

# Bill Summary Comparison of Health and Human Services

House File 2128-4  
Article 2: DHS Licensing and  
Background Studies

Senate File UEH2128-1  
Article 6: DHS Licensing and  
Background Studies

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May 6, 2021

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Section	Article 2: DHS Licensing and Background Studies		Article 6: DHS Licensing and Background Studies
1	<p><b>Background study required.</b> Amends § 62V.05 by adding subd. 4a. Requires the Board of Directors of MNsure to initiate human services background studies of navigators, in-person assisters, and certified application counselors; prohibits any individual from providing services until the board receives notice that the individual is not disqualified, or if a disqualification was set aside. Requires the board or a delegate to review reconsideration requests.</p>	<p><b>Page R1: Same</b>, except <b>House</b> uses cross-reference to new section 245C.031 established in Section 18 (Senate does not add new section).</p>	<p><b>Section 1 [62V.05, subdivision 4a]</b> requires the board of MNsure to initiate a background study for each navigator, in-person assister, and certified application counselor, and shall not permit any individual to provide any service or function in those roles until the results of the study. The board is also required to review an individual’s request for reconsideration of a background study disqualification.</p>
2	<p><b>Background studies.</b> Amends § 122A.18, subd. 8. Modifies terminology for the Professional Educator Licensing and Standards Board (PELSB) and the Board of School Administrators background studies.</p>	<p><b>Page R1: Same</b>, except <b>House</b> uses cross-reference to new section 245C.031 established in Section 18 (Senate does not add new section).</p>	<p><b>Section 3 (122A.18, subdivision 8)</b> makes clarifying changes to the statute governing background studies initiated by the Professional Educators Licensing Standards Board and the Board of School Administrators.</p>
		<p><b>Page R2: Senate only</b></p>	<p><b>Section 4 (144.057, subdivision 1)</b> states that the commissioner of human services is not required to conduct a background study on any individual who is working in a facility licensed by the commissioner of health and who has a valid license issued by a health-related licensing board and has completed a background check as part of receiving the license.</p>
3	<p><b>Ombudsperson for family child care providers.</b> Creates § 245.975. Requires the governor to appoint an ombudsperson in the classified service to assist family child care providers with licensing, compliance, and other issues. Lists the duties of the ombudsperson and requires the ombudsperson to report annually to DHS and the legislature on the ombudsperson’s activities. Specifies the ombudsperson’s access to state data and requires certain state agencies to provide the ombudsperson with copies of specified data and reports related to family child care. Allows the ombudsperson to act independently of DHS to provide testimony to the legislature, make periodic reports to the</p>	<p><b>Page R3: Different.</b> <b>Senate</b> creates two ombudspersons; <b>House</b> creates one. <b>Senate</b> extends ombudspersons’ services to all child care providers; <b>House</b> is limited to family child care providers.</p> <p>Subd. 1: <b>Senate</b> appoints two ombudspersons; requires experience as a family child care provider for one; specifies four-year terms.</p>	<p><b>Section 2 [119B.27]</b> directs the governor to appoint two ombudspersons for child care providers to serve a two-year term and carry out duties, including advocating on behalf of a child care provider to address all areas of concern to providing child care services, licensing and regulatory compliance correction orders, and appeals, recommending program improvement and provider education methods to the commissioner, operating a telephone line to answer questions, receive complains, and discuss agency actions, and application assistance. The ombudsperson is authorized to hire staff, to access data necessary for discharging the duties of the office, and to receive copies of</p>

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	legislature, and address areas of concern to family child care providers.	<p>Subd. 2: <b>Senate</b> incorporates DHS technical assistance to clarify and rephrase ombudspersons’ duties.</p> <p>Subd. 3: Technical differences only.</p> <p>Subd. 4: <b>Senate</b> removes cross-reference to section 13.03, subdivision 4.</p> <p>Subd. 5: Technical differences only.</p> <p>Subd. 6: Technical differences only.</p> <p>Subd. 7: <b>Senate</b> includes bar against serving while running for office; includes differences relating to serving all child care provider types.</p> <p>Subd. 8: Technical differences only.</p> <p>Subd. 9: <b>Senate</b> includes clarifying changes from DHS technical assistance.</p>	all provider correction orders, penalty assessments, and complaint investigations on a quarterly basis. The ombudsperson must operate independently of the department of human services and must have experience providing child care, interpretation of laws and regulations, investigations, record keeping, report writing, public speaking, and management. A person is not eligible to serve as ombudsperson while running for or holding public office and cannot have been previously employed by the department of human services or as a county licenser. At least one of the ombudspersons must have been a licensed family child care provider for at least three years. The commissioner of human services must provide the ombudsperson with office space, supplies, and other support, and must provide child care providers with the contact information for the ombudsperson.
		<b>Page R5: Senate only</b>	<b>Section 5 [245A.02, subdivisions 23]</b> clarifies the statutory definition of “family or group family child care program.”
		<b>Page R5: Senate only</b>	<b>Section 6 [245A.02, subdivisions 24]</b> clarifies the statutory definition of “special family child care program.”
		<b>Page R5: Senate only</b>	<b>Section 7 [245A.02, subdivisions 25]</b> clarifies the statutory definition of “nonresidential family child care program.”
		<b>Page R5: Senate only</b>	<b>Section 8 [245A.03, subdivision 10]</b> increases from 14 to 16 the maximum licensed capacity of group family child care providers.

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			<p>Paragraphs (b) to (d) supersede and modify the child to adult caregiver ratios and age distribution restrictions for group family child care providers provisions in Minnesota Rules. Instead of setting an explicit limit on the number of school-age children, under school-age children, toddlers, and infants, the revised ratios define the total capacity for a provider, the total number of children under school age (under five years old), and the total number of infants. Accordingly, a provider may serve any combination of children under five years old up to the permitted maximum, provided that they do not exceed the permitted number of infants. Conforming changes reflecting these ratio changes appear in sections 12 to 14.</p>
<p><b>4</b></p>	<p><b>Change of ownership process.</b> Amends § 245A.043, subd. 3. Removes reference to rule relating to the assessment of need for substance use disorder treatment programs.</p>	<p><b>Page R6: Same</b></p>	<p><b>Section 9 (245A.043, subdivision 3, paragraph (b))</b> deletes from the provisions relating to transferring ownership of an existing treatment program, statutory references to the administrative rules requiring an assessment of the need for a new chemical dependency treatment or rehabilitation program.</p>
<p><b>5</b></p>	<p><b>Denial of application.</b> Amends § 245A.05. Specifies that the commissioner of human services may deny an applicant for a family foster setting license if the applicant has non-disqualifying background study information that reflects on the applicant’s ability to safely care for foster children.  Makes this section effective July 1, 2022.</p>	<p><b>Page R7: Same</b></p>	<p><b>Section 10 (245A.05, paragraph (a), clause (11))</b> permits the commissioner of human services to deny a family foster setting license if an individual has non-disqualifying background study information that reflects on the individual’s ability to safely care for foster children.</p>
<p><b>6</b></p>	<p><b>Sanctions; appeals; license.</b> Amends § 245A.07, subd. 1. Allows the commissioner of human services to take adverse licensing action if a license holder has non-</p>	<p><b>Page R9: Same</b></p>	<p><b>Section 11 (245A.07, subdivision 1, paragraph (a))</b> authorizes the commissioner to take a licensing action against a license holder based on non-disqualifying background study information that reflects on the individual’s ability to safely care for foster</p>

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	<p>disqualifying background study information that reflects on the applicant’s ability to safely care for foster children.</p> <p>Makes this section effective July 1, 2022.</p>		<p>children.</p>
		<p><b>Page R9: Senate only</b></p>	<p><b>Section 12 (245A.08, subdivision 4)</b> requires an administrative law judge to issue a final binding decision, rather than a recommendation to the commissioner of human services, following a hearing relating to the license of a family or group family day care provider. The decision may be appealed for judicial review in a district court.</p>
		<p><b>Page R10: Senate only</b></p>	<p><b>Section 13 (245A.08, subdivision 5)</b> makes a technical conforming change to the requirements for the commissioner to provide notice of a final order on a matter relating to licensed family or group family day care, because the commissioner would no longer issue such final orders.</p>
<p>7</p>	<p><b>License or certification fee for certain programs.</b> Amends § 245A.10, subd. 4. Modifies terminology to clarify detoxification and withdrawal management program licensure fees.</p>	<p><b>Page R10: House only</b></p>	
		<p><b>Page R16: Senate only</b></p>	<p><b>Section 14 (section 245A.14, subdivision 1)</b> increases from 14 to 16 the number of children that may be services by a group family day care in single-family residential home for the purposes of the purposes of zoning and other land use regulations.</p>
<p>8</p>	<p><b>Special family child care homes.</b> Amends § 245A.14, subd. 4. Paragraph (g) allows the commissioner to issue up to four licenses to certain types of license</p>	<p><b>Page R16: Different.</b> These proposals are conceptually <b>similar</b> with a few substantive <b>differences</b>.  <b>Senate</b> reorganizes much of existing statute into new section (Senate Section 16) to differentiate between residential and</p>	<p><b>Section 15 (245A.14, subdivision 4)</b> modifies the existing statute governing licensure of special family child care homes to have “special family child care” refer only to programs operated outside of the license holder’s home, in a dwelling other than the license holder’s own residence. The statute retains the provision</p>

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	<p>holders and each license must have its own primary provider of care and must operate as a distinct and separate program.</p> <p>Paragraph (h) allows the commissioner to approve up to four licenses of specified types of license holders at the same location if all the license holders demonstrate compliance with applicable rules and laws.</p> <p>Paragraph (i) provides that for specified types of licenses, the license holder must designate a primary provider of care at the licensed location.</p> <p>Paragraph (j) provides that for all licenses issued under this section, the license holder must ensure that any caregiver, substitute, or helper who assists in the care of children meets applicable training requirements and background study requirements.</p>	<p>non-residential provider settings, and includes conforming changes to incorporate increased licensed capacity for special family child care homes. <b>House</b> leaves language in existing statute, but modifies requirements and parameters for multiple license approval (par. (g) through (j)).</p> <p><b>House</b> replaces and expands existing language in paragraph (g) relating to multiple license approval, and permits multiple licenses to be issued to a single provider, and multiple licenses to be issued under the same roof; <b>Senate</b> approves multiple licenses under the same roof in a more limited fashion in Section 16, subdivision 2 (Senate lines 161.29-162.2).</p> <p><b>House</b> eliminates existing language in paragraph (h) relating to granting of variances; <b>Senate</b> preserves existing paragraph (h) and replicates its content in Section 16, subdivision 3 (Senate lines 162.3-162.7).</p>	<p>authorizing the commissioner to grant a variance for a primary provider of care to be licensed according to the provisions that apply to nonprofit agencies or programs operated in a commercial space.</p>
		<p><b>Page R19: Senate only.</b> <b>House</b> leaves language moved to a new section of statute by this <b>Senate</b> section in the existing statute (see House Section 8). <b>Senate</b> creates separate section of law to distinguish between family child care providers in residential versus non-residential settings.</p> <p><b>House</b> language authorizing multiple licenses appears in Section 8, paragraphs (g) and (h), and is more expansive than <b>Senate</b> language at lines 161.29-162.2. <b>Senate</b> also replicates existing language regarding granting variances.</p>	<p><b>Section 16 [245A.141]</b> establishes a new section of law that reproduces the provider types removed from 245A.14, subdivision 4, as “nonresidential family child care programs.” The text is copied from the existing language in 245A.14, subdivision 4. The new title is meant to distinguish a “special family child care” program from these “nonresidential family child care” programs. The text is identical to the existing language in 245A.14, subdivision 4, that is deleted according to section 15, except that the commissioner may approve up to 4 licenses at a single location pursuant to 245A.141, subdivision 2. The current statute permits approval of two or more licenses.</p>
		<p><b>Page R21: Senate only</b></p>	<p><b>Section 17 (245A.16, subdivision 1)</b> makes a technical conforming change to update a cross-reference and incorporate</p>

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			the increased maximum family child care license capacity of 16 children. Paragraph (j) requires county agencies to forward all communications from DHS regarding family child care to all family child care providers in the county, with or without labeled comments by the county agency.
9	<p><b>Licensed family foster settings.</b></p> <p>Amends § 245A.16 by adding subd. 9. Requires a county agency or private agency to review specified information relating to non-disqualifying background study results before recommending to grant, deny, or revoke a family foster setting license. Lists information that must be reviewed; lists what constitutes “evidence of rehabilitation.”</p> <p>Requires the commissioner to consider relative relationships as a significant factor in determining a licensing decision; requires the county or private licensing agency to send a summary of the completed review to the commissioner and to include a recommendation for licensing action.</p> <p>Makes this section effective July 1, 2022.</p>	Page R23: Same	Section 18 [245A.16, subdivision 9] lists the information and other materials that must be included and followed by a county agency or designated private agency prior to recommending that the commissioner take a licensing action for a licensed family foster setting.
		Page R24: Senate only	Section 19 (245A.50, subdivision 1a) adds a definition to the family child care training statute for an “adult assistant,” meaning an adult who assists in caring for children exclusively under the direct supervision of the license holder, who is prohibited from serving as a second adult caregiver, and who has the same training requirements as helpers.

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10	<p><b>Training requirements for family and group family child care.</b> Amends § 245A.50, subd. 7. Allows a family child care provider to count up to two hours of training instruction toward the provider’s annual 16-hour training requirement.</p>	<p><b>Page R25: Different.</b> Senate does not specify which Knowledge and Competency Framework content areas may only be counted for providers approved as training instructors.</p>	<p><b>Section 20 (245A.50, subdivision 7)</b> authorizes child care training instructors who are also family child care providers to count up to two hours of training instruction toward the 16-hour annual training requirement for family child care providers.</p>
11	<p><b>Supervising for safety; training requirement.</b> Amends § 245A.50, subd. 9. Adds training courses that meet family child care provider’s active supervision training requirement.</p>	<p><b>Page R26: House only</b></p>	
12	<p><b>Authorized fingerprint collection vendor.</b> Amends § 245C.02, subd. 4a. Allows the commissioner to retain more than one authorized fingerprint collection vendor.</p>	<p><b>Page R27: Different.</b> House authorizes DHS to contract with “more than one” authorized fingerprint collection vendor. Senate authorizes “up to three” vendors.</p>	<p><b>Section 21 (245C.02, subdivision 4a)</b> modifies the definition of an authorized fingerprint collection vendor to mean one of up to three qualified organizations under contract with the commissioner of human services to provide to collect fingerprints for background studies.</p>
13	<p><b>Background study.</b> Amends § 245C.02, subd. 5. Adds collection and processing of fingerprints and photograph to definition of background study.</p>	<p><b>Page R27: House only</b></p>	
14	<p><b>Alternative background study.</b> Amends § 245C.02 by adding subd. 5b. Adds definition of “alternative background study” to the human services background studies chapter.</p>	<p><b>Page R27: House only</b></p>	
15	<p><b>Entity.</b> Amends § 245C.02 by adding subd. 11c. Adds definition of “entity” to the human services background studies chapter.</p>	<p><b>Page R28: House only</b></p>	



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16	<p><b>Results.</b> Amends § 245C.02 by adding subd. 16a. Adds definition of “results” to the human services background studies chapter.</p>	<p><b>Page R28: House only</b></p>	
17	<p><b>Background study; individuals to be studied.</b> Amends § 245C.03. Adds and modifies the subdivisions below.</p> <p><b>Subd. 1. Licensed programs.</b> Adds list of licensed programs to which the subdivision applies.</p> <p><b>Subd. 1a. Procedure.</b> Clarifies procedural requirements for background studies.</p> <p><b>Subd. 3a. Personal care assistance provider agency; background studies.</b> Establishes background study requirements for personal care assistance provider agencies enrolled to provide personal care assistance services under medical assistance; requires some owners, all managing employees, and all qualified professionals to undergo a background study.</p> <p><b>Subd. 3b. Exception to personal care assistant; requirements.</b> Allows a personal care assistant for a recipient to enroll with a different provider agency upon initiation of a new background study, under specified circumstances.</p> <p><b>Subd. 5a. Facilities serving children or adults licensed or regulated by the Department of Health.</b> Requires the commissioner of health to contract with DHS to conduct background studies for individuals providing direct contact services in a range of entities licensed by the Department of Health, and other employees in certain types of licensed</p>	<p><b>Page R28: House only</b>, except subdivision 15 is <b>same</b> as <b>Senate</b> Section 25.</p>	

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	<p>entities facilities. Specifies that if a program is jointly licensed, DHS is solely responsible for the background studies.</p> <p><b>Subd. 5b. Facilities serving children or youth licensed by the Department of Corrections.</b> Requires DHS to conduct background studies of individuals providing direct contact services in residential and detention facilities, and requires specified individuals and entities to provide DHS with all available criminal conviction data related to individuals to be studied under this subdivision. Requires DHS to notify an individual and the facility of a disqualification, and of the right to request reconsideration through the Department of Corrections. Specifies reconsideration procedures.</p> <p><b>Subd. 6. Unlicensed home and community-based waiver providers of service to seniors and individuals with disabilities.</b> Specifies that individuals who provide direct contact services specified in federally approved home and community-based waiver plans under section 256B.4712 consumer-directed community supports, upon federal approval, must meet background study requirements.</p> <p><b>Subd. 6a. Legal nonlicensed and certified child care programs.</b> Makes clarifying changes; specifies that DHS background studies are required for each individual who applies for child care program certification, each member of a provider’s household age 13 or older, and a member of a provider’s household who is aged 10 to 13, if reasonable cause exists.</p>		

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	<p><b>Subd. 7. Children’s therapeutic services and supports providers.</b> Clarifies that all direct service providers and volunteers for children's therapeutic services and supports providers are subject to background studies.</p> <p><b>Subd. 9. Community first services and supports organizations.</b> Establishes background study requirements for individuals affiliated with Community First Services and Supports (CFSS) agency-providers and Financial Management Services (FMS) providers enrolled to provide CFSS services under medical assistance.</p> <p><b>Subd. 9a. Exception to support worker requirements for continuity of services.</b> Allows a support worker for a participant to enroll with a different CFSS agency-provider or FMS provider upon initiation, rather than completion, of a new background study under specified circumstances.</p> <p><b>Subd. 10. Providers of group residential housing or supplementary services.</b> Clarifies who must undergo a background study related to providers of group residential housing or supplementary services; requires compliance with all background study requirements.</p> <p><b>Subd. 11.</b> Strikes subdivision relating to child protection workers.</p> <p><b>Subd. 12. Providers of special transportation service.</b> Clarifies which individuals providing special transportation services must undergo a background study. Allows a local or contracted agency authorizing a nonemergency medical</p>		

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	<p>transportation service ride by a volunteer driver to initiate a background study under certain circumstances.</p> <p><b>Subd. 13. Providers of housing support services.</b> Makes clarifying changes.</p> <p><b>Subd. 14. Tribal nursing facilities.</b> Requires the commissioner to obtain state and national criminal history data for individuals affiliated with a tribally licensed nursing facility.</p> <p><b>Subd. 15. Early intensive developmental and behavioral intervention providers.</b> Requires the commissioner to conduct a background study when initiated by an early intensive developmental and behavioral intervention provider.</p>	<p>Page R36</p>	<p><b>Section 25 [245C.03, subdivision 17]</b> requires the commissioner of human services to conduct 245C background studies when a study is initiated by an EIDBI provider.</p>
<p>18</p>	<p><b>Background study; alternative background studies.</b> Proposes coding for § 245C.031.</p> <p><b>Subd. 1. Alternative background studies.</b> Requires the commissioner to conduct an alternative background study of individuals listed in this section; establishes required procedures for studies and data destruction.</p> <p><b>Subd. 2. Access to information.</b> Requires each entity that submits an alternative background study to enter into an agreement with the commissioner to comply with state and federal law.</p> <p><b>Subd. 3. Child protection workers or social services staff having responsibility for child protective duties.</b></p>	<p>Page R37: House only, except subdivisions 10-12 are similar to Senate Sections 22-24 with technical differences.</p>	

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	<p>Requires an alternative background study for these individuals.</p> <p><b>Subd. 4. Applicants, licensees, and other occupations regulated by the commissioner of health.</b> Requires alternative background studies for applicants for audiologist or speech-language pathologist licenses or renewals or applicants for hearing instrument dispenser initial certification or certification before January 1, 2018. Establishes alternative background study requirements for these individuals.</p> <p><b>Subd. 5. Guardians and conservators.</b> Requires alternative background studies for court-appointed guardians and conservators, with certain exceptions, to be completed prior to the appointment of the guardian or conservator, unless the best interests of the ward or protected person requires appointment before the study is completed.</p> <p><b>Subd. 6. Guardians and conservators; required checks.</b> Specifies data to be checked for guardian and conservator alternative background studies.</p> <p><b>Subd. 7. Guardians and conservators; state licensing data.</b> Requires the commissioner to provide the court with licensing agency data, within 25 working days, for licenses directly related to the responsibilities of a professional fiduciary, if the study subject is or has been affiliated with a listed professional licensing entity. Requires an agreement by each entity to provide the commissioner with electronic access to relevant licensing data and quarterly lists of new sanctions. Establishes additional procedures</p>		

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	<p>for providing licensing data to the court for guardian and conservator background studies.</p> <p><b>Subd. 8. Guardians ad litem.</b> Requires alternative background studies for guardians ad litem once every three years.</p> <p><b>Subd. 9. Guardians ad litem; required checks.</b> Specifies data to be checked and required procedures for alternative background studies for guardians ad litem.</p> <p><b>Subd. 10. First-time applicants for educator licenses with the Professional Educator Licensing and Standards Board.</b> Requires PELSB to make eligibility determinations for alternative background studies. Permits alternative background studies for all first-time applicants for educator licenses; specifies what the studies must include.</p> <p><b>Subd. 11. First-time applicants for administrator licenses with the Board of School Administrators.</b> Requires the Board of School Administrators to make eligibility determinations for alternative background studies. Permits alternative background studies for all first-time applicants for administrator licenses; specifies what the studies must include.</p> <p><b>Subd. 12. Occupations regulated by MNsure.</b> Requires the commissioner to conduct a background study of any individual required to have a background study under section 62V.05.</p>	<p><b>Page R41</b></p> <p><b>Page R42</b></p> <p><b>Page R42</b></p>	<p><b>Section 22 [245C.03, subdivision 14]</b> authorizes the commissioner of human services to conduct background studies of all first-time applicants for educator licenses with the Professional Educator Licensing and Standards Board.</p> <p><b>Section 23 [245C.03, subdivision 15]</b> authorizes the commissioner of human services to conduct background studies of all first-time applicants for administrator licenses with the Board of School Administrators.</p> <p><b>Section 24 [245C.03, subdivision 16]</b> authorizes the commissioner of human services to conduct background studies of all MNsure navigators, in-person assisters, and certified application counselors, and authorizes the board of MNsure to initiate background studies and review requests for reconsideration.</p>

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19	<p><b>Individual studied.</b> Amends § 245C.05, subd. 1. Clarifies language; requires a background study subject to submit a completed criminal and maltreatment history records check consent form for applicable record checks.</p>	<p><b>Page R42: House only</b></p>	
20	<p><b>Applicant, license holder, or other entity.</b> Amends § 245C.05, subd. 2. Makes clarifying change.</p>	<p><b>Page R43: House only</b></p>	
21	<p><b>County or private agency.</b> Amends § 245C.05, subd. 2a. Makes clarifying change.</p>	<p><b>Page R43: House only</b></p>	
22	<p><b>County agency to collect and forward information to commissioner.</b> Amends § 245C.05, subd. 2b. Makes clarifying changes.</p>	<p><b>Page R44: House only</b></p>	
23	<p><b>Privacy notice to background study subject.</b> Amends § 245C.05, subd. 2c. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history; states that the FBI will not retain fingerprints; makes clarifying change related to fingerprint vendors.</p>	<p><b>Page R44: Similar.</b> Technical phrasing differences in paragraph (c), clause (3): <b>House</b> phrasing contemplates the possibility of contracting with one fingerprint collection vendor (“vendor or vendors”); <b>Senate</b> replaces all instances of “vendor” with “vendors.”</p>	<p><b>Section 26 (245C.05, subdivision 2c)</b> paragraph (c), clause (1) modifies the privacy and fingerprint data notices that must be provided to a background study subject, to inform the subject that the FBI will not retain the subject’s fingerprints.  Paragraph (c), clause (3) makes conforming changes relating to the expansion of authorized fingerprint collection vendors in Section 21.</p>
24	<p><b>Fingerprint data notification.</b> Amends § 245C.05, subd. 2d. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history; states that the FBI will not retain fingerprints.</p>	<p><b>Page R45: Same</b></p>	<p><b>Section 27 (245C.05, subdivision 2d)</b> modifies the privacy and fingerprint data notices that must be provided to a background study subject, to inform the subject that the FBI will not retain the subject’s fingerprints.</p>

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25	<p><b>Electronic transmission.</b> Amends § 245C.05, subd. 4. Adds a summary of nondisqualifying background study results and relevant underlying investigative information to the information that DHS must transmit electronically to county and private agencies for child foster care; makes clarifying changes.</p> <p>Makes this section effective July 1, 2022.</p>	<p><b>Page R45: Similar.</b> Identical except that <b>House</b> further specifies background study information to be electronically transmitted and adds private agencies; <b>Senate</b> does not.</p>	<p><b>Section 28 (245C.05, subdivision 4, paragraph (a), clause (3))</b> requires the commissioner’s secure electronic information transmission system to accommodate electronic transmission to counties of a summary of non-disqualifying results, except as prohibited by law.</p>
		<p><b>Page R46: Senate only.</b> <b>Senate</b> replaces all instances of “vendor” with “vendors.” <b>House</b> phrasing contemplates the possibility of contracting with one fingerprint collection vendor (“vendor or vendors”), so does not make conforming changes to this section.</p>	<p><b>Section 29 (245C.05, subdivision 5)</b> makes conforming changes relating to the expansion of authorized fingerprint collection vendors in Section 21.</p>
		<p><b>Page R47: Senate only</b></p>	<p><b>Section 30 (245C.08, subdivision 1)</b> makes conforming changes relating to the modification of background study requirements for individuals licensed by a health-related licensing board in Section 4.</p>
26	<p><b>Arrest and investigative information.</b> Amends § 245C.08, subd. 3. Removes language prohibiting the sharing of national criminal history check information with county and private agencies.</p> <p>Makes this section effective July 1, 2021.</p>	<p><b>Page R48: Similar.</b> <b>Senate</b> includes July 1, 2021, effective date.</p>	<p><b>Section 31 (245C.08, subdivision 3, paragraph (c))</b> removes the prohibition against the commissioner sharing data obtained during a national criminal history check with county agencies, effective July 1, 2021. The prohibition remains with respect to sharing such data private agencies or prospective employers.</p>
27	<p><b>Authorization.</b> Amends § 245C.08 by adding subd. 5. Specifies that the commissioner is authorized to receive background study information.</p>	<p><b>Page R49: House only</b></p>	



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Section	Article 2: DHS Licensing and Background Studies		Article 6: DHS Licensing and Background Studies
28	<p><b>Background study fees.</b> Amends § 245C.10 by adding subd. 1b. Specifies that the commissioner shall recover background study costs, and that fees collected are appropriated to the commissioner for the purpose of conducting background studies. Lists what background study fees may include and how they may be paid.</p>	Page R49: House only	
29	<p><b>Fingerprint and photograph processing fees.</b> Amends § 245C.10 by adding subd. 1c. Requires the commissioner to enter into a contract with a qualified vendor or vendors to obtain and process fingerprints and photographs for background study purposes. Outlines payment and reimbursement provisions.</p>	Page R50: House only	
30	<p><b>Background studies fee schedule.</b> Amends § 245C.10 by adding subd. 1d. Requires the commissioner to publish a background study fee schedule by March 1 of each year, to be effective from July 1 to June 30 each year. Specifies that fees will be based on actual costs of background study administration; specifies how the fees must be published and how fees are appropriated.</p> <p>Makes this section effective July 1, 2021; requires the commissioner to publish the initial fee schedule on July 1, 2021, which will be effective September 1, 2021.</p>	Page R50: House only	
31	<p><b>Guardians and conservators.</b> Amends § 245C.10, subd. 15. Modifies requirements for fees to be paid for conducting an alternative background study for appointment of a guardian or conservator.</p>	Page R51: House only	

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32	<p><b>Early intensive developmental and behavioral intervention providers.</b> Amends § 245C.10 by adding subd. 17. Establishes fee of no more than \$20 for a background study for the purposes of early intensive developmental and behavioral intervention.</p> <p>Makes this section effective the day following final enactment.</p>	Page R51: Same	Section 32 [245C.10, subdivision 17] requires the commissioner of human services to collect a fee not to exceed \$20 for each 245C background study initiated by an EIDBI provider.
33	<p><b>Applicants, licensees, and other occupations regulated by commissioner of health.</b> Amends § 245C.10 by adding subd. 18. Specifies that the applicant or license holder is responsible for paying all fees associated with background studies.</p>	Page R51: House only	
34	<p><b>Occupations regulated by MNsure.</b> Amends § 245C.10 by adding subd. 20. Requires the commissioner to set fees to recover background study costs for MNsure-related studies, through an interagency agreement; specifies that fees will be deposited in the special revenue fund for the purpose of conducting background studies.</p>	Page R52: Same, except different cross-reference to chapter 245C.	Section 33 [245C.10, subdivision 18] directs the commissioner to set a fee for background studies initiated by MNsure, with the amount to be established through an interagency agreement between the commissioner and the board of MNsure.
		Page R52: Senate only	Section 34 [245C.10, subdivision 19] directs the commissioner to set a fee of up to \$51 for background studies initiated by the Professional Educators Licensing Standards Board.
		Page R52: Senate only	Section 35 [245C.10, subdivision 20] directs the commissioner to set a fee of up to \$51 for background studies initiated by the Board of School Administrators.

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Section	Article 2: DHS Licensing and Background Studies		Article 6: DHS Licensing and Background Studies
35	<p><b>Activities pending completion of background study.</b> Amends § 245C.13, subd. 2. Adds personal care assistant services to list of activities prohibited prior to receipt of background study notices.</p>	Page R52: House only	
36	<p><b>Disqualification from direct contact.</b> Amends § 245C.14, subd. 1. Specifies that the commissioner must disqualify an individual applying for family foster setting licensure from any position allowing direct contact with persons served, if the background study contains disqualifying information, as listed in section 245C.15, subdivision 4a (new subdivision).  Makes this section effective July 1, 2022.</p>	Page R53: Same	Section 36 (245C.14, subdivision 1, paragraph (c)) makes a conforming change to accommodate the new subdivision with the disqualifying crimes and conduct for family foster setting background study subjects.
37	<p><b>Disqualification from working in licensed child care centers or certified license-exempt child care centers.</b> Amends § 245C.14 by adding subd. 4. Specifies that a disqualified individual must be disqualified from working in any position in a licensed child care center or certified license-exempt child care center, until the commissioner issues a notice that: (1) the individual is not disqualified; (2) a disqualification has been set aside; or (3) a variance has been granted.</p>	Page R54: House only	
38	<p><b>Licensed family foster setting disqualifications.</b> Amends § 245C.15, by adding subd. 4a. Paragraph (a) lists felony-level convictions that permanently disqualify an individual applying for a family foster setting license.  Paragraph (b) lists additional crimes or conduct that permanently disqualify an individual applying for a family foster setting license.</p>	<p>Page R55: Same, except for technical verb tense difference at House line 134.23 / Senate line 181.15.  Both sides should be amended to replace “less” with “fewer”.  Staff recommends <b>Senate</b>.</p>	<p>Section 37 [245C.15, subdivision 4a] lists the disqualifying crimes, acts, and other conduct for licensed family foster setting disqualifications.  Paragraphs (a) and (b) establish permanently disqualifying crimes and conduct.  Paragraph (c) establishes that any involuntary termination, or voluntary termination entered to settle an involuntary termination proceeding, of an individual’s parental rights, including a</p>

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	<p>Paragraph (c) specifies that an individual whose parental rights have been terminated is disqualified from family foster setting licensure for 20 years.</p> <p>Paragraph (d) lists felony-level convictions that disqualify an individual applying for a family foster setting license for five years.</p> <p>Paragraph (e) lists additional crimes or conduct that disqualify an individual applying for a family foster setting license for five years.</p> <p>Paragraph (f) specifies that for purposes of this subdivision, a disqualification begins from: (1) the date of the alleged violation, if the individual was not convicted; (2) the date of the conviction, if the individual was convicted but not committed to the custody of the commissioner of corrections; or (3) the date of release from prison. Adds clause regarding reincarceration.</p> <p>Paragraph (g) contains language regarding disqualifications for aiding and abetting, attempt, or conspiracy to commit listed offenses.</p> <p>Paragraph (h) contains language regarding disqualifications for offenses in other states or countries.</p> <p>Makes this section effective July 1, 2022.</p>		<p>substantially similar involuntary termination that takes place in another state, results in a 20-year disqualification period.</p> <p>Paragraphs (d) and (e) establish five-year disqualifying crimes and conduct.</p> <p>Paragraphs (f) and (g) establish that aiding or abetting, or committing a substantially similar offense in another state to the offenses or acts listed in paragraphs (a), (b), (e), or (f) results in the same permanent or 5-year disqualification.</p>
39	<p><b>Determining immediate risk of harm.</b></p> <p>Amends § 245C.16, subd. 1. Allows the commissioner to order immediate removal of an individual from any position allowing direct contact with or access to persons receiving services, or from any position in a licensed child care center or certified license-exempt child care center, if the individual has a disqualification that is a permanent bar or the individual is a child care background</p>	Page R58: House only	

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	study subject with a felony drug-related offense in the past five years.		
40	<p><b>Findings.</b> Amends § 245C.16, subd. 2. Prohibits the commissioner from making a finding that an individual requires direct, continuous supervision while providing direct contact services during the disqualification reconsideration request period, for a licensed child care center or certified license-exempt child care center.</p>	Page R59: House only	
41	<p><b>Time frame for notice of study results and auditing system access.</b> Amends § 245C.17, subd. 1. Adds a child care center or certified license-exempt child care center to the list of facilities in which an individual must be immediately removed from direct contact or access, when notice is issued that more time is needed to complete a study.</p>	Page R60: House only	
42	<p><b>Disqualification notice to child care centers or certified license-exempt child care centers.</b> Amends § 245C.17 by adding subd. 8. Requires an immediate removal notice to also include an order for a license holder to immediately remove the individual from working in any position in a child care center or certified license-exempt child care center.</p>	Page R61: House only	
43	<p><b>Obligation to remove disqualified individual from direct contact and from working in a program, facility, setting, or center.</b> Amends § 245C.18. Requires a child care center or certified license-exempt child care center license holder to remove a disqualified individual from working in any position in a licensed child care center or certified license-exempt child care center, until</p>	Page R61: House only	

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	the commissioner issues a notice that: (1) the individual is not disqualified; (2) a disqualification has been set aside; or (3) a variance has been granted.		
44	<p><b>Permanent bar to set aside a disqualification.</b> Amends § 245C.24, subd. 2. Prohibits the commissioner from setting aside or granting a variance for a disqualification under section 245C.15, subdivision 4a, paragraphs (a) and (b), for an individual 18 years of age or older. Allows a variance to a disqualification for an individual who is under 18 years of age when the background study is submitted.</p> <p>Makes this section effective July 1, 2022.</p>	Page R62: Same	<p><b>Section 38 (245C.24, subdivision 2, paragraphs (e) and (f))</b> prohibit the commissioner from setting aside or granting a variance for the disqualification of an individual 18 or older that is based on a crime or conduct listed in 245C.15, subdivision 4a, paragraphs (a) and (b). The commissioner is allowed to grant a variance to the disqualification of an individual who is under 18 years old at the time of the background study.</p>
45	<p><b>Ten-year bar to set aside disqualification.</b> Amends § 245C.24, subd. 3. Removes family foster setting providers from subdivision prohibiting set asides of disqualifications for ten years.</p> <p>Makes this section effective July 1, 2022.</p>	Page R63: Same	<p><b>Section 39 (245C.24, subdivision 3)</b> makes conforming changes to remove references to foster care setting licenses in the existing ten-year bar to set aside a disqualification.</p>
46	<p><b>Seven-year bar to set aside disqualification.</b> Amends § 245C.24, subd. 4. Removes family foster setting providers from subdivision prohibiting set asides of disqualifications for seven years.</p> <p>Makes this section effective July 1, 2022.</p>	Page R64: Same	<p><b>Section 40 (245C.24, subdivision 4)</b> makes conforming changes to remove references to foster care setting licenses in the existing seven-year bar to set aside a disqualification.</p>
47	<p><b>Five-year bar to set aside disqualification; family foster setting.</b> Amends § 245C.24 by adding subd. 6. Specifies that that the commissioner must not set aside a disqualification for any of the crimes or actions listed in section 245C.15, subdivision 4a,</p>	Page R64: Same	<p><b>Section 41 [245C.24, subdivision 6]</b> establishes a five-year bar to set aside a disqualification for foster care setting licenses that is based on conviction of a felony listed in section 245C.15, subdivision 4a, paragraph (c). The commissioner is allowed to set</p>

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	<p>paragraph (d), committed within the past five years, for anyone 18 or older in connection with a family foster setting license. Allows the commissioner to set aside or grant a variance to a disqualification if the individual is under 18 years of age at the time the background study is submitted.</p> <p>Makes this section effective July 1, 2022.</p>		<p>aside or grant a variance to the disqualification of an individual who is under 18 years old at the time of the background study.</p>
48	<p><b>NETStudy 2.0 system.</b> Amends § 245C.32, subd. 1a. Makes clarifying changes related to fingerprint collection vendors.</p>	<p><b>Page R65: Similar.</b> House phrasing contemplates the possibility of contracting with one fingerprint collection vendor (“vendor or vendors”); <b>Senate</b> replaces all instances of “vendor” with “vendors.”</p>	<p><b>Section 42 (245C.32, subdivision 1)</b> makes conforming changes relating to the expansion of authorized fingerprint collection vendors in Section 21.</p>
49	<p><b>Contents of application.</b> Amends § 245F.04, subd. 2. Removes reference to rule relating to the assessment of need for substance use disorder treatment programs.</p>	<p><b>Page R65: Same,</b> except for technical formatting difference. Staff recommends <b>House</b>.</p>	<p><b>Sections 43 (245F.04, subdivision 2)</b> deletes from the provisions relating to applying for a new treatment program, statutory references to the administrative rules requiring an assessment of the need for a new chemical dependency treatment or rehabilitation program.</p>
50	<p><b>Application.</b> Amends § 245G.03, subd. 2. Adds requirement for an applicant for SUD treatment program licensure to notify the county human services director in writing of the applicant’s intent to open a new treatment program. Specifies what the notification must include. Allows the county human services director to submit a written statement, with documented rationale, to the commissioner of human services regarding the county’s support of or opposition to the new treatment program opening. Requires the commissioner to consider the county’s written statement when deciding whether to issue a license.</p>	<p><b>Page R66: Similar.</b> Technical phrasing differences only. Staff recommends <b>House</b> paragraphs (a) and (b), <b>Senate</b> paragraph (c).</p>	<p><b>Section 44 (245G.03, subdivision 2, paragraph (b))</b> requires an applicant for substance use disorder treatment program licensure must give at least 60 days’ notice of their intent to open a new program to the county human services director. The notice must include a description of the proposed program, the proposed target population, and a copy of the program’s abuse prevention plan. The county human services director is authorized to support or oppose the new program in writing to the commissioner of human services, for consideration when determining whether to grant a license to the proposed program.</p>
		<p><b>Page R66: Senate only</b></p>	<p><b>Section 45 [245G.031]</b> establishes an alternative licensing procedure for licensed substance abuse disorder providers to be</p>

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			deemed in compliance with the required statutory standards in order to be approved for license renewal, based on a qualified industry accreditation rather than an inspection by the Department of Human Services. Providers are eligible for the alternative licensing procedure if they have had at least one inspection by the commissioner of human services, have been free from licensing actions, have had no substantiated allegations of maltreatment within 10 years, and have maintained substantial compliance with the licensing statutes and regulations. Providers that qualify for alternative licensing status will not be subject to routine licensing inspections so long as the provider maintains the requirements for alternative licensing status.
51	<p><b>Background studies.</b> Amends § 256B.0949 by adding subd. 16a. Specifies that early intensive developmental and behavioral intervention background study requirements must be met through a background study under specified sections of chapter 245C.</p> <p>Makes this section effective the day following final enactment.</p>	<p><b>Page R68: Similar.</b> Technical phrasing difference. Staff recommends <b>Senate</b>.</p>	<p><b>Section 46 [256B.0949, subdivision 16a]</b> requires EIDBI services agency to fulfill existing background studies requirements under this section by initiating a background study through the commissioner's NETStudy system.</p>
52	<p><b>Duties of commissioner.</b> Amends § 260C.215, subd. 4. Adds paragraph requiring the commissioner of human services to establish family foster setting licensing guidelines for county and private licensing agencies; specifies that the guidelines are directives of the commissioner.</p> <p>Makes this section effective July 1, 2023.</p>	<p><b>Page R68: Similar.</b> House uses “clause” where Senate uses “paragraph” to refer to guidelines developed pursuant to clause (7). Staff recommends <b>House</b>.</p>	<p><b>Section 47 (260C.215, subdivision 4, clause (7))</b> revises the commissioner’s duties with respect to foster care to add a duty to establish family foster setting licensing guidelines for county agencies or designated private agencies to perform licensing functions. The guidelines are considered directives of the commissioner.</p>
		<p><b>Page R69: Senate only</b></p>	<p><b>Section 48 (466.03, subdivision 6d)</b> corrects a cross-reference and adds a paragraph establishing that for purposes of municipal tort liability, the act of granting a licensing variance does not constitute “actual knowledge” of a failure to meet licensing</p>



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			standards that resulted in a dangerous condition that foreseeably threatened a plaintiff.
53	<p><b>Waivers and modifications; extension for 180 days.</b> Amends Laws 2020, First Special Session chapter 7, section 1, as amended by Laws 2020, Third Special Session chapter 1, section 3, by adding subd. 5.</p> <p>Extends the DHS waiver modifying background study requirements for 180 days after the peacetime emergency declared by the governor expires, is terminated, or is rescinded by the proper authority.</p> <p>Makes this section effective the day following final enactment, or retroactively from the date the peacetime emergency ends, whichever is earlier.</p>	<p><b>Page R70: Similar. House</b> extends waiver for 180 days; <b>Senate</b> extends waiver for “no more than” 180 days.</p>	<p><b>Section 49 (Laws 2020, First Special Session, chapter 7, section 1, subdivisions 5)</b> extends the expiration of the Department of Human Services background studies modification to 180 days (as opposed to 60 days) following the end of the peacetime public health emergency related to COVID-19.</p>
		<p><b>Page R70: Senate only.</b> Staff recommends <b>Senate.</b></p>	<p><b>Section 50 (Laws 2020, First Special Session, chapter 7, section 1, subdivision 3)</b> makes a conforming change relating to extending the expiration of the Department of Human Services background studies modification to 180 days in Section 49.</p>
		<p><b>Page R70: Senate only</b></p>	<p><b>Section 52 (Legislative Task Force; Human Services Background Study Eligibility)</b> establishes the Human Services Background Study Eligibility Task Force, consisting of 26 members representing interested or affected populations, that would review the statutes relating to human services background study disqualifications in order to evaluate their effectiveness, strengths and weaknesses, unintended consequences, or other areas for improvement or modernization. The task force would develop legislative proposals to address issues it identifies following its review. The task force would meet at least monthly, beginning September 1, 2021, and would submit an interim</p>

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			report of its findings and draft legislation by March 11, 2022, and a final report by December 16, 2022.
54	<p><b>Child care center regulation modernization.</b> Requires DHS to contract with an organization or consultant to: (1) develop a proposal for a risk-based model for monitoring compliance with child care center licensing standards; (2) develop and implement a stakeholder engagement process that solicits input about licensing standards, tiers for violations of the standards, and licensing sanctions for each tier; and (3) solicit input about which child care centers should be eligible for abbreviated inspections. Directs DHS to submit a report and proposed legislation for implementing the new licensing model and the new standards to the legislature no later than February 1, 2024.</p>	Page R73: House only	
55	<p><b>Child foster care licensing guidelines.</b> Directs the commissioner of human services, in consultation with specified stakeholders, to develop family foster setting licensing guidelines for county and private licensing agencies, by July 1, 2023.</p>	Page R73: Same, except for technical difference in header. Staff recommends <b>Senate</b> .	Section 53 (Direction to the Commissioner of Human Services; Child Foster Care Licensing Guidelines) directs the commissioner to consult with relevant stakeholders to develop family foster setting guidelines for use by county agencies or designated private agencies when carrying out licensing functions. The guidelines are due by July 1, 2023.
		Page R74: Senate only	Section 54 (Direction to Commissioner of Human Services; DHS Family Child Care Frequently Asked Questions Website Modifications) directs the commissioner of human services to expand the “Frequently Asked Questions” website for family child car providers to include more answers to submitted questions, and to implement a function to search for answers based on question topic, by January 1, 2022.
		Page R74: Senate only	Section 55 (Direction to Commissioner of Human Services; Family Child Care Task Force Recommendations Implementation Plan) directs the commissioner of human

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			services to include family child care provider representatives in any work groups developed to create plans to implement Family Child Care Task Force recommendations.
56	<p><b>Direction to commissioner of human services; family child care one-stop assistance network.</b></p> <p>Requires DHS to develop a proposal for a one-stop regional assistance network to assist individuals with matters relating to starting or sustaining a licensed family child care program. DHS must develop the proposal by January 1, 2022.</p>	Page R74: Similar. Technical phrasing differences only.	<p><b>Section 57 (Direction to Commissioner of Human Services; Family Child Care One-Stop Assistance Network)</b> directs the commissioner of human services to develop a proposal that would create a “one-stop” assistance network resource for new or existing family child care providers to contact individuals with experience starting a licensed family child care program, or individuals with technical expertise regarding the applicable licensing statutes and procedures. The proposal must also include an estimated timeline and budget for the assistance network, as well as a plan to raise awareness of the assistance network.</p>
57	<p><b>Direction to the commissioner of human services; recommended family child care orientation training.</b></p> <p>Requires DHS to develop recommended, but not required, orientation training for family child care license applicants by July 1, 2022.</p>	Page R74: Similar. In addition to technical phrasing differences in paragraph (a), House paragraph (b) provides that the orientation training is voluntary and not required for licensure.	<p><b>Section 58 (Direction to the Commissioner of Human Services; Family Child Care License Applicant Orientation Training)</b> directs the commissioner of human services to develop and implement orientation training by July 1, 2022, for family child care license applicants to receive the same fundamental information about the statutes and rules governing family child care licensure.</p>
58	<p><b>Family child care regulation modernization.</b></p> <p>Requires DHS to contract with an organization or consultant to: (1) develop a proposal for a risk-based model for monitoring compliance with family child care licensing standards; (2) develop a proposal for updated family child care licensing standards; (3) develop and implement a stakeholder engagement process that solicits input about licensing standards, tiers for violations of the standards, and licensing sanctions for each tier; and (4) solicit input about which family child care providers should be eligible for abbreviated inspections. Directs DHS to submit a report and</p>	Page R74: Similar. Technical differences in arrangement and phrasing.	<p><b>Section 56 (Direction to the Commissioner of Human Services; Family Child Care Regulation Modernization)</b> directs the commissioner of human services to contract with a consultant in order to develop a proposal that would implement a risk-based model for monitoring and enforcing child care licensing compliance. The consultant must engage with relevant stakeholders and solicit input on how to develop the risk-based compliance system. The commissioner’s report and proposed</p>

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	<p>proposed legislation for implementing the new licensing model and the new standards to the legislature no later than February 1, 2024.</p>		<p>legislation based on the consultant’s work must be submitted to the legislature by February 1, 2024.</p>
<p><b>59</b></p>	<p><b>Family child care training advisory committee.</b> Establishes a Family Child Care Training Advisory Committee to advise DHS on the training requirements for licensed family child care providers. DHS must report annually to the legislature on any recommendations from the advisory committee. The committee expires December 1, 2025.</p>	<p><b>Page R75: Similar.</b> Conceptually similar proposals but specific differences are listed below.</p> <p>Subd. 1, paragraph (a): <b>Same.</b></p> <p>Subd. 1, paragraph (b): <b>Similar. House</b> includes contractors working on family child care licensing modernization project in list of individuals to whom advisory committee makes recommendations; <b>Senate</b> lists modernization as a topic for committee recommendations. <b>Senate</b> includes a mechanism for committee member or member of public to request an item on a meeting agenda.</p> <p>Subd. 1, paragraph (c): <b>Same.</b></p> <p>Subd. 2, paragraph (a): <b>Different. House</b> advisory committee is set at 15 members; <b>Senate</b> is at least 8 and up to 15.</p> <p><b>House</b> appoints four greater Minnesota family child care provider committee members, two by each legislative leader; <b>Senate</b> also appoints four but has one each appointed by the legislative leaders, and one each appointed by the Minnesota Association of Child Care Professionals and the Minnesota Child Care Provider Network.</p> <p><b>House</b> appoints two metro area family child care providers, one each appointed by the legislative leaders; <b>Senate</b> appoints four metro area providers with one each appointed by the legislative leaders, and one each appointed by the</p>	<p><b>Section 51 (Family Child Care Training Advisory Committee)</b> establishes a Family Child Care Training Advisory Committee to begin January 1, 2022 and expiring December 1, 2025, with members serving two-year terms. The advisory committee will advise and make recommendations to the commissioner of human services on updates to, modernization of, or difficulties facing providers with family child care training requirements, as well as any other aspect of family child care training as requested by a committee member, a member of the public, or the commissioner or commissioner’s designee.</p> <p>The advisory committee’s membership consists of eight family child care providers, with four from greater Minnesota and four from the metropolitan area, and up to seven individuals who have expertise in child development, instructional design, or training delivery. The speaker of the house and the majority leader of the senate each appoint two of each type of child care provider, as well as up to two of the seven individuals with expertise. Each of the remaining three members with expertise will be appointed by the Minnesota Association of Child Care Professionals, the Minnesota Child Care Provider Network, and the Greater Minnesota Partnership. Advisory committee members are not permitted to be employed by DHS, and must represent diverse cultural communities. Initial member appointments must be made by December 1, 2021, and replacement appointments must be made by December 1 of the year in which a member’s two-year term expires.</p> <p>The advisory committee must meet at least twice annually, and the commissioner or commissioner’s designee must also attend all meetings. The commissioner must report to the relevant</p>

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		<p>Minnesota Association of Child Care Professionals and the Minnesota Child Care Provider Network.</p> <p><b>House</b> permits Minnesota Association of Child Care Professionals and the Minnesota Child Care Provider Information Network to appoint one member each; <b>Senate</b> permits these groups to appoint two of each type of child care provider, and one expert member each.</p> <p><b>House</b> permits Association of Minnesota Child Care Licensors to appoint two members, one from the metro area and one from greater Minnesota; <b>Senate</b> does not.</p> <p><b>House</b> appoints five members with relevant experience, one each appointed by Child Care Aware; the Minnesota Initiative Foundations; the Center for Inclusive Child Care; the Greater Minnesota Partnership; and Achieve, the Minnesota Center for Professional Development.</p> <p><b>Senate</b> permits up to seven members with relevant experience to be appointed, two each by the legislative leaders, and one each by the Minnesota Association of Child Care Professionals and the Minnesota Child Care Provider Network, and the Greater Minnesota Partnership.</p> <p>Subd. 2, paragraph (b): <b>Senate</b> provides exception to compensate public members of the advisory committee.</p> <p>Subd. 2, paragraphs (c)-(d): <b>Same.</b></p> <p>Subd. 2, paragraph (e): <b>Senate only.</b></p>	<p>legislative committees on any recommendations issued by the advisory committee.</p>

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		Subd. 3: <b>Similar. House</b> requires commissioner to report to legislature annually by Nov. 1 on recommendations from the advisory committee; <b>Senate</b> does not include specific deadline to report, only to report on any recommendations. <b>Senate</b> includes requirement for commissioner to include draft legislation accompanying advisory committee recommendations.	
		<b>Page R77: Senate only</b>	<b>Section 59 (Direction to commissioner of human services; on-site background study fingerprinting)</b> requires the commissioner of human services to contract with a qualified vendor to conduct on site fingerprinting beginning August 1, 2021 and extending until the date of expiration for the executive order (VC23) modifying certain background study requirements at locations of employers with 50 or more staff with outstanding background studies, including studies that have been delayed due to the COVID pandemic.
		<b>Page R78: Senate only</b>	<b>Section 60</b> allocates \$1,170,000 in fiscal year 2022 from the federal child care and development block grant for the family child care regulation modernization project contract in Section 56.
		<b>Page R78: Senate only</b>	<b>Section 61</b> allocates \$4,000,000 in fiscal years 2023 and 2024 from the federal child care and development block grant for the family child care one-stop assistance network proposal to be recommended by the commissioner in the 2022 legislative session, in Section 57.
		<b>Page R78: Senate only</b>	<b>Section 62</b> allocates \$1,000,000 in fiscal years 2023 and 2024 from the federal child care and development block grant for the family child care license applicant orientation training to be

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Section	Article 2: DHS Licensing and Background Studies		Article 6: DHS Licensing and Background Studies
			implemented by the commissioner by July 1, 2022, in Section 58.
		<b>Page R78: Senate only</b>	<b>Section 63</b> allocates \$50,000 in fiscal year 2022 from the federal child care and development block grant for the modifications to expand the family child care provider “Frequently Asked Questions” website in Section 54.
<b>60</b>	<b>Revisor instruction.</b> Instructs the revisor of statutes to renumber subdivisions in the background study definitions section alphabetically and correct any cross-references.	<b>Page R79: House only</b>	
<b>61</b>	<b>Repealer.</b> Repeals subdivisions of 245C.10 relating to specific background study fees. Repeals rules requiring the statement of need for licensing a new SUD treatment program, effective the day following final enactment.	<b>Page R79: House</b> paragraph (a) is <b>different.</b>  <b>House</b> paragraph (b) is <b>same.</b>	<b>Section 64 (Repealer)</b> repeals the administrative rules relating to (1) requiring an assessment of the need for a new chemical dependency treatment or rehabilitation program, as well as the corresponding documentation requirements, and (2) requiring a county board to submit a statement to the commissioner in support or opposition to the need for the new program.