

85.5 **ARTICLE 2**

85.6 **DEPARTMENT OF HUMAN SERVICES LICENSING AND BACKGROUND**

85.7 **STUDIES**

85.8 Section 1. Minnesota Statutes 2020, section 62V.05, is amended by adding a subdivision

85.9 to read:

85.10 Subd. 4a. **Background study required.** (a) The board must initiate background studies

85.11 under section 245C.031 of:

85.12 (1) each navigator;

85.13 (2) each in-person assister; and

85.14 (3) each certified application counselor.

85.15 (b) The board may initiate the background studies required by paragraph (a) using the

85.16 online NETStudy 2.0 system operated by the commissioner of human services.

85.17 (c) The board shall not permit any individual to provide any service or function listed

85.18 in paragraph (a) until the board has received notification from the commissioner of human

85.19 services indicating that the individual:

85.20 (1) is not disqualified under chapter 245C; or

85.21 (2) is disqualified, but has received a set aside from the board of that disqualification

85.22 according to sections 245C.22 and 245C.23.

85.23 (d) The board or its delegate shall review a reconsideration request of an individual in

85.24 paragraph (a), including granting a set aside, according to the procedures and criteria in

85.25 chapter 245C. The board shall notify the individual and the Department of Human Services

85.26 of the board's decision.

85.27 Sec. 2. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

85.28 Subd. 8. **Background checks studies.** (a) The Professional Educator Licensing and

85.29 Standards Board and the Board of School Administrators must ~~obtain a~~ initiate criminal

85.30 history background ~~check on~~ studies of all first-time ~~teaching~~ applicants for educator licenses

85.31 under their jurisdiction. Applicants must include with their licensure applications:

86.1 (1) an executed criminal history consent form, including fingerprints; and

86.2 (2) payment to conduct the background ~~check~~ study. The Professional Educator Licensing

86.3 and Standards Board must deposit payments received under this subdivision in an account

86.4 in the special revenue fund. Amounts in the account are annually appropriated to the

86.5 Professional Educator Licensing and Standards Board to pay for the costs of background

86.6 ~~checks~~ studies on applicants for licensure.

146.20 **ARTICLE 6**

146.21 **DHS LICENSING AND BACKGROUND STUDIES**

146.22 Section 1. Minnesota Statutes 2020, section 62V.05, is amended by adding a subdivision

146.23 to read:

146.24 Subd. 4a. **Background study required.** (a) The board must initiate background studies

146.25 under section 245C.03 of:

146.26 (1) each navigator;

146.27 (2) each in-person assister; and

146.28 (3) each certified application counselor.

146.29 (b) The board may initiate the background studies required by paragraph (a) using the

146.30 online NETStudy 2.0 system operated by the commissioner of human services.

147.1 (c) The board shall not permit any individual to provide any service or function listed

147.2 in paragraph (a) until the board has received notification from the commissioner of human

147.3 services indicating that the individual:

147.4 (1) is not disqualified under chapter 245C; or

147.5 (2) is disqualified, but has received a set aside from the board of that disqualification

147.6 according to sections 245C.22 and 245C.23.

147.7 (d) The board or its delegate shall review a reconsideration request of an individual in

147.8 paragraph (a), including granting a set aside, according to the procedures and criteria in

147.9 chapter 245C. The board shall notify the individual and the Department of Human Services

147.10 of the board's decision.

149.13 Sec. 3. Minnesota Statutes 2020, section 122A.18, subdivision 8, is amended to read:

149.14 Subd. 8. **Background checks studies.** (a) The Professional Educator Licensing and

149.15 Standards Board and the Board of School Administrators must ~~obtain a~~ initiate criminal

149.16 history background ~~check on~~ studies of all first-time ~~teaching~~ applicants for educator licenses

149.17 under their jurisdiction. Applicants must include with their licensure applications:

149.18 (1) an executed criminal history consent form, including fingerprints; and

149.19 (2) payment to conduct the background ~~check~~ study. The Professional Educator Licensing

149.20 and Standards Board must deposit payments received under this subdivision in an account

149.21 in the special revenue fund. Amounts in the account are annually appropriated to the

149.22 Professional Educator Licensing and Standards Board to pay for the costs of background

149.23 ~~checks~~ studies on applicants for licensure.

86.7 (b) The background ~~check~~ study for all first-time teaching applicants for licenses must  
 86.8 include a review of information from the Bureau of Criminal Apprehension, including  
 86.9 criminal history data as defined in section 13.87, and must also include a review of the  
 86.10 national criminal records repository. The superintendent of the Bureau of Criminal  
 86.11 Apprehension is authorized to exchange fingerprints with the Federal Bureau of Investigation  
 86.12 for purposes of the criminal history check. ~~The superintendent shall recover the cost to the~~  
 86.13 ~~bureau of a background check through the fee charged to the applicant under paragraph (a).~~

86.14 (c) The Professional Educator Licensing and Standards Board ~~must contract with~~ may  
 86.15 initiate criminal history background studies through the commissioner of human services  
 86.16 according to section 245C.031 to conduct background checks and obtain background check  
 86.17 study data required under this chapter.

149.24 (b) The background ~~check~~ study for all first-time teaching applicants for licenses must  
 149.25 include a review of information from the Bureau of Criminal Apprehension, including  
 149.26 criminal history data as defined in section 13.87, and must also include a review of the  
 149.27 national criminal records repository. The superintendent of the Bureau of Criminal  
 149.28 Apprehension is authorized to exchange fingerprints with the Federal Bureau of Investigation  
 149.29 for purposes of the criminal history check. ~~The superintendent shall recover the cost to the~~  
 149.30 ~~bureau of a background check through the fee charged to the applicant under paragraph (a).~~

149.31 (c) The Professional Educator Licensing and Standards Board ~~must contract with~~ may  
 149.32 initiate criminal history background studies through the commissioner of human services  
 150.1 according to section 245C.03 to conduct background checks and obtain background check  
 150.2 study data required under this chapter.

150.3 Sec. 4. Minnesota Statutes 2020, section 144.057, subdivision 1, is amended to read:

150.4 Subdivision 1. **Background studies required.** (a) Except as specified in paragraph (b),  
 150.5 the commissioner of health shall contract with the commissioner of human services to  
 150.6 conduct background studies of:

150.7 (1) individuals providing services that have direct contact, as defined under section  
 150.8 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes,  
 150.9 outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and  
 150.10 home care agencies licensed under chapter 144A; assisted living facilities and assisted living  
 150.11 facilities with dementia care licensed under chapter 144G; and board and lodging  
 150.12 establishments that are registered to provide supportive or health supervision services under  
 150.13 section 157.17;

150.14 (2) individuals specified in section 245C.03, subdivision 1, who perform direct contact  
 150.15 services in a nursing home or a home care agency licensed under chapter 144A; an assisted  
 150.16 living facility or assisted living facility with dementia care licensed under chapter 144G;  
 150.17 or a boarding care home licensed under sections 144.50 to 144.58. If the individual under  
 150.18 study resides outside Minnesota, the study must include a check for substantiated findings  
 150.19 of maltreatment of adults and children in the individual's state of residence when the  
 150.20 information is made available by that state, and must include a check of the National Crime  
 150.21 Information Center database;

150.22 (3) all other employees in assisted living facilities or assisted living facilities with  
 150.23 dementia care licensed under chapter 144G, nursing homes licensed under chapter 144A,  
 150.24 and boarding care homes licensed under sections 144.50 to 144.58. A disqualification of  
 150.25 an individual in this section shall disqualify the individual from positions allowing direct  
 150.26 contact or access to patients or residents receiving services. "Access" means physical access  
 150.27 to a client or the client's personal property without continuous, direct supervision as defined  
 150.28 in section 245C.02, subdivision 8, when the employee's employment responsibilities do not  
 150.29 include providing direct contact services;

86.18 Sec. 3. **[245.975] OMBUDSPERSON FOR FAMILY CHILD CARE PROVIDERS.**

86.19 Subdivision 1. **Appointment.** The governor shall appoint an ombudsperson in the  
 86.20 classified service to assist family child care providers with licensing, compliance, and other  
 86.21 issues facing family child care providers. The ombudsperson must be selected without regard  
 86.22 to the person's political affiliation.

86.23 Subd. 2. **Duties.** (a) The ombudsperson's duties shall include:

86.24 (1) advocating on behalf of a family child care provider to address all areas of concern  
 86.25 related to the provision of child care services, including licensing monitoring activities,  
 86.26 licensing actions, and other interactions with state and county licensing staff;

86.27 (2) providing recommendations for family child care improvement or family child care  
 86.28 provider education;

86.29 (3) operating a telephone line to answer questions, receive complaints, and discuss  
 86.30 agency actions when a family child care provider believes their rights or program may have  
 86.31 been adversely affected; and

86.32 (4) assisting family child care license applicants with navigating the application process.

86.71 (b) The ombudsperson must report annually by December 31 to the commissioner and  
 86.72 the chairs and ranking minority members of the legislative committees with jurisdiction  
 86.73 over child care on the services provided by the ombudsperson to child care providers,  
 86.74 including the number and locations of child care providers served, and the activities of the

150.30 (4) individuals employed by a supplemental nursing services agency, as defined under  
 150.31 section 144A.70, who are providing services in health care facilities; and

150.32 (5) controlling persons of a supplemental nursing services agency, as defined under  
 150.33 section 144A.70.

151.1 (b) The commissioner of human services is not required to conduct a background study  
 151.2 on any individual identified in paragraph (a) if the individual has a valid license issued by  
 151.3 a health-related licensing board as defined in section 214.01, subdivision 2, and has completed  
 151.4 the criminal background check as required in section 214.075.

151.5 (c) If a facility or program is licensed by the Department of Human Services and subject  
 151.6 to the background study provisions of chapter 245C and is also licensed by the Department  
 151.7 of Health, the Department of Human Services is solely responsible for the background  
 151.8 studies of individuals in the jointly licensed programs.

151.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

147.11 Sec. 2. **[119B.27] OMBUDSPERSON FOR CHILD CARE PROVIDERS.**

147.12 Subdivision 1. **Appointment.** The commissioner of human services shall appoint two  
 147.13 ombudspersons in the classified service to assist child care providers, including family child  
 147.14 care providers and legal nonlicensed child care providers, with licensing, compliance, and  
 147.15 other issues facing child care providers. Each ombudsperson must be selected without regard  
 147.16 to the person's political affiliation, and at least one ombudsperson must have been a licensed  
 147.17 family child care provider for at least three years. Each ombudsperson shall serve a term of  
 147.18 four years and may be removed prior to the end of the term for just cause.

147.19 Subd. 2. **Duties.** (a) Each ombudsperson's duties shall include:

147.20 (1) advocating on behalf of a child care provider to address all areas of concern related  
 147.21 to the provision of child care services, including licensing actions, correction orders, penalty  
 147.22 assessments, complaint investigations, and other interactions with state and county staff;

147.23 (2) providing recommendations to the commissioner or providers for child care program  
 147.24 improvement or child care provider education;

147.25 (3) operating a telephone line to answer questions, receive complaints, and discuss  
 147.26 agency actions when a child care provider believes that the provider's rights or program  
 147.27 may have been adversely affected; and

147.28 (4) assisting child care license applicants with the license application process.

147.29 (b) The ombudspersons must report annually by December 31 to the commissioner and  
 147.30 the chairs and ranking minority members of the legislative committees with jurisdiction  
 147.31 over child care on the services provided by each ombudsperson to child care providers,  
 147.32 including the number, types, and locations of child care providers served, and the activities

87.5 ombudsperson in carrying out the duties under this section. The commissioner shall determine  
87.6 the form of the report and may specify additional reporting requirements.

87.7 Subd. 3. Staff. The ombudsperson may appoint and compensate out of available funds  
87.8 a deputy, confidential secretary, and other employees in the unclassified service as authorized  
87.9 by law. The ombudsperson and the full-time staff are members of the Minnesota State  
87.10 Retirement Association. The ombudsperson may delegate to members of the staff any  
87.11 authority or duties of the office except the duty to provide reports to the governor,  
87.12 commissioner, or the legislature.

87.13 Subd. 4. Access to records. (a) The ombudsperson or designee, excluding volunteers,  
87.14 has access to data of a state agency necessary for the discharge of the ombudsperson's duties,  
87.15 including records classified as confidential data on individuals or private data on individuals  
87.16 under chapter 13 or any other law. The ombudsperson's data request must relate to a specific  
87.17 case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the  
87.18 ombudsperson or designee shall first obtain the individual's consent. If the individual cannot  
87.19 consent and has no parent or legal guardian, then access to the data is authorized by this  
87.20 section.

87.21 (b) The ombudsperson and designees must adhere to the Minnesota Government Data  
87.22 Practices Act and must not disseminate any private or confidential data on individuals unless  
87.23 specifically authorized by state, local, or federal law or pursuant to a court order.

87.24 (c) The commissioner and county agency must provide the ombudsperson copies of all  
87.25 fix-it tickets, correction orders, and licensing actions issued to family child care providers.

87.26 Subd. 5. Independence of action. In carrying out the duties under this section, the  
87.27 ombudsperson may act independently of the department to provide testimony to the  
87.28 legislature, make periodic reports to the legislature, and address areas of concern to child  
87.29 care providers.

87.30 Subd. 6. Civil actions. The ombudsperson or designee is not civilly liable for any action  
87.31 taken under this section if the action was taken in good faith, was within the scope of the  
87.32 ombudsperson's authority, and did not constitute willful or reckless misconduct.

87.33 Subd. 7. Qualifications. The ombudsperson must be a person who has knowledge and  
87.34 experience concerning the provision of family child care. The ombudsperson must be  
88.1 experienced in dealing with governmental entities, interpretation of laws and regulations,  
88.2 investigations, record keeping, report writing, public speaking, and management. A person  
88.3 is not eligible to serve as the ombudsperson while holding public office or while holding a  
88.4 family child care license.

88.5 Subd. 8. Office support. The commissioner shall provide the ombudsperson with the  
88.6 necessary office space, supplies, equipment, and clerical support to effectively perform the  
88.7 duties under this section.

148.1 of each ombudsperson to carry out the duties under this section. The commissioner shall  
148.2 determine the form of the report.

148.3 Subd. 3. Staff. The ombudspersons may appoint and compensate from available funds  
148.4 a deputy, confidential secretary, and other employees in the unclassified service as authorized  
148.5 by law. Each ombudsperson and the full-time staff are members of the Minnesota State  
148.6 Retirement Association. The ombudspersons may delegate to members of the staff any  
148.7 authority or duties of the office except the duty to provide reports to the governor,  
148.8 commissioner, or legislature.

148.9 Subd. 4. Access to records. (a) Each ombudsperson or designee, excluding volunteers,  
148.10 must have access to data of a state agency necessary for the discharge of the ombudsperson's  
148.11 duties, including records classified as confidential data on individuals or private data on  
148.12 individuals under chapter 13, or any other law. An ombudsperson's data request must relate  
148.13 to a specific case. If the data concerns an individual, the ombudsperson or designee shall  
148.14 first obtain the individual's consent. If the individual cannot consent and has no parent or  
148.15 legal guardian, then the ombudsperson's access to the data is authorized by this section.

148.16 (b) Each ombudsperson and all designees must adhere to the Minnesota Government  
148.17 Data Practices Act and may not disseminate any private or confidential data on individuals  
148.18 unless specifically authorized by state, local, or federal law or pursuant to a court order.

148.19 (c) The commissioner of human services and county agencies must provide  
148.20 ombudspersons with copies of all correction orders, fix-it tickets, and licensing actions  
148.21 issued to child care providers.

148.22 Subd. 5. Independence of action. When carrying out duties under this section,  
148.23 ombudspersons must act independently of the department to provide testimony to the  
148.24 legislature, make periodic reports to the legislature, and address areas of concern to child  
148.25 care providers.

148.26 Subd. 6. Civil actions. Each ombudsperson and designee is not civilly liable for any  
148.27 action taken under this section if the action was taken in good faith, was within the scope  
148.28 of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

148.29 Subd. 7. Qualifications. Each ombudsperson must be a person who has knowledge and  
148.30 experience concerning the provision of child care. Each ombudsperson must be experienced  
148.31 in dealing with governmental entities, interpretation of laws and regulations, investigations,  
148.32 record keeping, report writing, public speaking, and management. A person is not eligible  
148.33 to serve as an ombudsperson while running for or holding public office, or while holding  
148.34 an active child care license.

149.1 Subd. 8. Office support. The commissioner shall provide ombudspersons with the  
149.2 necessary office space, supplies, equipment, and clerical support to effectively perform  
149.3 duties under this section.

88.8 Subd. 9. **Posting.** (a) The commissioner shall post on the department's website the  
 88.9 mailing address, e-mail address, and telephone number for the office of the ombudsperson.  
 88.10 The commissioner shall provide family child care providers with the mailing address, e-mail  
 88.11 address, and telephone number of the office on the family child care licensing website and  
 88.12 upon request from a family child care applicant or provider. Counties must provide family  
 88.13 child care applicants and providers with the name, mailing address, e-mail address, and  
 88.14 telephone number of the office upon request.

88.15 (b) The ombudsperson must approve all postings and notices required by the department  
 88.16 and counties under this subdivision.

149.4 Subd. 9. **Posting.** (a) The commissioner shall post on the department's website the  
 149.5 mailing address, e-mail address, and telephone number for the office of the ombudsperson.  
 149.6 The commissioner shall provide all licensed child care providers and legal nonlicensed child  
 149.7 care providers with the mailing address, e-mail address, and telephone number of the office  
 149.8 on the department's child care licensing website or upon request from a child care license  
 149.9 applicant or provider. Counties must provide child care license applicants and providers  
 149.10 with the name, mailing address, e-mail address, and telephone number of the office.

149.11 (b) Ombudspersons must approve of all posting and notice required by the department  
 149.12 and counties under this subdivision.

151.10 Sec. 5. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
 151.11 read:

151.12 Subd. 23. **Family or group family child care program.** "Family or group family child  
 151.13 care program" means a licensed child care program operated in the residence in which the  
 151.14 license holder lives. The license holder is the primary provider of care and may only hold  
 151.15 one family child care license.

151.16 Sec. 6. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
 151.17 read:

151.18 Subd. 24. **Special family child care program.** "Special family child care program"  
 151.19 means a licensed child care program operated in a residence in which the license holder  
 151.20 does not live. The license holder is the primary provider of care.

151.21 Sec. 7. Minnesota Statutes 2020, section 245A.02, is amended by adding a subdivision to  
 151.22 read:

151.23 Subd. 25. **Nonresidential family child care program.** "Nonresidential family child  
 151.24 care program" means a licensed child care program operated in a location other than the  
 151.25 license holder's own residence, excluding licensed child care centers. The license holder is  
 151.26 one of the individuals or entities listed in section 245A.141, subdivision 1, paragraph (a).

151.27 Sec. 8. Minnesota Statutes 2020, section 245A.03, is amended by adding a subdivision to  
 151.28 read:

151.29 Subd. 10. **Group family day care licensed capacity; child-to-adult capacity ratios;  
 151.30 age distribution restrictions.** (a) Notwithstanding Minnesota Rules, parts 9502.0365,  
 151.31 subpart 1, and 9502.0367, item C, the commissioner shall issue licenses for group family  
 152.1 day care according to the capacity limits, child-to-adult ratios, and age distribution restrictions  
 152.2 in this subdivision.

152.3 (b) For purposes of this subdivision, "group family day care" means day care for no  
 152.4 more than 16 children at any one time. The licensed capacity of a group family day care  
 152.5 must include all children of any caregiver when the children are present in the residence,  
 152.6 except notwithstanding Minnesota Rules, part 9502.0365, subpart 1, item A, the licensed

88.17 Sec. 4. Minnesota Statutes 2020, section 245A.043, subdivision 3, is amended to read:

88.18 Subd. 3. **Change of ownership process.** (a) When a change in ownership is proposed

88.19 and the party intends to assume operation without an interruption in service longer than 60

88.20 days after acquiring the program or service, the license holder must provide the commissioner

88.21 with written notice of the proposed change on a form provided by the commissioner at least

88.22 60 days before the anticipated date of the change in ownership. For purposes of this

88.23 subdivision and subdivision 4, "party" means the party that intends to operate the service

88.24 or program.

88.25 (b) The party must submit a license application under this chapter on the form and in

88.26 the manner prescribed by the commissioner at least 30 days before the change in ownership

88.27 is complete, and must include documentation to support the upcoming change. The party

88.28 must comply with background study requirements under chapter 245C and shall pay the

88.29 application fee required under section 245A.10. ~~A party that intends to assume operation~~

88.30 ~~without an interruption in service longer than 60 days after acquiring the program or service~~

88.31 ~~is exempt from the requirements of Minnesota Rules, part 9530.6800.~~

88.32 (c) The commissioner may streamline application procedures when the party is an existing

88.33 license holder under this chapter and is acquiring a program licensed under this chapter or

89.1 service in the same service class as one or more licensed programs or services the party

89.2 operates and those licenses are in substantial compliance. For purposes of this subdivision,

89.3 "substantial compliance" means within the previous 12 months the commissioner did not

152.7 ~~capacity does not include the license holder's biological or adopted children who are nine~~

152.8 ~~years old or older.~~

152.9 (c) Notwithstanding Minnesota Rules, part 9502.0367, item C, subitem (1), for a group

152.10 family day care program with a licensed capacity of ten children, one adult caregiver shall

152.11 serve no more than ten children younger than 11 years of age. Of those ten, no more than

152.12 seven may be younger than four years of age. Of those seven, no more than three may be

152.13 younger than 18 months of age. Of those three, no more than two may be infants.

152.14 (d) Notwithstanding Minnesota Rules, part 9502.0367, item C, subitem (2), for a group

152.15 family day care program with a licensed capacity of 12 children, one adult caregiver shall

152.16 serve no more than 12 children younger than 11 years of age. Of those 12, no more than

152.17 nine may be younger than four years of age. Of those nine, no more than two may be younger

152.18 than 18 months of age.

152.19 (e) Notwithstanding Minnesota Rules, part 9502.0367, item C, subitem (3), for a group

152.20 family day care program with a licensed capacity of 16 children, two adult caregivers shall

152.21 serve no more than 16 children younger than 11 years of age. Of those 16, no more than 11

152.22 may be younger than four years of age. Of those 11, no more than four may be younger

152.23 than 18 months of age. Of those four, no more than three may be infants. A helper may be

152.24 used in place of a second adult caregiver when there is no more than one child younger than

152.25 18 months of age present.

152.26 Sec. 9. Minnesota Statutes 2020, section 245A.043, subdivision 3, is amended to read:

152.27 Subd. 3. **Change of ownership process.** (a) When a change in ownership is proposed

152.28 and the party intends to assume operation without an interruption in service longer than 60

152.29 days after acquiring the program or service, the license holder must provide the commissioner

152.30 with written notice of the proposed change on a form provided by the commissioner at least

152.31 60 days before the anticipated date of the change in ownership. For purposes of this

152.32 subdivision and subdivision 4, "party" means the party that intends to operate the service

152.33 or program.

153.1 (b) The party must submit a license application under this chapter on the form and in

153.2 the manner prescribed by the commissioner at least 30 days before the change in ownership

153.3 is complete, and must include documentation to support the upcoming change. The party

153.4 must comply with background study requirements under chapter 245C and shall pay the

153.5 application fee required under section 245A.10. ~~A party that intends to assume operation~~

153.6 ~~without an interruption in service longer than 60 days after acquiring the program or service~~

153.7 ~~is exempt from the requirements of Minnesota Rules, part 9530.6800.~~

153.8 (c) The commissioner may streamline application procedures when the party is an existing

153.9 license holder under this chapter and is acquiring a program licensed under this chapter or

153.10 service in the same service class as one or more licensed programs or services the party

153.11 operates and those licenses are in substantial compliance. For purposes of this subdivision,

153.12 "substantial compliance" means within the previous 12 months the commissioner did not

- 89.4 (1) issue a sanction under section 245A.07 against a license held by the party, or (2) make  
89.5 a license held by the party conditional according to section 245A.06.
- 89.6 (d) Except when a temporary change in ownership license is issued pursuant to  
89.7 subdivision 4, the existing license holder is solely responsible for operating the program  
89.8 according to applicable laws and rules until a license under this chapter is issued to the  
89.9 party.
- 89.10 (e) If a licensing inspection of the program or service was conducted within the previous  
89.11 12 months and the existing license holder's license record demonstrates substantial  
89.12 compliance with the applicable licensing requirements, the commissioner may waive the  
89.13 party's inspection required by section 245A.04, subdivision 4. The party must submit to the  
89.14 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire  
89.15 marshal deemed that an inspection was not warranted, and (2) proof that the premises was  
89.16 inspected for compliance with the building code or that no inspection was deemed warranted.
- 89.17 (f) If the party is seeking a license for a program or service that has an outstanding action  
89.18 under section 245A.06 or 245A.07, the party must submit a letter as part of the application  
89.19 process identifying how the party has or will come into full compliance with the licensing  
89.20 requirements.
- 89.21 (g) The commissioner shall evaluate the party's application according to section 245A.04,  
89.22 subdivision 6. If the commissioner determines that the party has remedied or demonstrates  
89.23 the ability to remedy the outstanding actions under section 245A.06 or 245A.07 and has  
89.24 determined that the program otherwise complies with all applicable laws and rules, the  
89.25 commissioner shall issue a license or conditional license under this chapter. The conditional  
89.26 license remains in effect until the commissioner determines that the grounds for the action  
89.27 are corrected or no longer exist.
- 89.28 (h) The commissioner may deny an application as provided in section 245A.05. An  
89.29 applicant whose application was denied by the commissioner may appeal the denial according  
89.30 to section 245A.05.
- 89.31 (i) This subdivision does not apply to a licensed program or service located in a home  
89.32 where the license holder resides.
- 90.1 Sec. 5. Minnesota Statutes 2020, section 245A.05, is amended to read:
- 90.2 **245A.05 DENIAL OF APPLICATION.**
- 90.3 (a) The commissioner may deny a license if an applicant or controlling individual:
- 90.4 (1) fails to submit a substantially complete application after receiving notice from the  
90.5 commissioner under section 245A.04, subdivision 1;
- 90.6 (2) fails to comply with applicable laws or rules;

- 153.13 (1) issue a sanction under section 245A.07 against a license held by the party, or (2) make  
153.14 a license held by the party conditional according to section 245A.06.
- 153.15 (d) Except when a temporary change in ownership license is issued pursuant to  
153.16 subdivision 4, the existing license holder is solely responsible for operating the program  
153.17 according to applicable laws and rules until a license under this chapter is issued to the  
153.18 party.
- 153.19 (e) If a licensing inspection of the program or service was conducted within the previous  
153.20 12 months and the existing license holder's license record demonstrates substantial  
153.21 compliance with the applicable licensing requirements, the commissioner may waive the  
153.22 party's inspection required by section 245A.04, subdivision 4. The party must submit to the  
153.23 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire  
153.24 marshal deemed that an inspection was not warranted, and (2) proof that the premises was  
153.25 inspected for compliance with the building code or that no inspection was deemed warranted.
- 153.26 (f) If the party is seeking a license for a program or service that has an outstanding action  
153.27 under section 245A.06 or 245A.07, the party must submit a letter as part of the application  
153.28 process identifying how the party has or will come into full compliance with the licensing  
153.29 requirements.
- 153.30 (g) The commissioner shall evaluate the party's application according to section 245A.04,  
153.31 subdivision 6. If the commissioner determines that the party has remedied or demonstrates  
153.32 the ability to remedy the outstanding actions under section 245A.06 or 245A.07 and has  
153.33 determined that the program otherwise complies with all applicable laws and rules, the  
153.34 commissioner shall issue a license or conditional license under this chapter. The conditional  
154.1 license remains in effect until the commissioner determines that the grounds for the action  
154.2 are corrected or no longer exist.
- 154.3 (h) The commissioner may deny an application as provided in section 245A.05. An  
154.4 applicant whose application was denied by the commissioner may appeal the denial according  
154.5 to section 245A.05.
- 154.6 (i) This subdivision does not apply to a licensed program or service located in a home  
154.7 where the license holder resides.
- 154.8 Sec. 10. Minnesota Statutes 2020, section 245A.05, is amended to read:
- 154.9 **245A.05 DENIAL OF APPLICATION.**
- 154.10 (a) The commissioner may deny a license if an applicant or controlling individual:
- 154.11 (1) fails to submit a substantially complete application after receiving notice from the  
154.12 commissioner under section 245A.04, subdivision 1;
- 154.13 (2) fails to comply with applicable laws or rules;

90.7 (3) knowingly withholds relevant information from or gives false or misleading  
90.8 information to the commissioner in connection with an application for a license or during  
90.9 an investigation;

90.10 (4) has a disqualification that has not been set aside under section 245C.22 and no  
90.11 variance has been granted;

90.12 (5) has an individual living in the household who received a background study under  
90.13 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that  
90.14 has not been set aside under section 245C.22, and no variance has been granted;

90.15 (6) is associated with an individual who received a background study under section  
90.16 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to  
90.17 children or vulnerable adults, and who has a disqualification that has not been set aside  
90.18 under section 245C.22, and no variance has been granted;

90.19 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

90.20 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision  
90.21 6;

90.22 (9) has a history of noncompliance as a license holder or controlling individual with  
90.23 applicable laws or rules, including but not limited to this chapter and chapters 119B and  
90.24 245C; ~~or~~

90.25 (10) is prohibited from holding a license according to section 245.095; ~~or~~

90.26 (11) for a family foster setting, has nondisqualifying background study information, as  
90.27 described in section 245C.05, subdivision 4, that reflects on the individual's ability to safely  
90.28 provide care to foster children.

90.29 (b) An applicant whose application has been denied by the commissioner must be given  
90.30 notice of the denial, which must state the reasons for the denial in plain language. Notice  
90.31 must be given by certified mail or personal service. The notice must state the reasons the  
91.1 application was denied and must inform the applicant of the right to a contested case hearing  
91.2 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may  
91.3 appeal the denial by notifying the commissioner in writing by certified mail or personal  
91.4 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20  
91.5 calendar days after the applicant received the notice of denial. If an appeal request is made  
91.6 by personal service, it must be received by the commissioner within 20 calendar days after  
91.7 the applicant received the notice of denial. Section 245A.08 applies to hearings held to  
91.8 appeal the commissioner's denial of an application.

91.9 **EFFECTIVE DATE.** This section is effective July 1, 2022.

154.14 (3) knowingly withholds relevant information from or gives false or misleading  
154.15 information to the commissioner in connection with an application for a license or during  
154.16 an investigation;

154.17 (4) has a disqualification that has not been set aside under section 245C.22 and no  
154.18 variance has been granted;

154.19 (5) has an individual living in the household who received a background study under  
154.20 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that  
154.21 has not been set aside under section 245C.22, and no variance has been granted;

154.22 (6) is associated with an individual who received a background study under section  
154.23 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to  
154.24 children or vulnerable adults, and who has a disqualification that has not been set aside  
154.25 under section 245C.22, and no variance has been granted;

154.26 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

154.27 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision  
154.28 6;

154.29 (9) has a history of noncompliance as a license holder or controlling individual with  
154.30 applicable laws or rules, including but not limited to this chapter and chapters 119B and  
154.31 245C; ~~or~~

155.1 (10) is prohibited from holding a license according to section 245.095; ~~or~~

155.2 (11) for a family foster setting, has nondisqualifying background study information, as  
155.3 described in section 245C.05, subdivision 4, that reflects on the individual's ability to safely  
155.4 provide care to foster children.

155.5 (b) An applicant whose application has been denied by the commissioner must be given  
155.6 notice of the denial, which must state the reasons for the denial in plain language. Notice  
155.7 must be given by certified mail or personal service. The notice must state the reasons the  
155.8 application was denied and must inform the applicant of the right to a contested case hearing  
155.9 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may  
155.10 appeal the denial by notifying the commissioner in writing by certified mail or personal  
155.11 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20  
155.12 calendar days after the applicant received the notice of denial. If an appeal request is made  
155.13 by personal service, it must be received by the commissioner within 20 calendar days after  
155.14 the applicant received the notice of denial. Section 245A.08 applies to hearings held to  
155.15 appeal the commissioner's denial of an application.

155.16 **EFFECTIVE DATE.** This section is effective July 1, 2022.



91.10 Sec. 6. Minnesota Statutes 2020, section 245A.07, subdivision 1, is amended to read:

91.11 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional  
 91.12 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,  
 91.13 or secure an injunction against the continuing operation of the program of a license holder  
 91.14 who does not comply with applicable law or rule, or who has nondisqualifying background  
 91.15 study information, as described in section 245C.05, subdivision 4, that reflects on the license  
 91.16 holder's ability to safely provide care to foster children. When applying sanctions authorized  
 91.17 under this section, the commissioner shall consider the nature, chronicity, or severity of the  
 91.18 violation of law or rule and the effect of the violation on the health, safety, or rights of  
 91.19 persons served by the program.

91.20 (b) If a license holder appeals the suspension or revocation of a license and the license  
 91.21 holder continues to operate the program pending a final order on the appeal, the commissioner  
 91.22 shall issue the license holder a temporary provisional license. Unless otherwise specified  
 91.23 by the commissioner, variances in effect on the date of the license sanction under appeal  
 91.24 continue under the temporary provisional license. If a license holder fails to comply with  
 91.25 applicable law or rule while operating under a temporary provisional license, the  
 91.26 commissioner may impose additional sanctions under this section and section 245A.06, and  
 91.27 may terminate any prior variance. If a temporary provisional license is set to expire, a new  
 91.28 temporary provisional license shall be issued to the license holder upon payment of any fee  
 91.29 required under section 245A.10. The temporary provisional license shall expire on the date  
 91.30 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional  
 91.31 license shall be issued for the remainder of the current license period.

91.32 (c) If a license holder is under investigation and the license issued under this chapter is  
 91.33 due to expire before completion of the investigation, the program shall be issued a new  
 91.34 license upon completion of the reapplication requirements and payment of any applicable  
 92.1 license fee. Upon completion of the investigation, a licensing sanction may be imposed  
 92.2 against the new license under this section, section 245A.06, or 245A.08.

92.3 (d) Failure to reapply or closure of a license issued under this chapter by the license  
 92.4 holder prior to the completion of any investigation shall not preclude the commissioner  
 92.5 from issuing a licensing sanction under this section or section 245A.06 at the conclusion  
 92.6 of the investigation.

92.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

155.17 Sec. 11. Minnesota Statutes 2020, section 245A.07, subdivision 1, is amended to read:

155.18 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional  
 155.19 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,  
 155.20 or secure an injunction against the continuing operation of the program of a license holder  
 155.21 who does not comply with applicable law or rule, or who has nondisqualifying background  
 155.22 study information, as described in section 245C.05, subdivision 4, that reflects on the license  
 155.23 holder's ability to safely provide care to foster children. When applying sanctions authorized  
 155.24 under this section, the commissioner shall consider the nature, chronicity, or severity of the  
 155.25 violation of law or rule and the effect of the violation on the health, safety, or rights of  
 155.26 persons served by the program.

155.27 (b) If a license holder appeals the suspension or revocation of a license and the license  
 155.28 holder continues to operate the program pending a final order on the appeal, the commissioner  
 155.29 shall issue the license holder a temporary provisional license. Unless otherwise specified  
 155.30 by the commissioner, variances in effect on the date of the license sanction under appeal  
 155.31 continue under the temporary provisional license. If a license holder fails to comply with  
 155.32 applicable law or rule while operating under a temporary provisional license, the  
 155.33 commissioner may impose additional sanctions under this section and section 245A.06, and  
 155.34 may terminate any prior variance. If a temporary provisional license is set to expire, a new  
 156.1 temporary provisional license shall be issued to the license holder upon payment of any fee  
 156.2 required under section 245A.10. The temporary provisional license shall expire on the date  
 156.3 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional  
 156.4 license shall be issued for the remainder of the current license period.

156.5 (c) If a license holder is under investigation and the license issued under this chapter is  
 156.6 due to expire before completion of the investigation, the program shall be issued a new  
 156.7 license upon completion of the reapplication requirements and payment of any applicable  
 156.8 license fee. Upon completion of the investigation, a licensing sanction may be imposed  
 156.9 against the new license under this section, section 245A.06, or 245A.08.

156.10 (d) Failure to reapply or closure of a license issued under this chapter by the license  
 156.11 holder prior to the completion of any investigation shall not preclude the commissioner  
 156.12 from issuing a licensing sanction under this section or section 245A.06 at the conclusion  
 156.13 of the investigation.

156.14 **EFFECTIVE DATE.** This section is effective July 1, 2022.

156.15 Sec. 12. Minnesota Statutes 2020, section 245A.08, subdivision 4, is amended to read:

156.16 Subd. 4. **Recommendation or decision of administrative law judge.** (a) Except as  
 156.17 provided in paragraph (b), the administrative law judge shall recommend whether or not  
 156.18 the commissioner's order should be affirmed. The recommendations must be consistent with  
 156.19 this chapter and the rules of the commissioner. The recommendations must be in writing  
 156.20 and accompanied by findings of fact and conclusions and must be mailed to the parties by  
 156.21 certified mail to their last known addresses as shown on the license or application.

156.22 (b) Following a hearing relating to the license of a family child care provider or group  
 156.23 family child care provider, the administrative law judge shall decide whether the  
 156.24 commissioner's order should be affirmed. The decision of the administrative law judge is  
 156.25 binding on both parties to the proceeding and is the final decision of the commissioner. The  
 156.26 decision of the administrative law judge must be:

156.27 (1) consistent with this chapter and the applicable licensing rules;

156.28 (2) in writing and accompanied by findings of fact and conclusions of law;

156.29 (3) mailed to the family child care provider or group family child care provider by  
 156.30 certified mail to the last known address shown on the license or application, or, if service  
 156.31 by certified mail is waived by the provider, served in accordance with Minnesota Rules,  
 156.32 part 1400.8610; and

157.1 (4) served in accordance with Minnesota Rules, part 1400.8610, on the Department of  
 157.2 Human Services and any other party.

157.3 Any person aggrieved by a final decision under this paragraph is entitled to seek judicial  
 157.4 review of the decision under the provisions of sections 14.63 to 14.68.

157.5 Sec. 13. Minnesota Statutes 2020, section 245A.08, subdivision 5, is amended to read:

157.6 Subd. 5. **Notice of commissioner's final order.** After considering the findings of fact,  
 157.7 conclusions, and recommendations of the administrative law judge, the commissioner shall  
 157.8 issue a final order. The commissioner shall consider, but shall not be bound by, the  
 157.9 recommendations of the administrative law judge. The appellant must be notified of the  
 157.10 commissioner's final order as required by chapter 14 and Minnesota Rules, parts 1400.8505  
 157.11 to 1400.8612. The notice must also contain information about the appellant's rights under  
 157.12 chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The institution of  
 157.13 proceedings for judicial review of the commissioner's final order shall not stay the  
 157.14 enforcement of the final order except as provided in section 14.65. This subdivision does  
 157.15 not apply to hearings relating to the license of a family child care provider or group family  
 157.16 child care provider.

92.8 Sec. 7. Minnesota Statutes 2020, section 245A.10, subdivision 4, is amended to read:

92.9 Subd. 4. **License or certification fee for certain programs.** (a) Child care centers shall  
 92.10 pay an annual nonrefundable license fee based on the following schedule:

92.11	Child Care Center
92.12	License Fee
92.13	1 to 24 persons \$200
92.14	25 to 49 persons \$300
92.15	50 to 74 persons \$400

92.16	75 to 99 persons	\$500
92.17	100 to 124 persons	\$600
92.18	125 to 149 persons	\$700
92.19	150 to 174 persons	\$800
92.20	175 to 199 persons	\$900
92.21	200 to 224 persons	\$1,000
92.22	225 or more persons	\$1,100

92.23 (b)(1) A program licensed to provide one or more of the home and community-based  
 92.24 services and supports identified under chapter 245D to persons with disabilities or age 65  
 92.25 and older, shall pay an annual nonrefundable license fee based on revenues derived from  
 92.26 the provision of services that would require licensure under chapter 245D during the calendar  
 92.27 year immediately preceding the year in which the license fee is paid, according to the  
 92.28 following schedule:

92.29	License Holder Annual Revenue	License Fee
92.30	less than or equal to \$10,000	\$200
92.31	greater than \$10,000 but less than or	
92.32	equal to \$25,000	\$300
92.33	greater than \$25,000 but less than or	
92.34	equal to \$50,000	\$400
93.1	greater than \$50,000 but less than or	
93.2	equal to \$100,000	\$500
93.3	greater than \$100,000 but less than or	
93.4	equal to \$150,000	\$600
93.5	greater than \$150,000 but less than or	
93.6	equal to \$200,000	\$800
93.7	greater than \$200,000 but less than or	
93.8	equal to \$250,000	\$1,000
93.9	greater than \$250,000 but less than or	
93.10	equal to \$300,000	\$1,200

93.11	greater than \$300,000 but less than or	
93.12	equal to \$350,000	\$1,400
93.13	greater than \$350,000 but less than or	
93.14	equal to \$400,000	\$1,600
93.15	greater than \$400,000 but less than or	
93.16	equal to \$450,000	\$1,800
93.17	greater than \$450,000 but less than or	
93.18	equal to \$500,000	\$2,000
93.19	greater than \$500,000 but less than or	
93.20	equal to \$600,000	\$2,250
93.21	greater than \$600,000 but less than or	
93.22	equal to \$700,000	\$2,500
93.23	greater than \$700,000 but less than or	
93.24	equal to \$800,000	\$2,750
93.25	greater than \$800,000 but less than or	
93.26	equal to \$900,000	\$3,000
93.27	greater than \$900,000 but less than or	
93.28	equal to \$1,000,000	\$3,250
93.29	greater than \$1,000,000 but less than or	
93.30	equal to \$1,250,000	\$3,500
93.31	greater than \$1,250,000 but less than or	
93.32	equal to \$1,500,000	\$3,750
93.33	greater than \$1,500,000 but less than or	
93.34	equal to \$1,750,000	\$4,000
93.35	greater than \$1,750,000 but less than or	
93.36	equal to \$2,000,000	\$4,250
93.37	greater than \$2,000,000 but less than or	
93.38	equal to \$2,500,000	\$4,500
93.39	greater than \$2,500,000 but less than or	
93.40	equal to \$3,000,000	\$4,750

93.41	greater than \$3,000,000 but less than or	
93.42	equal to \$3,500,000	\$5,000
93.43	greater than \$3,500,000 but less than or	
93.44	equal to \$4,000,000	\$5,500
93.45	greater than \$4,000,000 but less than or	
93.46	equal to \$4,500,000	\$6,000
94.1	greater than \$4,500,000 but less than or	
94.2	equal to \$5,000,000	\$6,500
94.3	greater than \$5,000,000 but less than or	
94.4	equal to \$7,500,000	\$7,000
94.5	greater than \$7,500,000 but less than or	
94.6	equal to \$10,000,000	\$8,500
94.7	greater than \$10,000,000 but less than or	
94.8	equal to \$12,500,000	\$10,000
94.9	greater than \$12,500,000 but less than or	
94.10	equal to \$15,000,000	\$14,000
94.11	greater than \$15,000,000	\$18,000
94.12	(2) If requested, the license holder shall provide the commissioner information to verify	
94.13	the license holder's annual revenues or other information as needed, including copies of	
94.14	documents submitted to the Department of Revenue.	
94.15	(3) At each annual renewal, a license holder may elect to pay the highest renewal fee,	
94.16	and not provide annual revenue information to the commissioner.	
94.17	(4) A license holder that knowingly provides the commissioner incorrect revenue amounts	
94.18	for the purpose of paying a lower license fee shall be subject to a civil penalty in the amount	
94.19	of double the fee the provider should have paid.	
94.20	(5) Notwithstanding clause (1), a license holder providing services under one or more	
94.21	licenses under chapter 245B that are in effect on May 15, 2013, shall pay an annual license	
94.22	fee for calendar years 2014, 2015, and 2016, equal to the total license fees paid by the license	
94.23	holder for all licenses held under chapter 245B for calendar year 2013. For calendar year	
94.24	2017 and thereafter, the license holder shall pay an annual license fee according to clause	
94.25	(1).	
94.26	(c) A chemical dependency treatment program licensed under chapter 245G, to provide	
94.27	chemical dependency treatment shall pay an annual nonrefundable license fee based on the	
94.28	following schedule:	

94.29	<u>Licensed Capacity</u>	<u>License Fee</u>
94.30	<u>1 to 24 persons</u>	<u>\$600</u>
94.31	<u>25 to 49 persons</u>	<u>\$800</u>
94.32	<u>50 to 74 persons</u>	<u>\$1,000</u>
94.33	<u>75 to 99 persons</u>	<u>\$1,200</u>
94.34	<u>100 or more persons</u>	<u>\$1,400</u>

94.35 (d) A chemical dependency detoxification program licensed under Minnesota Rules,  
 94.36 parts 9530.6510 to 9530.6590, to provide detoxification services or a withdrawal management  
 95.1 program licensed under chapter 245F shall pay an annual nonrefundable license fee based  
 95.2 on the following schedule:

95.3	<u>Licensed Capacity</u>	<u>License Fee</u>
95.4	<u>1 to 24 persons</u>	<u>\$760</u>
95.5	<u>25 to 49 persons</u>	<u>\$960</u>
95.6	<u>50 or more persons</u>	<u>\$1,160</u>

95.7 A detoxification program that also operates a withdrawal management program at the same  
 95.8 location shall only pay one fee based upon the licensed capacity of the program with the  
 95.9 higher overall capacity.

95.10 (e) Except for child foster care, a residential facility licensed under Minnesota Rules,  
 95.11 chapter 2960, to serve children shall pay an annual nonrefundable license fee based on the  
 95.12 following schedule:

95.13	<u>Licensed Capacity</u>	<u>License Fee</u>
95.14	<u>1 to 24 persons</u>	<u>\$1,000</u>
95.15	<u>25 to 49 persons</u>	<u>\$1,100</u>
95.16	<u>50 to 74 persons</u>	<u>\$1,200</u>
95.17	<u>75 to 99 persons</u>	<u>\$1,300</u>
95.18	<u>100 or more persons</u>	<u>\$1,400</u>

95.19 (f) A residential facility licensed under Minnesota Rules, parts 9520.0500 to 9520.0670,  
 95.20 to serve persons with mental illness shall pay an annual nonrefundable license fee based on  
 95.21 the following schedule:

95.22	Licensed Capacity	License Fee
95.23	1 to 24 persons	\$2,525
95.24	25 or more persons	\$2,725

95.25 (g) A residential facility licensed under Minnesota Rules, parts 9570.2000 to 9570.3400,  
 95.26 to serve persons with physical disabilities shall pay an annual nonrefundable license fee  
 95.27 based on the following schedule:

95.28	Licensed Capacity	License Fee
95.29	1 to 24 persons	\$450
95.30	25 to 49 persons	\$650
95.31	50 to 74 persons	\$850
95.32	75 to 99 persons	\$1,050
95.33	100 or more persons	\$1,250

96.1 (h) A program licensed to provide independent living assistance for youth under section  
 96.2 245A.22 shall pay an annual nonrefundable license fee of \$1,500.

96.3 (i) A private agency licensed to provide foster care and adoption services under Minnesota  
 96.4 Rules, parts 9545.0755 to 9545.0845, shall pay an annual nonrefundable license fee of \$875.

96.5 (j) A program licensed as an adult day care center licensed under Minnesota Rules, parts  
 96.6 9555.9600 to 9555.9730, shall pay an annual nonrefundable license fee based on the  
 96.7 following schedule:

96.8	Licensed Capacity	License Fee
96.9	1 to 24 persons	\$500
96.10	25 to 49 persons	\$700
96.11	50 to 74 persons	\$900
96.12	75 to 99 persons	\$1,100
96.13	100 or more persons	\$1,300

96.14 (k) A program licensed to provide treatment services to persons with sexual psychopathic  
 96.15 personalities or sexually dangerous persons under Minnesota Rules, parts 9515.3000 to  
 96.16 9515.3110, shall pay an annual nonrefundable license fee of \$20,000.

96.17 (l) A mental health center or mental health clinic requesting certification for purposes  
 96.18 of insurance and subscriber contract reimbursement under Minnesota Rules, parts 9520.0750  
 96.19 to 9520.0870, shall pay a certification fee of \$1,550 per year. If the mental health center or  
 96.20 mental health clinic provides services at a primary location with satellite facilities, the  
 96.21 satellite facilities shall be certified with the primary location without an additional charge.

96.22 Sec. 8. Minnesota Statutes 2020, section 245A.14, subdivision 4, is amended to read:

96.23 Subd. 4. **Special family day child care homes.** Nonresidential child care programs  
 96.24 serving 14 or fewer children that are conducted at a location other than the license holder's  
 96.25 own residence shall be licensed under this section and the rules governing family day child  
 96.26 care or group family day child care if:

96.27 (a) the license holder is the primary provider of care and the nonresidential child care  
 96.28 program is conducted in a dwelling that is located on a residential lot;

96.29 (b) the license holder is an employer who may or may not be the primary provider of  
 96.30 care, and the purpose for the child care program is to provide child care services to children  
 96.31 of the license holder's employees;

96.32 (c) the license holder is a church or religious organization;

97.1 (d) the license holder is a community collaborative child care provider. For purposes of  
 97.2 this subdivision, a community collaborative child care provider is a provider participating  
 97.3 in a cooperative agreement with a community action agency as defined in section 256E.31;

97.4 (e) the license holder is a not-for-profit agency that provides child care in a dwelling  
 97.5 located on a residential lot and the license holder maintains two or more contracts with  
 97.6 community employers or other community organizations to provide child care services.  
 97.7 The county licensing agency may grant a capacity variance to a license holder licensed  
 97.8 under this paragraph to exceed the licensed capacity of 14 children by no more than five

157.17 Sec. 14. Minnesota Statutes 2020, section 245A.14, subdivision 1, is amended to read:

157.18 Subdivision 1. **Permitted single-family residential use.** A licensed nonresidential  
 157.19 program with a licensed capacity of 12 or fewer persons and a group family day care facility  
 157.20 licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, to serve 14 16 or fewer  
 157.21 children shall be considered a permitted single-family residential use of property for the  
 157.22 purposes of zoning and other land use regulations.

157.23 Sec. 15. Minnesota Statutes 2020, section 245A.14, subdivision 4, is amended to read:

157.24 Subd. 4. **Special family day child care homes.** (a) Nonresidential child care  
 157.25 programs serving 14 16 or fewer children that are conducted at a location other than the  
 157.26 license holder's own residence shall be licensed under this section and the rules governing  
 157.27 family day care or group family day care if:

157.28 (a) the license holder is the primary provider of care and the nonresidential child care  
 157.29 program is conducted in a dwelling other than the license holder's own residence that is  
 157.30 located on a residential lot;

158.1 (b) the license holder is an employer who may or may not be the primary provider of  
 158.2 care, and the purpose for the child care program is to provide child care services to children  
 158.3 of the license holder's employees;

158.4 (c) the license holder is a church or religious organization;

158.5 (d) the license holder is a community collaborative child care provider. For purposes of  
 158.6 this subdivision, a community collaborative child care provider is a provider participating  
 158.7 in a cooperative agreement with a community action agency as defined in section 256E.31;

158.8 (e) the license holder is a not-for-profit agency that provides child care in a dwelling  
 158.9 located on a residential lot and the license holder maintains two or more contracts with  
 158.10 community employers or other community organizations to provide child care services.  
 158.11 The county licensing agency may grant a capacity variance to a license holder licensed  
 158.12 under this paragraph to exceed the licensed capacity of 14 children by no more than five



97.9 children during transition periods related to the work schedules of parents, if the license  
 97.10 holder meets the following requirements:

97.11 (1) the program does not exceed a capacity of 14 children more than a cumulative total  
 97.12 of four hours per day;

97.13 (2) the program meets a one to seven staff-to-child ratio during the variance period;

97.14 (3) all employees receive at least an extra four hours of training per year than required  
 97.15 in the rules governing family child care each year;

97.16 (4) the facility has square footage required per child under Minnesota Rules, part  
 97.17 9502.0425;

97.18 (5) the program is in compliance with local zoning regulations;

97.19 (6) the program is in compliance with the applicable fire code as follows:

97.20 (i) if the program serves more than five children older than 2-1/2 years of age, but no  
 97.21 more than five children 2-1/2 years of age or less, the applicable fire code is educational  
 97.22 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2015,  
 97.23 Section 202; or

97.24 (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable  
 97.25 fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code 2015,  
 97.26 Section 202, unless the rooms in which the children are cared for are located on a level of  
 97.27 exit discharge and each of these child care rooms has an exit door directly to the exterior,  
 97.28 then the applicable fire code is Group E occupancies, as provided in the Minnesota State  
 97.29 Fire Code 2015, Section 202; and

97.30 (7) any age and capacity limitations required by the fire code inspection and square  
 97.31 footage determinations shall be printed on the license; or

98.1 (f) the license holder is the primary provider of care and has located the licensed child  
 98.2 care program in a commercial space, if the license holder meets the following requirements:

98.3 (1) the program is in compliance with local zoning regulations;

98.4 (2) the program is in compliance with the applicable fire code as follows:

98.5 (i) if the program serves more than five children older than 2-1/2 years of age, but no  
 98.6 more than five children 2-1/2 years of age or less, the applicable fire code is educational  
 98.7 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2015,  
 98.8 Section 202; or

98.9 (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable  
 98.10 fire code is Group I-4 Occupancies, as provided under the Minnesota State Fire Code 2015,  
 98.11 Section 202;

158.13 children during transition periods related to the work schedules of parents, if the license  
 158.14 holder meets the following requirements:

158.15 (1) the program does not exceed a capacity of 14 children more than a cumulative total  
 158.16 of four hours per day;

158.17 (2) the program meets a one to seven staff-to-child ratio during the variance period;

158.18 (3) all employees receive at least an extra four hours of training per year than required  
 158.19 in the rules governing family child care each year;

158.20 (4) the facility has square footage required per child under Minnesota Rules, part  
 158.21 9502.0425;

158.22 (5) the program is in compliance with local zoning regulations;

158.23 (6) the program is in compliance with the applicable fire code as follows:

158.24 (i) if the program serves more than five children older than 2-1/2 years of age, but no  
 158.25 more than five children 2-1/2 years of age or less, the applicable fire code is educational  
 158.26 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2015,  
 158.27 Section 202; or

158.28 (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable  
 158.29 fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code 2015,  
 158.30 Section 202, unless the rooms in which the children are cared for are located on a level of  
 158.31 exit discharge and each of these child care rooms has an exit door directly to the exterior,  
 159.1 then the applicable fire code is Group E occupancies, as provided in the Minnesota State  
 159.2 Fire Code 2015, Section 202; and

159.3 (7) any age and capacity limitations required by the fire code inspection and square  
 159.4 footage determinations shall be printed on the license; or

159.5 (f) the license holder is the primary provider of care and has located the licensed child  
 159.6 care program in a commercial space, if the license holder meets the following requirements:

159.7 (1) the program is in compliance with local zoning regulations;

159.8 (2) the program is in compliance with the applicable fire code as follows:

159.9 (i) if the program serves more than five children older than 2-1/2 years of age, but no  
 159.10 more than five children 2-1/2 years of age or less, the applicable fire code is educational  
 159.11 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2015,  
 159.12 Section 202; or

159.13 (ii) if the program serves more than five children 2-1/2 years of age or less, the applicable  
 159.14 fire code is Group I-4 Occupancies, as provided under the Minnesota State Fire Code 2015,  
 159.15 Section 202;

98.12 (3) any age and capacity limitations required by the fire code inspection and square  
 98.13 footage determinations are printed on the license; and

98.14 (4) the license holder prominently displays the license issued by the commissioner which  
 98.15 contains the statement "This special family child care provider is not licensed as a child  
 98.16 care center."

98.17 ~~(g) The commissioner may approve two or more licenses under paragraphs (a) to (f) to~~  
 98.18 ~~be issued at the same location or under one contiguous roof, if each license holder is able~~  
 98.19 ~~to demonstrate compliance with all applicable rules and laws. Each license holder must~~  
 98.20 ~~operate the license holder's respective licensed program as a distinct program and within~~  
 98.21 ~~the capacity, age, and ratio distributions of each license. Notwithstanding Minnesota Rules,~~  
 98.22 ~~part 9502.0335, subpart 12, the commissioner may issue up to four licenses to an organization~~  
 98.23 ~~licensed under paragraphs (b), (c), or (e). Each license must have its own primary provider~~  
 98.24 ~~of care as required under paragraph (i). Each license must operate as a distinct and separate~~  
 98.25 ~~program in compliance with all applicable laws and regulations.~~

98.26 (h) ~~The commissioner may grant variances to this section to allow a primary provider~~  
 98.27 ~~of care, a not-for-profit organization, a church or religious organization, an employer, or a~~  
 98.28 ~~community collaborative to be licensed to provide child care under paragraphs (e) and (f)~~  
 98.29 ~~if the license holder meets the other requirements of the statute. For licenses issued under~~  
 98.30 ~~paragraphs (b), (c), (d), (e), or (f), the commissioner may approve up to four licenses at the~~  
 98.31 ~~same location or under one contiguous roof if each license holder is able to demonstrate~~  
 98.32 ~~compliance with all applicable rules and laws. Each licensed program must operate as a~~  
 98.33 ~~distinct program and within the capacity, age, and ratio distributions of each license.~~

99.1 (i) For a license issued under paragraphs (b), (c), or (e), the license holder must designate  
 99.2 a person to be the primary provider of care at the licensed location on a form and in a manner  
 99.3 prescribed by the commissioner. The license holder shall notify the commissioner in writing  
 99.4 before there is a change of the person designated to be the primary provider of care. The  
 99.5 primary provider of care:

99.6 (1) must be the person who will be the provider of care at the program and present during  
 99.7 the hours of operation;

99.8 (2) must operate the program in compliance with applicable laws and regulations under  
 99.9 chapter 245A and Minnesota Rules, chapter 9502;

99.10 (3) is considered a child care background study subject as defined in section 245C.02,  
 99.11 subdivision 6a, and must comply with background study requirements in chapter 245C; and

99.12 (4) must complete the training that is required of license holders in section 245A.50.

99.13 (j) For any license issued under this subdivision, the license holder must ensure that any  
 99.14 other caregiver, substitute, or helper who assists in the care of children meets the training  
 99.15 requirements in section 245A.50 and background study requirements under chapter 245C.

159.16 ~~(3) any age and capacity limitations required by the fire code inspection and square~~  
 159.17 ~~footage determinations are printed on the license; and~~

159.18 ~~(4) the license holder prominently displays the license issued by the commissioner which~~  
 159.19 ~~contains the statement "This special family child care provider is not licensed as a child~~  
 159.20 ~~care center."~~

159.21 ~~(g) The commissioner may approve two or more licenses under paragraphs (a) to (f) to~~  
 159.22 ~~be issued at the same location or under one contiguous roof, if each license holder is able~~  
 159.23 ~~to demonstrate compliance with all applicable rules and laws. Each license holder must~~  
 159.24 ~~operate the license holder's respective licensed program as a distinct program and within~~  
 159.25 ~~the capacity, age, and ratio distributions of each license.~~

159.26 ~~(h) (b) The commissioner may grant variances to this section to allow a primary provider~~  
 159.27 ~~of care, a not-for-profit organization, a church or religious organization, an employer, or a~~  
 159.28 ~~community collaborative to be licensed to provide child care under paragraphs (e) and (f)~~  
 159.29 ~~section 245A.141, subdivision 1, paragraph (a), clauses (4) and (5), if the license holder~~  
 159.30 ~~meets the other requirements of the statute.~~

160.1 Sec. 16. [245A.141] NONRESIDENTIAL FAMILY CHILD CARE PROGRAM  
 160.2 LICENSING.

160.3 Subdivision 1. Nonresidential family child care programs. (a) The following child  
 160.4 care programs serving 16 or fewer children that are conducted at a location other than the  
 160.5 license holder's own residence shall be licensed under this section:

160.6 (1) the license holder is an employer who may or may not be the primary provider of  
 160.7 care, and the purpose for the child care program is to provide child care services to children  
 160.8 of the license holder's employees;

160.9 (2) the license holder is a church or religious organization;

160.10 (3) the license holder is a community collaborative child care provider. For purposes of  
 160.11 this subdivision, a community collaborative child care provider is a provider participating  
 160.12 in a cooperative agreement with a community action agency as defined in section 256E.31;

160.13 (4) the license holder is a not-for-profit agency that provides child care in a dwelling  
 160.14 located on a residential lot and the license holder maintains two or more contracts with  
 160.15 community employers or other community organizations to provide child care services.  
 160.16 The county licensing agency may grant a capacity variance to a license holder licensed  
 160.17 under this paragraph to exceed the licensed capacity of 16 children by no more than five  
 160.18 children during transition periods related to the work schedules of parents, if the license  
 160.19 holder meets the following requirements:

160.20 (i) the program does not exceed a capacity of 16 children more than a cumulative total  
 160.21 of four hours per day;

160.22 (ii) the program meets a one-to-eight staff-to-child ratio during the variance period;

160.23 (iii) all employees receive at least an extra four hours of training per year than are required  
 160.24 in the rules governing family child care each year;

160.25 (iv) the facility has square footage required per child under Minnesota Rules, part  
 160.26 9502.0425;

160.27 (v) the program is in compliance with local zoning regulations;

160.28 (vi) the program is in compliance with the applicable fire code as follows:

160.29 (A) if the program serves more than five children older than 2-1/2 years of age, but no  
 160.30 more than five children 2-1/2 years of age or younger, the applicable fire code is educational  
 160.31 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2015,  
 160.32 Section 202; or

161.1 (B) if the program serves more than five children 2-1/2 years of age or younger, the  
 161.2 applicable fire code is Group I-4 Occupancies, as provided in the Minnesota State Fire Code  
 161.3 2015, Section 202, unless the rooms in which the children are cared for are located on a  
 161.4 level of exit discharge and each of these child care rooms has an exit door directly to the

- 161.5 exterior, then the applicable fire code is Group E Occupancies, as provided in the Minnesota  
 161.6 State Fire Code 2015, Section 202; and
- 161.7 (vii) any age and capacity limitations required by the fire code inspection and square  
 161.8 footage determinations shall be printed on the license; or
- 161.9 (5) the license holder is the primary provider of care and has located the licensed child  
 161.10 care program in a commercial space, if the license holder meets the following requirements:
- 161.11 (i) the program is in compliance with local zoning regulations;
- 161.12 (ii) the program is in compliance with the applicable fire code as follows:
- 161.13 (A) if the program serves more than five children older than 2-1/2 years of age, but no  
 161.14 more than five children 2-1/2 years of age or younger, the applicable fire code is educational  
 161.15 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code 2015,  
 161.16 Section 202; or
- 161.17 (B) if the program serves more than five children 2-1/2 years of age or younger, the  
 161.18 applicable fire code is Group I-4 Occupancies, as provided under the Minnesota State Fire  
 161.19 Code 2015, Section 202;
- 161.20 (iii) any age and capacity limitations required by the fire code inspection and square  
 161.21 footage determinations are printed on the license; and
- 161.22 (iv) the license holder prominently displays the license issued by the commissioner that  
 161.23 contains the statement "This special family child care provider is not licensed as a child  
 161.24 care center."
- 161.25 (b) Programs licensed under this section shall be subject to the rules governing family  
 161.26 day care or group family day care.
- 161.27 (c) Programs licensed under this section shall be monitored by county licensing agencies  
 161.28 under section 245A.16.
- 161.29 Subd. 2. **Multiple license approval.** The commissioner may approve up to four licenses  
 161.30 under subdivision 1, paragraph (a), clause (1) or (2), to be issued at the same location or  
 161.31 under one contiguous roof, if each license holder is able to demonstrate compliance with  
 161.32 all applicable rules and laws. Each license holder must operate the license holder's respective  
 162.1 licensed program as a distinct program and within the capacity, age, and ratio distributions  
 162.2 of each license.
- 162.3 Subd. 3. **Variances.** The commissioner may grant variances to this section to allow a  
 162.4 primary provider of care, a not-for-profit organization, a church or religious organization,  
 162.5 an employer, or a community collaborative to be licensed to provide child care under  
 162.6 subdivision 1, paragraph (a), clauses (4) and (5), if the license holder meets the other  
 162.7 requirements of the statute.

- 162.8 Sec. 17. Minnesota Statutes 2020, section 245A.16, subdivision 1, is amended to read:
- 162.9 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private
- 162.10 agencies that have been designated or licensed by the commissioner to perform licensing
- 162.11 functions and activities under section 245A.04 and background studies for family child care
- 162.12 under chapter 245C; to recommend denial of applicants under section 245A.05; to issue
- 162.13 correction orders, to issue variances, and recommend a conditional license under section
- 162.14 245A.06; or to recommend suspending or revoking a license or issuing a fine under section
- 162.15 245A.07, shall comply with rules and directives of the commissioner governing those
- 162.16 functions and with this section. The following variances are excluded from the delegation
- 162.17 of variance authority and may be issued only by the commissioner:
- 162.18 (1) dual licensure of family child care and child foster care, dual licensure of child and
- 162.19 adult foster care, and adult foster care and family child care;
- 162.20 (2) adult foster care maximum capacity;
- 162.21 (3) adult foster care minimum age requirement;
- 162.22 (4) child foster care maximum age requirement;
- 162.23 (5) variances regarding disqualified individuals except that, before the implementation
- 162.24 of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding
- 162.25 disqualified individuals when the county is responsible for conducting a consolidated
- 162.26 reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and
- 162.27 (b), of a county maltreatment determination and a disqualification based on serious or
- 162.28 recurring maltreatment;
- 162.29 (6) the required presence of a caregiver in the adult foster care residence during normal
- 162.30 sleeping hours;
- 162.31 (7) variances to requirements relating to chemical use problems of a license holder or a
- 162.32 household member of a license holder; and
- 163.1 (8) variances to section 245A.53 for a time-limited period. If the commissioner grants
- 163.2 a variance under this clause, the license holder must provide notice of the variance to all
- 163.3 parents and guardians of the children in care.
- 163.4 Except as provided in section 245A.14, subdivision 4, paragraph (e) 245A.141, subdivision
- 163.5 I, paragraph (a), clause (4), a county agency must not grant a license holder a variance to
- 163.6 exceed the maximum allowable family child care license capacity of ~~14~~ 16 children.
- 163.7 (b) A county agency that has been designated by the commissioner to issue family child
- 163.8 care variances must:
- 163.9 (1) publish the county agency's policies and criteria for issuing variances on the county's
- 163.10 public website and update the policies as necessary; and

- 163.11 (2) annually distribute the county agency's policies and criteria for issuing variances to  
163.12 all family child care license holders in the county.
- 163.13 (c) Before the implementation of NETStudy 2.0, county agencies must report information  
163.14 about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision  
163.15 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the  
163.16 commissioner at least monthly in a format prescribed by the commissioner.
- 163.17 (d) For family child care programs, the commissioner shall require a county agency to  
163.18 conduct one unannounced licensing review at least annually.
- 163.19 (e) For family adult day services programs, the commissioner may authorize licensing  
163.20 reviews every two years after a licensee has had at least one annual review.
- 163.21 (f) A license issued under this section may be issued for up to two years.
- 163.22 (g) During implementation of chapter 245D, the commissioner shall consider:
- 163.23 (1) the role of counties in quality assurance;
- 163.24 (2) the duties of county licensing staff; and
- 163.25 (3) the possible use of joint powers agreements, according to section 471.59, with counties  
163.26 through which some licensing duties under chapter 245D may be delegated by the  
163.27 commissioner to the counties.
- 163.28 Any consideration related to this paragraph must meet all of the requirements of the corrective  
163.29 action plan ordered by the federal Centers for Medicare and Medicaid Services.
- 163.30 (h) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or  
163.31 successor provisions; and section 245D.061 or successor provisions, for family child foster  
164.1 care programs providing out-of-home respite, as identified in section 245D.03, subdivision  
164.2 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and  
164.3 private agencies.
- 164.4 (i) A county agency shall report to the commissioner, in a manner prescribed by the  
164.5 commissioner, the following information for a licensed family child care program:
- 164.6 (1) the results of each licensing review completed, including the date of the review, and  
164.7 any licensing correction order issued;
- 164.8 (2) any death, serious injury, or determination of substantiated maltreatment; and
- 164.9 (3) any fires that require the service of a fire department within 48 hours of the fire. The  
164.10 information under this clause must also be reported to the state fire marshal within two  
164.11 business days of receiving notice from a licensed family child care provider.

99.16 Sec. 9. Minnesota Statutes 2020, section 245A.16, is amended by adding a subdivision to  
99.17 read:

99.18 Subd. 9. Licensed family foster settings. (a) Before recommending to grant a license,  
99.19 deny a license under section 245A.05, or revoke a license under section 245A.07 for  
99.20 nondisqualifying background study information received under section 245C.05, subdivision  
99.21 4, paragraph (a), clause (3), for a licensed family foster setting, a county agency or private  
99.22 agency that has been designated or licensed by the commissioner must review the following:

99.23 (1) the type of offenses;

99.24 (2) the number of offenses;

99.25 (3) the nature of the offenses;

99.26 (4) the age of the individual at the time of the offenses;

99.27 (5) the length of time that has elapsed since the last offense;

99.28 (6) the relationship of the offenses and the capacity to care for a child;

99.29 (7) evidence of rehabilitation;

99.30 (8) information or knowledge from community members regarding the individual's  
99.31 capacity to provide foster care;

100.1 (9) any available information regarding child maltreatment reports or child in need of  
100.2 protection or services petitions, or related cases, in which the individual has been involved  
100.3 or implicated, and documentation that the individual has remedied issues or conditions  
100.4 identified in child protection or court records that are relevant to safely caring for a child;

100.5 (10) a statement from the study subject;

100.6 (11) a statement from the license holder; and

100.7 (12) other aggravating and mitigating factors.

100.8 (b) For purposes of this section, "evidence of rehabilitation" includes but is not limited  
100.9 to the following:

100.10 (1) maintaining a safe and stable residence;

100.11 (2) continuous, regular, or stable employment;

100.12 (3) successful participation in an education or job training program;

164.12 (j) A county agency must forward all communications from the Department of Human  
164.13 Services about family child care to family child care providers in the county. Additional  
164.14 comments by the county agency may be included if labeled as county agency comments.

164.15 Sec. 18. Minnesota Statutes 2020, section 245A.16, is amended by adding a subdivision  
164.16 to read:

164.17 Subd. 9. Licensed family foster settings. (a) Before recommending to grant a license,  
164.18 deny a license under section 245A.05, or revoke a license under section 245A.07 for  
164.19 nondisqualifying background study information received under section 245C.05, subdivision  
164.20 4, paragraph (a), clause (3), for a licensed family foster setting, a county agency or private  
164.21 agency that has been designated or licensed by the commissioner must review the following:

164.22 (1) the type of offenses;

164.23 (2) the number of offenses;

164.24 (3) the nature of the offenses;

164.25 (4) the age of the individual at the time of the offenses;

164.26 (5) the length of time that has elapsed since the last offense;

164.27 (6) the relationship of the offenses and the capacity to care for a child;

164.28 (7) evidence of rehabilitation;

164.29 (8) information or knowledge from community members regarding the individual's  
164.30 capacity to provide foster care;

165.1 (9) any available information regarding child maltreatment reports or child in need of  
165.2 protection or services petitions, or related cases, in which the individual has been involved  
165.3 or implicated, and documentation that the individual has remedied issues or conditions  
165.4 identified in child protection or court records that are relevant to safely caring for a child;

165.5 (10) a statement from the study subject;

165.6 (11) a statement from the license holder; and

165.7 (12) other aggravating and mitigating factors.

165.8 (b) For purposes of this section, "evidence of rehabilitation" includes but is not limited  
165.9 to the following:

165.10 (1) maintaining a safe and stable residence;

165.11 (2) continuous, regular, or stable employment;

165.12 (3) successful participation in an education or job training program;

- 100.13 (4) positive involvement with the community or extended family;
- 100.14 (5) compliance with the terms and conditions of probation or parole following the  
100.15 individual's most recent conviction;
- 100.16 (6) if the individual has had a substance use disorder, successful completion of a substance  
100.17 use disorder assessment, substance use disorder treatment, and recommended continuing  
100.18 care, if applicable, demonstrated abstinence from controlled substances, as defined in section  
100.19 152.01, subdivision 4, or the establishment of a sober network;
- 100.20 (7) if the individual has had a mental illness or documented mental health issues,  
100.21 demonstrated completion of a mental health evaluation, participation in therapy or other  
100.22 recommended mental health treatment, or appropriate medication management, if applicable;
- 100.23 (8) if the individual's offense or conduct involved domestic violence, demonstrated  
100.24 completion of a domestic violence or anger management program, and the absence of any  
100.25 orders for protection or harassment restraining orders against the individual since the previous  
100.26 offense or conduct;
- 100.27 (9) written letters of support from individuals of good repute, including but not limited  
100.28 to employers, members of the clergy, probation or parole officers, volunteer supervisors,  
100.29 or social services workers;
- 100.30 (10) demonstrated remorse for convictions or conduct, or demonstrated positive behavior  
100.31 changes; and
- 101.1 (11) absence of convictions or arrests since the previous offense or conduct, including  
101.2 any convictions that were expunged or pardoned.
- 101.3 (c) An applicant for a family foster setting license must sign all releases of information  
101.4 requested by the county or private licensing agency.
- 101.5 (d) When licensing a relative for a family foster setting, the commissioner shall also  
101.6 consider the importance of maintaining the child's relationship with relatives as an additional  
101.7 significant factor in determining whether an application will be denied.
- 101.8 (e) When recommending that the commissioner deny or revoke a license, the county or  
101.9 private licensing agency must send a summary of the review completed according to  
101.10 paragraph (a), on a form developed by the commissioner, to the commissioner and include  
101.11 any recommendation for licensing action.
- 101.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.

- 165.13 (4) positive involvement with the community or extended family;
- 165.14 (5) compliance with the terms and conditions of probation or parole following the  
165.15 individual's most recent conviction;
- 165.16 (6) if the individual has had a substance use disorder, successful completion of a substance  
165.17 use disorder assessment, substance use disorder treatment, and recommended continuing  
165.18 care, if applicable, demonstrated abstinence from controlled substances, as defined in section  
165.19 152.01, subdivision 4, or the establishment of a sober network;
- 165.20 (7) if the individual has had a mental illness or documented mental health issues,  
165.21 demonstrated completion of a mental health evaluation, participation in therapy or other  
165.22 recommended mental health treatment, or appropriate medication management, if applicable;
- 165.23 (8) if the individual's offense or conduct involved domestic violence, demonstrated  
165.24 completion of a domestic violence or anger management program, and the absence of any  
165.25 orders for protection or harassment restraining orders against the individual since the previous  
165.26 offense or conduct;
- 165.27 (9) written letters of support from individuals of good repute, including but not limited  
165.28 to employers, members of the clergy, probation or parole officers, volunteer supervisors,  
165.29 or social services workers;
- 165.30 (10) demonstrated remorse for convictions or conduct, or demonstrated positive behavior  
165.31 changes; and
- 166.1 (11) absence of convictions or arrests since the previous offense or conduct, including  
166.2 any convictions that were expunged or pardoned.
- 166.3 (c) An applicant for a family foster setting license must sign all releases of information  
166.4 requested by the county or private licensing agency.
- 166.5 (d) When licensing a relative for a family foster setting, the commissioner shall also  
166.6 consider the importance of maintaining the child's relationship with relatives as an additional  
166.7 significant factor in determining whether an application will be denied.
- 166.8 (e) When recommending that the commissioner deny or revoke a license, the county or  
166.9 private licensing agency must send a summary of the review completed according to  
166.10 paragraph (a), on a form developed by the commissioner, to the commissioner and include  
166.11 any recommendation for licensing action.
- 166.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.
- 166.13 **Sec. 19. Minnesota Statutes 2020, section 245A.50, subdivision 1a, is amended to read:**
- 166.14 **Subd. 1a. Definitions and general provisions.** For the purposes of this section, the  
166.15 **following terms have the meanings given:**



101.13 Sec. 10. Minnesota Statutes 2020, section 245A.50, subdivision 7, is amended to read:

101.14 Subd. 7. **Training requirements for family and group family child care.** (a) For  
101.15 purposes of family and group family child care, the license holder and each second adult  
101.16 caregiver must complete 16 hours of ongoing training each year. Repeat of topical training  
101.17 requirements in subdivisions 2 to 8 shall count toward the annual 16-hour training  
101.18 requirement. Additional ongoing training subjects to meet the annual 16-hour training  
101.19 requirement must be selected from the following areas:

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

101.23 (2) developmentally appropriate learning experiences, including training in creating  
101.24 positive learning experiences, promoting cognitive development, promoting social and  
101.25 emotional development, promoting physical development, promoting creative development;  
101.26 and behavior guidance;

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

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

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

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

166.16 (1) "second adult caregiver" means an adult who cares for children in the licensed  
166.17 program along with the license holder for a cumulative total of more than 500 hours annually;

166.18 (2) "helper" means a minor, ages 13 to 17, who assists in caring for children; ~~and~~

166.19 (3) "substitute" means an adult who assumes responsibility for a license holder for a  
166.20 cumulative total of not more than 500 hours annually; and

166.21 (4) "adult assistant" means an adult who assists in caring for children exclusively under  
166.22 the direct supervision of the license holder. An adult assistant may not serve as a second  
166.23 adult caregiver and has the same training requirements as helpers.

166.24 An adult, except for an adult assistant, who cares for children in the licensed program along  
166.25 with the license holder for a cumulative total of not more than 500 hours annually has the  
166.26 same training requirements as a substitute.

166.27 Sec. 20. Minnesota Statutes 2020, section 245A.50, subdivision 7, is amended to read:

166.28 Subd. 7. **Training requirements for family and group family child care.** (a) For  
166.29 purposes of family and group family child care, the license holder and each second adult  
166.30 caregiver must complete 16 hours of ongoing training each year. Repeat of topical training  
166.31 requirements in subdivisions 2 to 8 shall count toward the annual 16-hour training  
167.1 requirement. Additional ongoing training subjects to meet the annual 16-hour training  
167.2 requirement must be selected from the following areas:

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

167.6 (2) developmentally appropriate learning experiences, including training in creating  
167.7 positive learning experiences, promoting cognitive development, promoting social and  
167.8 emotional development, promoting physical development, promoting creative development;  
167.9 and behavior guidance;

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

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

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

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

- 102.6 (7) health, safety, and nutrition, including training in establishing healthy practices;  
 102.7 ensuring safety; and providing healthy nutrition.
- 102.8 (b) A provider who is approved as a trainer through the Develop data system may count  
 102.9 up to two hours of training instruction toward the annual 16-hour training requirement in  
 102.10 paragraph (a). The provider may only count training instruction hours for the first instance  
 102.11 in which they deliver a particular content-specific training during each licensing year. Hours  
 102.12 counted as training instruction must be approved through the Develop data system with  
 102.13 attendance verified on the trainer's individual learning record and must be in Knowledge  
 102.14 and Competency Framework content area VII A (Establishing Healthy Practices) or B  
 102.15 (Ensuring Safety).
- 102.16 Sec. 11. Minnesota Statutes 2020, section 245A.50, subdivision 9, is amended to read:
- 102.17 Subd. 9. **Supervising for safety; training requirement.** (a) Courses required by this  
 102.18 subdivision must include the following health and safety topics:
- 102.19 (1) preventing and controlling infectious diseases;  
 102.20 (2) administering medication;  
 102.21 (3) preventing and responding to allergies;  
 102.22 (4) ensuring building and physical premises safety;  
 102.23 (5) handling and storing biological contaminants;  
 102.24 (6) preventing and reporting child abuse and maltreatment; and  
 102.25 (7) emergency preparedness.
- 102.26 (b) Before initial licensure and before caring for a child, all family child care license  
 102.27 holders and each second adult caregiver shall complete and document the completion of  
 102.28 the six-hour Supervising for Safety for Family Child Care course developed by the  
 102.29 commissioner.
- 102.30 (c) The license holder must ensure and document that, before caring for a child, all  
 102.31 substitutes have completed the four-hour Basics of Licensed Family Child Care for  
 103.1 Substitutes course developed by the commissioner, which must include health and safety  
 103.2 topics as well as child development and learning.
- 103.3 (d) The family child care license holder and each second adult caregiver shall complete  
 103.4 and document:
- 103.5 (1) the annual completion of either:  
 103.6 (i) a two-hour active supervision course developed by the commissioner; or

- 167.20 (7) health, safety, and nutrition, including training in establishing healthy practices;  
 167.21 ensuring safety; and providing healthy nutrition.
- 167.22 (b) A provider who is approved as a trainer through the Develop data system may count  
 167.23 up to two hours of training instruction toward the annual 16-hour training requirement in  
 167.24 paragraph (a). The provider may only count training instruction hours for the first instance  
 167.25 in which they deliver a particular content-specific training during each licensing year. Hours  
 167.26 counted as training instruction must be approved through the Develop data system with  
 167.27 attendance verified on the trainer's individual learning record.

103.7 (ii) any courses in the ensuring safety competency area under the health, safety, and  
 103.8 nutrition standard of the Knowledge and Competency Framework that the commissioner  
 103.9 has identified as an active supervision training course; and

103.10 (2) the completion at least once every five years of the two-hour courses Health and  
 103.11 Safety I and Health and Safety II. When the training is due for the first time or expires, it  
 103.12 must be taken no later than the day before the anniversary of the license holder's license  
 103.13 effective date. A license holder's or second adult caregiver's completion of either training  
 103.14 in a given year meets the annual active supervision training requirement in clause (1).

103.15 (e) At least once every three years, license holders must ensure and document that  
 103.16 substitutes have completed the four-hour Basics of Licensed Family Child Care for  
 103.17 Substitutes course. When the training expires, it must be retaken no later than the day before  
 103.18 the anniversary of the license holder's license effective date.

103.19 Sec. 12. Minnesota Statutes 2020, section 245C.02, subdivision 4a, is amended to read:

103.20 Subd. 4a. **Authorized fingerprint collection vendor.** "Authorized fingerprint collection  
 103.21 vendor" means a qualified organization under a written contract with the commissioner to  
 103.22 provide services in accordance with section 245C.05, subdivision 5, paragraph (b). The  
 103.23 commissioner may retain the services of more than one authorized fingerprint collection  
 103.24 vendor.

103.25 Sec. 13. Minnesota Statutes 2020, section 245C.02, subdivision 5, is amended to read:

103.26 Subd. 5. **Background study.** "Background study" means:

103.27 (1) the collection and processing of a background study subject's fingerprints, including  
 103.28 the process of obtaining a background study subject's classifiable fingerprints and photograph  
 103.29 as required by section 245C.05, subdivision 5, paragraph (b); and

103.30 (2) the review of records conducted by the commissioner to determine whether a subject  
 103.31 is disqualified from direct contact with persons served by a program and, where specifically  
 104.1 provided in statutes, whether a subject is disqualified from having access to persons served  
 104.2 by a program and from working in a children's residential facility or foster residence setting.

104.3 Sec. 14. Minnesota Statutes 2020, section 245C.02, is amended by adding a subdivision  
 104.4 to read:

104.5 Subd. 5b. **Alternative background study.** "Alternative background study" means:

104.6 (1) the collection and processing of a background study subject's fingerprints, including  
 104.7 the process of obtaining a background study subject's classifiable fingerprints and photograph  
 104.8 as required by section 245C.05, subdivision 5, paragraph (b); and

104.9 (2) a review of records conducted by the commissioner pursuant to section 245C.08 in  
 104.10 order to forward the background study investigating information to the entity that submitted  
 104.11 the alternative background study request under section 245C.031, subdivision 2. The

167.28 Sec. 21. Minnesota Statutes 2020, section 245C.02, subdivision 4a, is amended to read:

167.29 Subd. 4a. **Authorized fingerprint collection vendor.** "Authorized fingerprint collection  
 167.30 vendor" means a one of up to three qualified organization organizations under a written  
 167.31 contract with the commissioner to provide services in accordance with section 245C.05,  
 167.32 subdivision 5, paragraph (b).

104.12 commissioner shall not make any eligibility determinations on background studies conducted  
 104.13 under section 245C.031.

104.14 Sec. 15. Minnesota Statutes 2020, section 245C.02, is amended by adding a subdivision  
 104.15 to read:

104.16 Subd. 11c. **Entity.** "Entity" means any program, organization, or agency initiating a  
 104.17 background study.

104.18 Sec. 16. Minnesota Statutes 2020, section 245C.02, is amended by adding a subdivision  
 104.19 to read:

104.20 Subd. 16a. **Results.** "Results" means a determination that a study subject is eligible,  
 104.21 disqualified, set aside, granted a variance, or that more time is needed to complete the  
 104.22 background study.

104.23 Sec. 17. Minnesota Statutes 2020, section 245C.03, is amended to read:

104.24 **245C.03 BACKGROUND STUDY; INDIVIDUALS TO BE STUDIED.**

104.25 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background  
 104.26 study on:

104.27 (1) the person or persons applying for a license;

104.28 (2) an individual age 13 and over living in the household where the licensed program  
 104.29 will be provided who is not receiving licensed services from the program;

105.1 (3) current or prospective employees or contractors of the applicant who will have direct  
 105.2 contact with persons served by the facility, agency, or program;

105.3 (4) volunteers or student volunteers who will have direct contact with persons served  
 105.4 by the program to provide program services if the contact is not under the continuous, direct  
 105.5 supervision by an individual listed in clause (1) or (3);

105.6 (5) an individual age ten to 12 living in the household where the licensed services will  
 105.7 be provided when the commissioner has reasonable cause as defined in section 245C.02,  
 105.8 subdivision 15;

105.9 (6) an individual who, without providing direct contact services at a licensed program,  
 105.10 may have unsupervised access to children or vulnerable adults receiving services from a  
 105.11 program, when the commissioner has reasonable cause as defined in section 245C.02,  
 105.12 subdivision 15;

105.13 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;

105.14 (8) notwithstanding the other requirements in this subdivision, child care background  
 105.15 study subjects as defined in section 245C.02, subdivision 6a; and

- 105.16 (9) notwithstanding clause (3), for children's residential facilities and foster residence  
 105.17 settings, any adult working in the facility, whether or not the individual will have direct  
 105.18 contact with persons served by the facility.
- 105.19 (b) For child foster care when the license holder resides in the home where foster care  
 105.20 services are provided, a short-term substitute caregiver providing direct contact services for  
 105.21 a child for less than 72 hours of continuous care is not required to receive a background  
 105.22 study under this chapter.
- 105.23 (c) This subdivision applies to the following programs that must be licensed under  
 105.24 chapter 245A:
- 105.25 (1) adult foster care;
- 105.26 (2) child foster care;
- 105.27 (3) children's residential facilities;
- 105.28 (4) family child care;
- 105.29 (5) licensed child care centers;
- 105.30 (6) licensed home and community-based services under chapter 245D;
- 105.31 (7) residential mental health programs for adults;
- 106.1 (8) substance use disorder treatment programs under chapter 245G;
- 106.2 (9) withdrawal management programs under chapter 245F;
- 106.3 (10) programs that provide treatment services to persons with sexual psychopathic  
 106.4 personalities or sexually dangerous persons;
- 106.5 (11) adult day care centers;
- 106.6 (12) family adult day services;
- 106.7 (13) independent living assistance for youth;
- 106.8 (14) detoxification programs;
- 106.9 (15) community residential settings; and
- 106.10 (16) intensive residential treatment services and residential crisis stabilization under  
 106.11 chapter 245I.
- 106.12 Subd. 1a. **Procedure.** (a) Individuals and organizations that are required under this  
 106.13 section to have or initiate background studies shall comply with the requirements of this  
 106.14 chapter.

- 106.15 (b) All studies conducted under this section shall be conducted according to sections  
 106.16 299C.60 to 299C.64. This requirement does not apply to subdivisions 1, paragraph (c),  
 106.17 clauses (2) to (5), and 6a.
- 106.18 Subd. 2. **Personal care provider organizations.** The commissioner shall conduct  
 106.19 background studies on any individual required under sections 256B.0651 to 256B.0654 and  
 106.20 256B.0659 to have a background study completed under this chapter.
- 106.21 Subd. 3. **Supplemental nursing services agencies.** The commissioner shall conduct all  
 106.22 background studies required under this chapter and initiated by supplemental nursing services  
 106.23 agencies registered under section 144A.71, subdivision 1.
- 106.24 Subd. 3a. **Personal care assistance provider agency; background studies.** Personal  
 106.25 care assistance provider agencies enrolled to provide personal care assistance services under  
 106.26 the medical assistance program must meet the following requirements:
- 106.27 (1) owners who have a five percent interest or more and all managing employees are  
 106.28 subject to a background study as provided in this chapter. This requirement applies to  
 106.29 currently enrolled personal care assistance provider agencies and agencies seeking enrollment  
 106.30 as a personal care assistance provider agency. "Managing employee" has the same meaning  
 107.1 as Code of Federal Regulations, title 42, section 455.101. An organization is barred from  
 107.2 enrollment if:
- 107.3 (i) the organization has not initiated background studies of owners and managing  
 107.4 employees; or
- 107.5 (ii) the organization has initiated background studies of owners and managing employees  
 107.6 and the commissioner has sent the organization a notice that an owner or managing employee  
 107.7 of the organization has been disqualified under section 245C.14, and the owner or managing  
 107.8 employee has not received a set aside of the disqualification under section 245C.22; and
- 107.9 (2) a background study must be initiated and completed for all qualified professionals.
- 107.10 Subd. 3b. **Exception to personal care assistant; requirements.** The personal care  
 107.11 assistant for a recipient may be allowed to enroll with a different personal care assistance  
 107.12 provider agency upon initiation of a new background study according to this chapter if:
- 107.13 (1) the commissioner determines that a change in enrollment or affiliation of the personal  
 107.14 care assistant is needed in order to ensure continuity of services and protect the health and  
 107.15 safety of the recipient;
- 107.16 (2) the chosen agency has been continuously enrolled as a personal care assistance  
 107.17 provider agency for at least two years;
- 107.18 (3) the recipient chooses to transfer to the personal care assistance provider agency;

- 107.19 (4) the personal care assistant has been continuously enrolled with the former personal  
 107.20 care assistance provider agency since the last background study was completed; and
- 107.21 (5) the personal care assistant continues to meet requirements of section 256B.0659,  
 107.22 subdivision 11, notwithstanding paragraph (a), clause (3).
- 107.23 **Subd. 4. Personnel agencies; educational programs; professional services**  
 107.24 **agencies.** The commissioner also may conduct studies on individuals specified in subdivision  
 107.25 1, paragraph (a), clauses (3) and (4), when the studies are initiated by:
- 107.26 (1) personnel pool agencies;
- 107.27 (2) temporary personnel agencies;
- 107.28 (3) educational programs that train individuals by providing direct contact services in  
 107.29 licensed programs; and
- 107.30 (4) professional services agencies that are not licensed and which contract with licensed  
 107.31 programs to provide direct contact services or individuals who provide direct contact services.
- 108.1 **Subd. 5. Other state agencies.** The commissioner shall conduct background studies on  
 108.2 applicants and license holders under the jurisdiction of other state agencies who are required  
 108.3 in other statutory sections to initiate background studies under this chapter, including the  
 108.4 applicant's or license holder's employees, contractors, and volunteers when required under  
 108.5 other statutory sections.
- 108.6 **Subd. 5a. Facilities serving children or adults licensed or regulated by the**  
 108.7 **Department of Health.** (a) The commissioner shall conduct background studies of:
- 108.8 (1) individuals providing services who have direct contact, as defined under section  
 108.9 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes,  
 108.10 outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and  
 108.11 home care agencies licensed under chapter 144A; assisted living facilities and assisted living  
 108.12 facilities with dementia care licensed under chapter 144G; and board and lodging  
 108.13 establishments that are registered to provide supportive or health supervision services under  
 108.14 section 157.17;
- 108.15 (2) individuals specified in subdivision 2 who provide direct contact services in a nursing  
 108.16 home or a home care agency licensed under chapter 144A; an assisted living facility or  
 108.17 assisted living facility with dementia care licensed under chapter 144G; or a boarding care  
 108.18 home licensed under sections 144.50 to 144.58. If the individual undergoing a study resides  
 108.19 outside of Minnesota, the study must include a check for substantiated findings of  
 108.20 maltreatment of adults and children in the individual's state of residence when the state  
 108.21 makes the information available;
- 108.22 (3) all other employees in assisted living facilities or assisted living facilities with  
 108.23 dementia care licensed under chapter 144G, nursing homes licensed under chapter 144A,  
 108.24 and boarding care homes licensed under sections 144.50 to 144.58. A disqualification of

108.25 an individual in this section shall disqualify the individual from positions allowing direct  
 108.26 contact with or access to patients or residents receiving services. "Access" means physical  
 108.27 access to a client or the client's personal property without continuous, direct supervision as  
 108.28 defined in section 245C.02, subdivision 8, when the employee's employment responsibilities  
 108.29 do not include providing direct contact services;

108.30 (4) individuals employed by a supplemental nursing services agency, as defined under  
 108.31 section 144A.70, who are providing services in health care facilities; and

108.32 (5) controlling persons of a supplemental nursing services agency, as defined by section  
 108.33 144A.70.

109.1 (b) If a facility or program is licensed by the Department of Human Services and the  
 109.2 Department of Health and is subject to the background study provisions of this chapter, the  
 109.3 Department of Human Services is solely responsible for the background studies of individuals  
 109.4 in the jointly licensed program.

109.5 (c) The commissioner of health shall review and make decisions regarding reconsideration  
 109.6 requests, including whether to grant variances, according to the procedures and criteria in  
 109.7 this chapter. The commissioner of health shall inform the requesting individual and the  
 109.8 Department of Human Services of the commissioner of health's decision regarding the  
 109.9 reconsideration. The commissioner of health's decision to grant or deny a reconsideration  
 109.10 of a disqualification is a final administrative agency action.

109.11 **Subd. 5b. Facilities serving children or youth licensed by the Department of**  
 109.12 **Corrections.** (a) The commissioner shall conduct background studies of individuals working  
 109.13 in secure and nonsecure children's residential facilities, juvenile detention facilities, and  
 109.14 foster residence settings, whether or not the individual will have direct contact, as defined  
 109.15 under section 245C.02, subdivision 11, with persons served in the facilities or settings.

109.16 (b) A clerk or administrator of any court, the Bureau of Criminal Apprehension, a  
 109.17 prosecuting attorney, a county sheriff, or a chief of a local police department shall assist in  
 109.18 conducting background studies by providing the commissioner of human services or the  
 109.19 commissioner's representative all criminal conviction data available from local and state  
 109.20 criminal history record repositories related to applicants, operators, all persons living in a  
 109.21 household, and all staff of any facility subject to background studies under this subdivision.

109.22 (c) For the purpose of this subdivision, the term "secure and nonsecure residential facility  
 109.23 and detention facility" includes programs licensed or certified under section 241.021,  
 109.24 subdivision 2.

109.25 (d) If an individual is disqualified, the Department of Human Services shall notify the  
 109.26 disqualified individual and the facility in which the disqualified individual provides services  
 109.27 of the disqualification and shall inform the disqualified individual of the right to request a  
 109.28 reconsideration of the disqualification by submitting the request to the Department of  
 109.29 Corrections.



109.30 (e) The commissioner of corrections shall review and make decisions regarding  
 109.31 reconsideration requests, including whether to grant variances, according to the procedures  
 109.32 and criteria in this chapter. The commissioner of corrections shall inform the requesting  
 109.33 individual and the Department of Human Services of the commissioner of corrections'  
 110.1 decision regarding the reconsideration. The commissioner of corrections' decision to grant  
 110.2 or deny a reconsideration of a disqualification is the final administrative agency action.

110.3 Subd. 6. **Unlicensed home and community-based waiver providers of service to**  
 110.4 **seniors and individuals with disabilities.** (a) The commissioner shall conduct background  
 110.5 studies ~~on~~ of any individual ~~required under section 256B.4912 to have a background study~~  
 110.6 ~~completed under this chapter~~ who provides direct contact, as defined in section 245C.02,  
 110.7 subdivision 11, for services specified in the federally approved home and community-based  
 110.8 waiver plans under section 256B.4912. The individual studied must meet the requirements  
 110.9 of this chapter prior to providing waiver services and as part of ongoing enrollment.

110.10 (b) The requirements in paragraph (a) apply to consumer-directed community supports  
 110.11 under section 256B.4911.

110.12 Subd. 6a. **Legal nonlicensed and certified child care programs.** The commissioner  
 110.13 shall conduct background studies ~~on an individual~~ of the following individuals as required  
 110.14 ~~under~~ by sections 119B.125 and 245H.10 ~~to complete a background study under this chapter.~~

110.15 (1) every individual who applies for certification;

110.16 (2) every member of a provider's household who is age 13 and older and lives in the  
 110.17 household where nonlicensed child care is provided; and

110.18 (3) an individual who is at least ten years of age and under 13 years of age and lives in  
 110.19 the household where the nonlicensed child care will be provided when the county has  
 110.20 reasonable cause as defined under section 245C.02, subdivision 15.

110.21 Subd. 7. **Children's therapeutic services and supports providers.** The commissioner  
 110.22 shall conduct background studies ~~according to this chapter when initiated by a children's~~  
 110.23 ~~therapeutic services and supports provider~~ of all direct service providers and volunteers for  
 110.24 children's therapeutic services and supports providers under section 256B.0943.

110.25 Subd. 8. **Self-initiated background studies.** Upon implementation of NETStudy 2.0,  
 110.26 the commissioner shall conduct background studies according to this chapter when initiated  
 110.27 by an individual who is not on the master roster. A subject under this subdivision who is  
 110.28 not disqualified must be placed on the inactive roster.

110.29 Subd. 9. **Community first services and supports and financial management services**  
 110.30 **organizations.** The commissioner shall conduct background studies on any individual  
 110.31 ~~required under section 256B.85 to have a background study completed under this chapter.~~  
 110.32 Individuals affiliated with Community First Services and Supports (CFSS) agency-providers

- 111.1 and Financial Management Services (FMS) providers enrolled to provide CFSS services  
 111.2 under the medical assistance program must meet the following requirements:
- 111.3 (1) owners who have a five percent interest or more and all managing employees are  
 111.4 subject to a background study under this chapter. This requirement applies to currently  
 111.5 enrolled providers and agencies seeking enrollment. "Managing employee" has the meaning  
 111.6 given in Code of Federal Regulations, title 42, section 455.101. An organization is barred  
 111.7 from enrollment if:
- 111.8 (i) the organization has not initiated background studies of owners and managing  
 111.9 employees; or
- 111.10 (ii) the organization has initiated background studies of owners and managing employees  
 111.11 and the commissioner has sent the organization a notice that an owner or managing employee  
 111.12 of the organization has been disqualified under section 245C.14 and the owner or managing  
 111.13 employee has not received a set aside of the disqualification under section 245C.22;
- 111.14 (2) a background study must be initiated and completed for all staff who will have direct  
 111.15 contact with the participant to provide worker training and development; and
- 111.16 (3) a background study must be initiated and completed for all support workers.
- 111.17 Subd. 9a. **Exception to support worker requirements for continuity of services.** The  
 111.18 support worker for a participant may enroll with a different Community First Services and  
 111.19 Supports (CFSS) agency-provider or Financial Management Services (FMS) provider upon  
 111.20 initiation, rather than completion, of a new background study according to this chapter if:
- 111.21 (1) the commissioner determines that the support worker's change in enrollment or  
 111.22 affiliation is necessary to ensure continuity of services and to protect the health and safety  
 111.23 of the participant;
- 111.24 (2) the chosen agency-provider or FMS provider has been continuously enrolled as a  
 111.25 CFSS agency-provider or FMS provider for at least two years or since the inception of the  
 111.26 CFSS program, whichever is shorter;
- 111.27 (3) the participant served by the support worker chooses to transfer to the CFSS  
 111.28 agency-provider or the FMS provider to which the support worker is transferring;
- 111.29 (4) the support worker has been continuously enrolled with the former CFSS  
 111.30 agency-provider or FMS provider since the support worker's last background study was  
 111.31 completed; and
- 112.1 (5) the support worker continues to meet the requirements of section 256B.85, subdivision  
 112.2 16, notwithstanding paragraph (a), clause (1).
- 112.3 Subd. 10. **Providers of group residential housing or supplementary services.** (a) The  
 112.4 commissioner shall conduct background studies ~~on any individual required under section~~

- 112.5 ~~2561.04 to have a background study completed under this chapter, of the following individuals~~  
 112.6 ~~who provide services under section 2561.04:~~
- 112.7 ~~(1) controlling individuals as defined in section 245A.02;~~  
 112.8 ~~(2) managerial officials as defined in section 245A.02; and~~
- 112.9 ~~(3) all employees and volunteers of the establishment who have direct contact with~~  
 112.10 ~~recipients or who have unsupervised access to recipients, recipients' personal property, or~~  
 112.11 ~~recipients' private data.~~
- 112.12 ~~(b) The provider of housing support must comply with all requirements for entities~~  
 112.13 ~~initiating background studies under this chapter.~~
- 112.14 ~~(c) A provider of housing support must demonstrate that all individuals who are required~~  
 112.15 ~~to have a background study according to paragraph (a) have a notice stating that:~~
- 112.16 ~~(1) the individual is not disqualified under section 245C.14; or~~  
 112.17 ~~(2) the individual is disqualified and the individual has been issued a set aside of the~~  
 112.18 ~~disqualification for the setting under section 245C.22.~~
- 112.19 ~~Subd. 11. **Child protection workers or social services staff having responsibility for**~~  
 112.20 ~~**child protective duties.** (a) The commissioner must complete background studies, according~~  
 112.21 ~~to paragraph (b) and section 245C.04, subdivision 10, when initiated by a county social~~  
 112.22 ~~services agency or by a local welfare agency according to section 626.559, subdivision 1b.~~
- 112.23 ~~(b) For background studies completed by the commissioner under this subdivision, the~~  
 112.24 ~~commissioner shall not make a disqualification decision, but shall provide the background~~  
 112.25 ~~study information received to the county that initiated the study.~~
- 112.26 ~~Subd. 12. **Providers of special transportation service.** (a) The commissioner shall~~  
 112.27 ~~conduct background studies on any individual required under section 174.30 to have a~~  
 112.28 ~~background study completed under this chapter, of the following individuals who provide~~  
 112.29 ~~special transportation services under section 174.30:~~
- 112.30 ~~(1) each person with a direct or indirect ownership interest of five percent or higher in~~  
 112.31 ~~a transportation service provider;~~
- 112.32 ~~(2) each controlling individual as defined under section 245A.02;~~
- 113.1 ~~(3) a managerial official as defined in section 245A.02;~~
- 113.2 ~~(4) each driver employed by the transportation service provider;~~
- 113.3 ~~(5) each individual employed by the transportation service provider to assist a passenger~~  
 113.4 ~~during transport; and~~

113.5 (6) each employee of the transportation service agency who provides administrative  
 113.6 support, including an employee who:

113.7 (i) may have face-to-face contact with or access to passengers, passengers' personal  
 113.8 property, or passengers' private data;

113.9 (ii) performs any scheduling or dispatching tasks; or

113.10 (iii) performs any billing activities.

113.11 (b) When a local or contracted agency is authorizing a ride under section 256B.0625,  
 113.12 subdivision 17, by a volunteer driver, and the agency authorizing the ride has a reason to  
 113.13 believe that the volunteer driver has a history that would disqualify the volunteer driver or  
 113.14 that may pose a risk to the health or safety of passengers, the agency may initiate a  
 113.15 background study that shall be completed according to this chapter using the commissioner  
 113.16 of human services' online NETStudy system, or by contacting the Department of Human  
 113.17 Services background study division for assistance. The agency that initiates the background  
 113.18 study under this paragraph shall be responsible for providing the volunteer driver with the  
 113.19 privacy notice required by section 245C.05, subdivision 2c, and with the payment for the  
 113.20 background study required by section 245C.10 before the background study is completed.

113.21 Subd. 13. **Providers of housing support services.** The commissioner shall conduct  
 113.22 background studies on of any individual provider of housing support services required under  
 113.23 by section 256B.051 to have a background study completed under this chapter.

113.24 Subd. 14. **Tribal nursing facilities.** For completed background studies to comply with  
 113.25 a Tribal organization's licensing requirements for individuals affiliated with a tribally licensed  
 113.26 nursing facility, the commissioner shall obtain state and national criminal history data.

113.27 Subd. 15. **Early intensive developmental and behavioral intervention providers.** The  
 113.28 commissioner shall conduct background studies according to this chapter when initiated by  
 113.29 an early intensive developmental and behavioral intervention provider under section  
 113.30 256B.0949.

113.31 **EFFECTIVE DATE.** This section is effective July 1, 2021, except subdivision 6,  
 113.32 paragraph (b), is effective upon federal approval and subdivision 15 is effective the day  
 114.1 following final enactment. The commissioner of human services shall notify the revisor of  
 114.2 statutes when federal approval is obtained.

169.10 Sec. 25. Minnesota Statutes 2020, section 245C.03, is amended by adding a subdivision  
 169.11 to read:

169.12 Subd. 17. **Early intensive developmental and behavioral intervention providers.** The  
 169.13 commissioner shall conduct background studies according to this chapter when initiated by  
 169.14 an early intensive developmental and behavioral intervention provider under section  
 169.15 256B.0949.

169.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 114.3 Sec. 18. **245C.031] BACKGROUND STUDY; ALTERNATIVE BACKGROUND**  
 114.4 **STUDIES.**
- 114.5 Subdivision 1. **Alternative background studies.** (a) The commissioner shall conduct  
 114.6 an alternative background study of individuals listed in this section.
- 114.7 (b) Notwithstanding other sections of this chapter, all alternative background studies  
 114.8 except subdivision 12 shall be conducted according to this section and with section 299C.60  
 114.9 to 299C.64.
- 114.10 (c) All terms in this section shall have the definitions provided in section 245C.02.
- 114.11 (d) The entity that submits an alternative background study request under this section  
 114.12 shall submit the request to the commissioner according to section 245C.05.
- 114.13 (e) The commissioner shall comply with the destruction requirements in section 245C.051.
- 114.14 (f) Background studies conducted under this section are subject to the provisions of  
 114.15 section 245C.32.
- 114.16 (g) The commissioner shall forward all information that the commissioner receives under  
 114.17 section 245C.08 to the entity that submitted the alternative background study request under  
 114.18 subdivision 2. The commissioner shall not make any eligibility determinations regarding  
 114.19 background studies conducted under this section.
- 114.20 Subd. 2. **Access to information.** Each entity that submits an alternative background  
 114.21 study request shall enter into an agreement with the commissioner before submitting requests  
 114.22 for alternative background studies under this section. As a part of the agreement, the entity  
 114.23 must agree to comply with state and federal law.
- 114.24 Subd. 3. **Child protection workers or social services staff having responsibility for**  
 114.25 **child protective duties.** The commissioner shall conduct an alternative background study  
 114.26 of any person who has responsibility for child protection duties when the background study  
 114.27 is initiated by a county social services agency or by a local welfare agency according to  
 114.28 section 260E.36, subdivision 3.
- 114.29 Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner**  
 114.30 **of health.** The commissioner shall conduct an alternative background study, including a  
 114.31 check of state data, and a national criminal history records check of the following individuals.  
 114.32 For studies under this section, the following persons shall complete a consent form:
- 115.1 (1) an applicant for initial licensure, temporary licensure, or relicensure after a lapse in  
 115.2 licensure as an audiologist or speech-language pathologist or an applicant for initial  
 115.3 certification as a hearing instrument dispenser who must submit to a background study  
 115.4 under section 144.0572.

- 115.5 (2) an applicant for a renewal license or certificate as an audiologist, speech-language  
 115.6 pathologist, or hearing instrument dispenser who was licensed or obtained a certificate  
 115.7 before January 1, 2018.
- 115.8 **Subd. 5. Guardians and conservators.** (a) The commissioner shall conduct an alternative  
 115.9 background study of:
- 115.10 (1) every court-appointed guardian and conservator, unless a background study has been  
 115.11 completed of the person under this section within the previous five years. The alternative  
 115.12 background study shall be completed prior to the appointment of the guardian or conservator,  
 115.13 unless a court determines that it would be in the best interests of the ward or protected person  
 115.14 to appoint a guardian or conservator before the alternative background study can be  
 115.15 completed. If the court appoints the guardian or conservator while the alternative background  
 115.16 study is pending, the alternative background study must be completed as soon as reasonably  
 115.17 possible after the guardian or conservator's appointment and no later than 30 days after the  
 115.18 guardian or conservator's appointment; and
- 115.19 (2) a guardian and a conservator once every five years after the guardian or conservator's  
 115.20 appointment if the person continues to serve as a guardian or conservator.
- 115.21 (b) An alternative background study is not required if the guardian or conservator is:
- 115.22 (1) a state agency or county;
- 115.23 (2) a parent or guardian of a proposed ward or protected person who has a developmental  
 115.24 disability if the parent or guardian has raised the proposed ward or protected person in the  
 115.25 family home until the time that the petition is filed, unless counsel appointed for the proposed  
 115.26 ward or protected person under section 524.5-205, paragraph (d); 524.5-304, paragraph (b);  
 115.27 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a background study;  
 115.28 or
- 115.29 (3) a bank with trust powers, a bank and trust company, or a trust company, organized  
 115.30 under the laws of any state or of the United States and regulated by the commissioner of  
 115.31 commerce or a federal regulator.
- 115.32 **Subd. 6. Guardians and conservators; required checks.** (a) An alternative background  
 115.33 study for a guardian or conservator pursuant to subdivision 5 shall include:
- 116.1 (1) criminal history data from the Bureau of Criminal Apprehension and other criminal  
 116.2 history data obtained by the commissioner of human services;
- 116.3 (2) data regarding whether the person has been a perpetrator of substantiated maltreatment  
 116.4 of a vulnerable adult under section 626.557 or a minor under chapter 260E. If the subject  
 116.5 of the study has been the perpetrator of substantiated maltreatment of a vulnerable adult or  
 116.6 a minor, the commissioner must include a copy of the public portion of the investigation  
 116.7 memorandum under section 626.557, subdivision 12b, or the public portion of the  
 116.8 investigation memorandum under section 260E.30. The commissioner shall provide the  
 116.9 court with information from a review of information according to subdivision 7 if the study

- 116.10 subject provided information that the study subject has a current or prior affiliation with a  
 116.11 state licensing agency;
- 116.12 (3) criminal history data from a national criminal history record check as defined in  
 116.13 section 245C.02, subdivision 13c; and
- 116.14 (4) state licensing agency data if a search of the database or databases of the agencies  
 116.15 listed in subdivision 7 shows that the proposed guardian or conservator has held a  
 116.16 professional license directly related to the responsibilities of a professional fiduciary from  
 116.17 an agency listed in subdivision 7 that was conditioned, suspended, revoked, or canceled.
- 116.18 (b) If the guardian or conservator is not an individual, the background study must be  
 116.19 completed of all individuals who are currently employed by the proposed guardian or  
 116.20 conservator who are responsible for exercising powers and duties under the guardianship  
 116.21 or conservatorship.
- 116.22 Subd. 7. **Guardians and conservators; state licensing data.** (a) Within 25 working  
 116.23 days of receiving the request for an alternative background study of a guardian or conservator,  
 116.24 the commissioner shall provide the court with licensing agency data for licenses directly  
 116.25 related to the responsibilities of a guardian or conservator if the study subject has a current  
 116.26 or prior affiliation with the:
- 116.27 (1) Lawyers Responsibility Board;
- 116.28 (2) State Board of Accountancy;
- 116.29 (3) Board of Social Work;
- 116.30 (4) Board of Psychology;
- 116.31 (5) Board of Nursing;
- 116.32 (6) Board of Medical Practice;
- 117.1 (7) Department of Education;
- 117.2 (8) Department of Commerce;
- 117.3 (9) Board of Chiropractic Examiners;
- 117.4 (10) Board of Dentistry;
- 117.5 (11) Board of Marriage and Family Therapy;
- 117.6 (12) Department of Human Services;
- 117.7 (13) Peace Officer Standards and Training (POST) Board; and
- 117.8 (14) Professional Educator Licensing and Standards Board.

117.9 (b) The commissioner and each of the agencies listed above, except for the Department  
117.10 of Human Services, shall enter into a written agreement to provide the commissioner with  
117.11 electronic access to the relevant licensing data and to provide the commissioner with a  
117.12 quarterly list of new sanctions issued by the agency.

117.13 (c) The commissioner shall provide to the court the electronically available data  
117.14 maintained in the agency's database, including whether the proposed guardian or conservator  
117.15 is or has been licensed by the agency and whether a disciplinary action or a sanction against  
117.16 the individual's license, including a condition, suspension, revocation, or cancellation, is in  
117.17 the licensing agency's database.

117.18 (d) If the proposed guardian or conservator has resided in a state other than Minnesota  
117.19 during the previous ten years, licensing agency data under this section shall also include  
117.20 licensing agency data from any other state where the proposed guardian or conservator  
117.21 reported to have resided during the previous ten years if the study subject has a current or  
117.22 prior affiliation to the licensing agency. If the proposed guardian or conservator has or has  
117.23 had a professional license in another state that is directly related to the responsibilities of a  
117.24 guardian or conservator from one of the agencies listed under paragraph (a), state licensing  
117.25 agency data shall also include data from the relevant licensing agency of the other state.

117.26 (e) The commissioner is not required to repeat a search for Minnesota or out-of-state  
117.27 licensing data on an individual if the commissioner has provided this information to the  
117.28 court within the prior five years.

117.29 (f) The commissioner shall review the information in paragraph (c) at least once every  
117.30 four months to determine whether an individual who has been studied within the previous  
117.31 five years:

117.32 (1) has any new disciplinary action or sanction against the individual's license; or

118.1 (2) did not disclose a prior or current affiliation with a Minnesota licensing agency.

118.2 (g) If the commissioner's review in paragraph (f) identifies new information, the  
118.3 commissioner shall provide any new information to the court.

118.4 Subd. 8. **Guardians ad litem.** The commissioner shall conduct an alternative background  
118.5 study of:

118.6 (1) a guardian ad litem appointed under section 518.165 if a background study of the  
118.7 guardian ad litem has not been completed within the past three years. The background study  
118.8 of the guardian ad litem must be completed before the court appoints the guardian ad litem,  
118.9 unless the court determines that it is in the best interests of the child to appoint the guardian  
118.10 ad litem before a background study is completed by the commissioner.

118.11 (2) a guardian ad litem once every three years after the guardian has been appointed, as  
118.12 long as the individual continues to serve as a guardian ad litem.



118.13 Subd. 9. **Guardians ad litem; required checks.** (a) An alternative background study  
 118.14 for a guardian ad litem under subdivision 8 must include:

118.15 (1) criminal history data from the Bureau of Criminal Apprehension and other criminal  
 118.16 history data obtained by the commissioner of human services; and

118.17 (2) data regarding whether the person has been a perpetrator of substantiated maltreatment  
 118.18 of a minor or a vulnerable adult. If the study subject has been determined by the Department  
 118.19 of Human Services or the Department of Health to be the perpetrator of substantiated  
 118.20 maltreatment of a minor or a vulnerable adult in a licensed facility, the response must include  
 118.21 a copy of the public portion of the investigation memorandum under section 260E.30 or the  
 118.22 public portion of the investigation memorandum under section 626.557, subdivision 12b.  
 118.23 When the background study shows that the subject has been determined by a county adult  
 118.24 protection or child protection agency to have been responsible for maltreatment, the court  
 118.25 shall be informed of the county, the date of the finding, and the nature of the maltreatment  
 118.26 that was substantiated.

118.27 (b) For checks of records under paragraph (a), clauses (1) and (2), the commissioner  
 118.28 shall provide the records within 15 working days of receiving the request. The information  
 118.29 obtained under sections 245C.05 and 245C.08 from a national criminal history records  
 118.30 check shall be provided within three working days of the commissioner's receipt of the data.

118.31 (c) Notwithstanding section 260E.30 or 626.557, subdivision 12b, if the commissioner  
 118.32 or county lead agency or lead investigative agency has information that a person of whom  
 118.33 a background study was previously completed under this section has been determined to  
 119.1 be a perpetrator of maltreatment of a minor or vulnerable adult, the commissioner or the  
 119.2 county may provide this information to the court that requested the background study.

119.3 Subd. 10. **First-time applicants for educator licenses with the Professional Educator**  
 119.4 **Licensing and Standards Board.** The Professional Educator Licensing and Standards  
 119.5 Board shall make all eligibility determinations for alternative background studies conducted  
 119.6 under this section for the Professional Educator Licensing and Standards Board. The  
 119.7 commissioner may conduct an alternative background study of all first-time applicants for  
 119.8 educator licenses pursuant to section 122A.18, subdivision 8. The alternative background  
 119.9 study for all first-time applicants for educator licenses must include a review of information  
 119.10 from the Bureau of Criminal Apprehension, including criminal history data as defined in  
 119.11 section 13.87, and must also include a review of the national criminal records repository.

168.1 Sec. 22. Minnesota Statutes 2020, section 245C.03, is amended by adding a subdivision  
 168.2 to read:

168.3 Subd. 14. **First-time applicants for educator licenses with the Professional Educator**  
 168.4 **Licensing and Standards Board.** The Professional Educator Licensing and Standards  
 168.5 Board shall make all eligibility determinations for background studies conducted under this  
 168.6 section for the Professional Educator Licensing and Standards Board. The commissioner  
 168.7 may conduct a background study of all first-time applicants for educator licenses pursuant  
 168.8 to section 122A.18, subdivision 8. The background study of all first-time applicants for  
 168.9 educator licenses must include a review of information from the Bureau of Criminal  
 168.10 Apprehension, including criminal history data as defined in section 13.87, and must also  
 168.11 include a review of the national criminal records repository.

119.12 Subd. 11. **First-time applicants for administrator licenses with the Board of School**  
 119.13 **Administrators.** The Board of School Administrators shall make all eligibility determinations  
 119.14 for alternative background studies conducted under this section for the Board of School  
 119.15 Administrators. The commissioner may conduct an alternative background study of all  
 119.16 first-time applicants for administrator licenses pursuant to section 122A.18, subdivision 8.  
 119.17 The alternative background study for all first-time applicants for administrator licenses must  
 119.18 include a review of information from the Bureau of Criminal Apprehension, including  
 119.19 criminal history data as defined in section 13.87, and must also include a review of the  
 119.20 national criminal records repository.

119.21 Subd. 12. **Occupations regulated by MNsure.** (a) The commissioner shall conduct a  
 119.22 background study of any individual required under section 62V.05 to have a background  
 119.23 study completed under this chapter. Notwithstanding subdivision 1, paragraph (g), the  
 119.24 commissioner shall conduct a background study only based on Minnesota criminal records  
 119.25 of:

- 119.26 (1) each navigator;
- 119.27 (2) each in-person assister; and
- 119.28 (3) each certified application counselor.

119.29 (b) The MNsure board of directors may initiate background studies required by paragraph  
 119.30 (a) using the online NETStudy 2.0 system operated by the commissioner.

119.31 (c) The commissioner shall review information that the commissioner receives to  
 119.32 determine if the study subject has potentially disqualifying offenses. The commissioner  
 119.33 shall send a letter to the subject indicating any of the subject's potential disqualifications as  
 120.1 well as any relevant records. The commissioner shall send a copy of the letter indicating  
 120.2 any of the subject's potential disqualifications to the MNsure board.

120.3 (d) The MNsure board or its delegate shall review a reconsideration request of an  
 120.4 individual in paragraph (a), including granting a set aside, according to the procedures and  
 120.5 criteria in chapter 245C. The board shall notify the individual and the Department of Human  
 120.6 Services of the board's decision.

120.7 Sec. 19. Minnesota Statutes 2020, section 245C.05, subdivision 1, is amended to read:

120.8 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the  
 120.9 background study must provide the applicant, license holder, or other entity under section  
 120.10 245C.04 with sufficient information to ensure an accurate study, including:

168.12 Sec. 23. Minnesota Statutes 2020, section 245C.03, is amended by adding a subdivision  
 168.13 to read:

168.14 Subd. 15. **First-time applicants for administrator licenses with the Board of School**  
 168.15 **Administrators.** The Board of School Administrators shall make all eligibility determinations  
 168.16 for background studies conducted under this section for the Board of School Administrators.  
 168.17 The commissioner may conduct a background study of all first-time applicants for  
 168.18 administrator licenses pursuant to section 122A.18, subdivision 8. The background study  
 168.19 of all first-time applicants for administrator licenses must include a review of information  
 168.20 from the Bureau of Criminal Apprehension, including criminal history data as defined in  
 168.21 section 13.87, and must also include a review of the national criminal records repository.

168.22 Sec. 24. Minnesota Statutes 2020, section 245C.03, is amended by adding a subdivision  
 168.23 to read:

168.24 Subd. 16. **Occupations regulated by MNsure.** (a) The commissioner shall conduct a  
 168.25 background study of any individual required under section 62V.05 to have a background  
 168.26 study completed under this chapter. The commissioner shall conduct a background study  
 168.27 only based on Minnesota criminal records of:

- 168.28 (1) each navigator;
- 168.29 (2) each in-person assister; and
- 168.30 (3) each certified application counselor.

168.31 (b) The MNsure board of directors may initiate background studies required by paragraph  
 168.32 (a) using the online NETStudy 2.0 system operated by the commissioner.

169.1 (c) The commissioner shall review information that the commissioner receives to  
 169.2 determine if the study subject has potentially disqualifying offenses. The commissioner  
 169.3 shall send a letter to the subject indicating any of the subject's potential disqualifications as  
 169.4 well as any relevant records. The commissioner shall send a copy of the letter indicating  
 169.5 any of the subject's potential disqualifications to the MNsure board.

169.6 (d) The MNsure board or the board's delegate shall review a reconsideration request of  
 169.7 an individual in paragraph (a), including granting a set-aside, according to the procedures  
 169.8 and criteria in chapter 245C. The board shall notify the individual and the Department of  
 169.9 Human Services of the board's decision.

- 120.11 (1) the individual's first, middle, and last name and all other names by which the  
 120.12 individual has been known;
- 120.13 (2) current home address, city, and state of residence;
- 120.14 (3) current zip code;
- 120.15 (4) sex;
- 120.16 (5) date of birth;
- 120.17 (6) driver's license number or state identification number; and
- 120.18 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of  
 120.19 residence for the past five years.
- 120.20 (b) Every subject of a background study conducted or initiated by counties or private  
 120.21 agencies under this chapter must also provide the home address, city, county, and state of  
 120.22 residence for the past five years.
- 120.23 (c) Every subject of a background study related to private agency adoptions or related  
 120.24 to child foster care licensed through a private agency, who is 18 years of age or older, shall  
 120.25 also provide the commissioner a signed consent for the release of any information received  
 120.26 from national crime information databases to the private agency that initiated the background  
 120.27 study.
- 120.28 (d) The subject of a background study shall provide fingerprints and a photograph as  
 120.29 required in subdivision 5.
- 120.30 (e) The subject of a background study shall submit a completed criminal and maltreatment  
 120.31 history records check consent form for applicable national and state level record checks.
- 121.1 Sec. 20. Minnesota Statutes 2020, section 245C.05, subdivision 2, is amended to read:
- 121.2 Subd. 2. **Applicant, license holder, or other entity.** (a) The applicant, license holder,  
 121.3 or other ~~entities~~ entity initiating the background study as provided in this chapter shall verify  
 121.4 that the information collected under subdivision 1 about an individual who is the subject of  
 121.5 the background study is correct and must provide the information on forms or in a format  
 121.6 prescribed by the commissioner.
- 121.7 (b) The information collected under subdivision 1 about an individual who is the subject  
 121.8 of a completed background study may only be viewable by an entity that initiates a  
 121.9 subsequent background study on that individual under NETStudy 2.0 after the entity has  
 121.10 paid the applicable fee for the study and has provided the individual with the privacy notice  
 121.11 in subdivision 2c.
- 121.12 Sec. 21. Minnesota Statutes 2020, section 245C.05, subdivision 2a, is amended to read:
- 121.13 Subd. 2a. **County or private agency.** For background studies related to child foster care  
 121.14 when the applicant or license holder resides in the home where child foster care services

121.15 are provided, county and private agencies initiating the background study must collect the  
121.16 information under subdivision 1 and forward it to the commissioner.

121.17 Sec. 22. Minnesota Statutes 2020, section 245C.05, subdivision 2b, is amended to read:

121.18 Subd. 2b. **County agency to collect and forward information to commissioner.** (a)  
121.19 For background studies related to all family adult day services and to adult foster care when  
121.20 the adult foster care license holder resides in the adult foster care residence, the county  
121.21 agency or private agency initiating the background study must collect the information  
121.22 required under subdivision 1 and forward it to the commissioner.

121.23 (b) Upon implementation of NETStudy 2.0, for background studies related to family  
121.24 child care and legal nonlicensed child care authorized under chapter 119B, the county agency  
121.25 initiating the background study must collect the information required under subdivision 1  
121.26 and provide the information to the commissioner.

121.27 Sec. 23. Minnesota Statutes 2020, section 245C.05, subdivision 2c, is amended to read:

121.28 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each  
121.29 background study, the entity initiating the study must provide the commissioner's privacy  
121.30 notice to the background study subject required under section 13.04, subdivision 2. The  
121.31 notice must be available through the commissioner's electronic NETStudy and NETStudy  
121.32 2.0 systems and shall include the information in paragraphs (b) and (c).

122.1 (b) The background study subject shall be informed that any previous background studies  
122.2 that received a set-aside will be reviewed, and without further contact with the background  
122.3 study subject, the commissioner may notify the agency that initiated the subsequent  
122.4 background study:

122.5 (1) that the individual has a disqualification that has been set aside for the program or  
122.6 agency that initiated the study;

122.7 (2) the reason for the disqualification; and

122.8 (3) that information about the decision to set aside the disqualification will be available  
122.9 to the license holder upon request without the consent of the background study subject.

122.10 (c) The background study subject must also be informed that:

122.11 (1) the subject's fingerprints collected for purposes of completing the background study  
122.12 under this chapter must not be retained by the Department of Public Safety, Bureau of  
122.13 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will  
122.14 ~~only retain fingerprints of subjects with a criminal history~~ not retain background study  
122.15 subjects' fingerprints;

122.16 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image  
122.17 will be retained by the commissioner, and if the subject has provided the subject's Social  
122.18 Security number for purposes of the background study, the photographic image will be

169.17 Sec. 26. Minnesota Statutes 2020, section 245C.05, subdivision 2c, is amended to read:

169.18 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each  
169.19 background study, the entity initiating the study must provide the commissioner's privacy  
169.20 notice to the background study subject required under section 13.04, subdivision 2. The  
169.21 notice must be available through the commissioner's electronic NETStudy and NETStudy  
169.22 2.0 systems and shall include the information in paragraphs (b) and (c).

169.23 (b) The background study subject shall be informed that any previous background studies  
169.24 that received a set-aside will be reviewed, and without further contact with the background  
169.25 study subject, the commissioner may notify the agency that initiated the subsequent  
169.26 background study:

169.27 (1) that the individual has a disqualification that has been set aside for the program or  
169.28 agency that initiated the study;

169.29 (2) the reason for the disqualification; and

169.30 (3) that information about the decision to set aside the disqualification will be available  
169.31 to the license holder upon request without the consent of the background study subject.

170.1 (c) The background study subject must also be informed that:

170.2 (1) the subject's fingerprints collected for purposes of completing the background study  
170.3 under this chapter must not be retained by the Department of Public Safety, Bureau of  
170.4 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will  
170.5 ~~only retain fingerprints of subjects with a criminal history~~ not retain background study  
170.6 subjects' fingerprints;

170.7 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image  
170.8 will be retained by the commissioner, and if the subject has provided the subject's Social  
170.9 Security number for purposes of the background study, the photographic image will be

122.19 available to prospective employers and agencies initiating background studies under this  
122.20 chapter to verify the identity of the subject of the background study;

122.21 (3) ~~the commissioner's~~ authorized fingerprint collection vendor ~~or vendors~~ shall, for  
122.22 purposes of verifying the identity of the background study subject, be able to view the  
122.23 identifying information entered into NETStudy 2.0 by the entity that initiated the background  
122.24 study, but shall not retain the subject's fingerprints, photograph, or information from  
122.25 NETStudy 2.0. ~~The~~ authorized fingerprint collection vendor ~~or vendors~~ shall retain no more  
122.26 than the subject's name and the date and time the subject's fingerprints were recorded and  
122.27 sent, only as necessary for auditing and billing activities;

122.28 (4) the commissioner shall provide the subject notice, as required in section 245C.17,  
122.29 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

122.30 (5) the subject may request in writing a report listing the entities that initiated a  
122.31 background study on the individual as provided in section 245C.17, subdivision 1, paragraph  
122.32 (b);

123.1 (6) the subject may request in writing that information used to complete the individual's  
123.2 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,  
123.3 paragraph (a), are met; and

123.4 (7) notwithstanding clause (6), the commissioner shall destroy:

123.5 (i) the subject's photograph after a period of two years when the requirements of section  
123.6 245C.051, paragraph (c), are met; and

123.7 (ii) any data collected on a subject under this chapter after a period of two years following  
123.8 the individual's death as provided in section 245C.051, paragraph (d).

123.9 Sec. 24. Minnesota Statutes 2020, section 245C.05, subdivision 2d, is amended to read:

123.10 Subd. 2d. **Fingerprint data notification.** The commissioner of human services shall  
123.11 notify all background study subjects under this chapter that the Department of Human  
123.12 Services, Department of Public Safety, and the Bureau of Criminal Apprehension do not  
123.13 retain fingerprint data after a background study is completed, and that the Federal Bureau  
123.14 of Investigation ~~only retains the fingerprints of subjects who have a criminal history~~ does  
123.15 ~~not retain background study subjects' fingerprints.~~

123.16 Sec. 25. Minnesota Statutes 2020, section 245C.05, subdivision 4, is amended to read:

123.17 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the  
123.18 Department of Human Services, the commissioner shall implement a secure system for the  
123.19 electronic transmission of:

123.20 (1) background study information to the commissioner;

123.21 (2) background study results to the license holder;

170.10 available to prospective employers and agencies initiating background studies under this  
170.11 chapter to verify the identity of the subject of the background study;

170.12 (3) ~~the commissioner's an~~ authorized fingerprint collection vendor shall, for purposes  
170.13 of verifying the identity of the background study subject, be able to view the identifying  
170.14 information entered into NETStudy 2.0 by the entity that initiated the background study,  
170.15 but shall not retain the subject's fingerprints, photograph, or information from NETStudy  
170.16 2.0. ~~The An~~ authorized fingerprint collection vendor shall retain no more than the subject's  
170.17 name and the date and time the subject's fingerprints were recorded and sent, only as  
170.18 necessary for auditing and billing activities;

170.19 (4) the commissioner shall provide the subject notice, as required in section 245C.17,  
170.20 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

170.21 (5) the subject may request in writing a report listing the entities that initiated a  
170.22 background study on the individual as provided in section 245C.17, subdivision 1, paragraph  
170.23 (b);

170.24 (6) the subject may request in writing that information used to complete the individual's  
170.25 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,  
170.26 paragraph (a), are met; and

170.27 (7) notwithstanding clause (6), the commissioner shall destroy:

170.28 (i) the subject's photograph after a period of two years when the requirements of section  
170.29 245C.051, paragraph (c), are met; and

170.30 (ii) any data collected on a subject under this chapter after a period of two years following  
170.31 the individual's death as provided in section 245C.051, paragraph (d).

171.1 Sec. 27. Minnesota Statutes 2020, section 245C.05, subdivision 2d, is amended to read:

171.2 Subd. 2d. **Fingerprint data notification.** The commissioner of human services shall  
171.3 notify all background study subjects under this chapter that the Department of Human  
171.4 Services, Department of Public Safety, and the Bureau of Criminal Apprehension do not  
171.5 retain fingerprint data after a background study is completed, and that the Federal Bureau  
171.6 of Investigation ~~only retains the fingerprints of subjects who have a criminal history~~ does  
171.7 ~~not retain background study subjects' fingerprints.~~

171.8 Sec. 28. Minnesota Statutes 2020, section 245C.05, subdivision 4, is amended to read:

171.9 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the  
171.10 Department of Human Services, the commissioner shall implement a secure system for the  
171.11 electronic transmission of:

171.12 (1) background study information to the commissioner;

171.13 (2) background study results to the license holder;

123.22 (3) background study results information obtained under this section and section 245C.08  
 123.23 to counties and private agencies for background studies conducted by the commissioner for  
 123.24 child foster care, including a summary of nondisqualifying results, except as prohibited by  
 123.25 law; and

123.26 (4) background study results to county agencies for background studies conducted by  
 123.27 the commissioner for adult foster care and family adult day services and, upon  
 123.28 implementation of NETStudy 2.0, family child care and legal nonlicensed child care  
 123.29 authorized under chapter 119B.

123.30 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a  
 123.31 license holder or an applicant must use the electronic transmission system known as  
 124.1 NETStudy or NETStudy 2.0 to submit all requests for background studies to the  
 124.2 commissioner as required by this chapter.

124.3 (c) A license holder or applicant whose program is located in an area in which high-speed  
 124.4 Internet is inaccessible may request the commissioner to grant a variance to the electronic  
 124.5 transmission requirement.

124.6 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under  
 124.7 this subdivision.

124.8 **EFFECTIVE DATE.** This section is effective July 1, 2022.

171.14 (3) background study results to counties for background studies conducted by the  
 171.15 commissioner for child foster care, including a summary of nondisqualifying results, except  
 171.16 as prohibited by law; and

171.17 (4) background study results to county agencies for background studies conducted by  
 171.18 the commissioner for adult foster care and family adult day services and, upon  
 171.19 implementation of NETStudy 2.0, family child care and legal nonlicensed child care  
 171.20 authorized under chapter 119B.

171.21 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a  
 171.22 license holder or an applicant must use the electronic transmission system known as  
 171.23 NETStudy or NETStudy 2.0 to submit all requests for background studies to the  
 171.24 commissioner as required by this chapter.

171.25 (c) A license holder or applicant whose program is located in an area in which high-speed  
 171.26 Internet is inaccessible may request the commissioner to grant a variance to the electronic  
 171.27 transmission requirement.

171.28 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under  
 171.29 this subdivision.

171.30 **EFFECTIVE DATE.** This section is effective July 1, 2022.

172.1 Sec. 29. Minnesota Statutes 2020, section 245C.05, subdivision 5, is amended to read:

172.2 Subd. 5. **Fingerprints and photograph.** (a) Notwithstanding paragraph (b), for  
 172.3 background studies conducted by the commissioner for child foster care, children's residential  
 172.4 facilities, adoptions, or a transfer of permanent legal and physical custody of a child, the  
 172.5 subject of the background study, who is 18 years of age or older, shall provide the  
 172.6 commissioner with a set of classifiable fingerprints obtained from an authorized agency for  
 172.7 a national criminal history record check.

172.8 (b) For background studies initiated on or after the implementation of NETStudy 2.0,  
 172.9 except as provided under subdivision 5a, every subject of a background study must provide  
 172.10 the commissioner with a set of the background study subject's classifiable fingerprints and  
 172.11 photograph. The photograph and fingerprints must be recorded at the same time by the  
 172.12 commissioner's an authorized fingerprint collection vendor and sent to the commissioner  
 172.13 through the commissioner's secure data system described in section 245C.32, subdivision  
 172.14 1a, paragraph (b).

172.15 (c) The fingerprints shall be submitted by the commissioner to the Bureau of Criminal  
 172.16 Apprehension and, when specifically required by law, submitted to the Federal Bureau of  
 172.17 Investigation for a national criminal history record check.

172.18 (d) The fingerprints must not be retained by the Department of Public Safety, Bureau  
 172.19 of Criminal Apprehension, or the commissioner. The Federal Bureau of Investigation will  
 172.20 not retain background study subjects' fingerprints.

172.21 (e) ~~The commissioner's~~ An authorized fingerprint collection vendor shall, for purposes  
 172.22 of verifying the identity of the background study subject, be able to view the identifying  
 172.23 information entered into NETStudy 2.0 by the entity that initiated the background study,  
 172.24 but shall not retain the subject's fingerprints, photograph, or information from NETStudy  
 172.25 2.0. ~~The~~ An authorized fingerprint collection vendor shall retain no more than the name  
 172.26 and date and time the subject's fingerprints were recorded and sent, only as necessary for  
 172.27 auditing and billing activities.

172.28 (f) For any background study conducted under this chapter, the subject shall provide the  
 172.29 commissioner with a set of classifiable fingerprints when the commissioner has reasonable  
 172.30 cause to require a national criminal history record check as defined in section 245C.02,  
 172.31 subdivision 15a.

173.1 Sec. 30. Minnesota Statutes 2020, section 245C.08, subdivision 1, is amended to read:

173.2 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)  
 173.3 For a background study conducted by the Department of Human Services, the commissioner  
 173.4 shall review:

173.5 (1) information related to names of substantiated perpetrators of maltreatment of  
 173.6 vulnerable adults that has been received by the commissioner as required under section  
 173.7 626.557, subdivision 9c, paragraph (j);

173.8 (2) the commissioner's records relating to the maltreatment of minors in licensed  
 173.9 programs, and from findings of maltreatment of minors as indicated through the social  
 173.10 service information system;

173.11 (3) information from juvenile courts as required in subdivision 4 for individuals listed  
 173.12 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

173.13 (4) information from the Bureau of Criminal Apprehension, including information  
 173.14 regarding a background study subject's registration in Minnesota as a predatory offender  
 173.15 under section 243.166;

173.16 (5) except as provided in clause (6), information received as a result of submission of  
 173.17 fingerprints for a national criminal history record check, as defined in section 245C.02,  
 173.18 subdivision 13c, when the commissioner has reasonable cause for a national criminal history  
 173.19 record check as defined under section 245C.02, subdivision 15a, or as required under section  
 173.20 144.057, subdivision 1, paragraph (a), clause (2);

173.21 (6) for a background study related to a child foster family setting application for licensure,  
 173.22 foster residence settings, children's residential facilities, a transfer of permanent legal and  
 173.23 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
 173.24 background study required for family child care, certified license-exempt child care, child  
 173.25 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
 173.26 commissioner shall also review:



124.9 Sec. 26. Minnesota Statutes 2020, section 245C.08, subdivision 3, is amended to read:

124.10 Subd. 3. **Arrest and investigative information.** (a) For any background study completed  
124.11 under this section, if the commissioner has reasonable cause to believe the information is  
124.12 pertinent to the disqualification of an individual, the commissioner also may review arrest  
124.13 and investigative information from:

124.14 (1) the Bureau of Criminal Apprehension;

173.27 (i) information from the child abuse and neglect registry for any state in which the  
173.28 background study subject has resided for the past five years;

173.29 (ii) when the background study subject is 18 years of age or older, or a minor under  
173.30 section 245C.05, subdivision 5a, paragraph (c), information received following submission  
173.31 of fingerprints for a national criminal history record check; and

173.32 (iii) when the background study subject is 18 years of age or older or a minor under  
173.33 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified  
174.1 license-exempt child care, licensed child care centers, and legal nonlicensed child care  
174.2 authorized under chapter 119B, information obtained using non-fingerprint-based data  
174.3 including information from the criminal and sex offender registries for any state in which  
174.4 the background study subject resided for the past five years and information from the national  
174.5 crime information database and the national sex offender registry; and

174.6 (7) for a background study required for family child care, certified license-exempt child  
174.7 care centers, licensed child care centers, and legal nonlicensed child care authorized under  
174.8 chapter 119B, the background study shall also include, to the extent practicable, a name  
174.9 and date-of-birth search of the National Sex Offender Public website.

174.10 (b) Notwithstanding expungement by a court, the commissioner may consider information  
174.11 obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice  
174.12 of the petition for expungement and the court order for expungement is directed specifically  
174.13 to the commissioner.

174.14 (c) The commissioner shall also review criminal case information received according  
174.15 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates  
174.16 to individuals who have already been studied under this chapter and who remain affiliated  
174.17 with the agency that initiated the background study.

174.18 (d) When the commissioner has reasonable cause to believe that the identity of a  
174.19 background study subject is uncertain, the commissioner may require the subject to provide  
174.20 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
174.21 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
174.22 shall not be saved by the commissioner after they have been used to verify the identity of  
174.23 the background study subject against the particular criminal record in question.

174.24 (e) The commissioner may inform the entity that initiated a background study under  
174.25 NETStudy 2.0 of the status of processing of the subject's fingerprints.

174.26 Sec. 31. Minnesota Statutes 2020, section 245C.08, subdivision 3, is amended to read:

174.27 Subd. 3. **Arrest and investigative information.** (a) For any background study completed  
174.28 under this section, if the commissioner has reasonable cause to believe the information is  
174.29 pertinent to the disqualification of an individual, the commissioner also may review arrest  
174.30 and investigative information from:

174.31 (1) the Bureau of Criminal Apprehension;



- 124.15 (2) the commissioners of health and human services;
- 124.16 (3) a county attorney;
- 124.17 (4) a county sheriff;
- 124.18 (5) a county agency;
- 124.19 (6) a local chief of police;
- 124.20 (7) other states;
- 124.21 (8) the courts;
- 124.22 (9) the Federal Bureau of Investigation;
- 124.23 (10) the National Criminal Records Repository; and
- 124.24 (11) criminal records from other states.
- 124.25 (b) Except when specifically required by law, the commissioner is not required to conduct  
124.26 more than one review of a subject's records from the Federal Bureau of Investigation if a  
124.27 review of the subject's criminal history with the Federal Bureau of Investigation has already  
124.28 been completed by the commissioner and there has been no break in the subject's affiliation  
124.29 with the entity that initiated the background study.
- 125.1 (c) If the commissioner conducts a national criminal history record check when required  
125.2 by law and uses the information from the national criminal history record check to make a  
125.3 disqualification determination, the data obtained is private data and cannot be shared with  
125.4 ~~county agencies~~, private agencies; or prospective employers of the background study subject.
- 125.5 (d) If the commissioner conducts a national criminal history record check when required  
125.6 by law and uses the information from the national criminal history record check to make a  
125.7 disqualification determination, the license holder or entity that submitted the study is not  
125.8 required to obtain a copy of the background study subject's disqualification letter under  
125.9 section 245C.17, subdivision 3.
- 125.10 Sec. 27. Minnesota Statutes 2020, section 245C.08, is amended by adding a subdivision  
125.11 to read:
- 125.12 Subd. 5. **Authorization.** The commissioner of human services shall be authorized to  
125.13 receive information under this chapter.
- 125.14 Sec. 28. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
125.15 to read:
- 125.16 Subd. 1b. **Background study fees.** (a) The commissioner shall recover the cost of  
125.17 background studies. Except as otherwise provided in subdivisions 1c and 1d, the fees  
125.18 collected under this section shall be appropriated to the commissioner for the purpose of

- 174.32 (2) the commissioners of health and human services;
- 175.1 (3) a county attorney;
- 175.2 (4) a county sheriff;
- 175.3 (5) a county agency;
- 175.4 (6) a local chief of police;
- 175.5 (7) other states;
- 175.6 (8) the courts;
- 175.7 (9) the Federal Bureau of Investigation;
- 175.8 (10) the National Criminal Records Repository; and
- 175.9 (11) criminal records from other states.
- 175.10 (b) Except when specifically required by law, the commissioner is not required to conduct  
175.11 more than one review of a subject's records from the Federal Bureau of Investigation if a  
175.12 review of the subject's criminal history with the Federal Bureau of Investigation has already  
175.13 been completed by the commissioner and there has been no break in the subject's affiliation  
175.14 with the entity that initiated the background study.
- 175.15 (c) If the commissioner conducts a national criminal history record check when required  
175.16 by law and uses the information from the national criminal history record check to make a  
175.17 disqualification determination, the data obtained is private data and cannot be shared with  
175.18 ~~county agencies~~, private agencies; or prospective employers of the background study subject.
- 175.19 (d) If the commissioner conducts a national criminal history record check when required  
175.20 by law and uses the information from the national criminal history record check to make a  
175.21 disqualification determination, the license holder or entity that submitted the study is not  
175.22 required to obtain a copy of the background study subject's disqualification letter under  
175.23 section 245C.17, subdivision 3.
- 175.24 **EFFECTIVE DATE.** This section is effective July 1, 2021.

- 125.19 conducting background studies under this chapter. Fees under this section are charges under  
 125.20 section 16A.1283, paragraph (b), clause (3).
- 125.21 (b) Background study fees may include:
- 125.22 (1) a fee to compensate the commissioner's authorized fingerprint collection vendor or  
 125.23 vendors for obtaining and processing a background study subject's classifiable fingerprints  
 125.24 and photograph pursuant to subdivision 1c; and
- 125.25 (2) a separate fee under subdivision 1c to complete a review of background-study-related  
 125.26 records as authorized under this chapter.
- 125.27 (c) Fees charged under paragraph (b) may be paid in whole or part when authorized by  
 125.28 law by a state agency or board; by state court administration; by a service provider, employer,  
 125.29 license holder, or other organization that initiates the background study; by the commissioner  
 125.30 or other organization with duly appropriated funds; by a background study subject; or by  
 125.31 some combination of these sources.
- 126.1 Sec. 29. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
 126.2 to read:
- 126.3 Subd. 1c. **Fingerprint and photograph processing fees.** The commissioner shall enter  
 126.4 into a contract with a qualified vendor or vendors to obtain and process a background study  
 126.5 subject's classifiable fingerprints and photograph as required by section 245C.05. The  
 126.6 commissioner may, at their discretion, directly collect fees and reimburse the commissioner's  
 126.7 authorized fingerprint collection vendor for the vendor's services or require the vendor to  
 126.8 collect the fees. The authorized vendor is responsible for reimbursing the vendor's  
 126.9 subcontractors at a rate specified in the contract with the commissioner.
- 126.10 Sec. 30. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
 126.11 to read:
- 126.12 Subd. 1d. **Background studies fee schedule.** (a) By March 1 each year, the commissioner  
 126.13 shall publish a schedule of fees sufficient to administer and conduct background studies  
 126.14 under this chapter. The published schedule of fees shall be effective on July 1 each year.
- 126.15 (b) Fees shall be based on the actual costs of administering and conducting background  
 126.16 studies, including payments to external agencies, department indirect cost payments under  
 126.17 section 16A.127, processing fees, and costs related to due process.
- 126.18 (c) The commissioner shall publish a notice of fees by posting fee amounts on the  
 126.19 department website. The notice shall specify the actual costs that comprise the fees including  
 126.20 the categories described in paragraph (b).
- 126.21 (d) The published schedule of fees shall remain in effect from July 1 to June 30 each  
 126.22 year.

126.23 (e) The fees collected under this subdivision are appropriated to the commissioner for  
 126.24 the purpose of conducting background studies, alternative background studies, and criminal  
 126.25 background checks.

126.26 **EFFECTIVE DATE.** This section is effective July 1, 2021. The commissioner of human  
 126.27 services shall publish the initial fee schedule on the Department of Human Services website  
 126.28 on July 1, 2021, and the initial fee schedule is effective September 1, 2021.

126.29 Sec. 31. Minnesota Statutes 2020, section 245C.10, subdivision 15, is amended to read:

126.30 Subd. 15. **Guardians and conservators.** The commissioner shall recover the cost of  
 126.31 conducting background studies for guardians and conservators under section 524.5-118  
 126.32 through a fee of no more than \$110 per study. The fees collected under this subdivision are  
 127.1 appropriated to the commissioner for the purpose of conducting background studies. fee  
 127.2 for conducting an alternative background study for appointment of a professional guardian  
 127.3 or conservator must be paid by the guardian or conservator. In other cases, the fee must be  
 127.4 paid as follows:

127.5 (1) if the matter is proceeding in forma pauperis, the fee must be paid as an expense for  
 127.6 purposes of section 524.5-502, paragraph (a);

127.7 (2) if there is an estate of the ward or protected person, the fee must be paid from the  
 127.8 estate; or

127.9 (3) in the case of a guardianship or conservatorship of a person that is not proceeding  
 127.10 in forma pauperis, the fee must be paid by the guardian, conservator, or the court.

127.11 Sec. 32. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
 127.12 to read:

127.13 Subd. 17. **Early intensive developmental and behavioral intervention providers.** The  
 127.14 commissioner shall recover the cost of background studies required under section 245C.03,  
 127.15 subdivision 15, for the purposes of early intensive developmental and behavioral intervention  
 127.16 under section 256B.0949, through a fee of no more than \$20 per study charged to the enrolled  
 127.17 agency. The fees collected under this subdivision are appropriated to the commissioner for  
 127.18 the purpose of conducting background studies.

127.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

127.20 Sec. 33. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
 127.21 to read:

127.22 Subd. 18. **Applicants, licensees, and other occupations regulated by commissioner**  
 127.23 **of health.** The applicant or license holder is responsible for paying to the Department of  
 127.24 Human Services all fees associated with the preparation of the fingerprints, the criminal  
 127.25 records check consent form, and the criminal background check.

175.25 Sec. 32. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
 175.26 to read:

175.27 Subd. 17. **Early intensive developmental and behavioral intervention providers.** The  
 175.28 commissioner shall recover the cost of background studies required under section 245C.03,  
 175.29 subdivision 15, for the purposes of early intensive developmental and behavioral intervention  
 175.30 under section 256B.0949, through a fee of no more than \$20 per study charged to the enrolled  
 176.1 agency. The fees collected under this subdivision are appropriated to the commissioner for  
 176.2 the purpose of conducting background studies.

176.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

127.26 Sec. 34. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
127.27 to read:

127.28 Subd. 19. **Occupations regulated by MNsure.** The commissioner shall set fees to  
127.29 recover the cost of background studies and criminal background checks initiated by MNsure  
127.30 under sections 62V.05 and 245C.031. The fee amount shall be established through  
127.31 interagency agreement between the commissioner and the board of MNsure or its designee.  
128.1 The fees collected under this subdivision shall be deposited in the special revenue fund and  
128.2 are appropriated to the commissioner for the purpose of conducting background studies and  
128.3 criminal background checks.

128.4 Sec. 35. Minnesota Statutes 2020, section 245C.13, subdivision 2, is amended to read:

128.5 Subd. 2. **Activities pending completion of background study.** The subject of a  
128.6 background study may not perform any activity requiring a background study under  
128.7 paragraph (c) until the commissioner has issued one of the notices under paragraph (a).  
128.8 (a) Notices from the commissioner required prior to activity under paragraph (c) include:  
128.9 (1) a notice of the study results under section 245C.17 stating that:  
128.10 (i) the individual is not disqualified; or  
128.11 (ii) more time is needed to complete the study but the individual is not required to be  
128.12 removed from direct contact or access to people receiving services prior to completion of  
128.13 the study as provided under section 245C.17, subdivision 1, paragraph (b) or (c). The notice  
128.14 that more time is needed to complete the study must also indicate whether the individual is  
128.15 required to be under continuous direct supervision prior to completion of the background  
128.16 study. When more time is necessary to complete a background study of an individual  
128.17 affiliated with a Title IV-E eligible children's residential facility or foster residence setting,

176.4 Sec. 33. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
176.5 to read:

176.6 Subd. 18. **Occupations regulated by MNsure.** The commissioner shall set fees to  
176.7 recover the cost of background studies and criminal background checks initiated by MNsure  
176.8 under sections 62V.05 and 245C.03. The fee amount shall be established through interagency  
176.9 agreement between the commissioner and the board of MNsure or its designee. The fees  
176.10 collected under this subdivision shall be deposited in the special revenue fund and are  
176.11 appropriated to the commissioner for the purpose of conducting background studies and  
176.12 criminal background checks.

176.13 Sec. 34. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
176.14 to read:

176.15 Subd. 19. **Professional Educators Licensing Standards Board.** The commissioner  
176.16 shall recover the cost of background studies initiated by the Professional Educators Licensing  
176.17 Standards Board through a fee of no more than \$51 per study. Fees collected under this  
176.18 subdivision are appropriated to the commissioner for purposes of conducting background  
176.19 studies.

176.20 Sec. 35. Minnesota Statutes 2020, section 245C.10, is amended by adding a subdivision  
176.21 to read:

176.22 Subd. 20. **Board of School Administrators.** The commissioner shall recover the cost  
176.23 of background studies initiated by the Board of School Administrators through a fee of no  
176.24 more than \$51 per study. Fees collected under this subdivision are appropriated to the  
176.25 commissioner for purposes of conducting background studies.

128.18 the individual may not work in the facility or setting regardless of whether or not the  
 128.19 individual is supervised;

128.20 (2) a notice that a disqualification has been set aside under section 245C.23; or

128.21 (3) a notice that a variance has been granted related to the individual under section  
 128.22 245C.30.

128.23 (b) For a background study affiliated with a licensed child care center or certified  
 128.24 license-exempt child care center, the notice sent under paragraph (a), clause (1), item (ii),  
 128.25 must require the individual to be under continuous direct supervision prior to completion  
 128.26 of the background study except as permitted in subdivision 3.

128.27 (c) Activities prohibited prior to receipt of notice under paragraph (a) include:

128.28 (1) being issued a license;

128.29 (2) living in the household where the licensed program will be provided;

128.30 (3) providing direct contact services to persons served by a program unless the subject  
 128.31 is under continuous direct supervision;

129.1 (4) having access to persons receiving services if the background study was completed  
 129.2 under section 144.057, subdivision 1, or 245C.03, subdivision 1, paragraph (a), clause (2),  
 129.3 (5), or (6), unless the subject is under continuous direct supervision;

129.4 (5) for licensed child care centers and certified license-exempt child care centers,  
 129.5 providing direct contact services to persons served by the program; ~~or~~

129.6 (6) for children's residential facilities or foster residence settings, working in the facility  
 129.7 or setting; or

129.8 (7) for background studies affiliated with a personal care provider organization, except  
 129.9 as provided in section 245C.03, subdivision 3b, before a personal care assistant provides  
 129.10 services, the personal care assistance provider agency must initiate a background study of  
 129.11 the personal care assistant under this chapter and the personal care assistance provider  
 129.12 agency must have received a notice from the commissioner that the personal care assistant  
 129.13 is:

129.14 (i) not disqualified under section 245C.14; or

129.15 (ii) disqualified, but the personal care assistant has received a set aside of the  
 129.16 disqualification under section 245C.22.

129.17 Sec. 36. Minnesota Statutes 2020, section 245C.14, subdivision 1, is amended to read:

129.18 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall  
 129.19 disqualify an individual who is the subject of a background study from any position allowing  
 129.20 direct contact with persons receiving services from the license holder or entity identified in

176.26 Sec. 36. Minnesota Statutes 2020, section 245C.14, subdivision 1, is amended to read:

176.27 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall  
 176.28 disqualify an individual who is the subject of a background study from any position allowing  
 176.29 direct contact with persons receiving services from the license holder or entity identified in

129.21 section 245C.03, upon receipt of information showing, or when a background study  
 129.22 completed under this chapter shows any of the following:

129.23 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section  
 129.24 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,  
 129.25 or misdemeanor level crime;

129.26 (2) a preponderance of the evidence indicates the individual has committed an act or  
 129.27 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of  
 129.28 whether the preponderance of the evidence is for a felony, gross misdemeanor, or  
 129.29 misdemeanor level crime; or

129.30 (3) an investigation results in an administrative determination listed under section  
 129.31 245C.15, subdivision 4, paragraph (b).

130.1 (b) No individual who is disqualified following a background study under section  
 130.2 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with  
 130.3 persons served by a program or entity identified in section 245C.03, unless the commissioner  
 130.4 has provided written notice under section 245C.17 stating that:

130.5 (1) the individual may remain in direct contact during the period in which the individual  
 130.6 may request reconsideration as provided in section 245C.21, subdivision 2;

130.7 (2) the commissioner has set aside the individual's disqualification for that program or  
 130.8 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

130.9 (3) the license holder has been granted a variance for the disqualified individual under  
 130.10 section 245C.30.

130.11 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated  
 130.12 with a licensed family foster setting, the commissioner shall disqualify an individual who  
 130.13 is the subject of a background study from any position allowing direct contact with persons  
 130.14 receiving services from the license holder or entity identified in section 245C.03, upon  
 130.15 receipt of information showing or when a background study completed under this chapter  
 130.16 shows reason for disqualification under section 245C.15, subdivision 4a.

130.17 **EFFECTIVE DATE.** This section is effective July 1, 2022.

130.18 Sec. 37. Minnesota Statutes 2020, section 245C.14, is amended by adding a subdivision  
 130.19 to read:

130.20 Subd. 4. **Disqualification from working in licensed child care centers or certified**  
 130.21 **license-exempt child care centers.** (a) For a background study affiliated with a licensed  
 130.22 child care center or certified license-exempt child care center, if an individual is disqualified  
 130.23 from direct contact under subdivision 1, the commissioner must also disqualify the individual  
 130.24 from working in any position regardless of whether the individual would have direct contact

176.30 section 245C.03, upon receipt of information showing, or when a background study  
 176.31 completed under this chapter shows any of the following:

177.1 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section  
 177.2 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,  
 177.3 or misdemeanor level crime;

177.4 (2) a preponderance of the evidence indicates the individual has committed an act or  
 177.5 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of  
 177.6 whether the preponderance of the evidence is for a felony, gross misdemeanor, or  
 177.7 misdemeanor level crime; or

177.8 (3) an investigation results in an administrative determination listed under section  
 177.9 245C.15, subdivision 4, paragraph (b).

177.10 (b) No individual who is disqualified following a background study under section  
 177.11 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with  
 177.12 persons served by a program or entity identified in section 245C.03, unless the commissioner  
 177.13 has provided written notice under section 245C.17 stating that:

177.14 (1) the individual may remain in direct contact during the period in which the individual  
 177.15 may request reconsideration as provided in section 245C.21, subdivision 2;

177.16 (2) the commissioner has set aside the individual's disqualification for that program or  
 177.17 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

177.18 (3) the license holder has been granted a variance for the disqualified individual under  
 177.19 section 245C.30.

177.20 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated  
 177.21 with a licensed family foster setting, the commissioner shall disqualify an individual who  
 177.22 is the subject of a background study from any position allowing direct contact with persons  
 177.23 receiving services from the license holder or entity identified in section 245C.03, upon  
 177.24 receipt of information showing or when a background study completed under this chapter  
 177.25 shows reason for disqualification under section 245C.15, subdivision 4a.

177.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

130.25 with or access to children served in the licensed child care center or certified license-exempt  
 130.26 child care center and from having access to a person receiving services from the center.

130.27 (b) Notwithstanding any other requirement of this chapter, for a background study  
 130.28 affiliated with a licensed child care center or a certified license-exempt child care center, if  
 130.29 an individual is disqualified, the individual may not work in the child care center until the  
 130.30 commissioner has issued a notice stating that:

130.31 (1) the individual is not disqualified;

130.32 (2) a disqualification has been set aside under section 245C.23; or

131.1 (3) a variance has been granted related to the individual under section 245C.30.

131.2 Sec. 38. Minnesota Statutes 2020, section 245C.15, is amended by adding a subdivision  
 131.3 to read:

131.4 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding  
 131.5 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,  
 131.6 regardless of how much time has passed, an individual is disqualified under section 245C.14  
 131.7 if the individual committed an act that resulted in a felony-level conviction for sections:  
 131.8 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder  
 131.9 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in  
 131.10 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first  
 131.11 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);  
 131.12 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense  
 131.13 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or  
 131.14 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325  
 131.15 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245  
 131.16 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder  
 131.17 of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second  
 131.18 degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter  
 131.19 of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the  
 131.20 second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault  
 131.21 of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the  
 131.22 commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion  
 131.23 of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited  
 131.24 acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 609.342  
 131.25 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second  
 131.26 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual  
 131.27 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);  
 131.28 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage  
 131.29 in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or  
 131.30 endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary  
 131.31 in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246

177.27 Sec. 37. Minnesota Statutes 2020, section 245C.15, is amended by adding a subdivision  
 177.28 to read:

177.29 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding  
 177.30 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,  
 177.31 regardless of how much time has passed, an individual is disqualified under section 245C.14  
 177.32 if the individual committed an act that resulted in a felony-level conviction for sections:  
 178.1 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder  
 178.2 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in  
 178.3 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first  
 178.4 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);  
 178.5 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense  
 178.6 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or  
 178.7 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325  
 178.8 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245  
 178.9 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder  
 178.10 of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second  
 178.11 degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter  
 178.12 of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the  
 178.13 second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault  
 178.14 of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the  
 178.15 commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion  
 178.16 of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited  
 178.17 acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 609.342  
 178.18 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second  
 178.19 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual  
 178.20 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);  
 178.21 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage  
 178.22 in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or  
 178.23 endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary  
 178.24 in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246

131.32 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial  
 131.33 representations of minors).

132.1 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated  
 132.2 with a licensed family foster setting, an individual is disqualified under section 245C.14,  
 132.3 regardless of how much time has passed, if the individual:

132.4 (1) committed an action under paragraph (d) that resulted in death or involved sexual  
 132.5 abuse, as defined in section 260E.03, subdivision 20;

132.6 (2) committed an act that resulted in a gross misdemeanor-level conviction for section  
 132.7 609.3451 (criminal sexual conduct in the fifth degree);

132.8 (3) committed an act against or involving a minor that resulted in a felony-level conviction  
 132.9 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the  
 132.10 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);  
 132.11 or

132.12 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level  
 132.13 conviction for section 617.293 (dissemination and display of harmful materials to minors).

132.14 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
 132.15 family foster setting, an individual is disqualified under section 245C.14 if less than 20  
 132.16 years have passed since the termination of the individual's parental rights under section  
 132.17 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of  
 132.18 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to  
 132.19 involuntarily terminate parental rights. An individual is disqualified under section 245C.14  
 132.20 if less than 20 years have passed since the termination of the individual's parental rights in  
 132.21 any other state or country, where the conditions for the individual's termination of parental  
 132.22 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph  
 132.23 (b).

132.24 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
 132.25 family foster setting, an individual is disqualified under section 245C.14 if less than five  
 132.26 years have passed since a felony-level violation for sections: 152.021 (controlled substance  
 132.27 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023  
 132.28 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the  
 132.29 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing  
 132.30 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)  
 132.31 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision  
 132.32 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies  
 132.33 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;  
 132.34 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related  
 133.1 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while  
 133.2 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113  
 133.3 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn

178.25 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial  
 178.26 representations of minors).

178.27 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated  
 178.28 with a licensed family foster setting, an individual is disqualified under section 245C.14,  
 178.29 regardless of how much time has passed, if the individual:

178.30 (1) committed an action under paragraph (d) that resulted in death or involved sexual  
 178.31 abuse, as defined in section 260E.03, subdivision 20;

178.32 (2) committed an act that resulted in a gross misdemeanor-level conviction for section  
 178.33 609.3451 (criminal sexual conduct in the fifth degree);

178.34 (3) committed an act against or involving a minor that resulted in a felony-level conviction  
 178.35 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the  
 179.1 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);  
 179.2 or

179.3 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level  
 179.4 conviction for section 617.293 (dissemination and display of harmful materials to minors).

179.5 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
 179.6 family foster setting, an individual is disqualified under section 245C.14 if less than 20  
 179.7 years have passed since the termination of the individual's parental rights under section  
 179.8 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of  
 179.9 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to  
 179.10 involuntarily terminate parental rights. An individual is disqualified under section 245C.14  
 179.11 if less than 20 years have passed since the termination of the individual's parental rights in  
 179.12 any other state or country, where the conditions for the individual's termination of parental  
 179.13 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph  
 179.14 (b).

179.15 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
 179.16 family foster setting, an individual is disqualified under section 245C.14 if less than five  
 179.17 years have passed since a felony-level violation for sections: 152.021 (controlled substance  
 179.18 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023  
 179.19 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the  
 179.20 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing  
 179.21 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)  
 179.22 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision  
 179.23 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies  
 179.24 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;  
 179.25 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related  
 179.26 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while  
 179.27 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113  
 179.28 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn



133.4 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal  
 133.5 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal  
 133.6 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);  
 133.7 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex  
 133.8 trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the  
 133.9 first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562  
 133.10 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2  
 133.11 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration);  
 133.12 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or  
 133.13 stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or  
 133.14 624.713 (certain people not to possess firearms).

133.15 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a  
 133.16 background study affiliated with a licensed family child foster care license, an individual  
 133.17 is disqualified under section 245C.14 if less than five years have passed since:

133.18 (1) a felony-level violation for an act not against or involving a minor that constitutes:  
 133.19 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third  
 133.20 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the  
 133.21 fifth degree);

133.22 (2) a violation of an order for protection under section 518B.01, subdivision 14;

133.23 (3) a determination or disposition of the individual's failure to make required reports  
 133.24 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition  
 133.25 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment  
 133.26 was recurring or serious;

133.27 (4) a determination or disposition of the individual's substantiated serious or recurring  
 133.28 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or  
 133.29 serious or recurring maltreatment in any other state, the elements of which are substantially  
 133.30 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet  
 133.31 the definition of serious maltreatment or recurring maltreatment;

133.32 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in  
 133.33 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);  
 134.1 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);  
 134.2 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

134.3 (6) committing an act against or involving a minor that resulted in a misdemeanor-level  
 134.4 violation of section 609.224, subdivision 1 (assault in the fifth degree).

134.5 (f) For purposes of this subdivision, the disqualification begins from:

134.6 (1) the date of the alleged violation, if the individual was not convicted;

179.29 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal  
 179.30 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal  
 179.31 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);  
 179.32 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex  
 179.33 trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the  
 179.34 first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562  
 179.35 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2  
 180.1 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration);  
 180.2 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or  
 180.3 stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or  
 180.4 624.713 (certain people not to possess firearms).

180.5 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a  
 180.6 background study affiliated with a licensed family child foster care license, an individual  
 180.7 is disqualified under section 245C.14 if less than five years have passed since:

180.8 (1) a felony-level violation for an act not against or involving a minor that constitutes:  
 180.9 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third  
 180.10 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the  
 180.11 fifth degree);

180.12 (2) a violation of an order for protection under section 518B.01, subdivision 14;

180.13 (3) a determination or disposition of the individual's failure to make required reports  
 180.14 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition  
 180.15 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment  
 180.16 was recurring or serious;

180.17 (4) a determination or disposition of the individual's substantiated serious or recurring  
 180.18 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or  
 180.19 serious or recurring maltreatment in any other state, the elements of which are substantially  
 180.20 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet  
 180.21 the definition of serious maltreatment or recurring maltreatment;

180.22 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in  
 180.23 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);  
 180.24 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);  
 180.25 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

180.26 (6) committing an act against or involving a minor that resulted in a misdemeanor-level  
 180.27 violation of section 609.224, subdivision 1 (assault in the fifth degree).

180.28 (f) For purposes of this subdivision, the disqualification begins from:

180.29 (1) the date of the alleged violation, if the individual was not convicted;

- 134.7 (2) the date of conviction, if the individual was convicted of the violation but not  
 134.8 committed to the custody of the commissioner of corrections; or
- 134.9 (3) the date of release from prison, if the individual was convicted of the violation and  
 134.10 committed to the custody of the commissioner of corrections.
- 134.11 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation  
 134.12 of the individual's supervised release, the disqualification begins from the date of release  
 134.13 from the subsequent incarceration.
- 134.14 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the  
 134.15 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota  
 134.16 Statutes, permanently disqualifies the individual under section 245C.14. An individual is  
 134.17 disqualified under section 245C.14 if less than five years have passed since the individual's  
 134.18 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs  
 134.19 (d) and (e).
- 134.20 (h) An individual's offense in any other state or country, where the elements of the  
 134.21 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),  
 134.22 permanently disqualifies the individual under section 245C.14. An individual is disqualified  
 134.23 under section 245C.14 if less than five years has passed since an offense in any other state  
 134.24 or country, the elements of which are substantially similar to the elements of any offense  
 134.25 listed in paragraphs (d) and (e).
- 134.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.
- 134.27 Sec. 39. Minnesota Statutes 2020, section 245C.16, subdivision 1, is amended to read:
- 134.28 Subdivision 1. **Determining immediate risk of harm.** (a) If the commissioner determines  
 134.29 that the individual studied has a disqualifying characteristic, the commissioner shall review  
 134.30 the information immediately available and make a determination as to the subject's immediate  
 134.31 risk of harm to persons served by the program where the individual studied will have direct  
 134.32 contact with, or access to, people receiving services.
- 135.1 (b) The commissioner shall consider all relevant information available, including the  
 135.2 following factors in determining the immediate risk of harm:
- 135.3 (1) the recency of the disqualifying characteristic;
- 135.4 (2) the recency of discharge from probation for the crimes;
- 135.5 (3) the number of disqualifying characteristics;
- 135.6 (4) the intrusiveness or violence of the disqualifying characteristic;
- 135.7 (5) the vulnerability of the victim involved in the disqualifying characteristic;
- 135.8 (6) the similarity of the victim to the persons served by the program where the individual  
 135.9 studied will have direct contact;

- 180.30 (2) the date of conviction, if the individual was convicted of the violation but not  
 180.31 committed to the custody of the commissioner of corrections; or
- 181.1 (3) the date of release from prison, if the individual was convicted of the violation and  
 181.2 committed to the custody of the commissioner of corrections.
- 181.3 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation  
 181.4 of the individual's supervised release, the disqualification begins from the date of release  
 181.5 from the subsequent incarceration.
- 181.6 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the  
 181.7 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota  
 181.8 Statutes, permanently disqualifies the individual under section 245C.14. An individual is  
 181.9 disqualified under section 245C.14 if less than five years have passed since the individual's  
 181.10 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs  
 181.11 (d) and (e).
- 181.12 (h) An individual's offense in any other state or country, where the elements of the  
 181.13 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),  
 181.14 permanently disqualifies the individual under section 245C.14. An individual is disqualified  
 181.15 under section 245C.14 if less than five years have passed since an offense in any other state  
 181.16 or country, the elements of which are substantially similar to the elements of any offense  
 181.17 listed in paragraphs (d) and (e).
- 181.18 **EFFECTIVE DATE.** This section is effective July 1, 2022.

135.10 (7) whether the individual has a disqualification from a previous background study that  
135.11 has not been set aside; ~~and~~

135.12 (8) if the individual has a disqualification which may not be set aside because it is a  
135.13 permanent bar under section 245C.24, subdivision 1, or the individual is a child care  
135.14 background study subject who has a felony-level conviction for a drug-related offense in  
135.15 the last five years, the commissioner may order the immediate removal of the individual  
135.16 from any position allowing direct contact with, or access to, persons receiving services from  
135.17 the program and from working in a children's residential facility or foster residence setting;  
135.18 and

135.19 (9) if the individual has a disqualification which may not be set aside because it is a  
135.20 permanent bar under section 245C.24, subdivision 2, or the individual is a child care  
135.21 background study subject who has a felony-level conviction for a drug-related offense during  
135.22 the last five years, the commissioner may order the immediate removal of the individual  
135.23 from any position allowing direct contact with or access to persons receiving services from  
135.24 the center and from working in a licensed child care center or certified license-exempt child  
135.25 care center.

135.26 (c) This section does not apply when the subject of a background study is regulated by  
135.27 a health-related licensing board as defined in chapter 214, and the subject is determined to  
135.28 be responsible for substantiated maltreatment under section 626.557 or chapter 260E.

135.29 (d) This section does not apply to a background study related to an initial application  
135.30 for a child foster family setting license.

135.31 (e) Except for paragraph (f), this section does not apply to a background study that is  
135.32 also subject to the requirements under section 256B.0659, subdivisions 11 and 13, for a  
136.1 personal care assistant or a qualified professional as defined in section 256B.0659,  
136.2 subdivision 1.

136.3 (f) If the commissioner has reason to believe, based on arrest information or an active  
136.4 maltreatment investigation, that an individual poses an imminent risk of harm to persons  
136.5 receiving services, the commissioner may order that the person be continuously supervised  
136.6 or immediately removed pending the conclusion of the maltreatment investigation or criminal  
136.7 proceedings.

136.8 Sec. 40. Minnesota Statutes 2020, section 245C.16, subdivision 2, is amended to read:

136.9 Subd. 2. **Findings.** (a) After evaluating the information immediately available under  
136.10 subdivision 1, the commissioner may have reason to believe one of the following:

136.11 (1) the individual poses an imminent risk of harm to persons served by the program  
136.12 where the individual studied will have direct contact or access to persons served by the  
136.13 program or where the individual studied will work;

- 136.14 (2) the individual poses a risk of harm requiring continuous, direct supervision while  
 136.15 providing direct contact services during the period in which the subject may request a  
 136.16 reconsideration; or
- 136.17 (3) the individual does not pose an imminent risk of harm or a risk of harm requiring  
 136.18 continuous, direct supervision while providing direct contact services during the period in  
 136.19 which the subject may request a reconsideration.
- 136.20 (b) After determining an individual's risk of harm under this section, the commissioner  
 136.21 must notify the subject of the background study and the applicant or license holder as  
 136.22 required under section 245C.17.
- 136.23 (c) For Title IV-E eligible children's residential facilities and foster residence settings,  
 136.24 the commissioner is prohibited from making the findings in paragraph (a), clause (2) or (3).
- 136.25 (d) For licensed child care centers or certified license-exempt child care centers, the  
 136.26 commissioner is prohibited from making the findings in paragraph (a), clause (2) or (3).
- 136.27 Sec. 41. Minnesota Statutes 2020, section 245C.17, subdivision 1, is amended to read:
- 136.28 Subdivision 1. **Time frame for notice of study results and auditing system access.** (a)  
 136.29 Within three working days after the commissioner's receipt of a request for a background  
 136.30 study submitted through the commissioner's NETStudy or NETStudy 2.0 system, the  
 136.31 commissioner shall notify the background study subject and the license holder or other  
 137.1 entity as provided in this chapter in writing or by electronic transmission of the results of  
 137.2 the study or that more time is needed to complete the study. The notice to the individual  
 137.3 shall include the identity of the entity that initiated the background study.
- 137.4 (b) Before being provided access to NETStudy 2.0, the license holder or other entity  
 137.5 under section 245C.04 shall sign an acknowledgment of responsibilities form developed  
 137.6 by the commissioner that includes identifying the sensitive background study information  
 137.7 person, who must be an employee of the license holder or entity. All queries to NETStudy  
 137.8 2.0 are electronically recorded and subject to audit by the commissioner. The electronic  
 137.9 record shall identify the specific user. A background study subject may request in writing  
 137.10 to the commissioner a report listing the entities that initiated a background study on the  
 137.11 individual.
- 137.12 (c) When the commissioner has completed a prior background study on an individual  
 137.13 that resulted in an order for immediate removal and more time is necessary to complete a  
 137.14 subsequent study, the notice that more time is needed that is issued under paragraph (a)  
 137.15 shall include an order for immediate removal of the individual from any position allowing  
 137.16 direct contact with or access to people receiving services and from working in a children's  
 137.17 residential facility ~~or~~, foster residence setting, child care center, or certified license-exempt  
 137.18 child care center pending completion of the background study.

137.19 Sec. 42. Minnesota Statutes 2020, section 245C.17, is amended by adding a subdivision  
137.20 to read:

137.21 Subd. 8. **Disqualification notice to child care centers and certified license-exempt**  
137.22 **child care centers.** (a) For child care centers and certified license-exempt child care centers,  
137.23 all notices under this section that order the license holder to immediately remove the  
137.24 individual studied from any position allowing direct contact with, or access to a person  
137.25 served by the center, must also order the license holder to immediately remove the individual  
137.26 studied from working in any position regardless of whether the individual would have direct  
137.27 contact with or access to children served in the center.

137.28 (b) For child care centers and certified license-exempt child care centers, notices under  
137.29 this section must not allow an individual to work in the center.

138.1 Sec. 43. Minnesota Statutes 2020, section 245C.18, is amended to read:

138.2 **245C.18 OBLIGATION TO REMOVE DISQUALIFIED INDIVIDUAL FROM**  
138.3 **DIRECT CONTACT AND FROM WORKING IN A PROGRAM, FACILITY, OR**  
138.4 **SETTING, OR CENTER.**

138.5 (a) Upon receipt of notice from the commissioner, the license holder must remove a  
138.6 disqualified individual from direct contact with persons served by the licensed program if:

138.7 (1) the individual does not request reconsideration under section 245C.21 within the  
138.8 prescribed time;

138.9 (2) the individual submits a timely request for reconsideration, the commissioner does  
138.10 not set aside the disqualification under section 245C.22, subdivision 4, and the individual  
138.11 does not submit a timely request for a hearing under sections 245C.27 and 256.045, or  
138.12 245C.28 and chapter 14; or

138.13 (3) the individual submits a timely request for a hearing under sections 245C.27 and  
138.14 256.045, or 245C.28 and chapter 14, and the commissioner does not set aside or rescind the  
138.15 disqualification under section 245A.08, subdivision 5, or 256.045.

138.16 (b) For children's residential facility and foster residence setting license holders, upon  
138.17 receipt of notice from the commissioner under paragraph (a), the license holder must also  
138.18 remove the disqualified individual from working in the program, facility, or setting and  
138.19 from access to persons served by the licensed program.

138.20 (c) For Title IV-E eligible children's residential facility and foster residence setting  
138.21 license holders, upon receipt of notice from the commissioner under paragraph (a), the  
138.22 license holder must also remove the disqualified individual from working in the program  
138.23 and from access to persons served by the program and must not allow the individual to work  
138.24 in the facility or setting until the commissioner has issued a notice stating that:

138.25 (1) the individual is not disqualified;

138.26 (2) a disqualification has been set aside under section 245C.23; or

138.27 (3) a variance has been granted related to the individual under section 245C.30.

138.28 (d) For licensed child care center and certified license-exempt child care center license

138.29 holders, upon receipt of notice from the commissioner under paragraph (a), the license

138.30 holder must remove the disqualified individual from working in any position regardless of

138.31 whether the individual would have direct contact with or access to children served in the

139.1 center and from having access to persons served by the center and must not allow the

139.2 individual to work in the center until the commissioner has issued a notice stating that:

139.3 (1) the individual is not disqualified;

139.4 (2) a disqualification has been set aside under section 245C.23; or

139.5 (3) a variance has been granted related to the individual under section 245C.30.

139.6 Sec. 44. Minnesota Statutes 2020, section 245C.24, subdivision 2, is amended to read:

139.7 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in

139.8 paragraphs (b) to ~~(e)~~ (f), the commissioner may not set aside the disqualification of any

139.9 individual disqualified pursuant to this chapter, regardless of how much time has passed,

139.10 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision

139.11 1.

139.12 (b) For an individual in the chemical dependency or corrections field who was disqualified

139.13 for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification

139.14 was set aside prior to July 1, 2005, the commissioner must consider granting a variance

139.15 pursuant to section 245C.30 for the license holder for a program dealing primarily with

139.16 adults. A request for reconsideration evaluated under this paragraph must include a letter

139.17 of recommendation from the license holder that was subject to the prior set-aside decision

139.18 addressing the individual's quality of care to children or vulnerable adults and the

139.19 circumstances of the individual's departure from that service.

139.20 (c) If an individual who requires a background study for nonemergency medical

139.21 transportation services under section 245C.03, subdivision 12, was disqualified for a crime

139.22 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have

139.23 passed since the discharge of the sentence imposed, the commissioner may consider granting

139.24 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this

139.25 paragraph must include a letter of recommendation from the employer. This paragraph does

139.26 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to

139.27 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,

139.28 clause (1); 617.246; or 617.247.

139.29 (d) When a licensed foster care provider adopts an individual who had received foster

139.30 care services from the provider for over six months, and the adopted individual is required

139.31 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause

139.32 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30

181.19 Sec. 38. Minnesota Statutes 2020, section 245C.24, subdivision 2, is amended to read:

181.20 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in

181.21 paragraphs (b) to ~~(e)~~ (f), the commissioner may not set aside the disqualification of any

181.22 individual disqualified pursuant to this chapter, regardless of how much time has passed,

181.23 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision

181.24 1.

181.25 (b) For an individual in the chemical dependency or corrections field who was disqualified

181.26 for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification

181.27 was set aside prior to July 1, 2005, the commissioner must consider granting a variance

181.28 pursuant to section 245C.30 for the license holder for a program dealing primarily with

181.29 adults. A request for reconsideration evaluated under this paragraph must include a letter

181.30 of recommendation from the license holder that was subject to the prior set-aside decision

181.31 addressing the individual's quality of care to children or vulnerable adults and the

181.32 circumstances of the individual's departure from that service.

182.1 (c) If an individual who requires a background study for nonemergency medical

182.2 transportation services under section 245C.03, subdivision 12, was disqualified for a crime

182.3 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have

182.4 passed since the discharge of the sentence imposed, the commissioner may consider granting

182.5 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this

182.6 paragraph must include a letter of recommendation from the employer. This paragraph does

182.7 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to

182.8 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,

182.9 clause (1); 617.246; or 617.247.

182.10 (d) When a licensed foster care provider adopts an individual who had received foster

182.11 care services from the provider for over six months, and the adopted individual is required

182.12 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause

182.13 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30

139.33 to permit the adopted individual with a permanent disqualification to remain affiliated with  
 140.1 the license holder under the conditions of the variance when the variance is recommended  
 140.2 by the county of responsibility for each of the remaining individuals in placement in the  
 140.3 home and the licensing agency for the home.

140.4 (e) For an individual 18 years of age or older affiliated with a licensed family foster  
 140.5 setting, the commissioner must not set aside or grant a variance for the disqualification of  
 140.6 any individual disqualified pursuant to this chapter, regardless of how much time has passed,  
 140.7 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision  
 140.8 4a, paragraphs (a) and (b).

140.9 (f) In connection with a family foster setting license, the commissioner may grant a  
 140.10 variance to the disqualification for an individual who is under 18 years of age at the time  
 140.11 the background study is submitted.

140.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.

140.13 Sec. 45. Minnesota Statutes 2020, section 245C.24, subdivision 3, is amended to read:

140.14 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set  
 140.15 aside the disqualification of an individual in connection with a license to provide family  
 140.16 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day  
 140.17 care services for adults in the provider's home if: (1) less than ten years has passed since  
 140.18 the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based  
 140.19 on a preponderance of evidence determination under section 245C.14, subdivision 1,  
 140.20 paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph  
 140.21 (a), clause (1), and less than ten years has passed since the individual committed the act or  
 140.22 admitted to committing the act, whichever is later; and (3) the individual has committed a  
 140.23 violation of any of the following offenses: sections 609.165 (felon ineligible to possess  
 140.24 firearm); criminal vehicular homicide or criminal vehicular operation causing death under  
 140.25 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding  
 140.26 suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault  
 140.27 in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713  
 140.28 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple  
 140.29 robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);  
 140.30 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a  
 140.31 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous  
 140.32 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);  
 140.33 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled  
 140.34 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or  
 141.1 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,  
 141.2 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);  
 141.3 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable  
 141.4 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or  
 141.5 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a  
 141.6 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure

182.14 to permit the adopted individual with a permanent disqualification to remain affiliated with  
 182.15 the license holder under the conditions of the variance when the variance is recommended  
 182.16 by the county of responsibility for each of the remaining individuals in placement in the  
 182.17 home and the licensing agency for the home.

182.18 (e) For an individual 18 years of age or older affiliated with a licensed family foster  
 182.19 setting, the commissioner must not set aside or grant a variance for the disqualification of  
 182.20 any individual disqualified pursuant to this chapter, regardless of how much time has passed,  
 182.21 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision  
 182.22 4a, paragraphs (a) and (b).

182.23 (f) In connection with a family foster setting license, the commissioner may grant a  
 182.24 variance to the disqualification for an individual who is under 18 years of age at the time  
 182.25 the background study is submitted.

182.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

182.27 Sec. 39. Minnesota Statutes 2020, section 245C.24, subdivision 3, is amended to read:

182.28 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set  
 182.29 aside the disqualification of an individual in connection with a license to provide family  
 182.30 child care for children, ~~foster care for children in the provider's home,~~ or foster care or day  
 182.31 care services for adults in the provider's home if: (1) less than ten years has passed since  
 182.32 the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based  
 182.33 on a preponderance of evidence determination under section 245C.14, subdivision 1,  
 182.34 paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph  
 183.1 (a), clause (1), and less than ten years has passed since the individual committed the act or  
 183.2 admitted to committing the act, whichever is later; and (3) the individual has committed a  
 183.3 violation of any of the following offenses: sections 609.165 (felon ineligible to possess  
 183.4 firearm); criminal vehicular homicide or criminal vehicular operation causing death under  
 183.5 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (aiding  
 183.6 suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault  
 183.7 in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713  
 183.8 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple  
 183.9 robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot);  
 183.10 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a  
 183.11 witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous  
 183.12 weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns);  
 183.13 609.749, subdivision 2 (gross misdemeanor harassment); 152.021 or 152.022 (controlled  
 183.14 substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or  
 183.15 subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024,  
 183.16 subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree);  
 183.17 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable  
 183.18 adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or  
 183.19 patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a  
 183.20 vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure

141.7 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in  
 141.8 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,  
 141.9 second, or third degree); 609.268 (injury or death of an unborn child in the commission of  
 141.10 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or  
 141.11 displaying harmful material to minors); a felony-level conviction involving alcohol or drug  
 141.12 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a  
 141.13 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross  
 141.14 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision  
 141.15 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess  
 141.16 firearms); or Minnesota Statutes 2012, section 609.21.

141.17 (b) The commissioner may not set aside the disqualification of an individual if less than  
 141.18 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to  
 141.19 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in  
 141.20 Minnesota Statutes.

141.21 (c) The commissioner may not set aside the disqualification of an individual if less than  
 141.22 ten years have passed since the discharge of the sentence imposed for an offense in any  
 141.23 other state or country, the elements of which are substantially similar to the elements of any  
 141.24 of the offenses listed in paragraph (a).

141.25 **EFFECTIVE DATE.** This section is effective July 1, 2022.

141.26 Sec. 46. Minnesota Statutes 2020, section 245C.24, subdivision 4, is amended to read:

141.27 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set  
 141.28 aside the disqualification of an individual in connection with a license to provide family  
 141.29 child care for children, ~~foster care for children in the provider's home~~, or foster care or day  
 141.30 care services for adults in the provider's home if within seven years preceding the study:

141.31 (1) the individual committed an act that constitutes maltreatment of a child under sections  
 141.32 260E.24, subdivisions 1, 2, and 3, and 260E.30, subdivisions 1, 2, and 4, and the maltreatment  
 141.33 resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial  
 142.1 mental or emotional harm as supported by competent psychological or psychiatric evidence;  
 142.2 or

142.3 (2) the individual was determined under section 626.557 to be the perpetrator of a  
 142.4 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial  
 142.5 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional  
 142.6 harm as supported by competent psychological or psychiatric evidence.

142.7 **EFFECTIVE DATE.** This section is effective July 1, 2022.

142.8 Sec. 47. Minnesota Statutes 2020, section 245C.24, is amended by adding a subdivision  
 142.9 to read:

142.10 Subd. 6. **Five-year bar to set aside disqualification; family foster setting.** (a) The  
 142.11 commissioner shall not set aside or grant a variance for the disqualification of an individual

183.21 to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in  
 183.22 the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first,  
 183.23 second, or third degree); 609.268 (injury or death of an unborn child in the commission of  
 183.24 a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or  
 183.25 displaying harmful material to minors); a felony-level conviction involving alcohol or drug  
 183.26 use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a  
 183.27 gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross  
 183.28 misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision  
 183.29 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess  
 183.30 firearms); or Minnesota Statutes 2012, section 609.21.

183.31 (b) The commissioner may not set aside the disqualification of an individual if less than  
 183.32 ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to  
 183.33 commit any of the offenses listed in paragraph (a) as each of these offenses is defined in  
 183.34 Minnesota Statutes.

184.1 (c) The commissioner may not set aside the disqualification of an individual if less than  
 184.2 ten years have passed since the discharge of the sentence imposed for an offense in any  
 184.3 other state or country, the elements of which are substantially similar to the elements of any  
 184.4 of the offenses listed in paragraph (a).

184.5 **EFFECTIVE DATE.** This section is effective July 1, 2022.

184.6 Sec. 40. Minnesota Statutes 2020, section 245C.24, subdivision 4, is amended to read:

184.7 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set  
 184.8 aside the disqualification of an individual in connection with a license to provide family  
 184.9 child care for children, ~~foster care for children in the provider's home~~, or foster care or day  
 184.10 care services for adults in the provider's home if within seven years preceding the study:

184.11 (1) the individual committed an act that constitutes maltreatment of a child under sections  
 184.12 260E.24, subdivisions 1, 2, and 3, and 260E.30, subdivisions 1, 2, and 4, and the maltreatment  
 184.13 resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial  
 184.14 mental or emotional harm as supported by competent psychological or psychiatric evidence;  
 184.15 or

184.16 (2) the individual was determined under section 626.557 to be the perpetrator of a  
 184.17 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial  
 184.18 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional  
 184.19 harm as supported by competent psychological or psychiatric evidence.

184.20 **EFFECTIVE DATE.** This section is effective July 1, 2022.

184.21 Sec. 41. Minnesota Statutes 2020, section 245C.24, is amended by adding a subdivision  
 184.22 to read:

184.23 Subd. 6. **Five-year bar to set aside disqualification; family foster setting.** (a) The  
 184.24 commissioner shall not set aside or grant a variance for the disqualification of an individual



142.12 18 years of age or older in connection with a foster family setting license if within five years  
 142.13 preceding the study the individual is convicted of a felony in section 245C.15, subdivision  
 142.14 4a, paragraph (d).

142.15 (b) In connection with a foster family setting license, the commissioner may set aside  
 142.16 or grant a variance to the disqualification for an individual who is under 18 years of age at  
 142.17 the time the background study is submitted.

142.18 **EFFECTIVE DATE.** This section is effective July 1, 2022.

142.19 Sec. 48. Minnesota Statutes 2020, section 245C.32, subdivision 1a, is amended to read:

142.20 Subd. 1a. **NETStudy 2.0 system.** (a) The commissioner shall design, develop, and test  
 142.21 the NETStudy 2.0 system and implement it no later than September 1, 2015.

142.22 (b) The NETStudy 2.0 system developed and implemented by the commissioner shall  
 142.23 incorporate and meet all applicable data security standards and policies required by the  
 142.24 Federal Bureau of Investigation (FBI), Department of Public Safety, Bureau of Criminal  
 142.25 Apprehension, and the Office of MN.IT Services. The system shall meet all required  
 142.26 standards for encryption of data at the database level as well as encryption of data that  
 142.27 travels electronically among agencies initiating background studies, the commissioner's  
 142.28 authorized fingerprint collection vendor or vendors, the commissioner, the Bureau of Criminal  
 142.29 Apprehension, and in cases involving national criminal record checks, the FBI.

142.30 (c) The data system developed and implemented by the commissioner shall incorporate  
 142.31 a system of data security that allows the commissioner to control access to the data field  
 142.32 level by the commissioner's employees. The commissioner shall establish that employees  
 143.1 have access to the minimum amount of private data on any individual as is necessary to  
 143.2 perform their duties under this chapter.

143.3 (d) The commissioner shall oversee regular quality and compliance audits of the  
 143.4 authorized fingerprint collection vendor or vendors.

143.5 Sec. 49. Minnesota Statutes 2020, section 245F.04, subdivision 2, is amended to read:

143.6 Subd. 2. **Contents of application.** Prior to the issuance of a license, an applicant must  
 143.7 submit, on forms provided by the commissioner, documentation demonstrating the following:

143.8 (1) compliance with this section;

143.9 (2) compliance with applicable building, fire, and safety codes; health rules; zoning  
 143.10 ordinances; and other applicable rules and regulations or documentation that a waiver has  
 143.11 been granted. The granting of a waiver does not constitute modification of any requirement  
 143.12 of this section; and

143.13 ~~(3) completion of an assessment of need for a new or expanded program as required by~~  
 143.14 ~~Minnesota Rules, part 9530.6800; and~~

184.25 18 years of age or older in connection with a foster family setting license if within five years  
 184.26 preceding the study the individual is convicted of a felony in section 245C.15, subdivision  
 184.27 4a, paragraph (d).

184.28 (b) In connection with a foster family setting license, the commissioner may set aside  
 184.29 or grant a variance to the disqualification for an individual who is under 18 years of age at  
 184.30 the time the background study is submitted.

184.31 **EFFECTIVE DATE.** This section is effective July 1, 2022.

185.1 Sec. 42. Minnesota Statutes 2020, section 245C.32, subdivision 1a, is amended to read:

185.2 Subd. 1a. **NETStudy 2.0 system.** (a) The commissioner shall design, develop, and test  
 185.3 the NETStudy 2.0 system and implement it no later than September 1, 2015.

185.4 (b) The NETStudy 2.0 system developed and implemented by the commissioner shall  
 185.5 incorporate and meet all applicable data security standards and policies required by the  
 185.6 Federal Bureau of Investigation (FBI), Department of Public Safety, Bureau of Criminal  
 185.7 Apprehension, and the Office of MN.IT Services. The system shall meet all required  
 185.8 standards for encryption of data at the database level as well as encryption of data that  
 185.9 travels electronically among agencies initiating background studies, the commissioner's  
 185.10 authorized fingerprint collection vendor vendors, the commissioner, the Bureau of Criminal  
 185.11 Apprehension, and in cases involving national criminal record checks, the FBI.

185.12 (c) The data system developed and implemented by the commissioner shall incorporate  
 185.13 a system of data security that allows the commissioner to control access to the data field  
 185.14 level by the commissioner's employees. The commissioner shall establish that employees  
 185.15 have access to the minimum amount of private data on any individual as is necessary to  
 185.16 perform their duties under this chapter.

185.17 (d) The commissioner shall oversee regular quality and compliance audits of the  
 185.18 authorized fingerprint collection vendor vendors.

185.19 Sec. 43. Minnesota Statutes 2020, section 245F.04, subdivision 2, is amended to read:

185.20 Subd. 2. **Contents of application.** Prior to the issuance of a license, an applicant must  
 185.21 submit, on forms provided by the commissioner, documentation demonstrating the following:

185.22 (1) compliance with this section;

185.23 (2) compliance with applicable building, fire, and safety codes; health rules; zoning  
 185.24 ordinances; and other applicable rules and regulations or documentation that a waiver has  
 185.25 been granted. The granting of a waiver does not constitute modification of any requirement  
 185.26 of this section; and

185.27 ~~(3) completion of an assessment of need for a new or expanded program as required by~~  
 185.28 ~~Minnesota Rules, part 9530.6800; and~~

143.15 ~~(4)~~ (3) insurance coverage, including bonding, sufficient to cover all patient funds,  
 143.16 property, and interests.

143.17 Sec. 50. Minnesota Statutes 2020, section 245G.03, subdivision 2, is amended to read:

143.18 Subd. 2. **Application.** (a) Before the commissioner issues a license, an applicant must  
 143.19 submit, on forms provided by the commissioner, any documents the commissioner requires.

143.20 (b) At least 60 days prior to submitting an application for licensure under this chapter,  
 143.21 the applicant must notify the county human services director in writing of the applicant's  
 143.22 intent to open a new treatment program. The written notification must include, at a minimum:

143.23 (1) a description of the proposed treatment program;

143.24 (2) a description of the target population to be served by the treatment program; and

143.25 (3) a copy of the program's abuse prevention plan, as required under section 245A.65,  
 143.26 subdivision 2.

143.27 (c) The county human services director may submit a written statement to the  
 143.28 commissioner regarding the county's support of or opposition to the opening of the new  
 143.29 treatment program. The written statement must include documentation of the rationale for  
 143.30 the county's determination. The commissioner shall consider the county's written statement  
 144.1 when determining whether to issue a license for the treatment program. If the county does  
 144.2 not submit a written statement, the commissioner shall confirm with the county that the  
 144.3 county received the notification required by paragraph (b).

185.29 ~~(4)~~ insurance coverage, including bonding, sufficient to cover all patient funds, property,  
 185.30 and interests.

186.1 Sec. 44. Minnesota Statutes 2020, section 245G.03, subdivision 2, is amended to read:

186.2 Subd. 2. **Application.** (a) Before the commissioner issues a license, an applicant must  
 186.3 submit, on forms provided by the commissioner, any documents the commissioner requires.

186.4 (b) At least 60 days prior to submitting an application for licensure under this chapter,  
 186.5 the applicant must notify the county human services director in writing of the applicant's  
 186.6 intent to open a new treatment program. The written notification must include, at a minimum:

186.7 (1) a description of the proposed treatment program;

186.8 (2) a description of the target population served by the treatment program; and

186.9 (3) a copy of the program's abuse prevention plan, required by section 245A.65,  
 186.10 subdivision 2.

186.11 (c) The county human services director may submit a written statement to the  
 186.12 commissioner regarding the county's support of or opposition to opening the new treatment  
 186.13 program. The written statement must include documentation of the rationale for the county's  
 186.14 determination. The commissioner shall consider the county's written statement when  
 186.15 determining whether to issue a license for the treatment program. If the county does not  
 186.16 submit a written statement, the commissioner shall confirm with the county that the county  
 186.17 received the notification required by paragraph (b).

186.18 Sec. 45. **[245G.031] ALTERNATIVE LICENSING INSPECTIONS.**

186.19 **Subdivision 1. Eligibility for an alternative licensing inspection.** (a) A license holder  
 186.20 providing services licensed under this chapter, with a qualifying accreditation and meeting  
 186.21 the eligibility criteria in paragraphs (b) and (c), may request approval for an alternative  
 186.22 licensing inspection when all services provided under the license holder's license are  
 186.23 accredited. A license holder with a qualifying accreditation and meeting the eligibility  
 186.24 criteria in paragraphs (b) and (c) may request approval for an alternative licensing inspection  
 186.25 for individual community residential settings or day services facilities licensed under this  
 186.26 chapter.

186.27 (b) In order to be eligible for an alternative licensing inspection, the program must have  
 186.28 had at least one inspection by the commissioner following issuance of the initial license.

186.29 (c) In order to be eligible for an alternative licensing inspection, the program must have  
 186.30 been in substantial and consistent compliance at the time of the last licensing inspection  
 186.31 and during the current licensing period. For purposes of this section, "substantial and  
 186.32 consistent compliance" means:

187.1 (1) the license holder's license was not made conditional, suspended, or revoked;

- 187.2 (2) there have been no substantiated allegations of maltreatment against the license  
 187.3 holder within the past ten years; and
- 187.4 (3) the license holder maintained substantial compliance with the other requirements of  
 187.5 chapters 245A and 245C and other applicable laws and rules.
- 187.6 (d) For the purposes of this section, the license holder's license includes services licensed  
 187.7 under this chapter that were previously licensed under chapter 245A or Minnesota Rules,  
 187.8 chapter 9530, until January 1, 2018.
- 187.9 Subd. 2. **Qualifying accreditation.** The commissioner must accept an accreditation  
 187.10 from the joint commission as a qualifying accreditation.
- 187.11 Subd. 3. **Request for approval of an alternative inspection status.** (a) A request for  
 187.12 an alternative inspection must be made on the forms and in the manner prescribed by the  
 187.13 commissioner. When submitting the request, the license holder must submit all documentation  
 187.14 issued by the accrediting body verifying that the license holder has obtained and maintained  
 187.15 the qualifying accreditation and has complied with recommendations or requirements from  
 187.16 the accrediting body during the period of accreditation. Based on the request and the  
 187.17 additional required materials, the commissioner may approve an alternative inspection  
 187.18 status.
- 187.19 (b) The commissioner must notify the license holder in writing that the request for an  
 187.20 alternative inspection status has been approved. Approval must be granted until the end of  
 187.21 the qualifying accreditation period.
- 187.22 (c) The license holder must submit a written request for approval of an alternative  
 187.23 inspection status to be renewed one month before the end of the current approval period  
 187.24 according to the requirements in paragraph (a). If the license holder does not submit a request  
 187.25 to renew approval of an alternative inspection status as required, the commissioner must  
 187.26 conduct a licensing inspection.
- 187.27 Subd. 4. **Programs approved for alternative licensing inspection; deemed compliance**  
 187.28 **licensing requirements.** (a) A license holder approved for alternative licensing inspection  
 187.29 under this section is required to maintain compliance with all licensing standards according  
 187.30 to this chapter.
- 187.31 (b) A license holder approved for alternative licensing inspection under this section is  
 187.32 deemed to be in compliance with all the requirements of this chapter, and the commissioner  
 187.33 must not perform routine licensing inspections.
- 188.1 (c) Upon receipt of a complaint regarding the services of a license holder approved for  
 188.2 alternative licensing inspection under this section, the commissioner must investigate the  
 188.3 complaint and may take any action as provided under section 245A.06 or 245A.07.

144.4 Sec. 51. Minnesota Statutes 2020, section 256B.0949, is amended by adding a subdivision  
144.5 to read:

144.6 Subd. 16a. **Background studies.** The requirements for background studies under this  
144.7 section shall be met by an early intensive developmental and behavioral intervention services  
144.8 agency through the commissioner's NETStudy system as provided under sections 245C.03,  
144.9 subdivision 15, and 245C.10, subdivision 17.

144.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

144.11 Sec. 52. Minnesota Statutes 2020, section 260C.215, subdivision 4, is amended to read:

144.12 Subd. 4. **Duties of commissioner.** The commissioner of human services shall:

144.13 (1) provide practice guidance to responsible social services agencies and licensed  
144.14 child-placing agencies that reflect federal and state laws and policy direction on placement  
144.15 of children;

144.16 (2) develop criteria for determining whether a prospective adoptive or foster family has  
144.17 the ability to understand and validate the child's cultural background;

144.18 (3) provide a standardized training curriculum for adoption and foster care workers and  
144.19 administrators who work with children. Training must address the following objectives:

188.4 Subd. 5. **Investigations of alleged or suspected maltreatment.** Nothing in this section  
188.5 changes the commissioner's responsibilities to investigate alleged or suspected maltreatment  
188.6 of a minor under chapter 260E or a vulnerable adult under section 626.557.

188.7 Subd. 6. **Termination or denial of subsequent approval.** Following approval of an  
188.8 alternative licensing inspection, the commissioner may terminate or deny subsequent approval  
188.9 of an alternative licensing inspection if the commissioner determines that:

188.10 (1) the license holder has not maintained the qualifying accreditation;

188.11 (2) the commissioner has substantiated maltreatment for which the license holder or  
188.12 facility is determined to be responsible during the qualifying accreditation period; or

188.13 (3) during the qualifying accreditation period, the license holder has been issued an order  
188.14 for conditional license, fine, suspension, or license revocation that has not been reversed  
188.15 upon appeal.

188.16 Subd. 7. **Appeals.** The commissioner's decision that the conditions for approval for an  
188.17 alternative licensing inspection have not been met is subject to appeal under the provisions  
188.18 of chapter 14.

188.19 Subd. 8. **Commissioner's programs.** Substance use disorder treatment services licensed  
188.20 under this chapter for which the commissioner is the license holder with a qualifying  
188.21 accreditation are excluded from being approved for an alternative licensing inspection.

188.22 **EFFECTIVE DATE.** This section is effective September 1, 2021.

188.23 Sec. 46. Minnesota Statutes 2020, section 256B.0949, is amended by adding a subdivision  
188.24 to read:

188.25 Subd. 16a. **Background studies.** An early intensive developmental and behavioral  
188.26 intervention services agency must fulfill any background studies requirements under this  
188.27 section by initiating a background study through the commissioner's NETStudy system as  
188.28 provided under sections 245C.03, subdivision 15, and 245C.10, subdivision 17.

188.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

188.30 Sec. 47. Minnesota Statutes 2020, section 260C.215, subdivision 4, is amended to read:

188.31 Subd. 4. **Duties of commissioner.** The commissioner of human services shall:

189.1 (1) provide practice guidance to responsible social services agencies and licensed  
189.2 child-placing agencies that reflect federal and state laws and policy direction on placement  
189.3 of children;

189.4 (2) develop criteria for determining whether a prospective adoptive or foster family has  
189.5 the ability to understand and validate the child's cultural background;

189.6 (3) provide a standardized training curriculum for adoption and foster care workers and  
189.7 administrators who work with children. Training must address the following objectives:

- 144.20 (i) developing and maintaining sensitivity to all cultures;
- 144.21 (ii) assessing values and their cultural implications;
- 144.22 (iii) making individualized placement decisions that advance the best interests of a  
144.23 particular child under section 260C.212, subdivision 2; and
- 144.24 (iv) issues related to cross-cultural placement;
- 144.25 (4) provide a training curriculum for all prospective adoptive and foster families that  
144.26 prepares them to care for the needs of adoptive and foster children taking into consideration  
144.27 the needs of children outlined in section 260C.212, subdivision 2, paragraph (b), and, as  
144.28 necessary, preparation is continued after placement of the child and includes the knowledge  
144.29 and skills related to reasonable and prudent parenting standards for the participation of the  
144.30 child in age or developmentally appropriate activities, according to section 260C.212,  
144.31 subdivision 14;
- 145.1 (5) develop and provide to responsible social services agencies and licensed child-placing  
145.2 agencies a home study format to assess the capacities and needs of prospective adoptive  
145.3 and foster families. The format must address problem-solving skills; parenting skills; evaluate  
145.4 the degree to which the prospective family has the ability to understand and validate the  
145.5 child's cultural background, and other issues needed to provide sufficient information for  
145.6 agencies to make an individualized placement decision consistent with section 260C.212,  
145.7 subdivision 2. For a study of a prospective foster parent, the format must also address the  
145.8 capacity of the prospective foster parent to provide a safe, healthy, smoke-free home  
145.9 environment. If a prospective adoptive parent has also been a foster parent, any update  
145.10 necessary to a home study for the purpose of adoption may be completed by the licensing  
145.11 authority responsible for the foster parent's license. If a prospective adoptive parent with  
145.12 an approved adoptive home study also applies for a foster care license, the license application  
145.13 may be made with the same agency which provided the adoptive home study; ~~and~~
- 145.14 (6) consult with representatives reflecting diverse populations from the councils  
145.15 established under sections 3.922 and 15.0145, and other state, local, and community  
145.16 organizations; and
- 145.17 (7) establish family foster setting licensing guidelines for county agencies and private  
145.18 agencies designated or licensed by the commissioner to perform licensing functions and  
145.19 activities under section 245A.04. Guidelines that the commissioner establishes under this  
145.20 clause shall be considered directives of the commissioner under section 245A.16.
- 145.21 **EFFECTIVE DATE.** This section is effective July 1, 2023.

- 189.8 (i) developing and maintaining sensitivity to all cultures;
- 189.9 (ii) assessing values and their cultural implications;
- 189.10 (iii) making individualized placement decisions that advance the best interests of a  
189.11 particular child under section 260C.212, subdivision 2; and
- 189.12 (iv) issues related to cross-cultural placement;
- 189.13 (4) provide a training curriculum for all prospective adoptive and foster families that  
189.14 prepares them to care for the needs of adoptive and foster children taking into consideration  
189.15 the needs of children outlined in section 260C.212, subdivision 2, paragraph (b), and, as  
189.16 necessary, preparation is continued after placement of the child and includes the knowledge  
189.17 and skills related to reasonable and prudent parenting standards for the participation of the  
189.18 child in age or developmentally appropriate activities, according to section 260C.212,  
189.19 subdivision 14;
- 189.20 (5) develop and provide to responsible social services agencies and licensed child-placing  
189.21 agencies a home study format to assess the capacities and needs of prospective adoptive  
189.22 and foster families. The format must address problem-solving skills; parenting skills; evaluate  
189.23 the degree to which the prospective family has the ability to understand and validate the  
189.24 child's cultural background, and other issues needed to provide sufficient information for  
189.25 agencies to make an individualized placement decision consistent with section 260C.212,  
189.26 subdivision 2. For a study of a prospective foster parent, the format must also address the  
189.27 capacity of the prospective foster parent to provide a safe, healthy, smoke-free home  
189.28 environment. If a prospective adoptive parent has also been a foster parent, any update  
189.29 necessary to a home study for the purpose of adoption may be completed by the licensing  
189.30 authority responsible for the foster parent's license. If a prospective adoptive parent with  
189.31 an approved adoptive home study also applies for a foster care license, the license application  
189.32 may be made with the same agency which provided the adoptive home study; ~~and~~
- 190.1 (6) consult with representatives reflecting diverse populations from the councils  
190.2 established under sections 3.922 and 15.0145, and other state, local, and community  
190.3 organizations; and
- 190.4 (7) establish family foster setting licensing guidelines for county agencies and private  
190.5 agencies designated or licensed by the commissioner to perform licensing functions and  
190.6 activities under section 245A.04. Guidelines that the commissioner establishes under this  
190.7 paragraph shall be considered directives of the commissioner under section 245A.16.
- 190.8 **EFFECTIVE DATE.** This section is effective July 1, 2023.
- 190.9 Sec. 48. Minnesota Statutes 2020, section 466.03, subdivision 6d, is amended to read:
- 190.10 Subd. 6d. **Licensing of providers.** (a) A claim against a municipality based on the failure  
190.11 of a provider to meet the standards needed for a license to operate a day care facility under  
190.12 chapter 245A for children, unless the municipality had actual knowledge of a failure to meet  
190.13 licensing standards that resulted in a dangerous condition that foreseeably threatened the

145.22 Sec. 53. Laws 2020, First Special Session chapter 7, section 1, as amended by Laws 2020,  
145.23 Third Special Session chapter 1, section 3, is amended by adding a subdivision to read:

145.24 Subd. 5. **Waivers and modifications; extension for 180 days.** When the peacetime  
145.25 emergency declared by the governor in response to the COVID-19 outbreak expires, is  
145.26 terminated, or is rescinded by the proper authority, waiver CV23: modifying background  
145.27 study requirements, issued by the commissioner of human services pursuant to Executive  
145.28 Orders 20-11 and 20-12, including any amendments to the modification issued before the  
145.29 peacetime emergency expires, shall remain in effect for 180 days after the peacetime  
145.30 emergency ends.

145.31 **EFFECTIVE DATE.** This section is effective the day following final enactment or  
145.32 retroactively from the date the peacetime emergency declared by the governor in response  
145.33 to the COVID-19 outbreak ends, whichever is earlier.

190.14 plaintiff. A municipality shall be immune from liability for a claim arising out of a provider's  
190.15 use of a swimming pool located at a family day care or group family day care home under  
190.16 section 245A.14, subdivision ~~10~~ 11, unless the municipality had actual knowledge of a  
190.17 provider's failure to meet the licensing standards under section 245A.14, subdivision ~~10~~ 11,  
190.18 paragraph (a), clauses (1) to (3), that resulted in a dangerous condition that foreseeably  
190.19 threatened the plaintiff.

190.20 (b) For purposes of paragraph (a), the fact that a licensing variance had been granted for  
190.21 a day care facility for children under chapter 245A shall not constitute actual knowledge  
190.22 by the municipality that granted the variance of a failure to meet licensing standards that  
190.23 resulted in a dangerous condition that foreseeably threatened the plaintiff.

190.24 Sec. 49. Laws 2020, First Special Session chapter 7, section 1, as amended by Laws 2020,  
190.25 Third Special Session chapter 1, section 3, is amended by adding a subdivision to read:

190.26 Subd. 5. **Waiver extension; 180-day transition period.** When the peacetime emergency  
190.27 declared by the governor in response to the COVID-19 outbreak expires, is terminated, or  
190.28 is rescinded by the proper authority, the modification in CV23: modifying certain background  
190.29 study requirements, issued by the commissioner of human services pursuant to Executive  
190.30 Orders 20-11 and 20-12, and including any amendments to the modification issued before  
190.31 the peacetime emergency expires, shall remain in effect for no more than 180 days.

190.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

191.1 Sec. 50. Laws 2020, First Special Session chapter 7, section 1, subdivision 3, is amended  
191.2 to read:

191.3 Subd. 3. **Waivers and modifications; 60-day transition period.** When the peacetime  
191.4 emergency declared by the governor in response to the COVID-19 outbreak expires, is  
191.5 terminated, or is rescinded by the proper authority, all waivers or modifications issued by  
191.6 the commissioner of human services in response to the COVID-19 outbreak that have not  
191.7 been extended as provided in subdivisions 1, 2, ~~and~~ 4, and 5 of this section may remain in  
191.8 effect for no more than 60 days, only for purposes of transitioning affected programs back  
191.9 to operating without the waivers or modifications in place.

191.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

193.5 Sec. 52. **LEGISLATIVE TASK FORCE; HUMAN SERVICES BACKGROUND**  
193.6 **STUDY ELIGIBILITY.**

193.7 Subdivision 1. **Creation; duties.** A legislative task force is created to review the statutes  
193.8 relating to human services background study eligibility and disqualifications, including but  
193.9 not limited to Minnesota Statutes, sections 245C.14 and 245C.15, in order to:

- 193.10 (1) evaluate the existing statutes' effectiveness in achieving their intended purposes,  
 193.11 including by gathering and reviewing available background study disqualification data;
- 193.12 (2) identify the existing statutes' weaknesses, inefficiencies, unintended consequences,  
 193.13 or other areas for improvement or modernization; and
- 193.14 (3) develop legislative proposals that improve or modernize the human services  
 193.15 background study eligibility statutes, or otherwise address the issues identified in clauses  
 193.16 (1) and (2).
- 193.17 Subd. 2. **Membership.** (a) The task force shall consist of 26 members, appointed as  
 193.18 follows:
- 193.19 (1) two members representing licensing boards whose licensed providers are subject to  
 193.20 the provisions in Minnesota Statutes, section 245C.03, one appointed by the speaker of the  
 193.21 house of representatives, and one appointed by the senate majority leader;
- 193.22 (2) the commissioner of human services or a designee;
- 193.23 (3) the commissioner of health or a designee;
- 193.24 (4) two members representing county attorneys and law enforcement, one appointed by  
 193.25 the speaker of the house of representatives, and one appointed by the senate majority leader;
- 193.26 (5) two members representing licensed service providers who are subject to the provisions  
 193.27 in Minnesota Statutes, section 245C.15, one appointed by the speaker of the house of  
 193.28 representatives, and one appointed by the senate majority leader;
- 193.29 (6) four members of the public, including two who have been subject to disqualification  
 193.30 based on the provisions of Minnesota Statutes, section 245C.15, and two who have been  
 193.31 subject to a set-aside based on the provisions of Minnesota Statutes, section 245C.15, with  
 194.1 one from each category appointed by the speaker of the house of representatives, and one  
 194.2 from each category appointed by the senate majority leader;
- 194.3 (7) one member appointed by the governor's Workforce Development Board;
- 194.4 (8) one member appointed by the One Minnesota Council on Diversity, Inclusion, and  
 194.5 Equity;
- 194.6 (9) two members representing the Minnesota courts, one appointed by the speaker of  
 194.7 the house of representatives, and one appointed by the senate majority leader;
- 194.8 (10) one member appointed jointly by Mid-Minnesota Legal Aid, Southern Minnesota  
 194.9 Legal Services, and the Legal Rights Center;
- 194.10 (11) one member representing Tribal organizations, appointed by the Minnesota Indian  
 194.11 Affairs Council;



- 194.12 (12) two members from the house of representatives, including one appointed by the  
 194.13 speaker of the house of representatives and one appointed by the minority leader in the  
 194.14 house of representatives;
- 194.15 (13) two members from the senate, including one appointed by the senate majority leader  
 194.16 and one appointed by the senate minority leader;
- 194.17 (14) two members representing county human services agencies appointed by the  
 194.18 Minnesota Association of County Social Service Administrators, including one appointed  
 194.19 to represent the metropolitan area as defined in Minnesota Statutes, section 473.121,  
 194.20 subdivision 2, and one appointed to represent the area outside of the metropolitan area; and
- 194.21 (15) two attorneys who have represented individuals that appealed a background study  
 194.22 disqualification determination based on Minnesota Statutes, sections 245C.14 and 245C.15,  
 194.23 one appointed by the speaker of the house of representatives, and one appointed by the  
 194.24 senate majority leader.
- 194.25 (b) Appointments to the task force must be made by August 18, 2021.
- 194.26 Subd. 3. **Compensation.** Public members of the task force may be compensated as  
 194.27 provided by Minnesota Statutes, section 15.059, subdivision 3.
- 194.28 Subd. 4. **Officers; meetings.** (a) The first meeting of the task force shall be cochaired  
 194.29 by the task force member from the majority party of the house of representatives and the  
 194.30 task force member from the majority party of the senate. The task force shall elect a chair  
 194.31 and vice chair at the first meeting who shall preside at the remainder of the task force  
 194.32 meetings. The task force may elect other officers as necessary.
- 195.1 (b) The task force shall meet at least monthly. The Legislative Coordinating Commission  
 195.2 shall convene the first meeting by September 1, 2021.
- 195.3 (c) Meetings of the task force are subject to the Minnesota Open Meeting Law under  
 195.4 Minnesota Statutes, chapter 13D.
- 195.5 Subd. 5. **Reports required.** The task force shall submit an interim written report by  
 195.6 March 11, 2022, and a final report by December 16, 2022, to the chairs and ranking minority  
 195.7 members of the committees in the house of representatives and the senate with jurisdiction  
 195.8 over human services licensing. The reports shall explain the task force's findings and  
 195.9 recommendations relating to each of the duties under subdivision 1, and include any draft  
 195.10 legislation necessary to implement the recommendations.
- 195.11 Subd. 6. **Expiration.** The task force expires upon submission of the final report in  
 195.12 subdivision 5 or December 20, 2022, whichever is later.
- 195.13 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 195.14 expires December 31, 2022.



146.1 Sec. 54. **CHILD CARE CENTER REGULATION MODERNIZATION.**

146.2 (a) The commissioner of human services shall contract with an experienced and  
 146.3 independent organization or individual consultant to conduct the work outlined in this  
 146.4 section. If practicable, the commissioner must contract with the National Association for  
 146.5 Regulatory Administration.

146.6 (b) The consultant must develop a proposal for revised licensing standards that includes  
 146.7 a risk-based model for monitoring compliance with child care center licensing standards,  
 146.8 grounded in national regulatory best practices. Violations in the new model must be weighted  
 146.9 to reflect the potential risk that the violations pose to children's health and safety, and  
 146.10 licensing sanctions must be tied to the potential risk. The proposed new model must protect  
 146.11 the health and safety of children in child care centers and be child-centered, family-friendly,  
 146.12 and fair to providers.

146.13 (c) The consultant shall develop and implement a stakeholder engagement process that  
 146.14 solicits input from parents, licensed child care centers, staff of the Department of Human  
 146.15 Services, and experts in child development about appropriate licensing standards, appropriate  
 146.16 tiers for violations of the standards based on the potential risk of harm that each violation  
 146.17 poses, and appropriate licensing sanctions for each tier.

146.18 (d) The consultant shall solicit input from parents, licensed child care centers, and staff  
 146.19 of the Department of Human Services about which child care centers should be eligible for  
 146.20 abbreviated inspections that predict compliance with other licensing standards for licensed  
 146.21 child care centers using key indicators previously identified by an empirically based statistical  
 146.22 methodology developed by the National Association for Regulatory Administration and the  
 146.23 Research Institute for Key Indicators.

146.24 (e) No later than February 1, 2024, the commissioner shall submit a report and proposed  
 146.25 legislation required to implement the new licensing model to the chairs and ranking minority  
 146.26 members of the legislative committees with jurisdiction over child care regulation.

146.27 Sec. 55. **CHILD FOSTER CARE LICENSING GUIDELINES.**

146.28 By July 1, 2023, the commissioner of human services shall, in consultation with  
 146.29 stakeholders with expertise in child protection and children's behavioral health, develop  
 146.30 family foster setting licensing guidelines for county agencies and private agencies that  
 146.31 perform licensing functions. Stakeholders include but are not limited to child advocates,  
 146.32 representatives from community organizations, representatives of the state ethnic councils,  
 146.33 the ombudsperson for families, family foster setting providers, youth who have experienced  
 147.1 family foster setting placements, county child protection staff, and representatives of county  
 147.2 and private licensing agencies.

195.15 Sec. 53. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES; CHILD**  
 195.16 **FOSTER CARE LICENSING GUIDELINES.**

195.17 By July 1, 2023, the commissioner of human services shall, in consultation with  
 195.18 stakeholders with expertise in child protection and children's behavioral health, develop  
 195.19 family foster setting licensing guidelines for county agencies and private agencies that  
 195.20 perform licensing functions. Stakeholders include but are not limited to child advocates,  
 195.21 representatives from community organizations, representatives of the state ethnic councils,  
 195.22 the ombudsperson for families, family foster setting providers, youth who have experienced  
 195.23 family foster setting placements, county child protection staff, and representatives of county  
 195.24 and private licensing agencies.

147.3 Sec. 56. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; FAMILY**  
 147.4 **CHILD CARE ONE-STOP ASSISTANCE NETWORK.**

147.5 By January 1, 2022, the commissioner of human services shall, in consultation with  
 147.6 county agencies, providers, and other relevant stakeholders, develop a proposal to create,  
 147.7 advertise, and implement a one-stop regional assistance network comprised of individuals  
 147.8 who have experience starting a licensed family or group family child care program or  
 147.9 technical expertise regarding the applicable licensing statutes and procedures, in order to  
 147.10 assist individuals with matters relating to starting or sustaining a licensed family or group  
 147.11 family child care program. The proposal shall include an estimated timeline for  
 147.12 implementation of the assistance network, an estimated budget of the cost of the assistance  
 147.13 network, and any necessary legislative proposals to implement the assistance network. The  
 147.14 proposal shall also include a plan to raise awareness and distribute contact information for  
 147.15 the assistance network to all licensed family or group family child care providers.

147.16 Sec. 57. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**  
 147.17 **RECOMMENDED FAMILY CHILD CARE ORIENTATION TRAINING.**

147.18 (a) By July 1, 2022, the commissioner of human services shall develop, in consultation  
 147.19 with licensed family child care providers and representatives from counties, recommended  
 147.20 orientation training for family child care license applicants to ensure that all family child  
 147.21 care license applicants have access to information about Minnesota Statutes, chapters 245A  
 147.22 and 245C, and Minnesota Rules, chapter 9502.

147.23 (b) The orientation training is voluntary and completion of the orientation is not required  
 147.24 to receive or maintain a family child care license.

147.25 Sec. 58. **FAMILY CHILD CARE REGULATION MODERNIZATION.**

147.26 (a) The commissioner of human services shall contract with an experienced and  
 147.27 independent organization or individual consultant to conduct the work outlined in this

195.25 Sec. 54. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; DHS**  
 195.26 **FAMILY CHILD CARE FREQUENTLY ASKED QUESTIONS WEBSITE**  
 195.27 **MODIFICATIONS.**

195.28 By January 1, 2022, the commissioner of human services shall expand the "frequently  
 195.29 asked questions" website for family child care providers to include more answers to submitted  
 195.30 questions and a function to search for answers to specific question topics.

196.1 Sec. 55. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; FAMILY**  
 196.2 **CHILD CARE TASK FORCE RECOMMENDATIONS IMPLEMENTATION PLAN.**

196.3 The commissioner of human services shall include individuals representing family child  
 196.4 care providers in any group that develops a plan for implementing the recommendations of  
 196.5 the Family Child Care Task Force.

197.3 Sec. 57. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; FAMILY**  
 197.4 **CHILD CARE ONE-STOP ASSISTANCE NETWORK.**

197.5 By January 1, 2022, the commissioner of human services shall, in consultation with  
 197.6 county agencies, providers, and other relevant stakeholders, develop a proposal to create,  
 197.7 advertise, and implement a one-stop regional assistance network comprised of individuals  
 197.8 who have experience starting a licensed family or group family day care or technical expertise  
 197.9 regarding the applicable licensing statutes and procedures, in order to assist individuals with  
 197.10 matters relating to starting or sustaining a licensed family or group family day care program.  
 197.11 The proposal shall include an estimated timeline for implementation of the assistance  
 197.12 network, an estimated budget of the cost of the assistance network, and any necessary  
 197.13 legislative proposals to implement the assistance network. The proposal shall also include  
 197.14 a plan to raise awareness and distribute contact information for the assistance network to  
 197.15 all licensed family or group family day care providers.

197.16 Sec. 58. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**  
 197.17 **FAMILY CHILD CARE LICENSE APPLICANT ORIENTATION TRAINING.**

197.18 By July 1, 2022, working with licensed family child care providers and county agencies,  
 197.19 the commissioner of human services shall develop and implement orientation training for  
 197.20 family child care license applicants to ensure that all family child care license applicants  
 197.21 have the same critical baseline information about Minnesota Statutes, chapters 245A and  
 197.22 245C, and Minnesota Rules, chapter 9502.

196.6 Sec. 56. **DIRECTION TO THE COMMISSIONER OF HUMAN SERVICES;**  
 196.7 **FAMILY CHILD CARE REGULATION MODERNIZATION.**

196.8 (a) The commissioner of human services shall contract with an experienced and  
 196.9 independent organization or individual consultant to conduct the work outlined in this

147.28 section. If practicable, the commissioner must contract with the National Association for  
 147.29 Regulatory Administration.

147.30 (b) The consultant must develop a proposal for updated family child care licensing  
 147.31 standards and solicit input from stakeholders as described in paragraph (d).

148.1 (c) The consultant must develop a proposal for a risk-based model for monitoring  
 148.2 compliance with family child care licensing standards, grounded in national regulatory best  
 148.3 practices. Violations in the new model must be weighted to reflect the potential risk they  
 148.4 pose to children's health and safety, and licensing sanctions must be tied to the potential  
 148.5 risk. The proposed new model must protect the health and safety of children in family child  
 148.6 care programs and be child-centered, family-friendly, and fair to providers.

148.7 (d) The consultant shall develop and implement a stakeholder engagement process that  
 148.8 solicits input from parents, licensed family child care providers, county licensors, staff of  
 148.9 the Department of Human Services, and experts in child development about licensing  
 148.10 standards, tiers for violations of the standards based on the potential risk of harm that each  
 148.11 violation poses, and licensing sanctions for each tier.

148.12 (e) The consultant shall solicit input from parents, licensed family child care providers,  
 148.13 county licensors, and staff of the Department of Human Services about which family child  
 148.14 care providers should be eligible for abbreviated inspections that predict compliance with  
 148.15 other licensing standards for licensed family child care providers using key indicators  
 148.16 previously identified by an empirically based statistical methodology developed by the  
 148.17 National Association for Regulatory Administration and the Research Institute for Key  
 148.18 Indicators.

148.19 (f) No later than February 1, 2024, the commissioner shall submit a report and proposed  
 148.20 legislation required to implement the new licensing model and the new licensing standards  
 148.21 to the chairs and ranking minority members of the legislative committees with jurisdiction  
 148.22 over child care regulation.

148.23 Sec. 59. FAMILY CHILD CARE TRAINING ADVISORY COMMITTEE.

148.24 Subdivision 1. Formation; duties. (a) The Family Child Care Training Advisory  
 148.25 Committee shall advise the commissioner of human services on the training requirements  
 148.26 for licensed family and group family child care providers. Beginning January 1, 2022, the  
 148.27 advisory committee shall meet at least twice per year. The advisory committee shall annually  
 148.28 elect a chair from among its members who shall establish the agenda for each meeting. The  
 148.29 commissioner or commissioner's designee shall attend all advisory committee meetings.

148.30 (b) The Family Child Care Training Advisory Committee shall advise and make  
 148.31 recommendations to the commissioner of human services and the contractors working on  
 148.32 the family child care licensing modernization project on:

196.10 section. If practicable, the commissioner must contract with the National Association for  
 196.11 Regulatory Administration.

196.12 (b) The consultant shall develop a proposal for a risk-based model for monitoring  
 196.13 compliance with family child care licensing standards, grounded in national regulatory best  
 196.14 practices. Violations in the new model must be weighted to reflect the potential risk they  
 196.15 pose to children's health and safety, and licensing sanctions must be tied to the potential  
 196.16 risk. The proposed new model must protect the health and safety of children in family child  
 196.17 care programs and be child-centered, family-friendly, and fair to providers. The proposal  
 196.18 shall also include updates to family child care licensing standards.

196.19 (c) The consultant shall develop and implement a stakeholder engagement process that  
 196.20 solicits input from parents, licensed family child care providers, county licensors, staff of  
 196.21 the Department of Human Services, and experts in child development about licensing  
 196.22 standards, tiers for violations of the standards based on the potential risk of harm that each  
 196.23 violation poses, and licensing sanctions for each tier.

196.24 (d) The consultant shall solicit input from parents, licensed family child care providers,  
 196.25 county licensors, and staff of the Department of Human Services about which family child  
 196.26 care providers should be eligible for abbreviated inspections that predict compliance with  
 196.27 other licensing standards for licensed family child care providers using key indicators  
 196.28 previously identified by an empirically based statistical methodology developed by the  
 196.29 National Association for Regulatory Administration and the Research Institute for Key  
 196.30 Indicators.

196.31 (e) No later than February 1, 2024, the commissioner shall submit a report and proposed  
 196.32 legislation required to implement the new licensing model and updated licensing standards  
 197.1 to the chairs and ranking minority members of the legislative committees with jurisdiction  
 197.2 over child care regulation.

191.11 Sec. 51. FAMILY CHILD CARE TRAINING ADVISORY COMMITTEE.

191.12 Subdivision 1. Formation; duties. (a) The Family Child Care Training Advisory  
 191.13 Committee shall advise the commissioner of human services on the training requirements  
 191.14 for licensed family and group family child care providers. Beginning January 1, 2022, the  
 191.15 advisory committee shall meet at least twice per year. The advisory committee shall annually  
 191.16 elect a chair from among its members who shall establish the agenda for each meeting. The  
 191.17 commissioner or commissioner's designee shall attend all advisory committee meetings.

191.18 (b) The Family Child Care Training Advisory Committee shall advise and make  
 191.19 recommendations to the commissioner of human services on:

- 149.1 (1) updates to the rules and statutes governing family child care training, including  
 149.2 technical updates to facilitate providers' understanding of training requirements;
- 149.3 (2) difficulties facing family child care providers in completing training requirements,  
 149.4 including proposed solutions to provider difficulties; and
- 149.5 (3) other ideas for improving access to and quality of training for family child care  
 149.6 providers.
- 149.7 (c) The Family Child Care Training Advisory Committee shall expire December 1, 2025.
- 149.8 Subd. 2. **Advisory committee members.** (a) The Family Child Care Training Advisory  
 149.9 Committee consists of:
- 149.10 (1) four members representing family child care providers from greater Minnesota,  
 149.11 including two appointed by the speaker of the house and two appointed by the senate majority  
 149.12 leader;
- 149.13 (2) two members representing family child care providers from the seven-county  
 149.14 metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2, including  
 149.15 one appointed by the speaker of the house and one appointed by the senate majority leader;
- 149.16 (3) one member appointed by the Minnesota Association of Child Care Professionals;  
 149.17 (4) one member appointed by the Minnesota Child Care Provider Information Network;

- 191.20 (1) updates to the rules and statutes governing family child care training, including  
 191.21 technical updates to facilitate providers' understanding of training requirements;
- 191.22 (2) modernization of family child care training requirements, including substantive  
 191.23 changes to the training subject areas;
- 191.24 (3) difficulties facing family child care providers in completing training requirements,  
 191.25 including proposed solutions to provider difficulties; and
- 191.26 (4) any other aspect of family child care training, as requested by:
- 191.27 (i) a committee member, who may request an item to be placed on the agenda for a future  
 191.28 meeting. The request may be considered by the committee and voted upon. If the motion  
 191.29 carries, the meeting agenda item may be developed for presentation to the committee;
- 191.30 (ii) a member of the public, who may approach the committee by letter or e-mail  
 191.31 requesting that an item be placed on a future meeting agenda. The request may be considered  
 192.1 by the committee and voted upon. If the motion carries, the agenda item may be developed  
 192.2 for presentation to the committee; or
- 192.3 (iii) the commissioner of human services or the commissioner's designee.
- 192.4 (c) The Family Child Care Training Advisory Committee shall expire December 1, 2025.
- 192.5 Subd. 2. **Advisory committee members.** (a) The Family Child Care Training Advisory  
 192.6 Committee consists of:
- 192.7 (1) four members who are family child care providers from greater Minnesota, including  
 192.8 one member appointed by the speaker of the house, one member appointed by the senate  
 192.9 majority leader, one member appointed by the Minnesota Association of Child Care  
 192.10 Professionals, and one member appointed by the Minnesota Child Care Provider Network;
- 192.11 (2) four members who are family child care providers from the metropolitan area as  
 192.12 defined in Minnesota Statutes, section 473.121, subdivision 2, including one member  
 192.13 appointed by the speaker of the house, one member appointed by the senate majority leader,  
 192.14 one member appointed by the Minnesota Association of Child Care Professionals, and one  
 192.15 member appointed by the Minnesota Child Care Provider Network; and

149.18 (5) two members appointed by the Association of Minnesota Child Care Licensors,  
 149.19 including one from greater Minnesota and one from the seven-county metropolitan area, as  
 149.20 defined in Minnesota Statutes, section 473.121, subdivision 2; and

149.21 (6) five members with experience in child development, instructional design, and training  
 149.22 delivery, with:

149.23 (i) one member appointed by Child Care Aware of Minnesota;

149.24 (ii) one member appointed by the Minnesota Initiative Foundations;

149.25 (iii) one member appointed by the Center for Inclusive Child Care;

149.26 (iv) one member appointed by the Greater Minnesota Partnership; and

149.27 (v) one member appointed by Achieve, the Minnesota Center for Professional  
 149.28 Development.

149.29 (b) Advisory committee members shall not be employed by the Department of Human  
 149.30 Services. Advisory committee members shall receive no compensation for their participation  
 149.31 in the advisory committee.

150.1 (c) Advisory committee members must include representatives of diverse cultural  
 150.2 communities.

150.3 (d) Advisory committee members shall serve two-year terms. Initial appointments to  
 150.4 the advisory committee must be made by December 1, 2021. Subsequent appointments to  
 150.5 the advisory committee must be made by December 1 of the year in which the member's  
 150.6 term expires.

150.7 Subd. 3. **Commissioner report.** The commissioner of human services shall report  
 150.8 annually by November 1 to the chairs and ranking minority members of the legislative  
 150.9 committees with jurisdiction over early care and education programs on any recommendations  
 150.10 from the Family Child Care Training Advisory Committee.

192.16 (3) up to seven members who have expertise in child development, instructional design,  
 192.17 or training delivery, including up to two members appointed by the speaker of the house,  
 192.18 up to two members appointed by the senate majority leader, one member appointed by the  
 192.19 Minnesota Association of Child Care Professionals, one member appointed by the Minnesota  
 192.20 Child Care Provider Network, and one member appointed by the Greater Minnesota  
 192.21 Partnership.

192.22 (b) Advisory committee members shall not be employed by the Department of Human  
 192.23 Services. Advisory committee members shall receive no compensation, except that public  
 192.24 members of the advisory committee may be compensated as provided by Minnesota Statutes,  
 192.25 section 15.059, subdivision 3.

192.26 (c) Advisory committee members must include representatives of diverse cultural  
 192.27 communities.

192.28 (d) Advisory committee members shall serve two-year terms. Initial appointments to  
 192.29 the advisory committee must be made by December 1, 2021. Subsequent appointments to  
 192.30 the advisory committee must be made by December 1 of the year in which the member's  
 192.31 term expires.

192.32 (e) The commissioner of human services must convene the first meeting of the advisory  
 192.33 committee by March 1, 2022.

193.1 Subd. 3. **Commissioner report.** The commissioner of human services shall report to  
 193.2 the chairs and ranking minority members of the legislative committees with jurisdiction  
 193.3 over child care on any recommendations from the Family Child Care Training Advisory  
 193.4 Committee, including any draft legislation necessary to implement the recommendations.

197.23 Sec. 59. **DIRECTION TO COMMISSIONER OF HUMAN SERVICES; ON-SITE  
 197.24 BACKGROUND STUDY FINGERPRINTING.**

197.25 (a) The commissioner of human services shall contract with a qualified contractor to  
 197.26 conduct on-site fingerprinting beginning August 1, 2021, at locations of employers with 50  
 197.27 or more staff with outstanding background studies, including studies that have been delayed  
 197.28 pursuant to the commissioner's modifications to background study requirements issued in  
 197.29 response to the COVID-19 outbreak. The commissioner shall develop a list of employers  
 197.30 with 50 or more staff who need fingerprints taken in order to complete a background study.

THE HOUSE APPROPRIATES GENERAL FUND MONEY FOR THE FAMILY CHILD CARE MODERNIZATION PROJECT IN ARTICLE 21, SECTION 2, SUBDIVISION 20, PARAGRAPH (E).

THE HOUSE ALLOCATES FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS IN ARTICLE 21, SECTION 16.

197.31 The commissioner and the contractor shall coordinate to develop a plan to identify which  
 197.32 employer locations the contractor shall serve and inform those employers and staff of the  
 197.33 timing and nature of the contractor's services.

198.1 (b) The commissioner may contract with the qualified contractor to provide services  
 198.2 under paragraph (a) up to the date of the expiration of the modification in CV23: modifying  
 198.3 certain background study requirements, issued by the commissioner of human services  
 198.4 pursuant to Executive Orders 20-11 and 20-12.

198.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

198.6 Sec. 60. **CHILD CARE AND DEVELOPMENT BLOCK GRANT ALLOCATION;**  
 198.7 **FAMILY CHILD CARE REGULATION MODERNIZATION PROJECT.**

198.8 The commissioner of human services shall allocate \$1,170,000 in fiscal year 2022 from  
 198.9 the amount that Minnesota received under the American Rescue Plan Act, Public Law 117-2,  
 198.10 section 2201, for the child care and development block grant for the family child care  
 198.11 regulation modernization project. This is a onetime allocation and remains available until  
 198.12 June 30, 2024.

198.13 Sec. 61. **CHILD CARE AND DEVELOPMENT BLOCK GRANT ALLOCATION;**  
 198.14 **FAMILY CHILD CARE ONE-STOP ASSISTANCE NETWORK.**

198.15 The commissioner of human services shall allocate \$4,000,000 in fiscal year 2023 and  
 198.16 \$4,000,000 in fiscal year 2024 from the amount that Minnesota received under the American  
 198.17 Rescue Plan Act, Public Law 117-2, section 2201, for the family child care one-stop  
 198.18 assistance network. This is a onetime allocation.

198.19 Sec. 62. **CHILD CARE AND DEVELOPMENT BLOCK GRANT ALLOCATION;**  
 198.20 **FAMILY CHILD CARE LICENSE APPLICANT ORIENTATION TRAINING.**

198.21 The commissioner of human services shall allocate \$1,000,000 in fiscal year 2023 and  
 198.22 \$1,000,000 in fiscal year 2024 from the amount that Minnesota received under the American  
 198.23 Rescue Plan Act, Public Law 117-2, section 2201, for family child care license applicant  
 198.24 orientation training. This is a onetime allocation.

198.25 Sec. 63. **CHILD CARE AND DEVELOPMENT BLOCK GRANT ALLOCATION;**  
 198.26 **DHS FAMILY CHILD CARE FREQUENTLY ASKED QUESTIONS WEBSITE**  
 198.27 **MODIFICATIONS.**

198.28 The commissioner of human services shall allocate \$50,000 in fiscal year 2022 from  
 198.29 the amount that Minnesota received under the American Rescue Plan Act, Public Law 117-2,  
 198.30 section 2201, for the modifications to the family child care provider "frequently asked  
 198.31 questions" website. This is a onetime allocation.

150.11 Sec. 60. **REVISOR INSTRUCTION.**

150.12 The revisor of statutes shall renumber Minnesota Statutes, section 245C.02, so that the  
150.13 subdivisions are alphabetical. The revisor shall correct any cross-references that arise as a  
150.14 result of the renumbering.

150.15 Sec. 61. **REPEALER.**

150.16 (a) Minnesota Statutes 2020, section 245C.10, subdivisions 2, 2a, 3, 4, 5, 6, 7, 8, 9, 9a,  
150.17 10, 11, 12, 13, 14, and 16, are repealed.

150.18 (b) Minnesota Rules, parts 9530.6800; and 9530.6810, are repealed.

150.19 **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment.

199.1 Sec. 64. **REPEALER.**

199.2 Minnesota Rules, parts 9530.6800; and 9530.6810, are repealed.