

1.1 moves to amend H.F. No. 2191 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**
1.4 **CHILD CARE LICENSING AND CERTIFICATION**

1.5 Section 1. Minnesota Statutes 2024, section 142B.10, subdivision 14, is amended to read:

1.6 Subd. 14. **Grant of license; license extension.** (a) If the commissioner determines that
1.7 the program complies with all applicable rules and laws, the commissioner shall issue a
1.8 license consistent with this section or, if applicable, a temporary change of ownership license
1.9 under section 142B.11. At minimum, the license shall state:

1.10 (1) the name of the license holder;

1.11 (2) the address of the program;

1.12 (3) the effective date and expiration date of the license;

1.13 (4) the type of license;

1.14 (5) the maximum number and ages of persons that may receive services from the program;

1.15 and

1.16 (6) any special conditions of licensure.

1.17 (b) The commissioner may issue a license for a period not to exceed two years if:

1.18 (1) the commissioner is unable to conduct the observation required by subdivision 11,
1.19 paragraph (a), clause (3), because the program is not yet operational;

1.20 (2) certain records and documents are not available because persons are not yet receiving
1.21 services from the program; and

1.22 (3) the applicant complies with applicable laws and rules in all other respects.

2.1 (c) A decision by the commissioner to issue a license does not guarantee that any person
2.2 or persons will be placed or cared for in the licensed program.

2.3 (d) Except as provided in paragraphs (i) and (j), the commissioner shall not issue a
2.4 license if the applicant, license holder, or an affiliated controlling individual has:

2.5 (1) been disqualified and the disqualification was not set aside and no variance has been
2.6 granted;

2.7 (2) been denied a license under this chapter or chapter 245A within the past two years;

2.8 (3) had a license issued under this chapter or chapter 245A revoked within the past five
2.9 years; or

2.10 (4) failed to submit the information required of an applicant under subdivision 1,
2.11 paragraph (f), (g), or (h), after being requested by the commissioner.

2.12 When a license issued under this chapter or chapter 245A is revoked, the license holder
2.13 and each affiliated controlling individual with a revoked license may not hold any license
2.14 under chapter 142B for five years following the revocation, and other licenses held by the
2.15 applicant or license holder or licenses affiliated with each controlling individual shall also
2.16 be revoked.

2.17 (e) Notwithstanding paragraph (d), the commissioner may elect not to revoke a license
2.18 affiliated with a license holder or controlling individual that had a license revoked within
2.19 the past five years if the commissioner determines that (1) the license holder or controlling
2.20 individual is operating the program in substantial compliance with applicable laws and rules
2.21 and (2) the program's continued operation is in the best interests of the community being
2.22 served.

2.23 (f) Notwithstanding paragraph (d), the commissioner may issue a new license in response
2.24 to an application that is affiliated with an applicant, license holder, or controlling individual
2.25 that had an application denied within the past two years or a license revoked within the past
2.26 five years if the commissioner determines that (1) the applicant or controlling individual
2.27 has operated one or more programs in substantial compliance with applicable laws and rules
2.28 and (2) the program's operation would be in the best interests of the community to be served.

2.29 (g) In determining whether a program's operation would be in the best interests of the
2.30 community to be served, the commissioner shall consider factors such as the number of
2.31 persons served, the availability of alternative services available in the surrounding
2.32 community, the management structure of the program, whether the program provides
2.33 culturally specific services, and other relevant factors.

3.1 (h) The commissioner shall not issue or reissue a license under this chapter if an individual
3.2 living in the household where the services will be provided as specified under section
3.3 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside
3.4 and no variance has been granted.

3.5 (i) Pursuant to section 142B.18, subdivision 1, paragraph (b), when a license issued
3.6 under this chapter has been suspended or revoked and the suspension or revocation is under
3.7 appeal, the program may continue to operate pending a final order from the commissioner.
3.8 If the license under suspension or revocation will expire before a final order is issued, a
3.9 temporary provisional license may be issued provided any applicable license fee is paid
3.10 before the temporary provisional license is issued.

3.11 (j) Notwithstanding paragraph (i), when a revocation is based on the disqualification of
3.12 a controlling individual or license holder, and the controlling individual or license holder
3.13 is ordered under section 245C.17 to be immediately removed from direct contact with
3.14 persons receiving services or is ordered to be under continuous, direct supervision when
3.15 providing direct contact services, the program may continue to operate only if the program
3.16 complies with the order and submits documentation demonstrating compliance with the
3.17 order. If the disqualified individual fails to submit a timely request for reconsideration, or
3.18 if the disqualification is not set aside and no variance is granted, the order to immediately
3.19 remove the individual from direct contact or to be under continuous, direct supervision
3.20 remains in effect pending the outcome of a hearing and final order from the commissioner.

3.21 (k) For purposes of reimbursement for meals only, under the Child and Adult Care Food
3.22 Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226,
3.23 relocation within the same county by a licensed family day care provider, shall be considered
3.24 an extension of the license for a period of no more than 30 calendar days or until the new
3.25 license is issued, whichever occurs first, provided the county agency has determined the
3.26 family day care provider meets licensure requirements at the new location.

3.27 (l) Unless otherwise specified by statute, all licenses issued under this chapter expire at
3.28 12:01 a.m. on the day after the expiration date stated on the license. A license holder must
3.29 ~~apply for and be granted~~ comply with the requirements in section 142B.12 and be reissued
3.30 a new license to operate the program or the program must not be operated after the expiration
3.31 date. Child foster care license holders must apply for and be granted a new license to operate
3.32 the program or the program must not be operated after the expiration date. Upon
3.33 implementation of the provider licensing and reporting hub, licenses may be issued each
3.34 calendar year.

4.1 (m) The commissioner shall not issue or reissue a license under this chapter if it has
4.2 been determined that a tribal licensing authority has established jurisdiction to license the
4.3 program or service.

4.4 (n) The commissioner of children, youth, and families shall coordinate and share data
4.5 with the commissioner of human services to enforce this section.

4.6 Sec. 2. Minnesota Statutes 2024, section 142B.171, subdivision 2, is amended to read:

4.7 Subd. 2. **Documented technical assistance.** (a) In lieu of a correction order under section
4.8 142B.16, the commissioner shall provide documented technical assistance to a family child
4.9 care or child care center license holder if the commissioner finds that:

4.10 (1) the license holder has failed to comply with a requirement in this chapter or Minnesota
4.11 Rules, chapter 9502 or 9503, that the commissioner determines to be low risk as determined
4.12 by the child care weighted risk system;

4.13 (2) the noncompliance does not imminently endanger the health, safety, or rights of the
4.14 persons served by the program; and

4.15 (3) the license holder did not receive documented technical assistance or a correction
4.16 order for the same violation at the license holder's most recent annual licensing inspection.

4.17 (b) Documented technical assistance must include communication from the commissioner
4.18 to the license holder that:

4.19 (1) states the conditions that constitute a violation of a law or rule;

4.20 (2) references the specific law or rule violated; and

4.21 (3) explains remedies for correcting the violation.

4.22 ~~(e) The commissioner shall not publicly publish documented technical assistance on the~~
4.23 ~~department's website.~~

4.24 Sec. 3. Minnesota Statutes 2024, section 142B.30, subdivision 1, is amended to read:

4.25 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private
4.26 agencies that have been designated or licensed by the commissioner to perform licensing
4.27 functions and activities under section 142B.10; to recommend denial of applicants under
4.28 section 142B.15; to issue correction orders, to issue variances, and to recommend a
4.29 conditional license under section 142B.16; or to recommend suspending or revoking a
4.30 license or issuing a fine under section 142B.18, shall comply with rules and directives of
4.31 the commissioner governing those functions and with this section. The following variances

5.1 are excluded from the delegation of variance authority and may be issued only by the
5.2 commissioner:

5.3 (1) dual licensure of family child care and family child foster care;

5.4 (2) child foster care maximum age requirement;

5.5 (3) variances regarding disqualified individuals;

5.6 (4) variances to requirements relating to chemical use problems of a license holder or a
5.7 household member of a license holder; and

5.8 (5) variances to section 142B.74 for a time-limited period. If the commissioner grants
5.9 a variance under this clause, the license holder must provide notice of the variance to all
5.10 parents and guardians of the children in care.

5.11 (b) The commissioners of human services and children, youth, and families must both
5.12 approve a variance for dual licensure of family child foster care and family adult foster care
5.13 or family adult foster care and family child care. Variances under this paragraph are excluded
5.14 from the delegation of variance authority and may be issued only by both commissioners.

5.15 (c) Except as provided in section 142B.41, subdivision 4, paragraph (e), a county agency
5.16 must not grant a license holder a variance to exceed the maximum allowable family child
5.17 care license capacity of 14 children.

5.18 (d) A county agency that has been designated by the commissioner to issue family child
5.19 care variances must:

5.20 (1) publish the county agency's policies and criteria for issuing variances on the county's
5.21 public website and update the policies as necessary; and

5.22 (2) annually distribute the county agency's policies and criteria for issuing variances to
5.23 all family child care license holders in the county.

5.24 (e) Before the implementation of NETStudy 2.0, county agencies must report information
5.25 about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision
5.26 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the
5.27 commissioner at least monthly in a format prescribed by the commissioner.

5.28 (f) For family child care programs, the commissioner shall require a county agency to
5.29 conduct one unannounced licensing review at least annually.

5.30 (g) A child foster care license issued under this section may be issued for up to two years
5.31 until implementation of the provider licensing and reporting hub. Upon implementation of
5.32 the provider licensing and reporting hub, licenses may be issued each calendar year.

6.1 (h) A county agency shall report to the commissioner, in a manner prescribed by the
6.2 commissioner, the following information for a licensed family child care program:

6.3 (1) the results of each licensing review completed, including the date of the review, and
6.4 any licensing correction order issued;

6.5 (2) any death, serious injury, or determination of substantiated maltreatment; and

6.6 (3) any fires that require the service of a fire department within 48 hours of the fire. The
6.7 information under this clause must also be reported to the state fire marshal within two
6.8 business days of receiving notice from a licensed family child care provider.

6.9 Sec. 4. Minnesota Statutes 2024, section 142B.51, subdivision 2, is amended to read:

6.10 Subd. 2. **Child passenger restraint systems; training requirement.** (a) Programs
6.11 licensed by the Department of Human Services under chapter 245A or the Department of
6.12 Children, Youth, and Families under this chapter and Minnesota Rules, chapter 2960, that
6.13 serve a child or children under ~~eight~~ nine years of age must document training that fulfills
6.14 the requirements in this subdivision.

6.15 (b) Before a license holder, staff person, or caregiver transports a child or children under
6.16 age ~~eight~~ nine in a motor vehicle, the person transporting the child must satisfactorily
6.17 complete training on the proper use and installation of child restraint systems in motor
6.18 vehicles. Training completed under this section may be used to meet initial or ongoing
6.19 training under Minnesota Rules, part 2960.3070, subparts 1 and 2.

6.20 (c) Training required under this section must be completed at orientation or initial training
6.21 and repeated at least once every five years. At a minimum, the training must address the
6.22 proper use of child restraint systems based on the child's size, weight, and age, and the
6.23 proper installation of a car seat or booster seat in the motor vehicle used by the license
6.24 holder to transport the child or children.

6.25 (d) Training under paragraph (c) must be provided by individuals who are certified and
6.26 approved by the Office of Traffic Safety within the Department of Public Safety. License
6.27 holders may obtain a list of certified and approved trainers through the Department of Public
6.28 Safety website or by contacting the agency.

6.29 ~~(e) Notwithstanding paragraph (a), for an emergency relative placement under section~~
6.30 ~~142B.06, the commissioner may grant a variance to the training required by this subdivision~~
6.31 ~~for a relative who completes a child seat safety check up. The child seat safety check up~~
6.32 ~~trainer must be approved by the Department of Public Safety, Office of Traffic Safety, and~~
6.33 ~~must provide one-on-one instruction on placing a child of a specific age in the exact child~~

7.1 ~~passenger restraint in the motor vehicle in which the child will be transported. Once granted~~
7.2 ~~a variance, and if all other licensing requirements are met, the relative applicant may receive~~
7.3 ~~a license and may transport a relative foster child younger than eight years of age. A child~~
7.4 ~~seat safety check up must be completed each time a child requires a different size car seat~~
7.5 ~~according to car seat and vehicle manufacturer guidelines. A relative license holder must~~
7.6 ~~complete training that meets the other requirements of this subdivision prior to placement~~
7.7 ~~of another foster child younger than eight years of age in the home or prior to the renewal~~
7.8 ~~of the child foster care license.~~

7.9 **EFFECTIVE DATE.** This section is effective January 1, 2026, except paragraph (e),
7.10 which is effective July 1, 2026.

7.11 Sec. 5. Minnesota Statutes 2024, section 142B.65, subdivision 8, is amended to read:

7.12 Subd. 8. **Child passenger restraint systems; training requirement.** (a) Before a license
7.13 holder transports a child or children under age ~~eight~~ nine in a motor vehicle, the person
7.14 placing the child or children in a passenger restraint must satisfactorily complete training
7.15 on the proper use and installation of child restraint systems in motor vehicles.

7.16 (b) Training required under this subdivision must be repeated at least once every five
7.17 years. At a minimum, the training must address the proper use of child restraint systems
7.18 based on the child's size, weight, and age, and the proper installation of a car seat or booster
7.19 seat in the motor vehicle used by the license holder to transport the child or children.

7.20 (c) Training required under this subdivision must be provided by individuals who are
7.21 certified and approved by the Department of Public Safety, Office of Traffic Safety. License
7.22 holders may obtain a list of certified and approved trainers through the Department of Public
7.23 Safety website or by contacting the agency.

7.24 (d) Child care providers that only transport school-age children as defined in section
7.25 142B.01, subdivision 25, in child care buses as defined in section 169.448, subdivision 1,
7.26 paragraph (e), are exempt from this subdivision.

7.27 (e) Training completed under this subdivision may be used to meet in-service training
7.28 requirements under subdivision 9. Training completed within the previous five years is
7.29 transferable upon a staff person's change in employment to another child care center.

7.30 **EFFECTIVE DATE.** This section is effective January 1, 2026.

8.1 Sec. 6. Minnesota Statutes 2024, section 142B.65, subdivision 9, is amended to read:

8.2 Subd. 9. **In-service training.** (a) A license holder must ensure that the center director,
8.3 staff persons, substitutes, and unsupervised volunteers complete in-service training each
8.4 calendar year.

8.5 (b) The center director and staff persons who work more than 20 hours per week must
8.6 complete 24 hours of in-service training each calendar year. Staff persons who work 20
8.7 hours or less per week must complete 12 hours of in-service training each calendar year.
8.8 Substitutes and unsupervised volunteers must complete at least two hours of training each
8.9 year, and the training must include the requirements of paragraphs (d) to (g) and do not
8.10 otherwise have a minimum number of hours of training to complete.

8.11 (c) The number of in-service training hours may be prorated for ~~individuals~~ center
8.12 directors and staff persons not employed for an entire year.

8.13 (d) Each year, in-service training must include:

8.14 (1) the center's procedures for maintaining health and safety according to section 142B.66
8.15 and Minnesota Rules, part 9503.0140, and handling emergencies and accidents according
8.16 to Minnesota Rules, part 9503.0110;

8.17 (2) the reporting responsibilities under chapter 260E and Minnesota Rules, part
8.18 9503.0130;

8.19 (3) at least one-half hour of training on the standards under section 142B.46 and on
8.20 reducing the risk of sudden unexpected infant death as required under subdivision 6, if
8.21 applicable; and

8.22 (4) at least one-half hour of training on the risk of abusive head trauma from shaking
8.23 infants and young children as required under subdivision 7, if applicable.

8.24 (e) Each year, or when a change is made, whichever is more frequent, in-service training
8.25 must be provided on: (1) the center's risk reduction plan under section 142B.54, subdivision
8.26 2; and (2) a child's individual child care program plan as required under Minnesota Rules,
8.27 part 9503.0065, subpart 3.

8.28 (f) At least once every two calendar years, the in-service training must include:

8.29 (1) child development and learning training under subdivision 3;

8.30 (2) pediatric first aid that meets the requirements of subdivision 4;

8.31 (3) pediatric cardiopulmonary resuscitation training that meets the requirements of
8.32 subdivision 5;

9.1 (4) cultural dynamics training to increase awareness of cultural differences; and

9.2 (5) disabilities training to increase awareness of differing abilities of children.

9.3 (g) At least once every five years, in-service training must include child passenger
9.4 restraint training that meets the requirements of subdivision 8, if applicable.

9.5 (h) The remaining hours of the in-service training requirement must be met by completing
9.6 training in the following content areas of the Minnesota Knowledge and Competency
9.7 Framework:

9.8 (1) Content area I: child development and learning;

9.9 (2) Content area II: developmentally appropriate learning experiences;

9.10 (3) Content area III: relationships with families;

9.11 (4) Content area IV: assessment, evaluation, and individualization;

9.12 (5) Content area V: historical and contemporary development of early childhood
9.13 education;

9.14 (6) Content area VI: professionalism;

9.15 (7) Content area VII: health, safety, and nutrition; and

9.16 (8) Content area VIII: application through clinical experiences.

9.17 (i) For purposes of this subdivision, the following terms have the meanings given them.

9.18 (1) "Child development and learning training" means training in understanding how
9.19 children develop physically, cognitively, emotionally, and socially and learn as part of the
9.20 children's family, culture, and community.

9.21 (2) "Developmentally appropriate learning experiences" means creating positive learning
9.22 experiences, promoting cognitive development, promoting social and emotional development,
9.23 promoting physical development, and promoting creative development.

9.24 (3) "Relationships with families" means training on building a positive, respectful
9.25 relationship with the child's family.

9.26 (4) "Assessment, evaluation, and individualization" means training in observing,
9.27 recording, and assessing development; assessing and using information to plan; and assessing
9.28 and using information to enhance and maintain program quality.

10.1 (5) "Historical and contemporary development of early childhood education" means
10.2 training in past and current practices in early childhood education and how current events
10.3 and issues affect children, families, and programs.

10.4 (6) "Professionalism" means training in knowledge, skills, and abilities that promote
10.5 ongoing professional development.

10.6 (7) "Health, safety, and nutrition" means training in establishing health practices, ensuring
10.7 safety, and providing healthy nutrition.

10.8 (8) "Application through clinical experiences" means clinical experiences in which a
10.9 person applies effective teaching practices using a range of educational programming models.

10.10 (j) The license holder must ensure that documentation, as required in subdivision 10,
10.11 includes the number of total training hours required to be completed, name of the training,
10.12 the Minnesota Knowledge and Competency Framework content area, number of hours
10.13 completed, and the director's approval of the training.

10.14 (k) In-service training completed by a staff person that is not specific to that child care
10.15 center is transferable upon a staff person's change in employment to another child care
10.16 program.

10.17 Sec. 7. Minnesota Statutes 2024, section 142B.66, subdivision 3, is amended to read:

10.18 Subd. 3. **Emergency preparedness.** (a) A licensed child care center must have a written
10.19 emergency plan for emergencies that require evacuation, sheltering, or other protection of
10.20 a child, such as fire, natural disaster, intruder, or other threatening situation that may pose
10.21 a health or safety hazard to a child. The plan must be written on a form developed by the
10.22 commissioner and must include:

10.23 (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;

10.24 (2) a designated relocation site and evacuation route;

10.25 (3) procedures for notifying a child's parent or legal guardian of the evacuation, relocation,
10.26 shelter-in-place, or lockdown, including procedures for reunification with families;

10.27 (4) accommodations for a child with a disability or a chronic medical condition;

10.28 (5) procedures for storing a child's medically necessary medicine that facilitates easy
10.29 removal during an evacuation or relocation;

10.30 (6) procedures for continuing operations in the period during and after a crisis;

11.1 (7) procedures for communicating with local emergency management officials, law
11.2 enforcement officials, or other appropriate state or local authorities; and

11.3 (8) accommodations for infants and toddlers.

11.4 (b) The license holder must train staff persons on the emergency plan at orientation,
11.5 when changes are made to the plan, and at least once each calendar year. Training must be
11.6 documented in each staff person's personnel file.

11.7 (c) The license holder must conduct drills according to the requirements in Minnesota
11.8 Rules, part 9503.0110, subpart 3. The date and time of the drills must be documented.

11.9 (d) The license holder must review and update the emergency plan ~~annually~~ each calendar
11.10 year. Documentation of the ~~annual~~ yearly emergency plan review shall be maintained in
11.11 the program's administrative records.

11.12 (e) The license holder must include the emergency plan in the program's policies and
11.13 procedures as specified under section 142B.10, subdivision 21. The license holder must
11.14 provide a physical or electronic copy of the emergency plan to the child's parent or legal
11.15 guardian upon enrollment.

11.16 (f) The relocation site and evacuation route must be posted in a visible place as part of
11.17 the written procedures for emergencies and accidents in Minnesota Rules, part 9503.0140,
11.18 subpart 21.

11.19 Sec. 8. Minnesota Statutes 2024, section 142B.70, subdivision 7, is amended to read:

11.20 Subd. 7. **Child passenger restraint systems; training requirement.** (a) A license
11.21 holder must comply with all seat belt and child passenger restraint system requirements
11.22 under section 169.685.

11.23 (b) Family and group family child care programs licensed by the Department of Children,
11.24 Youth, and Families that serve a child or children under ~~eight~~ nine years of age must
11.25 document training that fulfills the requirements in this subdivision.

11.26 (1) Before a license holder, second adult caregiver, substitute, or helper transports a
11.27 child or children under age ~~eight~~ nine in a motor vehicle, the person placing the child or
11.28 children in a passenger restraint must satisfactorily complete training on the proper use and
11.29 installation of child restraint systems in motor vehicles. Training completed under this
11.30 subdivision may be used to meet initial training under subdivision 1 or ongoing training
11.31 under subdivision 8.

12.1 (2) Training required under this subdivision must be at least one hour in length, completed
12.2 at initial training, and repeated at least once every five years. At a minimum, the training
12.3 must address the proper use of child restraint systems based on the child's size, weight, and
12.4 age, and the proper installation of a car seat or booster seat in the motor vehicle used by the
12.5 license holder to transport the child or children.

12.6 (3) Training under this subdivision must be provided by individuals who are certified
12.7 and approved by the Department of Public Safety, Office of Traffic Safety. License holders
12.8 may obtain a list of certified and approved trainers through the Department of Public Safety
12.9 website or by contacting the agency.

12.10 (c) Child care providers that only transport school-age children as defined in section
12.11 142B.01, subdivision 13, paragraph (f), in child care buses as defined in section 169.448,
12.12 subdivision 1, paragraph (e), are exempt from this subdivision.

12.13 **EFFECTIVE DATE.** This section is effective January 1, 2026.

12.14 Sec. 9. Minnesota Statutes 2024, section 142B.70, subdivision 8, is amended to read:

12.15 Subd. 8. **Training requirements for family and group family child care.** (a) For
12.16 purposes of family and group family child care, the license holder and each second adult
12.17 caregiver must complete 16 hours of ongoing training each year. Repeat of topical training
12.18 requirements in subdivisions 3 to 9 shall count toward the annual 16-hour training
12.19 requirement. Additional ongoing training subjects to meet the annual 16-hour training
12.20 requirement must be selected from the following areas:

12.21 (1) child development and learning training in understanding how a child develops
12.22 physically, cognitively, emotionally, and socially, and how a child learns as part of the
12.23 child's family, culture, and community;

12.24 (2) developmentally appropriate learning experiences, including training in creating
12.25 positive learning experiences, promoting cognitive development, promoting social and
12.26 emotional development, promoting physical development, promoting creative development;
12.27 and behavior guidance;

12.28 (3) relationships with families, including training in building a positive, respectful
12.29 relationship with the child's family;

12.30 (4) assessment, evaluation, and individualization, including training in observing,
12.31 recording, and assessing development; assessing and using information to plan; and assessing
12.32 and using information to enhance and maintain program quality;

13.1 (5) historical and contemporary development of early childhood education, including
13.2 training in past and current practices in early childhood education and how current events
13.3 and issues affect children, families, and programs;

13.4 (6) professionalism, including training in knowledge, skills, and abilities that promote
13.5 ongoing professional development; and

13.6 (7) health, safety, and nutrition, including training in establishing healthy practices;
13.7 ensuring safety; and providing healthy nutrition.

13.8 (b) A provider who is approved as a trainer through the Develop data system may count
13.9 up to two hours of training instruction toward the annual 16-hour training requirement in
13.10 paragraph (a). The provider may only count training instruction hours for the first instance
13.11 in which they deliver a particular content-specific training during each licensing year. Hours
13.12 counted as training instruction must be approved through the Develop data system with
13.13 attendance verified on the trainer's individual learning record and must be in Knowledge
13.14 and Competency Framework content area VII A (Establishing Healthy Practices) or B
13.15 (Ensuring Safety).

13.16 (c) Substitutes and adult caregivers who provide care for 500 or fewer hours per year
13.17 must complete a minimum of one hour of training each calendar year, and the training must
13.18 include the requirements in subdivisions 3, 4, 5, 6, and 9.

13.19 Sec. 10. Minnesota Statutes 2024, section 142C.06, is amended by adding a subdivision
13.20 to read:

13.21 Subd. 4. **Requirement to post conditional certification.** Upon receipt of any order of
13.22 conditional certification issued by the commissioner under this section, and notwithstanding
13.23 a pending request for reconsideration of the order of conditional certification by the
13.24 certification holder, the certification holder shall post the order of conditional certification
13.25 in a place that is conspicuous to the people receiving services and all visitors to the facility
13.26 for the duration of the conditional certification. When the order of conditional certification
13.27 is accompanied by a maltreatment investigation memorandum prepared under chapter 260E,
13.28 the investigation memoranda must be posted with the order of conditional certification.

13.29 Sec. 11. Minnesota Statutes 2024, section 142C.11, subdivision 8, is amended to read:

13.30 Subd. 8. **Required policies.** A certified center must have written policies for health and
13.31 safety items in subdivisions 1 to 6, 9, and 10.

14.1 Sec. 12. Minnesota Statutes 2024, section 142C.12, subdivision 1, is amended to read:

14.2 Subdivision 1. **First aid and cardiopulmonary resuscitation.** (a) Before having
14.3 unsupervised direct contact with a child, but within 90 days after the first date of direct
14.4 contact with a child, the director, all staff persons, substitutes, and unsupervised volunteers
14.5 must successfully complete pediatric first aid and pediatric cardiopulmonary resuscitation
14.6 (CPR) training, unless the training has been completed within the previous two calendar
14.7 years. Staff must complete the pediatric first aid and pediatric CPR training at least every
14.8 other calendar year and the center must document the training in the staff person's personnel
14.9 record.

14.10 (b) Training completed under this subdivision may be used to meet the in-service training
14.11 requirements under subdivision 6.

14.12 (c) Training must include CPR and techniques for providing immediate care to people
14.13 experiencing life-threatening cardiac emergencies, choking, bleeding, fractures and sprains,
14.14 head injuries, poisoning, and burns. Training developed by the American Heart Association,
14.15 the American Red Cross, or another organization that uses nationally recognized,
14.16 evidence-based guidelines meets these requirements.

14.17 **EFFECTIVE DATE.** This section is effective January 1, 2026.

14.18 Sec. 13. Minnesota Statutes 2024, section 142C.12, subdivision 6, is amended to read:

14.19 Subd. 6. **In-service training.** (a) The certified center must ensure that the director and
14.20 all staff persons, including substitutes and unsupervised volunteers, are trained at least once
14.21 each calendar year on health and safety requirements in this section and sections 142C.10,
14.22 142C.11, and 142C.13.

14.23 (b) The director and each staff person, not including substitutes, must complete at least
14.24 six hours of training each calendar year. Substitutes must complete at least two hours of
14.25 training each calendar year. Training required under paragraph (a) may be used toward the
14.26 hourly training requirements of this subdivision.

14.27 Sec. 14. Minnesota Statutes 2024, section 245A.18, subdivision 1, is amended to read:

14.28 Subdivision 1. **Seat belt and child passenger restraint system use.** All license holders
14.29 that transport children must comply with the requirements of section 142B.51, subdivision
14.30 1, and license holders that transport a child or children under ~~eight~~ nine years of age must
14.31 document training that fulfills the requirements in section 142B.51, subdivision 2.

14.32 **EFFECTIVE DATE.** This section is effective January 1, 2026.

ARTICLE 2

ANTI-KICKBACK POLICIES

Section 1. Minnesota Statutes 2024, section 142E.51, subdivision 5, is amended to read:

Subd. 5. **Administrative disqualification of child care providers caring for children receiving child care assistance.** (a) The department shall pursue an administrative disqualification, if the child care provider is accused of committing an intentional program violation, in lieu of a criminal action when it has not been pursued. Intentional program violations include intentionally making false or misleading statements; receiving or providing a kickback, as defined in subdivision 6, paragraph (b); intentionally misrepresenting, concealing, or withholding facts; and repeatedly and intentionally violating program regulations under this chapter. Intent may be proven by demonstrating a pattern of conduct that violates program rules under this chapter.

(b) To initiate an administrative disqualification, the commissioner must send written notice using a signature-verified confirmed delivery method to the provider against whom the action is being taken. Unless otherwise specified under this chapter or Minnesota Rules, chapter 3400, the commissioner must send the written notice at least 15 calendar days before the adverse action's effective date. The notice shall state (1) the factual basis for the agency's determination, (2) the action the agency intends to take, (3) the dollar amount of the monetary recovery or recoupment, if known, and (4) the provider's right to appeal the agency's proposed action.

(c) The provider may appeal an administrative disqualification by submitting a written request to the state agency. A provider's request must be received by the state agency no later than 30 days after the date the commissioner mails the notice.

(d) The provider's appeal request must contain the following:

(1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the dollar amount involved for each disputed item;

(2) the computation the provider believes to be correct, if applicable;

(3) the statute or rule relied on for each disputed item; and

(4) the name, address, and telephone number of the person at the provider's place of business with whom contact may be made regarding the appeal.

(e) On appeal, the issuing agency bears the burden of proof to demonstrate by a preponderance of the evidence that the provider committed an intentional program violation.

16.1 (f) The hearing is subject to the requirements of section 142A.20. The human services
16.2 judge may combine a fair hearing and administrative disqualification hearing into a single
16.3 hearing if the factual issues arise out of the same or related circumstances and the provider
16.4 receives prior notice that the hearings will be combined.

16.5 (g) A provider found to have committed an intentional program violation and is
16.6 administratively disqualified must be disqualified, for a period of three years for the first
16.7 offense and permanently for any subsequent offense, from receiving any payments from
16.8 any child care program under this chapter.

16.9 (h) Unless a timely and proper appeal made under this section is received by the
16.10 department, the administrative determination of the department is final and binding.

16.11 Sec. 2. Minnesota Statutes 2024, section 142E.51, subdivision 6, is amended to read:

16.12 Subd. 6. **Prohibited hiring ~~practice~~ practices.** (a) It is prohibited to hire a child care
16.13 center employee when, as a condition of employment, the employee is required to have one
16.14 or more children who are eligible for or receive child care assistance, if:

16.15 (1) the individual hiring the employee is, or is acting at the direction of or in cooperation
16.16 with, a child care center provider, center owner, director, manager, license holder, or other
16.17 controlling individual; and

16.18 (2) the individual hiring the employee knows or has reason to know the purpose in hiring
16.19 the employee is to obtain child care assistance program funds.

16.20 (b) Program applicants, participants, and providers are prohibited from receiving or
16.21 providing a kickback or payment in exchange for obtaining or attempting to obtain child
16.22 care assistance benefits for their own financial gain. This paragraph does not apply to:

16.23 (1) marketing or promotional offerings that directly benefit an applicant or recipient's
16.24 child or dependent for whom the child care provider is providing child care services; or

16.25 (2) child care provider discounts, scholarships, or other financial assistance allowed
16.26 under section 142E.17, subdivision 7.

16.27 (c) An attempt to buy or sell access to a family's child care subsidy benefits to an
16.28 unauthorized person by an applicant, a participant, or a provider is a kickback, an intentional
16.29 program violation under subdivision 5, and wrongfully obtaining assistance under section
16.30 256.98.

17.1 Sec. 3. Minnesota Statutes 2024, section 256.98, subdivision 1, is amended to read:

17.2 Subdivision 1. **Wrongfully obtaining assistance.** (a) A person who commits any of the
17.3 following acts or omissions with intent to defeat the purposes of sections 145.891 to 145.897,
17.4 the MFIP program formerly codified in sections 256.031 to 256.0361, the AFDC program
17.5 formerly codified in sections 256.72 to 256.871, chapter 142G, 256B, 256D, 256I, 256K,
17.6 or 256L, child care assistance programs, and emergency assistance programs under section
17.7 256D.06, is guilty of theft and shall be sentenced under section 609.52, subdivision 3, clauses
17.8 (1) to (5):

17.9 (1) obtains or attempts to obtain, or aids or abets any person to obtain by means of a
17.10 willfully false statement or representation, by intentional concealment of any material fact,
17.11 or by impersonation or other fraudulent device, assistance or the continued receipt of
17.12 assistance, to include child care assistance or food benefits produced according to sections
17.13 145.891 to 145.897 and MinnesotaCare services according to sections 256.9365, 256.94,
17.14 and 256L.01 to 256L.15, to which the person is not entitled or assistance greater than that
17.15 to which the person is entitled;

17.16 (2) knowingly aids or abets in buying or in any way disposing of the property of a
17.17 recipient or applicant of assistance without the consent of the county agency; or

17.18 (3) obtains or attempts to obtain, alone or in collusion with others, the receipt of payments
17.19 to which the individual is not entitled as a provider of subsidized child care, ~~or by furnishing~~
17.20 ~~or concurring in receiving or providing any prohibited payment, as defined in section~~
17.21 609.542, subdivision 2, including a kickback, or by submitting or aiding or abetting the
17.22 submission of a willfully false claim for child care assistance.

17.23 (b) The continued receipt of assistance to which the person is not entitled or greater than
17.24 that to which the person is entitled as a result of any of the acts, failure to act, or concealment
17.25 described in this subdivision shall be deemed to be continuing offenses from the date that
17.26 the first act or failure to act occurred.

17.27 Sec. 4. Minnesota Statutes 2024, section 256B.064, subdivision 1a, is amended to read:

17.28 Subd. 1a. **Grounds for sanctions.** (a) The commissioner may impose sanctions against
17.29 any individual or entity that receives payments from medical assistance or provides goods
17.30 or services for which payment is made from medical assistance for any of the following:

17.31 (1) fraud, theft, or abuse in connection with the provision of goods and services to recipients
17.32 of public assistance for which payment is made from medical assistance; (2) a pattern of
17.33 presentment of false or duplicate claims or claims for services not medically necessary; (3)

18.1 a pattern of making false statements of material facts for the purpose of obtaining greater
18.2 compensation than that to which the individual or entity is legally entitled; (4) suspension
18.3 or termination as a Medicare vendor; (5) refusal to grant the state agency access during
18.4 regular business hours to examine all records necessary to disclose the extent of services
18.5 provided to program recipients and appropriateness of claims for payment; (6) failure to
18.6 repay an overpayment or a fine finally established under this section; (7) failure to correct
18.7 errors in the maintenance of health service or financial records for which a fine was imposed
18.8 or after issuance of a warning by the commissioner; (8) soliciting or receiving any
18.9 remuneration as defined in section 609.542, subdivision 3, or United States Code, title 42,
18.10 section 1320a-7b(b)(1), and a criminal conviction is not required; (9) paying or offering to
18.11 pay any remuneration as defined in section 609.542, subdivision 2, or United States Code,
18.12 title 42, section 1320a-7b(b)(2), and a criminal conviction is not required; and (8) (10) any
18.13 reason for which an individual or entity could be excluded from participation in the Medicare
18.14 program under section 1128, 1128A, or 1866(b)(2) of the Social Security Act. For the
18.15 purposes of this section, goods or services for which payment is made from medical
18.16 assistance includes but is not limited to care and services identified in section 256B.0625
18.17 or provided pursuant to any federally approved waiver.

18.18 (b) The commissioner may impose sanctions against a pharmacy provider for failure to
18.19 respond to a cost of dispensing survey under section 256B.0625, subdivision 13e, paragraph
18.20 (h).

18.21 Sec. 5. Minnesota Statutes 2024, section 256B.12, is amended to read:

18.22 **256B.12 LEGAL REPRESENTATION.**

18.23 The attorney general or the appropriate county attorney appearing at the direction of the
18.24 attorney general shall be the attorney for the state agency, and the county attorney of the
18.25 appropriate county shall be the attorney for the local agency in all matters pertaining hereto.
18.26 To prosecute under this chapter or sections 609.466 ~~and~~, 609.52, subdivision 2, and 609.542
18.27 or to recover payments wrongfully made under this chapter, the attorney general or the
18.28 appropriate county attorney, acting independently or at the direction of the attorney general
18.29 may institute a criminal or civil action.

18.30 Sec. 6. **[609.542] HUMAN SERVICES PROGRAMS CRIMES.**

18.31 Subdivision 1. Definition. For purposes of this section, "federal health care program"
18.32 has the meaning given in United States Code, title 42, section 1320a-7b(f).

19.1 Subd. 2. Prohibited payments made relating to human services programs. A person
19.2 is guilty of a crime and may be sentenced as provided in subdivision 5 if the person
19.3 intentionally offers or pays any remuneration, including any kickback, bribe, or rebate,
19.4 directly or indirectly, overtly or covertly, in cash or in kind, to another person:

19.5 (1) to induce that person to apply for, receive, or induce another person to apply for or
19.6 receive an item or service for which payment may be made in whole or in part under a
19.7 federal health care program, state behavioral health program under section 254B.04, or
19.8 family program under chapter 142E; or

19.9 (2) in return for purchasing, leasing, ordering, or arranging for or inducing the purchasing,
19.10 leasing, or ordering of any good, facility, service, or item for which payment may be made
19.11 in whole or in part, or which is administered in whole or in part under a federal health care
19.12 program, state behavioral health program under section 254B.04, or family program under
19.13 chapter 142E.

19.14 Subd. 3. Receipt of prohibited payments relating to human services programs. A
19.15 person is guilty of a crime and may be sentenced as provided in subdivision 5 if the person
19.16 intentionally solicits or receives any remuneration, including any kickback, bribe, or rebate,
19.17 directly or indirectly, overtly or covertly, in cash or in kind:

19.18 (1) in return for applying for or receiving a human services benefit, service, or grant for
19.19 which payment may be made in whole or in part under a federal health care program, state
19.20 behavioral health program under section 254B.04, or family program under chapter 142E;
19.21 or

19.22 (2) in return for purchasing, leasing, ordering, or arranging for or inducing the purchasing,
19.23 leasing, or ordering of any good, facility, service, or item for which payment may be made
19.24 in whole or in part under a federal health care program, state behavioral health program
19.25 under section 254B.04, or family program under chapter 142E.

19.26 Subd. 4. Exemptions. (a) This section does not apply to remuneration exempted under
19.27 the Anti-Kickback Statute, United States Code, title 42, section 1320a-7b(b)(3), or payment
19.28 made under a federal health care program which is exempt from liability by United States
19.29 Code, title 42, section 1001.952.

19.30 (b) This section does not apply to:

19.31 (1) any amount paid by an employer to a bona fide employee for providing covered
19.32 items or services under chapter 142E while acting in the course and scope of employment;
19.33 or

20.1 (2) child care provider discounts, scholarships, or other financial assistance to families
20.2 allowed under section 142E.17, subdivision 7.

20.3 Subd. 5. **Sentence.** (a) A person convicted under subdivision 2 or 3 may be sentenced
20.4 pursuant to section 609.52, subdivision 3.

20.5 (b) For purposes of sentencing a violation of subdivision 2, "value" means the fair market
20.6 value of the good, facility, service, or item that was obtained as a direct or indirect result
20.7 of the prohibited payment.

20.8 (c) For purposes of sentencing a violation of subdivision 3, "value" means the amount
20.9 of the prohibited payment solicited or received.

20.10 (d) As a matter of law, a claim for any good, facility, service, or item rendered or claimed
20.11 to have been rendered in violation of this section is noncompensable and unenforceable at
20.12 the time the claim is made.

20.13 Subd. 6. **Aggregation.** In a prosecution under this section, the value of the money,
20.14 property, or benefit received or solicited by the defendant within a six-month period may
20.15 be aggregated and the defendant charged accordingly in applying the provisions of
20.16 subdivision 5.

20.17 Subd. 7. **False claims.** In addition to the penalties provided for in this section, a claim,
20.18 as defined in section 15C.01, subdivision 2, that includes items or services resulting from
20.19 a violation of this section constitutes a false or fraudulent claim for purposes of section
20.20 15C.02.

20.21 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes
20.22 committed on or after that date."

20.23 Amend the title accordingly