

HF3573 - 2E - "Modify Family Child Care Background Req"

Chief Author: **Tony Albright**
 Committee: **Health and Human Services Finance**
 Date Completed: **03/27/2018**
 Agency: **Human Services Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2017	FY2018	FY2019	FY2020	FY2021
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2017	FY2018	FY2019	FY2020	FY2021
Total	-	-	-	-	-	-

Executive Budget Officer's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Travis Bunch Date: 3/27/2018 3:09:29 PM
 Phone: 651 201-8038 Email: travis.bunch@state.mn.us

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2017	FY2018	FY2019	FY2020	FY2021
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

Section 1. Child care staff person. Amends § 245C.02, subd. 6a. Modifies the definition of “child care staff person” to include only those persons 18 years of age or older residing in a licensed family child care home or legal nonlicensed child care program. Makes this section effective upon the implementation of enhanced child care background studies.

Section 2. Licensed programs; other child care programs. Amends § 245C.04, subd. 1. Specifies that a person 17 years of age or younger residing in a licensed family child care home or legal nonlicensed child care program is not required to submit fingerprints and photographs, unless the commissioner has reasonable cause to require a national criminal history check. Makes this section effective upon the implementation of enhanced child care background studies.

Section 3. County agency to collect and forward information to commissioner. Amends § 245C.05, subd. 2b. Exempts minors affiliated with a licensed family child care home or legal nonlicensed child care program from the fingerprint and photograph requirement, unless the commissioner has reasonable cause for a national criminal history check. Makes this section effective upon the implementation of enhanced child care background studies.

Section 4. Fingerprints and photograph. Amends § 245C.05, subd. 5. Specifies that the commissioner has reasonable cause to require fingerprints if information from the Bureau of Criminal Apprehension indicates a criminal history in Minnesota, for a name and date of birth background study on a minor. Exempts minors affiliated with a licensed family child care home or legal nonlicensed child care program from the fingerprint and photograph requirement, unless the commissioner has reasonable cause for a national criminal history check. Makes this section effective upon the implementation of enhanced child care background studies.

Section 5. Permanent disqualification. Amends § 245C.15, subd. 1. Specifies that an individual 13 years of age or older residing in a licensed family child care home or legal nonlicensed child care program is still disqualified for certain crimes for which a child care staff person is also disqualified. Makes this section effective upon the implementation of enhanced child care background studies.

Section 6. Determining immediate risk of harm. Amends § 245C.16, subd. 1. Specifies that the commissioner may order the immediate removal of an individual from any position allowing direct contact with, or access to, persons receiving services, if the individual is a child care staff person or an individual 13 years of age or older residing in a licensed family child care home or legal nonlicensed child care program who has a felony-level conviction for a drug-related offense in the last five years. Makes this section effective upon the implementation of enhanced child care background studies.

Assumptions

Sections 1, 3, 5, and 6 do not require changes to systems or processes.

Section 2 requires NETStudy 2.0 to be able to process name and date of birth studies it currently only processes fingerprint-based studies. There is a way to process name and date of birth studies submitted for licensed family and legal nonlicensed providers via a “workaround” that is available almost immediately without making changes to the system. A

permanent solution will be folded in with other NETStudy 2.0 changes from the 2017 child care background study legislation which are queued up to be modified in NETStudy 2.0, but have not yet been made. This will allow the department the opportunity to make further adjustments based on 2018 legislation with minimal impact to the existing project goals.

Section 4 changes the standard of reasonable cause to require a fingerprint-based national criminal history record check when the study subject is a minor whose name and date of birth study resulted in receipt of criminal history from the Minnesota Bureau of Criminal Apprehension. Relative to fingerprint-based studies of Minnesota criminal records for minors as is currently required in law, there will be very few additional individuals who require a national criminal history record check under the proposed new definition of reasonable cause.

For both changes outlined above, because they are a small modifications to the system and processes, providers' fees collected under 245C.10 that are appropriated to the commissioner for the purposes of conducting background studies will pay for any changes. The DHS background study system is enterprise-based meaning fees are charged to cover the costs associated with conducting background studies. DHS monitors costs and fees and, as required under Minnesota Statutes, section 16A.1285, subdivision 2, DHS will propose legislation as necessary to assure that the statutorily established background study fee "is set at a level that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services."

Expenditure and/or Revenue Formula

Fiscal Tracking Summary (\$000's)						

Long-Term Fiscal Considerations

None.

Local Fiscal Impact

County Human Services agencies submit background studies for individuals affiliated with legal nonlicensed and licensed family programs. The changes proposed in this bill will have a de minimis impact on county staff's time in submitting background studies to DHS for processing and completion.

References/Sources

Agency Contact:

Agency Fiscal Note Coordinator Signature: Don Allen

Date: 3/27/2018 12:29:52 PM

Phone: 651 431-2932

Email: Don.Allen@state.mn.us