...... moves to amend H.F. No. 1233, the delete everything amendment (A13-0408) as follows:

Page 315, after line 7, insert:

1.1

1.2

1.3

1.4

1.5

1.6

1.7

18

19

1.10

1.11

1.12

1.13

1.14

1.15

1.16

1 17

1.18

1.19

1.20

1.21

1.22

1.23

1.24

1 25

1.26

"Sec. . . . Minnesota Statutes 2012, section 245A.07, subdivision 2a, is amended to read: Subd. 2a. Immediate suspension expedited hearing. (a) Within five working days of receipt of the license holder's timely appeal, the commissioner shall request assignment of an administrative law judge. The request must include a proposed date, time, and place of a hearing. A hearing must be conducted by an administrative law judge within 30 calendar days of the request for assignment, unless an extension is requested by either party and granted by the administrative law judge for good cause. The commissioner shall issue a notice of hearing by certified mail or personal service at least ten working days before the hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary immediate suspension should remain in effect pending the commissioner's final order under section 245A.08, regarding a licensing sanction issued under subdivision 3 following the immediate suspension. The burden of proof in expedited hearings under this subdivision shall be limited to the commissioner's demonstration that reasonable cause exists to believe that the license holder's actions or failure to comply with applicable law or rule poses, or if the actions of other individuals or conditions in the program poses an imminent risk of harm to the health, safety, or rights of persons served by the program. "Reasonable cause" means there exist specific articulable facts or circumstances which provide the commissioner with a reasonable suspicion that there is an imminent risk of harm to the health, safety, or rights of persons served by the program. When the commissioner has determined there is reasonable cause to order the temporary immediate suspension of a license based on a violation of safe sleep requirements as defined in section 245A.1435, the commissioner is not required to demonstrate that an infant died or was injured as a result of the safe sleep violations.

2.1

2.2

2.3

2.4

2.5

2.6

2.7

2.8

2.9

2.10

2.11

2.12

2.13

2.14

2.15

2.16

2.17

2.18

2.19

2.20

2.21

2.22

2.23

2.24

2.25

2.26

2.27

2.28

2.29

2.30

2.31

2.32

2.33

2.34

2.35

(b) The administrative law judge shall issue findings of fact, conclusions, and a recommendation within ten working days from the date of hearing. The parties shall have ten calendar days to submit exceptions to the administrative law judge's report. The record shall close at the end of the ten-day period for submission of exceptions. The commissioner's final order shall be issued within ten working days from the close of the record. Within 90 calendar days after a final order affirming an immediate suspension, the commissioner shall make a determination regarding whether a final licensing sanction shall be issued under subdivision 3. The license holder shall continue to be prohibited from operation of the program during this 90-day period.

(c) When the final order under paragraph (b) affirms an immediate suspension, and a final licensing sanction is issued under subdivision 3 and the license holder appeals that sanction, the license holder continues to be prohibited from operation of the program pending a final commissioner's order under section 245A.08, subdivision 5, regarding the final licensing sanction.

Sec. . . . Minnesota Statutes 2012, section 245A.1435, is amended to read:

245A.1435 REDUCTION OF RISK OF SUDDEN <u>UNEXPECTED</u> INFANT DEATH SYNDROME IN LICENSED PROGRAMS.

(a) When a license holder is placing an infant to sleep, the license holder must place the infant on the infant's back, unless the license holder has documentation from the infant's parent physician directing an alternative sleeping position for the infant. The parent physician directive must be on a form approved by the commissioner and must include a statement that the parent or legal guardian has read the information provided by the Minnesota Sudden Infant Death Center, related to the risk of SIDS and the importance of placing an infant or child on its back to sleep to reduce the risk of SIDS remain on file at the licensed location. An infant who independently rolls onto its stomach after being placed to sleep on its back may be allowed to remain sleeping on its stomach if the infant is at least six months old or the license holder has a signed statement from the parent indicating that the infant regularly rolls over at home.

(b) The license holder must place the infant in a crib directly on a firm mattress with a fitted erib sheet that fits tightly on the mattress and overlaps the mattress so it cannot be dislodged by pulling on the corner of the sheet. The license holder must not place pillows, quilts, comforters, sheepskin, pillow-like stuffed toys, or other soft products in the crib with the infant is appropriate to the mattress size, that fits tightly on the mattress, and overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of the sheet with reasonable effort. The license holder must not place anything in the

crib with the infant, except for the pacifier. For the purposes of this section, a pacifier is defined as a synthetic nipple designed for infant sucking with nothing attached to it. The requirements of this section apply to license holders serving infants up to and including 12 months of age younger than the age of one year. Licensed child care providers must meet the crib requirements under section 245A.146.

3.1

3.2

3.3

3.4

3.5

3.6

3.7

3.8

3.9

3.10

3.11

3.12

3.13

3.14

3.15

3.16

3.17

3.18

3.19

3.20

3.21

3.22

3.23

3.24

3.25

3.26

3.27

3.28

3.29

3.30

3.31

3.32

3.33

3.34

- (c) If an infant falls asleep before being placed in a crib, the license holder must move the infant to a crib as soon as practicable, and must keep the infant within sight of the license holder until the infant is placed in a crib. When an infant falls asleep while being held, the license holder must consider the supervision needs of other children in care when determining how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant must not be in a position where the airway may be blocked or with anything covering the infant's face.
- (d) Placing a swaddled infant down to sleep in a licensed setting is not recommended for any age infant, and it is prohibited for any infant who has begun to roll over on its own.

 Prior to any use of swaddling for sleep by a provider licensed under this chapter, the license holder must obtain informed written consent for the use of swaddling from the parent or guardian of the infant and the infant's physician on a form provided by the commissioner, and prepared in partnership with the Minnesota Sudden Infant Death Center.

Sec. . . . Minnesota Statutes 2012, section 245A.144, is amended to read:

245A.144 <u>TRAINING ON RISK OF SUDDEN UNEXPECTED INFANT</u> DEATH AND <u>SHAKEN BABY SYNDROME</u> <u>ABUSIVE HEAD TRAUMA</u> FOR CHILD FOSTER CARE PROVIDERS.

- (a) Licensed child foster care providers that care for infants or children through five years of age must document that before staff persons and caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden <u>unexpected</u> infant death syndrome and shaken baby syndrome for abusive head trauma from shaking infants and young children. This section does not apply to emergency relative placement under section 245A.035. The training on reducing the risk of sudden <u>unexpected</u> infant death syndrome and shaken baby syndrome abusive head trauma may be provided as:
- (1) orientation training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 1; or
- (2) in-service training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 2.

|--|

4.1

4.2

4.3

4.4

4.5

4.6

4.7

4.8

4.9

4.10

4.11

4.12

4.13

4.14

4.15

4.16

4.17

4.18

4.19

4 20

4.21

4.22

4.23

4.24

4.25

4.26

4.27

4.28

4.29

4.30

4.31

4.32

4.33

4.34

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden <u>unexpected</u> infant death <u>syndrome</u> and <u>shaken baby</u> <u>syndrome</u> <u>abusive head trauma</u>, means of reducing the risk of sudden <u>unexpected</u> infant death <u>syndrome</u> and <u>shaken baby syndrome</u> <u>abusive head trauma</u>, and license holder communication with parents regarding reducing the risk of sudden <u>unexpected</u> infant death <u>syndrome</u> and <u>shaken baby syndrome</u> abusive head trauma.

(c) Training for child foster care providers must be approved by the county or private licensing agency that is responsible for monitoring the child foster care provider under section 245A.16. The approved training fulfills, in part, training required under Minnesota Rules, part 2960.3070.

Sec. . . . Minnesota Statutes 2012, section 245A.1444, is amended to read:

245A.1444 TRAINING ON RISK OF SUDDEN <u>UNEXPECTED</u> INFANT DEATH <u>SYNDROME</u> AND <u>SHAKEN BABY SYNDROME</u> <u>ABUSIVE HEAD</u> TRAUMA BY OTHER PROGRAMS.

A licensed chemical dependency treatment program that serves clients with infants or children through five years of age, who sleep at the program and a licensed children's residential facility that serves infants or children through five years of age, must document that before program staff persons or volunteers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death syndrome and shaken baby syndrome abusive head trauma from shaking infants and young children. The training conducted under this section may be used to fulfill training requirements under Minnesota Rules, parts 2960.0100, subpart 3; and 9530.6490, subpart 4, item B.

This section does not apply to child care centers or family child care programs governed by sections 245A.40 and 245A.50.

Sec. . . . [245A.1446] FAMILY CHILD CARE DIAPERING AREA DISINFECTION.

Notwithstanding Minnesota Rules, part 9502.0435, a family child care provider may disinfect the diaper changing surface with either a solution of at least two teaspoons of chlorine bleach to one quart of water, or with a surface disinfectant that meets the following criteria:

(1) the manufacturer's label or instructions state that the product is registered with the United States Environmental Protection Agency;

04/11/13 08·33 AM	HOUSE RESEARCH	LA/MK	H1233A67

5.1	(2) the manufacturer's label or instructions state that the disinfectant is effective
5.2	against Staphylococcus aureus, Salmonella choleroesuis, and Pseudomonas aeruginosa;
5.3	(3) the manufacturer's label or instructions state that the disinfectant is effective with
5.4	a ten-minute or less contact time;
5.5	(4) the disinfectant is clearly labeled by the manufacturer with directions for mixing
5.6	and use; and
5.7	(5) the disinfectant is used only in accordance with the manufacturer's directions.
5.8	Sec [245A.147] FAMILY CHILD CARE INFANT SLEEP SUPERVISION
5.9	REQUIREMENTS.
5.10	Subdivision 1. In-person checks on infants. (a) License holders that serve infants
5.11	are encouraged to monitor sleeping infants by conducting in-person checks on each infant
5.12	in their care every 30 minutes.
5.13	(b) Upon enrollment of an infant in a family child care program, the license holder is
5.14	encouraged to conduct in-person checks on the sleeping infant every 15 minutes, during
5.15	the first four months of care.
5.16	(c) When an infant has an upper respiratory infection, the license holder is encouraged
5.17	to conduct in-person checks on the infant every 15 minutes throughout the hours of sleep.
5.18	Subd. 2. Use of audio or visual monitoring devices. In addition to conducting
5.19	the in-person checks encouraged under subdivision 1, license holders serving infants are
5.20	encouraged to use and maintain an audio or visual monitoring device to monitor each
5.21	sleeping infant in care during all hours of sleep.
5.00	C 1245 A 1531 CHILD CADE LICENCE HOLDED INCUDANCE
5.22	Sec [245A.152] CHILD CARE LICENSE HOLDER INSURANCE.
5.23	Subdivision 1. Insurance coverage required for child care licensure. (a) A license
5.24	holder must provide a written notice to all parents or guardians of all children to be accepted
5.25	for care prior to admission stating whether the license holder has liability insurance.
5.26	(b) If the license holder has liability insurance:
5.27	(1) the license holder shall inform parents in writing that a current certificate of
5.28	coverage for insurance is available for inspection to all parents or guardians of children
5.29	receiving services and to all parents seeking services from the family child care program;
5.30	(2) the notice must provide the parent or guardian with the date of expiration of
5.31	the policy; and (2) year the expiration data of the policy the license helder must provide a new
5.32	(3) upon the expiration date of the policy, the license holder must provide a new
5.33	written notice indicating whether the insurance policy has lapsed or whether the license

holder has renewed the policy. If the policy was renewed, the license holder must provide the new expiration date of the policy in writing to the parents or guardians.

6.1

6.2

6.3

6.4

6.5

6.6

6.7

68

6.9

6.10

6.11

6.12

6.13

6.14

6.15

6.16

6.17

6.18

6.19

6.20

6.21

6.22

6.23

6.24

6.25

6.26

6.27

6.28

6.29

6.30

6.31

6.32

6.33

6.34

6.35

- (c) If the license holder does not have liability insurance, the license holder must provide an annual notice, on a form to be developed by the commissioner, to the parents or guardians of children in care indicating that the license holder does not carry liability insurance.
- (d) The license holder must document, with the signature of the parent or guardian, that the parent or guardian received the notices required in this section.
 - Sec. . . . Minnesota Statutes 2012, section 245A.40, subdivision 5, is amended to read:
- Subd. 5. Sudden <u>unexpected</u> infant death syndrome and shaken baby syndrome <u>abusive head trauma</u> training. (a) License holders must document that before staff persons <u>and volunteers</u> care for infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden <u>unexpected</u> infant death syndrome. In addition, license holders must document that before staff persons care for infants or children under school age, they receive training on the risk of shaken baby syndrome abusive head trauma from shaking infants and young children. The training in this subdivision may be provided as orientation training under subdivision 1 and in-service training under subdivision 7.
- (b) Sudden <u>unexpected</u> infant death <u>syndrome</u> reduction training required under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden <u>unexpected</u> infant death <u>syndrome</u>, means of reducing the risk of sudden <u>unexpected</u> infant death <u>syndrome</u> in child care, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death <u>syndrome</u>.
- (c) Shaken baby syndrome Abusive head trauma training under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to shaken baby syndrome for shaking infants and young children, means to reduce the risk of shaken baby syndrome abusive head trauma in child care, and license holder communication with parents regarding reducing the risk of shaken baby syndrome abusive head trauma.
- (d) The commissioner shall make available for viewing a video presentation on the dangers associated with shaking infants and young children. The video presentation must be part of the orientation and annual in-service training of licensed child care center staff persons caring for children under school age. The commissioner shall provide to child care providers and interested individuals, at cost, copies of a video approved by the

commissioner of health under section 144.574 on the dangers associated with shaking infants and young children.

Sec. 19. Minnesota Statutes 2012, section 245A.50, is amended to read:

7.1

7.2

7.3

7.4

7.5

7.6

7.7

7.8

7.9

7.10

7.11

7.12

7.13

7.14

7.15

7.16

7.17

7.18

7.19

7.20

7.21

7.22

7.23

7.24

7.25

7.26

7.27

7.28

7.29

7.30

7.31

7.32

7.33

245A.50 FAMILY CHILD CARE TRAINING REQUIREMENTS.

Subdivision 1. **Initial training.** (a) License holders, caregivers, and substitutes must comply with the training requirements in this section.

- (b) Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.
- Subd. 2. **Child growth and development training.** (a) For purposes of family and group family child care, the license holder and each adult caregiver who provides care in the licensed setting for more than 30 days in any 12-month period shall complete and document at least two hours of child growth and development training within the first year of prior to initial licensure, and before caring for children. For purposes of this subdivision, "child growth and development training" means training in understanding how children acquire language and develop physically, cognitively, emotionally, and socially.
- (b) Notwithstanding paragraph (a), individuals are exempt from this requirement if they:
- (1) have taken a three-credit course on early childhood development within the past five years;
- (2) have received a baccalaureate or master's degree in early childhood education or school-age child care within the past five years;
- (3) are licensed in Minnesota as a prekindergarten teacher, an early childhood educator, a kindergarten to grade 6 teacher with a prekindergarten specialty, an early childhood special education teacher, or an elementary teacher with a kindergarten endorsement; or
- (4) have received a baccalaureate degree with a Montessori certificate within the past five years.
- Subd. 3. **First aid.** (a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one staff person must be present in the home who has been trained in first aid. The first aid training must have been provided by an individual approved to provide first aid instruction. First aid training may be less than eight hours and persons qualified to provide first aid training include individuals approved as first aid instructors.

(b) A family child care provider is exempt from the first aid training requirements under this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.

8.1

8.2

8.3

8.4

8.5

8.6

8.7

88

8.9

8.10

8.11

8.12

8.13

8.14

8.15

8.16

8.17

8.18

8.19

8.20

8.21

8.22

8.23

8.24

8.25

8.26

8.27

8.28

8.29

8.30

8.31

8.32

8.33

8.34

8.35

8.36

- (c) Video training reviewed and approved by the county licensing agency satisfies the training requirement of this subdivision.
- Subd. 4. **Cardiopulmonary resuscitation.** (a) When children are present in a family child care home governed by Minnesota Rules, parts 9502.0315 to 9502.0445, at least one staff person must be present in the home who has been trained in cardiopulmonary resuscitation (CPR) and in the treatment of obstructed airways that includes CPR techniques for infants and children. The CPR training must have been provided by an individual approved to provide CPR instruction, must be repeated at least once every three years, and must be documented in the staff person's records.
- (b) A family child care provider is exempt from the CPR training requirement in this subdivision related to any substitute caregiver who provides less than 30 hours of care during any 12-month period.
- (c) Video training reviewed and approved by the county licensing agency satisfies the training requirement of this subdivision. Persons providing CPR training must use CPR training that has been developed:
- (1) by the American Heart Association or the American Red Cross and incorporates psychomotor skills to support the instruction; or
- (2) using nationally recognized, evidence-based guidelines for CPR training and incorporates psychomotor skills to support the instruction.
- Subd. 5. Sudden unexpected infant death syndrome and shaken baby syndrome abusive head trauma training. (a) License holders must document that before staff persons, caregivers, and helpers assist in the care of infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death syndrome. In addition, license holders must document that before staff persons, caregivers, and helpers assist in the care of infants and children under school age, they receive training on reducing the risk of shaken baby syndrome abusive head trauma from shaking infants and young children. The training in this subdivision may be provided as initial training under subdivision 1 or ongoing annual training under subdivision 7.
- (b) Sudden <u>unexpected</u> infant death <u>syndrome</u> reduction training required under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden unexpected infant death <u>syndrome</u>, means of reducing the risk of sudden

<u>unexpected</u> infant death <u>syndrome</u> in child care, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death <u>syndrome</u>.

9.1

9.2

9.3

9.4

9.5

9.6

9.7

9.8

9.9

9.10

9.11

9.12

9.13

9.14

9.15

9.16

9.17

9.18

9.19

9.20

9.21

9.22

9.23

9.24

9.25

9.26

9.27

9.28

9.29

9.30

9.31

9.32

9.33

9.34

9.35

- (c) Shaken baby syndrome Abusive head trauma training required under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to shaken baby syndrome shaking infants and young children, means of reducing the risk of shaken baby syndrome abusive head trauma in child care, and license holder communication with parents regarding reducing the risk of shaken baby syndrome abusive head trauma.
- (d) Training for family and group family child care providers must be approved by the county licensing agency.
- (e) The commissioner shall make available for viewing by all licensed child care providers a video presentation on the dangers associated with shaking infants and young children. The video presentation shall be part of the initial and ongoing annual training of licensed child care providers, caregivers, and helpers caring for children under school age. The commissioner shall provide to child care providers and interested individuals, at cost, copies of a video approved by the commissioner of health under section 144.574 on the dangers associated with shaking infants and young children.
- Subd. 6. Child passenger restraint systems; training requirement. (a) A license holder must comply with all seat belt and child passenger restraint system requirements under section 169.685.
- (b) Family and group family child care programs licensed by the Department of Human Services that serve a child or children under nine years of age must document training that fulfills the requirements in this subdivision.
- (1) Before a license holder, staff person, caregiver, or helper transports a child or children under age nine in a motor vehicle, the person placing the child or children in a passenger restraint must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles. Training completed under this subdivision may be used to meet initial training under subdivision 1 or ongoing training under subdivision 7.
- (2) Training required under this subdivision must be at least one hour in length, completed at initial training, and repeated at least once every five years. At a minimum, the training must address the proper use of child restraint systems based on the child's size, weight, and age, and the proper installation of a car seat or booster seat in the motor vehicle used by the license holder to transport the child or children.
- (3) Training under this subdivision must be provided by individuals who are certified and approved by the Department of Public Safety, Office of Traffic Safety. License holders

may obtain a list of certified and approved trainers through the Department of Public Safety Web site or by contacting the agency.

10.1

10.2

10.3

10.4

10.5

10.6

10.7

10.8

10.9

10.10

10.11

10.12

10.13

10.14

10.15

10.16

10.17

10.18

10.19

10.20

10.21

10.22

10.23

10.24

10.25

10.26

10.27

10.28

10.29

10.30

10.31

10.32

10.33

10.34

10.35

10.36

(c) Child care providers that only transport school-age children as defined in section 245A.02, subdivision 19, paragraph (f), in child care buses as defined in section 169.448, subdivision 1, paragraph (e), are exempt from this subdivision.

Subd. 7. **Training requirements for family and group family child care.**For purposes of family and group family child care, the license holder and each primary caregiver must complete eight hours of training each year. For purposes of this subdivision, a primary caregiver is an adult caregiver who provides services in the licensed setting for more than 30 days in any 12-month period. Ongoing training subjects

- (1) "child growth and development training" has the meaning given in subdivision 2, paragraph (a);
- (2) "learning environment and curriculum" includes training in establishing an environment and providing activities that provide learning experiences to meet each child's needs, capabilities, and interests;

must be selected from the following areas:

- (3) "assessment and planning for individual needs" includes training in observing and assessing what children know and can do in order to provide curriculum and instruction that addresses their developmental and learning needs, including children with special needs and bilingual children or children for whom English is not their primary language;
- (4) "interactions with children" includes training in establishing supportive relationships with children, guiding them as individuals and as part of a group;
- (5) "families and communities" includes training in working collaboratively with families and agencies or organizations to meet children's needs and to encourage the community's involvement;
- (6) "health, safety, and nutrition" includes training in establishing and maintaining an environment that ensures children's health, safety, and nourishment, including child abuse, maltreatment, prevention, and reporting; home and fire safety; child injury prevention; communicable disease prevention and control; first aid; and CPR; and
- (7) "program planning and evaluation" includes training in establishing, implementing, evaluating, and enhancing program operations.
- Subd. 8. Other required training requirements. (a) The training required of family and group family child care providers and staff must include training in the cultural dynamics of early childhood development and child care. The cultural dynamics and disabilities training and skills development of child care providers must be designed to achieve outcomes for providers of child care that include, but are not limited to:

11.1	(1) an understanding and support of the importance of culture and differences in
11.2	ability in children's identity development;
11.3	(2) understanding the importance of awareness of cultural differences and
11.4	similarities in working with children and their families;
11.5	(3) understanding and support of the needs of families and children with differences
11.6	in ability;
11.7	(4) developing skills to help children develop unbiased attitudes about cultural
11.8	differences and differences in ability;
11.9	(5) developing skills in culturally appropriate caregiving; and
11.10	(6) developing skills in appropriate caregiving for children of different abilities.
11.11	The commissioner shall approve the curriculum for cultural dynamics and disability
11.12	training.
11.13	(b) The provider must meet the training requirement in section 245A.14, subdivision
11.14	11, paragraph (a), clause (4), to be eligible to allow a child cared for at the family child
11.15	care or group family child care home to use the swimming pool located at the home.
11.16	Subd. 9. Approved training. County licensing staff must accept training approved
11.17	by the Minnesota Center for Professional Development, including:
11.18	(1) face-to-face or classroom training;
11.19	(2) online training; and
11.20	(3) relationship-based professional development, such as mentoring, coaching,
11.21	and consulting."
11.22	Renumber the sections in sequence and correct the internal references
11.23	Amend the title accordingly