

**Bill Comparison Summary of
Senate File 4410 (second unofficial engrossment) / Senate File 4410
(third engrossment)**

**House Article 19: DHS Licensing and Operations Policy
Senate Article 11: Operations and Licensing Policy**

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Comparison Summary of S.F. 4410 – House (S.F. 4410, second unofficial engrossment) / Senate (4410, third engrossment)

Section	HOUSE Article 19: DHS Licensing and Operations Policy		SENATE Article 11: Operations and Licensing Policy
1	<p>Controlling individual. Amends § 245A.02, subd. 5a. Adds an individual designated as the primary provider of care for a special family child care program to the definition of “controlling individual” for the purposes of chapter 245A.</p> <p>Makes the section effective July 1, 2022.</p>	House only	
2	<p>Inspections; waiver. Amends § 245A.04, subd. 4. Directs DHS or a county to inspect licensed child care providers at least “once each calendar year” rather than “annually.”</p> <p>Makes the section effective the day following final enactment.</p>	House only	
3	<p>Immediate suspension expedited hearing. Amends § 245A.07, subd. 2a. Clarifies the timeline and procedures for immediate license suspension expedited decisions and appeals. Allows a license suspension to be extended if a law enforcement or maltreatment investigation or judicial proceeding is ongoing and persons served by the program remain at imminent risk of harm.</p>	House only	
4	<p>License suspension, revocation, or fine. Amends § 245A.07, subd. 3. Adds language allowing the commissioner to issue a suspension pursuant to the changes in section 1.</p>	House only	

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5	<p>Special family child care homes. Amends § 245A.14, subd. 4. Provides that a primary provider of care in a special family child care home is authorized to communicate with DHS and counties on matters related to licensing. Requires that a primary provider of care meets the qualifications in rules for group family child care providers.</p> <p>Makes the section effective July 1, 2022.</p>	House only	
6	<p>Reduction of risk of sudden unexpected infant death in licensed programs. Amends § 245A.1435. Modifies paragraph (b) to require that a pacifier placed in a crib with an infant in a licensed child care program is free from any sort of attachment.</p> <p>Adds paragraph (d) to provide that when a license holder puts a child under the age of one year down to sleep, the child’s sleepwear must not have weighted materials, a hood, or a bib.</p> <p>Adds paragraph (e) to allow a license holder to place a child under the age of one down to sleep wearing a helmet if the license holder has signed documentation from a specified medical professional on a form developed by the DHS commissioner.</p> <p>Modifies paragraph (f) to include a definition of a “swaddle” and provide requirements about how it may be used by a child care license holder. Provides that a parent’s consent for the use of swaddling must be obtained on a form developed by DHS.</p>	House only	

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	<p>Adds paragraph (g) to allow a license holder to request a variance to permit the use of a cradleboard when requested by a parent or guardian for cultural accommodation.</p> <p>Makes the section effective January 1, 2023.</p>		
7	<p>Substance use disorder treatment licensed programs that serve parents with their children.</p> <p>Amends § 245A.1443. Makes technical corrections in subdivision 1.</p> <p>Modifies subdivision 2 to require that a license holder use educational material developed by DHS to comply with the requirement to provide education to a child’s parent related to safe bathing and reducing the risk of sudden unexpected infant death and abusive head trauma. Provides that if a parent refuses to comply with the safeguards, then program staff must provide additional education in accordance with the parental supervision plan.</p> <p>Makes changes in subdivision 3 to the factors a license holder must consider when documenting a parent’s capacity to meet the health and safety needs of a child while on the facility premises. Adds a new paragraph (c), which provides that if a parent refuses to comply with the safeguards in place or is unable to adequately care for a child, then the license holder must develop a parental supervision plan in conjunction with the client.</p> <p>Makes the section effective January 1, 2023.</p>	House only	

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8	<p>License holder documentation of cribs. Amends § 245A.146, subd. 3. Provides that every mesh-sided or fabric-sided play yard, pack and play, or playpen used in a licensed family child care program must have an original mattress or replacement mattress provided by the manufacturer of the structure.</p> <p>Adds paragraph (f) to provide that a license holder must check any cradleboard in use at least monthly to ensure that it is sound and does not have protruding parts and must maintain written documentation of the check.</p> <p>Makes the section effective January 1, 2023.</p>	House only	
9	<p>Delegation of authority to agencies. Amends § 245A.16, subd. 1. Provides that only the commissioner of human services, and not any county or private agencies, may grant a variance for the use of a cradleboard for a cultural accommodation.</p>	House only	
10	<p>Qualifications for all staff who have direct patient contact. Amends § 245F.15, subd. 1. For withdrawal management programs, removes requirements related to the amount of time staff must document as being free of substance use problems.</p> <p>Makes this section effective January 1, 2023.</p>	House only	
11	<p>Policy requirements. Amends § 245F.16, subd. 1. For withdrawal management programs, clarifies language regarding disciplinary action for violation of the drug and alcohol policy; adds cross-reference to</p>	House only	

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	<p>broader human services licensing drug and alcohol policy requirements.</p> <p>Makes this section effective January 1, 2023.</p>		
12	<p>Alcohol and drug counselor.</p> <p>Amends § 245G.01, subd. 4. For substance use disorder treatment programs, modifies cross-reference for alcohol and drug counselor qualifications.</p> <p>Provides an immediate effective date.</p>	House only	
13	<p>Licensed professional in private practice.</p> <p>Amends § 245G.01, subd. 17. Modifies definition of “licensed professional in private practice” by clarifying what “affiliate” means for purposes of the definition.</p> <p>Provides an immediate effective date.</p>	House only	
14	<p>Documentation of treatment services.</p> <p>Amends § 245G.06 by adding subd. 2a. Specifies streamlined client record documentation requirements for treatment services provided.</p> <p>Makes this section effective August 1, 2022.</p>	House only	

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15	<p>Client record documentation requirements. Amends § 245G.06 by adding subd. 2b. Specifies requirements for documenting a significant event in the client record on the day the event occurs; lists events that must be documented.</p> <p>Makes this section effective August 1, 2022.</p>	<p>Similar. House requires documentation of significant events and specified other events “on the day the event occurs;” Senate requires documentation “within 24 hours of the event.”</p> <p>Technical differences: House lines 750.15 and 750.16, Senate lines 314.7 and 314.8; staff recommends Senate.</p> <p>House adds paragraph (c) outlining client record entry requirements, adding a requirement to include the staff person’s job title or position in the client record entry; Senate does not.</p> <p>House includes an August 1, 2022, effective date; Senate does not.</p>	<p>Section 1 [245G.06, subdivision 2a] moves client record documentation requirements into a separate subdivision.</p> <p>Paragraph (a) modifies how soon a license holder is required to record a significant event in a client’s record from immediately to within 24 hours.</p> <p>Paragraph (b) adds a timeline for when a residential treatment program must document certain situations in the client record.</p>
16	<p>Treatment plan review. Amends § 245G.06, subd. 3. Removes treatment services documentation requirements; specifies that a treatment plan review must be entered in a client’s file by the alcohol and drug counselor responsible for the treatment plan. Modifies treatment plan review documentation requirements.</p> <p>Makes this section effective August 1, 2022.</p>	<p>Different. Senate extends treatment plan review frequency from weekly to every 28 days, when there is a significant change in the client’s situation, functioning, or service methods, or at the request of the client; House does not.</p> <p>Technical numbering difference; staff recommends Senate.</p> <p>House removes paragraph (d) outlining client record entry requirements and moves it to subd. 2b (see above); Senate does not.</p>	<p>Section 2 (245G.06, subdivision 3) removes references to client record documentation and that a treatment plan review must indicate type of treatment and a client’s response. Also changes the frequency of when a treatment plan review must be entered in a client’s file.</p>
17	<p>Administration of medication and assistance with self-medication. Amends § 245G.08, subd. 5. Specifies that staff members may only administer medications in a method for which the staff</p>	<p>House only</p>	

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	<p>member has been trained; adds intranasal and two intramuscular medications.</p> <p>Provides an immediate effective date.</p>		
18	<p>Contents.</p> <p>Amends § 245G.09, subd. 3. Modifies client record required contents based on changes in previous sections of this bill.</p> <p>Makes this section effective August 1, 2022.</p>	House only	
19	<p>General qualifications.</p> <p>Amends § 245G.11, subd. 1. Removes requirements related to the amount of time staff must attest to being free of problematic substance use.</p> <p>Makes this section effective January 1, 2023.</p>	House only	
20	<p>Student interns.</p> <p>Amends § 245G.11, subd. 10. Removes progress notes and adds treatment plan review to items a supervisor must review and sign for a student intern.</p> <p>Makes this section effective January 1, 2023.</p>	House only	
21	<p>Personnel policy requirements.</p> <p>Amends § 245G.13, subd. 1. Removes personnel policy requirements related to problematic substance use; adds cross-</p>	House only	

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	<p>reference to broader human services licensing drug and alcohol policy requirements.</p> <p>Makes this section effective January 1, 2023.</p>		
22	<p>License holders serving persons with co-occurring disorders. Amends § 245G.20. Updates language from progress notes to treatment plan reviews.</p> <p>Makes this section effective January 1, 2023.</p>	House only	
23	<p>Restrictions for unsupervised use of methadone hydrochloride. Amends § 245G.22, subd. 7. Clarifies provision related to the number of unsupervised medication doses a client may receive per week.</p> <p>Provides an immediate effective date.</p>	House only	
24	<p>Monitoring and inspections. Amends § 245H.05. Directs DHS to inspect a certified license-exempt child care center at least “once each calendar year” rather than “annually.”</p> <p>Makes the section effective the day following final enactment.</p>	House only	
25	<p>Authority to modify requirements. Amends § 245H.08 by adding subdivision 6. Allows DHS to increase the maximum group size to no more than 40 children and increase the acceptable staff-to-child ratio to 1:20 for</p>	House only	

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	certified, license-exempt child care centers during national security, peacetime, or pandemic-related public health emergencies. Provides that if DHS modifies requirements under this subdivision, then a center must have at least one staff person who is 18 years old with each group of 40 children.		
		Senate only	Section 3 (Laws 2021, First Special Session chapter 7, article 2, section 74) modifies the language establishing the legislative task force on human services background study eligibility by permitting the Department of Human Services to use a third party to provide data analysis services to the task force.
26	<p>Waivers and modifications; extension.</p> <p>Amends Laws 2020, First Special Session ch. 7, § 1, subd. 5, as amended. Provides that a COVID-19 waiver issued by the commissioner of human services for background study requirements expires January 1, 2023 (rather than 365 days after the peacetime emergency ended as in current law).</p> <p>Provides that this section effective the day following final enactment.</p>	House only	
27	<p>Direction to commissioner of human services; amending children’s residential facility and detoxification program rules.</p> <p>Directs the commissioner to amend specified parts and subparts of Minnesota Rules related to children’s residential facilities and detoxification programs.</p>	House only	

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28	<p>Child care regulation modernization; pilot projects. Allows DHS to conduct and administer pilot projects to test methods and procedures related to the projects for modernizing child care regulations that were established and funded by the 2021 legislature. Provides that the commissioner may waive enforcement of existing statutes, rules, or standards in one or more counties to carry out the pilot projects, but such a waiver must provide alternative methods and procedures of administration and must not conflict with the basic purposes, coverage, or benefits provided by law. The pilot projects may not extend beyond February 1, 2024, and the pilot projects must comply with the requirements of the child care and development fund plan.</p> <p>Makes the section effective the day following final enactment.</p>	House only	
29	<p>Repealer. Repeals section 245F.15, subd. 2 (withdrawal management programs; continuing employment; no substance use problems) and section 245G.11, subd. 2 (SUD program employment; problematic substance use prohibition).</p> <p>Repeals Minnesota Rules parts 2960.0460, subpart 2; and 9530.6565, subpart 2 (staff qualifications; continuing employment; free from substance use problems).</p> <p>Makes this section effective January 1, 2023.</p>	House only	