

1.1 ..... moves to amend H.F. No. 1466 as follows:

1.2 Page 12, delete section 24 and insert:

1.3 "Sec. 24. Minnesota Statutes 2010, section 13.46, subdivision 4, is amended to read:

1.4 Subd. 4. **Licensing data.** (a) As used in this subdivision:

1.5 (1) "licensing data" ~~means~~ are all government data ~~collected, maintained, used, or~~  
1.6 ~~disseminated~~ by the welfare system pertaining to persons licensed or registered or who  
1.7 apply for licensure or registration or who formerly were licensed or registered under the  
1.8 authority of the commissioner of human services;

1.9 (2) "client" means a person who is receiving services from a licensee or from an  
1.10 applicant for licensure; and

1.11 (3) "personal and personal financial data" ~~means~~ are Social Security numbers,  
1.12 identity of and letters of reference, insurance information, reports from the Bureau of  
1.13 Criminal Apprehension, health examination reports, and social/home studies.

1.14 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,  
1.15 license holders, and former licensees are public: name, address, telephone number of  
1.16 licensees, date of receipt of a completed application, dates of licensure, licensed capacity,  
1.17 type of client preferred, variances granted, record of training and education in child care  
1.18 and child development, type of dwelling, name and relationship of other family members,  
1.19 previous license history, class of license, the existence and status of complaints, and the  
1.20 number of serious injuries to or deaths of individuals in the licensed program as reported  
1.21 to the commissioner of human services, the local social services agency, or any other  
1.22 county welfare agency. For purposes of this clause, a serious injury is one that is treated  
1.23 by a physician.

1.24 (ii) When a correction order, an order to forfeit a fine, an order of license suspension,  
1.25 an order of temporary immediate suspension, an order of license revocation, an order  
1.26 of license denial, or an order of conditional license has been issued, or a complaint is  
1.27 resolved, the following data on current and former licensees and applicants are public: the

2.1 substance and investigative findings of the licensing or maltreatment complaint, licensing  
2.2 violation, or substantiated maltreatment; the record of informal resolution of a licensing  
2.3 violation; orders of hearing; findings of fact; conclusions of law; specifications of the final  
2.4 correction order, fine, suspension, temporary immediate suspension, revocation, denial, or  
2.5 conditional license contained in the record of licensing action; whether a fine has been  
2.6 paid; and the status of any appeal of these actions. ~~If a licensing sanction under section  
2.7 245A.07, or a license denial under section 245A.05, is based on a determination that the  
2.8 license holder or applicant is responsible for maltreatment or is disqualified under chapter  
2.9 245C, the identity of the license holder or applicant as the individual responsible for  
2.10 maltreatment or as the disqualified individual is public data at the time of the issuance of  
2.11 the licensing sanction or denial.~~

2.12 (iii) When a license denial under section 245A.05 or a sanction under section  
2.13 245A.07 is based on a determination that the license holder or applicant is responsible for  
2.14 maltreatment under section 626.556 or 626.557, the identity of the applicant or license  
2.15 holder as the individual responsible for maltreatment is public data at the time of the  
2.16 issuance of the license denial or sanction.

2.17 (iv) When a license denial under section 245A.05 or a sanction under section  
2.18 245A.07 is based on a determination that the license holder or applicant is disqualified  
2.19 under chapter 245C, the identity of the license holder or applicant as the disqualified  
2.20 individual and the reason for the disqualification are public data at the time of the  
2.21 issuance of the licensing sanction or denial. If the applicant or license holder requests  
2.22 reconsideration of the disqualification and the disqualification is affirmed, the reason for  
2.23 the disqualification and the reason to not set aside the disqualification are public data.

2.24 (2) Notwithstanding sections 626.556, subdivision 11, and 626.557, subdivision 12b,  
2.25 when any person subject to disqualification under section 245C.14 in connection with a  
2.26 license to provide family day care for children, child care center services, foster care  
2.27 for children in the provider's home, or foster care or day care services for adults in the  
2.28 provider's home is a substantiated perpetrator of maltreatment, and the substantiated  
2.29 maltreatment is a reason for a licensing action, the identity of the substantiated perpetrator  
2.30 of maltreatment is public data. For purposes of this clause, a person is a substantiated  
2.31 perpetrator if the maltreatment determination has been upheld under section 256.045;  
2.32 626.556, subdivision 10i; 626.557, subdivision 9d; or chapter 14, or if an individual or  
2.33 facility has not timely exercised appeal rights under these sections, except as provided  
2.34 under clause (1).

2.35 (3) For applicants who withdraw their application prior to licensure or denial of a  
2.36 license, the following data are public: the name of the applicant, the city and county in

3.1 which the applicant was seeking licensure, the dates of the commissioner's receipt of the  
3.2 initial application and completed application, the type of license sought, and the date  
3.3 of withdrawal of the application.

3.4 (4) For applicants who are denied a license, the following data are public: the name  
3.5 and address of the applicant, the city and county in which the applicant was seeking  
3.6 licensure, the dates of the commissioner's receipt of the initial application and completed  
3.7 application, the type of license sought, the date of denial of the application, the nature of  
3.8 the basis for the denial, the record of informal resolution of a denial, orders of hearings,  
3.9 findings of fact, conclusions of law, specifications of the final order of denial, and the  
3.10 status of any appeal of the denial.

3.11 (5) The following data on persons subject to disqualification under section 245C.14  
3.12 in connection with a license to provide family day care for children, child care center  
3.13 services, foster care for children in the provider's home, or foster care or day care  
3.14 services for adults in the provider's home, are public: the nature of any disqualification  
3.15 set aside under section 245C.22, subdivisions 2 and 4, and the reasons for setting aside  
3.16 the disqualification; the nature of any disqualification for which a variance was granted  
3.17 under sections 245A.04, subdivision 9; and 245C.30, and the reasons for granting any  
3.18 variance under section 245A.04, subdivision 9; and, if applicable, the disclosure that  
3.19 any person subject to a background study under section 245C.03, subdivision 1, has  
3.20 successfully passed a background study. If a licensing sanction under section 245A.07,  
3.21 or a license denial under section 245A.05, is based on a determination that an individual  
3.22 subject to disqualification under chapter 245C is disqualified, the disqualification as a  
3.23 basis for the licensing sanction or denial is public data. As specified in clause (1), item  
3.24 (iv), if the disqualified individual is the license holder or applicant, the identity of the  
3.25 license holder or applicant ~~is~~ and the reason for the disqualification are public data; and, if  
3.26 the license holder or applicant requested reconsideration of the disqualification and the  
3.27 disqualification is affirmed, the reason for the disqualification and the reason to not set  
3.28 aside the disqualification are public data. If the disqualified individual is an individual  
3.29 other than the license holder or applicant, the identity of the disqualified individual shall  
3.30 remain private data.

3.31 (6) When maltreatment is substantiated under section 626.556 or 626.557 and the  
3.32 victim and the substantiated perpetrator are affiliated with a program licensed under  
3.33 chapter 245A, the commissioner of human services, local social services agency, or  
3.34 county welfare agency may inform the license holder where the maltreatment occurred of  
3.35 the identity of the substantiated perpetrator and the victim.

4.1 (7) Notwithstanding clause (1), for child foster care, only the name of the license  
4.2 holder and the status of the license are public if the county attorney has requested that data  
4.3 otherwise classified as public data under clause (1) be considered private data based on the  
4.4 best interests of a child in placement in a licensed program.

4.5 (c) The following are private data on individuals under section 13.02, subdivision  
4.6 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial  
4.7 data on family day care program and family foster care program applicants and licensees  
4.8 and their family members who provide services under the license.

4.9 (d) The following are private data on individuals: the identity of persons who have  
4.10 made reports concerning licensees or applicants that appear in inactive investigative data,  
4.11 and the records of clients or employees of the licensee or applicant for licensure whose  
4.12 records are received by the licensing agency for purposes of review or in anticipation of a  
4.13 contested matter. The names of reporters of complaints or alleged violations of licensing  
4.14 standards under chapters 245A, 245B, 245C, and applicable rules and alleged maltreatment  
4.15 under sections 626.556 and 626.557, are confidential data and may be disclosed only as  
4.16 provided in section 626.556, subdivision 11, or 626.557, subdivision 12b.

4.17 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under  
4.18 this subdivision become public data if submitted to a court or administrative law judge as  
4.19 part of a disciplinary proceeding in which there is a public hearing concerning a license  
4.20 which has been suspended, immediately suspended, revoked, or denied.

4.21 (f) Data generated in the course of licensing investigations that relate to an alleged  
4.22 violation of law are investigative data under subdivision 3.

4.23 (g) Government data that are not public data ~~collected, maintained, used, or~~  
4.24 ~~disseminated~~ under this subdivision that relate to or are derived from a report as defined in  
4.25 section 626.556, subdivision 2, or 626.5572, subdivision 18, are subject to the destruction  
4.26 provisions of sections 626.556, subdivision 11c, and 626.557, subdivision 12b.

4.27 (h) Upon request, not public government data ~~collected, maintained, used, or~~  
4.28 ~~disseminated~~ under this subdivision that relate to or are derived from a report of  
4.29 substantiated maltreatment as defined in section 626.556 or 626.557 may be exchanged  
4.30 with the Department of Health for purposes of completing background studies pursuant  
4.31 to section 144.057 and with the Department of Corrections for purposes of completing  
4.32 background studies pursuant to section 241.021.

4.33 (i) Data on individuals collected according to licensing activities under chapters  
4.34 245A and 245C, ~~and~~ data on individuals collected by the commissioner of human services  
4.35 according to ~~maltreatment~~ investigations under chapters 245A, 245B, and 245C, and  
4.36 sections 626.556 and 626.557; may be shared with the Department of Human Rights, the

5.1 Department of Health, the Department of Corrections, the ombudsman for mental health  
5.2 and developmental disabilities, and the individual's professional regulatory board when  
5.3 there is reason to believe that laws or standards under the jurisdiction of those agencies  
5.4 may have been violated or the information may otherwise be relevant to the board's  
5.5 regulatory jurisdiction. Unless otherwise specified in this chapter, the identity of a reporter  
5.6 of alleged maltreatment or licensing violations may not be disclosed.

5.7 (j) In addition to the notice of determinations required under section 626.556,  
5.8 subdivision 10f, if the commissioner or the local social services agency has determined  
5.9 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual  
5.10 abuse, as defined in section 626.556, subdivision 2, and the commissioner or local social  
5.11 services agency knows that the individual is a person responsible for a child's care in  
5.12 another facility, the commissioner or local social services agency shall notify the head  
5.13 of that facility of this determination. The notification must include an explanation of the  
5.14 individual's available appeal rights and the status of any appeal. If a notice is given under  
5.15 this paragraph, the government entity making the notification shall provide a copy of the  
5.16 notice to the individual who is the subject of the notice.

5.17 (k) All not public government data ~~collected, maintained, used, or disseminated~~  
5.18 under this subdivision and subdivision 3 may be exchanged between the Department of  
5.19 Human Services, Licensing Division, and the Department of Corrections for purposes of  
5.20 regulating services for which the Department of Human Services and the Department  
5.21 of Corrections have regulatory authority."

5.22 Renumber the sections in sequence and correct the internal references

5.23 Amend the title accordingly