

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes modifications to the statutes regulating DHS licensed facilities and programs.

Section

- 1 Exclusion from licensure.** Amends Minnesota Statutes 2009 Supplement, § 245A.03, subd. 2. Excludes board and lodge facilities licensed by MDH that do not provide children's residential services, mental health, or chemical dependency treatment from DHS licensure. Current law excludes MDH licensed board and lodge facilities that provide services for 5 or more individuals who are diagnosed with mental illness when the facilities do not provide intensive residential treatment.
- 2 Commissioner's right of access.** Amends Minnesota Statutes 2009 Supplement, § 245A.04, subd. 5. Provides the commissioner with the authority to have unannounced and unlimited access to licensed programs when investigating alleged maltreatment, conducting a licensing inspection, or investigating an alleged violation of laws or rules.
- 3 Grant of license; license extension.** Amends Minnesota Statutes 2009 Supplement, § 245A.04, subd. 7. Adds that the commissioner cannot reissue a license if an individual living in a household where services are provided has been disqualified and the disqualification has not been set aside or a variance granted.

Adds paragraphs (g) and (h) which specify circumstances under which the commissioner may issue or reissue a license despite an occurrence that would result in license denial or revocation.

Paragraph (g) permits a program to operate under a temporary provisional license while appealing a licensing suspension or revocation and pending the final order of the commissioner. If the license under suspension or revocation will expire during the appeal, the commissioner may issue a temporary provisional license if the license fee is paid.

Paragraph (h) sets out conditions under which a program can continue to operate if the license holder has been disqualified and ordered to be immediately removed from direct contact or under continuous supervision.

Adds paragraph (k) which states that the commissioner does not have the authority to grant or reissue a license if a tribal licensing authority has established jurisdiction to license the program or service.

Provides an immediate effective date for this section.

- 4 Sanctions; appeals; license.** Amends Minnesota Statutes 2009 Supplement, § 245A.07, subd. 1. Clarifies the circumstances under which the commissioner can issue a temporary provisional license. Adds that a temporary provisional license expires on the date a final order is issued, and if the license holder prevails in the appeal, then the commissioner will issue a new nonprovisional license.
- 5 Immediate suspension expedited hearing.** Amends § 245A.07, subd. 2a. Defines “reasonable cause.”
- Provides an immediate effective date.
- 6 License suspension, revocation, or fine.** Amends Minnesota Statutes 2009 Supplement, § 245A.07, subd. 3. Adds a cross reference.
- 7 Sudden infant death and shaken baby syndrome for child foster care providers.** Amends Minnesota Statutes 2009 Supplement, § 245A.144. Makes a technical change and adds that the required training must be approved by the agency responsible for monitoring the foster care provider.
- 8 Licensing prohibition for certain facilities serving children.** Amends § 245A.30. Makes technical changes by substituting “children” for “juveniles.”
- 9 Sudden infant death syndrome and shaken baby syndrome training.** Amends Minnesota Statutes 2009 Supplement, § 245A.50, subd. 5, by specifying that caregivers and helpers who care for children under school age at child care centers must have this training as part of their initial and annual training.
- 10 Requirements; maltreatment of minors.** Amends § 245A.66 by adding subds. 2 and 3.

Subd. 2. Child care centers; risk reduction plan. Requires licensed child care centers to develop a risk reduction plan that assesses the general risks to children served by the child care center. Requires license holders to establish procedures to minimize identified risks, train staff on the procedures, and annually review the procedures. Requires that the risk reduction plan include an assessment of certain specified risks and include a statement of measures that will be taken to minimize the risk of harm presented to children. Specifies items the risk reduction plan must address.

Subd. 3. Orientation to risk reduction plan and annual review of plan. Requires license holders to ensure that all mandated reporters of maltreatment of minors who are under the control of the license holder, receive an orientation to the risk reduction plan prior to first providing unsupervised direct contact services to children, not to exceed 14 days

from the first supervised direct contact, and annually thereafter. Requires license holders to review the risk reduction plan annually and to consider incidents that have occurred in the center since the last review. Requires license holders to inform mandated reporters of any changes made to the risk reduction plan

- 11 Reporting incidents.** Amends § 245B.05, subd. 7. Adds the requirement that any death or serious injury in an ICF/MR must be reported to the Office of Health Facility Complaints at the Department of Health, and to the ombudsman.
- 12 Serious maltreatment.** Amends § 245C.02, subd. 18. Modifies the definition of serious maltreatment by adding that an injury requiring the care of a physician does not include application or use of an over the counter medication or a prescription for a topical antibiotic to treat a burn when there is no follow-up appointment.
- 13 15-year disqualification.** Amends Minnesota Statutes 2009 Supplement, § 245C.15, subd. 2. Adds a cross reference to the involuntary termination of parental rights statute.
- Provides a May 22, 2009, effective date.
- 14 License holder record keeping.** Amends Minnesota Statutes 2009 Supplement, § 245C.20, by adding subdivision 2. Requires a license holder to maintain a copy of person's background study in the license holder's files when the study has been initiated by a personnel agency, educational program, or professional service agency.
- 15 Classification of certain data.** Amends Minnesota Statutes 2009 Supplement, § 245C.22, subd. 7. Adds that data regarding a disqualified individual is private data when the individual is a household member of a licensed foster care provider, and the individual previously received foster care services from the provider, was subsequently adopted by the provider, and the disqualifying event occurred before the adoption.
- 16 Definitions.** Amends § 626.556, subd. 2. Defines "nonmaltreatment mistake" within the Maltreatment of Minors Act. Specifies that this definition only applies to licensed child care centers.
- 17 Determinations.** Amends § 626.556, subd. 10e. Prohibits the evaluation of the facility's responsibility for determined maltreatment to be based on the completeness of the risk assessment or risk reduction plan and requires the evaluation of responsibility to be based on the facility's compliance with the regulatory standards for policies and procedures, training, and supervision.
- 18 Repealer.** Repeals Minnesota Rules, part 2500.5000, a rule regarding record keeping for chiropractors. This rule was enacted as in 2009 as Minnesota Statutes 2009 Supplement, section 148.107.