

1.1 ..... moves to amend H.F. No. 4537, the first engrossment, as follows:

1.2 Page 1, after line 12, insert:

1.3 "Section 1. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, is amended  
1.4 to read:

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

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

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

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

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

2.1 welfare agency. For purposes of this clause, a serious injury is one that is treated by a  
2.2 physician.

2.3 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,  
2.4 an order of license suspension, an order of temporary immediate suspension, an order of  
2.5 license revocation, an order of license denial, or an order of conditional license has been  
2.6 issued, or a complaint is resolved, the following data on current and former licensees and  
2.7 applicants are public: the general nature of the complaint or allegations leading to the  
2.8 temporary immediate suspension; the substance and investigative findings of the licensing  
2.9 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence  
2.10 of settlement negotiations; the record of informal resolution of a licensing violation; orders  
2.11 of hearing; findings of fact; conclusions of law; specifications of the final correction order,  
2.12 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license  
2.13 contained in the record of licensing action; whether a fine has been paid; and the status of  
2.14 any appeal of these actions.

2.15 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07  
2.16 is based on a determination that a license holder, applicant, or controlling individual is  
2.17 responsible for maltreatment under section 626.557 or chapter 260E, the identity of the  
2.18 applicant, license holder, or controlling individual as the individual responsible for  
2.19 maltreatment is public data at the time of the issuance of the license denial or sanction.

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

2.27 (v) A correction order or fine issued to a child care provider for a licensing violation is  
2.28 private data on individuals under section 13.02, subdivision 12, or nonpublic data under  
2.29 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

2.30 (2) For applicants who withdraw their application prior to licensure or denial of a license,  
2.31 the following data are public: the name of the applicant, the city and county in which the  
2.32 applicant was seeking licensure, the dates of the commissioner's receipt of the initial  
2.33 application and completed application, the type of license sought, and the date of withdrawal  
2.34 of the application.

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

3.8 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the  
3.9 victim and the substantiated perpetrator are affiliated with a program licensed under chapter  
3.10 245A, the commissioner of human services, local social services agency, or county welfare  
3.11 agency may inform the license holder where the maltreatment occurred of the identity of  
3.12 the substantiated perpetrator and the victim.

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

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

3.21 (d) The following are private data on individuals: the identity of persons who have made  
3.22 reports concerning licensees or applicants that appear in inactive investigative data, and the  
3.23 records of clients or employees of the licensee or applicant for licensure whose records are  
3.24 received by the licensing agency for purposes of review or in anticipation of a contested  
3.25 matter. The names of reporters of complaints or alleged violations of licensing standards  
3.26 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment  
3.27 under section 626.557 and chapter 260E, are confidential data and may be disclosed only  
3.28 as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

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

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

4.1 (g) Data that are not public data collected, maintained, used, or disseminated under this  
4.2 subdivision that relate to or are derived from a report as defined in section 260E.03, or  
4.3 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,  
4.4 subdivision 6, and 626.557, subdivision 12b.

4.5 (h) Upon request, not public data collected, maintained, used, or disseminated under  
4.6 this subdivision that relate to or are derived from a report of substantiated maltreatment as  
4.7 defined in section 626.557 or chapter 260E may be exchanged with the Department of  
4.8 Health for purposes of completing background studies pursuant to section 144.057 and with  
4.9 the Department of Corrections for purposes of completing background studies pursuant to  
4.10 section 241.021.

4.11 (i) Data on individuals collected according to licensing activities under chapters 245A  
4.12 and 245C, data on individuals collected by the commissioner of human services according  
4.13 to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E  
4.14 may be shared with the Department of Human Rights, the Department of Health, the  
4.15 Department of Corrections, the ombudsman for mental health and developmental disabilities,  
4.16 and the individual's professional regulatory board when there is reason to believe that laws  
4.17 or standards under the jurisdiction of those agencies may have been violated or the  
4.18 information may otherwise be relevant to the board's regulatory jurisdiction. Background  
4.19 study data on an individual who is the subject of a background study under chapter 245C  
4.20 for a licensed service for which the commissioner of human services is the license holder  
4.21 may be shared with the commissioner and the commissioner's delegate by the licensing  
4.22 division. Unless otherwise specified in this chapter, the identity of a reporter of alleged  
4.23 maltreatment or licensing violations may not be disclosed.

4.24 (j) In addition to the notice of determinations required under sections 260E.24,  
4.25 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the  
4.26 commissioner or the local social services agency has determined that an individual is a  
4.27 substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in  
4.28 section 260E.03, and the commissioner or local social services agency knows that the  
4.29 individual is a person responsible for a child's care in another facility, the commissioner or  
4.30 local social services agency shall notify the head of that facility of this determination. The  
4.31 notification must include an explanation of the individual's available appeal rights and the  
4.32 status of any appeal. If a notice is given under this paragraph, the government entity making  
4.33 the notification shall provide a copy of the notice to the individual who is the subject of the  
4.34 notice.

5.1 (k) All not public data collected, maintained, used, or disseminated under this subdivision  
 5.2 and subdivision 3 may be exchanged between the Department of Human Services, Licensing  
 5.3 Division, and the Department of Corrections for purposes of regulating services for which  
 5.4 the Department of Human Services and the Department of Corrections have regulatory  
 5.5 authority.

5.6 **EFFECTIVE DATE.** This section is effective January 1, 2025."

5.7 Page 8, after line 19, insert:

5.8 "Sec. .... Minnesota Statutes 2023 Supplement, section 245C.033, subdivision 3, is amended  
 5.9 to read:

5.10 Subd. 3. **Procedure; maltreatment and state licensing agency data.** (a) For requests  
 5.11 paid directly by the guardian or conservator, requests for maltreatment and state licensing  
 5.12 agency data checks must be submitted by the guardian or conservator to the commissioner  
 5.13 on the form or in the manner prescribed by the commissioner. Upon receipt of a signed  
 5.14 informed consent and payment under section 245C.10, the commissioner shall complete  
 5.15 the maltreatment and state licensing agency checks. Upon completion of the checks, the  
 5.16 commissioner shall provide the requested information to the courts on the form or in the  
 5.17 manner prescribed by the commissioner.

5.18 (b) For requests paid by the court based on the in forma pauperis status of the guardian  
 5.19 or conservator, requests for maltreatment and state licensing agency data checks must be  
 5.20 submitted by the court to the commissioner on the form or in the manner prescribed by the  
 5.21 commissioner. The form will serve as certification that the individual has been granted in  
 5.22 forma pauperis status. Upon receipt of a signed data request consent form from the court,  
 5.23 the commissioner shall initiate the maltreatment and state licensing agency checks. Upon  
 5.24 completion of the checks, the commissioner shall provide the requested information to the  
 5.25 courts on the form or in the manner prescribed by the commissioner.

5.26 Sec. .... Minnesota Statutes 2022, section 245C.08, subdivision 4, is amended to read:

5.27 Subd. 4. **Juvenile court records.** (a) For a background study conducted by the  
 5.28 Department of Human Services, the commissioner shall review records from the juvenile  
 5.29 courts for an individual studied under ~~section 245C.03, subdivision 1, paragraph (a), this~~  
 5.30 chapter when the commissioner has reasonable cause.

5.31 ~~(b) For a background study conducted by a county agency for family child care before~~  
 5.32 ~~the implementation of NETStudy 2.0, the commissioner shall review records from the~~

6.1 ~~juvenile courts for individuals listed in section 245C.03, subdivision 1, who are ages 13~~  
 6.2 ~~through 23 living in the household where the licensed services will be provided. The~~  
 6.3 ~~commissioner shall also review records from juvenile courts for any other individual listed~~  
 6.4 ~~under section 245C.03, subdivision 1, when the commissioner has reasonable cause.~~

6.5 ~~(e)~~ (b) The juvenile courts shall help with the study by giving the commissioner existing  
 6.6 juvenile court records relating to delinquency proceedings held on individuals ~~described in~~  
 6.7 ~~section 245C.03, subdivision 1, paragraph (a),~~ who are subjects of studies under this chapter  
 6.8 when requested pursuant to this subdivision.

6.9 ~~(d)~~ (c) For purposes of this chapter, a finding that a delinquency petition is proven in  
 6.10 juvenile court shall be considered a conviction in state district court.

6.11 ~~(e)~~ (d) Juvenile courts shall provide orders of involuntary and voluntary termination of  
 6.12 parental rights under section 260C.301 to the commissioner upon request for purposes of  
 6.13 conducting a background study under this chapter.

6.14 Sec. .... Minnesota Statutes 2023 Supplement, section 245C.10, subdivision 15, is amended  
 6.15 to read:

6.16 Subd. 15. **Guardians and conservators.** (a) The commissioner shall recover the cost  
 6.17 of conducting maltreatment and state licensing agency checks for guardians and conservators  
 6.18 under section 245C.033 through a fee of no more than \$50. The fees collected under this  
 6.19 subdivision are appropriated to the commissioner for the purpose of conducting maltreatment  
 6.20 and state licensing agency checks.

6.21 (b) The fee must be paid directly to and in the manner prescribed by the commissioner  
 6.22 before any maltreatment and state licensing agency checks under section 245C.033 may be  
 6.23 conducted.

6.24 (c) Notwithstanding paragraph (b), the court shall pay the fee for an applicant who has  
 6.25 been granted in forma pauperis status upon receipt of the invoice from the commissioner."

6.26 Renumber the sections in sequence and correct the internal references

6.27 Amend the title accordingly