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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 916

February 12, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to child care; requiring inspections of child care centers and homes;
1.3 requiring reports; amending Minnesota Statutes 2006, sections 245A.04,
1.4 subdivision 4; 245A.16, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 245A.04, subdivision 4, is amended to
1.7 read:

1.8 Subd. 4. **Inspections; waiver.** (a) Before issuing an initial license, the commissioner
1.9 shall conduct an inspection of the program. The inspection must include but is not limited
1.10 to:

- 1.11 (1) an inspection of the physical plant;
1.12 (2) an inspection of records and documents;
1.13 (3) an evaluation of the program by consumers of the program; and
1.14 (4) observation of the program in operation.

1.15 For the purposes of this subdivision, "consumer" means a person who receives the
1.16 services of a licensed program, the person's legal guardian, or the parent or individual
1.17 having legal custody of a child who receives the services of a licensed program.

1.18 (b) The evaluation required in paragraph (a), clause (3) or the observation in
1.19 paragraph (a), clause (4) is not required prior to issuing an initial license under subdivision
1.20 7. If the commissioner issues an initial license under subdivision 7, these requirements
1.21 must be completed within one year after the issuance of an initial license.

1.22 (c) After the initial inspection, the commissioner shall conduct ongoing inspections
1.23 of child care centers at least annually.

2.1 Sec. 2. Minnesota Statutes 2006, section 245A.16, subdivision 1, is amended to read:

2.2 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and
2.3 private agencies that have been designated or licensed by the commissioner to perform
2.4 licensing functions and activities under section 245A.04 and chapter 245C, to recommend
2.5 denial of applicants under section 245A.05, to issue correction orders, to issue variances,
2.6 and recommend a conditional license under section 245A.06, or to recommend suspending
2.7 or revoking a license or issuing a fine under section 245A.07, shall comply with rules and
2.8 directives of the commissioner governing those functions and with this section. The
2.9 following variances are excluded from the delegation of variance authority and may be
2.10 issued only by the commissioner:

2.11 (1) dual licensure of family child care and child foster care, dual licensure of child
2.12 and adult foster care, and adult foster care and family child care;

2.13 (2) adult foster care maximum capacity;

2.14 (3) adult foster care minimum age requirement;

2.15 (4) child foster care maximum age requirement;

2.16 (5) variances regarding disqualified individuals except that county agencies may
2.17 issue variances under section 245C.30 regarding disqualified individuals when the county
2.18 is responsible for conducting a consolidated reconsideration according to sections 245C.25
2.19 and 245C.27, subdivision 2, clauses (a) and (b), of a county maltreatment determination
2.20 and a disqualification based on serious or recurring maltreatment; and

2.21 (6) the required presence of a caregiver in the adult foster care residence during
2.22 normal sleeping hours.

2.23 (b) County agencies must report:

2.24 (1) information about disqualification reconsiderations under sections 245C.25
2.25 and 245C.27, subdivision 2, clauses (a) and (b), and variances granted under paragraph
2.26 (a), clause (5), to the commissioner at least monthly in a format prescribed by the
2.27 commissioner; and

2.28 (2) for relative child foster care applicants and license holders, the number of
2.29 relatives, as defined in section 260C.007, subdivision 27, and household members of
2.30 relatives who are disqualified under section 245C.14; the disqualifying characteristics
2.31 under section 245C.15; the number of these individuals who requested reconsideration
2.32 under section 245C.21; the number of set-asides under section 245C.22; and variances
2.33 under section 245C.30 issued. This information shall be reported to the commissioner
2.34 annually by January 15 of each year in a format prescribed by the commissioner.

3.1 (c) For family day care programs, the commissioner ~~may authorize licensing reviews~~
3.2 ~~every two years after a licensee has had at least one annual review~~ shall conduct an on-site
3.3 inspection at least annually.

3.4 (d) For family adult day services programs, the commissioner may authorize
3.5 licensing reviews every two years after a licensee has had at least one annual review.

3.6 (e) A license issued under this section may be issued for up to two years.

3.7 (f) The commissioner shall work with counties to develop a funding allocation from
3.8 the general fund to provide resources to the counties to implement the annual licensing
3.9 review.

3.10 Sec. 3. **INSPECTION OF LEGAL UNLICENSED CHILD CARE PROVIDERS.**

3.11 The commissioner of human services, in consultation with the commissioners of
3.12 health and education and the counties, shall develop and present recommendations to
3.13 the legislature in January 2008 in order for each legally unlicensed child care provider
3.14 receiving child care assistance funds to receive a onetime home visit to receive information
3.15 on health and safety, and school readiness.