

# Bill Summary Comparison of Health and Human Services

House File 2128-4  
Article 16: Miscellaneous

Senate File UEH2128-1  
Article 19: Miscellaneous

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HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
1	<p><b>Ombudsperson for American Indian Families.</b> Proposes coding for § 3.9215.</p> <p><b>Subd. 1. Scope.</b> Creates the Office of the Ombudsperson for American Indian Families.</p> <p><b>Subd. 2. Creation.</b> Specifies that the ombudsperson will operate independently from the Indian Affairs Council and the American Indian Child Welfare Advisory Council.</p> <p><b>Subd. 3. Selection; qualifications.</b> Requires the ombudsperson to be selected by the American Indian community-specific board. Outlines selection and removal parameters and processes.</p> <p><b>Subd. 4. Appropriation.</b> Specifies that money appropriated to the ombudsperson from the general fund or other special fund is under the control of the ombudsperson, and that the amount necessary to carry out statutory duties is annually appropriated from the general fund.</p> <p><b>Subd. 5. Definitions.</b> Defines the terms “agency,” “American Indian,” “facility,” and “Indian custodian” for purposes of this section.</p> <p><b>Subd. 6. Organization.</b> Outlines staffing and administrative classifications and requirements.</p> <p><b>Subd. 7. Duties and powers.</b> Paragraph (a) lists the ombudsperson’s duties. Paragraph (b) lists the ombudsperson’s authority to investigate and powers to carry out that authority. Paragraph (c) allows the</p>	Page R1: House only	

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
	<p>ombudsperson to apply for grants and accept gifts, donations, and appropriations for training relating to the duties of the ombudsperson; specifies how funds and gifts may be used.</p> <p><b>Subd. 8. Matters appropriate for review.</b> Specifies factors the ombudsperson should consider when selecting matters for review; requires the ombudsperson to inform other interested agencies when selecting matters for review.</p> <p><b>Subd. 9. Complaints.</b> Outlines complaint receipt and review procedures.</p> <p><b>Subd. 10. Recommendations to agency.</b> Specifies recommendations the ombudsperson may make to an agency, facility, or program, if the ombudsperson determines that a complaint has merit or that an investigation reveals a problem. Allows the ombudsperson to require an agency, facility, or program to inform the ombudsperson of actions taken.</p> <p><b>Subd. 11. Recommendations and public reports.</b> Allows the ombudsperson to send conclusions and suggestions concerning any matter the ombudsperson reviews to the governor; requires copies of all reports to be provided to the advisory board and other specified groups. Outlines additional report requirements; requires an annual report on the functions of the office.</p> <p><b>Subd. 12. Civil actions.</b> Specifies civil liability for the ombudsperson and designees.</p>		

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
	<p><b>Subd. 13. Use of funds.</b> Allows any funds received by the ombudsperson to be used to compensate members of the American Indian community-specific board for reasonable and necessary expenses incurred in assisting the ombudsperson.</p>		
2	<p><b>American Indian community-specific board.</b> Proposes coding for § 3.9216. Establishes the American Indian community-specific board, consisting of five members who are members of the American Indian community. Outlines board compensation, meeting, and removal and vacancy requirements. Lists duties of the board, including appointing the Ombudsperson for American Indian Families and assisting the ombudsperson. Specifies grant and gift requirements and terms and expiration of board membership.</p>	<p><b>Page R5: House only</b></p>	
		<p><b>Page R7: Senate only</b>  *Identical language in S.F. 970, first unofficial engrossment, art. 6, sec. 2 (House Judiciary/Public Safety Omnibus Bill)</p>	<p><b>Section 1 [62A.082]</b> prohibits a health plan or group health plan that provides coverage for anatomical gifts, organ transplants, or related treatment and services from discriminating against an enrollee with a disability by denying coverage based on the disability; denying eligibility to enroll, or to renew coverage solely to avoid the requirements of this section; penalizing or reducing reimbursement to a provider, or inducing the provider to provide care in a manner inconsistent with this section; or reducing or limiting coverage benefits because of the enrollee’s disability.</p>
3	<p><b>Retaining early educators through attaining incentives now (REETAIN) grant program.</b> Creates § 119B.195. Establishes in statute the REETAIN grant program to provide competitive grants to eligible child care providers to incentivize them to remain in the early care and</p>	<p><b>Page R8: Similar. Senate</b> subdivision 3 removes requirement for grant applicants to have a current membership with Parent Aware.</p>	<p><b>Section 2 [119B.195]</b> establishes the Retaining Early Educators Through Attaining Incentives Now (REETAIN) grant program, which would issue grant awards through a nonprofit to child care and early education workers who agree to remain working in those fields for the next year. Grant amounts are to be determined by the commissioner, and the commissioner is required to report</p>

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
	<p>education field. Directs the commissioner of human services to allocate the funding for the REETAIN grant program to a nonprofit organization. The nonprofit organization must annually award grant money to eligible child care providers in an amount determined by the commissioner. By January 1 of each year, the commissioner must report to the legislature on the number of grants awarded and program outcomes.</p>		<p>to the legislature on the results of the grant program by January 1 each year.</p>
<p><b>4</b></p>	<p><b>Program components.</b> Amends § 136A.128, subd. 2. Increases the tuition scholarships available under the TEACH grant program from \$5,000 per year to \$10,000 per year and increases the minimum education incentives from \$100 to \$250 for participants in the tuition scholarship program if they complete a year of working in the early care and education field. Adds that applicants may be employed by a public prekindergarten program, modifies the amount scholarship recipients must contribute from 10 percent to at least 10 percent of the total scholarship, and decreases the amount their employer must contribute from 10 percent to at least 5 percent of the total scholarship.</p>	<p><b>Page R8: House only</b></p>	
<p><b>5</b></p>	<p><b>Administration.</b> Amends § 136A.128, subd. 4. Increases the amount a nonprofit organization that receives a TEACH grant may use to administer the program from 5 percent to 10 percent of the grant amount.</p>	<p><b>Page R9: House only</b></p>	
<p><b>6</b></p>	<p><b>Competitive bidding; reverse auction process required.</b> Proposes coding for § 144.0503. Specifies that the commissioner of health may use a reverse auction process for competitive bidding, when not in conflict with federal law or regulation; defines “reverse auction.”</p>	<p><b>Page R9: House only</b></p>	

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
7	<p><b>Competitive bidding; reverse auction process required.</b> Proposes coding for § 256.0113. Specifies that the commissioner of human services may use a reverse auction process for competitive bidding, when not in conflict with federal law or regulation; defines “reverse auction.”</p>	<p><b>Page R9: House only</b></p>	
8	<p><b>Cultural and Ethnic Communities Leadership Council.</b> Amends § 256.041. Makes clarifying and policy changes related to the Cultural and Ethnic Communities Leadership Council, including:</p> <ul style="list-style-type: none"> <li>▪ specifying broad membership groups;</li> <li>▪ requiring the Commissioner of Human Services to accept council recommendations when appointing a chair;</li> <li>▪ removing language regarding initial appointees’ terms;</li> <li>▪ modifying the timeline for replacing members;</li> <li>▪ requiring the commissioner to actively engage with the council;</li> <li>▪ modifying language to ensure equitable and culturally responsive models of program implementation;</li> <li>▪ requiring the department to advise on progress and accountability measures for addressing inequities;</li> <li>▪ adding more duties for the commissioner;</li> <li>▪ adding council duty to advance legislative proposals to improve racial and health equity outcomes, with community input;</li> <li>▪ modifying council legislative report requirements;</li> </ul>	<p><b>Page R10: House only</b></p>	

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
	<ul style="list-style-type: none"> <li>▪ specifying that council members may not be absent from meetings more than three times per year;</li> <li>▪ adding council member duty to participate in work groups;</li> <li>▪ removing current June 30, 2022, expiration date; and</li> <li>▪ providing compensation, under Minnesota Statutes, section 15.059, subdivision 3.</li> </ul>		
9	<p><b>Creation.</b> Amends § 257.0755, subd. 1. Removes reference to the Indian Affairs Council in section relating to the ombudspersons within the Office of Ombudsperson for Families.</p>	Page R13: House only	
10	<p><b>Communities of color.</b> Amends § 257.076, subd. 3. Modifies definition of “communities of color” for purposes of the ombudspersons within the Office of Ombudsperson for Families, removing “American Indian.”</p>	Page R14: House only	
11	<p><b>Family of color.</b> Amends § 257.076, subd. 5. Modifies definition of “family of color” for purposes of the ombudspersons within the Office of Ombudsperson for Families, removing “American Indian.”</p>	Page R14: House only	
12	<p><b>Membership.</b> Amends § 257.0768, subd. 1. Modifies subdivision relating to community-specific boards by removing one board and removing the Indian Affairs Council’s board appointment powers.</p>	Page R14: House only	

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
13	<p><b>Joint meetings.</b> Amends § 257.0768, subd. 6. Removes one community-specific board for advising the ombudspersons within the Office of Ombudsperson for Families.</p>	<p><b>Page R14: House only</b></p>	
14	<p><b>Funding for the ombudsperson program.</b> Amends § 257.0769. Amends subdivision 1 by annually appropriating \$23,000 from the special fund to the Office of the Ombudsperson for American Indian Families established in this bill, annually appropriating \$69,000 to the Office of Ombudsperson for Families, and removing specific appropriations to the Council for Minnesotans of African Heritage and the Council on Asian-Pacific Minnesotans. Amends subdivision 2 by adding references to the new Office of the Ombudsperson for American Indian Families.</p>	<p><b>Page R14: House only</b></p>	
		<p><b>Page R15: Senate only</b>  *Identical language in S.F. 970, first unofficial engrossment, art. 6, sec. 22 (House Judiciary/Public Safety Omnibus Bill)</p>	<p><b>Section 4 [363A.50]</b> prohibits a covered entity from discriminating against a qualified individual by deeming the individual ineligible to receive an anatomical gift or organ transplant; denying medical or related transplantation services; refusing to refer the individual to a transplant center or other related specialist for evaluation or for the receipt of a gift or organ transplant; refusing to place an individual on an organ transplant waiting list or placing the individual on a lower priority position; or declining insurance coverage for any procedure associated with the receipt of the gift or transplant.</p>
15	<p><b>Transfer of money.</b> Requires the Office of Ombudsperson for Families to transfer any remaining money designated for use by the Ombudsperson for</p>	<p><b>Page R17: House only</b></p>	



HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
	<p>American Indian Families to the Office of the Ombudsperson for American Indian Families by the end of fiscal year 2021.</p>		
<p><b>16</b></p>	<p><b>Children with disabilities inclusive child care access expansion grant program.</b> Directs DHS to establish a competitive grant program to expand access to child care for children with disabilities. DHS must award grants to counties or tribes, and grant money must be used to enable child care providers to develop inclusive child care settings to offer care to both children with disabilities and children without disabilities.</p>	<p><b>Page R17: Similar.</b> Differences other than those specified below are stylistic and technical. Generally, the <b>House</b> language includes additional details that are not precluded by the <b>Senate</b> language.</p> <p><b>House</b> subdivision 1 specifies that at least one grant must be awarded to a metro county and at least one grant to a non-metro county or Tribe.</p> <p><b>House</b> subdivision 2, clause (1) specifies that the RFP to be developed must at least require grant applicants to identify items or services and estimated costs needed to expand access to inclusive child care settings. Clause (4) includes a deadline of February 1, 2023, for the required report.</p> <p><b>House</b> subdivision 4, clause (1) requires grant recipients to partner with <u>at least two but no more than five</u> other providers that serve one of <u>two</u> amounts of children: 29 or fewer (incl. at least 2 children with a disability) or 30 or more (incl. at least 3 children with a disability). <b>Senate</b> requires recipients to partner with <u>at least three</u> other providers that serve one of <u>three</u> amounts of children: 10 or fewer (incl. at least 1 child with a disability), 11 to 30 (incl. at least 2 children with a disability), 30 or more (incl. at least 3 children with a disability).</p> <p><b>House</b> subdivision 5, clause (6) includes a catch-all category of “any other information deemed relevant by the</p>	<p><b>Section 8 (Grants to Expand Access to Child Care for Children with Disabilities)</b> establishes a two-year grant program for the commissioner of human services to award grants to counties or tribes that partner with family child care providers or child care centers who would use grant funding to develop, improve, or expand their child care setting to enable the provider to care for children with disabilities in the same space as children without disabilities.</p> <p>Grant recipients and partner child care providers would identify onetime and ongoing expenses that would enable the partner provider to develop an inclusive child care setting by making modifications to the space, training or hiring additional staff, or funding the cost of services or equipment for the children with disabilities.</p> <p>Grant recipients would report to the commissioner every six months, and at the end of the grant period, the commissioner will report to the legislature on the process and outcomes of the program, as well as how inclusive child care settings could be expanded statewide.</p>

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
		commissioner” to the information that grant recipients must report to the commissioner semiannually.	
17	<p><b>Direction to commissioner of human services; family child care shared services innovation grants.</b></p> <p>Directs DHS to establish a grant program to test strategies that family child care providers can use to share services. DHS must report the results of the grant program to the legislature.</p>	Page R20: House only	
18	<p><b>Direction to the Children’s Cabinet; evaluation of the use of federal money.</b></p> <p>Directs the Children’s Cabinet to evaluate the use of federal money received pursuant to three laws related to coronavirus relief to address the state’s needs in the area of early care and education. The Children’s Cabinet must submit interim findings of the evaluation to the governor and the legislature on an annual basis beginning February 1, 2022, and must submit a final report by February 1, 2025.</p>	Page R20: House only	
19	<p><b>Report on participation in early childhood programs by children in foster care.</b></p> <p>Directs DHS to issue a report on participation in early care and education programs by children under the age of six who have experienced foster care.</p>	Page R21: Similar. Differences in language are technical, except that <b>House</b> paragraph (c) includes the following stakeholders to be included in developing implementation plan to increase participation rates: child protection services, early childhood care and education providers, and the judiciary.	<p><b>Section 10 (Report on Participation in Early Childhood Programs by Children in Foster Care)</b> requires an interim and final report by the commissioner of human services on participation in early care and education programs, including head start programs, special education programs, early learning scholarship programs, school readiness programs, voluntary prekindergarten, and child care assistance programs, by children under age 6 who have experienced foster care. The reports must include the rates of participation, demographic information, and recommendations to provide annual data, to facilitate participation in early childhood programs, and to measure early childhood well-being for children who have experienced foster care. The reports must also include an implementation plan and</p>

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
			identify barriers to early care and education programs.
		<b>Page R22: Senate only</b>	<b>Section 5 (Child Care Facility Revitalization Grant Program)</b> enacts a grant program to be administered by county human services agencies for child care providers to reopen a closed child care program facility, or to maintain or improve an operating child care program facility. Funds shall be distributed to counties proportionally based on population. Grant applicants must include a proposed plan and description for use of revitalization funds. If an applicant receives a grant but the child care program permanently closes within one year, the commissioner is authorized to recover the grant funds. Maximum grant amounts are \$15,000 to reopen a closed family child care site, \$100,000 to reopen a closed child care center site, \$7500 to repair or update an operating family child care program setting, and \$50,000 to repair or update an operating child care center.
		<b>Page R24: Senate only</b>	<b>Section 6 (COVID-19 Public Health Support Funds for Child Care Programs)</b> enacts a grant program to issue support funds for child care providers to afford additional costs necessary to operate in compliance with state and federal health guidelines. The grants shall be issued in three-month funding periods, utilizing designated fund amounts, with award amounts to be determined by the commissioner that are commensurate with the amount of funding made available for a three-month funding period. Award amounts shall not exceed \$1200 for a family child care provider, \$8500 for a licensed child care center, and \$3000 for a certified child care center. To receive funds, a program must attest and agree in writing that the program has been operating during each funding period, and that the program intends to remain operating for the duration of the funding period, with exceptions given for health and safety service disruptions or planned temporary closures. Providers who close permanently

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
			must report their closure, and grant funds may be recovered.
		<b>Page R26: Senate only</b>	<b>Section 7 (Direction to the Commissioner of Human Services; Parent Aware Validation Study)</b> directs the commissioner to contract with a third party to evaluate whether the Parent Aware program’s standards, indicators, and other measures are effectively measuring program quality and educational outcomes. The report on the findings is due to the legislature by February 1, 2024.
		<b>Page R26: Senate only</b>	<b>Section 9 (Working Group; Affordable High Quality Child Care and Early Education for All Families)</b> requires the commissioner to establish a working group, in coordination with the Minnesota Children’s Cabinet, that will meet as necessary to develop a long-term plan that would maximize the affordability, quality, and staff qualifications and diversity of child care and early education programs, regardless of location or setting, by January 1, 2031. The working group must submit an interim report to the legislature on the working group’s preliminary findings by July 1, 2022, and a final report on the working group’s recommendations and implementation proposals by February 1, 2023.
		<b>Page R27: Senate only. House</b> allocations from the child care and development block grant fund appear in article 21, section 16.	<b>Section 11</b> allocates up to \$500,000 in fiscal year 2022 from the federal child care and development block grant for the affordable high quality child care and early education for all families working group.
		<b>Page R28: Senate only. House</b> allocations from the child care and development block grant fund appear in article 21, section 16.	<b>Section 12</b> allocates \$750,000 in fiscal years 2022 and 2023 from the federal child care and development block grant for grants to nonprofits to provide jobs skills training, career counseling, and job placement assistance for economically challenged individuals to begin a career in child care. The commissioner shall report to

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
			the legislature on the results of this program by January 1, 2024.
		<b>Page R28: Senate only. House</b> allocations from the child care and development block grant fund appear in article 21, section 16.	<b>Section 13</b> allocates \$4,500,000 in fiscal years 2022 and 2023 from the federal child care and development block grant for the “Jerry Relph Family Supports and Improvement Plan,” which would issue grants to counties beginning October 1, 2021, to coordinate a two-year voluntary information-sharing program for county agencies, providers, and families who receive child care assistance and are eligible for other assistance programs, to better understand the needs of the families that diminish access to or effectiveness of the assistance programs. The commissioner shall distribute grant awards based on the number of children enrolled in CCAP in a county, and shall provide an interim and final report on the results of the program to the legislature by February 1, 2023 and 2024, respectively.
		<b>Page R28: Senate only. House</b> allocations from the child care and development block grant fund appear in article 21, section 16.	<b>Section 14</b> allocates \$375,000 in fiscal years 2022 and 2023 from the federal child care and development block grant for the REETAIN grant program.
		<b>Page R29: Senate only. House</b> allocations from the child care stabilization fund appear in article 21, section 17.	<b>Section 15</b> allocates \$10,000,000 in fiscal years 2022 and 2023 from the federal child care stabilization fund for grants to communities to increase the supply of child care providers. At least 60% of the grants must be awarded to communities outside the metro area, and recipients are required to obtain a 50% match of either cash or in-kind contributions. The grants must be used to implement projects to reduce the child care shortage in the state, which includes starting or expanding businesses, provider training, facility modification or required licensing improvements. Communities that have a demonstrated shortage of child care are given priority. All grant recipients must report on the results of their grant awards within one year of receipt.

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
		<p><b>Page R29: Senate only. House</b> allocations from the child care stabilization fund appear in article 21, section 17.</p>	<p><b>Section 16</b> allocates \$3,000,000 in fiscal year 2022 from the federal child care stabilization fund for a competitive grant to a nonprofit organization to operate a business training program for child care providers that will help expand access to child care services in underserved areas of the state. The commissioner must report the outcomes and recommendations for replication of this training initiative throughout the state, by December 15, 2023.</p>
		<p><b>Page R29: Senate only. House</b> allocations from the child care stabilization fund appear in article 21, section 17.</p>	<p><b>Section 17</b> allocates \$252,000,000 in fiscal year 2022 from the federal child care stabilization fund for the public health support funds for child care programs, with the amount distributed in decreasing amounts among three-month funding periods from June 2021 until May 2023. Up to \$2,000,000 is reserved for administrative costs.</p>
		<p><b>Page R30: Senate only. House</b> allocations from the child care stabilization fund appear in article 21, section 17.</p>	<p><b>Section 18</b> allocates \$50,000,000 in fiscal year 2022 from the federal child care stabilization fund for the child care facility revitalization grant program. Up to \$1,500,000 is reserved for administrative costs.</p>
		<p><b>Page R30: Senate only</b></p>	<p><b>Section 19 (Direction to the Commissioner of Human Services; Foster Family Recruitment and Licensing Technology Request for Information)</b> directs the commissioner to issue a request for information to identify available technology to support foster family recruitment and training through an online portal. The commissioner must report to the legislature by January 15, 2022, on the results of the request for information.</p>

HOUSE

SENATE

Section	Article 16: Miscellaneous		Article 19: Miscellaneous
20	<p><b>Revisor instruction.</b> Directs the revisor to renumber Minnesota Statutes, section 136A.128 (the TEACH grant program) as a section in Minnesota Statutes, section 119B.</p>	<p><b>Page R31: House only</b></p>	