Bill Summary Comparison of

Health and Human Services

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| Senate File: 800-3 | House File: UES0800-2 |
| Article 9: Operations | Article 4: Children and Families |

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| Article 9: Operations |  |  |
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| **Section 1 (13.46, subd. 4)** amends the Data Practice Act, modifying the meaning of the term “serious injury,” which means an injury that “requires treatment,” instead of “is treated,” by a physician. | Senate only |  |
| **Sections 2 and 3 (245A.02, subds. 2b and 2c)** define the term “annual” for purposes of family child care training. | Identical | Article 4, sec. 21. Annual or annually. Amends § 245A.02, subd. 2b. Adds an exception.  Article 4, sec. 22. Annual or annually; family child care training requirements. Adds subd. 2c to § 245A.02. Specifies that “annual” or “annually” for the purposes of section 245A.50 (family child care training requirements) means the 12 month period beginning on the license anniversary and ending the day prior to the anniversary. |
|  | House only | Article 4, sec. 23. Inspections; waiver. Amends § 245A.04, subd. 4. Requires a licensing agency to offer a child care license holder an exit interview to discuss violations observed during inspection and offer technical assistance to help the license holder comply, before completing a licensing inspection. Allows commissioner to issue a correction order or negative action for violations not discussed in an exit interview, or if the license holder does not participate in an exit interview. Makes section effective October 1, 2017. |
| **Section 4 (245A.055)** establishes a new section of law requiring the county employee conducting an annual or biennial licensing inspection or home visit at a family child care or group family child care home to provide written notification of potential licensing violations before departing.  The notification must include the condition that constitutes the violation. | Senate only |  |
| **Section 5 (245A.06, subd. 2)** modifies the reconsideration process of DHS licensing correction orders for licensed family child care providers, to allow providers to expedite the review of the reconsideration process under certain circumstances.  By January 1, 2018, and each year thereafter, the commissioner is required to report data to the Legislature on the number of licensed family child care providers who appealed correction orders, the number of correction order appeals that DHS granted, and the number denied. | Senate only |  |
|  | House only | Article 4, sec. 24. Requirement to post correction order. Amends § 245A.06, subd. 8. Requires the commissioner to issue an amended correction order and requires the license holder to post the amended order, if the commissioner reverses or rescinds a violation in a correction order upon reconsideration. Requires the license holder to remove the original posted correction order if the correction order is rescinded or reversed in full upon reconsideration. |
|  | House only | Article 4, sec. 25. Child care correction order quotas prohibited. Adds subd. 9 to § 245A.06. Prohibits the commissioner and county licensing agencies from mandating or suggesting quotas for issuing correction orders to any person responsible for licensing or inspecting child care centers or family child care providers. |
|  | House only | **Article 4, sec. 26. Child care fix-it ticket.** Proposes coding for § 245A.065. (a) Requires the commissioner to issue a “fix-it ticket” to a child care license holder if:   1. the license holder failed to comply with statute or rule that is eligible for a fix-it ticket; 2. the violation does not imminently endanger the health, safety, or welfare of anyone the program serves; 3. the license holder did not receive a fix-it ticket or correction order for the same violation at the previous inspection; 4. the violation can be corrected at the time of inspection or within 48 hours; and 5. the license holder in fact corrects the violation at the time of inspection, or agrees to correct the violation within 48 hours.   (b) Specifies that the fix-it ticket must state:   1. the conditions that led to violation; 2. the specific law or rule violated; and 3. that the violation was corrected, or will be corrected within 48 hours.   (c) States that a fix-it ticket will not be available on a public Web site.  (d) Requires the child care license holder to correct the violation within 48 hours of receiving the ticket, and to submit evidence to the county licensing agency showing the correction.  (e) Allows commissioner to issue a correction order if the violation on the fix-it ticket is not corrected at the time of inspection or within 48 hours, or if the evidence the license holder submits is not sufficient to establish that the violation has been corrected.  (f) Requires commissioner to issue a report by October 1, 2017, identifying violations of statute and rule that are eligible for a fix-it ticket, and to provide the report to county agencies and legislative committees, and post the report online.  Makes the section effective October 1, 2017. |
| **Section 6 (245A.07, subd. 3)** amends the DHS licensing act by imposing a $5,000 fine on a license holder following the determination of serious maltreatment. | Senate only |  |
| **Section 7 (245A.1434)** requires the commissioner to inform family child care and child care center license holders on a timely basis, of changes in statute, rule, federal law, regulation, and policy relating to the provision of child care, child care assistance, quality rating and improvement system, and licensing functions.  Communication shall be by electronic means and made available to the public online. | Identical | Article 4, sec. 27. Information for child care license holders. Proposes coding for § 245A.1434. Adds the commissioner’s duty to timely inform family child care and child care center license holders of changes in federal and state statute, rule, regulation, or policy, relating to child care, child care assistance, child care quality rating and improvement, and licensing functions, in order to promote license holder compliance with changes. Allows notice via electronic means, requires the commissioner to make the notice available to the public online. |
|  | House only | Article 4, Sec. 28. Report to legislature on the status of child care. Proposes coding for § 245A.153.  Subd. 1. Reporting requirements. Requires the commissioner of human services to provide a report on the status of child care in Minnesota to the chairs and ranking minority members of committees with jurisdiction over child care, by February 1, 2018, and February 1 thereafter.  Subd. 2. Contents of report. Requires that the child care report include the following:   1. summary data on trends in child care capacity and availability; 2. description of any changes to statutes, rules, or policies and procedures; 3. description of actions DHS has taken to address or implement the recommendations of the Legislative Task Force on Access to Affordable Child Care, including: 4. encouraging uniformity in implementing and interpreting statutes, rules, policies, and procedures relating to child care licensing; 5. improving communication with county licensors and child care providers; 6. providing notice to child care providers before issuing correction orders or negative licensing actions relating to recently changed statutes, rules, or policies; 7. implementing confidential communication processes for provider questions; 8. streamlining processes to reduce duplication and training and paperwork requirement overlap; and 9. compiling and distributing information detail trends in violations resulting in correction orders and negative licensing actions; 10. description of DHS efforts to cooperate with counties; 11. summary data on CCAP, including state funding and number of families served 12. summary data on family child care correction orders.   Subd. 3. Sunset. Section expires February 2, 2020. |
| **Section 8 (626.556, subd. 3c)** requires that investigations of maltreatment occurring in children’s residential facilities licensed by the Commissioner of Corrections be conducted by the Department of Human Services Licensing Division. | Substantially similar, slight technical differences in language.  Staff recommends Senate language. | ****Article 4, sec. 54. Local welfare agency, Department of Human Services, or Department of Health responsible for assessing or investigating reports of maltreatment.**** Amends § 626.556, subd. 3c. Moves responsibility for assessing or investigating allegations of child maltreatment in children’s residential facilities licensed by the Department of Corrections from the county local welfare agency to the Department of Human Services. |