

Chapter: 163

Session: 2018 Regular Session

Topic: Positive Supports Rule Child Care Exemption

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Overview

The positive support strategies and restrictive interventions rules (positive supports rule, “PSR”), Minnesota Rules, chapter 9544, apply to home and community based services and all entities licensed by the Department of Human Services (DHS) serving persons with developmental disabilities or related conditions, including child care centers and licensed family and group family child care programs. The PSR became effective in August 2015, after a federal class action lawsuit and settlement agreement relating to a DHS facility. The PSR prohibits certain practices, requires additional training, and establishes additional administrative procedures and policies.

This act exempts licensed child care programs from the PSR requirements, while requiring compliance with individualized education programs and child care plans and prohibiting certain procedures.

Section

- 1 **Rules governing the use of positive support strategies and restrictive interventions.** Amends § 245.8251, subd. 1. Exempts child care providers from the positive support rule, with reference to the new Minnesota Statutes, section 245A.23.
- 2 **Positive support strategies; child care.** Proposes coding for § 245A.23. Exempts from the positive supports rule licensed family child care or group family child care programs that care for a child with a developmental disability or related condition; requires these programs to comply with a child’s individualized education program developed in accordance with section 125A.08, if one exists.

Exempts from the positive supports rule licensed child care centers that care for a child with a developmental disability or related condition; requires child care centers to comply with a child’s individual child care program plan under Minnesota Rules, part 9503.0065, subpart 3, if one exists.

Section

Specifies that staff at licensed child care programs are prohibited from using procedures identified in Minnesota Statutes, section 245D.06, subdivision 5, when providing services to a child with a developmental disability or a related condition. These procedures include the use of chemical restraints, mechanical restraints, manual restraints, time out, seclusion, or any other aversive or deprivation procedure.