount in lieu of sales tax on certain older motorcycles; amending Minnesota Statutes 2018, sections 297B.02, subdivisions 2, 3; 297B.025, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Taxes.

Neu and Johnson introduced:

H. F. No. 4135, A bill for an act relating to capital investment; appropriating money for renovation of the Chisago County household hazardous waste facility; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Murphy introduced:

H. F. No. 4136, A bill for an act relating to taxation; local sales and use; authorizing the city of Proctor to impose a local sales and use tax.

The bill was read for the first time and referred to the Property and Local Tax Division.

Pinto, Lesch and Moller introduced:

H. F. No. 4137, A bill for an act relating to public safety; requiring intent for the crimes of repeated harassing conduct; amending Minnesota Statutes 2018, sections 609.79, subdivision 1; 609.795, subdivision 1; Minnesota Statutes 2019 Supplement, sections 504B.206, subdivision 1; 609.749, subdivisions 2, 3, 8; repealing Minnesota Statutes 2018, section 609.749, subdivision 1a; Minnesota Statutes 2019 Supplement, section 609.749, subdivision 1.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Cantrell introduced:

H. F. No. 4138, A bill for an act relating to judiciary; establishing requirements for certain treatment courts; proposing coding for new law in Minnesota Statutes, chapter 480.

The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division.

Cantrell introduced:

H. F. No. 4139, A bill for an act relating to public safety; requiring probation and parole agents to consider and recommend local options to address technical violations by offenders with mental illness; providing courts with additional information and discretion regarding defendants with mental illness; amending Minnesota Statutes 2018, sections 243.05, subdivisions 1, 6; 244.05, subdivisions 2, 3; 244.19, subdivision 3; 244.198, by adding a subdivision; 609.1055; 609.115, by adding a subdivision; 609.14, subdivision 2a; 611.026; 629.53.

The bill was read for the first time and referred to the Corrections Division.

Cantrell introduced:

H. F. No. 4140, A bill for an act relating to health care; modifying the coverage for unauthorized provider services when an enrollee has a reasonable expectation that the provider is authorized; amending Minnesota Statutes 2018, section 62Q.556, subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce.

Baker, Jurgens, Layman, Lueck and Robbins introduced:

H. F. No. 4141, A bill for an act relating to human services; requiring county reimbursement for institutions for mental disease payments; appropriating money.

The bill was read for the first time and referred to the Health and Human Services Finance Division.

Persell, Kiel and Marquart introduced:

H. F. No. 4142, A bill for an act relating to education finance; creating a regional Grow Your Own teachers grant program; appropriating money.

The bill was read for the first time and referred to the Education Finance Division.

Davids introduced:

H. F. No. 4143, A bill for an act relating to taxation; corporate franchise; providing for apportionment of corporate net operating losses; amending Minnesota Statutes 2018, section 290.095, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Marquart introduced:

H. F. No. 4144, A bill for an act relating to public finance; modifying local government debt financing; amending Minnesota Statutes 2018, sections 465.71; 475.56; 475.58, subdivision 3b; 475.60, subdivision 1; Minnesota Statutes 2019 Supplement, section 297A.993, subdivision 2; repealing Minnesota Statutes 2018, section 469.055, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Schomacker, Kiel, Hamilton, Poppe, Franson and Ecklund introduced:

H. F. No. 4145, A bill for an act relating to health; modifying the dentist education loan forgiveness program to require 50 percent of the funds go to rural dentists; amending Minnesota Statutes 2018, section 144.1501, subdivisions 2, 4.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Davids introduced:

H. F. No. 4146, A bill for an act relating to consumer protection; requiring that used motor vehicle transactions be conducted in a single language; amending Minnesota Statutes 2018, section 325F.662, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce.

Davids introduced:

H. F. No. 4147, A bill for an act relating to taxation; modifying provisions related to partnership audits; providing requirements for reporting federal audit adjustments; making technical changes; amending Minnesota Statutes 2018, sections 270C.445, subdivision 6; 289A.31, subdivision 1; 289A.37, subdivision 2; 289A.38, subdivision 10; 289A.42; 289A.60, subdivision 24; 297F.17, subdivision 6; 297G.16, subdivision 7; 469.319,

subdivision 4; Minnesota Statutes 2019 Supplement, section 290.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 289A; repealing Minnesota Statutes 2018, section 289A.38, subdivisions 8, 9; Minnesota Statutes 2019 Supplement, section 289A.38, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Dauids introduced:

H. F. No. 4148, A bill for an act relating to lawful gambling; adjusting audit amounts for organizations; amending Minnesota Statutes 2018, section 297E.06, subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce.

Sundin, Lien and Lislegard introduced:

H. F. No. 4149, A bill for an act relating to retirement; volunteer firefighter relief associations; vesting credit for full-time firefighters; amending Minnesota Statutes 2018, section 424A.015, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Government Operations.

Lee introduced:

H. F. No. 4150, A bill for an act relating to transportation; providing a grant program to encourage the purchase of electric buses; appropriating money.

The bill was read for the first time and referred to the Transportation Finance and Policy Division.

Sundin, Lien, Ecklund, Lislegard and Sandstede introduced:

H. F. No. 4151, A bill for an act relating to capital investment; authorizing the sale and issuance of state appropriation bonds; appropriating money for cleanup of the Esko groundwater contamination site; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the first time and referred to the Capital Investment Division.

Sundin, Lien, Ecklund, Lislegard and Sandstede introduced:

H. F. No. 4152, A bill for an act relating to capital investment; appropriating money for remediation of the Brookston area closed landfill; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Capital Investment Division.

Gomez; Xiong, J.; Mariani; Dehn; Davnie; Lippert; Hausman; Mann; Noor; Her; Long; Vang; Lee and Xiong, T., introduced:

H. F. No. 4153, A bill for an act relating to immigration enforcement; restricting state and local officials from cooperating with federal immigration enforcement efforts; proposing coding for new law in Minnesota Statutes, chapter 1.

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division.

Garofalo and Hansen introduced:

H. F. No. 4154, A bill for an act relating to environmental protection; appropriating money for the Byllesby Dam.

The bill was read for the first time and referred to the Environment and Natural Resources Finance Division.

Richardson introduced:

H. F. No. 4155, A bill for an act relating to automobile insurance; prohibiting the denial of payment for motor vehicle repairs performed in accordance with manufacturer specifications; amending Minnesota Statutes 2018, section 72A.201, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce.

Cantrell introduced:

H. F. No. 4156, A bill for an act relating to housing; establishing a pilot program providing grants for integrated community-based housing; appropriating money.

The bill was read for the first time and referred to the Housing Finance and Policy Division.

Noor, Bernardy, Kunesh-Podein, Koznick and Nornes introduced:

H. F. No. 4157, A bill for an act relating to education; strengthening the Increase Teachers of Color Act in higher education; modifying provisions for student teacher grants and teacher shortage loan forgiveness; amending Minnesota Statutes 2018, sections 136A.1275, as amended; 136A.1791; Laws 2019, chapter 64, article 1, section 2, subdivision 28; repealing Minnesota Rules, part 4830.9130, subparts 2, 3.

The bill was read for the first time and referred to the Higher Education Finance and Policy Division.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Winkler from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Thursday, March 5, 2020 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 5, 11 and 2959.

**MOTIONS AND RESOLUTIONS**

Jordan moved that the name of Bierman be added as an author on H. F. No. 250. The motion prevailed.

Lee moved that the name of Schultz be added as an author on H. F. No. 325. The motion prevailed.

Lee moved that the name of Sandstede be added as an author on H. F. No. 721. The motion prevailed.

Vang moved that the name of Her be added as an author on H. F. No. 749. The motion prevailed.

Franson moved that the names of Dettmer and Anderson be added as authors on H. F. No. 790. The motion prevailed.

Sundin moved that the name of Heinrich be added as an author on H. F. No. 879. The motion prevailed.

Kunesh-Podein moved that the name of Pinto be added as an author on H. F. No. 916. The motion prevailed.

Halverson moved that the name of Haley be added as an author on H. F. No. 1058. The motion prevailed.

Fischer moved that the name of Becker-Finn be added as an author on H. F. No. 1138. The motion prevailed.

Wagenius moved that the name of Sandstede be added as an author on H. F. No. 1255. The motion prevailed.

Becker-Finn moved that the name of Schultz be added as an author on H. F. No. 1280. The motion prevailed.

Hansen moved that the names of Lee, Wagenius and Lippert be added as authors on H. F. No. 1293. The motion prevailed.

Bahner moved that the name of Bernardy be added as an author on H. F. No. 1328. The motion prevailed.

Morrison moved that the name of Huot be added as an author on H. F. No. 1400. The motion prevailed.

Huot moved that the name of Zerwas be stricken as an author on H. F. No. 1741. The motion prevailed.

Youakim moved that the name of Schultz be added as an author on H. F. No. 1782. The motion prevailed.

Munson moved that the name of Lee be added as an author on H. F. No. 1864. The motion prevailed.

Noor moved that the name of Mahoney be added as an author on H. F. No. 1913. The motion prevailed.

Noor moved that the names of Her and Huot be added as authors on H. F. No. 2309. The motion prevailed.

Bahner moved that the name of Bernardy be added as an author on H. F. No. 2327. The motion prevailed.

Wolgamott moved that the names of Schomacker, Demuth, Backer, Lippert and Olson be added as authors on H. F. No. 2377. The motion prevailed.

Bernardy moved that the names of Freiberg and Masin be added as authors on H. F. No. 2533. The motion prevailed.

Dehn moved that the name of Kunesh-Podein be added as an author on H. F. No. 2701. The motion prevailed.

Cantrell moved that the name of Gunther be added as an author on H. F. No. 2971. The motion prevailed.

Mann moved that the names of Gruenhagen and Winkler be added as authors on H. F. No. 3026. The motion prevailed.

Moran moved that the name of Brand be added as an author on H. F. No. 3073. The motion prevailed.

Richardson moved that the name of Halverson be added as an author on H. F. No. 3093. The motion prevailed.

Moran moved that the names of Noor and Moller be added as authors on H. F. No. 3103. The motion prevailed.

Huot moved that the name of Lippert be added as an author on H. F. No. 3171. The motion prevailed.

Pryor moved that the name of Brand be added as an author on H. F. No. 3176. The motion prevailed.

Christensen moved that the name of Huot be added as an author on H. F. No. 3202. The motion prevailed.

Fabian moved that the name of Heinrich be added as an author on H. F. No. 3204. The motion prevailed.

Morrison moved that the name of Schultz be added as an author on H. F. No. 3228. The motion prevailed.

Pelowski moved that the names of Sandstede and Cantrell be added as authors on H. F. No. 3232. The motion prevailed.

Nash moved that the name of Olson be added as an author on H. F. No. 3246. The motion prevailed.

Acomb moved that the name of Morrison be added as an author on H. F. No. 3318. The motion prevailed.

Wazlawik moved that the name of Christensen be added as an author on H. F. No. 3334. The motion prevailed.

Edelson moved that the name of Dettmer be added as an author on H. F. No. 3347. The motion prevailed.

Sandstede moved that the name of Dettmer be added as an author on H. F. No. 3360. The motion prevailed.

Dehn moved that the name of Heinrich be added as an author on H. F. No. 3366. The motion prevailed.

Kotzya-Witthuhn moved that the names of Vang, Pinto and Davnie be added as authors on H. F. No. 3369. The motion prevailed.

Wazlawik moved that the names of Wagenius and Morrison be added as authors on H. F. No. 3376. The motion prevailed.

Morrison moved that the name of Brand be added as an author on H. F. No. 3398. The motion prevailed.

Sandell moved that the name of Becker-Finn be added as an author on H. F. No. 3423. The motion prevailed.

Wolgamott moved that the names of Becker-Finn and Morrison be added as authors on H. F. No. 3425. The motion prevailed.

Nelson, M., moved that the name of Nash be added as an author on H. F. No. 3499. The motion prevailed.

Lillie moved that the name of Runbeck be added as an author on H. F. No. 3505. The motion prevailed.

Acomb moved that the names of Mahoney and Baker be added as authors on H. F. No. 3519. The motion prevailed.

Bahner moved that the name of Brand be added as an author on H. F. No. 3552. The motion prevailed.

Edelson moved that the name of Morrison be added as an author on H. F. No. 3590. The motion prevailed.

Dehn moved that the name of Moller be added as an author on H. F. No. 3630. The motion prevailed.

Munson moved that the name of Jordan be added as an author on H. F. No. 3639. The motion prevailed.

Lippert moved that the names of Huot and Brand be added as authors on H. F. No. 3689. The motion prevailed.

Munson moved that the name of Bahr be added as an author on H. F. No. 3692. The motion prevailed.

Poppe moved that the name of Gunther be added as an author on H. F. No. 3699. The motion prevailed.

Tabke moved that the names of Poston and Lueck be added as authors on H. F. No. 3720. The motion prevailed.

Lillie moved that the name of Freiberg be added as an author on H. F. No. 3732. The motion prevailed.

Moran moved that the name of Bennett be added as an author on H. F. No. 3736. The motion prevailed.

Lippert moved that the name of Huot be added as an author on H. F. No. 3739. The motion prevailed.

Nornes moved that the name of Baker be added as an author on H. F. No. 3771. The motion prevailed.

Christensen moved that the name of Tabke be added as an author on H. F. No. 3772. The motion prevailed.

Freiberg moved that the name of Brand be added as an author on H. F. No. 3801. The motion prevailed.

Nelson, N., moved that the name of Sundin be added as an author on H. F. No. 3860. The motion prevailed.

Morrison moved that the names of Huot and Mann be added as authors on H. F. No. 3892. The motion prevailed.

Gomez moved that the name of Jordan be added as an author on H. F. No. 3900. The motion prevailed.

Wolgamott moved that the name of Poston be added as an author on H. F. No. 3911. The motion prevailed.

Klevorn moved that the names of Hassan and Gomez be added as authors on H. F. No. 3925. The motion prevailed.

Hausman moved that the names of Hassan and Gunther be added as authors on H. F. No. 3937. The motion prevailed.

Lippert moved that the name of Becker-Finn be added as an author on H. F. No. 3956. The motion prevailed.

Hornstein moved that the name of Tabke be added as an author on H. F. No. 3964. The motion prevailed.

Mariani moved that the name of Moller be added as an author on H. F. No. 3975. The motion prevailed.

Dehn moved that the name of Albright be added as an author on H. F. No. 3976. The motion prevailed.

Haley moved that the names of Pelowski and Davids be added as authors on H. F. No. 3979. The motion prevailed.

Liebling moved that the names of Nelson, M.; Wolgamott; Noor and Cantrell be added as authors on H. F. No. 3980. The motion prevailed.

Lislegard moved that the names of Sandstede and Persell be added as authors on H. F. No. 3983. The motion prevailed.

Fischer moved that the name of Heinrich be added as an author on H. F. No. 3995. The motion prevailed.

Huot moved that the name of Garofalo be added as an author on H. F. No. 3999. The motion prevailed.

Gomez moved that the name of Jordan be added as an author on H. F. No. 4000. The motion prevailed.

Nornes moved that the name of Backer be added as an author on H. F. No. 4025. The motion prevailed.

Fischer moved that H. F. No. 505, now on the General Register, be re-referred to the State Government Finance Division. The motion prevailed.

Howard moved that H. F. No. 2385 be recalled from the Committee on Ways and Means and be re-referred to the Public Safety and Criminal Justice Reform Finance and Policy Division. The motion prevailed.

Huot moved that H. F. No. 3341, now on the General Register, be re-referred to the Jobs and Economic Development Finance Division. The motion prevailed.

Mekeland moved that H. F. No. 3820 be recalled from the Committee on Government Operations and be re-referred to the Public Safety and Criminal Justice Reform Finance and Policy Division. The motion prevailed.

#### ADJOURNMENT

Winkler moved that when the House adjourns today it adjourn until 3:30 p.m., Thursday, March 5, 2020. The motion prevailed.

Winkler moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:30 p.m., Thursday, March 5, 2020.

PATRICK D. MURPHY, Chief Clerk, House of Representatives

