

LEAD & CARE

Association of Family Child Care Professionals



Partnering with Providers, Supporting Family Child Care Businesses

PO Box 1136
March 20, 2024

Prior Lake, MN 55372

507-330-3110

RE: HF4393 Department of Human Services Office of Inspector General policy bill; and provisions relating to human services licensing, background studies, provider notifications, substance use disorder medications, and electronic signatures modified.

Madam Chair and Committee Members:

My name is Cyndi Cunningham. I have been a Licensed Family Child Care Provider in St. Paul for 26 years and am the current Public Policy Chairperson for Lead & Care (rebranded Minnesota Child Care Provider Information Network, MCCPIN), a 501c3 sitewide association for Licensed Child Care Providers.

I am testifying on behalf of licensed family child care providers regarding background studies.

Licensed Family Child Care is repeatedly said to be important to the system and yet with half of our industry eliminated people wonder why half of our programs have been eliminated. Retirement isn't it. Leaving a job poorly supported by DHS and complicated implementation is why. Having regulations which are high and yet inconsistently implemented, wondering when the next 'trouble we're in' is why many FCCs leave.

We believe that the safety of children is paramount and frankly the first criteria of care. Background checks can and should screen 'bad actors' and people who would not provide safety in a care setting.

This bill is long and detailed, we have attempted to engage over the years with DHS regarding our input however, we have not had any positive response or inclusion in this bill. There are a few areas I would like to comment on:

- **NetStudy2 is a fingerprint fed/state background check. However, there is confusion whether counties can transfer this fingerprint check from one county to the other.** I and others have had challenges processing employees and/or substitutes which hinders our ability to manage our businesses. I cannot testify in person today as the substitute I'm trying to hire has a NetStudy2 BGC but in another county and we must consider fully redoing her Background Check (time, effort money).
A data-based finger print/picture background check should be able to be accessed by all approved entities. We need a system which effectively and efficiently completes background checks, including making the system transferable state wide.
- **We are asking that there be a filter where records can be public data, and a distinction from public posting.** The public has a right to access information regarding a program, however as

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care providers we should be afforded an equitable process. When a licensed family child care has a licensing action the letters distributed to the provider and the information in background checks is made available on the licensing look up which is then public to anyone anywhere in the world. There is shock and shame when material is posted which is negative against a person written strictly from the DHS perspective with no room to publicly defend the accusations and findings. The provider has not had their appeal processed and accusations may be found to be inaccurate. Even when a program is cleared of wrong doing, the accusatory letters continue to be on the website, continuing to be perceived as guilty. Guilty until proven innocent, then still guilty, another reason to not be in this field

- **Consequences for background checks should be comparable across care settings.** If a Certified Center has a violation they are issued a correction order. If a Family Child Care provider has a BGC violation there is at minimum a fine if not a Temporary Immediate suspension. It seems the value of a background check is the same, the consequences are not.
- **Page 3 line 16 regarding denial of license:** those applying should be given ample information to ensure that they know whether there could be a denial of license prior to running a background check. The list of denial information is extensive and even reaches into juvenile records which would likely not be expected. These denials are then made public on the licensing lookup, to serve what purpose? Why would anyone subject themselves to such an unknown result? This information can be available to the public without it being posted on a public website for the world to easily access.
- **Page 18 line 15 refers to annual distribution by the counties regarding variance.** This is not consistently happening. Many providers are having to make multiple requests to find what the counties policies are. **What can be done to ensure providers have the accurate information to manage enrollment in their businesses when the counties nor DHS provide us with accurate up-to-date information?**

These are a few of the discussion points we have attempted to engage with DHS to ensure that FCCs have a fair and equitable correction system. I would be open to all discussion with legislators to attempt to create change so FCCs can be held accountable for licensing requirements and treated respectfully.

Thank you for your time working to support children, families and those providing for their care.
Cyndi Cunningham, Lead & Care Public Policy Chairperson