

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2356

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DATE	D-PG	OFFICIAL STATUS
03/01/2023	1204	Introduction and first reading Referred to Health and Human Services
03/06/2023	1367	Author added Mitchell See HF1403, SF2995

1.1 A bill for an act

1.2 relating to human services; modifying provisions dealing with child care safety

1.3 and correction orders, human services licensing qualifications, infant safety, and

1.4 foster care and child care training; amending Minnesota Statutes 2022, sections

1.5 245A.04, subdivision 4; 245A.05; 245A.07, subdivisions 1, 3; 245A.11, by adding

1.6 a subdivision; 245A.14, subdivision 4; 245A.1435; 245A.146, subdivision 3;

1.7 245A.16, subdivisions 1, 9, by adding a subdivision; 245A.18, subdivision 2;

1.8 245A.22, by adding a subdivision; 245A.52, subdivisions 1, 2, 3, 5, by adding

1.9 subdivisions; 245A.66, by adding a subdivision; 245C.15, subdivision 4a; 245E.06,

1.10 subdivision 3; 245E.08; 245G.13, subdivision 2; 245H.03, by adding a subdivision;

1.11 245H.05; 245H.08, subdivisions 4, 5; 245H.13, subdivisions 3, 7; proposing coding

1.12 for new law in Minnesota Statutes, chapters 119B; 245A; repealing Minnesota

1.13 Statutes 2022, sections 245A.144; 245A.175; Minnesota Rules, parts 2960.3070;

1.14 2960.3210; 9502.0425, subparts 5, 10.

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

1.16 Section 1. [119B.162] RECONSIDERATION OF CORRECTION ORDERS.

1.17 (a) If a provider believes that the contents of the commissioner's correction order are in

1.18 error, the provider may ask the Department of Human Services to reconsider the parts of

1.19 the correction order that are alleged to be in error. The request for reconsideration must be

1.20 made in writing and must be postmarked and sent to the commissioner within 30 calendar

1.21 days from the date the correction order was mailed to the provider, and:

1.22 (1) specify the parts of the correction order that are alleged to be in error;

1.23 (2) explain why they are in error; and

1.24 (3) include documentation to support the allegation of error.

1.25 (b) A request for reconsideration does not stay any provisions or requirements of the

1.26 correction order. The commissioner's disposition of a request for reconsideration is final

2.1 and not subject to appeal under chapter 14. The commissioner's decision is appealable by
2.2 petition for writ of certiorari under chapter 606.

2.3 Sec. 2. Minnesota Statutes 2022, section 245A.04, subdivision 4, is amended to read:

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

2.7 (1) an inspection of the physical plant;

2.8 (2) an inspection of records and documents;

2.9 (3) observation of the program in operation; and

2.10 (4) an inspection for the health, safety, and fire standards in licensing requirements for
2.11 a child care license holder.

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

2.15 (c) Before completing a licensing inspection in a family child care program or child care
2.16 center, the licensing agency must offer the license holder an exit interview to discuss
2.17 violations or potential violations of law or rule observed during the inspection and offer
2.18 technical assistance on how to comply with applicable laws and rules. The commissioner
2.19 shall not issue a correction order or negative licensing action for violations of law or rule
2.20 not discussed in an exit interview, unless a license holder chooses not to participate in an
2.21 exit interview or not to complete the exit interview. If the license holder is unable to complete
2.22 the exit interview, the licensing agency must offer an alternate time for the license holder
2.23 to complete the exit interview.

2.24 (d) If a family child care license holder disputes a county licensor's interpretation of a
2.25 licensing requirement during a licensing inspection or exit interview, the license holder
2.26 may, within five business days after the exit interview or licensing inspection, request
2.27 clarification from the commissioner, in writing, in a manner prescribed by the commissioner.
2.28 The license holder's request must describe the county licensor's interpretation of the licensing
2.29 requirement at issue, and explain why the license holder believes the county licensor's
2.30 interpretation is inaccurate. The commissioner and the county must include the license
2.31 holder in all correspondence regarding the disputed interpretation, and must provide an
2.32 opportunity for the license holder to contribute relevant information that may impact the
2.33 commissioner's decision. The county licensor must not issue a correction order related to

3.1 the disputed licensing requirement until the commissioner has provided clarification to the
3.2 license holder about the licensing requirement.

3.3 (e) The commissioner or the county shall inspect at least ~~annually~~ once each calendar
3.4 year a child care provider licensed under this chapter and Minnesota Rules, chapter 9502
3.5 or 9503, for compliance with applicable licensing standards.

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

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

3.12 Sec. 3. Minnesota Statutes 2022, section 245A.05, is amended to read:

3.13 **245A.05 DENIAL OF APPLICATION.**

3.14 (a) The commissioner may deny a license if an applicant or controlling individual:

3.15 (1) fails to submit a substantially complete application after receiving notice from the
3.16 commissioner under section 245A.04, subdivision 1;

3.17 (2) fails to comply with applicable laws or rules;

3.18 (3) knowingly withholds relevant information from or gives false or misleading
3.19 information to the commissioner in connection with an application for a license or during
3.20 an investigation;

3.21 (4) has a disqualification that has not been set aside under section 245C.22 and no
3.22 variance has been granted;

3.23 (5) has an individual living in the household who received a background study under
3.24 section 245C.03, subdivision 1, paragraph (a), clause (2), who has a disqualification that
3.25 has not been set aside under section 245C.22, and no variance has been granted;

3.26 (6) is associated with an individual who received a background study under section
3.27 245C.03, subdivision 1, paragraph (a), clause (6), who may have unsupervised access to
3.28 children or vulnerable adults, and who has a disqualification that has not been set aside
3.29 under section 245C.22, and no variance has been granted;

3.30 (7) fails to comply with section 245A.04, subdivision 1, paragraph (f) or (g);

4.1 (8) fails to demonstrate competent knowledge as required by section 245A.04, subdivision
4.2 6;

4.3 (9) has a history of noncompliance as a license holder or controlling individual with
4.4 applicable laws or rules, including but not limited to this chapter and chapters 119B and
4.5 245C;

4.6 (10) is prohibited from holding a license according to section 245.095; or

4.7 (11) for a family foster setting, has or has an individual who is living in the household
4.8 where the licensed services are provided or is otherwise subject to a background study who
4.9 has nondisqualifying background study information, as described in section 245C.05,
4.10 subdivision 4, that reflects on the ~~individual's~~ applicant's ability to safely provide care to
4.11 foster children.

4.12 (b) An applicant whose application has been denied by the commissioner must be given
4.13 notice of the denial, which must state the reasons for the denial in plain language. Notice
4.14 must be given by certified mail or personal service. The notice must state the reasons the
4.15 application was denied and must inform the applicant of the right to a contested case hearing
4.16 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The applicant may
4.17 appeal the denial by notifying the commissioner in writing by certified mail or personal
4.18 service. If mailed, the appeal must be postmarked and sent to the commissioner within 20
4.19 calendar days after the applicant received the notice of denial. If an appeal request is made
4.20 by personal service, it must be received by the commissioner within 20 calendar days after
4.21 the applicant received the notice of denial. Section 245A.08 applies to hearings held to
4.22 appeal the commissioner's denial of an application.

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

4.24 Sec. 4. Minnesota Statutes 2022, section 245A.07, subdivision 1, is amended to read:

4.25 Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional
4.26 under section 245A.06, the commissioner may suspend or revoke the license, impose a fine,
4.27 or secure an injunction against the continuing operation of the program of a license holder
4.28 who:

4.29 (1) does not comply with applicable law or rule, ~~or who~~;

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

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

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

5.8 (b) If a license holder appeals the suspension or revocation of a license and the license
5.9 holder continues to operate the program pending a final order on the appeal, the commissioner
5.10 shall issue the license holder a temporary provisional license. Unless otherwise specified
5.11 by the commissioner, variances in effect on the date of the license sanction under appeal
5.12 continue under the temporary provisional license. If a license holder fails to comply with
5.13 applicable law or rule while operating under a temporary provisional license, the
5.14 commissioner may impose additional sanctions under this section and section 245A.06, and
5.15 may terminate any prior variance. If a temporary provisional license is set to expire, a new
5.16 temporary provisional license shall be issued to the license holder upon payment of any fee
5.17 required under section 245A.10. The temporary provisional license shall expire on the date
5.18 the final order is issued. If the license holder prevails on the appeal, a new nonprovisional
5.19 license shall be issued for the remainder of the current license period.

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

5.25 (d) Failure to reapply or closure of a license issued under this chapter by the license
5.26 holder prior to the completion of any investigation shall not preclude the commissioner
5.27 from issuing a licensing sanction under this section or section 245A.06 at the conclusion
5.28 of the investigation.

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

5.30 Sec. 5. Minnesota Statutes 2022, section 245A.07, subdivision 3, is amended to read:

5.31 Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend
5.32 or revoke a license, or impose a fine if:

6.1 (1) a license holder fails to comply fully with applicable laws or rules including but not
6.2 limited to the requirements of this chapter and chapter 245C;

6.3 (2) a license holder, a controlling individual, or an individual living in the household
6.4 where the licensed services are provided or is otherwise subject to a background study has
6.5 been disqualified and the disqualification was not set aside and no variance has been granted;

6.6 (3) a license holder knowingly withholds relevant information from or gives false or
6.7 misleading information to the commissioner in connection with an application for a license,
6.8 in connection with the background study status of an individual, during an investigation,
6.9 or regarding compliance with applicable laws or rules;

6.10 (4) a license holder is excluded from any program administered by the commissioner
6.11 under section 245.095; ~~or~~

6.12 (5) revocation is required under section 245A.04, subdivision 7, paragraph (d);₂

6.13 (6) suspension is necessary under subdivision 2a, paragraph (b), clause (2); or

6.14 (7) for a family foster setting, a license holder, or an individual living in the household
6.15 where the licensed services are provided or who is otherwise subject to a background study
6.16 has nondisqualifying background study information, as described in section 245C.05,
6.17 subdivision 4, that reflects on the license holder's ability to safely provide care to foster
6.18 children.

6.19 A license holder who has had a license issued under this chapter suspended, revoked,
6.20 or has been ordered to pay a fine must be given notice of the action by certified mail or
6.21 personal service. If mailed, the notice must be mailed to the address shown on the application
6.22 or the last known address of the license holder. The notice must state in plain language the
6.23 reasons the license was suspended or revoked, or a fine was ordered.

6.24 (b) If the license was suspended or revoked, the notice must inform the license holder
6.25 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts
6.26 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking
6.27 a license. The appeal of an order suspending or revoking a license must be made in writing
6.28 by certified mail or personal service. If mailed, the appeal must be postmarked and sent to
6.29 the commissioner within ten calendar days after the license holder receives notice that the
6.30 license has been suspended or revoked. If a request is made by personal service, it must be
6.31 received by the commissioner within ten calendar days after the license holder received the
6.32 order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a
6.33 timely appeal of an order suspending or revoking a license, the license holder may continue

7.1 to operate the program as provided in section 245A.04, subdivision 7, paragraphs (f) and
7.2 (g), until the commissioner issues a final order on the suspension or revocation.

7.3 (c)(1) If the license holder was ordered to pay a fine, the notice must inform the license
7.4 holder of the responsibility for payment of fines and the right to a contested case hearing
7.5 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an
7.6 order to pay a fine must be made in writing by certified mail or personal service. If mailed,
7.7 the appeal must be postmarked and sent to the commissioner within ten calendar days after
7.8 the license holder receives notice that the fine has been ordered. If a request is made by
7.9 personal service, it must be received by the commissioner within ten calendar days after
7.10 the license holder received the order.

7.11 (2) The license holder shall pay the fines assessed on or before the payment date specified.
7.12 If the license holder fails to fully comply with the order, the commissioner may issue a
7.13 second fine or suspend the license until the license holder complies. If the license holder
7.14 receives state funds, the state, county, or municipal agencies or departments responsible for
7.15 administering the funds shall withhold payments and recover any payments made while the
7.16 license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine
7.17 until the commissioner issues a final order.

7.18 (3) A license holder shall promptly notify the commissioner of human services, in writing,
7.19 when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the
7.20 commissioner determines that a violation has not been corrected as indicated by the order
7.21 to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify
7.22 the license holder by certified mail or personal service that a second fine has been assessed.
7.23 The license holder may appeal the second fine as provided under this subdivision.

7.24 (4) Fines shall be assessed as follows:

7.25 (i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a
7.26 child under chapter 260E or the maltreatment of a vulnerable adult under section 626.557
7.27 for which the license holder is determined responsible for the maltreatment under section
7.28 260E.30, subdivision 4, paragraphs (a) and (b), or 626.557, subdivision 9c, paragraph (c);

7.29 (ii) if the commissioner determines that a determination of maltreatment for which the
7.30 license holder is responsible is the result of maltreatment that meets the definition of serious
7.31 maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit
7.32 \$5,000;

8.1 (iii) for a program that operates out of the license holder's home and a program licensed
8.2 under Minnesota Rules, parts 9502.0300 to 9502.0445, the fine assessed against the license
8.3 holder shall not exceed \$1,000 for each determination of maltreatment;

8.4 (iv) the license holder shall forfeit \$200 for each occurrence of a violation of law or rule
8.5 governing matters of health, safety, or supervision, including but not limited to the provision
8.6 of adequate staff-to-child or adult ratios, and failure to comply with background study
8.7 requirements under chapter 245C; and

8.8 (v) the license holder shall forfeit \$100 for each occurrence of a violation of law or rule
8.9 other than those subject to a \$5,000, \$1,000, or \$200 fine in items (i) to (iv).

8.10 For purposes of this section, "occurrence" means each violation identified in the
8.11 commissioner's fine order. Fines assessed against a license holder that holds a license to
8.12 provide home and community-based services, as identified in section 245D.03, subdivision
8.13 1, and a community residential setting or day services facility license under chapter 245D
8.14 where the services are provided, may be assessed against both licenses for the same
8.15 occurrence, but the combined amount of the fines shall not exceed the amount specified in
8.16 this clause for that occurrence.

8.17 (5) When a fine has been assessed, the license holder may not avoid payment by closing,
8.18 selling, or otherwise transferring the licensed program to a third party. In such an event, the
8.19 license holder will be personally liable for payment. In the case of a corporation, each
8.20 controlling individual is personally and jointly liable for payment.

8.21 (d) Except for background study violations involving the failure to comply with an order
8.22 to immediately remove an individual or an order to provide continuous, direct supervision,
8.23 the commissioner shall not issue a fine under paragraph (c) relating to a background study
8.24 violation to a license holder who self-corrects a background study violation before the
8.25 commissioner discovers the violation. A license holder who has previously exercised the
8.26 provisions of this paragraph to avoid a fine for a background study violation may not avoid
8.27 a fine for a subsequent background study violation unless at least 365 days have passed
8.28 since the license holder self-corrected the earlier background study violation.

8.29 **EFFECTIVE DATE.** Paragraph (a), clause (7), is effective the day following final
8.30 **enactment.**

9.1 Sec. 6. Minnesota Statutes 2022, section 245A.11, is amended by adding a subdivision to
9.2 read:

9.3 Subd. 12. License holder qualifications for child foster care. (a) Child foster care
9.4 license holders must maintain the ability to care for a foster child and ensure a safe home
9.5 environment for children placed in their care. License holders must immediately notify the
9.6 licensing agency of:

9.7 (1) any changes to the license holder or household member's physical or behavioral
9.8 health that may affect the license holder's ability to care for a foster child or pose a risk to
9.9 a foster child's health; or

9.10 (2) changes related to the care of a child or vulnerable adult for whom the license holder
9.11 is a parent or legally responsible, including living out of the home for treatment for physical
9.12 or behavioral health, modified parenting time arrangements, legal custody, or placement in
9.13 foster care.

9.14 (b) The licensing agency may request a license holder or household member to undergo
9.15 an evaluation by a specialist in areas such as physical or behavioral health to evaluate the
9.16 license holder's ability to provide a safe environment for a foster child.

9.17 **EFFECTIVE DATE.** This section is effective January 1, 2024.

9.18 Sec. 7. Minnesota Statutes 2022, section 245A.14, subdivision 4, is amended to read:

9.19 Subd. 4. **Special family child care homes.** (a) Nonresidential child care programs
9.20 serving 14 or fewer children that are conducted at a location other than the license holder's
9.21 own residence shall be licensed under this section and the rules governing family child care
9.22 or group family child care if:

9.23 ~~(a)~~ (1) the license holder is the primary provider of care and the nonresidential child
9.24 care program is conducted in a dwelling that is located on a residential lot;

9.25 ~~(b)~~ (2) the license holder is an employer who may or may not be the primary provider
9.26 of care, and the purpose for the child care program is to provide child care services to
9.27 children of the license holder's employees;

9.28 ~~(c)~~ (3) the license holder is a church or religious organization;

9.29 ~~(d)~~ (4) the license holder is a community collaborative child care provider. For purposes
9.30 of this subdivision, a community collaborative child care provider is a provider participating
9.31 in a cooperative agreement with a community action agency as defined in section 256E.31;

10.1 ~~(e)~~ (5) the license holder is a not-for-profit agency that provides child care in a dwelling
 10.2 located on a residential lot and the license holder maintains two or more contracts with
 10.3 community employers or other community organizations to provide child care services.
 10.4 The county licensing agency may grant a capacity variance to a license holder licensed
 10.5 under this ~~paragraph~~ clause to exceed the licensed capacity of 14 children by no more than
 10.6 five children during transition periods related to the work schedules of parents, if the license
 10.7 holder meets the following requirements:

10.8 ~~(1)~~ (i) the program does not exceed a capacity of 14 children more than a cumulative
 10.9 total of four hours per day;

10.10 ~~(2)~~ (ii) the program meets a one to seven staff-to-child ratio during the variance period;

10.11 ~~(3)~~ (iii) all employees receive at least an extra four hours of training per year than required
 10.12 in the rules governing family child care each year;

10.13 ~~(4)~~ (iv) the facility has square footage required per child under Minnesota Rules, part
 10.14 9502.0425;

10.15 ~~(5)~~ (v) the program is in compliance with local zoning regulations;

10.16 ~~(6)~~ (vi) the program is in compliance with the applicable fire code as follows:

10.17 ~~(i)~~ (A) if the program serves more than five children older than 2-1/2 years of age, but
 10.18 no more than five children 2-1/2 years of age or less, the applicable fire code is educational
 10.19 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code ~~2015~~
 10.20 2020, Section 202; or

10.21 ~~(ii)~~ (B) if the program serves more than five children 2-1/2 years of age or less, the
 10.22 applicable fire code is Group I-4 ~~Occupancies~~ Occupancy, as provided in the Minnesota
 10.23 State Fire Code ~~2015~~ 2020, Section 202, unless the rooms in which the children 2-1/2 years
 10.24 of age or younger are cared for are located on a level of exit discharge and each of these
 10.25 child care rooms has an exit door directly to the exterior, then the applicable fire code is
 10.26 Group E ~~occupancies~~ Occupancy, as provided in the Minnesota State Fire Code ~~2015~~ 2020,
 10.27 Section 202; and

10.28 ~~(7)~~ (vii) any age and capacity limitations required by the fire code inspection and square
 10.29 footage determinations shall be printed on the license; or

10.30 ~~(f)~~ (6) the license holder is the primary provider of care and has located the licensed
 10.31 child care program in a commercial space, if the license holder meets the following
 10.32 requirements:

11.1 ~~(1)~~ (i) the program is in compliance with local zoning regulations;

11.2 ~~(2)~~ (ii) the program is in compliance with the applicable fire code as follows:

11.3 ~~(i)~~ (A) if the program serves more than five children older than 2-1/2 years of age, but
 11.4 no more than five children 2-1/2 years of age or less, the applicable fire code is educational
 11.5 occupancy, as provided in Group E Occupancy under the Minnesota State Fire Code ~~2015~~
 11.6 2020, Section 202; or

11.7 ~~(ii)~~ (B) if the program serves more than five children 2-1/2 years of age or less, the
 11.8 applicable fire code is Group I-4 ~~Occupancies~~ Occupancy, as provided under the Minnesota
 11.9 State Fire Code ~~2015~~ 2020, Section 202, unless the rooms in which the children 2-1/2 years
 11.10 of age or younger are cared for are located on a level of exit discharge and each of these
 11.11 child care rooms has an exit door directly to the exterior, then the applicable fire code is
 11.12 Group E Occupancy, as provided in the Minnesota State Fire Code 2020, Section 202;

11.13 ~~(3)~~ (iii) any age and capacity limitations required by the fire code inspection and square
 11.14 footage determinations are printed on the license; and

11.15 ~~(4)~~ (iv) the license holder prominently displays the license issued by the commissioner
 11.16 which contains the statement "This special family child care provider is not licensed as a
 11.17 child care center."

11.18 ~~(g)~~ (b) Notwithstanding Minnesota Rules, part 9502.0335, subpart 12, the commissioner
 11.19 may issue up to four licenses to an organization licensed under paragraph ~~(b), (e), or (e)~~ (a),
 11.20 clause (2), (3), or (5). Each license must have its own primary provider of care as required
 11.21 under paragraph ~~(i)~~ (d). Each license must operate as a distinct and separate program in
 11.22 compliance with all applicable laws and regulations.

11.23 ~~(h)~~ (c) For licenses issued under paragraph ~~(b), (e), (d), (e), or (f)~~ (a), clause (2), (3),
 11.24 (4), (5), or (6), the commissioner may approve up to four licenses at the same location or
 11.25 under one contiguous roof if each license holder is able to demonstrate compliance with all
 11.26 applicable rules and laws. Each licensed program must operate as a distinct program and
 11.27 within the capacity, age, and ratio distributions of each license.

11.28 ~~(i)~~ (d) For a license issued under paragraph ~~(b), (e), or (e)~~ (a), clause (2), (3), or (5), the
 11.29 license holder must designate a person to be the primary provider of care at the licensed
 11.30 location on a form and in a manner prescribed by the commissioner. The license holder
 11.31 shall notify the commissioner in writing before there is a change of the person designated
 11.32 to be the primary provider of care. The primary provider of care:

12.1 (1) must be the person who will be the provider of care at the program and present during
12.2 the hours of operation;

12.3 (2) must operate the program in compliance with applicable laws and regulations under
12.4 chapter 245A and Minnesota Rules, chapter 9502;

12.5 (3) is considered a child care background study subject as defined in section 245C.02,
12.6 subdivision 6a, and must comply with background study requirements in chapter 245C;

12.7 (4) must complete the training that is required of license holders in section 245A.50;
12.8 and

12.9 (5) is authorized to communicate with the county licensing agency and the department
12.10 on matters related to licensing.

12.11 ~~(d)~~ (e) For any license issued under this subdivision, the license holder must ensure that
12.12 any other caregiver, substitute, or helper who assists in the care of children meets the training
12.13 requirements in section 245A.50 and background study requirements under chapter 245C.

12.14 Sec. 8. Minnesota Statutes 2022, section 245A.1435, is amended to read:

12.15 **245A.1435 REDUCTION OF RISK OF SUDDEN UNEXPECTED INFANT DEATH**
12.16 **IN LICENSED PROGRAMS.**

12.17 (a) When a license holder is placing an infant to sleep, the license holder must place the
12.18 infant on the infant's back, unless the license holder has documentation from the infant's
12.19 physician, advanced practice registered nurse, or physician assistant directing an alternative
12.20 sleeping position for the infant. The physician, advanced practice registered nurse, or
12.21 physician assistant directive must be on a form ~~approved~~ developed by the commissioner
12.22 and must remain on file at the licensed location. An infant who independently rolls onto its
12.23 stomach after being placed to sleep on its back may be allowed to remain sleeping on its
12.24 stomach if the infant is at least six months of age or the license holder has a signed statement
12.25 from the parent indicating that the infant regularly rolls over at home.

12.26 (b) The license holder must place the infant in a crib directly on a firm mattress with a
12.27 fitted sheet that is appropriate to the mattress size, that fits tightly on the mattress, and
12.28 overlaps the underside of the mattress so it cannot be dislodged by pulling on the corner of
12.29 the sheet with reasonable effort. The license holder must not place anything in the crib with
12.30 the infant except for the infant's pacifier, as defined in Code of Federal Regulations, title
12.31 16, part 1511. The pacifier must be free from any sort of attachment. The requirements of
12.32 this section apply to license holders serving infants younger than one year of age. Licensed
12.33 child care providers must meet the crib requirements under section 245A.146. A correction

13.1 order shall not be issued under this paragraph unless there is evidence that a violation
13.2 occurred when an infant was present in the license holder's care.

13.3 (c) If an infant falls asleep before being placed in a crib, the license holder must move
13.4 the infant to a crib as soon as practicable, and must keep the infant within sight of the license
13.5 holder until the infant is placed in a crib. When an infant falls asleep while being held, the
13.6 license holder must consider the supervision needs of other children in care when determining
13.7 how long to hold the infant before placing the infant in a crib to sleep. The sleeping infant
13.8 must not be in a position where the airway may be blocked or with anything covering the
13.9 infant's face.

13.10 (d) When a license holder places an infant under one year of age down to sleep, the
13.11 infant's clothing or sleepwear must not have weighted materials, a hood, or a bib.

13.12 (e) A license holder may place an infant under one year of age down to sleep wearing
13.13 a helmet if the license holder has signed documentation by a physician, advanced practice
13.14 registered nurse, physician assistant, licensed occupational therapist, or licensed physical
13.15 therapist on a form developed by the commissioner.

13.16 ~~(d)~~ (f) Placing a swaddled infant down to sleep in a licensed setting is not recommended
13.17 for an infant of any age and is prohibited for any infant who has begun to roll over
13.18 independently. However, with the written consent of a parent or guardian according to this
13.19 paragraph, a license holder may place the infant who has not yet begun to roll over on its
13.20 own down to sleep in a one-piece sleeper equipped with an attached system that fastens
13.21 securely only across the upper torso, with no constriction of the hips or legs, to create a
13.22 swaddle. A swaddle is defined as a one-piece sleepwear that wraps over the infant's arms,
13.23 fastens securely only across the infant's upper torso, and does not constrict the infant's hips
13.24 or legs. If a swaddle is used by a license holder, the license holder must ensure that it meets
13.25 the requirements of paragraph (d) and is not so tight that it restricts the infant's ability to
13.26 breathe or so loose that the fabric could cover the infant's nose and mouth. Prior to any use
13.27 of swaddling for sleep by a provider licensed under this chapter, the license holder must
13.28 obtain informed written consent for the use of swaddling from the parent or guardian of the
13.29 infant on a form provided developed by the commissioner and prepared in partnership with
13.30 the Minnesota Sudden Infant Death Center.

13.31 (g) A license holder may request a variance to this section to permit the use of a
13.32 cradleboard when requested by a parent or guardian for a cultural accommodation. A variance
13.33 for the use of a cradleboard may be issued only by the commissioner. The variance request

14.1 must be submitted on a form developed by the commissioner in partnership with Tribal
14.2 welfare agencies and the Department of Health.

14.3 **EFFECTIVE DATE.** This section is effective January 1, 2024.

14.4 Sec. 9. Minnesota Statutes 2022, section 245A.146, subdivision 3, is amended to read:

14.5 Subd. 3. **License holder documentation of cribs.** (a) Annually, from the date printed
14.6 on the license, all license holders shall check all their cribs' brand names and model numbers
14.7 against the United States Consumer Product Safety Commission website listing of unsafe
14.8 cribs.

14.9 (b) The license holder shall maintain written documentation to be reviewed on site for
14.10 each crib showing that the review required in paragraph (a) has been completed, and which
14.11 of the following conditions applies:

14.12 (1) the crib was not identified as unsafe on the United States Consumer Product Safety
14.13 Commission website;

14.14 (2) the crib was identified as unsafe on the United States Consumer Product Safety
14.15 Commission website, but the license holder has taken the action directed by the United
14.16 States Consumer Product Safety Commission to make the crib safe; or

14.17 (3) the crib was identified as unsafe on the United States Consumer Product Safety
14.18 Commission website, and the license holder has removed the crib so that it is no longer
14.19 used by or accessible to children in care.

14.20 (c) Documentation of the review completed under this subdivision shall be maintained
14.21 by the license holder on site and made available to parents or guardians of children in care
14.22 and the commissioner.

14.23 (d) Notwithstanding Minnesota Rules, part 9502.0425, a family child care provider that
14.24 complies with this section may use a mesh-sided or fabric-sided play yard, pack and play,
14.25 or playpen or crib that has not been identified as unsafe on the United States Consumer
14.26 Product Safety Commission website for the care or sleeping of infants.

14.27 (e) On at least a monthly basis, the family child care license holder shall perform safety
14.28 inspections of every mesh-sided or fabric-sided play yard, pack and play, or playpen used
14.29 by or that is accessible to any child in care, and must document the following:

14.30 (1) there are no tears, holes, or loose or unraveling threads in mesh or fabric sides of
14.31 crib;

14.32 (2) the weave of the mesh on the crib is no larger than one-fourth of an inch;

- 15.1 (3) no mesh fabric is unsecure or unattached to top rail and floor plate of crib;
- 15.2 (4) no tears or holes to top rail of crib;
- 15.3 (5) the mattress floor board is not soft and does not exceed one inch thick;
- 15.4 (6) the mattress floor board has no rips or tears in covering;
- 15.5 (7) the mattress floor board in use is ~~a waterproof~~ an original mattress or replacement
- 15.6 mattress provided by the manufacturer of the crib;
- 15.7 (8) there are no protruding or loose rivets, metal nuts, or bolts on the crib;
- 15.8 (9) there are no knobs or wing nuts on outside crib legs;
- 15.9 (10) there are no missing, loose, or exposed staples; and
- 15.10 (11) the latches on top and side rails used to collapse crib are secure, they lock properly,
- 15.11 and are not loose.

15.12 (f) If a cradleboard is used in a licensed setting, the license holder must check the

15.13 cradleboard not less than monthly to ensure the cradleboard is structurally sound and there

15.14 are no loose or protruding parts. The license holder shall maintain written documentation

15.15 of this review.

15.16 **EFFECTIVE DATE.** This section is effective January 1, 2024.

15.17 Sec. 10. Minnesota Statutes 2022, section 245A.16, subdivision 1, is amended to read:

15.18 Subdivision 1. **Delegation of authority to agencies.** (a) County agencies and private

15.19 agencies that have been designated or licensed by the commissioner to perform licensing

15.20 functions and activities under section 245A.04 and background studies for family child care

15.21 under chapter 245C; to recommend denial of applicants under section 245A.05; to issue

15.22 correction orders, to issue variances, and recommend a conditional license under section

15.23 245A.06; or to recommend suspending or revoking a license or issuing a fine under section

15.24 245A.07, shall comply with rules and directives of the commissioner governing those

15.25 functions and with this section. The following variances are excluded from the delegation

15.26 of variance authority and may be issued only by the commissioner:

- 15.27 (1) dual licensure of family child care and child foster care, dual licensure of child foster
- 15.28 care and adult foster care or a community residential setting, and dual licensure of adult
- 15.29 foster care and family child care;
- 15.30 (2) adult foster care maximum capacity;
- 15.31 (3) adult foster care minimum age requirement;

16.1 (4) child foster care maximum age requirement;

16.2 (5) variances regarding disqualified individuals except that, before the implementation
16.3 of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding
16.4 disqualified individuals when the county is responsible for conducting a consolidated
16.5 reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and
16.6 (b), of a county maltreatment determination and a disqualification based on serious or
16.7 recurring maltreatment;

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

16.10 (7) variances to requirements relating to chemical use problems of a license holder or a
16.11 household member of a license holder; and

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

16.15 Except as provided in section 245A.14, subdivision 4, paragraph (e), a county agency must
16.16 not grant a license holder a variance to exceed the maximum allowable family child care
16.17 license capacity of 14 children.

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

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

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

16.24 (c) Before the implementation of NETStudy 2.0, county agencies must report information
16.25 about disqualification reconsiderations under sections 245C.25 and 245C.27, subdivision
16.26 2, paragraphs (a) and (b), and variances granted under paragraph (a), clause (5), to the
16.27 commissioner at least monthly in a format prescribed by the commissioner.

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

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

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

17.1 (g) During implementation of chapter 245D, the commissioner shall consider:

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

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

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

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

17.9 (h) Licensing authority specific to section 245D.06, subdivisions 5, 6, 7, and 8, or
17.10 successor provisions; and section 245D.061 or successor provisions, for family child foster
17.11 care programs providing out-of-home respite, as identified in section 245D.03, subdivision
17.12 1, paragraph (b), clause (1), is excluded from the delegation of authority to county and
17.13 private agencies.

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

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

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

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

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

17.23 Sec. 11. Minnesota Statutes 2022, section 245A.16, subdivision 9, is amended to read:

17.24 Subd. 9. **Licensed family foster settings.** (a) Before recommending to grant a license,
17.25 deny a license under section 245A.05, or revoke a license under section 245A.07 for
17.26 nondisqualifying background study information received under section 245C.05, subdivision
17.27 4, paragraph (a), clause (3), for a licensed family foster setting, a county agency or private
17.28 agency that has been designated or licensed by the commissioner must review the following
17.29 for the license holder, applicant, or an individual living in the household where the licensed
17.30 services are provided or who is otherwise subject to a background study:

17.31 (1) the type of offenses;

- 18.1 (2) the number of offenses;
- 18.2 (3) the nature of the offenses;
- 18.3 (4) the age of the individual at the time of the offenses;
- 18.4 (5) the length of time that has elapsed since the last offense;
- 18.5 (6) the relationship of the offenses and the capacity to care for a child;
- 18.6 (7) evidence of rehabilitation;
- 18.7 (8) information or knowledge from community members regarding the individual's
- 18.8 capacity to provide foster care;
- 18.9 (9) any available information regarding child maltreatment reports or child in need of
- 18.10 protection or services petitions, or related cases, in which the individual has been involved
- 18.11 or implicated, and documentation that the individual has remedied issues or conditions
- 18.12 identified in child protection or court records that are relevant to safely caring for a child;
- 18.13 (10) a statement from the study subject;
- 18.14 (11) a statement from the license holder; and
- 18.15 (12) other aggravating and mitigating factors.
- 18.16 (b) For purposes of this section, "evidence of rehabilitation" includes but is not limited
- 18.17 to the following:
- 18.18 (1) maintaining a safe and stable residence;
- 18.19 (2) continuous, regular, or stable employment;
- 18.20 (3) successful participation in an education or job training program;
- 18.21 (4) positive involvement with the community or extended family;
- 18.22 (5) compliance with the terms and conditions of probation or parole following the
- 18.23 individual's most recent conviction;
- 18.24 (6) if the individual has had a substance use disorder, successful completion of a substance
- 18.25 use disorder assessment, substance use disorder treatment, and recommended continuing
- 18.26 care, if applicable, demonstrated abstinence from controlled substances, as defined in section
- 18.27 152.01, subdivision 4, or the establishment of a sober network;
- 18.28 (7) if the individual has had a mental illness or documented mental health issues,
- 18.29 demonstrated completion of a mental health evaluation, participation in therapy or other
- 18.30 recommended mental health treatment, or appropriate medication management, if applicable;

19.1 (8) if the individual's offense or conduct involved domestic violence, demonstrated
19.2 completion of a domestic violence or anger management program, and the absence of any
19.3 orders for protection or harassment restraining orders against the individual since the previous
19.4 offense or conduct;

19.5 (9) written letters of support from individuals of good repute, including but not limited
19.6 to employers, members of the clergy, probation or parole officers, volunteer supervisors,
19.7 or social services workers;

19.8 (10) demonstrated remorse for convictions or conduct, or demonstrated positive behavior
19.9 changes; and

19.10 (11) absence of convictions or arrests since the previous offense or conduct, including
19.11 any convictions that were expunged or pardoned.

19.12 (c) An applicant for a family foster setting license must sign all releases of information
19.13 requested by the county or private licensing agency.

19.14 (d) When licensing a relative for a family foster setting, the commissioner shall also
19.15 consider the importance of maintaining the child's relationship with relatives as an additional
19.16 significant factor in determining whether an application will be denied.

19.17 (e) When recommending that the commissioner deny or revoke a license, the county or
19.18 private licensing agency must send a summary of the review completed according to
19.19 paragraph (a), on a form developed by the commissioner, to the commissioner and include
19.20 any recommendation for licensing action.

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

19.22 Sec. 12. Minnesota Statutes 2022, section 245A.16, is amended by adding a subdivision
19.23 to read:

19.24 **Subd. 10. Electronic checklist use by family child care licensors.** County staff who
19.25 perform family child care licensing functions must use the commissioner's electronic licensing
19.26 checklist in the manner prescribed by the commissioner.

19.27 **EFFECTIVE DATE.** This section is effective July 1, 2023.

19.28 Sec. 13. Minnesota Statutes 2022, section 245A.18, subdivision 2, is amended to read:

19.29 Subd. 2. **Child passenger restraint systems; training requirement.** (a) Programs
19.30 licensed by the Department of Human Services under this chapter and Minnesota Rules,
19.31 chapter 2960, that serve a child or children under eight years of age must document training

20.1 that fulfills the requirements in this subdivision. Sections 245A.60, subdivision 4, and
20.2 245A.61, subdivision 4, describe training requirements for family foster care and foster
20.3 residence settings.

20.4 (b) Before a license holder, staff person, or caregiver transports a child or children under
20.5 age eight in a motor vehicle, the person transporting the child must satisfactorily complete
20.6 training on the proper use and installation of child restraint systems in motor vehicles.
20.7 ~~Training completed under this section may be used to meet initial or ongoing training under~~
20.8 ~~Minnesota Rules, part 2960.3070, subparts 1 and 2.~~

20.9 (c) Training required under this section must be completed at orientation or initial training
20.10 and repeated at least once every five years. At a minimum, the training must address the
20.11 proper use of child restraint systems based on the child's size, weight, and age, and the
20.12 proper installation of a car seat or booster seat in the motor vehicle used by the license
20.13 holder to transport the child or children.

20.14 (d) Training under paragraph (c) must be provided by individuals who are certified and
20.15 approved by the ~~Department of Public Safety~~, Office of Traffic Safety within the Department
20.16 of Public Safety. License holders may obtain a list of certified and approved trainers through
20.17 the Department of Public Safety website or by contacting the agency.

20.18 ~~(e) Notwithstanding paragraph (a), for an emergency relative placement under section~~
20.19 ~~245A.035, the commissioner may grant a variance to the training required by this subdivision~~
20.20 ~~for a relative who completes a child seat safety check up. The child seat safety check up~~
20.21 ~~trainer must be approved by the Department of Public Safety, Office of Traffic Safety, and~~
20.22 ~~must provide one-on-one instruction on placing a child of a specific age in the exact child~~
20.23 ~~passenger restraint in the motor vehicle in which the child will be transported. Once granted~~
20.24 ~~a variance, and if all other licensing requirements are met, the relative applicant may receive~~
20.25 ~~a license and may transport a relative foster child younger than eight years of age. A child~~
20.26 ~~seat safety check up must be completed each time a child requires a different size car seat~~
20.27 ~~according to car seat and vehicle manufacturer guidelines. A relative license holder must~~
20.28 ~~complete training that meets the other requirements of this subdivision prior to placement~~
20.29 ~~of another foster child younger than eight years of age in the home or prior to the renewal~~
20.30 ~~of the child foster care license.~~

20.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

21.1 Sec. 14. Minnesota Statutes 2022, section 245A.22, is amended by adding a subdivision
21.2 to read:

21.3 Subd. 8. **Maltreatment of minors training requirements.** The license holder must
21.4 train each mandatory reporter as described in section 260E.06, subdivision 1, on the
21.5 maltreatment of minors reporting requirements and definitions in chapter 260E before the
21.6 mandatory reporter has direct contact, as defined in section 245C.02, subdivision 11, with
21.7 a person served by the program. The license holder must train each mandatory reporter
21.8 annually thereafter.

21.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

21.10 Sec. 15. Minnesota Statutes 2022, section 245A.52, subdivision 1, is amended to read:

21.11 Subdivision 1. **Means of escape.** (a)(1) At least one emergency escape route separate
21.12 from the main exit from the space must be available in each room used for sleeping by
21.13 anyone receiving licensed care, and (2) a basement used for child care. One means of escape
21.14 must be a stairway or door leading to the floor of exit discharge. The other must be a door
21.15 or window leading directly outside. A window used as an emergency escape route must be
21.16 openable without special knowledge.

21.17 (b) In homes with construction that began before ~~May 2, 2016~~ March 31, 2020, the
21.18 interior of the window leading directly outside must have a net clear opening area of not
21.19 less than 4.5 square feet or 648 square inches and have minimum clear opening dimensions
21.20 of 20 inches wide and 20 inches high. The net clear opening dimensions shall be the result
21.21 of normal operation of the opening. The opening must be no higher than 48 inches from the
21.22 floor. The height to the window may be measured from a platform if a platform is located
21.23 below the window.

21.24 (c) In homes with construction that began on or after ~~May 2, 2016~~ March 31, 2020, the
21.25 interior of the window leading directly outside must have minimum clear opening dimensions
21.26 of 20 inches wide and 24 inches high. The net clear opening dimensions shall be the result
21.27 of normal operation of the opening. The opening must be no higher than 44 inches from the
21.28 floor.

21.29 ~~(d)~~ Additional requirements are dependent on the distance of the openings from the ground
21.30 outside the window: (1) windows or other openings with a sill height not more than 44
21.31 inches above or below the finished ground level adjacent to the opening (grade-floor
21.32 emergency escape and rescue openings) must have a minimum opening of five square feet;

22.1 and (2) non-grade-floor emergency escape and rescue openings must have a minimum
22.2 opening of 5.7 square feet.

22.3 Sec. 16. Minnesota Statutes 2022, section 245A.52, subdivision 2, is amended to read:

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

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

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

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

22.11 The separation wall on the garage side between the residence and garage must consist of
22.12 1/2 inch thick gypsum wallboard or its equivalent.

22.13 Sec. 17. Minnesota Statutes 2022, section 245A.52, subdivision 3, is amended to read:

22.14 Subd. 3. **Heating and venting systems.** (a) Notwithstanding Minnesota Rules, part
22.15 9502.0425, subpart 7, item C, items that can be ignited and support combustion, including
22.16 but not limited to plastic, fabric, and wood products must not be located within:

22.17 (1) 18 inches of a gas or fuel-oil heater or furnace; or

22.18 (2) 36 inches of a solid-fuel-burning appliance.

22.19 (b) If a license holder produces manufacturer instructions listing a smaller distance, then
22.20 the manufacturer instructions control the distance combustible items must be from gas,
22.21 fuel-oil, or solid-fuel burning heaters or furnaces.

22.22 Sec. 18. Minnesota Statutes 2022, section 245A.52, subdivision 5, is amended to read:

22.23 Subd. 5. **Carbon monoxide and smoke alarms.** (a) All homes must have an approved
22.24 and operational carbon monoxide alarm installed within ten feet of each room used for
22.25 sleeping children in care.

22.26 (b) Smoke alarms that have been listed by the Underwriter Laboratory must be properly
22.27 installed and maintained ~~on all levels including basements, but not including crawl spaces~~
22.28 ~~and uninhabitable attics, and in hallways outside rooms used for sleeping children in care.~~
22.29 in hallways outside of rooms used for sleeping children and on all levels, including basements
22.30 but not including crawl spaces and uninhabitable attics.

23.1 (c) In homes with construction that began on or after ~~May 2, 2016~~ March 31, 2020,
 23.2 smoke alarms must be installed and maintained in each room used for sleeping children in
 23.3 care.

23.4 Sec. 19. Minnesota Statutes 2022, section 245A.52, is amended by adding a subdivision
 23.5 to read:

23.6 Subd. 7. **Stairways.** All stairways must meet the following conditions.

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

23.8 (2) Any open area between the handrail and stair tread must be enclosed with a protective
 23.9 guardrail as specified in the State Building Code. At open risers, openings located more
 23.10 than 30 inches (762 mm), as measured vertically, to the floor or grade below shall not permit
 23.11 the passage of a sphere four inches (102 mm) in diameter.

23.12 (3) Gates or barriers must be used when children between the ages of six and 18 months
 23.13 are in care.

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

23.15 Sec. 20. Minnesota Statutes 2022, section 245A.52, is amended by adding a subdivision
 23.16 to read:

23.17 Subd. 8. **Fire code variances.** When a variance is requested of the standards contained
 23.18 in subdivision 1, 2, 3, 4, or 5, an applicant or provider must submit written approval from
 23.19 the state fire marshal of the variance requested and the alternative measures identified to
 23.20 ensure the safety of children in care.

23.21 Sec. 21. **[245A.60] FAMILY CHILD FOSTER CARE TRAINING REQUIREMENTS.**

23.22 Subdivision 1. **Applicability.** This section applies to programs licensed to provide foster
 23.23 care for children in the license holder's residence. For the purposes of this section, "foster
 23.24 parent" means a license holder under this chapter. For the purposes of this section, "caregiver"
 23.25 means a person who provides services to a child according to the child's case plan in a setting
 23.26 licensed under Minnesota Rules, parts 2960.3000 to 2960.3340.

23.27 Subd. 2. **Orientation.** (a) Each foster parent applicant must complete a minimum of six
 23.28 hours of orientation before the commissioner will license the applicant. An applicant's
 23.29 orientation training hours do not count toward yearly training hours. The commissioner
 23.30 may grant a variance to the applicant regarding the number of orientation hours that this
 23.31 subdivision requires.

- 24.1 (b) The foster parent's orientation must include training about the following:
- 24.2 (1) emergency procedures, including evacuation routes, emergency telephone numbers,
- 24.3 severe storm and tornado procedures, and the location of alarms and equipment;
- 24.4 (2) all relevant laws and rules, including this chapter; chapters 260, 260C, 260D, and
- 24.5 260E; Minnesota Rules, chapter 9560; and related legal issues and reporting requirements;
- 24.6 (3) cultural diversity, gender sensitivity, culturally specific services, cultural competence,
- 24.7 and information about discrimination and racial bias to ensure that caregivers are culturally
- 24.8 competent to care for foster children according to section 260C.212, subdivision 11;
- 24.9 (4) the foster parent's roles and responsibilities in developing and implementing the
- 24.10 child's case plan and involvement in court and administrative reviews of the child's placement;
- 24.11 (5) the licensing agency's requirements;
- 24.12 (6) one hour relating to reasonable and prudent parenting standards for the child's
- 24.13 participation in age-appropriate or developmentally appropriate extracurricular, social, or
- 24.14 cultural activities according to section 260C.212, subdivision 14;
- 24.15 (7) two hours relating to children's mental health issues according to subdivision 3;
- 24.16 (8) if subdivision 4 requires, the proper use and installation of child passenger restraint
- 24.17 systems in motor vehicles;
- 24.18 (9) if subdivision 5 requires, at least one hour about reducing the risk of sudden
- 24.19 unexpected infant death and abusive head trauma from shaking infants and young children;
- 24.20 and
- 24.21 (10) if subdivision 6 requires, operating medical equipment.
- 24.22 Subd. 3. **Mental health training.** Each foster parent prior to licensure and each caregiver
- 24.23 prior to caring for a foster child must complete two hours of training that addresses the
- 24.24 causes, symptoms, and key warning signs of children's mental health disorders; cultural
- 24.25 considerations; and effective approaches to manage a child's behaviors. Each year, each
- 24.26 foster parent and caregiver must complete at least one hour of training about children's
- 24.27 mental health issues and treatment. A short-term substitute caregiver is exempt from this
- 24.28 subdivision. The commissioner of human services shall approve of a mental health training
- 24.29 curriculum that satisfies the requirements of this subdivision.
- 24.30 Subd. 4. **Child passenger restraint systems.** (a) Each foster parent and caregiver must
- 24.31 satisfactorily complete training about the proper use and installation of child passenger

25.1 restraint systems in motor vehicles before transporting a child younger than eight years of
25.2 age in a motor vehicle.

25.3 (b) An individual who is certified and approved by the Office of Traffic Safety within
25.4 the Department of Public Safety must provide training about the proper use and installation
25.5 of child passenger restraint systems in motor vehicles to each foster parent and caregiver
25.6 who transports a child. At a minimum, the training must address the proper use of child
25.7 passenger restraint systems based on a child's size, weight, and age, and the proper installation
25.8 of a car seat or booster seat in the motor vehicle that will be transporting the child. A foster
25.9 parent or caregiver who transports a child must repeat the training in this subdivision at
25.10 least once every five years.

25.11 (c) Notwithstanding paragraph (a), for an emergency relative placement under section
25.12 245A.035, the commissioner may grant a variance to the training required by this subdivision
25.13 to a child's relative who completes a child seat safety checkup. The Office of Traffic Safety
25.14 within the Department of Public Safety must approve of the child seat safety checkup trainer
25.15 and must provide one-on-one instruction to the child's relative applicant about placing a
25.16 child of a specific age in the exact child passenger restraint in the motor vehicle that will
25.17 be used to transport the child. Once the commissioner grants a variance to the child's relative,
25.18 the child's relative may transport a relative foster child younger than eight years of age, and
25.19 once the child's relative meets all other licensing requirements, the commissioner may
25.20 license the child's relative applicant. The child's relative must complete a child seat safety
25.21 checkup each time that the child requires a different sized car seat according to car seat and
25.22 vehicle manufacturer guidelines. A relative license holder must complete training that meets
25.23 the other requirements of this subdivision prior to placement of another foster child younger
25.24 than eight years of age in the relative license holder's home or prior to the renewal of the
25.25 relative license holder's child foster care license.

25.26 Subd. 5. **Training about the risk of sudden unexpected infant death and abusive**
25.27 **head trauma.** (a) Each foster parent and caregiver who cares for an infant or a child five
25.28 years of age or younger must satisfactorily complete at least one hour of training about
25.29 reducing the risk of sudden unexpected infant death pursuant to section 245A.1435 and
25.30 abusive head trauma from shaking infants and young children. Each foster parent and
25.31 caregiver must complete this training prior to caring for an infant or a child five years of
25.32 age or younger. The county or private licensing agency monitoring the foster care provider
25.33 under section 245A.16 must approve of the training about reducing the risk of sudden
25.34 unexpected infant death and abusive head trauma from shaking infants and young children.

26.1 (b) At a minimum, the training must address the risk factors related to sudden unexpected
26.2 infant death and abusive head trauma, means of reducing the risk of sudden unexpected
26.3 infant death and abusive head trauma, and license holder communication with parents
26.4 regarding reducing the risk of sudden unexpected infant death and abusive head trauma.

26.5 (c) For emergency relative placements under section 245A.035, this training must be
26.6 completed before a license is issued. Each foster parent and caregiver must complete the
26.7 training in this subdivision at least once every five years.

26.8 **Subd. 6. Training on use of medical equipment.** (a) If caring for a child who relies on
26.9 medical equipment to sustain the child's life or monitor the child's medical condition, each
26.10 foster parent and caregiver must satisfactorily complete training to operate the child's
26.11 equipment with a health care professional or an individual who provides training on the
26.12 child's equipment.

26.13 (b) A foster parent or caregiver is exempt from this subdivision if:

26.14 (1) the foster parent or caregiver is currently caring for an individual who is using the
26.15 same equipment in the foster home; or

26.16 (2) the foster parent or caregiver has written documentation that the foster parent or
26.17 caregiver has cared for an individual who relied on the same equipment within the past six
26.18 months.

26.19 **Subd. 7. Fetal alcohol spectrum disorders training.** Each foster parent and caregiver
26.20 must complete at least one hour of training yearly on fetal alcohol spectrum disorders. A
26.21 provider who is also licensed to provide home and community-based services under chapter
26.22 245D and the provider's staff are exempt from this subdivision. A short-term substitute
26.23 caregiver is exempt from this subdivision. The commissioner of human services shall approve
26.24 a fetal alcohol spectrum disorders training curriculum that satisfies the requirements of this
26.25 subdivision.

26.26 **Subd. 8. Yearly training requirement.** (a) Each foster parent must complete a minimum
26.27 of 12 hours of training per year. If a foster parent fails to complete the required yearly
26.28 training and does not show good cause why the foster parent did not complete the training,
26.29 the foster parent is prohibited from accepting a new foster child placement until the foster
26.30 parent completes the training. The commissioner may grant a variance to the required number
26.31 of yearly training hours.

27.1 (b) Each year, each foster parent and caregiver must complete one hour of training about
 27.2 children's mental health issues according to subdivision 3, and one hour of training about
 27.3 fetal alcohol spectrum disorders, if required by subdivision 7.

27.4 (c) Each year, each foster parent and caregiver must complete training about the reporting
 27.5 requirements and definitions in chapter 260E, as section 245A.66 requires. Foster parents
 27.6 and caregivers caring for youth 18 and older in extended foster care must complete training
 27.7 about the reporting requirements and definitions in section 626.557, as section 245A.65,
 27.8 subdivision 3 requires.

27.9 (d) At least once every five years, each foster parent and caregiver must complete one
 27.10 hour of training about reducing the risk of sudden unexpected infant death and abusive head
 27.11 trauma, if required by subdivision 5.

27.12 (e) At least once every five years, each foster parent and caregiver must complete training
 27.13 regarding child passenger restraint systems, if required by subdivision 4.

27.14 (f) The commissioner may provide each foster parent with a nonexclusive list of eligible
 27.15 training topics and resources that fulfill the remaining hours of required yearly training.

27.16 Subd. 9. **Documentation of training.** (a) The licensing agency must document the
 27.17 trainings that this section requires on a form that the commissioner has developed.

27.18 (b) For training required under subdivision 6, the agency must retain a training and skills
 27.19 form on file and update the form each year for each foster care provider who completes
 27.20 training about caring for a child who relies on medical equipment to sustain the child's life
 27.21 or monitor the child's medical condition. The agency placing the child must obtain a copy
 27.22 of the training and skills form from the foster parent or from the agency supervising the
 27.23 foster parent. The agency must retain the form and any updated information on file for the
 27.24 placement's duration. The form must be available to the parent or guardian and the child's
 27.25 social worker for the social worker to make an informed placement decision. The agency
 27.26 must use the training and skills form that the commissioner has developed.

27.27 **EFFECTIVE DATE.** This section is effective January 1, 2024.

27.28 Sec. 22. **[245A.61] FOSTER RESIDENCE SETTING STAFF TRAINING**
 27.29 **REQUIREMENTS.**

27.30 Subdivision 1. **Applicability.** This section applies to foster residence settings, which is
 27.31 defined as foster care that a license holder licensed under this chapter provides in a home
 27.32 in which the license holder does not reside. Foster residence setting does not include any
 27.33 program licensed or certified under Minnesota Rules, parts 2960.0010 to 2960.0710. For

28.1 the purposes of this section, "caregiver" means a person who provides services to a child
28.2 according to the child's case plan in a setting licensed under Minnesota Rules, parts
28.3 2960.3000 to 2960.3340.

28.4 Subd. 2. **Orientation.** The license holder must ensure that each staff person attends and
28.5 successfully completes at least six hours of orientation training before the staff person has
28.6 unsupervised contact with a foster child. Orientation training hours are not counted toward
28.7 the hours of yearly training. Orientation must include training about the following:

28.8 (1) emergency procedures including evacuation routes, emergency telephone numbers,
28.9 severe storm and tornado procedures, and the location of facility alarms and equipment;

28.10 (2) all relevant laws, rules, and legal issues, including reporting requirements for
28.11 maltreatment, abuse, and neglect specified in chapter 260E and section 626.557 and other
28.12 reporting requirements based on the children's ages;

28.13 (3) cultural diversity, gender sensitivity, culturally specific services, and information
28.14 about discrimination and racial bias to ensure that caregivers are culturally sensitive and
28.15 culturally competent to care for foster children according to section 260C.212, subdivision
28.16 11;

28.17 (4) general and special needs, including disability needs, of children and families served;

28.18 (5) operational policies and procedures of the license holder;

28.19 (6) data practices requirements and issues;

28.20 (7) two hours of training about children's mental health disorders according to subdivision
28.21 3;

28.22 (8) if required by subdivision 4, the proper use and installation of child passenger restraint
28.23 systems in motor vehicles;

28.24 (9) if required by subdivision 5, at least one hour of training about reducing the risk of
28.25 sudden unexpected infant death and abusive head trauma from shaking infants and young
28.26 children; and

28.27 (10) if required by subdivision 6, caring for a child who relies on medical equipment to
28.28 sustain the child's life or monitor the child's medical condition.

28.29 Subd. 3. **Mental health training.** Prior to caring for a child, a staff person must complete
28.30 two hours of training that addresses the causes, symptoms, and key warning signs of mental
28.31 health disorders; cultural considerations; and effective approaches to manage a child's
28.32 behaviors. A foster residence staff person must complete at least one hour of the yearly

29.1 training requirement regarding children's mental health issues and treatment. The
29.2 commissioner of human services shall approve a mental health training curriculum that
29.3 satisfies the requirements of this subdivision.

29.4 Subd. 4. **Child passenger restraint systems.** Prior to transporting a child younger than
29.5 eight years of age in a motor vehicle, a license holder, staff person, or caregiver must
29.6 satisfactorily complete training about the proper use and installation of child restraint systems
29.7 in motor vehicles. An individual who is certified and approved by the Office of Traffic
29.8 Safety within the Department of Public Safety must provide training to a license holder,
29.9 staff person, or caregiver about the proper use and installation of child restraint systems in
29.10 motor vehicles.

29.11 At a minimum, the training must address the proper use of child passenger restraint
29.12 systems based on a child's size, weight, and age and the proper installation of a car seat or
29.13 booster seat in the motor vehicle transporting the child. Each license holder, staff person,
29.14 and caregiver transporting a child younger than eight years of age in a motor vehicle must
29.15 complete the training in this subdivision at least once every five years.

29.16 Subd. 5. **Training about the risk of sudden unexpected infant death and abusive**
29.17 **head trauma.** (a) A license holder who cares for an infant or a child five years of age or
29.18 younger must document that each staff person has satisfactorily completed at least one hour
29.19 of training about reducing the risk of sudden unexpected infant death pursuant to section
29.20 245A.1435 and abusive head trauma from shaking infants and young children. Each staff
29.21 person must complete the training in this subdivision prior to caring for an infant or a child
29.22 five years of age or younger. The county or private licensing agency responsible for
29.23 monitoring the child foster care provider under section 245A.16 must approve of the training
29.24 about reducing the risk of sudden unexpected infant death and abusive head trauma from
29.25 shaking infants and young children.

29.26 (b) At a minimum, the training must address the risk factors related to sudden unexpected
29.27 infant death and abusive head trauma, means of reducing the risk of sudden unexpected
29.28 infant death and abusive head trauma, and license holder communication with parents
29.29 regarding reducing the risk of sudden unexpected infant death and abusive head trauma
29.30 from shaking infants and young children.

29.31 (c) Each staff person caring for an infant or a child five years of age or younger must
29.32 complete the training in this subdivision at least once every five years.

29.33 Subd. 6. **Training on use of medical equipment.** (a) If caring for a child who relies on
29.34 medical equipment to sustain the child's life or monitor a child's medical condition, the

30.1 license holder or staff person must complete training to operate the child's equipment. A
30.2 health care professional or an individual who provides training on the equipment must train
30.3 the license holder or staff person about how to operate the child's equipment.

30.4 (b) A license holder is exempt from this subdivision if:

30.5 (1) the license holder is currently caring for an individual who is using the same
30.6 equipment in the foster home and each staff person has received training to use the
30.7 equipment; or

30.8 (2) the license holder has written documentation that, within the past six months, the
30.9 license holder has cared for an individual who relied on the same equipment and each current
30.10 staff person has received training to use the same equipment.

30.11 Subd. 7. **Fetal alcohol spectrum disorders training.** (a) For each staff person, at least
30.12 one hour of their yearly training requirement in subdivision 9 must be about fetal alcohol
30.13 spectrum disorders. The commissioner of human services shall approve of a fetal alcohol
30.14 spectrum disorders training curriculum that satisfies the requirements of this subdivision.

30.15 (b) A provider who is also licensed to provide home and community-based services
30.16 under chapter 245D and the provider's staff are exempt from this subdivision.

30.17 Subd. 8. **Prudent parenting standards training.** The license holder must have at least
30.18 one on-site staff person who is trained regarding the reasonable and prudent parenting
30.19 standards in section 260C.212, subdivision 14, and authorized to apply the reasonable and
30.20 prudent parenting standards to decisions involving the approval of a foster child's
30.21 participation in age-appropriate and developmentally appropriate extracurricular, social, or
30.22 cultural activities. The trained on-site staff person is not required to be available 24 hours
30.23 per day.

30.24 Subd. 9. **Yearly training plan and hours.** (a) A license holder must develop a yearly
30.25 training plan for staff and volunteers. The license holder must modify training for staff and
30.26 volunteers each year to meet each person's current needs and provide sufficient training to
30.27 accomplish each staff person's duties. To determine the type and amount of training for
30.28 each person, the license holder must consider the foster care program's target population,
30.29 the program's services, and expected outcomes from the services, as well as the employee's
30.30 job description, tasks, and the position's performance indicators.

30.31 (b) A full-time staff person who has direct contact with children must complete at least
30.32 18 hours of in-service training per year, including nine hours of skill development training.

31.1 (c) A part-time direct care staff person must complete sufficient training to competently
 31.2 care for children. The amount of training must be at least one hour of training for each 60
 31.3 hours that the part-time direct care staff person has worked, up to 18 hours of training per
 31.4 part-time employee per year.

31.5 (d) Other foster residence staff and volunteers must complete in-service training
 31.6 requirements each year that are consistent with the foster residence staff and volunteers'
 31.7 duties.

31.8 (e) Section 245A.66 requires a license holder to ensure that all staff and volunteers have
 31.9 training yearly about the reporting requirements and definitions in chapter 260E.

31.10 Subd. 10. **Documentation of training.** (a) For each staff person and volunteer, the
 31.11 license holder must document the date, the number of training hours, and the name of the
 31.12 entity that provided the training.

31.13 (b) For training required under subdivision 6, the agency supervising the foster care
 31.14 provider must retain a training and skills form on file and update the form each year for
 31.15 each staff person who completes training about caring for a child who relies on medical
 31.16 equipment to sustain the child's life or monitor a child's medical condition. The agency
 31.17 placing the child must obtain a copy of the training and skills form from the foster care
 31.18 provider or the agency supervising the foster care provider. The placing agency must retain
 31.19 the form and any updated information on file for the placement's duration. The form must
 31.20 be available to the child's parent or the child's primary caregiver and the child's social worker
 31.21 to make an informed placement decision. The agency must use the training and skills form
 31.22 that the commissioner has developed.

31.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

31.24 Sec. 23. Minnesota Statutes 2022, section 245A.66, is amended by adding a subdivision
 31.25 to read:

31.26 Subd. 4. **Ongoing training requirement.** (a) In addition to the orientation training
 31.27 required by the applicable licensing rules and statutes, children's residential facility, and
 31.28 private child-placing agency, license holders must provide a training annually on the
 31.29 maltreatment of minors reporting requirements and definitions in chapter 260E to each
 31.30 mandatory reporter, as described in section 260E.06, subdivision 1.

31.31 (b) In addition to the orientation training required by the applicable licensing rules and
 31.32 statutes, all family child foster care license holders and caregivers and foster residence
 31.33 setting staff and volunteers that are mandatory reporters as described in section 260E.06,

32.1 subdivision 1, must complete training each year on the maltreatment of minors reporting
32.2 requirements and definitions in chapter 260E.

32.3 **EFFECTIVE DATE.** This section is effective January 1, 2024.

32.4 Sec. 24. Minnesota Statutes 2022, section 245C.15, subdivision 4a, is amended to read:

32.5 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding
32.6 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
32.7 regardless of how much time has passed, an individual is disqualified under section 245C.14
32.8 if the individual committed an act that resulted in a felony-level conviction for sections:
32.9 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
32.10 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
32.11 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first
32.12 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
32.13 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
32.14 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
32.15 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
32.16 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
32.17 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder
32.18 of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second
32.19 degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter
32.20 of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the
32.21 second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault
32.22 of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the
32.23 commission of a crime); 609.322, subdivision 1 (solicitation, inducement, and promotion
32.24 of prostitution; sex trafficking in the first degree); 609.324, subdivision 1 (other prohibited
32.25 acts; engaging in, hiring, or agreeing to hire minor to engage in prostitution); 609.342
32.26 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second
32.27 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual
32.28 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);
32.29 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage
32.30 in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or
32.31 endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision 1 (burglary
32.32 in the first degree); 609.746 (interference with privacy); 617.23 (indecent exposure); 617.246
32.33 (use of minors in sexual performance prohibited); or 617.247 (possession of pictorial
32.34 representations of minors).

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

33.4 (1) committed an action under paragraph (e) that resulted in death or involved sexual
33.5 abuse, as defined in section 260E.03, subdivision 20~~;~~, or 626.5572, subdivision 2, paragraph
33.6 (a), clause (4), or paragraph (c);

33.7 (2) committed an act that resulted in a gross misdemeanor-level conviction for section
33.8 609.3451 (criminal sexual conduct in the fifth degree);

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

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

33.15 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
33.16 family foster setting, an individual is disqualified under section 245C.14 if fewer than 20
33.17 years have passed since the termination of the individual's parental rights under section
33.18 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of
33.19 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to
33.20 involuntarily terminate parental rights. An individual is disqualified under section 245C.14
33.21 if fewer than 20 years have passed since the termination of the individual's parental rights
33.22 in any other state or country, where the conditions for the individual's termination of parental
33.23 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph
33.24 (b).

33.25 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
33.26 family foster setting, an individual is disqualified under section 245C.14 if fewer than five
33.27 years have passed since a felony-level violation for sections: 152.021 (controlled substance
33.28 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023
33.29 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the
33.30 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
33.31 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
33.32 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision
33.33 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies
33.34 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;

34.1 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related
34.2 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while
34.3 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113
34.4 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn
34.5 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal
34.6 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal
34.7 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);
34.8 609.322, subdivision 1a (solicitation, inducement, and promotion of prostitution; sex
34.9 trafficking in the second degree); 609.498, subdivision 1 (tampering with a witness in the
34.10 first degree); 609.498, subdivision 1b (aggravated first-degree witness tampering); 609.562
34.11 (arson in the second degree); 609.563 (arson in the third degree); 609.582, subdivision 2
34.12 (burglary in the second degree); 609.66 (felony dangerous weapons); 609.687 (adulteration);
34.13 609.713 (terroristic threats); 609.749, subdivision 3, 4, or 5 (felony-level harassment or
34.14 stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); or
34.15 624.713 (certain people not to possess firearms).

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

34.19 (1) a felony-level violation for an act not against or involving a minor that constitutes:
34.20 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third
34.21 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the
34.22 fifth degree);

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

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

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

34.33 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
34.34 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);

35.1 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
35.2 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or
35.3 (6) committing an act against or involving a minor that resulted in a misdemeanor-level
35.4 violation of section 609.224, subdivision 1 (assault in the fifth degree).

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

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

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

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

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

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

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

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

35.27 Sec. 25. Minnesota Statutes 2022, section 245E.06, subdivision 3, is amended to read:

35.28 Subd. 3. **Appeal of department action.** A provider's rights related to the department's
35.29 action taken under this chapter against a provider are established in sections 119B.16 ~~and~~,
35.30 119B.161, and 119B.162.

36.1 Sec. 26. Minnesota Statutes 2022, section 245E.08, is amended to read:

36.2 **245E.08 REPORTING OF SUSPECTED FRAUDULENT ACTIVITY.**

36.3 (a) A person who, in good faith, makes a report of or testifies in any action or proceeding
36.4 in which financial misconduct is alleged, and who is not involved in, has not participated
36.5 in, or has not aided and abetted, conspired, or colluded in the financial misconduct, shall
36.6 have immunity from any liability, civil or criminal, that results by reason of the person's
36.7 report or testimony. For the purpose of any proceeding, the good faith of any person reporting
36.8 or testifying under this provision shall be presumed.

36.9 (b) If a person that is or has been involved in, participated in, aided and abetted, conspired,
36.10 or colluded in the financial misconduct reports the financial misconduct, the department
36.11 may consider that person's report and assistance in investigating the misconduct as a
36.12 mitigating factor in the department's pursuit of civil, criminal, or administrative remedies.

36.13 (c) After an investigation is complete, the reporter's name must be kept confidential.
36.14 The subject of the report may compel disclosure of the reporter's name only with the consent
36.15 of the reporter or upon a written finding by a district court that the report was false and there
36.16 is evidence that the report was made in bad faith. This paragraph does not alter disclosure
36.17 responsibilities or obligations under the Rules of Criminal Procedure, except that when the
36.18 identity of the reporter is relevant to a criminal prosecution the district court shall conduct
36.19 an in-camera review before determining whether to order disclosure of the reporter's identity.

36.20 Sec. 27. Minnesota Statutes 2022, section 245G.13, subdivision 2, is amended to read:

36.21 Subd. 2. **Staff development.** (a) A license holder must ensure that each staff member
36.22 has the training described in this subdivision.

36.23 (b) Each staff member must be trained every two years in:

36.24 (1) client confidentiality rules and regulations and client ethical boundaries; and

36.25 (2) emergency procedures and client rights as specified in sections 144.651, 148F.165,
36.26 and 253B.03.

36.27 (c) Annually each staff member with direct contact must be trained on mandatory
36.28 reporting as specified in sections 245A.65, 626.557, and 626.5572, and chapter 260E,
36.29 including specific training covering the license holder's policies for obtaining a release of
36.30 client information.

36.31 (d) Upon employment and annually thereafter, each staff member with direct contact
36.32 must receive training on HIV minimum standards according to section 245A.19.

37.1 (e) The license holder must ensure that each mandatory reporter, as described in section
 37.2 260E.06, subdivision 1, is trained on the maltreatment of minors reporting requirements
 37.3 and definitions in chapter 260E before the mandatory reporter has direct contact, as defined
 37.4 in section 245C.02, subdivision 11, with a person served by the program.

37.5 ~~(e)~~ (f) A treatment director, supervisor, nurse, or counselor must have a minimum of 12
 37.6 hours of training in co-occurring disorders that includes competencies related to philosophy,
 37.7 trauma-informed care, screening, assessment, diagnosis and person-centered treatment
 37.8 planning, documentation, programming, medication, collaboration, mental health
 37.9 consultation, and discharge planning. A new staff member who has not obtained the training
 37.10 must complete the training within six months of employment. A staff member may request,
 37.11 and the license holder may grant, credit for relevant training obtained before employment,
 37.12 which must be documented in the staff member's personnel file.

37.13 **EFFECTIVE DATE.** This section is effective January 1, 2024.

37.14 Sec. 28. Minnesota Statutes 2022, section 245H.03, is amended by adding a subdivision
 37.15 to read:

37.16 **Subd. 5. Notification required.** (a) A certification holder must notify the commissioner,
 37.17 in a manner prescribed by the commissioner, and obtain the commissioner's approval before
 37.18 making any changes:

37.19 (1) to the certification holder as defined in section 245H.01, subdivision 4;

37.20 (2) to the certification holder contact person as defined in section 245H.01, subdivision
 37.21 4a;

37.22 (3) to the certification holder information on file with the secretary of state or Department
 37.23 of Revenue;

37.24 (4) in the location of the program certified under this chapter;

37.25 (5) to the ages of children served by the program; or

37.26 (6) to the certified center's schedule including its:

37.27 (i) yearly schedule;

37.28 (ii) hours of operation; or

37.29 (iii) days of the week it is open.

37.30 (b) When, for reasons beyond the certification holder's control, a certification holder
 37.31 cannot provide the commissioner with prior notice of the changes in paragraph (a), the

38.1 certification holder must notify the commissioner by the tenth business day after the change
38.2 and must provide any additional information requested by the commissioner.

38.3 (c) When a certification holder notifies the commissioner of a change to the certification
38.4 holder information on file with the secretary of state, the certification holder must provide
38.5 documentation of the change.

38.6 (d) Upon implementation of the provider licensing and reporting hub, certification holders
38.7 must enter and update information in the hub in a manner prescribed by the commissioner.

38.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

38.9 Sec. 29. Minnesota Statutes 2022, section 245H.05, is amended to read:

38.10 **245H.05 MONITORING AND INSPECTIONS.**

38.11 (a) The commissioner must conduct an on-site inspection of a certified license-exempt
38.12 child care center at least ~~annually~~ once each calendar year to determine compliance with
38.13 the health, safety, and fire standards specific to a certified license-exempt child care center.

38.14 (b) No later than November 19, 2017, the commissioner shall make publicly available
38.15 on the department's website the results of inspection reports for all certified centers including
38.16 the number of deaths, serious injuries, and instances of substantiated child maltreatment
38.17 that occurred in certified centers each year.

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

38.19 Sec. 30. Minnesota Statutes 2022, section 245H.08, subdivision 4, is amended to read:

38.20 Subd. 4. **Maximum group size.** (a) For a child six weeks old through 16 months old,
38.21 the maximum group size shall be no more than eight children.

38.22 (b) For a child 16 months old through 33 months old, the maximum group size shall be
38.23 no more than 14 children.

38.24 (c) For a child 33 months old through prekindergarten, a maximum group size shall be
38.25 no more than 20 children.

38.26 (d) For a child in kindergarten through 13 years old, a maximum group size shall be no
38.27 more than 30 children.

38.28 (e) The maximum group size applies at all times except during group activity coordination
38.29 time not exceeding 15 minutes, during a meal, outdoor activity, field trip, nap and rest, and

39.1 special activity including a film, guest speaker, indoor large muscle activity, or holiday
39.2 program.

39.3 (f) Notwithstanding paragraph (d), a certified center may continue to serve a child 14
39.4 years of age or older if one of the following conditions is true:

39.5 (1) the child remains eligible for child care assistance under section 119B.09, subdivision
39.6 1, paragraph (e); or

39.7 (2) the certified center serves only school-age children in a setting that has students
39.8 enrolled in no grade higher than 8th grade.

39.9 Sec. 31. Minnesota Statutes 2022, section 245H.08, subdivision 5, is amended to read:

39.10 Subd. 5. **Ratios.** (a) The minimally acceptable staff-to-child ratios are:

39.11	six weeks old through 16 months old	1:4
39.12	16 months old through 33 months old	1:7
39.13	33 months old through prekindergarten	1:10
39.14	kindergarten through 13 years old	1:15

39.15 (b) Kindergarten includes a child of sufficient age to have attended the first day of
39.16 kindergarten or who is eligible to enter kindergarten within the next four months.

39.17 (c) For mixed groups, the ratio for the age group of the youngest child applies.

39.18 (d) Notwithstanding paragraph (a), a certified center may continue to serve a child 14
39.19 years of age or older if one of the following conditions is true:

39.20 (1) the child remains eligible for child care assistance under section 119B.09, subdivision
39.21 1, paragraph (e); or

39.22 (2) the certified center serves only school-age children in a setting that has students
39.23 enrolled in no grade higher than 8th grade.

39.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

39.25 Sec. 32. Minnesota Statutes 2022, section 245H.13, subdivision 3, is amended to read:

39.26 Subd. 3. **Administration of medication.** (a) A certified center that chooses to administer
39.27 medicine must meet the requirements in this subdivision.

39.28 (b) The certified center must obtain written permission from the child's parent or legal
39.29 guardian before administering prescription medicine, nonprescription medicine, diapering
39.30 product, sunscreen lotion, and insect repellent.

40.1 (c) The certified center must administer nonprescription medicine, diapering product,
40.2 sunscreen lotion, and insect repellent according to the manufacturer's instructions unless
40.3 provided written instructions by a licensed health professional to use a product differently.

40.4 (d) The certified center must obtain and follow written instructions from the prescribing
40.5 health professional before administering prescription medicine. Medicine with the child's
40.6 first and last name and current prescription information on the label is considered written
40.7 instructions.

40.8 (e) The certified center must ensure all prescription and nonprescription medicine is:

40.9 (1) kept in the medicine's original container with a legible label stating the child's first
40.10 and last name;

40.11 (2) given only to the child whose name is on the label;

40.12 (3) not given after an expiration date on the label; and

40.13 (4) returned to the child's parent or legal guardian or destroyed, if unused.

40.14 (f) The certified center must document in the child's record the administration of
40.15 prescription and nonprescription medication, including the child's first and last name; the
40.16 name of the medication or prescription number; the date, time, and dosage; and the name
40.17 and signature of the person who administered the medicine. This documentation must be
40.18 available to the child's parent or legal guardian.

40.19 (g) The certified center must store prescription and nonprescription medicines, insect
40.20 repellents, and diapering products according to directions on the original container.

40.21 **EFFECTIVE DATE.** This section is effective August 1, 2023.

40.22 Sec. 33. Minnesota Statutes 2022, section 245H.13, subdivision 7, is amended to read:

40.23 Subd. 7. **Risk reduction plan.** (a) The certified center must develop a risk reduction
40.24 plan that identifies risks to children served by the child care center. The assessment of risk
40.25 must include risks presented by (1) the physical plant where the certified services are
40.26 provided, including electrical hazards; and (2) the environment, including the proximity to
40.27 busy roads and bodies of water.

40.28 (b) The certification holder must establish policies and procedures to minimize identified
40.29 risks. After any change to the risk reduction plan, the certification holder must inform staff
40.30 of the change in the risk reduction plan and document that staff were informed of the change.

41.1 (c) If middle-school-age children are enrolled in the center and combined with elementary
41.2 children, the certification holder must establish policies and procedures to ensure adequate
41.3 supervision as defined in subdivision 10 when children are grouped together.

41.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

41.5 Sec. 34. **REPEALER.**

41.6 (a) Minnesota Statutes 2022, sections 245A.144; and 245A.175, are repealed.

41.7 (b) Minnesota Rules, parts 2960.3070; 2960.3210; and 9502.0425, subparts 5 and 10,
41.8 are repealed.

41.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

245A.144 TRAINING ON RISK OF SUDDEN UNEXPECTED INFANT DEATH AND ABUSIVE HEAD TRAUMA FOR CHILD FOSTER CARE PROVIDERS.

(a) Licensed child foster care providers that care for infants or children through five years of age must document that before staff persons and caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden unexpected infant death and abusive head trauma from shaking infants and young children. This section does not apply to emergency relative placement under section 245A.035. The training on reducing the risk of sudden unexpected infant death and abusive head trauma may be provided as:

(1) orientation training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 1; or

(2) in-service training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 2.

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden unexpected infant death and abusive head trauma, means of reducing the risk of sudden unexpected infant death and abusive head trauma, and license holder communication with parents regarding reducing the risk of sudden unexpected infant death and abusive head trauma.

(c) Training for child foster care providers must be approved by the county or private licensing agency that is responsible for monitoring the child foster care provider under section 245A.16. The approved training fulfills, in part, training required under Minnesota Rules, part 2960.3070.

245A.175 CHILD FOSTER CARE TRAINING REQUIREMENT; MENTAL HEALTH TRAINING; FETAL ALCOHOL SPECTRUM DISORDERS TRAINING.

Prior to a nonemergency placement of a child in a foster care home, the child foster care license holder and caregivers in foster family and treatment foster care settings, and all staff providing care in foster residence settings must complete two hours of training that addresses the causes, symptoms, and key warning signs of mental health disorders; cultural considerations; and effective approaches for dealing with a child's behaviors. At least one hour of the annual training requirement for the foster family license holder and caregivers, and foster residence staff must be on children's mental health issues and treatment. Except for providers and services under chapter 245D, the annual training must also include at least one hour of training on fetal alcohol spectrum disorders, which must be counted toward the 12 hours of required in-service training per year. Short-term substitute caregivers are exempt from these requirements. Training curriculum shall be approved by the commissioner of human services.

2960.3070 FOSTER PARENT TRAINING.

Subpart 1. **Orientation.** A nonrelative foster parent must complete a minimum of six hours of orientation before admitting a foster child. Orientation is required for relative foster parents who will be licensed as a child's foster parents. Orientation for relatives must be completed within 30 days following the initial placement. The foster parent's orientation must include items A to E:

A. emergency procedures, including evacuation routes, emergency telephone numbers, severe storm and tornado procedures, and location of alarms and equipment;

B. relevant laws and rules, including, but not limited to, chapter 9560 and Minnesota Statutes, chapters 245A, 260, 260C, and 260E, and legal issues and reporting requirements;

C. cultural diversity, gender sensitivity, culturally specific services, cultural competence, and information about discrimination and racial bias issues to ensure that caregivers will be culturally competent to care for foster children according to Minnesota Statutes, section 260C.212, subdivision 11;

D. information about the role and responsibilities of the foster parent in the development and implementation of the case plan and in court and administrative reviews of the child's placement; and

E. requirements of the licensing agency.

Subp. 2. **In-service training.** Each foster parent must complete a minimum of 12 hours of training per year in one or more of the areas in this subpart or in other areas as agreed upon by the licensing agency and the foster parent. If the foster parent has not completed the required annual training at the time of relicensure and does not show good cause why the training was not completed, the foster parent may not accept new foster children until the training is completed. The nonexclusive list of topics in items A to Z provides examples of in-service training topics that could be useful to a foster parent:

A. cultural competence and transcultural placements;

B. adoption and permanency;

C. crisis intervention, including suicide prevention;

D. sexual offender behaviors;

E. children's psychological, spiritual, cultural, sexual, emotional, intellectual, and social development;

F. legal issues including liability;

G. foster family relationships with placing agencies and other service providers;

H. first aid and life-sustaining treatment such as cardiopulmonary resuscitation;

I. preparing foster children for independent living;

J. parenting children who suffered physical, emotional, or sexual abuse or domestic violence;

K. chemical dependency, and signs or symptoms of alcohol and drug abuse;

L. mental health and emotional disturbance issues;

M. Americans with Disabilities Act and Individuals With Disabilities Education Act;

N. caring for children with disabilities and disability-related issues regarding developmental disabilities, emotional and behavioral disorders, and specific learning disabilities;

- O. privacy issues of foster children;
- P. physical and nonphysical behavior guidance, crisis de-escalation, and discipline techniques, including how to handle aggression for specific age groups and specific issues such as developmental disabilities, chemical dependency, emotional disturbances, learning disabilities, and past abuse;
- Q. birth families and reunification;
- R. effects of foster care on foster families;
- S. home safety;
- T. emergency procedures;
- U. child and family wellness;
- V. sexual orientation;
- W. disability bias and discrimination;
- X. management of sexual perpetration, violence, bullying, and exploitative behaviors;
- Y. medical technology-dependent or medically fragile conditions; and
- Z. separation, loss, and attachment.

Subp. 3. **Medical equipment training.** Foster parents who care for children who rely on medical equipment to sustain life or monitor a medical condition must meet the requirements of Minnesota Statutes, section 245A.155.

2960.3210 STAFF TRAINING REQUIREMENTS.

Subpart 1. **Orientation.** The license holder must ensure that all staff attend and successfully complete at least six hours of orientation training before having unsupervised contact with foster children. The number of hours of orientation training are not counted as part of the hours of annual training. Orientation training must include at least the topics in items A to F:

- A. emergency procedures, including evacuation routes, emergency telephone numbers, severe storm and tornado procedures, and location of facility alarms and equipment;
- B. relevant statutes and administrative rules and legal issues, including reporting requirements for abuse and neglect specified in Minnesota Statutes, chapter 260E and section 626.557, and other reporting requirements based on the ages of the children;
- C. cultural diversity and gender sensitivity, culturally specific services, and information about discrimination and racial bias issues to ensure that caregivers have cultural sensitivity and will be culturally competent to care for children according to Minnesota Statutes, section 260C.212, subdivision 11;
- D. general and special needs, including disability needs, of children and families served;
- E. operational policies and procedures of the license holder; and
- F. data practices regulations and issues.

Subp. 2. **Personnel training.** The license holder must provide training for staff that is modified annually to meet the current needs of individual staff persons. The license holder must develop an annual training plan for employees that addresses items A to C.

A. Full-time and part-time direct care staff and volunteers must have sufficient training to accomplish their duties. To determine the type and amount of training an employee needs, the license holder must consider the foster care program's target population, services the program delivers, and outcomes expected from the services, as well as the employee's

position description, tasks to be performed, and the performance indicators for the position. The license holder and staff who care for children who rely on medical equipment to sustain life or monitor a medical condition must meet the requirements of Minnesota Statutes, section 245A.155.

B. Full-time staff who have direct contact with children must complete at least 18 hours of in-service training per year. One-half of the training must be skill development training. Other foster home staff and volunteers must complete in-service training requirements consistent with their duties.

C. Part-time direct care staff must receive sufficient training to competently care for children. The amount of training must be provided at least at a ratio of one hour of training for each 60 hours worked, up to 18 hours of training per part-time employee per year.

Subp. 3. **Documentation of training.** The license holder must document the date and number of hours of orientation and in-service training completed by each staff person in each topic area and the name of the entity that provided the training.

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.