

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3836

02/26/2020 Authored by Schultz
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; requiring the Department of Human Services to conduct
1.3 a program inspection for a substance use disorder treatment facility at the same
1.4 time as the inspection of the building by the local government; amending Minnesota
1.5 Statutes 2019 Supplement, section 245A.04, subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2019 Supplement, section 245A.04, subdivision 4, is
1.8 amended to read:

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

- 1.12 (1) an inspection of the physical plant;
1.13 (2) an inspection of records and documents;
1.14 (3) observation of the program in operation; and
1.15 (4) an inspection for the health, safety, and fire standards in licensing requirements for
1.16 a child care license holder.

1.17 For an application for a license to provide substance use disorder treatment under chapter
1.18 245G, the commissioner shall conduct the program inspection under this subdivision at the
1.19 same time that the local municipality or other political subdivision conducts the building
1.20 code inspection.

2.1 (b) The observation in paragraph (a), clause (3), is not required prior to issuing a license
2.2 under subdivision 7. If the commissioner issues a license under this chapter, these
2.3 requirements must be completed within one year after the issuance of the license.

2.4 (c) Before completing a licensing inspection in a family child care program or child care
2.5 center, the licensing agency must offer the license holder an exit interview to discuss
2.6 violations or potential violations of law or rule observed during the inspection and offer
2.7 technical assistance on how to comply with applicable laws and rules. The commissioner
2.8 shall not issue a correction order or negative licensing action for violations of law or rule
2.9 not discussed in an exit interview, unless a license holder chooses not to participate in an
2.10 exit interview or not to complete the exit interview. If the license holder is unable to complete
2.11 the exit interview, the licensing agency must offer an alternate time for the license holder
2.12 to complete the exit interview.

2.13 (d) If a family child care license holder disputes a county licenser's interpretation of a
2.14 licensing requirement during a licensing inspection or exit interview, the license holder
2.15 may, within five business days after the exit interview or licensing inspection, request
2.16 clarification from the commissioner, in writing, in a manner prescribed by the commissioner.
2.17 The license holder's request must describe the county licenser's interpretation of the licensing
2.18 requirement at issue, and explain why the license holder believes the county licenser's
2.19 interpretation is inaccurate. The commissioner and the county must include the license
2.20 holder in all correspondence regarding the disputed interpretation, and must provide an
2.21 opportunity for the license holder to contribute relevant information that may impact the
2.22 commissioner's decision. The county licenser must not issue a correction order related to
2.23 the disputed licensing requirement until the commissioner has provided clarification to the
2.24 license holder about the licensing requirement.

2.25 (e) The commissioner or the county shall inspect at least annually a child care provider
2.26 licensed under this chapter and Minnesota Rules, chapter 9502 or 9503, for compliance
2.27 with applicable licensing standards.

2.28 (f) No later than November 19, 2017, the commissioner shall make publicly available
2.29 on the department's website the results of inspection reports of all child care providers
2.30 licensed under this chapter and under Minnesota Rules, chapter 9502 or 9503, and the
2.31 number of deaths, serious injuries, and instances of substantiated child maltreatment that
2.32 occurred in licensed child care settings each year.