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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3434

03/21/2016 Authored by Kresha, Theis and Howe

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

03/31/2016 Adoption of Report: Re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying certain provisions governing child care
1.3 programs; proposing coding for new law in Minnesota Statutes, chapter 245A.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[245A.055] NOTIFICATION TO PROVIDER.**

1.6 (a) When the county employee responsible for family child care and group family
1.7 child care licensing conducts a licensing inspection or conducts a home visit, the employee
1.8 must provide, prior to departure from the residence or facility, a written notification to
1.9 the licensee of any potential licensing violations noted. The notification must include
1.10 the condition that constitutes the violation, the action that must be taken to correct the
1.11 condition, and the time allowed to correct the violation.

1.12 (b) Providing this notification to the licensee does not relieve the county employee
1.13 from notifying the commissioner of the violation as required by statute and administrative
1.14 rule.

1.15 Sec. 2. **[245A.55] TRAINING FOR COUNTY LICENSING STAFF ON FAMILY**
1.16 **CHILD CARE AND GROUP FAMILY CHILD CARE REQUIREMENTS;**
1.17 **SUPERVISION.**

1.18 (a) Within the first two months of employment, county staff who license and inspect
1.19 family child care and group family child care programs must complete at least eight hours
1.20 of training on state statutes, administrative rules, and department policies related to the
1.21 licensing and regulation of family child care and group family child care programs. The
1.22 department must develop the training curriculum to ensure that all county staff who perform
1.23 licensing and inspection functions receive uniform training. This training must include:

2.1 (1) explicit instructions that county staff who license and perform inspections
2.2 must apply only state statutes, administrative rules, and Department of Human Services
2.3 policies in the performance of their duties. Training must reinforce that county staff are
2.4 prohibited from imposing standards or requirements that are not imposed by statute, rule,
2.5 or approved state policy;

2.6 (2) the rights of license holders, including their grievance and appeal rights. This
2.7 training must include information on the responsibility of the county staff to inform license
2.8 holders of their rights, including grievance and appeal rights; and

2.9 (3) the procedure for county staff to seek clarification from the Department of
2.10 Human Services prior to issuing a correction order or other notice of violation to a license
2.11 holder if there is a dispute between the license holder and the county licensor regarding
2.12 the applicability of a statute or rule to the alleged violation.

2.13 (b) To ensure consistency among all licensing staff, the commissioner must develop
2.14 a procedure by which the department will implement increased training and oversight of
2.15 county staff who perform licensing functions related to family child care licensing. This
2.16 procedure must ensure that the commissioner conducts at least biennial reviews of county
2.17 licensing performance.

2.18 (c) Each calendar year, county agency staff who license and regulate family child
2.19 care providers and group family child care providers and their supervisors must receive
2.20 notice from the commissioner on new laws enacted or adopted in the previous 12-month
2.21 period relating to family child care providers and group family child care providers. The
2.22 commissioner shall provide the notices each year to include information on new laws and
2.23 disseminate the notices to county agencies.