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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **4393**

02/28/2024 Authored by Fischer
The bill was read for the first time and referred to the Committee on Human Services Policy
03/18/2024 Adoption of Report: Amended and re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act

1.2 relating to human services; the Department of Human Services Office of Inspector

1.3 General policy bill; modifying provisions relating to human services licensing,

1.4 background studies, provider notifications, substance use disorder medications,

1.5 and electronic signatures; amending Minnesota Statutes 2022, sections 245A.04,

1.6 by adding a subdivision; 245A.043, subdivisions 2, 4, by adding subdivisions;

1.7 245A.07, subdivision 6; 245A.52, subdivision 2, by adding a subdivision; 245C.03,

1.8 by adding a subdivision; 245C.05, subdivision 5; 245C.08, subdivision 4; 245C.10,

1.9 subdivision 18; 245C.14, subdivision 1, by adding a subdivision; 245C.15,

1.10 subdivisions 3, 4; 245C.22, subdivision 4; 245C.24, subdivisions 2, 5, 6; 245C.30,

1.11 by adding a subdivision; 245F.09, subdivision 2; 245F.14, by adding a subdivision;

1.12 245F.17; 245G.07, subdivision 4; 245G.08, subdivisions 5, 6; 245G.10, by adding

1.13 a subdivision; 245G.22, subdivisions 6, 7; 260E.33, subdivision 2; Minnesota

1.14 Statutes 2023 Supplement, sections 13.46, subdivision 4; 245A.03, subdivision 2;

1.15 245A.043, subdivision 3; 245A.07, subdivision 1; 245A.11, subdivision 7; 245A.16,

1.16 subdivision 1; 245A.211, subdivision 4; 245A.242, subdivision 2; 245C.02,

1.17 subdivision 13e; 245C.033, subdivision 3; 245C.08, subdivision 1; 245C.10,

1.18 subdivision 15; 245C.15, subdivisions 2, 4a; 245G.22, subdivisions 2, 17; 256.046,

1.19 subdivision 3; 256B.064, subdivision 4; proposing coding for new law in Minnesota

1.20 Statutes, chapter 245C; repealing Minnesota Statutes 2022, section 245C.125;

1.21 Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 2; Minnesota

1.22 Rules, part 9502.0425, subparts 5, 10.

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

1.24 Section 1. Minnesota Statutes 2023 Supplement, section 13.46, subdivision 4, is amended

1.25 to read:

1.26 Subd. 4. **Licensing data.** (a) As used in this subdivision:

1.27 (1) "licensing data" are all data collected, maintained, used, or disseminated by the

1.28 welfare system pertaining to persons licensed or registered or who apply for licensure or

1.29 registration or who formerly were licensed or registered under the authority of the

1.30 commissioner of human services;

2.1 (2) "client" means a person who is receiving services from a licensee or from an applicant
2.2 for licensure; and

2.3 (3) "personal and personal financial data" are Social Security numbers, identity of and
2.4 letters of reference, insurance information, reports from the Bureau of Criminal
2.5 Apprehension, health examination reports, and social/home studies.

2.6 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants,
2.7 certification holders, license holders, and former licensees are public: name, address,
2.8 telephone number of licensees, email addresses except for family child foster care, date of
2.9 receipt of a completed application, dates of licensure, licensed capacity, type of client
2.10 preferred, variances granted, record of training and education in child care and child
2.11 development, type of dwelling, name and relationship of other family members, previous
2.12 license history, class of license, the existence and status of complaints, and the number of
2.13 serious injuries to or deaths of individuals in the licensed program as reported to the
2.14 commissioner of human services, the local social services agency, or any other county
2.15 welfare agency. For purposes of this clause, a serious injury is one that is treated by a
2.16 physician.

2.17 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,
2.18 an order of license suspension, an order of temporary immediate suspension, an order of
2.19 license revocation, an order of license denial, or an order of conditional license has been
2.20 issued, or a complaint is resolved, the following data on current and former licensees and
2.21 applicants are public: the general nature of the complaint or allegations leading to the
2.22 temporary immediate suspension; the substance and investigative findings of the licensing
2.23 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence
2.24 of settlement negotiations; the record of informal resolution of a licensing violation; orders
2.25 of hearing; findings of fact; conclusions of law; specifications of the final correction order,
2.26 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license
2.27 contained in the record of licensing action; whether a fine has been paid; and the status of
2.28 any appeal of these actions.

2.29 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07
2.30 is based on a determination that a license holder, applicant, or controlling individual is
2.31 responsible for maltreatment under section 626.557 or chapter 260E, the identity of the
2.32 applicant, license holder, or controlling individual as the individual responsible for
2.33 maltreatment is public data at the time of the issuance of the license denial or sanction.

3.1 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07
3.2 is based on a determination that a license holder, applicant, or controlling individual is
3.3 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling
3.4 individual as the disqualified individual is public data at the time of the issuance of the
3.5 licensing sanction or denial. If the applicant, license holder, or controlling individual requests
3.6 reconsideration of the disqualification and the disqualification is affirmed, the reason for
3.7 the disqualification and the reason to not set aside the disqualification are private data.

3.8 (v) A correction order or fine issued to a child care provider for a licensing violation is
3.9 private data on individuals under section 13.02, subdivision 12, or nonpublic data under
3.10 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

3.11 (2) For applicants who withdraw their application prior to licensure or denial of a license,
3.12 the following data are public: the name of the applicant, the city and county in which the
3.13 applicant was seeking licensure, the dates of the commissioner's receipt of the initial
3.14 application and completed application, the type of license sought, and the date of withdrawal
3.15 of the application.

3.16 (3) For applicants who are denied a license, the following data are public: the name and
3.17 address of the applicant, the city and county in which the applicant was seeking licensure,
3.18 the dates of the commissioner's receipt of the initial application and completed application,
3.19 the type of license sought, the date of denial of the application, the nature of the basis for
3.20 the denial, the existence of settlement negotiations, the record of informal resolution of a
3.21 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final
3.22 order of denial, and the status of any appeal of the denial.

3.23 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the
3.24 victim and the substantiated perpetrator are affiliated with a program licensed under chapter
3.25 245A, the commissioner of human services, local social services agency, or county welfare
3.26 agency may inform the license holder where the maltreatment occurred of the identity of
3.27 the substantiated perpetrator and the victim.

3.28 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder
3.29 and the status of the license are public if the county attorney has requested that data otherwise
3.30 classified as public data under clause (1) be considered private data based on the best interests
3.31 of a child in placement in a licensed program.

3.32 (c) The following are private data on individuals under section 13.02, subdivision 12,
3.33 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data

4.1 on family day care program and family foster care program applicants and licensees and
4.2 their family members who provide services under the license.

4.3 (d) The following are private data on individuals: the identity of persons who have made
4.4 reports concerning licensees or applicants that appear in inactive investigative data, and the
4.5 records of clients or employees of the licensee or applicant for licensure whose records are
4.6 received by the licensing agency for purposes of review or in anticipation of a contested
4.7 matter. The names of reporters of complaints or alleged violations of licensing standards
4.8 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment
4.9 under section 626.557 and chapter 260E, are confidential data and may be disclosed only
4.10 as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

4.11 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this
4.12 subdivision become public data if submitted to a court or administrative law judge as part
4.13 of a disciplinary proceeding in which there is a public hearing concerning a license which
4.14 has been suspended, immediately suspended, revoked, or denied.

4.15 (f) Data generated in the course of licensing investigations that relate to an alleged
4.16 violation of law are investigative data under subdivision 3.

4.17 (g) Data that are not public data collected, maintained, used, or disseminated under this
4.18 subdivision that relate to or are derived from a report as defined in section 260E.03, or
4.19 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,
4.20 subdivision 6, and 626.557, subdivision 12b.

4.21 (h) Upon request, not public data collected, maintained, used, or disseminated under
4.22 this subdivision that relate to or are derived from a report of substantiated maltreatment as
4.23 defined in section 626.557 or chapter 260E may be exchanged with the Department of
4.24 Health for purposes of completing background studies pursuant to section 144.057 and with
4.25 the Department of Corrections for purposes of completing background studies pursuant to
4.26 section 241.021.

4.27 (i) Data on individuals collected according to licensing activities under chapters 245A
4.28 and 245C, data on individuals collected by the commissioner of human services according
4.29 to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E
4.30 may be shared with the Department of Human Rights, the Department of Health, the
4.31 Department of Corrections, the ombudsman for mental health and developmental disabilities,
4.32 and the individual's professional regulatory board when there is reason to believe that laws
4.33 or standards under the jurisdiction of those agencies may have been violated or the
4.34 information may otherwise be relevant to the board's regulatory jurisdiction. Background

5.1 study data on an individual who is the subject of a background study under chapter 245C
5.2 for a licensed service for which the commissioner of human services is the license holder
5.3 may be shared with the commissioner and the commissioner's delegate by the licensing
5.4 division. Unless otherwise specified in this chapter, the identity of a reporter of alleged
5.5 maltreatment or licensing violations may not be disclosed.

5.6 (j) In addition to the notice of determinations required under sections 260E.24,
5.7 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the
5.8 commissioner or the local social services agency has determined that an individual is a
5.9 substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in
5.10 section 260E.03, and the commissioner or local social services agency knows that the
5.11 individual is a person responsible for a child's care in another facility, the commissioner or
5.12 local social services agency shall notify the head of that facility of this determination. The
5.13 notification must include an explanation of the individual's available appeal rights and the
5.14 status of any appeal. If a notice is given under this paragraph, the government entity making
5.15 the notification shall provide a copy of the notice to the individual who is the subject of the
5.16 notice.

5.17 (k) All not public data collected, maintained, used, or disseminated under this subdivision
5.18 and subdivision 3 may be exchanged between the Department of Human Services, Licensing
5.19 Division, and the Department of Corrections for purposes of regulating services for which
5.20 the Department of Human Services and the Department of Corrections have regulatory
5.21 authority.

5.22 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.23 Sec. 2. Minnesota Statutes 2023 Supplement, section 245A.03, subdivision 2, is amended
5.24 to read:

5.25 Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

5.26 (1) residential or nonresidential programs that are provided to a person by an individual
5.27 who is related unless the residential program is a child foster care placement made by a
5.28 local social services agency or a licensed child-placing agency, except as provided in
5.29 subdivision 2a;

5.30 (2) nonresidential programs that are provided by an unrelated individual to persons from
5.31 a single related family;

6.1 (3) residential or nonresidential programs that are provided to adults who do not misuse
6.2 substances or have a substance use disorder, a mental illness, a developmental disability, a
6.3 functional impairment, or a physical disability;

6.4 (4) sheltered workshops or work activity programs that are certified by the commissioner
6.5 of employment and economic development;

6.6 (5) programs operated by a public school for children 33 months or older;

6.7 (6) nonresidential programs primarily for children that provide care or supervision for
6.8 periods of less than three hours a day while the child's parent or legal guardian is in the
6.9 same building as the nonresidential program or present within another building that is
6.10 directly contiguous to the building in which the nonresidential program is located;

6.11 (7) nursing homes or hospitals licensed by the commissioner of health except as specified
6.12 under section 245A.02;

6.13 (8) board and lodge facilities licensed by the commissioner of health that do not provide
6.14 children's residential services under Minnesota Rules, chapter 2960, mental health or
6.15 substance use disorder treatment;

6.16 (9) homes providing programs for persons placed by a county or a licensed agency for
6.17 legal adoption, unless the adoption is not completed within two years;

6.18 (10) programs licensed by the commissioner of corrections;

6.19 (11) recreation programs for children or adults that are operated or approved by a park
6.20 and recreation board whose primary purpose is to provide social and recreational activities;

6.21 (12) programs operated by a school as defined in section 120A.22, subdivision 4; YMCA
6.22 as defined in section 315.44; YWCA as defined in section 315.44; or JCC as defined in
6.23 section 315.51, whose primary purpose is to provide child care or services to school-age
6.24 children;

6.25 (13) Head Start nonresidential programs which operate for less than 45 days in each
6.26 calendar year;

6.27 (14) noncertified boarding care homes unless they provide services for five or more
6.28 persons whose primary diagnosis is mental illness or a developmental disability;

6.29 (15) programs for children such as scouting, boys clubs, girls clubs, and sports and art
6.30 programs, and nonresidential programs for children provided for a cumulative total of less
6.31 than 30 days in any 12-month period;

6.32 (16) residential programs for persons with mental illness, that are located in hospitals;

7.1 (17) the religious instruction of school-age children; Sabbath or Sunday schools; or the
7.2 congregate care of children by a church, congregation, or religious society during the period
7.3 used by the church, congregation, or religious society for its regular worship;

7.4 (18) camps licensed by the commissioner of health under Minnesota Rules, chapter
7.5 4630;

7.6 (19) mental health outpatient services for adults with mental illness or children with
7.7 emotional disturbance;

7.8 (20) residential programs serving school-age children whose sole purpose is cultural or
7.9 educational exchange, until the commissioner adopts appropriate rules;

7.10 (21) community support services programs as defined in section 245.462, subdivision
7.11 6, and family community support services as defined in section 245.4871, subdivision 17;

7.12 (22) the placement of a child by a birth parent or legal guardian in a preadoptive home
7.13 for purposes of adoption as authorized by section 259.47;

7.14 (23) ~~settings registered under chapter 144D which provide home care services licensed~~
7.15 ~~by the commissioner of health to fewer than seven adults~~ assisted living facilities licensed
7.16 by the commissioner of health under chapter 144G;

7.17 (24) substance use disorder treatment activities of licensed professionals in private
7.18 practice as defined in section 245G.01, subdivision 17;

7.19 (25) consumer-directed community support service funded under the Medicaid waiver
7.20 for persons with developmental disabilities when the individual who provided the service
7.21 is:

7.22 (i) the same individual who is the direct payee of these specific waiver funds or paid by
7.23 a fiscal agent, fiscal intermediary, or employer of record; and

7.24 (ii) not otherwise under the control of a residential or nonresidential program that is
7.25 required to be licensed under this chapter when providing the service;

7.26 (26) a program serving only children who are age 33 months or older, that is operated
7.27 by a nonpublic school, for no more than four hours per day per child, with no more than 20
7.28 children at any one time, and that is accredited by:

7.29 (i) an accrediting agency that is formally recognized by the commissioner of education
7.30 as a nonpublic school accrediting organization; or

7.31 (ii) an accrediting agency that requires background studies and that receives and
7.32 investigates complaints about the services provided.

8.1 A program that asserts its exemption from licensure under item (ii) shall, upon request
8.2 from the commissioner, provide the commissioner with documentation from the accrediting
8.3 agency that verifies: that the accreditation is current; that the accrediting agency investigates
8.4 complaints about services; and that the accrediting agency's standards require background
8.5 studies on all people providing direct contact services;

8.6 (27) a program operated by a nonprofit organization incorporated in Minnesota or another
8.7 state that serves youth in kindergarten through grade 12; provides structured, supervised
8.8 youth development activities; and has learning opportunities take place before or after
8.9 school, on weekends, or during the summer or other seasonal breaks in the school calendar.
8.10 A program exempt under this clause is not eligible for child care assistance under chapter
8.11 119B. A program exempt under this clause must:

8.12 (i) have a director or supervisor on site who is responsible for overseeing written policies
8.13 relating to the management and control of the daily activities of the program, ensuring the
8.14 health and safety of program participants, and supervising staff and volunteers;

8.15 (ii) have obtained written consent from a parent or legal guardian for each youth
8.16 participating in activities at the site; and

8.17 (iii) have provided written notice to a parent or legal guardian for each youth at the site
8.18 that the program is not licensed or supervised by the state of Minnesota and is not eligible
8.19 to receive child care assistance payments;

8.20 (28) a county that is an eligible vendor under section 254B.05 to provide care coordination
8.21 and comprehensive assessment services;

8.22 (29) a recovery community organization that is an eligible vendor under section 254B.05
8.23 to provide peer recovery support services; or

8.24 (30) Head Start programs that serve only children who are at least three years old but
8.25 not yet six years old.

8.26 (b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a
8.27 building in which a nonresidential program is located if it shares a common wall with the
8.28 building in which the nonresidential program is located or is attached to that building by
8.29 skyway, tunnel, atrium, or common roof.

8.30 (c) Except for the home and community-based services identified in section 245D.03,
8.31 subdivision 1, nothing in this chapter shall be construed to require licensure for any services
8.32 provided and funded according to an approved federal waiver plan where licensure is
8.33 specifically identified as not being a condition for the services and funding.

9.1 Sec. 3. Minnesota Statutes 2022, section 245A.04, is amended by adding a subdivision to
9.2 read:

9.3 Subd. 7b. Notification to commissioner of changes in key staff positions; children's
9.4 residential facilities and detoxification programs. (a) A license holder must notify the
9.5 commissioner within five business days of a change or vacancy in a key staff position under
9.6 paragraphs (b) or (c). The license holder must notify the commissioner of the staffing change
9.7 or vacancy on a form approved by the commissioner and include the name of the staff person
9.8 now assigned to the key staff position and the staff person's qualifications for the position.

9.9 (b) The key staff position for a children's residential facility licensed according to
9.10 Minnesota Rules, parts 2960.0130 to 2960.0220, is a program director; and

9.11 (c) The key staff positions for a detoxification program licensed according to Minnesota
9.12 Rules, parts 9530.6510 to 9530.6590, are:

9.13 (1) a program director as required by Minnesota Rules, part 9530.6560, subpart 1;

9.14 (2) a registered nurse as required by Minnesota Rules, part 9530.6560, subpart 4; and

9.15 (3) a medical director as required by Minnesota Rules, part 9530.6560, subpart 5.

9.16 **EFFECTIVE DATE.** This section is effective January 1, 2025.

9.17 Sec. 4. Minnesota Statutes 2022, section 245A.043, subdivision 2, is amended to read:

9.18 Subd. 2. **Change in ownership.** (a) If the commissioner determines that there is a change
9.19 in ownership, the commissioner shall require submission of a new license application. This
9.20 subdivision does not apply to a licensed program or service located in a home where the
9.21 license holder resides. A change in ownership occurs when:

9.22 (1) except as provided in paragraph (b), the license holder sells or transfers 100 percent
9.23 of the property, stock, or assets;

9.24 (2) the license holder merges with another organization;

9.25 (3) the license holder consolidates with two or more organizations, resulting in the
9.26 creation of a new organization;

9.27 (4) there is a change to the federal tax identification number associated with the license
9.28 holder; or

9.29 (5) except as provided in paragraph (b), all controlling individuals ~~associated with~~ for
9.30 the original ~~application~~ license have changed.

10.1 (b) ~~Notwithstanding~~ For changes under paragraph (a), clauses (1) and (5), no change
10.2 in ownership has occurred and a new license application is not required if at least one
10.3 controlling individual has been ~~listed~~ affiliated as a controlling individual for the license
10.4 for at least the previous 12 months immediately preceding the change.

10.5 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.6 Sec. 5. Minnesota Statutes 2023 Supplement, section 245A.043, subdivision 3, is amended
10.7 to read:

10.8 Subd. 3. **Standard change of ownership process.** (a) When a change in ownership is
10.9 proposed and the party intends to assume operation without an interruption in service longer
10.10 than 60 days after acquiring the program or service, the license holder must provide the
10.11 commissioner with written notice of the proposed change on a form provided by the
10.12 commissioner at least ~~60~~ 90 days before the anticipated date of the change in ownership.
10.13 For purposes of this ~~subdivision and subdivision 4~~ section, "party" means the party that
10.14 intends to operate the service or program.

10.15 (b) The party must submit a license application under this chapter on the form and in
10.16 the manner prescribed by the commissioner at least ~~30~~ 90 days before the change in
10.17 ownership is anticipated to be complete; and must include documentation to support the
10.18 upcoming change. The party must comply with background study requirements under chapter
10.19 245C and shall pay the application fee required under section 245A.10.

10.20 (c) A party that intends to assume operation without an interruption in service longer
10.21 than 60 days after acquiring the program or service is exempt from the requirements of
10.22 sections 245G.03, subdivision 2, paragraph (b), and 254B.03, subdivision 2, paragraphs (c)
10.23 and (d).

10.24 ~~(e)~~ (d) The commissioner may streamline application procedures when the party is an
10.25 existing license holder under this chapter and is acquiring a program licensed under this
10.26 chapter or service in the same service class as one or more licensed programs or services
10.27 the party operates and those licenses are in substantial compliance. For purposes of this
10.28 subdivision, "substantial compliance" means within the previous 12 months the commissioner
10.29 did not (1) issue a sanction under section 245A.07 against a license held by the party, or
10.30 (2) make a license held by the party conditional according to section 245A.06.

10.31 ~~(d) Except when a temporary change in ownership license is issued pursuant to~~
10.32 ~~subdivision 4~~ (e) While the standard change of ownership process is pending, the existing

11.1 license holder ~~is solely~~ remains responsible for operating the program according to applicable
11.2 laws and rules until a license under this chapter is issued to the party.

11.3 ~~(e)~~ (f) If a licensing inspection of the program or service was conducted within the
11.4 previous 12 months and the existing license holder's license record demonstrates substantial
11.5 compliance with the applicable licensing requirements, the commissioner may waive the
11.6 party's inspection required by section 245A.04, subdivision 4. The party must submit to the
11.7 commissioner (1) proof that the premises was inspected by a fire marshal or that the fire
11.8 marshal deemed that an inspection was not warranted, and (2) proof that the premises was
11.9 inspected for compliance with the building code or that no inspection was deemed warranted.

11.10 ~~(f)~~ (g) If the party is seeking a license for a program or service that has an outstanding
11.11 action under section 245A.06 or 245A.07, the party must submit a ~~letter~~ written plan as part
11.12 of the application process identifying how the party has or will come into full compliance
11.13 with the licensing requirements.

11.14 ~~(g)~~ (h) The commissioner shall evaluate the party's application according to section
11.15 245A.04, subdivision 6. If the commissioner determines that the party has remedied or
11.16 demonstrates the ability to remedy the outstanding actions under section 245A.06 or 245A.07
11.17 and has determined that the program otherwise complies with all applicable laws and rules,
11.18 the commissioner shall issue a license or conditional license under this chapter. A conditional
11.19 license issued under this section is final and not subject to reconsideration under section
11.20 245A.06, subdivision 4. The conditional license remains in effect until the commissioner
11.21 determines that the grounds for the action are corrected or no longer exist.

11.22 ~~(h)~~ (i) The commissioner may deny an application as provided in section 245A.05. An
11.23 applicant whose application was denied by the commissioner may appeal the denial according
11.24 to section 245A.05.

11.25 ~~(i)~~ (j) This subdivision does not apply to a licensed program or service located in a home
11.26 where the license holder resides.

11.27 **EFFECTIVE DATE.** This section is effective January 1, 2025.

11.28 Sec. 6. Minnesota Statutes 2022, section 245A.043, is amended by adding a subdivision
11.29 to read:

11.30 Subd. 3a. **Emergency change in ownership process.** (a) In the event of a death of a
11.31 license holder or sole controlling individual or a court order or other event that results in
11.32 the license holder being inaccessible or unable to operate the program or service, a party
11.33 may submit a request to the commissioner to allow the party to assume operation of the

12.1 program or service under an emergency change in ownership process to ensure persons
12.2 continue to receive services while the commissioner evaluates the party's license application.

12.3 (b) To request the emergency change of ownership process, the party must immediately:

12.4 (1) notify the commissioner of the event resulting in the inability of the license holder
12.5 to operate the program and of the party's intent to assume operations; and

12.6 (2) provide the commissioner with documentation that demonstrates the party has a legal
12.7 or legitimate ownership interest in the program or service if applicable and is able to operate
12.8 the program or service.

12.9 (c) If the commissioner approves the party to continue operating the program or service
12.10 under an emergency change in ownership process, the party must:

12.11 (1) request to be added as a controlling individual or license holder to the existing license;

12.12 (2) notify persons receiving services of the emergency change in ownership in a manner
12.13 approved by the commissioner;

12.14 (3) submit an application for a new license within 30 days of approval;

12.15 (4) comply with the background study requirements under chapter 245C; and

12.16 (5) pay the application fee required under section 245A.10.

12.17 (d) While the emergency change of ownership process is pending, a party approved
12.18 under this subdivision is responsible for operating the program under the existing license
12.19 according to applicable laws and rules until a new license under this chapter is issued.

12.20 (e) The provisions in subdivision 3, paragraphs (c), (d), and (f) to (i) apply to this
12.21 subdivision.

12.22 (f) Once a party is issued a new license or has decided not to seek a new license, the
12.23 commissioner must close the existing license.

12.24 (g) This subdivision applies to any program or service licensed under this chapter.

12.25 **EFFECTIVE DATE.** This section is effective January 1, 2025.

12.26 Sec. 7. Minnesota Statutes 2022, section 245A.043, subdivision 4, is amended to read:

12.27 Subd. 4. **Temporary change in ownership transitional license.** ~~(a) After receiving the~~
12.28 ~~party's application pursuant to subdivision 3, upon the written request of the existing license~~
12.29 ~~holder and the party, the commissioner may issue a temporary change in ownership license~~
12.30 ~~to the party while the commissioner evaluates the party's application. Until a decision is~~

13.1 ~~made to grant or deny a license under this chapter, the existing license holder and the party~~
13.2 ~~shall both be responsible for operating the program or service according to applicable laws~~
13.3 ~~and rules, and the sale or transfer of the existing license holder's ownership interest in the~~
13.4 ~~licensed program or service does not terminate the existing license.~~

13.5 ~~(b) The commissioner may issue a temporary change in ownership license when a license~~
13.6 ~~holder's death, divorce, or other event affects the ownership of the program and an applicant~~
13.7 ~~seeks to assume operation of the program or service to ensure continuity of the program or~~
13.8 ~~service while a license application is evaluated.~~

13.9 ~~(c) This subdivision applies to any program or service licensed under this chapter.~~

13.10 If a party's application under subdivision 2 is for a satellite license for a community
13.11 residential setting under section 245D.23 or day services facility under 245D.27 and if the
13.12 party already holds an active license to provide services under chapter 245D, the
13.13 commissioner may issue a temporary transitional license to the party for the community
13.14 residential setting or day services facility while the commissioner evaluates the party's
13.15 application. Until a decision is made to grant or deny a community residential setting or
13.16 day services facility satellite license, the party must be solely responsible for operating the
13.17 program according to applicable laws and rules, and the existing license must be closed.
13.18 The temporary transitional license expires after 12 months from the date it was issued or
13.19 upon issuance of the community residential setting or day services facility satellite license,
13.20 whichever occurs first.

13.21 **EFFECTIVE DATE.** This section is effective January 1, 2025.

13.22 Sec. 8. Minnesota Statutes 2022, section 245A.043, is amended by adding a subdivision
13.23 to read:

13.24 Subd. 5. **Failure to comply.** If the commissioner finds that the applicant or license holder
13.25 has not fully complied with this section, the commissioner may impose a licensing sanction
13.26 under section 245A.05, 245A.06, or 245A.07.

13.27 **EFFECTIVE DATE.** This section is effective January 1, 2025.

13.28 Sec. 9. Minnesota Statutes 2023 Supplement, section 245A.07, subdivision 1, is amended
13.29 to read:

13.30 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
13.31 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,

14.1 or secure an injunction against the continuing operation of the program of a license holder
14.2 who:

14.3 (1) does not comply with applicable law or rule;

14.4 (2) has nondisqualifying background study information, as described in section 245C.05,
14.5 subdivision 4, that reflects on the license holder's ability to safely provide care to foster
14.6 children; or

14.7 (3) has an individual living in the household where the licensed services are provided
14.8 or is otherwise subject to a background study, and the individual has nondisqualifying
14.9 background study information, as described in section 245C.05, subdivision 4, that reflects
14.10 on the license holder's ability to safely provide care to foster children.

14.11 When applying sanctions authorized under this section, the commissioner shall consider
14.12 the nature, chronicity, or severity of the violation of law or rule and the effect of the violation
14.13 on the health, safety, or rights of persons served by the program.

14.14 (b) If a license holder appeals the suspension or revocation of a license and the license
14.15 holder continues to operate the program pending a final order on the appeal, the commissioner
14.16 shall issue the license holder a temporary provisional license. The commissioner may include
14.17 terms the license holder must follow pending a final order on the appeal. Unless otherwise
14.18 specified by the commissioner, variances in effect on the date of the license sanction under
14.19 appeal continue under the temporary provisional license. If a license holder fails to comply
14.20 with applicable law or rule while operating under a temporary provisional license, the
14.21 commissioner may impose additional sanctions under this section and section 245A.06, and
14.22 may terminate any prior variance. If a temporary provisional license is set to expire, a new
14.23 temporary provisional license shall be issued to the license holder upon payment of any fee
14.24 required under section 245A.10. The temporary provisional license shall expire on the date
14.25 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
14.26 license shall be issued for the remainder of the current license period.

14.27 (c) If a license holder is under investigation and the license issued under this chapter is
14.28 due to expire before completion of the investigation, the program shall be issued a new
14.29 license upon completion of the reapplication requirements and payment of any applicable
14.30 license fee. Upon completion of the investigation, a licensing sanction may be imposed
14.31 against the new license under this section, section 245A.06, or 245A.08.

14.32 (d) Failure to reapply or closure of a license issued under this chapter by the license
14.33 holder prior to the completion of any investigation shall not preclude the commissioner

15.1 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
15.2 of the investigation.

15.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

15.4 Sec. 10. Minnesota Statutes 2022, section 245A.07, subdivision 6, is amended to read:

15.5 Subd. 6. **Appeal of multiple sanctions.** (a) When the license holder appeals more than
15.6 one licensing action or sanction that were simultaneously issued by the commissioner, the
15.7 license holder shall specify the actions or sanctions that are being appealed.

15.8 (b) If there are different timelines prescribed in statutes for the licensing actions or
15.9 sanctions being appealed, the license holder must submit the appeal within the longest of
15.10 those timelines specified in statutes.

15.11 (c) The appeal must be made in writing by certified mail ~~or~~, personal service, or through
15.12 the provider licensing and reporting hub. If mailed, the appeal must be postmarked and sent
15.13 to the commissioner within the prescribed timeline with the first day beginning the day after
15.14 the license holder receives the certified letter. If a request is made by personal service, it
15.15 must be received by the commissioner within the prescribed timeline with the first day
15.16 beginning the day after the license holder receives the certified letter. If the appeal is made
15.17 through the provider hub, the appeal must be received by the commissioner within the
15.18 prescribed timeline with the first day beginning the day after the commissioner issued the
15.19 order through the hub.

15.20 (d) When there are different timelines prescribed in statutes for the appeal of licensing
15.21 actions or sanctions simultaneously issued by the commissioner, the commissioner shall
15.22 specify in the notice to the license holder the timeline for appeal as specified under paragraph
15.23 (b).

15.24 Sec. 11. Minnesota Statutes 2023 Supplement, section 245A.11, subdivision 7, is amended
15.25 to read:

15.26 Subd. 7. **Adult foster care and community residential setting; variance for alternate**
15.27 **overnight supervision.** (a) The commissioner may grant a variance under section 245A.04,
15.28 subdivision 9, to statute or rule parts requiring a caregiver to be present in an adult foster
15.29 care home or a community residential setting during normal sleeping hours to allow for
15.30 alternative methods of overnight supervision. The commissioner may grant the variance if
15.31 the local county licensing agency recommends the variance and the county recommendation
15.32 includes documentation verifying that:

16.1 (1) the county has approved the license holder's plan for alternative methods of providing
16.2 overnight supervision and determined the plan protects the residents' health, safety, and
16.3 rights;

16.4 (2) the license holder has obtained written and signed informed consent from each
16.5 resident or each resident's legal representative documenting the resident's or legal
16.6 representative's agreement with the alternative method of overnight supervision; and

16.7 (3) the alternative method of providing overnight supervision, which may include the
16.8 use of technology, is specified for each resident in the resident's: (i) individualized plan of
16.9 care; (ii) ~~individual service~~ support plan under section 256B.092, subdivision 1b, if required;
16.10 or (iii) individual resident placement agreement under Minnesota Rules, part 9555.5105,
16.11 subpart 19, if required.

16.12 (b) To be eligible for a variance under paragraph (a), the adult foster care or community
16.13 residential setting license holder must not have had a conditional license issued under section
16.14 245A.06, or any other licensing sanction issued under section 245A.07 during the prior 24
16.15 months based on failure to provide adequate supervision, health care services, or resident
16.16 safety in the adult foster care home or a community residential setting.

16.17 (c) A license holder requesting a variance under this subdivision to utilize technology
16.18 as a component of a plan for alternative overnight supervision may request the commissioner's
16.19 review in the absence of a county recommendation. Upon receipt of such a request from a
16.20 license holder, the commissioner shall review the variance request with the county.

16.21 ~~(d) The variance requirements under this subdivision for alternative overnight supervision~~
16.22 ~~do not apply to community residential settings licensed under chapter 245D.~~

16.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.24 Sec. 12. Minnesota Statutes 2023 Supplement, section 245A.16, subdivision 1, is amended
16.25 to read:

16.26 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private
16.27 agencies that have been designated or licensed by the commissioner to perform licensing
16.28 functions and activities under section 245A.04; to recommend denial of applicants under
16.29 section 245A.05; to issue correction orders, to issue variances, and recommend a conditional
16.30 license under section 245A.06; or to recommend suspending or revoking a license or issuing
16.31 a fine under section 245A.07, shall comply with rules and directives of the commissioner
16.32 governing those functions and with this section. The following variances are excluded from
16.33 the delegation of variance authority and may be issued only by the commissioner:

17.1 (1) dual licensure of family child care and family child foster care, dual licensure of
17.2 family child foster care and family adult foster care, dual licensure of child foster residence
17.3 setting and community residential setting, and dual licensure of family adult foster care and
17.4 family child care;

17.5 (2) adult foster care or community residential setting maximum capacity;

17.6 (3) adult foster care or community residential setting minimum age requirement;

17.7 (4) child foster care maximum age requirement;

17.8 (5) variances regarding disqualified individuals;

17.9 (6) the required presence of a caregiver in the adult foster care residence during normal
17.10 sleeping hours;

17.11 (7) variances to requirements relating to chemical use problems of a license holder or a
17.12 household member of a license holder;

17.13 (8) variances to section 245A.53 for a time-limited period. If the commissioner grants
17.14 a variance under this clause, the license holder must provide notice of the variance to all
17.15 parents and guardians of the children in care; and

17.16 (9) variances to section 245A.1435 for the use of a cradleboard for a cultural
17.17 accommodation.

17.18 Except as provided in section 245A.14, subdivision 4, paragraph (a), clause (5), a county
17.19 agency must not grant a license holder a variance to exceed the maximum allowable family
17.20 child care license capacity of 14 children.

17.21 (b) A county agency that has been designated by the commissioner to issue family child
17.22 care variances must:

17.23 (1) publish the county agency's policies and criteria for issuing variances on the county's
17.24 public website and update the policies as necessary; and

17.25 (2) annually distribute the county agency's policies and criteria for issuing variances to
17.26 all family child care license holders in the county.

17.27 (c) For family child care programs, the commissioner shall require a county agency to
17.28 conduct one unannounced licensing review at least annually.

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

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

18.1 (f) During implementation of chapter 245D, the commissioner shall consider:

18.2 (1) the role of counties in quality assurance;

18.3 (2) the duties of county licensing staff; and

18.4 (3) the possible use of joint powers agreements, according to section 471.59, with counties
18.5 through which some licensing duties under chapter 245D may be delegated by the
18.6 commissioner to the counties.

18.7 Any consideration related to this paragraph must meet all of the requirements of the corrective
18.8 action plan ordered by the federal Centers for Medicare and Medicaid Services.

18.9 (g) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
18.10 successor provisions; and section 245D.061 or successor provisions, for family child foster
18.11 care programs providing out-of-home respite, as identified in section 245D.03, subdivision
18.12 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and
18.13 private agencies.

18.14 (h) A county agency shall report to the commissioner, in a manner prescribed by the
18.15 commissioner, the following information for a licensed family child care program:

18.16 (1) the results of each licensing review completed, including the date of the review, and
18.17 any licensing correction order issued;

18.18 (2) any death, serious injury, or determination of substantiated maltreatment; and

18.19 (3) any fires that require the service of a fire department within 48 hours of the fire. The
18.20 information under this clause must also be reported to the state fire marshal within two
18.21 business days of receiving notice from a licensed family child care provider.

18.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.23 Sec. 13. Minnesota Statutes 2023 Supplement, section 245A.211, subdivision 4, is amended
18.24 to read:

18.25 Subd. 4. **Contraindicated physical restraints.** A license or certification holder must
18.26 not implement a restraint on a person receiving services in a program in a way that is
18.27 contraindicated for any of the person's known medical or psychological conditions. Prior
18.28 to using restraints on a person, ~~the license or certification holder must assess and document~~
18.29 ~~a determination of any~~ with a known medical or psychological conditions that restraints are
18.30 contraindicated for, the license or certification holder must document the contraindication
18.31 and the type of restraints that will not be used on the person based on this determination.

19.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.2 Sec. 14. Minnesota Statutes 2023 Supplement, section 245A.242, subdivision 2, is amended
19.3 to read:

19.4 Subd. 2. **Emergency overdose treatment.** (a) A license holder must maintain a supply
19.5 of opiate antagonists as defined in section 604A.04, subdivision 1, available for emergency
19.6 treatment of opioid overdose and must have a written standing order protocol by a physician
19.7 who is licensed under chapter 147, advanced practice registered nurse who is licensed under
19.8 chapter 148, or physician assistant who is licensed under chapter 147A, that permits the
19.9 license holder to maintain a supply of opiate antagonists on site. A license holder must
19.10 require staff to undergo training in the specific mode of administration used at the program,
19.11 which may include intranasal administration, intramuscular injection, or both.

19.12 (b) Notwithstanding any requirements to the contrary in Minnesota Rules, chapters 2960
19.13 and 9530, and Minnesota Statutes, chapters 245F, 245G, and 245I:

19.14 (1) emergency opiate antagonist medications are not required to be stored in a locked
19.15 area and staff and adult clients may carry this medication on them and store it in an unlocked
19.16 location;

19.17 (2) staff persons who only administer emergency opiate antagonist medications only
19.18 require the training required by paragraph (a), which any knowledgeable trainer may provide.
19.19 The trainer is not required to be a registered nurse or part of an accredited educational
19.20 institution; and

19.21 (3) nonresidential substance use disorder treatment programs that do not administer
19.22 client medications beyond emergency opiate antagonist medications are not required to
19.23 have the policies and procedures required in section 245G.08, subdivisions 5 and 6, and
19.24 must instead describe the program's procedures for administering opiate antagonist
19.25 medications in the license holder's description of health care services under section 245G.08,
19.26 subdivision 1.

19.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.28 Sec. 15. Minnesota Statutes 2022, section 245A.52, subdivision 2, is amended to read:

19.29 Subd. 2. **Door to attached garage.** ~~Notwithstanding Minnesota Rules, part 9502.0425,~~
19.30 ~~subpart 5, day care residences with an attached garage are not required to have a self-closing~~
19.31 ~~door to the residence. The door to the residence may be (a) If there is an opening between~~
19.32 an attached garage and a day care residence, there must be a door that is:

20.1 (1) a solid wood bonded-core door at least 1-3/8 inches thick;

20.2 (2) a steel insulated door if the door is at least 1-3/8 inches thick; or

20.3 (3) a door with a fire protection rating of 20 minutes.

20.4 (b) The separation wall on the garage side between the residence and garage must consist
20.5 of 1/2-inch-thick gypsum wallboard or its equivalent.

20.6 Sec. 16. Minnesota Statutes 2022, section 245A.52, is amended by adding a subdivision
20.7 to read:

20.8 Subd. 8. **Stairways.** (a) All stairways must meet the requirements in this subdivision.

20.9 (b) Stairways of four or more steps must have handrails on at least one side.

20.10 (c) Any open area between the handrail and stair tread must be enclosed with a protective
20.11 guardrail as specified in the State Building Code. At open risers, openings located more
20.12 than 30 inches or 762 millimeters as measured vertically to the floor or grade below must
20.13 not permit the passage of a sphere four inches or 102 millimeters in diameter.

20.14 (d) Gates or barriers must be used when children aged six to 18 months are in care.

20.15 (e) Stairways must be well lit, in good repair, and free of clutter and obstructions.

20.16 Sec. 17. Minnesota Statutes 2023 Supplement, section 245C.02, subdivision 13e, is
20.17 amended to read:

20.18 Subd. 13e. **NETStudy 2.0.** (a) "NETStudy 2.0" means the commissioner's system that
20.19 replaces both NETStudy and the department's internal background study processing system.
20.20 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by
20.21 improving the accuracy of background studies through fingerprint-based criminal record
20.22 checks and expanding the background studies to include a review of information from the
20.23 Minnesota Court Information System and the national crime information database. NETStudy
20.24 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

20.25 (1) providing access to and updates from public web-based data related to employment
20.26 eligibility;

20.27 (2) decreasing the need for repeat studies through electronic updates of background
20.28 study subjects' criminal records;

20.29 (3) supporting identity verification using subjects' Social Security numbers and
20.30 photographs;

21.1 (4) using electronic employer notifications;

21.2 (5) issuing immediate verification of subjects' eligibility to provide services as more
21.3 studies are completed under the NETStudy 2.0 system; and

21.4 (6) providing electronic access to certain notices for entities and background study
21.5 subjects.

21.6 (b) Information obtained by entities from public web-based data through NETStudy 2.0
21.7 under paragraph (a), clause (1), or any other source that is not direct correspondence from
21.8 the commissioner is not a notice of disqualification from the commissioner under this
21.9 chapter.

21.10 Sec. 18. Minnesota Statutes 2022, section 245C.03, is amended by adding a subdivision
21.11 to read:

21.12 Subd. 16. **Individuals affiliated with a Head Start program.** When initiated by the
21.13 Head Start program, including Tribal Head Start programs, the commissioner shall conduct
21.14 a background study on any individual who is affiliated with a Head Start program.

21.15 Sec. 19. Minnesota Statutes 2023 Supplement, section 245C.033, subdivision 3, is amended
21.16 to read:

21.17 Subd. 3. **Procedure; maltreatment and state licensing agency data.** (a) For requests
21.18 paid directly by the guardian or conservator, requests for maltreatment and state licensing
21.19 agency data checks must be submitted by the guardian or conservator to the commissioner
21.20 on the form or in the manner prescribed by the commissioner. Upon receipt of a signed
21.21 informed consent and payment under section 245C.10, the commissioner shall complete
21.22 the maltreatment and state licensing agency checks. Upon completion of the checks, the
21.23 commissioner shall provide the requested information to the courts on the form or in the
21.24 manner prescribed by the commissioner.

21.25 (b) For requests paid by the court based on the in forma pauperis status of the guardian
21.26 or conservator, requests for maltreatment and state licensing agency data checks must be
21.27 submitted by the court to the commissioner on the form or in the manner prescribed by the
21.28 commissioner. The form will serve as certification that the individual has been granted in
21.29 forma pauperis status. Upon receipt of a signed data request consent form from the court,
21.30 the commissioner shall initiate the maltreatment and state licensing agency checks. Upon
21.31 completion of the checks, the commissioner shall provide the requested information to the
21.32 courts on the form or in the manner prescribed by the commissioner.

22.1 Sec. 20. [245C.041] EMERGENCY WAIVER TO TEMPORARILY MODIFY
22.2 BACKGROUND STUDY REQUIREMENTS.

22.3 (a) In the event of an emergency identified by the commissioner, the commissioner may
22.4 temporarily waive or modify provisions in this chapter, except that the commissioner shall
22.5 not waive or modify:

22.6 (1) disqualification standards in section 245C.14 or 245C; or

22.7 (2) any provision regarding the scope of individuals required to be subject to a background
22.8 study conducted under this chapter.

22.9 (b) For the purposes of this section, an emergency may include, but is not limited to a
22.10 public health emergency, environmental emergency, natural disaster, or other unplanned
22.11 event that the commissioner has determined prevents the requirements in this chapter from
22.12 being met. This authority shall not exceed the amount of time needed to respond to the
22.13 emergency and reinstate the requirements of this chapter. The commissioner has the authority
22.14 to establish the process and time frame for returning to full compliance with this chapter.
22.15 The commissioner shall determine the length of time an emergency study is valid.

22.16 (c) At the conclusion of the emergency, entities must submit a new, compliant background
22.17 study application and fee for each individual who was the subject of background study
22.18 affected by the powers created in this section, referred to as an "emergency study" to have
22.19 a new study that fully complies with this chapter within a time frame and notice period
22.20 established by the commissioner.

22.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.22 Sec. 21. Minnesota Statutes 2022, section 245C.05, subdivision 5, is amended to read:

22.23 Subd. 5. **Fingerprints and photograph.** (a) Notwithstanding paragraph ~~(b)~~ (c), for
22.24 background studies conducted by the commissioner for child foster care, children's residential
22.25 facilities, adoptions, or a transfer of permanent legal and physical custody of a child, the
22.26 subject of the background study, who is 18 years of age or older, shall provide the
22.27 commissioner with a set of classifiable fingerprints obtained from an authorized agency for
22.28 a national criminal history record check.

22.29 (b) Notwithstanding paragraph (c), for background studies conducted by the commissioner
22.30 for Head Start programs, the subject of the background study shall provide the commissioner
22.31 with a set of classifiable fingerprints obtained from an authorized agency for a national
22.32 criminal history record check.

23.1 ~~(b)~~ (c) For background studies initiated on or after the implementation of NETStudy
23.2 2.0, except as provided under subdivision 5a, every subject of a background study must
23.3 provide the commissioner with a set of the background study subject's classifiable fingerprints
23.4 and photograph. The photograph and fingerprints must be recorded at the same time by the
23.5 authorized fingerprint collection vendor or vendors and sent to the commissioner through
23.6 the commissioner's secure data system described in section 245C.32, subdivision 1a,
23.7 paragraph (b).

23.8 ~~(e)~~ (d) The fingerprints shall be submitted by the commissioner to the Bureau of Criminal
23.9 Apprehension and, when specifically required by law, submitted to the Federal Bureau of
23.10 Investigation for a national criminal history record check.

23.11 ~~(d)~~ (e) The fingerprints must not be retained by the Department of Public Safety, Bureau
23.12 of Criminal Apprehension, or the commissioner. The Federal Bureau of Investigation will
23.13 not retain background study subjects' fingerprints.

23.14 ~~(e)~~ (f) The authorized fingerprint collection vendor or vendors shall, for purposes of
23.15 verifying the identity of the background study subject, be able to view the identifying
23.16 information entered into NETStudy 2.0 by the entity that initiated the background study,
23.17 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
23.18 2.0. The authorized fingerprint collection vendor or vendors shall retain no more than the
23.19 name and date and time the subject's fingerprints were recorded and sent, only as necessary
23.20 for auditing and billing activities.

23.21 ~~(f)~~ (g) For any background study conducted under this chapter, the subject shall provide
23.22 the commissioner with a set of classifiable fingerprints when the commissioner has reasonable
23.23 cause to require a national criminal history record check as defined in section 245C.02,
23.24 subdivision 15a.

23.25 Sec. 22. Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 1, is amended
23.26 to read:

23.27 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
23.28 For a background study conducted by the Department of Human Services, the commissioner
23.29 shall review:

23.30 (1) information related to names of substantiated perpetrators of maltreatment of
23.31 vulnerable adults that has been received by the commissioner as required under section
23.32 626.557, subdivision 9c, paragraph (j);

24.1 (2) the commissioner's records relating to the maltreatment of minors in licensed
24.2 programs, and from findings of maltreatment of minors as indicated through the social
24.3 service information system;

24.4 (3) information from juvenile courts as required ~~in subdivision 4 for individuals listed~~
24.5 ~~in section 245C.03, subdivision 1, paragraph (a),~~ for studies under this chapter when there
24.6 is reasonable cause;

24.7 (4) information from the Bureau of Criminal Apprehension, including information
24.8 regarding a background study subject's registration in Minnesota as a predatory offender
24.9 under section 243.166;

24.10 (5) except as provided in clause (6), information received as a result of submission of
24.11 fingerprints for a national criminal history record check, as defined in section 245C.02,
24.12 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
24.13 record check as defined under section 245C.02, subdivision 15a, or as required under section
24.14 144.057, subdivision 1, clause (2);

24.15 (6) for a background study related to a child foster family setting application for licensure,
24.16 foster residence settings, children's residential facilities, a transfer of permanent legal and
24.17 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
24.18 background study required for family child care, certified license-exempt child care, child
24.19 care centers, and legal nonlicensed child care authorized under chapter 119B, the
24.20 commissioner shall also review:

24.21 (i) information from the child abuse and neglect registry for any state in which the
24.22 background study subject has resided for the past five years;

24.23 (ii) when the background study subject is 18 years of age or older, or a minor under
24.24 section 245C.05, subdivision 5a, paragraph (c), information received following submission
24.25 of fingerprints for a national criminal history record check; and

24.26 (iii) when the background study subject is 18 years of age or older or a minor under
24.27 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
24.28 license-exempt child care, licensed child care centers, and legal nonlicensed child care
24.29 authorized under chapter 119B, information obtained using non-fingerprint-based data
24.30 including information from the criminal and sex offender registries for any state in which
24.31 the background study subject resided for the past five years and information from the national
24.32 crime information database and the national sex offender registry;

25.1 (7) for a background study required for family child care, certified license-exempt child
25.2 care centers, licensed child care centers, and legal nonlicensed child care authorized under
25.3 chapter 119B, the background study shall also include, to the extent practicable, a name
25.4 and date-of-birth search of the National Sex Offender Public website; and

25.5 (8) for a background study required for treatment programs for sexual psychopathic
25.6 personalities or sexually dangerous persons, the background study shall only include a
25.7 review of the information required under paragraph (a), clauses (1) to (4).

25.8 (b) Except as otherwise provided in this paragraph, notwithstanding expungement by a
25.9 court, the commissioner may consider information obtained under paragraph (a), clauses
25.10 (3) and (4), unless:

25.11 (1) the commissioner received notice of the petition for expungement and the court order
25.12 for expungement is directed specifically to the commissioner; or

25.13 (2) the commissioner received notice of the expungement order issued pursuant to section
25.14 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
25.15 to the commissioner.

25.16 The commissioner may not consider information obtained under paragraph (a), clauses (3)
25.17 and (4), or from any other source that identifies a violation of chapter 152 without
25.18 determining if the offense involved the possession of marijuana or tetrahydrocannabinol
25.19 and, if so, whether the person received a grant of expungement or order of expungement,
25.20 or the person was resentenced to a lesser offense. If the person received a grant of
25.21 expungement or order of expungement, the commissioner may not consider information
25.22 related to that violation but may consider any other relevant information arising out of the
25.23 same incident.

25.24 (c) The commissioner shall also review criminal case information received according
25.25 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
25.26 to individuals who have already been studied under this chapter and who remain affiliated
25.27 with the agency that initiated the background study.

25.28 (d) When the commissioner has reasonable cause to believe that the identity of a
25.29 background study subject is uncertain, the commissioner may require the subject to provide
25.30 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
25.31 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
25.32 shall not be saved by the commissioner after they have been used to verify the identity of
25.33 the background study subject against the particular criminal record in question.

26.1 (e) The commissioner may inform the entity that initiated a background study under
26.2 NETStudy 2.0 of the status of processing of the subject's fingerprints.

26.3 Sec. 23. Minnesota Statutes 2022, section 245C.08, subdivision 4, is amended to read:

26.4 Subd. 4. **Juvenile court records.** (a) For a background study conducted by the
26.5 Department of Human Services, the commissioner shall review records from the juvenile
26.6 courts for an individual studied under ~~section 245C.03, subdivision 1, paragraph (a), this~~
26.7 chapter when the commissioner has reasonable cause.

26.8 ~~(b) For a background study conducted by a county agency for family child care before~~
26.9 ~~the implementation of NETStudy 2.0, the commissioner shall review records from the~~
26.10 ~~juvenile courts for individuals listed in section 245C.03, subdivision 1, who are ages 13~~
26.11 ~~through 23 living in the household where the licensed services will be provided. The~~
26.12 ~~commissioner shall also review records from juvenile courts for any other individual listed~~
26.13 ~~under section 245C.03, subdivision 1, when the commissioner has reasonable cause.~~

26.14 ~~(e)~~ (b) The juvenile courts shall help with the study by giving the commissioner existing
26.15 juvenile court records relating to delinquency proceedings held on individuals ~~described in~~
26.16 ~~section 245C.03, subdivision 1, paragraph (a), who are subjects of studies under this chapter~~
26.17 when requested pursuant to this subdivision.

26.18 ~~(d)~~ (c) For purposes of this chapter, a finding that a delinquency petition is proven in
26.19 juvenile court shall be considered a conviction in state district court.

26.20 ~~(e)~~ (d) Juvenile courts shall provide orders of involuntary and voluntary termination of
26.21 parental rights under section 260C.301 to the commissioner upon request for purposes of
26.22 conducting a background study under this chapter.

26.23 Sec. 24. Minnesota Statutes 2023 Supplement, section 245C.10, subdivision 15, is amended
26.24 to read:

26.25 Subd. 15. **Guardians and conservators.** (a) The commissioner shall recover the cost
26.26 of conducting maltreatment and state licensing agency checks for guardians and conservators
26.27 under section 245C.033 through a fee of no more than \$50. The fees collected under this
26.28 subdivision are appropriated to the commissioner for the purpose of conducting maltreatment
26.29 and state licensing agency checks.

26.30 (b) The fee must be paid directly to and in the manner prescribed by the commissioner
26.31 before any maltreatment and state licensing agency checks under section 245C.033 may be
26.32 conducted.

27.1 (c) Notwithstanding paragraph (b), the court shall pay the fee for an applicant who has
27.2 been granted in forma pauperis status upon receipt of the invoice from the commissioner.

27.3 Sec. 25. Minnesota Statutes 2022, section 245C.10, subdivision 18, is amended to read:

27.4 Subd. 18. **Applicants, licensees, and other occupations regulated by commissioner**
27.5 **of health.** The applicant or license holder is responsible for paying to the Department of
27.6 Human Services all fees associated with the preparation of the fingerprints, the criminal
27.7 records check consent form, and, through a fee of no more than \$44 per study, the criminal
27.8 background check.

27.9 Sec. 26. Minnesota Statutes 2022, section 245C.14, subdivision 1, is amended to read:

27.10 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
27.11 disqualify an individual who is the subject of a background study from any position allowing
27.12 direct contact with persons receiving services from the license holder or entity identified in
27.13 section 245C.03, upon receipt of information showing, or when a background study
27.14 completed under this chapter shows any of the following:

27.15 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section
27.16 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor,
27.17 or misdemeanor level crime;

27.18 (2) a preponderance of the evidence indicates the individual has committed an act or
27.19 acts that meet the definition of any of the crimes listed in section 245C.15, regardless of
27.20 whether the preponderance of the evidence is for a felony, gross misdemeanor, or
27.21 misdemeanor level crime; ~~or~~

27.22 (3) an investigation results in an administrative determination listed under section
27.23 245C.15, subdivision 4, paragraph (b); or

27.24 (4) the individual's parental rights have been terminated under section 260C.301,
27.25 subdivision 1, paragraph (b), or if the individual consented to a termination of parental rights
27.26 under section 260C.301, subdivision 1, paragraph (a), to settle a petition to involuntarily
27.27 terminate parental rights.

27.28 (b) No individual who is disqualified following a background study under section
27.29 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with
27.30 persons served by a program or entity identified in section 245C.03, unless the commissioner
27.31 has provided written notice under section 245C.17 stating that:

28.1 (1) the individual may remain in direct contact during the period in which the individual
28.2 may request reconsideration as provided in section 245C.21, subdivision 2;

28.3 (2) the commissioner has set aside the individual's disqualification for that program or
28.4 entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

28.5 (3) the license holder has been granted a variance for the disqualified individual under
28.6 section 245C.30.

28.7 (c) Notwithstanding paragraph (a), for the purposes of a background study affiliated
28.8 with a licensed family foster setting, the commissioner shall disqualify an individual who
28.9 is the subject of a background study from any position allowing direct contact with persons
28.10 receiving services from the license holder or entity identified in section 245C.03, upon
28.11 receipt of information showing or when a background study completed under this chapter
28.12 shows reason for disqualification under section 245C.15, subdivision 4a.

28.13 Sec. 27. Minnesota Statutes 2022, section 245C.14, is amended by adding a subdivision
28.14 to read:

28.15 Subd. 5. **Basis for disqualification.** Information obtained by entities from public
28.16 web-based data through NETStudy 2.0 or any other source that is not direct correspondence
28.17 from the commissioner is not a notice of disqualification from the commissioner under this
28.18 chapter.

28.19 Sec. 28. Minnesota Statutes 2023 Supplement, section 245C.15, subdivision 2, is amended
28.20 to read:

28.21 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14
28.22 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,
28.23 for the offense; and (2) the individual has committed a felony-level violation of any of the
28.24 following offenses: sections 152.021, subdivision 1 or 2b, (aggravated controlled substance
28.25 crime in the first degree; sale crimes); 152.022, subdivision 1 (controlled substance crime
28.26 in the second degree; sale crimes); 152.023, subdivision 1 (controlled substance crime in
28.27 the third degree; sale crimes); 152.024, subdivision 1 (controlled substance crime in the
28.28 fourth degree; sale crimes); 152.0263, subdivision 1 (possession of cannabis in the first
28.29 degree); 152.0264, subdivision 1 (sale of cannabis in the first degree); 152.0265, subdivision
28.30 1 (cultivation of cannabis in the first degree); 169A.24 (first-degree driving while impaired);
28.31 256.98 (wrongfully obtaining assistance); 260B.425 (criminal jurisdiction for contributing
28.32 to status as a juvenile petty offender or delinquency); 260C.425 (criminal jurisdiction for
28.33 contributing to need for protection or services); 268.182 (fraud); 393.07, subdivision 10,

29.1 paragraph (c) (federal SNAP fraud); 518B.01, subdivision 14 (violation of an order for
29.2 protection); 609.165 (felon ineligible to possess firearm); 609.2112, 609.2113, or 609.2114
29.3 (criminal vehicular homicide or injury); 609.215 (suicide); 609.223 or 609.2231 (assault in
29.4 the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree);
29.5 609.229 (crimes committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable
29.6 adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to
29.7 injure or facilitate crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in
29.8 the third degree); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child
29.9 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);
29.10 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child
29.11 in the second degree); 609.268 (injury or death of an unborn child in the commission of a
29.12 crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud);
29.13 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or
29.14 first-degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting
29.15 gear); 609.522 (organized retail theft); 609.525 (bringing stolen goods into Minnesota);
29.16 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored
29.17 checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582
29.18 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625
29.19 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check);
29.20 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67
29.21 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713
29.22 (terroristic threats); 609.746 (interference with privacy); 609.82 (fraud in obtaining credit);
29.23 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a
29.24 minor; repeat offenses under 617.241 (obscene materials and performances; distribution
29.25 and exhibition prohibited; penalty); or 624.713 (certain persons not to possess firearms).

29.26 (b) An individual is disqualified under section 245C.14 if less than 15 years has passed
29.27 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
29.28 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

29.29 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed
29.30 since the termination of the individual's parental rights under section 260C.301, subdivision
29.31 1, paragraph (b), ~~or subdivision 3~~ or since the individual consented to a termination of
29.32 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to
29.33 involuntarily terminate parental rights.

29.34 (d) An individual is disqualified under section 245C.14 if less than 15 years has passed
29.35 since the discharge of the sentence imposed for an offense in any other state or country, the

30.1 elements of which are substantially similar to the elements of the offenses listed in paragraph
30.2 (a) or since the termination of parental rights in any other state or country, the elements of
30.3 which are substantially similar to the elements listed in paragraph (c).

30.4 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the
30.5 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is
30.6 disqualified but the disqualification look-back period for the offense is the period applicable
30.7 to the gross misdemeanor or misdemeanor disposition.

30.8 (f) When a disqualification is based on a judicial determination other than a conviction,
30.9 the disqualification period begins from the date of the court order. When a disqualification
30.10 is based on an admission, the disqualification period begins from the date of an admission
30.11 in court. When a disqualification is based on an Alford Plea, the disqualification period
30.12 begins from the date the Alford Plea is entered in court. When a disqualification is based
30.13 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
30.14 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
30.15 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

30.16 Sec. 29. Minnesota Statutes 2022, section 245C.15, subdivision 3, is amended to read:

30.17 Subd. 3. **Ten-year disqualification.** (a) An individual is disqualified under section
30.18 245C.14 if: (1) less than ten years have passed since the discharge of the sentence imposed,
30.19 if any, for the offense; and (2) the individual has committed a gross misdemeanor-level
30.20 violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance);
30.21 260B.425 (criminal jurisdiction for contributing to status as a juvenile petty offender or
30.22 delinquency); 260C.425 (criminal jurisdiction for contributing to need for protection or
30.23 services); 268.182 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud);
30.24 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 or 609.222
30.25 (assault in the first or second degree); 609.223 or 609.2231 (assault in the third or fourth
30.26 degree); 609.224 (assault in the fifth degree); 609.224, subdivision 2, paragraph (c) (assault
30.27 in the fifth degree by a caregiver against a vulnerable adult); 609.2242 and 609.2243
30.28 (domestic assault); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of
30.29 residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal
30.30 neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult);
30.31 609.234 (failure to report maltreatment of a vulnerable adult); 609.265 (abduction); 609.275
30.32 (attempt to coerce); 609.324, subdivision 1a (other prohibited acts; minor engaged in
30.33 prostitution); 609.33 (disorderly house); 609.377 (malicious punishment of a child); 609.378
30.34 (neglect or endangerment of a child); 609.466 (medical assistance fraud); 609.52 (theft);

31.1 609.522 (organized retail theft); 609.525 (bringing stolen goods into Minnesota); 609.527
31.2 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks);
31.3 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.631
31.4 (check forgery; offering a forged check); 609.66 (dangerous weapons); 609.71 (riot); 609.72,
31.5 subdivision 3 (disorderly conduct against a vulnerable adult); ~~repeat offenses under 609.746~~
31.6 ~~(interference with privacy)~~; 609.749, subdivision 2 (harassment); 609.82 (fraud in obtaining
31.7 credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving
31.8 a minor; 617.241 (obscene materials and performances); 617.243 (indecent literature,
31.9 distribution); 617.293 (harmful materials; dissemination and display to minors prohibited);
31.10 or Minnesota Statutes 2012, section 609.21; or violation of an order for protection under
31.11 section 518B.01, subdivision 14.

31.12 (b) An individual is disqualified under section 245C.14 if less than ten years has passed
31.13 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
31.14 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

31.15 (c) An individual is disqualified under section 245C.14 if less than ten years has passed
31.16 since the discharge of the sentence imposed for an offense in any other state or country, the
31.17 elements of which are substantially similar to the elements of any of the offenses listed in
31.18 paragraph (a).

31.19 (d) If the individual studied commits one of the offenses listed in paragraph (a), but the
31.20 sentence or level of offense is a misdemeanor disposition, the individual is disqualified but
31.21 the disqualification lookback period for the offense is the period applicable to misdemeanors.

31.22 (e) When a disqualification is based on a judicial determination other than a conviction,
31.23 the disqualification period begins from the date of the court order. When a disqualification
31.24 is based on an admission, the disqualification period begins from the date of an admission
31.25 in court. When a disqualification is based on an Alford Plea, the disqualification period
31.26 begins from the date the Alford Plea is entered in court. When a disqualification is based
31.27 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
31.28 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
31.29 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

31.30 Sec. 30. Minnesota Statutes 2022, section 245C.15, subdivision 4, is amended to read:

31.31 Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section
31.32 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed,
31.33 if any, for the offense; and (2) the individual has committed a misdemeanor-level violation
31.34 of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 260B.425

32.1 (criminal jurisdiction for contributing to status as a juvenile petty offender or delinquency);
32.2 260C.425 (criminal jurisdiction for contributing to need for protection or services); 268.182
32.3 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.2112, 609.2113,
32.4 or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree);
32.5 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231
32.6 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic
32.7 assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report
32.8 maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree);
32.9 609.27 (coercion); violation of an order for protection under 609.3232 (protective order
32.10 authorized; procedures; penalties); 609.466 (medical assistance fraud); 609.52 (theft);
32.11 609.522 (organized retail theft); 609.525 (bringing stolen goods into Minnesota); 609.527
32.12 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks);
32.13 609.611 (insurance fraud); 609.66 (dangerous weapons); 609.665 (spring guns); 609.668
32.14 (explosive and incendiary devices); 609.746 (interference with privacy); 609.79 (obscene
32.15 or harassing telephone calls); 609.795 (letter, telegram, or package; opening; harassment);
32.16 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent
32.17 exposure), not involving a minor; 617.293 (harmful materials; dissemination and display
32.18 to minors prohibited); or Minnesota Statutes 2012, section 609.21; or violation of an order
32.19 for protection under section 518B.01 (Domestic Abuse Act).

32.20 (b) An individual is disqualified under section 245C.14 if less than seven years has
32.21 passed since a determination or disposition of the individual's:

32.22 (1) failure to make required reports under section 260E.06 or 626.557, subdivision 3,
32.23 for incidents in which: (i) the final disposition under section 626.557 or chapter 260E was
32.24 substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

32.25 (2) substantiated serious or recurring maltreatment of a minor under chapter 260E, a
32.26 vulnerable adult under section 626.557, or serious or recurring maltreatment in any other
32.27 state, the elements of which are substantially similar to the elements of maltreatment under
32.28 section 626.557 or chapter 260E for which: (i) there is a preponderance of evidence that
32.29 the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

32.30 (c) An individual is disqualified under section 245C.14 if less than seven years has
32.31 passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of
32.32 the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
32.33 Statutes.

33.1 (d) An individual is disqualified under section 245C.14 if less than seven years has
33.2 passed since the discharge of the sentence imposed for an offense in any other state or
33.3 country, the elements of which are substantially similar to the elements of any of the offenses
33.4 listed in paragraphs (a) and (b).

33.5 (e) When a disqualification is based on a judicial determination other than a conviction,
33.6 the disqualification period begins from the date of the court order. When a disqualification
33.7 is based on an admission, the disqualification period begins from the date of an admission
33.8 in court. When a disqualification is based on an Alford Plea, the disqualification period
33.9 begins from the date the Alford Plea is entered in court. When a disqualification is based
33.10 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
33.11 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
33.12 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

33.13 (f) An individual is disqualified under section 245C.14 if less than seven years has passed
33.14 since the individual was disqualified under section 256.98, subdivision 8.

33.15 Sec. 31. Minnesota Statutes 2023 Supplement, section 245C.15, subdivision 4a, is amended
33.16 to read:

33.17 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding
33.18 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
33.19 regardless of how much time has passed, an individual is disqualified under section 245C.14
33.20 if the individual committed an act that resulted in a felony-level conviction for sections:
33.21 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
33.22 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
33.23 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first
33.24 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
33.25 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
33.26 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
33.27 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
33.28 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
33.29 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);
33.30 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child
33.31 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663
33.32 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child
33.33 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);
33.34 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child

34.1 in the second degree); 609.268 (injury or death of an unborn child in the commission of a
34.2 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex
34.3 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,
34.4 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct
34.5 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
34.6 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
34.7 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory
34.8 conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual
34.9 conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of
34.10 a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary in the first
34.11 degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246 (use of
34.12 minors in sexual performance prohibited); or 617.247 (possession of pictorial representations
34.13 of minors).

34.14 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated
34.15 with a licensed family foster setting, an individual is disqualified under section 245C.14,
34.16 regardless of how much time has passed, if the individual:

34.17 (1) committed an action under paragraph (e) that resulted in death or involved sexual
34.18 abuse, as defined in section 260E.03, subdivision 20;

34.19 (2) committed an act that resulted in a gross misdemeanor-level conviction for section
34.20 609.3451 (criminal sexual conduct in the fifth degree);

34.21 (3) committed an act against or involving a minor that resulted in a felony-level conviction
34.22 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the
34.23 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);
34.24 or

34.25 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level
34.26 conviction for section 617.293 (dissemination and display of harmful materials to minors).

34.27 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
34.28 family foster setting, an individual is disqualified under section 245C.14 if fewer than 20
34.29 years have passed since the termination of the individual's parental rights under section
34.30 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of
34.31 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to
34.32 involuntarily terminate parental rights. An individual is disqualified under section 245C.14
34.33 if fewer than 20 years have passed since the termination of the individual's parental rights
34.34 in any other state or country, where the conditions for the individual's termination of parental

35.1 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph
35.2 (b).

35.3 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
35.4 family foster setting, an individual is disqualified under section 245C.14 if fewer than five
35.5 years have passed since a felony-level violation for sections: 152.021 (controlled substance
35.6 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023
35.7 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the
35.8 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
35.9 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
35.10 (possession of substance with intent to manufacture methamphetamine); 152.0263,
35.11 subdivision 1 (possession of cannabis in the first degree); 152.0264, subdivision 1 (sale of
35.12 cannabis in the first degree); 152.0265, subdivision 1 (cultivation of cannabis in the first
35.13 degree); 152.027, subdivision 6, paragraph (c) (sale or possession of synthetic cannabinoids);
35.14 152.096 (conspiracies prohibited); 152.097 (simulated controlled substances); 152.136
35.15 (anhydrous ammonia; prohibited conduct; criminal penalties; civil liabilities); 152.137
35.16 (methamphetamine-related crimes involving children or vulnerable adults); 169A.24 (felony
35.17 first-degree driving while impaired); 243.166 (violation of predatory offender registration
35.18 requirements); 609.2113 (criminal vehicular operation; bodily harm); 609.2114 (criminal
35.19 vehicular operation; unborn child); 609.228 (great bodily harm caused by distribution of
35.20 drugs); 609.2325 (criminal abuse of a vulnerable adult not resulting in the death of a
35.21 vulnerable adult); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate
35.22 a crime); 609.24 (simple robbery); 609.247, subdivision 4 (carjacking in the third degree);
35.23 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex
35.24 trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the
35.25 first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562
35.26 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2
35.27 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration);
35.28 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or
35.29 stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or
35.30 624.713 (certain people not to possess firearms).

35.31 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a
35.32 background study affiliated with a licensed family child foster care license, an individual
35.33 is disqualified under section 245C.14 if fewer than five years have passed since:

35.34 (1) a felony-level violation for an act not against or involving a minor that constitutes:
35.35 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third

36.1 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the
36.2 fifth degree);

36.3 (2) a violation of an order for protection under section 518B.01, subdivision 14;

36.4 (3) a determination or disposition of the individual's failure to make required reports
36.5 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition
36.6 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment
36.7 was recurring or serious;

36.8 (4) a determination or disposition of the individual's substantiated serious or recurring
36.9 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or
36.10 serious or recurring maltreatment in any other state, the elements of which are substantially
36.11 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet
36.12 the definition of serious maltreatment or recurring maltreatment;

36.13 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
36.14 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);
36.15 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
36.16 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

36.17 (6) committing an act against or involving a minor that resulted in a misdemeanor-level
36.18 violation of section 609.224, subdivision 1 (assault in the fifth degree).

36.19 (f) For purposes of this subdivision, the disqualification begins from:

36.20 (1) the date of the alleged violation, if the individual was not convicted;

36.21 (2) the date of conviction, if the individual was convicted of the violation but not
36.22 committed to the custody of the commissioner of corrections; or

36.23 (3) the date of release from prison, if the individual was convicted of the violation and
36.24 committed to the custody of the commissioner of corrections.

36.25 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation
36.26 of the individual's supervised release, the disqualification begins from the date of release
36.27 from the subsequent incarceration.

36.28 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the
36.29 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
36.30 Statutes, permanently disqualifies the individual under section 245C.14. An individual is
36.31 disqualified under section 245C.14 if fewer than five years have passed since the individual's

37.1 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs
37.2 (d) and (e).

37.3 (h) An individual's offense in any other state or country, where the elements of the
37.4 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),
37.5 permanently disqualifies the individual under section 245C.14. An individual is disqualified
37.6 under section 245C.14 if fewer than five years have passed since an offense in any other
37.7 state or country, the elements of which are substantially similar to the elements of any
37.8 offense listed in paragraphs (d) and (e).

37.9 Sec. 32. Minnesota Statutes 2022, section 245C.22, subdivision 4, is amended to read:

37.10 Subd. 4. **Risk of harm; set aside.** (a) The commissioner may set aside the disqualification
37.11 if the commissioner finds that the individual has submitted sufficient information to
37.12 demonstrate that the individual does not pose a risk of harm to any person served by the
37.13 applicant, license holder, or other entities as provided in this chapter.

37.14 (b) In determining whether the individual has met the burden of proof by demonstrating
37.15 the individual does not pose a risk of harm, the commissioner shall consider:

37.16 (1) the nature, severity, and consequences of the event or events that led to the
37.17 disqualification;

37.18 (2) whether there is more than one disqualifying event;

37.19 (3) the age and vulnerability of the victim at the time of the event;

37.20 (4) the harm suffered by the victim;

37.21 (5) vulnerability of persons served by the program;

37.22 (6) the similarity between the victim and persons served by the program;

37.23 (7) the time elapsed without a repeat of the same or similar event;

37.24 (8) documentation of successful completion by the individual studied of training or
37.25 rehabilitation pertinent to the event; and

37.26 (9) any other information relevant to reconsideration.

37.27 (c) For an individual seeking a child foster care license who is a relative of the child,
37.28 the commissioner shall consider the importance of maintaining the child's relationship with
37.29 relatives as an additional significant factor in determining whether a background study
37.30 disqualification should be set aside.

38.1 ~~(e)~~ (d) If the individual requested reconsideration on the basis that the information relied
38.2 upon to disqualify the individual was incorrect or inaccurate and the commissioner determines
38.3 that the information relied upon to disqualify the individual is correct, the commissioner
38.4 must also determine if the individual poses a risk of harm to persons receiving services in
38.5 accordance with paragraph (b).

38.6 ~~(d)~~ (e) For an individual seeking employment in the substance use disorder treatment
38.7 field, the commissioner shall set aside the disqualification if the following criteria are met:

38.8 (1) the individual is not disqualified for a crime of violence as listed under section
38.9 624.712, subdivision 5, except for the following crimes: crimes listed under section 152.021,
38.10 subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

38.11 (2) the individual is not disqualified under section 245C.15, subdivision 1;

38.12 (3) the individual is not disqualified under section 245C.15, subdivision 4, paragraph
38.13 (b);

38.14 (4) the individual provided documentation of successful completion of treatment, at least
38.15 one year prior to the date of the request for reconsideration, at a program licensed under
38.16 chapter 245G, and has had no disqualifying crimes or conduct under section 245C.15 after
38.17 the successful completion of treatment;

38.18 (5) the individual provided documentation demonstrating abstinence from controlled
38.19 substances, as defined in section 152.01, subdivision 4, for the period of one year prior to
38.20 the date of the request for reconsideration; and

38.21 (6) the individual is seeking employment in the substance use disorder treatment field.

38.22 Sec. 33. Minnesota Statutes 2022, section 245C.24, subdivision 2, is amended to read:

38.23 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
38.24 paragraphs (b) to ~~(f)~~ (g), the commissioner may not set aside the disqualification of any
38.25 individual disqualified pursuant to this chapter, regardless of how much time has passed,
38.26 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
38.27 1.

38.28 (b) For an individual in the substance use disorder or corrections field who was
38.29 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose
38.30 disqualification was set aside prior to July 1, 2005, the commissioner must consider granting
38.31 a variance pursuant to section 245C.30 for the license holder for a program dealing primarily
38.32 with adults. A request for reconsideration evaluated under this paragraph must include a

39.1 letter of recommendation from the license holder that was subject to the prior set-aside
39.2 decision addressing the individual's quality of care to children or vulnerable adults and the
39.3 circumstances of the individual's departure from that service.

39.4 (c) If an individual who requires a background study for nonemergency medical
39.5 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
39.6 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
39.7 passed since the discharge of the sentence imposed, the commissioner may consider granting
39.8 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
39.9 paragraph must include a letter of recommendation from the employer. This paragraph does
39.10 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
39.11 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
39.12 clause (1); 617.246; or 617.247.

39.13 (d) When a licensed foster care provider adopts an individual who had received foster
39.14 care services from the provider for over six months, and the adopted individual is required
39.15 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
39.16 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
39.17 to permit the adopted individual with a permanent disqualification to remain affiliated with
39.18 the license holder under the conditions of the variance when the variance is recommended
39.19 by the county of responsibility for each of the remaining individuals in placement in the
39.20 home and the licensing agency for the home.

39.21 (e) For an individual 18 years of age or older affiliated with a licensed family foster
39.22 setting, the commissioner must not set aside or grant a variance for the disqualification of
39.23 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
39.24 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
39.25 4a, paragraphs (a) and (b).

39.26 (f) In connection with a family foster setting license, the commissioner may grant a
39.27 variance to the disqualification for an individual who is under 18 years of age at the time
39.28 the background study is submitted.

39.29 (g) In connection with foster residence settings and children's residential facilities, the
39.30 commissioner must not set aside or grant a variance for the disqualification of any individual
39.31 disqualified pursuant to this chapter, regardless of how much time has passed, if the individual
39.32 was disqualified for a crime or conduct listed in section 245C.15, subdivision 4a, paragraph
39.33 (a) or (b).

40.1 Sec. 34. Minnesota Statutes 2022, section 245C.24, subdivision 5, is amended to read:

40.2 Subd. 5. **Five-year bar to set aside or variance disqualification; children's residential**
40.3 **facilities, foster residence settings.** The commissioner shall not set aside or grant a variance
40.4 for the disqualification of an individual in connection with a license for a children's residential
40.5 facility or foster residence setting who was convicted of a felony within the past five years
40.6 for: (1) physical assault or battery; or (2) a drug-related offense.

40.7 Sec. 35. Minnesota Statutes 2022, section 245C.24, subdivision 6, is amended to read:

40.8 Subd. 6. **Five-year bar to set aside disqualification; family foster setting.** (a) The
40.9 commissioner shall not set aside or grant a variance for the disqualification of an individual
40.10 18 years of age or older in connection with a foster family setting license if within five years
40.11 preceding the study the individual is convicted of a felony in section 245C.15, subdivision
40.12 4a, paragraph (d).

40.13 (b) In connection with a foster family setting license, the commissioner may set aside
40.14 or grant a variance to the disqualification for an individual who is under 18 years of age at
40.15 the time the background study is submitted.

40.16 (c) In connection with a foster family setting license, the commissioner may set aside
40.17 or grant a variance to the disqualification for an individual who is under 18 years of age at
40.18 the time the background study is submitted.

40.19 Sec. 36. Minnesota Statutes 2022, section 245C.30, is amended by adding a subdivision
40.20 to read:

40.21 Subd. 1b. **Child foster care variances.** For an individual seeking a child foster care
40.22 license who is a relative of the child, the commissioner shall consider the importance of
40.23 maintaining the child's relationship with relatives as an additional significant factor in
40.24 determining whether the individual should be granted a variance.

40.25 Sec. 37. Minnesota Statutes 2022, section 245F.09, subdivision 2, is amended to read:

40.26 Subd. 2. **Protective procedures plan.** A license holder must have a written policy and
40.27 procedure that establishes the protective procedures that program staff must follow when
40.28 a patient is in imminent danger of harming self or others. The policy must be appropriate
40.29 to the type of facility and the level of staff training. The protective procedures policy must
40.30 include:

- 41.1 (1) an approval signed and dated by the program director and medical director prior to
41.2 implementation. Any changes to the policy must also be approved, signed, and dated by the
41.3 current program director and the medical director prior to implementation;
- 41.4 (2) which protective procedures the license holder will use to prevent patients from
41.5 imminent danger of harming self or others;
- 41.6 (3) the emergency conditions under which the protective procedures are permitted to be
41.7 used, if any;
- 41.8 (4) the patient's health conditions that limit the specific procedures that may be used and
41.9 alternative means of ensuring safety;
- 41.10 (5) emergency resources the program staff must contact when a patient's behavior cannot
41.11 be controlled by the procedures established in the policy;
- 41.12 (6) the training that staff must have before using any protective procedure;
- 41.13 (7) documentation of approved therapeutic holds;
- 41.14 (8) the use of law enforcement personnel as described in subdivision 4;
- 41.15 (9) standards governing emergency use of seclusion. Seclusion must be used only when
41.16 less restrictive measures are ineffective or not feasible. The standards in items (i) to (vii)
41.17 must be met when seclusion is used with a patient:
- 41.18 (i) seclusion must be employed solely for the purpose of preventing a patient from
41.19 imminent danger of harming self or others;
- 41.20 (ii) seclusion rooms must be equipped in a manner that prevents patients from self-harm
41.21 using projections, windows, electrical fixtures, or hard objects, and must allow the patient
41.22 to be readily observed without being interrupted;
- 41.23 (iii) seclusion must be authorized by the program director, a licensed physician, a
41.24 registered nurse, or a licensed physician assistant. If one of these individuals is not present
41.25 in the facility, the program director or a licensed physician, registered nurse, or physician
41.26 assistant must be contacted and authorization must be obtained within 30 minutes of initiating
41.27 seclusion, according to written policies;
- 41.28 (iv) patients must not be placed in seclusion for more than 12 hours at any one time;
- 41.29 (v) once the condition of a patient in seclusion has been determined to be safe enough
41.30 to end continuous observation, a patient in seclusion must be observed at a minimum of
41.31 every 15 minutes for the duration of seclusion and must always be within hearing range of
41.32 program staff;

42.1 (vi) a process for program staff to use to remove a patient to other resources available
42.2 to the facility if seclusion does not sufficiently assure patient safety; and

42.3 (vii) a seclusion area may be used for other purposes, such as intensive observation, if
42.4 the room meets normal standards of care for the purpose and if the room is not locked; and

42.5 (10) physical holds may only be used when less restrictive measures are not feasible.

42.6 The standards in items (i) to (iv) must be met when physical holds are used with a patient:

42.7 (i) physical holds must be employed solely for preventing a patient from imminent
42.8 danger of harming self or others;

42.9 (ii) physical holds must be authorized by the program director, a licensed physician, a
42.10 registered nurse, or a physician assistant. If one of these individuals is not present in the
42.11 facility, the program director or a licensed physician, registered nurse, or physician assistant
42.12 must be contacted and authorization must be obtained within 30 minutes of initiating a
42.13 physical hold, according to written policies;

42.14 (iii) the patient's health concerns must be considered in deciding whether to use physical
42.15 holds and which holds are appropriate for the patient; and

42.16 (iv) only approved holds may be utilized. Prone and contraindicated holds are not allowed
42.17 according to section 245A.211 and must not be authorized.

42.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

42.19 Sec. 38. Minnesota Statutes 2022, section 245F.14, is amended by adding a subdivision
42.20 to read:

42.21 **Subd. 8. Notification to commissioner of changes in key staff positions.** A license
42.22 holder must notify the commissioner within five business days of a change or vacancy in a
42.23 key staff position. The key positions are a program director as required by subdivision 1, a
42.24 registered nurse as required by subdivision 4, and a medical director as required by
42.25 subdivision 5. The license holder must notify the commissioner of the staffing change or
42.26 vacancy on a form approved by the commissioner and include the name of the staff person
42.27 now assigned to the key staff position and the staff person's qualifications for the position.

42.28 **EFFECTIVE DATE.** This section is effective January 1, 2025.

43.1 Sec. 39. Minnesota Statutes 2022, section 245F.17, is amended to read:

43.2 **245F.17 PERSONNEL FILES.**

43.3 A license holder must maintain a separate personnel file for each staff member. At a
43.4 minimum, the file must contain:

43.5 (1) a completed application for employment signed by the staff member that contains
43.6 the staff member's qualifications for employment and documentation related to the applicant's
43.7 background study data, as defined in chapter 245C;

43.8 (2) documentation of the staff member's current professional license or registration, if
43.9 relevant;

43.10 (3) documentation of orientation and subsequent training; and

43.11 ~~(4) documentation of a statement of freedom from substance use problems; and~~

43.12 ~~(5)~~ (4) an annual job performance evaluation.

43.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

43.14 Sec. 40. Minnesota Statutes 2022, section 245G.07, subdivision 4, is amended to read:

43.15 Subd. 4. **Location of service provision.** ~~The license holder may provide services at any~~
43.16 ~~of the license holder's licensed locations or at another suitable location including a school,~~
43.17 ~~government building, medical or behavioral health facility, or social service organization,~~
43.18 ~~upon notification and approval of the commissioner. If services are provided off site from~~
43.19 ~~the licensed site, the reason for the provision of services remotely must be documented.~~
43.20 ~~The license holder may provide additional services under subdivision 2, clauses (2) to (5),~~
43.21 ~~off site if the license holder includes a policy and procedure detailing the off-site location~~
43.22 ~~as a part of the treatment service description and the program abuse prevention plan.~~

43.23 (a) The license holder must provide all treatment services a client receives at one of the
43.24 license holder's substance use disorder treatment licensed locations or at a location allowed
43.25 under paragraphs (b) to (f). If the services are provided at the locations in paragraphs (b) to
43.26 (d), the license holder must document in the client record the location services were provided.

43.27 (b) The license holder may provide nonresidential individual treatment services at a
43.28 client's home or place of residence.

43.29 (c) If the license holder provides treatment services by telehealth, the services must be
43.30 provided according to this paragraph:

44.1 (1) the license holder must maintain a licensed physical location in Minnesota where
44.2 the license holder must offer all treatment services in subdivision 1, paragraph (a), clauses
44.3 (1) to (4), physically in-person to each client;

44.4 (2) the license holder must meet all requirements for the provision of telehealth in sections
44.5 254B.05, subdivision 5, paragraph (f), and 256B.0625, subdivision 3b. The license holder
44.6 must document all items in section 256B.0625, subdivision 3b, paragraph (c), for each client
44.7 receiving services by telehealth, regardless of payment type or whether the client is a medical
44.8 assistance enrollee;

44.9 (3) the license holder may provide treatment services by telehealth to clients individually;

44.10 (4) the license holder may provide treatment services by telehealth to a group of clients
44.11 that are each in a separate physical location;

44.12 (5) the license holder must not provide treatment services remotely by telehealth to a
44.13 group of clients meeting together in person;

44.14 (6) clients and staff may join an in-person group by telehealth if a staff member qualified
44.15 to provide the treatment service is physically present with the group of clients meeting
44.16 together in person; and

44.17 (7) the qualified professional providing a residential group treatment service by telehealth
44.18 must be physically present on-site at the licensed residential location while the service is
44.19 being provided.

44.20 (d) The license holder may provide the additional treatment services under subdivision
44.21 2, clauses (2) to (5) and (8), away from the licensed location at a suitable location appropriate
44.22 to the treatment service.

44.23 (e) Upon written approval from the commissioner for each satellite location, the license
44.24 holder may provide nonresidential treatment services at satellite locations that are in a
44.25 school, jail, or nursing home. A satellite location may only provide services to students of
44.26 the school, inmates of the jail, or residents of the nursing home. Schools, jails, and nursing
44.27 homes are exempt from the licensing requirements in section 245A.04, subdivision 2a, to
44.28 document compliance with building codes, fire and safety codes, health rules, and zoning
44.29 ordinances.

44.30 (f) The commissioner may approve other suitable locations as satellite locations for
44.31 nonresidential treatment services. The commissioner may require satellite locations under
44.32 this paragraph to meet all applicable licensing requirements. The license holder may not
44.33 have more than two satellite locations per license under this paragraph.

45.1 (g) The license holder must provide the commissioner access to all files, documentation,
45.2 staff persons, and any other information the commissioner requires at the main licensed
45.3 location for all clients served at any location under paragraphs (b) to (f).

45.4 (h) Notwithstanding sections 245A.65, subdivision 2, and 626.557, subdivision 14, a
45.5 program abuse prevention plan is not required for satellite or other locations under paragraphs
45.6 (b) to (e). An individual abuse prevention plan is still required for any client that is a
45.7 vulnerable adult as defined in section 626.5572, subdivision 21.

45.8 **EFFECTIVE DATE.** This section is effective January 1, 2025.

45.9 Sec. 41. Minnesota Statutes 2022, section 245G.08, subdivision 5, is amended to read:

45.10 Subd. 5. **Administration of medication and assistance with self-medication.** (a) A
45.11 license holder must meet the requirements in this subdivision if a service provided includes
45.12 the administration of medication.

45.13 (b) A staff member, other than a licensed practitioner or nurse, who is delegated by a
45.14 licensed practitioner or a registered nurse the task of administration of medication or assisting
45.15 with self-medication, must:

45.16 (1) successfully complete a medication administration training program for unlicensed
45.17 personnel through an accredited Minnesota postsecondary educational institution. A staff
45.18 member's completion of the course must be documented in writing and placed in the staff
45.19 member's personnel file;

45.20 (2) be trained according to a formalized training program that is taught by a registered
45.21 nurse and offered by the license holder. ~~The training must include the process for~~
45.22 ~~administration of naloxone, if naloxone is kept on site.~~ A staff member's completion of the
45.23 training must be documented in writing and placed in the staff member's personnel records;
45.24 or

45.25 (3) demonstrate to a registered nurse competency to perform the delegated activity. A
45.26 registered nurse must be employed or contracted to develop the policies and procedures for
45.27 administration of medication or assisting with self-administration of medication, or both.

45.28 (c) A registered nurse must provide supervision as defined in section 148.171, subdivision
45.29 23. The registered nurse's supervision must include, at a minimum, monthly on-site
45.30 supervision or more often if warranted by a client's health needs. The policies and procedures
45.31 must include:

46.1 (1) a provision that a delegation of administration of medication is limited to a method
46.2 a staff member has been trained to administer and limited to:

46.3 (i) a medication that is administered orally, topically, or as a suppository, an eye drop,
46.4 an ear drop, an inhalant, or an intranasal; and

46.5 (ii) an intramuscular injection of ~~naloxone~~ an opiate antagonist as defined in section
46.6 604A.04, subdivision 1, or epinephrine;

46.7 (2) a provision that each client's file must include documentation indicating whether
46.8 staff must conduct the administration of medication or the client must self-administer
46.9 medication, or both;

46.10 (3) a provision that a client may carry emergency medication such as nitroglycerin as
46.11 instructed by the client's physician, advanced practice registered nurse, or physician assistant;

46.12 (4) a provision for the client to self-administer medication when a client is scheduled to
46.13 be away from the facility;

46.14 (5) a provision that if a client self-administers medication when the client is present in
46.15 the facility, the client must self-administer medication under the observation of a trained
46.16 staff member;

46.17 (6) a provision that when a license holder serves a client who is a parent with a child,
46.18 the parent may only administer medication to the child under a staff member's supervision;

46.19 (7) requirements for recording the client's use of medication, including staff signatures
46.20 with date and time;

46.21 (8) guidelines for when to inform a nurse of problems with self-administration of
46.22 medication, including a client's failure to administer, refusal of a medication, adverse
46.23 reaction, or error; and

46.24 (9) procedures for acceptance, documentation, and implementation of a prescription,
46.25 whether written, verbal, telephonic, or electronic.

46.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

46.27 Sec. 42. Minnesota Statutes 2022, section 245G.08, subdivision 6, is amended to read:

46.28 Subd. 6. **Control of drugs.** A license holder must have and implement written policies
46.29 and procedures developed by a registered nurse that contain:

47.1 (1) a requirement that each drug must be stored in a locked compartment. A Schedule
47.2 II drug, as defined by section 152.02, subdivision 3, must be stored in a separately locked
47.3 compartment, permanently affixed to the physical plant or medication cart;

47.4 (2) a system which accounts for all scheduled drugs each shift;

47.5 (3) a procedure for recording the client's use of medication, including the signature of
47.6 the staff member who completed the administration of the medication with the time and
47.7 date;

47.8 (4) a procedure to destroy a discontinued, outdated, or deteriorated medication;

47.9 (5) a statement that only authorized personnel are permitted access to the keys to a locked
47.10 compartment;

47.11 (6) a statement that no legend drug supply for one client shall be given to another client;
47.12 and

47.13 (7) a procedure for monitoring the available supply of ~~naloxone~~ an opiate antagonist as
47.14 defined in section 604A.04, subdivision 1, on site, and replenishing the naloxone supply
47.15 when needed, and destroying naloxone according to clause (4).

47.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.17 Sec. 43. Minnesota Statutes 2022, section 245G.10, is amended by adding a subdivision
47.18 to read:

47.19 **Subd. 6. Notification to commissioner of changes in key staff positions.** A license
47.20 holder must notify the commissioner within five business days of a change or vacancy in a
47.21 key staff position. The key positions are a treatment director as required by subdivision 1,
47.22 an alcohol and drug counselor supervisor as required by subdivision 2, and a registered
47.23 nurse as required by section 245G.08, subdivision 5, paragraph (c). The license holder must
47.24 notify the commissioner of the staffing change or vacancy on a form approved by the
47.25 commissioner and include the name of the staff person now assigned to the key staff position
47.26 and the staff person's qualifications for the position.

47.27 **EFFECTIVE DATE.** This section is effective January 1, 2025.

47.28 Sec. 44. Minnesota Statutes 2023 Supplement, section 245G.22, subdivision 2, is amended
47.29 to read:

47.30 **Subd. 2. Definitions.** (a) For purposes of this section, the terms defined in this subdivision
47.31 have the meanings given them.

48.1 (b) "Diversion" means the use of a medication for the treatment of opioid addiction being
48.2 diverted from intended use of the medication.

48.3 (c) "Guest dose" means administration of a medication used for the treatment of opioid
48.4 addiction to a person who is not a client of the program that is administering or dispensing
48.5 the medication.

48.6 (d) "Medical director" means a practitioner licensed to practice medicine in the
48.7 jurisdiction that the opioid treatment program is located who assumes responsibility for
48.8 administering all medical services performed by the program, either by performing the
48.9 services directly or by delegating specific responsibility to a practitioner of the opioid
48.10 treatment program.

48.11 (e) "Medication used for the treatment of opioid use disorder" means a medication
48.12 approved by the Food and Drug Administration for the treatment of opioid use disorder.

48.13 (f) "Minnesota health care programs" has the meaning given in section 256B.0636.

48.14 (g) "Opioid treatment program" has the meaning given in Code of Federal Regulations,
48.15 title 42, section 8.12, and includes programs licensed under this chapter.

48.16 (h) "Practitioner" means a staff member holding a current, unrestricted license to practice
48.17 medicine issued by the Board of Medical Practice or nursing issued by the Board of Nursing
48.18 and is currently registered with the Drug Enforcement Administration to order or dispense
48.19 controlled substances in Schedules II to V under the Controlled Substances Act, United
48.20 States Code, title 21, part B, section 821. ~~Practitioner includes an advanced practice registered~~
48.21 ~~nurse and physician assistant if the staff member receives a variance by the state opioid~~
48.22 ~~treatment authority under section 254A.03 and the federal Substance Abuse and Mental~~
48.23 ~~Health Services Administration.~~

48.24 (i) "Unsupervised use" or "take-home" means the use of a medication for the treatment
48.25 of opioid use disorder dispensed for use by a client outside of the program setting.

48.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

48.27 Sec. 45. Minnesota Statutes 2022, section 245G.22, subdivision 6, is amended to read:

48.28 Subd. 6. **Criteria for unsupervised use.** (a) To limit the potential for diversion of
48.29 medication used for the treatment of opioid use disorder to the illicit market, medication
48.30 dispensed to a client for unsupervised use shall be subject to the requirements of this
48.31 subdivision. Any client in an opioid treatment program may receive a single unsupervised
48.32 use dose for a day that the clinic is closed for business, including Sundays and state and

49.1 ~~federal holidays~~ their individualized take-home doses as ordered for days that the clinic is
 49.2 closed for business, on one weekend day (e.g., Sunday) and state and federal holidays, no
 49.3 matter their length of time in treatment, as allowed under Code of Federal Regulations, title
 49.4 42, part 8.12 (i)(1).

49.5 (b) For take-home doses beyond those allowed by paragraph (a), a practitioner with
 49.6 authority to prescribe must review and document the criteria in this paragraph and paragraph
 49.7 (e) the Code of Federal Regulations, title 42, part 8.12 (i)(2), when determining whether
 49.8 dispensing medication for a client's unsupervised use is safe and it is appropriate to
 49.9 implement, increase, or extend the amount of time between visits to the program. The criteria
 49.10 are:

49.11 ~~(1) absence of recent abuse of drugs including but not limited to opioids, non-narcotics,~~
 49.12 ~~and alcohol;~~

49.13 ~~(2) regularity of program attendance;~~

49.14 ~~(3) absence of serious behavioral problems at the program;~~

49.15 ~~(4) absence of known recent criminal activity such as drug dealing;~~

49.16 ~~(5) stability of the client's home environment and social relationships;~~

49.17 ~~(6) length of time in comprehensive maintenance treatment;~~

49.18 ~~(7) reasonable assurance that unsupervised use medication will be safely stored within~~
 49.19 ~~the client's home; and~~

49.20 ~~(8) whether the rehabilitative benefit the client derived from decreasing the frequency~~
 49.21 ~~of program attendance outweighs the potential risks of diversion or unsupervised use.~~

49.22 (c) The determination, including the basis of the determination must be documented by
 49.23 a practitioner in the client's medical record.

49.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

49.25 Sec. 46. Minnesota Statutes 2022, section 245G.22, subdivision 7, is amended to read:

49.26 Subd. 7. **Restrictions for unsupervised use of methadone hydrochloride.** (a) If a
 49.27 ~~medical director or prescribing~~ practitioner assesses ~~and,~~ determines, and documents that
 49.28 a client meets the criteria in subdivision 6 ~~and may be dispensed a medication used for the~~
 49.29 ~~treatment of opioid addiction, the restrictions in this subdivision must be followed when~~
 49.30 ~~the medication to be dispensed is methadone hydrochloride. The results of the assessment~~
 49.31 ~~must be contained in the client file. The number of unsupervised use medication doses per~~

50.1 ~~week in paragraphs (b) to (d) is in addition to the number of unsupervised use medication~~
50.2 ~~doses a client may receive for days the clinic is closed for business as allowed by subdivision~~
50.3 ~~6, paragraph (a) and that a patient is safely able to manage unsupervised doses of methadone,~~
50.4 ~~the number of take-home doses the client receives must be limited by the number allowed~~
50.5 ~~by the Code of Federal Regulations, title 42, part 8.12 (i)(3).~~

50.6 ~~(b) During the first 90 days of treatment, the unsupervised use medication supply must~~
50.7 ~~be limited to a maximum of a single dose each week and the client shall ingest all other~~
50.8 ~~doses under direct supervision.~~

50.9 ~~(c) In the second 90 days of treatment, the unsupervised use medication supply must be~~
50.10 ~~limited to two doses per week.~~

50.11 ~~(d) In the third 90 days of treatment, the unsupervised use medication supply must not~~
50.12 ~~exceed three doses per week.~~

50.13 ~~(e) In the remaining months of the first year, a client may be given a maximum six-day~~
50.14 ~~unsupervised use medication supply.~~

50.15 ~~(f) After one year of continuous treatment, a client may be given a maximum two-week~~
50.16 ~~unsupervised use medication supply.~~

50.17 ~~(g) After two years of continuous treatment, a client may be given a maximum one-month~~
50.18 ~~unsupervised use medication supply, but must make monthly visits to the program.~~

50.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

50.20 Sec. 47. Minnesota Statutes 2023 Supplement, section 245G.22, subdivision 17, is amended
50.21 to read:

50.22 Subd. 17. **Policies and procedures.** (a) A license holder must develop and maintain the
50.23 policies and procedures required in this subdivision.

50.24 (b) For a program that is not open every day of the year, the license holder must maintain
50.25 a policy and procedure that covers requirements under section 245G.22, subdivisions 6 and
50.26 7. Unsupervised use of medication used for the treatment of opioid use disorder for days
50.27 that the program is closed for business, ~~including but not limited to Sundays~~ on one weekend
50.28 day and state and federal holidays, must meet the requirements under section 245G.22,
50.29 subdivisions 6 and 7.

50.30 (c) The license holder must maintain a policy and procedure that includes specific
50.31 measures to reduce the possibility of diversion. The policy and procedure must:

51.1 (1) specifically identify and define the responsibilities of the medical and administrative
51.2 staff for performing diversion control measures; and

51.3 (2) include a process for contacting no less than five percent of clients who have
51.4 unsupervised use of medication, excluding clients approved solely under subdivision 6,
51.5 paragraph (a), to require clients to physically return to the program each month. The system
51.6 must require clients to return to the program within a stipulated time frame and turn in all
51.7 unused medication containers related to opioid use disorder treatment. The license holder
51.8 must document all related contacts on a central log and the outcome of the contact for each
51.9 client in the client's record. The medical director must be informed of each outcome that
51.10 results in a situation in which a possible diversion issue was identified.

51.11 (d) Medication used for the treatment of opioid use disorder must be ordered,
51.12 administered, and dispensed according to applicable state and federal regulations and the
51.13 standards set by applicable accreditation entities. If a medication order requires assessment
51.14 by the person administering or dispensing the medication to determine the amount to be
51.15 administered or dispensed, the assessment must be completed by an individual whose
51.16 professional scope of practice permits an assessment. For the purposes of enforcement of
51.17 this paragraph, the commissioner has the authority to monitor the person administering or
51.18 dispensing the medication for compliance with state and federal regulations and the relevant
51.19 standards of the license holder's accreditation agency and may issue licensing actions
51.20 according to sections 245A.05, 245A.06, and 245A.07, based on the commissioner's
51.21 determination of noncompliance.

51.22 (e) A counselor in an opioid treatment program must not supervise more than 50 clients.

51.23 (f) Notwithstanding paragraph (e), from July 1, 2023, to June 30, 2024, a counselor in
51.24 an opioid treatment program may supervise up to 60 clients. The license holder may continue
51.25 to serve a client who was receiving services at the program on June 30, 2024, at a counselor
51.26 to client ratio of up to one to 60 and is not required to discharge any clients in order to return
51.27 to the counselor to client ratio of one to 50. The license holder may not, however, serve a
51.28 new client after June 30, 2024, unless the counselor who would supervise the new client is
51.29 supervising fewer than 50 existing clients.

51.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

52.1 Sec. 48. Minnesota Statutes 2023 Supplement, section 256.046, subdivision 3, is amended
52.2 to read:

52.3 Subd. 3. **Administrative disqualification of child care providers caring for children**
52.4 **receiving child care assistance.** (a) The department shall pursue an administrative
52.5 disqualification, if the child care provider is accused of committing an intentional program
52.6 violation, in lieu of a criminal action when it has not been pursued. Intentional program
52.7 violations include intentionally making false or misleading statements; intentionally
52.8 misrepresenting, concealing, or withholding facts; and repeatedly and intentionally violating
52.9 program regulations under chapters 119B and 245E. Intent may be proven by demonstrating
52.10 a pattern of conduct that violates program rules under chapters 119B and 245E.

52.11 (b) To initiate an administrative disqualification, the commissioner must ~~mail~~ send
52.12 written notice ~~by certified mail~~ using a signature-verified confirmed delivery method to the
52.13 provider against whom the action is being taken. Unless otherwise specified under chapter
52.14 119B or 245E or Minnesota Rules, chapter 3400, the commissioner must ~~mail~~ send the
52.15 written notice at least 15 calendar days before the adverse action's effective date. The notice
52.16 shall state (1) the factual basis for the agency's determination, (2) the action the agency
52.17 intends to take, (3) the dollar amount of the monetary recovery or recoupment, if known,
52.18 and (4) the provider's right to appeal the agency's proposed action.

52.19 (c) The provider may appeal an administrative disqualification by submitting a written
52.20 request to the Department of Human Services, Appeals Division. A provider's request must
52.21 be received by the Appeals Division no later than 30 days after the date the commissioner
52.22 mails the notice.

52.23 (d) The provider's appeal request must contain the following:

52.24 (1) each disputed item, the reason for the dispute, and, if applicable, an estimate of the
52.25 dollar amount involved for each disputed item;

52.26 (2) the computation the provider believes to be correct, if applicable;

52.27 (3) the statute or rule relied on for each disputed item; and

52.28 (4) the name, address, and telephone number of the person at the provider's place of
52.29 business with whom contact may be made regarding the appeal.

52.30 (e) On appeal, the issuing agency bears the burden of proof to demonstrate by a
52.31 preponderance of the evidence that the provider committed an intentional program violation.

52.32 (f) The hearing is subject to the requirements of sections 256.045 and 256.0451. The
52.33 human services judge may combine a fair hearing and administrative disqualification hearing

53.1 into a single hearing if the factual issues arise out of the same or related circumstances and
53.2 the provider receives prior notice that the hearings will be combined.

53.3 (g) A provider found to have committed an intentional program violation and is
53.4 administratively disqualified shall be disqualified, for a period of three years for the first
53.5 offense and permanently for any subsequent offense, from receiving any payments from
53.6 any child care program under chapter 119B.

53.7 (h) Unless a timely and proper appeal made under this section is received by the
53.8 department, the administrative determination of the department is final and binding.

53.9 **EFFECTIVE DATE.** This section is effective August 1, 2024.

53.10 Sec. 49. Minnesota Statutes 2023 Supplement, section 256B.064, subdivision 4, is amended
53.11 to read:

53.12 Subd. 4. **Notice.** (a) The department shall serve the notice required under subdivision 2
53.13 ~~by certified mail at~~ using a signature-verified confirmed delivery method to the address
53.14 submitted to the department by the individual or entity. Service is complete upon mailing.

53.15 (b) The department shall give notice in writing to a recipient placed in the Minnesota
53.16 restricted recipient program under section 256B.0646 and Minnesota Rules, part 9505.2200.
53.17 The department shall send the notice by first class mail to the recipient's current address on
53.18 file with the department. A recipient placed in the Minnesota restricted recipient program
53.19 may contest the placement by submitting a written request for a hearing to the department
53.20 within 90 days of the notice being mailed.

53.21 Sec. 50. Minnesota Statutes 2022, section 260E.33, subdivision 2, is amended to read:

53.22 Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an
53.23 individual or facility that the commissioner of human services, a local welfare agency, or
53.24 the commissioner of education determines has maltreated a child, an interested person acting
53.25 on behalf of the child, regardless of the determination, who contests the investigating agency's
53.26 final determination regarding maltreatment may request the investigating agency to reconsider
53.27 its final determination regarding maltreatment. The request for reconsideration must be
53.28 submitted in writing or submitted in the provider licensing and reporting hub to the
53.29 investigating agency within 15 calendar days after receipt of notice of the final determination
53.30 regarding maltreatment or, if the request is made by an interested person who is not entitled
53.31 to notice, within 15 days after receipt of the notice by the parent or guardian of the child.
53.32 If mailed, the request for reconsideration must be postmarked and sent to the investigating

54.1 agency within 15 calendar days of the individual's or facility's receipt of the final
54.2 determination. If the request for reconsideration is made by personal service, it must be
54.3 received by the investigating agency within 15 calendar days after the individual's or facility's
54.4 receipt of the final determination. Upon implementation of the provider licensing and
54.5 reporting hub, the individual or facility must use the hub to request reconsideration. The
54.6 reconsideration must be received by the commissioner within 15 calendar days of the
54.7 individual's receipt of the notice of disqualification.

54.8 (b) An individual who was determined to have maltreated a child under this chapter and
54.9 who was disqualified on the basis of serious or recurring maltreatment under sections
54.10 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and
54.11 the disqualification. The request for reconsideration of the maltreatment determination and
54.12 the disqualification must be submitted within 30 calendar days of the individual's receipt
54.13 of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request
54.14 for reconsideration of the maltreatment determination and the disqualification must be
54.15 postmarked and sent to the investigating agency within 30 calendar days of the individual's
54.16 receipt of the maltreatment determination and notice of disqualification. If the request for
54.17 reconsideration is made by personal service, it must be received by the investigating agency
54.18 within 30 calendar days after the individual's receipt of the notice of disqualification.

54.19 Sec. 51. **REPEALER.**

54.20 (a) Minnesota Statutes 2022, section 245C.125, is repealed.

54.21 (b) Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 2, is repealed.

54.22 (c) Minnesota Rules, part 9502.0425, subparts 5 and 10, are repealed.

245C.08 BACKGROUND STUDY; COMMISSIONER REVIEWS.

Subd. 2. **Background studies conducted by a county agency for family child care.** (a) Before the implementation of NETStudy 2.0, for a background study conducted by a county agency for family child care services, the commissioner shall review:

(1) information from the county agency's record of substantiated maltreatment of adults and the maltreatment of minors;

(2) information from juvenile courts as required in subdivision 4 for:

(i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13 through 23 living in the household where the licensed services will be provided; and

(ii) any other individual listed under section 245C.03, subdivision 1, when there is reasonable cause; and

(3) information from the Bureau of Criminal Apprehension.

(b) If the individual has resided in the county for less than five years, the study shall include the records specified under paragraph (a) for the previous county or counties of residence for the past five years.

(c) Notwithstanding expungement by a court, the county agency may consider information obtained under paragraph (a), clause (3), unless:

(1) the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner; or

(2) the commissioner received notice of the expungement order issued pursuant to section 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically to the commissioner.

245C.125 BACKGROUND STUDY; HEAD START PROGRAMS.

(a) Head Start programs that receive funds under section 119A.52 may contract with the commissioner to:

(1) conduct background studies on individuals affiliated with a Head Start program; and

(2) obtain background study data on individuals affiliated with a Head Start program.

(b) The commissioner must include a national criminal history record check in a background study conducted under paragraph (a).

(c) A Head Start program site that does not contract with the commissioner, is not licensed, and is not registered to receive payments under chapter 119B is exempt from the relevant requirements in this chapter. Nothing in this section supersedes requirements for background studies in this chapter or chapter 119B or 245H that relate to licensed child care programs or programs registered to receive payments under chapter 119B. For a background study conducted under this section to be transferable to other child care entities, the study must include all components of studies for a certified license-exempt child care center under this chapter.

9502.0425 PHYSICAL ENVIRONMENT.

Subp. 5. **Occupancy separations.** Day care residences with an attached garage must have a self-closing, tight fitting solid wood bonded core door at least 1-3/8 inch thick, or door with a fire protection rating of 20 minutes or greater and a separation wall consisting of 5/8 inch thick gypsum wallboard or its equivalent on the garage side between the residence and garage.

Subp. 10. **Stairways.** All stairways must meet the following conditions.

A. Stairways of three or more steps must have handrails.

B. Any open area between the handrail and stair tread must be enclosed with a protective guardrail as specified in the State Building Code. The back of the stair risers must be enclosed.

C. Gates or barriers must be used when children between the ages of 6 and 18 months are in care.

D. Stairways must be well-lighted, in good repair, and free of clutter and obstructions.