



Licensed Family Child Care: Implementation Plan for 2019 Legislative Changes

Office of Inspector General, Licensing Division

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Introduction

The 2019 Legislature changed several laws that impact family child care programs, including licensing requirements and background study requirements. Many of the changes clarify licensing requirements or make it easier for providers to comply with requirements.

Each section of this Implementation Plan contains:

- the actual text of the law, including the changes made during the 2019 legislative session
- an overview of each new or changed requirement,
- what the change means for providers, and
- instructions for family child care licensors about how and when to monitor these changes.

Year of technical assistance for new requirements

Some of the 2019 legislative changes described in this document will require providers to meet new standards. When monitoring for these new requirements, licensors will provide technical assistance during annual visits between Sept. 30, 2019 and Sept. 30, 2020. After Sept. 30, 2020, if a licensor determines that a provider is not compliant with any of these requirements, a correction order will be issued or other licensing action will be taken, if appropriate.

Key

The actual text of the laws and how they were changed are shown in the shaded box at the beginning of each section of this plan. Here is how to read those sections:

Plain text is unchanged – it was the law before and continues to be the law.

Stricken text (~~like this~~) is used on words that are being removed from the law.

Underlined text (like this) is used for words that are being added to the law.

Throughout this document, we use the following acronyms:

- DHS for the Minnesota Department of Human Services
- ELICI for Electronic Licensing Inspection Checklist Information

Use of substitutes

[245A.53] SUBSTITUTE CAREGIVERS AND REPLACEMENTS IN FAMILY CHILD CARE.

Subdivision 1. Total hours allowed. Notwithstanding Minnesota Rules, part 9502.0365, subpart 5, the use of a substitute caregiver in a licensed family child care program must be limited to a cumulative total of not more than 500 hours annually. The license holder must document the name, dates, and number of hours of the substitute who provided care.

Overview

Beginning Sept. 30, 2019 providers will be able to use substitutes for up to 500 hours annually rather than 30 days in a 12-month period. Providers must document the substitutes' names, the dates and the number of hours for which they provided care.

DHS will develop a form to track the required information. This optional form will be added to DHS' family child care webpage by Sept. 30, 2019. Providers may choose whether they wish to use the DHS-developed form or their own method of documenting the required information.

What do providers need to do?

Each time a substitute is used, you must document: 1) the substitute's name, 2) the date that the substitute provided care, and 3) the number of hours that the substitute provided care.

You may use this optional form, which will be available after Sept. 20, 2019:

<https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-7965-ENG>

You are responsible for ensuring that you use substitutes for no more than 500 hours annually. Previously, your use of a substitute was based on a 12-month period, but now it will align with your license renewal.

What do licensors need to do?

Technical assistance

At each annual visit, you need to ask the provider about their use of substitutes during the previous 12 months. If the provider used a substitute after Sept. 30, 2019, you need to look at the provider's documentation to determine the number of hours a substitute was used.

Until Sept. 30, 2020, if you find that a provider used a substitute, but the provider has not documented the required information including the name of the substitute, the date that the substitute provided care, and the number of hours that care was provided, you need to provide technical assistance. You need to mark this item as not in compliance ("unmet") on the ELICI checklist. When you mark this item as not in compliance on the ELICI checklist, a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement and you must issue the technical assistance document to the provider after completing the visit.

You will then confirm at the next annual visit that the provider has come into compliance.

Variance for extended use of substitutes

Minnesota Statutes 2018, section 245A.16, subdivision 1

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

- (1) dual licensure of family child care and child foster care, dual licensure of child and adult foster care, and adult foster care and family child care;
- (2) adult foster care maximum capacity;
- (3) adult foster care minimum age requirement;
- (4) child foster care maximum age requirement;
- (5) variances regarding disqualified individuals except that, before the implementation of NETStudy 2.0, county agencies may issue variances under section 245C.30 regarding disqualified individuals when the county is responsible for conducting a consolidated reconsideration according to sections 245C.25 and 245C.27, subdivision 2, clauses (a) and (b), of a county maltreatment determination and a disqualification based on serious or recurring maltreatment;
- (6) the required presence of a caregiver in the adult foster care residence during normal sleeping hours;
~~and~~
- (7) variances to requirements relating to chemical use problems of a license holder or a household member of a license holder.; and
- (8) variances to section 245A.53 for a time-limited period. If the commissioner grants a variance under this clause, the license holder must provide notice of the variance to all parents and guardians of the children in care.

Overview

Starting Sept. 30, 2019, DHS may grant time-limited variances to providers who need to use a substitute for more than 500 hours annually. Providers who are granted variances must notify parents and guardians of the variance.

What do providers need to do?

You are responsible for ensuring that you use substitutes for no more than 500 hours annually.

If a situation emerges and you determine you may need to use a substitute caregiver for more than 500 hours (for example, you need an extended medical leave), you must submit a request for a variance to your licensor as soon as possible. To ensure adequate time to process the request, DHS recommends submitting variance requests no later than 30 days prior to the time you anticipate exceeding the allotted 500 hours.

The variance must be submitted on the DHS-developed form. This form will be added to DHS' family child care webpage by Sept. 30, 2019.

Upon receipt of the approved variance, you must notify all parents and guardians of children in care.

What do licensors need to do?

In limited circumstances, providers may need to use a substitute for more than 500 hours annually. If a provider contacts you with the request for a variance, you can direct them to the DHS website or provide a copy of the variance request form with the instructions to complete the form and return it to you.

You will need to review the form and submit a request for the variance to DHS. DHS will then review and issue the variance, if appropriate. Both you and the provider will receive a copy of the variance.

Supervision of provider's own child

[245A.149] SUPERVISION OF FAMILY CHILD CARE LICENSE HOLDER'S OWN CHILD. (a) Notwithstanding Minnesota Rules, part 9502.0365, subpart 5, an individual may be present in the licensed space, may supervise the family child care license holder's own child both inside and outside of the licensed space, and is exempt from the training and supervision requirements of this chapter and Minnesota Rules, chapter 9502, if the individual:

- (1) is related to the license holder, as defined in section 245A.02, subdivision 13;
- (2) is not a designated caregiver, helper, or substitute for the licensed program;
- (3) is involved only in the care of the license holder's own child; and
- (4) does not have direct, unsupervised contact with any nonrelative children receiving services.

(b) If the individual in paragraph (a) is not a household member, the individual is also exempt from background study requirements under chapter 245C.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

This law clarifies that an individual who is related to the provider may be in the licensed space and or may supervise the provider's own child without completing training and a background study as long as the related individual is not a designated caregiver, helper, or substitute. The related individual may supervise the provider's own child(ren) within or outside of the licensed space.

Individual who is related means a spouse, a parent, a birth or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece, a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle, or a legal guardian. (Minnesota Statutes, section 245A.02, subdivision 13)

It is important to remember that regardless of whether the child is under supervision of the program or under supervision by an individual related to the license holder, while at the residence, the child counts toward the licensed capacity of the program. (Minnesota Rules, part 9502.0315, subparts 11 and 13)

What do providers need to do?

This clarifies current law and does not change who may be in the licensed space without training or background study.

You can allow individuals to be present in the licensed space if they:

- 1) are related to the license holder;
- 2) are not a designated caregiver, helper, or substitute;
- 3) only care for the license holder's own child(ren); and
- 4) do not have direct, unsupervised contact with nonrelative children receiving services.

A related individual may also care for your own child inside or outside of the licensed space. These individuals are exempt from training and supervision requirements. If the related individual is not a household member, they are also exempt from background study requirements.

Your own child(ren) will still count toward the child care provider's capacity regardless of who is caring for them while at the residence.

What do licensors need to do?

This clarifies current law and does not change who may be in the licensed space without training or a background study. If, during a visit, you encounter or learn of an adult who meets the requirements of this statute, it is not a violation.

Emergency replacement

[245A.53] **SUBSTITUTE CAREGIVERS AND REPLACEMENTS IN FAMILY CHILD CARE.**

Subd. 2. **Emergency replacement supervision.** (a) A license holder may allow an adult who has not completed the training requirements under this chapter or the background study requirements under chapter 245C to supervise children in a family child care program in an emergency. For purposes of this subdivision, an emergency is a situation in which:

- (1) the license holder has begun operating the family child care program for the day and for reasons beyond the license holder's control, including, but not limited to a serious illness or injury, accident, or situation requiring the license holder's immediate attention, the license holder needs to leave the licensed space and close the program for the day; and
- (2) the parents or guardians of the children attending the program are contacted to pick up their children as soon as is practicable.

(b) The license holder must make reasonable efforts to minimize the time the emergency replacement has unsupervised contact with the children in care, not to exceed 24 hours per emergency incident.

(c) The license holder shall not knowingly use a person as an emergency replacement who has committed an action or has been convicted of a crime that would cause the person to be disqualified from providing care to children, if a background study was conducted under chapter 245C.

(d) To the extent practicable, the license holder must attempt to arrange for emergency care by a substitute caregiver before using an emergency replacement.

(e) To the extent practicable, the license holder must notify the county licensing agency within seven days that an emergency replacement was used, and specify the circumstances that led to the use of the emergency replacement. The county licensing agency must notify the commissioner within three business days after receiving the license holder's notice that an emergency replacement was used, and specify the circumstances that led to the use of the emergency replacement.

(f) Notwithstanding the requirements in Minnesota Rules, part 9502.0405, a license holder is not required to provide the names of persons who may be used as replacements in emergencies to parents or the county licensing agency.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

In specific emergency situations, an adult who has not completed training or a background study may supervise children on a short term basis as long as certain conditions are met.

It is important to note in rare instances where an emergency replacement is used, the program must close for the remainder of the day.

If a situation arises where a provider needs to leave the licensed space and wishes to remain open, this new law does not apply. The provider may use a substitute or caregiver who has completed required training and has completed a background study and received a clearance notice, as is current practice.

What do providers need to do?

If, while open, you encounter an emergency such as, a personal injury or medical emergency, an emergency of family member or other situation that creates the need to leave the child care, families need to be notified that the program is closing and that they need to pick up their children as soon as practicable.

While it is preferred that you use a qualified substitute, in the event that it is not practicable, you can use an emergency replacement and have them stay with the children until parents come pick up the children.

You must make reasonable efforts to minimize the time the emergency replacement has unsupervised contact with the children in care, not to exceed 24 hours per emergency incident.

You shall not knowingly use an emergency replacement who has committed an action or has been convicted of a crime that would cause the person to be disqualified from providing care to children if a background study was conducted.

When practicable, you must notify your county licensor within seven days of using an emergency replacement. The notification must include the name of the emergency replacement, the date and time of the emergency and the circumstances that led to the use of an emergency replacement.

Please note that you must still develop plans for use of a substitute for emergencies, vacations, or holidays when you plan to remain open. This includes identifying a substitute who is able to provide care during emergencies. (Minnesota Rules parts 9502.0405, subpart 3(L); and 9502.0435, subpart 8(D)) However, you do not need to identify individuals in your plan who may fill in as an emergency replacement.

What do licensors need to do?

Technical assistance

During an annual visit, you need to ask if the provider used an emergency replacement. If they did, then you must determine if the provider closed for the day and notified the county as required. Until Sept. 30, 2020, if you find that a provider did not notify the county, or did not close for the day, you must provide technical assistance. You need to mark this item as not in compliance (“unmet”) on the ELICI checklist. When you mark this item as not in compliance on the ELICI checklist, a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement and you must issue the technical assistance document to the provider after completing the visit.

In the event that a provider uses an emergency replacement, the county licensing agency must notify DHS within three business days after receiving the license holder's notice that an emergency replacement was used. When you contact DHS, you must specify the circumstances that led to the use of the emergency replacement. You can notify DHS through the Triage Line.

Means of escape: Fire code

(This updates licensing standards to reflect the current Fire Code.)

[245A.52] FAMILY CHILD CARE PHYSICAL SPACE REQUIREMENTS.

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

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

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

(d) Additional requirements are dependent on the distance of the openings from the ground outside the window: (1) windows or other openings with a sill height not more than 44 inches above or below the finished ground level adjacent to the opening (grade-floor emergency escape and rescue openings) must have a minimum opening of five square feet; and (2) non-grade floor emergency escape and rescue openings must have a minimum opening of 5.7 square feet.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

The law clarifies that two means of escape are required only for areas where children are sleeping and basements used for care. What qualifies as a means of escape did not change; one must be a stairway or door leading to the floor of discharge and the other must be a door or window leading directly outside. Same as before, windows used as emergency escapes must be openable without special knowledge.

Effective Sept. 30, 2019, homes where construction began:

- Before May 2, 2016:
 - Window opening size: not less than 4.5 square feet or 648 square inches
 - Window opening height: not less than 20 inches
 - Window opening width: not less than 20 inches
 - Window opening cannot be higher than 48 inches from the floor (This can be measured from a platform if the platform is located underneath the window.)

- On or after May 2, 2016:
 - Window opening height: not less than 24 inches
 - Window opening width: not less than 20 inches
 - Window opening cannot be higher than 44 inches from the floor

Windows (or other openings) that are close to the ground outside (that have a sill within 44 inches above or below the finished ground level adjacent to the opening /grade-floor emergency escapes and rescue openings) must have a minimum opening of 5 square feet. Windows in rooms on higher floors (non-grade floor emergency escape and rescue openings) must have a minimum opening of 5.7 square feet.

What do providers need to do?

You no longer need to monitor for two means of escape in every room. You are only required to have two means of escape in 1) rooms where children in care sleep and 2) basements used for care.

What do licensors need to do?

Prior to licensure if a provider did not meet one or more triggers for a Fire Marshal visit, you will need to verify that basements used for care and rooms used for sleeping have two means of escape. Rooms not previously used due to the lack of two exits may be able to be licensed if they meet all of the other requirements.

Door to attached garage: Fire code

(This updates licensing standards to reflect the current Fire Code.)

[245A.52] FAMILY CHILD CARE PHYSICAL SPACE REQUIREMENTS.

Subd. 2. **Door to attached garage.** Notwithstanding Minnesota Rules, part 9502.0425, subpart 5, day care residences with an attached garage are not required to have a self-closing door to the residence. The door to the residence may be a steel insulated door if the door is at least 1-3/8 inches thick.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

Doors between a home and attached garage no longer need to be self-closing. The door to the home may be a steel insulated door that is at least 1 3/8 inches thick, a solid wood bonded door that is at least 1 3/8 inches thick, or a door having a fire protection rating of 20 minutes or more.

Garages still need to have a 5/8 inch thick gypsum wallboard or its equivalent on the wall between the attached garage and the home.

What do providers need to do?

If you are a new or existing provider, you do not need to install a self-closing door between your home and attached garage.

In addition to the previously allowed door types, you may now have a steel insulated door between the home and the garage if it is at least 1 3/8 inches thick.

What do licensors need to do?

You no longer have to check for a self-closing door between the home and attached garage. This item will be removed from the fix-it-ticket and the ELICI checklist.

During the pre-licensure visit, you need to confirm that a door between a home and attached garage is at least 1-3/8 inches thick, is a steel insulated door or a tight-fitting solid wood bonded core door, and the fire rating of the door is at least 20 minutes or more.

You will still need to verify that gypsum wallboard that is 5/8 inches thick or its equivalent is attached to the walls between the garage and the home.

Heating and venting systems: Fire code

(This updates licensing standards to reflect the current Fire Code.)

[245A.52] FAMILY CHILD CARE PHYSICAL SPACE REQUIREMENTS.

Subd. 3. Heating and venting systems. Notwithstanding Minnesota Rules, part 9502.0425, subpart 7, items that can be ignited and support combustion, including but not limited to plastic, fabric, and wood products must not be located within 18 inches of a gas or fuel-oil heater or furnace. If a license holder produces manufacturer instructions listing a smaller distance, then the manufacturer instructions control the distance combustible items must be from gas, fuel-oil, or solid-fuel burning heaters or furnaces.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

Combustible items (e.g. plastic, fabric, and wood) can now be less than 36 but not less than 18 inches away from a gas or fuel-oil heater or furnace. However, if a provider has manufacturer instructions indicating that a combustible item can be a shorter distance away, then the provider may follow those instructions.

In addition, the statute now clearly provides examples of combustible items (including, but not limited to plastic, fabric, and wood).

What do providers need to do?

Starting on Sept. 30, 2019, combustible items (e.g. plastic, fabric, and wood) must be 18 or more inches from a gas or fuel-oil heater or furnace. However, for solid-fuel burning heaters and furnaces, combustible items still need to be at least 36 inches away.

If you have manufacturer instructions indicating that it is safe to have a combustible item a closer distance, you may do so.

What do licensors need to do?

You need to continue to monitor for combustible items near heaters. If you determine that an item that can be ignited and support combustion is located within 18 inches of a gas or fuel-oil heater or furnace you would mark the item as unmet in the ELICI checklist, and a correction order will be issued.

Please note that if a provider shows you manufacturer instructions listing a smaller distance, then the manufacturer instructions control the distance combustible items must be from gas, fuel-oil, or solid-fuel burning heaters or furnaces. In this case, if you determine that an item that can be ignited and support combustion is located closer to a gas, fuel-oil, or solid-fuel burning heater or furnace than the manufacturer instructions specify as being safe, then you would mark the item as unmet in the ELICI checklist, and a correction order would be issued.

Before Sept. 30, 2019, providers were eligible for a fix-it ticket if a combustible item was 18 or more inches away but less than 36 inches away from a gas or a fuel-oil furnace or heater. With the new law, this is no longer a violation, so a fix-it ticket should not be issued. This item will be removed from the fix-it ticket list and the ELICI checklist.

Fire extinguisher: Fire code

(This updates licensing standards to reflect the current Fire Code.)

[245A.52] FAMILY CHILD CARE PHYSICAL SPACE REQUIREMENTS.

Subd. 4. **Fire extinguisher.** A portable, operational, multipurpose, dry chemical fire extinguisher with a minimum 2 A 10 BC rating must be located in or near the kitchen and cooking areas of the residence at all times. The fire extinguisher must be serviced annually by a qualified inspector. All caregivers must know how to properly use the fire extinguisher.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

Providers still need to have the same type of fire extinguisher, but now it can be located **near** the kitchen or cooking area rather than **in** the kitchen or cooking area. The law clarifies the long-time interpretation that providers need to have their fire extinguisher serviced annually by a qualified inspector.

What do providers need to do?

You still need to have a portable, operational, multipurpose, dry chemical fire extinguisher with a minimum 2 A 10 BC rating. Starting on Sept. 30, 2019, you can store the fire extinguisher **in** or **near** your kitchen or cooking area. You must have their fire extinguisher serviced annually by a qualified inspector. According to the State Fire Marshal, a qualified inspector is someone who has received training by a manufacturer or representative in the maintenance of extinguishers.

What do licensors need to do?

You must determine whether a provider has a portable, operational, multipurpose, dry chemical fire extinguisher with a minimum 2 A 10 BC rating. You must determine whether the fire extinguisher has been serviced within the last year by a qualified inspector. According to the State Fire Marshal, a qualified inspector is someone who has received training by a manufacturer or representative in the maintenance of extinguishers.

Starting on Sept. 30, 2019, this fire extinguisher can be **in** or **near** the provider's kitchen or cooking area.

Carbon monoxide and smoke alarms: Fire code

(This updates licensing standards to reflect the current Fire Code.)

[245A.52] FAMILY CHILD CARE PHYSICAL SPACE REQUIREMENTS.

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

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

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

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

Providers need to have an approved and operable carbon monoxide alarm installed within 10 feet of each room used for sleeping children in care.

All homes need to have smoke alarms on all levels, including basements, and in hallways outside of rooms children in care use for sleeping. Crawl spaces and uninhabitable attics do not need smoke alarms. If the home's construction began on or after May 2, 2016, smoke alarms must be installed and maintained in each room children in care use for sleeping.

What do providers need to do?

You need to have an approved and operational carbon monoxide alarm installed within 10 feet of each room children in care use for sleeping.

You continue to be required to use smoke alarms that have been listed by the Underwriter Laboratory. You must determine whether the alarms are properly installed and maintained on all levels, including basements. However, crawl spaces and uninhabitable attics do not need smoke alarms. Smoke alarms need to be in hallways outside of rooms children in care use for sleeping.

If construction on your home began on or after May 2, 2016, you will need to have smoke alarms installed and maintained in each room children in care use for sleeping.

Technical assistance

You need to determine whether providers have an approved operable carbon monoxide alarm installed within 10 feet of each room children in care use for sleeping. Until Sept. 30, 2020, if you determine that a provider does not have an approved carbon monoxide alarm installed within 10 feet of each room children in care use for sleeping, you will provide technical assistance. You need to mark this item as not in compliance (“unmet”) on the ELICI checklist. When you mark this item as not in compliance on the ELICI checklist, a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement and you must issue the technical assistance document to the provider after completing the visit.

As before, you must determine whether providers have a smoke alarm on each level of their home, including basements. Providers do not need to have a smoke alarm in a crawl space or uninhabitable attic.

You must check for smoke alarms outside of rooms children in care use for sleeping. You need to check smoke alarms to confirm that they were listed by the Underwriter Laboratory.

You must determine if construction on the provider’s home began on or after May 2, 2016. If so, you need to determine whether a smoke alarm is installed and maintained in each room children in care use for sleeping. Until Sept. 30, 2020, if you determine that a provider whose home had construction that began on or after May 2, 2016, does not have a smoke alarm installed and maintained in each room children in care use for sleeping, you will provide technical assistance. You need to mark this item as not in compliance (“unmet”) on the ELICI checklist. When you mark this item as not in compliance on the ELICI checklist, a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement and you must issue the technical assistance document to the provider after completing the visit.

The licensor will then confirm at the next annual visit that the provider has come into compliance.

Report of fires in providers' homes by county agencies

Section 245A.16, Subdivision 1. **Delegation of authority to agencies.**

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

- (1) the results of each licensing review completed, including the date of the review, and any licensing correction order issued; ~~and~~
- (2) any death, serious injury, or determination of substantiated maltreatment; and
- (3) any fires that require the service of a fire department within 48 hours of the fire. The information under this clause must also be reported to the State Fire Marshal within two business days of receiving notice from a licensed family child care provider.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

If a provider has a fire at their home that required the service of the fire department, the provider needs to report the fire to their licensor within 48 hours of the fire. The licensor needs to report the fire to DHS within two business days from report. DHS will report the fire to the State Fire Marshal.

What do providers need to do?

You need to continue to report fires that required the service of a fire department within 48 hours to your county licensor. No additional steps are needed.

What do licensors need to do?

Starting Sept. 30, 2019, you need to report to DHS fires that occur at a family child care provider's home that required the service of a fire department within 48 hours of the fire. You must report the fire to the DHS Triage Line within 48 hours.

Clarification when requirements are disputed

Section 245A.04, Subd. 4. **Inspections; waiver.**

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

Overview

During an annual visit or the exit interview following an annual visit, a provider may express that they dispute or disagree with the county licensor's interpretation of a requirement. When this occurs, the provider has five business days following the exit interview to submit a written request to the commissioner requesting clarification on the disputed requirement. Licensors cannot include the disputed item in a correction order, unless the commissioner clarifies that it is a violation. DHS and licensors will include providers in all correspondence related to the dispute. Once the exit interview is over, the opportunity to dispute a requirement has passed. As before, providers continue to have the right to request reconsideration after a correction order has been issued, as explained on the correction order.

What do providers need to do?

Starting Sept. 30, 2019, if during the annual visit or during the exit interview, you express a dispute to your county licenser about an interpretation of a licensing requirement, you may submit a written request for clarification to DHS.

The request must be:

- Expressed during the annual visit or exit interview, and
- Documented on the DHS form, and
- Submitted within five business days after the exit interview or annual visit, and
- Sent to DHS via email (dhs.fccproviderquestions@state.mn.us), fax, or mail

You must use this form for your request, which will be available after Sept. 20, 2019:

<https://edocs.dhs.state.mn.us/lfs/Server/Public/DHS-7966-ENG>

DHS recommends submitting the request via email for speed and efficiency.

You must use DHS' form to submit the request for clarification. In the request, you must clearly state your licenser's interpretation of the licensing requirement and why you believe your licenser's interpretation is incorrect. Any relevant information that you would like to submit for consideration (photos, etc.) needs to be submitted with the request form. DHS will share the form and information you submitted with your licenser and ask if there is any additional information they would like to share. DHS and your licenser will include you in any correspondence on the topic.

If the written request is not submitted to DHS within five business days of the exit interview, the opportunity to dispute the requirement has ended. However, you may still submit a request for reconsideration that is explained on your correction order.

What do licensers need to do?

At the end of each annual visit, you must offer an exit interview and discuss the outcomes of the visit. If the provider disputes any of the items you determined to be out of compliance, you and the provider should discuss your differences of opinion about the meaning of the rule or statute. If after the discussion, the provider still feels that they were in compliance, they may continue on with the dispute process.

If you have a county-issued phone or device and the dispute involves a condition or an object, you should consider taking a picture and uploading it to the ELICI checklist. You need to "flag" the disputed item in the ELICI checklist. You cannot include the disputed item in a correction order, unless the commissioner clarifies that it is a violation.

Exit interviews

Section 245A.04, Subd. 4. **Inspections; waiver.**

(c) Before completing a licensing inspection in a family child care program or child care center, the licensing agency must offer the license holder an exit interview to discuss violations or potential violations of law or rule observed during the inspection and offer technical assistance on how to comply with applicable laws and rules. ~~Nothing in this paragraph limits the ability of the commissioner to issue a correction order or negative action for violations of law or rule not discussed in an exit interview or in the event that a license holder chooses not to participate in an exit interview.~~ The commissioner shall not issue a correction order or negative licensing action for violations of law or rule not discussed in an exit interview, unless a license holder chooses not to participate in an exit interview or not to complete the exit interview. If the license holder is unable to complete the exit interview, the licensing agency must offer an alternate time for the license holder to complete the exit interview.

Overview

After an annual visit and as part of the exit interview, licensors must discuss violations of law/rule noted during the annual visit. If the provider is unable to complete the exit interview, the licensor must offer an alternate time to complete the interview prior to issuing a correction order or a licensing action.

What do providers need to do?

If an exit interview cannot be completed during the annual visit, you can request to have an alternate time made available. The exit interview could be done over the phone or rescheduled for a different day during child care hours.

If you do not participate in the alternate exit interview, or return the phone call or email of your licensor, the correction order or other licensing action can be completed without additional discussion.

What do licensors need to do?

At the end of each annual visit, you must offer an exit interview. If the exit interview cannot take place immediately following the visit, an alternate time must be made available. Depending on the circumstances, the interview could occur over the phone or in-person on an alternate day.

The statute was amended this year to require that **potential** violations being considered for a correction order now be discussed with the provider during the exit interview. A provider should be told of all violations that you will, or may, cite.

Note: The statute requires an exit interview at the conclusion of annual visits. A complaint investigation or drop-in visit is not the same as an annual visit, and therefore, no exit interview is required at the conclusion of an investigation or drop-in visit.

Emergency preparedness plan

Section 245A.51, subdivision 3, is amended to read:

Subd. 3. **Emergency preparedness plan.** (a) ~~No later than September 30, 2017,~~ A licensed family child care provider must have a written emergency preparedness plan for emergencies that require evacuation, sheltering, or other protection of children, such as fire, natural disaster, intruder, or other threatening situation that may pose a health or safety hazard to children. The plan must be written on a form developed by the commissioner and updated at least annually. The plan must include:

- (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;
- (2) a designated relocation site and evacuation route;
- (3) procedures for notifying a child's parent or legal guardian of the evacuation, shelter-in-place, or lockdown, including procedures for reunification with families;
- (4) accommodations for a child with a disability or a chronic medical condition;
- (5) procedures for storing a child's medically necessary medicine that facilitate easy removal during an evacuation or relocation;
- (6) procedures for continuing operations in the period during and after a crisis; ~~and~~
- (7) procedures for communicating with local emergency management officials, law enforcement officials, or other appropriate state or local authorities; and
- (8) accommodations for infants and toddlers.

(b) The license holder must train caregivers before the caregiver provides care and at least annually on the emergency preparedness plan and document completion of this training.

(c) The license holder must conduct drills according to the requirements in Minnesota Rules, part 9502.0435, subpart 8. The date and time of the drills must be documented.

(d) The license holder must have the emergency preparedness plan available for review ~~and posted in a prominent location. The license holder must provide a physical or electronic copy of the plan to the child's parent or legal guardian upon enrollment.~~

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

Providers need to add accommodations for infants and toddlers to their emergency preparedness plan. Providers are no longer required to post or share their emergency preparedness plan with parents or guardians.

What do providers need to do?

Starting Sept. 30, 2019, you will need to update your emergency preparedness plan to include accommodations for infants and toddlers. After Sept. 30, 2019, the plan must be updated and include how you will accommodate infants and toddlers in an emergency. The initial emergency preparedness plan form developed by the commissioner does not include this, because it is a new requirement.

In order to comply, you can do one of two things:

- complete a one-page update developed by DHS that includes the new requirement or
- complete a new emergency plan. DHS received feedback from providers that the form was too long and repetitive. In response, DHS revised and shortened the required template.

You no longer need to post or share your emergency preparedness plans with parents or guardians. However, you must continue to make the plan available for review.

You can find the one-page update here: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7955-ENG>

You can find the updated emergency preparedness plan, which will be available after Sept. 20, 2019 here: <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7414C-ENG>

What do licensors need to do?

Technical assistance

At the annual visit, you must determine whether the provider completed 1) DHS' one-page form with accommodations for infants and toddlers or 2) DHS' new emergency plan form. You need to review the form for completeness and to determine whether providers filled out the form using responses that generally address the questions posed.

Until Sept. 30, 2020, if the provider did not address how they would accommodate infants and toddlers, you need to provide technical assistance. You need to mark this item as not in compliance (“unmet”) on the ELICI checklist. When you mark this item as not in compliance on the ELICI checklist, a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement, and you must issue the technical assistance document to the provider after completing the visit.

You no longer need to look for posted emergency preparedness plans or determine whether or not providers shared emergency preparedness plans with parents or guardians, as these are no longer requirements. These items will be removed from the ELICI checklist to facilitate licensors' work. Failure to post emergency preparedness plans will no longer be a fix-it ticket item.

Telephone requirements

Section 245A.51

Subd. 5. Telephone requirement. Notwithstanding Minnesota Rules, part 9502.0435, subpart 8, item B, a license holder is not required to post a list of emergency numbers. A license holder may use a cellular telephone to meet the requirements of Minnesota Rules, part 9502.0435, subpart 8, if the cellular telephone is sufficiently charged for use at all times.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

As of Sept. 30, 2019, providers are no longer required to post emergency numbers by the phone. The law also clarifies that a cell phone can be used to meet the telephone requirement.

What do providers need to do?

As of Sept. 30, 2019, you are no longer required to post emergency numbers by your phone. You may use a cell phone to meet the telephone requirement as long as the phone works and is sufficiently charged to make and receive calls. This does not require your phone to be constantly connected to a charger.

If you use a substitute and do not have a landline, you need to ensure a cell phone is available.

What do licensors need to do?

As of Sept. 30, 2019, you no longer need to look to see that emergency numbers are posted by providers' phones. This item will be removed from the ELICI checklist to facilitate your work.

You must determine whether providers have either a landline phone or a cell phone that works. If a provider uses a cell phone to meet this requirement, it does not need to be plugged in, but the battery needs to be sufficiently charged to make and receive calls.

If a provider uses a substitute, and there is no landline, the provider needs to ensure a cell phone is available.

Reporting suspected maltreatment policies and procedures

Section 245A.145

Subdivision 1. **Policies and procedures.** (a) ~~All licensed child care providers~~ The Department of Human Services must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements in section 626.556 and ~~must develop policies and procedures for reporting complaints about the operation of a child care program. The policies and procedures must include the telephone numbers of the local county child protection agency for reporting suspected maltreatment; the county licensing agency for family and group family child care providers; and the state licensing agency for child care centers.~~ provide the policies and procedures to all licensed child care providers. The policies and procedures must be written in plain language.

- (b) The policies and procedures required in paragraph (a) must:
- (1) be provided to the parents of all children at the time of enrollment in the child care program; and
 - (2) be made available upon request.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

Providers need to use DHS-developed policies and procedures for reporting suspected maltreatment.

What do providers need to do?

Starting Sept. 30, 2019, you are no longer required to develop your own policies and procedures for reporting suspected maltreatment. Instead, you must adopt DHS' maltreatment policies and procedures. The content of the DHS document has not changed, but has been reformatted to make it easier for you to use. The statutory language is now in an appendix, as a resource for you and can be shared with parents/guardians if you would like.

As of Sept. 30, 2019 you must give the new policies and procedures for reporting suspected maltreatment to parents of children who enroll in your program. In order to streamline documentation, parents no longer need to sign the maltreatment policies and procedures document. Instead DHS updated the Admission and Arrangements form to include a checkbox for parents to indicate their receipt of the maltreatment policies and procedures.

You are not required to distribute the new policies and procedures to currently enrolled families, but you must make them available upon request.

You can find the updated policies and procedures here:

<https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-7742-ENG>

You can find the updated Admission and Arrangements form here:

<https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-7776-ENG>

What do licensors need to do?

Technical assistance

Starting Sept. 30, 2019, at the annual visit, licensors will determine whether the provider has given the DHS-developed policies and procedures to parents of all children at the time of enrollment and also made them available upon request.

Families who enroll beginning Sept. 30, 2019 will document receipt of these policies and procedures on the Admission and Arrangements form. You need to determine providers' compliance by looking for parents' checkmark on the Admission and Arrangements form.

Until Sept. 30, 2020, if you find that the provider has not given the DHS-developed policies and procedures and has not made available to the families, you need to provide technical assistance. You need to mark this item as not in compliance ("unmet") on the ELICI checklist. When you mark this item as not in compliance on the ELICI checklist, a technical assistance document will be generated. You must give the provider technical assistance on how to achieve and maintain compliance with this requirement and you must issue the technical assistance document to the provider after completing the visit.

You must then confirm at the next annual visit that the provider has come into compliance.

Training requirements when provider is relicensed in another county

Section 245A.50

Subdivision 1. **Initial training.** (a) License holders, caregivers, and substitutes must comply with the training requirements in this section.

(b) Helpers who assist with care on a regular basis must complete six hours of training within one year after the date of initial employment.

(c) Training requirements established under this section that must be completed prior to initial licensure must be satisfied only by a newly licensed child care provider or by a child care provider who has not held an active child care license in Minnesota in the previous 12 months. A child care provider ~~who relocates within the state or who voluntarily cancels a license or allows the license to lapse for a period of less than 12 months and who seeks reinstatement of the lapsed or canceled license within 12 months of the lapse or cancellation must satisfy the annual, ongoing training requirements, and is not required to satisfy the training requirements that must be completed prior to initial licensure.~~ A child care provider who relocates within the state must (1) satisfy the annual, ongoing training requirements according to the schedules established in this section and (2) not be required to satisfy the training requirements under this section that the child care provider completed prior to initial licensure. If a licensed provider moves to a new county, the new county is prohibited from requiring the provider to complete any orientation class or training for new providers.

EFFECTIVE DATE. This section is effective September 30, 2019.

Overview

A licensed child care provider who moves and is relicensed within the state does not need to repeat any initial training already taken in order to get their license and the county cannot require the license holder to complete an orientation class for new providers.

What do providers need to do?

Starting Sept. 30, 2019, licensed providers who move to a new county are not required to retake training that they completed prior to initial licensure. Providers need to continue to meet annual and ongoing training requirements.

If a county licensing agency offers a pre-licensure class or orientation, providers may choose to participate in it. Regardless, licensed providers must work with the new county to obtain a license in the new county.

What do licensors need to do?

You cannot require licensed providers who move into your county to retake training that they completed prior to their initial licensure.

County licensing agencies may offer an orientation class or training for new providers to licensed providers who move into their county, but they cannot require attendance.

Child care background study subject

Minn. Stat. 245C.02, subd. 6a

Subd. 6a. **Child care background study subject.** (a) "Child care background study subject" means an individual who is affiliated with a licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B, and who is:

- (1) ~~who is~~ employed by a child care provider for compensation;
 - (2) ~~whose activities involve~~ assisting in the supervision care of a child for a child care provider; ~~or~~
 - (3) ~~who is required to have a background study under section 245C.03, subdivision 1.~~
 - (3) a person applying for licensure, certification, or enrollment;
 - (4) a controlling individual as defined in section 245A.02, subdivision 5a;
 - (5) an individual 13 years of age or older who lives in the household where the licensed program will be provided and who is not receiving licensed services from the program;
 - (6) an individual ten to 12 years of age who lives in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;
 - (7) an individual who, without providing direct contact services at a licensed program, certified program, or program authorized under chapter 119B, may have unsupervised access to a child receiving services from a program when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15; or
 - (8) a volunteer, contractor, prospective employee, or other individual who has unsupervised physical access to a child served by a program and who is not under supervision by an individual listed in clause (1) or (5), regardless of whether the individual provides program services.
- (b) Notwithstanding paragraph (a), an individual who is providing services that are not part of the child care program is not required to have a background study if:
- (1) the child receiving services is signed out of the child care program for the duration that the services are provided;
 - (2) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B has obtained advanced written permission from the parent authorizing the child to receive the services, which is maintained in the child's record;

(3) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B maintains documentation on-site that identifies the individual service provider and the services being provided; and

(4) the licensed child care center, certified license exempt child care center, licensed family child care program, or legal nonlicensed child care provider authorized under chapter 119B ensures that the service provider does not have unsupervised access to a child not receiving the provider's services.

Overview

This section consolidates current law and makes several changes, particularly as they relate to contracted specialty service providers. These provisions went into effect July 1, 2019.

The law also clarifies when volunteers and contractors need a background study.

- If they have physical access to a child in the program and are supervised, they **do not** need a study.
- If they have physical access to a child and are not supervised, they **DO** need a study.
- If they have NO physical access, they **do not** need a study.

Additionally, individuals providing parent-arranged services that are not part of the child care program, such as speech, special education or physical therapy do not need a background study if they meet **all five** of these conditions:

- The person only provides services that are not part of the child care program.
- The child receiving services is signed out of the program for the duration that the services are provided.
- Advanced written permission was obtained from the parent and documented in the child's record authorizing the child to receive the services.
- Documentation that identifies the individual service provider and the services being provided is maintained on-site by the program.
- The person is under continuous direct supervision whenever they have access to a child not receiving services from the person.

If the provider is present and providing supervision of the children during the services such as speech, special education, or music lessons, the five conditions directly above would not need to be met and the individual providing the service would not need a background study.

What do providers need to do?

You must ensure that all of your direct employees complete a background study. This would include caregivers, substitutes, and helpers.

Non-employees (such as volunteers or contractors) who are always supervised by someone who has had a background study do not need to have a study themselves. Non-employees who provide services to a child are allowed to have unsupervised access to the child without having had a background study if they meet all five of these conditions:

- The person only provides services that are not part of the child care program.
- The child receiving services is signed out of the program for the duration that the services are provided.
- Advanced written permission was obtained from the parent and documented in the child's record authorizing the child to receive the services.
- Documentation that identifies the individual service provider and the services being provided is maintained on-site by the program.
- The person is under continuous direct supervision whenever they have access to a child not receiving services from the person.

Consult the updated [Is a Background Study Required?](#) worksheet to assist you in determining whether an individual needs a study.

What do licensors need to do?

Licensors need to review NetStudy 2.0 records to ensure all required individuals have completed a background study.

Background studies: Clearance notice for background study subjects who have lived outside of Minnesota in the last five years

Minn. Stat. 245C.13, subd. 3

Subd. 3. **Other state information.** If the commissioner has not received criminal, sex offender, or maltreatment information from another state that is required to be reviewed under this chapter within ten days of requesting the information, and the lack of the information is the only reason that a notice is issued under subdivision 2, paragraph (a), clause (1), item (ii), the commissioner may issue a notice under subdivision 2, paragraph (a), clause (1), item (i). The commissioner may take action on information received from other states after issuing a notice under subdivision 2, paragraph (a), clause (1), item (ii).

Overview

The study for a new employee (caregiver, substitute, or helper) who currently lives out of state or who has lived outside of Minnesota in the last five years requires search of the criminal, sex offender or maltreatment databases from the other state(s) where the new employee lived during those five years. If another state has not responded to the requested information after at least 10 days since DHS submitted the request—and this is the only reason that the study could not be cleared—DHS can issue a clearance notice. This clearance notice may be rescinded if the results from the other state(s) contains disqualifying information.

Currently, DHS waits weeks or months for some states to respond to information requests. The new law enables DHS to issue clearances as early as 10 days after submitting the out-of-state request. This change, effective July 1, 2019, allows Minnesota to comply with federal law while also allowing people to get clearances faster than is currently allowed.

What do providers need to do?

You need to comply with notices issued by DHS through NETStudy 2.0. You must ensure an individual required to have a background study does not have direct contact with children served by the program until receiving a notice indicating otherwise.

If you have a new employee (caregiver, substitute, or helper) who currently lives out of state or who has lived outside of Minnesota in the last five years, you are required to submit a form to DHS that will be used to complete a maltreatment check in the other state(s). A document titled *CC CANR Instructions* has been added into the “Help” section of NETStudy 2.0. This document contains instructions regarding what to do when an out of state maltreatment check is needed. It also contains links to the forms that are used for all other states. You should have the study subject follow the instructions on each form to complete them and then send the completed form to DHS immediately after their background study has been submitted. Please refer to the *CC CANR Instructions* document for further information.

What do licensors need to do?

You need to review background study documentation to determine whether all required individuals completed a background study and followed direct contact and supervision requirements prior to receiving the appropriate background study clearance.

Additional information

Special Family Day Care

Two or more special family child care license holders may use the same building if they comply with licensing requirements and operate their programs separately. Special family child care provider must follow the capacity, age, and ratio distributions required by their license.

DHS may grant variances to allow individuals and certain types of organizations to be licensed as special family child care settings. Those organizations include primary providers of care, non-profit organizations, churches or religious organizations, employers, and community collaboratives.

The law also updates references to the State Fire Code for special family child care. If a special family child care program 1) serves more than five children age 2 ½ years or younger, 2) is on the ground floor, and 3) has an exit door directly to the exterior, then the program must follow Group E occupancies, as described in the State Fire Code.

If you are interested in applying for a variance to be licensed to provide special family child care under this new law, please contact your county licensor.

Family Child Care Task Force

A family child care task force is convening to discuss family child care topics. The task force consists of 25 members, including family child care providers, parents of children in family child care programs, family child care provider association appointees, family child care licensors, appointees from various child care-related organizations, state representatives, state senators, the Commissioner of Human Services or designee, and other stakeholders. A member of the majority party of the House of Representatives and a member of the majority party of the Senate serve as co-chairs.

The task force's duties include the following:

- identify difficulties that providers face regarding licensing and inspection
- propose regulatory reforms to improve licensing efficiency
- review existing variance authority delegated to counties
- recommend business development and technical assistance resources to promote provider recruitment and retention
- develop recommendations for alternative child care delivery systems
- review Parent Aware program participation and identify obstacles and suggested improvements
- review family child care provider training
- Consider methods to improve access to and understanding of family child care regulations

The task force will submit a final report with recommendations and suggested legislation to the Minnesota Legislature by Feb. 1, 2021. The task force will expire upon submission of the final report or Feb. 1, 2021, whichever is later.

License format

Child care licenses now state that parents who have *questions* about their child's care may call the licensing agency. Previously, the licenses stated that parents who have *concerns* may call the licensing agency.

DHS reduced the size of the font used to print the licensing agency's telephone number, because it is no longer required to print the telephone number in bold and large font.

In making the required changes to the license, DHS took the opportunity to update the design and logo. DHS reformatted and updated the logo on all DHS licenses, so the new licenses will look different from the current licenses. Providers received licenses with the new format in June.

Plain-language handbook

By January 1, 2020, a plain-language handbook that describes the process and requirements to become a licensed family child care provider will be available. The handbook will include statutes and rules that apply to licensed family child care providers. DHS is consulting with family child care license holders, parents, and county agencies to offer input in its development. The handbook will be available on DHS' website and can be accessed at no charge. DHS will maintain physical copies of the handbook and will distribute copies to county agencies.

Correction order analysis

DHS will be reviewing licensing visit results by county to identify trends and inconsistencies and provide training if necessary. A summary of this analysis will be included in the upcoming Status of Child Care report, which will be provided to the legislature in February 2020.

Record keeping and documentation requirements

DHS will be reviewing child care licensing and background studies record keeping and documentation requirements to identify if they could be streamlined. DHS will establish a process for providers to submit information to DHS electronically.

Mandatory reporting of suspected fraud

Licensors must immediately report any suspected fraud to county human services investigators or the DHS Office of Inspector General.

Contact the Office of Inspector General to report suspected fraud:

- Phone: Twin Cities metro: 651-431-3968 or the toll-free line: 1-800-627-9977
- Online form: <https://fraudhotline.dhs.mn.gov/>

Correction order and fine data classification

Correction orders and licensing fines that are more than seven years old will be classified as private data, which means they cannot be made available upon request. However, a license holder may request to review their own licensing data.

Additional background study databases

Beginning on July 1, 2019, background studies include a search of additional name-based databases in order to meet federal requirements. These additional database searches are required for all adults affiliated with child care programs as well as for minors who are employed by the provider, involved in the supervision of children served by the program, or if the commissioner has reasonable cause to require a national criminal history record check. All studies will require a national sex offender registry check. Additionally, if a study subject has lived in a state besides Minnesota in the last five years, their study will also require a search of the criminal and sex offender registries in the state or states they lived in during that time frame. DHS will initiate these additional searches. This change will not impact what is required to be entered in NETStudy 2.0 or the background study fees.

Changes to Minnesota's Child Care Assistance Program and Parent Aware

For information about changes to Minnesota's Child Care Assistance Program and Parent Aware (Minnesota's quality rating and improvement system), please visit <https://mn.gov/dhs/partners-and-providers/news-initiatives-reports-workgroups/child-care-and-early-education/>.