

1.1 Senator moves to amend S.F. No. 1796 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 REORGANIZATION

1.5 Section 1. [260E.01] POLICY.

1.6 (a) The legislature hereby declares that the public policy of this state is to protect children
1.7 whose health or welfare may be jeopardized through maltreatment. While it is recognized
1.8 that most parents want to keep their children safe, sometimes circumstances or conditions
1.9 interfere with their ability to do so. When this occurs, the health and safety of the children
1.10 must be of paramount concern. Intervention and prevention efforts must address immediate
1.11 concerns for child safety and the ongoing risk of maltreatment and should engage the
1.12 protective capacities of families. In furtherance of this public policy, it is the intent of the
1.13 legislature under this chapter to:

1.14 (1) protect children and promote child safety;

1.15 (2) strengthen the family;

1.16 (3) make the home, school, and community safe for children by promoting responsible
1.17 child care in all settings; and

1.18 (4) provide, when necessary, a safe temporary or permanent home environment for
1.19 maltreated children.

1.20 (b) In addition, it is the policy of this state to:

1.21 (1) require the reporting of maltreatment of children in the home, school, and community
1.22 settings;

1.23 (2) provide for the voluntary reporting of maltreatment of children;

1.24 (3) require an investigation when the report alleges sexual abuse or substantial child
1.25 endangerment;

1.26 (4) provide a family assessment, if appropriate, when the report does not allege sexual
1.27 abuse or substantial child endangerment; and

1.28 (5) provide protective, family support, and family preservation services when needed
1.29 in appropriate cases.

2.1 **Sec. 2. [260E.02] MULTIDISCIPLINARY CHILD PROTECTION TEAM.**

2.2 **Subdivision 1. Establishment of team.** A county shall establish a multidisciplinary
2.3 child protection team that may include, but not be limited to, the director of the local welfare
2.4 agency or designees, the county attorney or designees, the county sheriff or designees,
2.5 representatives of health and education, representatives of mental health or other appropriate
2.6 human service or community-based agencies, and parent groups. As used in this section, a
2.7 "community-based agency" may include, but is not limited to, schools, social service
2.8 agencies, family service and mental health collaboratives, children's advocacy centers, early
2.9 childhood and family education programs, Head Start, or other agencies serving children
2.10 and families. A member of the team must be designated as the lead person of the team
2.11 responsible for the planning process to develop standards for the team's activities with
2.12 battered women's and domestic abuse programs and services.

2.13 **Subd. 2. Duties of team.** A multidisciplinary child protection team may provide public
2.14 and professional education, develop resources for prevention, intervention, and treatment,
2.15 and provide case consultation to the local welfare agency or other interested community-based
2.16 agencies. The community-based agencies may request case consultation from the
2.17 multidisciplinary child protection team regarding a child or family for whom the
2.18 community-based agency is providing services. As used in this section, "case consultation"
2.19 means a case review process in which recommendations are made concerning services to
2.20 be provided to the identified children and family. Case consultation may be performed by
2.21 a committee or subcommittee of members representing human services, including mental
2.22 health and chemical dependency; law enforcement, including probation and parole; the
2.23 county attorney; a children's advocacy center; health care; education; community-based
2.24 agencies and other necessary agencies; and persons directly involved in an individual case
2.25 as designated by other members performing case consultation.

2.26 **Subd. 3. Sexually exploited youth outreach program.** A multidisciplinary child
2.27 protection team may assist the local welfare agency, local law enforcement agency, or an
2.28 appropriate private organization in developing a program of outreach services for sexually
2.29 exploited youth, including homeless, runaway, and truant youth who are at risk of sexual
2.30 exploitation. For the purposes of this subdivision, at least one representative of a youth
2.31 intervention program or, where this type of program is unavailable, one representative of a
2.32 nonprofit agency serving youth in crisis shall be appointed to and serve on the
2.33 multidisciplinary child protection team in addition to the standing members of the team.
2.34 These services may include counseling, medical care, short-term shelter, alternative living

3.1 arrangements, and drop-in centers. A juvenile's receipt of intervention services under this
3.2 subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

3.3 Subd. 4. **Information sharing.** (a) The local welfare agency may make available to the
3.4 case consultation committee or subcommittee all records collected and maintained by the
3.5 agency under this chapter and in connection with case consultation. A case consultation
3.6 committee or subcommittee member may share information acquired in the member's
3.7 professional capacity with the committee or subcommittee to assist in case consultation.

3.8 (b) Case consultation committee or subcommittee members must annually sign a data
3.9 sharing agreement, approved by the commissioner of human services, assuring compliance
3.10 with chapter 13. Not public data, as defined in section 13.02, subdivision 8a, may be shared
3.11 with members appointed to the committee or subcommittee in connection with an individual
3.12 case when the members have signed the data sharing agreement.

3.13 (c) All data acquired by the case consultation committee or subcommittee in exercising
3.14 case consultation duties are confidential as defined in section 13.02, subdivision 3, and shall
3.15 not be disclosed except to the extent necessary to perform case consultation, and shall not
3.16 be subject to subpoena or discovery.

3.17 (d) No members of a case consultation committee or subcommittee meeting shall disclose
3.18 what transpired at a case consultation meeting, except to the extent necessary to carry out
3.19 the case consultation plan. The proceedings and records of the case consultation meeting
3.20 are not subject to discovery, and may not be introduced into evidence in any civil or criminal
3.21 action against a professional or local welfare agency arising out of the matter or matters
3.22 which are the subject of consideration of the case consultation meeting. Information,
3.23 documents, or records otherwise available from original sources are not immune from
3.24 discovery or use in any civil or criminal action merely because they were presented during
3.25 a case consultation meeting. Any person who presented information before the consultation
3.26 committee or subcommittee or who is a member shall not be prevented from testifying as
3.27 to matters within the person's knowledge. However, in a civil or criminal proceeding a
3.28 person shall not be questioned about the person's presentation of information before the
3.29 case consultation committee or subcommittee or about opinions formed as a result of the
3.30 case consultation meetings.

3.31 (e) A person who violates this subdivision is subject to the civil remedies and penalties
3.32 provided under chapter 13.

3.33 Subd. 5. **Children's advocacy center; definition.** (a) For purposes of this section,
3.34 "children's advocacy center" means an organization using a multidisciplinary team approach

4.1 whose primary purpose is to provide children who have been the victims of abuse and their
 4.2 nonoffending family members with:

4.3 (1) support and advocacy;

4.4 (2) specialized medical evaluation;

4.5 (3) trauma-focused mental health services; and

4.6 (4) forensic interviews.

4.7 (b) Children's advocacy centers provide multidisciplinary case review and the tracking
 4.8 and monitoring of case progress.

4.9 Sec. 3. **[260E.03] DEFINITIONS.**

4.10 Subdivision 1. **Scope.** As used in this chapter, the following terms have the meanings
 4.11 given them unless the specific content indicates otherwise.

4.12 Subd. 2. **Accidental.** "Accidental" means a sudden, not reasonably foreseeable, and
 4.13 unexpected occurrence or event that:

4.14 (1) is not likely to occur and could not have been prevented by exercise of due care; and

4.15 (2) if occurring while a child is receiving services from a facility, happens when the
 4.16 facility and the employee or person providing services in the facility are in compliance with
 4.17 the laws and rules relevant to the occurrence or event.

4.18 Subd. 3. **Child fatality.** "Child fatality" means the death of a child from maltreatment.

4.19 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of human services
 4.20 unless otherwise indicated in this chapter.

4.21 Subd. 5. **Egregious harm.** "Egregious harm" means harm under section 260C.007,
 4.22 subdivision 14, or a similar law of another jurisdiction.

4.23 Subd. 6. **Facility.** "Facility" means:

4.24 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
 4.25 residential facility, agency, hospital, sanitarium, or other facility or institution required to
 4.26 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
 4.27 144H, 245D, or 245H;

4.28 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;

4.29 or

5.1 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
5.2 subdivision 19a.

5.3 Subd. 7. **Family assessment.** "Family assessment" means a comprehensive assessment
5.4 of child safety, risk of subsequent maltreatment, and family strengths and needs that is
5.5 applied to a maltreatment report that does not allege sexual abuse or substantial child
5.6 endangerment. Family assessment does not include a determination as to whether
5.7 maltreatment occurred but does determine the need for services to address the safety of
5.8 family members and the risk of subsequent maltreatment.

5.9 Subd. 8. **Findings and information.** "Findings and information" means a written
5.10 summary described in section 260E.35, subdivision 7, paragraph (b), of actions taken or
5.11 services rendered by a local welfare agency following receipt of a report.

5.12 Subd. 9. **Immediately.** "Immediately" means as soon as possible but in no event longer
5.13 than 24 hours.

5.14 Subd. 10. **Interested person acting on behalf of the child.** "Interested person acting
5.15 on behalf of the child" means a parent or legal guardian; stepparent; grandparent; guardian
5.16 ad litem; adult stepbrother, stepsister, or sibling; or adult aunt or uncle; unless the person
5.17 has been determined to be the offender who committed the maltreatment.

5.18 Subd. 11. **Investigation.** "Investigation" means fact gathering conducted during:

5.19 (1) a family investigation related to the current safety of a child and the risk of subsequent
5.20 maltreatment that determines whether maltreatment occurred and whether child protective
5.21 services are needed; or

5.22 (2) a facility investigation related to duties under section 260E.28.

5.23 Subd. 12. **Maltreatment.** "Maltreatment" means any of the following acts or omissions:

5.24 (1) egregious harm under subdivision 5;

5.25 (2) neglect under subdivision 15;

5.26 (3) physical abuse under subdivision 18;

5.27 (4) sexual abuse under subdivision 20;

5.28 (5) substantial child endangerment under subdivision 22;

5.29 (6) threatened injury under subdivision 23;

5.30 (7) mental injury under subdivision 13; and

5.31 (8) maltreatment of a child in a facility.

6.1 Subd. 13. **Mental injury.** "Mental injury" means an injury to the psychological capacity
6.2 or emotional stability of a child as evidenced by an observable or substantial impairment
6.3 in the child's ability to function within a normal range of performance and behavior with
6.4 due regard to the child's culture.

6.5 Subd. 14. **Near fatality.** "Near fatality" means a case in which a physician, advanced
6.6 practice registered nurse, or physician assistant determines that a child is in serious or critical
6.7 condition as the result of sickness or injury caused by maltreatment.

6.8 Subd. 15. **Neglect.** (a) "Neglect" means the commission or omission of any of the acts
6.9 specified under clauses (1) to (8), other than by accidental means:

6.10 (1) failure by a person responsible for a child's care to supply a child with necessary
6.11 food, clothing, shelter, health, medical, or other care required for the child's physical or
6.12 mental health when reasonably able to do so;

6.13 (2) failure to protect a child from conditions or actions that seriously endanger the child's
6.14 physical or mental health when reasonably able to do so, including a growth delay, which
6.15 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
6.16 to parental neglect;

6.17 (3) failure to provide for necessary supervision or child care arrangements appropriate
6.18 for a child after considering factors as the child's age, mental ability, physical condition,
6.19 length of absence, or environment, when the child is unable to care for the child's own basic
6.20 needs or safety, or the basic needs or safety of another child in their care;

6.21 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
6.22 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
6.23 child with sympathomimetic medications, consistent with section 125A.091, subdivision
6.24 5;

6.25 (5) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
6.26 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
6.27 the child at birth, results of a toxicology test performed on the mother at delivery or the
6.28 child at birth, medical effects or developmental delays during the child's first year of life
6.29 that medically indicate prenatal exposure to a controlled substance, or the presence of a
6.30 fetal alcohol spectrum disorder;

6.31 (6) medical neglect, as defined in section 260C.007, subdivision 6, clause (5);

6.32 (7) chronic and severe use of alcohol or a controlled substance by a person responsible
6.33 for the child's care that adversely affects the child's basic needs and safety; or

7.1 (8) emotional harm from a pattern of behavior that contributes to impaired emotional
7.2 functioning of the child, which may be demonstrated by a substantial and observable effect
7.3 in the child's behavior, emotional response, or cognition that is not within the normal range
7.4 for the child's age and stage of development, with due regard to the child's culture.

7.5 (b) Nothing in this chapter shall be construed to mean that a child is neglected solely
7.6 because the child's parent, guardian, or other person responsible for the child's care in good
7.7 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
7.8 remedial care of the child in lieu of medical care.

7.9 (c) This chapter does not impose upon persons not otherwise legally responsible for
7.10 providing a child with necessary food, clothing, shelter, education, or medical care a duty
7.11 to provide that care.

7.12 Subd. 16. **Person in a current or recent position of authority.** "Person in a current or
7.13 recent position of authority" means an individual in a position of authority over a child and
7.14 includes but is not limited to any person who is a parent or acting in the place of a parent
7.15 and charged with any of a parent's rights, duties, or responsibilities to a child, or a person
7.16 who is charged with any duty or responsibility for the health, welfare, or supervision of a
7.17 child, either independently or through another, no matter how brief, within 120 days
7.18 immediately preceding the act. Person in a position of authority includes a psychotherapist.

7.19 Subd. 17. **Person responsible for the child's care.** "Person responsible for the child's
7.20 care" means (1) an individual functioning within the family unit and having responsibilities
7.21 for the care of the child such as a parent, guardian, or other person having similar care
7.22 responsibilities, or (2) an individual functioning outside the family unit and having
7.23 responsibilities for the care of the child such as a teacher, school administrator, other school
7.24 employee or agent, or other lawful custodian of a child having either full-time or short-term
7.25 care responsibilities including, but not limited to, day care, babysitting whether paid or
7.26 unpaid, counseling, teaching, and coaching.

7.27 Subd. 18. **Physical abuse.** (a) "Physical abuse" means any physical injury, mental injury
7.28 under subdivision 14, or threatened injury under subdivision 23, inflicted by a person
7.29 responsible for the child's care on a child other than by accidental means, or any physical
7.30 or mental injury that cannot reasonably be explained by the child's history of injuries, or
7.31 any aversive or deprivation procedures, or regulated interventions, that have not been
7.32 authorized under section 125A.0942 or 245.825.

7.33 (b) Abuse does not include reasonable and moderate physical discipline of a child
7.34 administered by a parent or legal guardian that does not result in an injury. Abuse does not

8.1 include the use of reasonable force by a teacher, principal, or school employee as allowed
8.2 by section 121A.582.

8.3 (c) For the purposes of this subdivision, actions that are not reasonable and moderate
8.4 include, but are not limited to, any of the following:

8.5 (1) throwing, kicking, burning, biting, or cutting a child;

8.6 (2) striking a child with a closed fist;

8.7 (3) shaking a child under age three;

8.8 (4) striking or other actions that result in any nonaccidental injury to a child under 18
8.9 months of age;

8.10 (5) unreasonable interference with a child's breathing;

8.11 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

8.12 (7) striking a child under age one on the face or head;

8.13 (8) striking a child who is at least age one but under age four on the face or head, which
8.14 results in an injury;

8.15 (9) purposely giving a child:

8.16 (i) poison, alcohol, or dangerous, harmful, or controlled substances that were not
8.17 prescribed for the child by a practitioner in order to control or punish the child; or

8.18 (ii) other substances that substantially affect the child's behavior, motor coordination,
8.19 or judgment; that result in sickness or internal injury; or that subject the child to medical
8.20 procedures that would be unnecessary if the child were not exposed to the substances;

8.21 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
8.22 including but not limited to tying, caging, or chaining; or

8.23 (11) in a school facility or school zone, an act by a person responsible for the child's
8.24 care that is a violation under section 121A.58.

8.25 Subd. 19. **Report.** "Report" means any communication received by the local welfare
8.26 agency, police department, county sheriff, or agency responsible for child protection pursuant
8.27 to this section that describes maltreatment of a child and contains sufficient content to
8.28 identify the child and any person believed to be responsible for the maltreatment, if known.

8.29 Subd. 20. **Sexual abuse.** "Sexual abuse" means the subjection of a child by a person
8.30 responsible for the child's care, by a person who has a significant relationship to the child,
8.31 or by a person in a current or recent position of authority, to any act that constitutes a

9.1 violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal
 9.2 sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree),
 9.3 609.345 (criminal sexual conduct in the fourth degree), 609.3451 (criminal sexual conduct
 9.4 in the fifth degree), or 609.352 (solicitation of children to engage in sexual conduct;
 9.5 communication of sexually explicit materials to children). Sexual abuse also includes any
 9.6 act involving a child that constitutes a violation of prostitution offenses under sections
 9.7 609.321 to 609.324 or 617.246. Sexual abuse includes all reports of known or suspected
 9.8 child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual
 9.9 abuse includes child sex trafficking as defined in section 609.321, subdivisions 7a and 7b.
 9.10 Sexual abuse includes threatened sexual abuse, which includes the status of a parent or
 9.11 household member who has committed a violation that requires registration as an offender
 9.12 under section 243.166, subdivision 1b, paragraph (a) or (b), or required registration under
 9.13 section 243.166, subdivision 1b, paragraph (a) or (b).

9.14 Subd. 21. **Significant relationship.** "Significant relationship" means a situation in which
 9.15 the alleged offender is:

9.16 (1) the child's parent, stepparent, or guardian;

9.17 (2) any of the following persons related to the child by blood, marriage, or adoption:
 9.18 brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent,
 9.19 great-grandparent, great-uncle, great-aunt; or

9.20 (3) an adult who jointly resides intermittently or regularly in the same dwelling as the
 9.21 child and who is not the child's spouse.

9.22 Subd. 22. **Substantial child endangerment.** "Substantial child endangerment" means
 9.23 that a person responsible for a child's care, by act or omission, commits or attempts to
 9.24 commit an act against a child under their care that constitutes any of the following:

9.25 (1) egregious harm under subdivision 5;

9.26 (2) abandonment under section 260C.301, subdivision 2;

9.27 (3) neglect under subdivision 15, paragraph (a), clause (2), that substantially endangers
 9.28 the child's physical or mental health, including a growth delay, which may be referred to
 9.29 as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

9.30 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

9.31 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

9.32 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

10.1 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

10.2 (8) criminal sexual conduct under sections 609.342 to 609.3451;

10.3 (9) solicitation of children to engage in sexual conduct under section 609.352;

10.4 (10) malicious punishment or neglect or endangerment of a child under section 609.377

10.5 or 609.378;

10.6 (11) use of a minor in sexual performance under section 617.246; or

10.7 (12) parental behavior, status, or condition that mandates that the county attorney file a
10.8 termination of parental rights petition under section 260C.503, subdivision 2.

10.9 Subd. 23. **Threatened injury.** (a) "Threatened injury" means a statement, overt act,
10.10 condition, or status that represents a substantial risk of physical or sexual abuse or mental
10.11 injury.

10.12 (b) Threatened injury includes, but is not limited to, exposing a child to a person
10.13 responsible for the child's care, as defined in subdivision 17, who has:

10.14 (1) subjected a child to, or failed to protect a child from, an overt act or condition that
10.15 constitutes egregious harm under subdivision 5 or a similar law of another jurisdiction;

10.16 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph
10.17 (b), clause (4), or a similar law of another jurisdiction;

10.18 (3) committed an act that resulted in an involuntary termination of parental rights under
10.19 section 260C.301, or a similar law of another jurisdiction; or

10.20 (4) committed an act that resulted in the involuntary transfer of permanent legal and
10.21 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,
10.22 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law
10.23 of another jurisdiction.

10.24 (c) A child is the subject of a report of threatened injury when the local welfare agency
10.25 receives birth match data under section 260E.14, subdivision 4, from the Department of
10.26 Human Services.

10.27 Sec. 4. **[260E.04] EVIDENCE.**

10.28 No evidence relating to the maltreatment of a child or to any prior incident of
10.29 maltreatment involving any of the same persons accused of maltreatment shall be excluded
10.30 in any proceeding arising out of the alleged maltreatment on the grounds of privilege set
10.31 forth in section 595.02, subdivision 1, paragraph (a), (d), or (g).

11.1 **Sec. 5. [260E.05] CULTURAL PRACTICES.**

11.2 A person who conducts an assessment or investigation under this chapter shall take into
11.3 account accepted child-rearing practices of the culture in which a child participates and
11.4 accepted teacher discipline practices that are not injurious to the child's health, welfare, and
11.5 safety.

11.6 **Sec. 6. [260E.06] MALTREATMENT REPORTING.**

11.7 Subdivision 1. **Mandatory reporters.** (a) A person who knows or has reason to believe
11.8 a child is being maltreated, as defined in section 260E.03, or has been maltreated within
11.9 the preceding three years, shall immediately report the information to the local welfare
11.10 agency, agency responsible for assessing or investigating the report, police department,
11.11 county sheriff, tribal social services agency, or tribal police department if the person is:

11.12 (1) a professional or professional's delegate who is engaged in the practice of the healing
11.13 arts, social services, hospital administration, psychological or psychiatric treatment, child
11.14 care, education, correctional supervision, probation and correctional services, or law
11.15 enforcement; or

11.16 (2) employed as a member of the clergy and received the information while engaged in
11.17 ministerial duties, provided that a member of the clergy is not required by this subdivision
11.18 to report information that is otherwise privileged under section 595.02, subdivision 1,
11.19 paragraph (c).

11.20 (b) "Practice of social services," for the purposes of this subdivision, includes but is not
11.21 limited to employee assistance counseling and the provision of guardian ad litem and
11.22 parenting time expeditor services.

11.23 Subd. 2. **Voluntary reporters.** Any person may voluntarily report to the local welfare
11.24 agency, agency responsible for assessing or investigating the report, police department,
11.25 county sheriff, tribal social services agency, or tribal police department if the person knows,
11.26 has reason to believe, or suspects a child is being or has been maltreated.

11.27 Subd. 3. **Reporting in cases where selection of spiritual means or prayer for**
11.28 **treatment or care may cause serious danger to child's health.** If the child's parent,
11.29 guardian, or other person responsible for the child's care in good faith selects and depends
11.30 upon spiritual means or prayer for treatment or care of disease or remedial care of the child
11.31 in lieu of medical care, the parent, guardian, or caretaker, or a person mandated to report
11.32 pursuant to subdivision 1, has a duty to report if a lack of medical care may cause serious
11.33 danger to the child's health.

12.1 Subd. 4. **Licensing board duty to report.** A board or other entity whose licensees
12.2 perform work within a school facility, upon receiving a complaint of alleged maltreatment,
12.3 shall report the alleged maltreatment to the commissioner of education.

12.4 Sec. 7. **[260E.07] RETALIATION PROHIBITED.**

12.5 (a) An employer of any person required to make reports under section 260E.06,
12.6 subdivision 1, or 260E.11, subdivision 1, shall not retaliate against the person for reporting
12.7 in good faith maltreatment pursuant to this chapter or against a child with respect to whom
12.8 a report is made, because of the report.

12.9 (b) The employer of any person required to report under section 260E.06, subdivision
12.10 1, or 260E.11, subdivision 1, who retaliates against the person because of a report of
12.11 maltreatment is liable to that person for actual damages and, in addition, a penalty of up to
12.12 \$10,000.

12.13 (c) There shall be a rebuttable presumption that any adverse action within 90 days of a
12.14 report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action
12.15 taken by an employer of a person required to report under section 260E.06, subdivision 1,
12.16 or 260E.11, subdivision 1, which is involved in a report against the person making the report
12.17 or the child with respect to whom the report was made because of the report, and includes,
12.18 but is not limited to:

12.19 (1) discharge, suspension, termination, or transfer from the facility, institution, school,
12.20 or agency;

12.21 (2) discharge from or termination of employment;

12.22 (3) demotion or reduction in remuneration for services; or

12.23 (4) restriction or prohibition of access to the facility, institution, school, agency, or
12.24 persons affiliated with it.

12.25 Sec. 8. **[260E.08] CRIMINAL PENALTIES FOR FAILURE TO REPORT; CIVIL**
12.26 **PENALTY FOR MAKING FALSE REPORT.**

12.27 (a) A person mandated by section 260E.06, subdivision 1, to report who knows or has
12.28 reason to believe that a child is maltreated, as defined in section 260E.03, or has been
12.29 maltreated within the preceding three years, and fails to report is guilty of a misdemeanor.

12.30 (b) A person mandated by section 260E.06, subdivision 1, to report who knows or has
12.31 reason to believe that two or more children not related to the offender have been maltreated,

13.1 as defined in section 260E.03, by the same offender within the preceding ten years, and
 13.2 fails to report is guilty of a gross misdemeanor.

13.3 (c) A parent, guardian, or caretaker who knows or reasonably should know that the
 13.4 child's health is in serious danger and who fails to report as required by section 260E.06,
 13.5 subdivision 3, is guilty of a gross misdemeanor if the child suffers substantial or great bodily
 13.6 harm because of the lack of medical care. If the child dies because of the lack of medical
 13.7 care, the person is guilty of a felony and may be sentenced to imprisonment for not more
 13.8 than two years or to payment of a fine of not more than \$4,000, or both. The provision in
 13.9 section 609.378, subdivision 1, paragraph (a), clause (1), providing that a parent, guardian,
 13.10 or caretaker may, in good faith, select and depend on spiritual means or prayer for treatment
 13.11 or care of a child, does not exempt a parent, guardian, or caretaker from the duty to report
 13.12 under this chapter.

13.13 (d) Any person who knowingly or recklessly makes a false report under the provisions
 13.14 of this chapter shall be liable in a civil suit for any actual damages suffered by the person
 13.15 or persons so reported and for any punitive damages set by the court or jury, plus costs and
 13.16 reasonable attorney fees.

13.17 **Sec. 9. [260E.09] REPORTING REQUIREMENTS.**

13.18 (a) An oral report shall be made immediately by telephone or otherwise. An oral report
 13.19 made by a person required under section 260E.06, subdivision 1, to report shall be followed
 13.20 within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate
 13.21 police department, the county sheriff, the agency responsible for assessing or investigating
 13.22 the report, or the local welfare agency.

13.23 (b) Any report shall be of sufficient content to identify the child, any person believed
 13.24 to be responsible for the maltreatment of the child if the person is known, the nature and
 13.25 extent of the maltreatment, and the name and address of the reporter. The local welfare
 13.26 agency or agency responsible for assessing or investigating the report shall accept a report
 13.27 made under section 260E.06 notwithstanding refusal by a reporter to provide the reporter's
 13.28 name or address as long as the report is otherwise sufficient under this paragraph.

13.29 **Sec. 10. [260E.10] NOTIFICATION TO REPORTERS.**

13.30 Subdivision 1. **Screening notification.** If requested, the agency responsible for assessing
 13.31 or investigating a report shall inform the reporter within ten days after the report was made,
 13.32 either orally or in writing, whether the report was accepted or not. If the responsible agency

14.1 determines the report does not constitute a report under this chapter, the agency shall advise
14.2 the reporter that the report was screened out.

14.3 Subd. 2. **Final notification.** Any person mandated to report shall receive a summary of
14.4 the disposition of any report made by that reporter, including whether the case has been
14.5 opened for child protection or other services, or if a referral has been made to a community
14.6 organization, unless release would be detrimental to the best interests of the child. Any
14.7 person who is not mandated to report shall, upon request to the local welfare agency, receive
14.8 a concise summary of the disposition of any report made by that reporter, unless release
14.9 would be detrimental to the best interests of the child.

14.10 Sec. 11. **[260E.11] AGENCY DESIGNATED TO RECEIVE REPORTS.**

14.11 Subdivision 1. **Reports of maltreatment in facility.** A person mandated to report child
14.12 maltreatment occurring within a licensed facility shall report the information to the agency
14.13 responsible for licensing or certifying the facility under sections 144.50 to 144.58, 241.021,
14.14 and 245A.01 to 245A.16; or chapter 144H, 245D, or 245H; or a nonlicensed personal care
14.15 provider organization as defined in section 256B.0625, subdivision 19a.

14.16 Subd. 2. **Reporting deprivation of parental rights or kidnapping to law**
14.17 **enforcement.** A person mandated to report under section 260E.06, subdivision 1, who
14.18 knows or has reason to know of a violation of section 609.25 or 609.26 shall report the
14.19 information to the local police department or the county sheriff.

14.20 Subd. 3. **Report to medical examiner or coroner; notification to local agency and**
14.21 **law enforcement; report ombudsman.** (a) A person mandated to report maltreatment who
14.22 knows or has reason to believe a child has died as a result of maltreatment shall report that
14.23 information to the appropriate medical examiner or coroner instead of the local welfare
14.24 agency, police department, or county sheriff.

14.25 (b) The medical examiner or coroner shall notify the local welfare agency, police
14.26 department, or county sheriff in instances in which the medical examiner or coroner believes
14.27 that the child has died as a result of maltreatment. The medical examiner or coroner shall
14.28 complete an investigation as soon as feasible and report the findings to the police department
14.29 or county sheriff and the local welfare agency.

14.30 (c) If the child was receiving services or treatment for mental illness, developmental
14.31 disability, chemical dependency, or emotional disturbance from an agency, facility, or
14.32 program as defined in section 245.91, the medical examiner or coroner shall also notify and
14.33 report findings to the ombudsman established under sections 245.91 to 245.97.

15.1 Sec. 12. **[260E.12] REQUIRED ACTIONS OF THE RESPONSIBLE AGENCY AND**
15.2 **LAW ENFORCEMENT UPON RECEIVING REPORT.**

15.3 **Subdivision 1. Police department or county sheriff.** (a) The police department or the
15.4 county sheriff shall immediately notify the local welfare agency or agency responsible for
15.5 child protection reports under this chapter orally and in writing when a report is received.

15.6 (b) Written reports received by a police department or the county sheriff shall be
15.7 forwarded immediately to the local welfare agency or the agency responsible for assessing
15.8 or investigating the report. The police department or the county sheriff may keep copies of
15.9 reports received by them.

15.10 (c) The county sheriff and the head of each local welfare agency, agency responsible
15.11 for child protection reports, and police department shall designate a person within the agency,
15.12 department, or office who is responsible for ensuring that the notification duties of this
15.13 section are carried out. If the alleged maltreatment occurs on tribal land, the local welfare
15.14 agency or agency responsible for child protection reports and the local police department
15.15 or county sheriff shall immediately notify the tribe's social services agency and tribal law
15.16 enforcement orally and in writing when a report is received. When a police department or
15.17 county determines that a child has been the subject of maltreatment by a person licensed
15.18 by the Professional Educator Licensing and Standards Board or the Board of School
15.19 Administrators, the department or sheriff shall, in addition to other duties under this section,
15.20 immediately inform the licensing board.

15.21 (d) If a child is the victim of an alleged crime under subdivision 2, paragraph (c), the
15.22 law enforcement agency shall immediately notify the local welfare agency, which shall
15.23 offer appropriate social services for the purpose of safeguarding and enhancing the welfare
15.24 of the maltreated child.

15.25 **Subd. 2. Local welfare agency or agency responsible for maltreatment report.** (a)
15.26 The local welfare agency or agency responsible for child protection reports shall immediately
15.27 notify the local police department or the county sheriff orally and in writing when a report
15.28 is received.

15.29 (b) Copies of written reports received by a local welfare agency or the agency responsible
15.30 for assessing or investigating the report shall be forwarded immediately to the local police
15.31 department or the county sheriff.

15.32 (c) Receipt by a local welfare agency of a report or notification of a report of kidnapping
15.33 under section 609.25 or depriving another of custodial or parental rights under section
15.34 609.26 shall not be construed to invoke the duties under this chapter except notification of

16.1 law enforcement and the offer of services under section 260E.20, subdivision 1, paragraph
 16.2 (a), as appropriate.

16.3 Subd. 3. **Penalties for failure to cross notify.** (a) If a local welfare agency receives a
 16.4 report under section 260E.06 and fails to notify the local police department or county sheriff
 16.5 as required by subdivision 2, the person within the agency who is responsible for ensuring
 16.6 that notification is made shall be subject to disciplinary action in keeping with the agency's
 16.7 existing policy or collective bargaining agreement on discipline of employees.

16.8 (b) If a local police department or a county sheriff receives a report under section 260E.06
 16.9 and fails to notify the local welfare agency as required by subdivision 1, the person within
 16.10 the police department or county sheriff's office who is responsible for ensuring that
 16.11 notification is made shall be subject to disciplinary action in keeping with the agency's
 16.12 existing policy or collective bargaining agreement on discipline of employees.

16.13 **Sec. 13. [260E.13] REPORT TO OMBUDSMAN.**

16.14 When a local welfare agency receives a report or otherwise has information indicating
 16.15 that a child who is a client, as defined in section 245.91, has been the subject of maltreatment
 16.16 at an agency, facility, or program, as defined in section 245.91, the local welfare agency
 16.17 shall, in addition to its other duties under this chapter, immediately inform the ombudsman
 16.18 established under sections 245.91 to 245.97. The commissioner of education shall inform
 16.19 the ombudsman established under sections 245.91 to 245.97 of reports regarding a child
 16.20 who is a client, as defined in section 245.91, that maltreatment occurred at a school as
 16.21 defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E.

16.22 **Sec. 14. [260E.14] AGENCY RESPONSIBLE FOR SCREENING AND**
 16.23 **ASSESSMENT OR INVESTIGATION.**

16.24 Subdivision 1. **Facilities and schools.** (a) The local welfare agency is the agency
 16.25 responsible for investigating allegations of maltreatment in child foster care, family child
 16.26 care, legally nonlicensed child care, and reports involving children served by an unlicensed
 16.27 personal care provider organization under section 256B.0659. Copies of findings related to
 16.28 personal care provider organizations under section 256B.0659 must be forwarded to the
 16.29 Department of Human Services provider enrollment.

16.30 (b) The Department of Human Services is the agency responsible for screening and
 16.31 investigating allegations of maltreatment in juvenile correctional facilities listed under
 16.32 section 241.021 located in the local welfare agency's county and in facilities licensed or

17.1 certified under chapters 245A, 245D, and 245G, except for child foster care and family
17.2 child care.

17.3 (c) The Department of Health is the agency responsible for screening and investigating
17.4 allegations of maltreatment in facilities licensed under sections 144.50 to 144.58 and 144A.43
17.5 to 144A.482 or chapter 144H.

17.6 (d) The Department of Education is the agency responsible for screening and investigating
17.7 allegations of maltreatment in a school as defined in section 120A.05, subdivisions 9, 11,
17.8 and 13, and chapter 124E. The Department of Education's responsibility to screen and
17.9 investigate includes allegations of maltreatment involving students 18 to 21 years of age,
17.10 including students receiving special education services, up to and including graduation and
17.11 the issuance of a secondary or high school diploma.

17.12 (e) A health or corrections agency receiving a report may request the local welfare agency
17.13 to provide assistance pursuant to this section and sections 260E.19 and 260E.22.

17.14 Subd. 2. **Sexual abuse.** (a) The local welfare agency is the agency responsible for
17.15 investigating an allegation of sexual abuse if the alleged offender is the parent, guardian,
17.16 sibling, or an individual functioning within the family unit as a person responsible for the
17.17 child's care, or a person with a significant relationship to the child if that person resides in
17.18 the child's household.

17.19 (b) The local welfare agency is also responsible for investigating when a child is identified
17.20 as a victim of sex trafficking.

17.21 Subd. 3. **Neglect or physical abuse.** The local welfare agency is responsible for
17.22 immediately conducting a family assessment or investigation if the report alleges neglect
17.23 or physical abuse by a parent, guardian, or individual functioning within the family unit as
17.24 a person responsible for the child's care.

17.25 Subd. 4. **Birth match.** (a) Upon receiving data under section 144.225, subdivision 2b,
17.26 contained in a birth record or recognition of parentage identifying a child who is subject to
17.27 threatened injury under section 260E.03, subdivision 23, the Department of Human Services
17.28 shall send the data to the responsible local welfare agency. The data is known as "birth
17.29 match data."

17.30 (b) Unless the responsible local welfare agency has already begun an investigation or
17.31 assessment of the report due to the birth of the child or execution of the recognition of
17.32 parentage and the parent's previous history with child protection, the agency shall accept
17.33 the birth match data as a report under section 260E.03, subdivision 23.

18.1 Subd. 5. Law enforcement. (a) The local law enforcement agency is the agency
18.2 responsible for investigating a report of maltreatment if a violation of a criminal statute is
18.3 alleged.

18.4 (b) Law enforcement and the responsible agency must coordinate their investigations
18.5 or assessments as required under this chapter when the report alleges maltreatment that is
18.6 a violation of a criminal statute by a person who is a parent, guardian, sibling, person
18.7 responsible for the child's care functioning within the family unit, or person who lives in
18.8 the child's household and who has a significant relationship to the child, in a setting other
18.9 than a facility as defined in section 260E.03.

18.10 **Sec. 15. [260E.15] SCREENING GUIDELINES.**

18.11 (a) Child protection staff, supervisors, and others involved in child protection screening
18.12 shall follow the guidance provided in the maltreatment screening guidelines issued by the
18.13 commissioner and, when notified by the commissioner, shall immediately implement updated
18.14 procedures and protocols.

18.15 (b) Any modification to the screening guidelines must be preapproved by the
18.16 commissioner and must not be less protective of children than is mandated by statute. The
18.17 county agency must consult with the county attorney before proposing modifications to the
18.18 commissioner. The guidelines may provide additional protection for children but must not
18.19 limit reports that are screened in or provide additional limits on consideration of reports
18.20 that were screened out in making a screening determination.

18.21 **Sec. 16. [260E.16] TIMELINE FOR SCREENING.**

18.22 (a) The local welfare agency shall determine if the report is to be screened in or out as
18.23 soon as possible but in no event longer than 24 hours after the report is received.

18.24 (b) When determining whether a report will be screened in or out, the agency receiving
18.25 the report must consider, when relevant, all previous history, including reports that were
18.26 screened out. The agency may communicate with treating professionals and individuals
18.27 specified under section 260E.35, subdivision 4, paragraph (b).

18.28 **Sec. 17. [260E.17] RESPONSE PATH ASSIGNMENT.**

18.29 Subdivision 1. Local welfare agency. (a) Upon receipt of a report, the local welfare
18.30 agency shall determine whether to conduct a family assessment or an investigation as
18.31 appropriate to prevent or provide a remedy for maltreatment.

19.1 (b) The local welfare agency shall conduct an investigation when the report involves
19.2 sexual abuse or substantial child endangerment.

19.3 (c) The local welfare agency shall begin an immediate investigation if, at any time when
19.4 the local welfare agency is using a family assessment response, the local welfare agency
19.5 determines that there is reason to believe that sexual abuse or substantial child endangerment
19.6 or a serious threat to the child's safety exists.

19.7 (d) The local welfare agency may conduct a family assessment for reports that do not
19.8 allege sexual abuse or substantial child endangerment. In determining that a family
19.9 assessment is appropriate, the local welfare agency may consider issues of child safety,
19.10 parental cooperation, and the need for an immediate response.

19.11 (e) The local welfare agency may conduct a family assessment on a report that was
19.12 initially screened and assigned for an investigation. In determining that a complete
19.13 investigation is not required, the local welfare agency must document the reason for
19.14 terminating the investigation and notify the local law enforcement agency if the local law
19.15 enforcement agency is conducting a joint investigation.

19.16 Subd. 2. **Responsible social service agency.** The responsible agency shall conduct an
19.17 investigation when the report alleges maltreatment in a facility required to be licensed under
19.18 chapter 144H, 245A, 245D, or 245H; under sections 144.50 to 144.58 and 241.021; in a
19.19 school as defined in section 120A.05, subdivisions 9, 11, and 13, and chapter 124E; or in
19.20 a nonlicensed personal care provider association as defined in section 256B.0625, subdivision
19.21 19a.

19.22 Sec. 18. **[260E.18] NOTICE TO CHILD'S TRIBE.**

19.23 The local welfare agency shall provide immediate notice, according to section 260.761,
19.24 subdivision 2, to an Indian child's tribe when the agency has reason to believe the family
19.25 assessment or investigation may involve an Indian child. For purposes of this section,
19.26 "immediate notice" means notice provided within 24 hours.

19.27 Sec. 19. **[260E.19] CONFLICT OF INTEREST.**

19.28 (a) A potential conflict of interest related to assisting in an investigation or assessment
19.29 under this chapter resulting in a direct or shared financial interest with a child maltreatment
19.30 treatment provider or resulting from a personal or family relationship with a party in the
19.31 investigation must be considered by the local welfare agency in an effort to prevent unethical
19.32 relationships.

20.1 (b) A person who conducts an investigation or assessment under this chapter may not
 20.2 have:

20.3 (1) any direct or shared financial interest or referral relationship resulting in a direct
 20.4 shared financial gain with a child maltreatment treatment provider; or

20.5 (2) a personal or family relationship with a party in the assessment or investigation.

20.6 (c) If an independent assessor is not available, the person responsible for making the
 20.7 determination under this chapter may use the services of an assessor with a financial interest,
 20.8 referral, or personal or family relationship.

20.9 **Sec. 20. [260E.20] AGENCY DUTIES REGARDING INVESTIGATION AND**
 20.10 **ASSESSMENT.**

20.11 Subdivision 1. **General duties.** (a) The local welfare agency shall offer services to
 20.12 prevent future maltreatment, safeguarding and enhancing the welfare of the maltreated child,
 20.13 and supporting and preserving family life whenever possible.

20.14 (b) If the report alleges a violation of a criminal statute involving maltreatment or child
 20.15 endangerment under section 609.378, the local law enforcement agency and local welfare
 20.16 agency shall coordinate the planning and execution of their respective investigation and
 20.17 assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews.
 20.18 Each agency shall prepare a separate report of the results of the agency's investigation or
 20.19 assessment.

20.20 (c) In cases of alleged child maltreatment resulting in death, the local agency may rely
 20.21 on the fact-finding efforts of a law enforcement investigation to make a determination of
 20.22 whether or not maltreatment occurred.

20.23 (d) When necessary, the local welfare agency shall seek authority to remove the child
 20.24 from the custody of a parent, guardian, or adult with whom the child is living.

20.25 (e) In performing any of these duties, the local welfare agency shall maintain an
 20.26 appropriate record.

20.27 (f) In conducting a family assessment or investigation, the local welfare agency shall
 20.28 gather information on the existence of substance abuse and domestic violence.

20.29 (g) If the family assessment or investigation indicates there is a potential for abuse of
 20.30 alcohol or other drugs by the parent, guardian, or person responsible for the child's care,
 20.31 the local welfare agency shall conduct a chemical use assessment pursuant to Minnesota
 20.32 Rules, part 9530.6615.

21.1 (h) The agency may use either a family assessment or investigation to determine whether
21.2 the child is safe when responding to a report resulting from birth match data under section
21.3 260E.03, subdivision 23, paragraph (c). If the child subject of birth match data is determined
21.4 to be safe, the agency shall consult with the county attorney to determine the appropriateness
21.5 of filing a petition alleging the child is in need of protection or services under section
21.6 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is
21.7 determined not to be safe, the agency and the county attorney shall take appropriate action
21.8 as required under section 260C.503, subdivision 2.

21.9 Subd. 2. **Face-to-face contact.** (a) Upon receipt of a screened in report, the local welfare
21.10 agency shall conduct a face-to-face contact with the child reported to be maltreated and
21.11 with the child's primary caregiver sufficient to complete a safety assessment and ensure the
21.12 immediate safety of the child.

21.13 (b) The face-to-face contact with the child and primary caregiver shall occur immediately
21.14 if sexual abuse or substantial child endangerment is alleged and within five calendar days
21.15 for all other reports. If the alleged offender was not already interviewed as the primary
21.16 caregiver, the local welfare agency shall also conduct a face-to-face interview with the
21.17 alleged offender in the early stages of the assessment or investigation.

21.18 (c) At the initial contact with the alleged offender, the local welfare agency or the agency
21.19 responsible for assessing or investigating the report must inform the alleged offender of the
21.20 complaints or allegations made against the individual in a manner consistent with laws
21.21 protecting the rights of the person who made the report. The interview with the alleged
21.22 offender may be postponed if it would jeopardize an active law enforcement investigation.

21.23 (d) The local welfare agency or the agency responsible for assessing or investigating
21.24 the report must provide the alleged offender with an opportunity to make a statement. The
21.25 alleged offender may submit supporting documentation relevant to the assessment or
21.26 investigation.

21.27 Subd. 3. **Collection of information.** (a) The local welfare agency responsible for
21.28 conducting a family assessment or investigation shall collect available and relevant
21.29 information to determine child safety, risk of subsequent maltreatment, and family strengths
21.30 and needs and share not public information with an Indian's tribal social services agency
21.31 without violating any law of the state that may otherwise impose a duty of confidentiality
21.32 on the local welfare agency in order to implement the tribal state agreement.

22.1 (b) The local welfare agency or the agency responsible for investigating the report shall
22.2 collect available and relevant information to ascertain whether maltreatment occurred and
22.3 whether protective services are needed.

22.4 (c) Information collected includes, when relevant, information with regard to the person
22.5 reporting the alleged maltreatment, including the nature of the reporter's relationship to the
22.6 child and to the alleged offender, and the basis of the reporter's knowledge for the report;
22.7 the child allegedly being maltreated; the alleged offender; the child's caretaker; and other
22.8 collateral sources having relevant information related to the alleged maltreatment.

22.9 (d) Information relevant to the assessment or investigation must be asked for, and may
22.10 include:

22.11 (1) the child's sex and age; prior reports of maltreatment, including any maltreatment
22.12 reports that were screened out and not accepted for assessment or investigation; information
22.13 relating to developmental functioning; credibility of the child's statement; and whether the
22.14 information provided under this clause is consistent with other information collected during
22.15 the course of the assessment or investigation;

22.16 (2) the alleged offender's age, a record check for prior reports of maltreatment, and
22.17 criminal charges and convictions;

22.18 (3) collateral source information regarding the alleged maltreatment and care of the
22.19 child. Collateral information includes, when relevant: (i) a medical examination of the child;
22.20 (ii) prior medical records relating to the alleged maltreatment or the care of the child
22.21 maintained by any facility, clinic, or health care professional and an interview with the
22.22 treating professionals; and (iii) interviews with the child's caretakers, including the child's
22.23 parent, guardian, foster parent, child care provider, teachers, counselors, family members,
22.24 relatives, and other persons who may have knowledge regarding the alleged maltreatment
22.25 and the care of the child; and

22.26 (4) information on the existence of domestic abuse and violence in the home of the child,
22.27 and substance abuse.

22.28 (e) Nothing in this subdivision precludes the local welfare agency, the local law
22.29 enforcement agency, or the agency responsible for assessing or investigating the report from
22.30 collecting other relevant information necessary to conduct the assessment or investigation.

22.31 (f) Notwithstanding section 13.384 or 144.291 to 144.298, the local welfare agency has
22.32 access to medical data and records for purposes of paragraph (d), clause (3).

23.1 Subd. 4. Consultation regarding alleged medical neglect. If the report alleges medical
23.2 neglect as defined in section 260C.007, subdivision 6, clause (5), the local welfare agency
23.3 shall, in addition to its other duties under this section, immediately consult with designated
23.4 hospital staff and with the parents of the infant to verify that appropriate nutrition, hydration,
23.5 and medication are being provided; and shall immediately secure an independent medical
23.6 review of the infant's medical charts and records and, if necessary, seek a court order for
23.7 an independent medical examination of the infant.

23.8 Subd. 5. Law enforcement fact finding. If the report alleges maltreatment by a person
23.9 who is not a parent, guardian, sibling, person responsible for the child's care functioning
23.10 within the family unit, or a person who lives in the child's household and who has a
23.11 significant relationship to the child, in a setting other than a facility as defined in section
23.12 260E.03, the local welfare agency may rely on the fact-finding efforts of the law enforcement
23.13 investigation to make a determination whether or not threatened injury or other maltreatment
23.14 has occurred under section 260E.03, subdivision 12, if an alleged offender has minor children
23.15 or lives with minors.

23.16 **Sec. 21. [260E.21] SCREENED OUT REPORTS.**

23.17 Subdivision 1. Records. A report that is screened out must be maintained according to
23.18 section 260E.35, subdivision 6, paragraph (b).

23.19 Subd. 2. Offer of social services. A local welfare agency or agency responsible for
23.20 investigating or assessing a report may use a screened out report for making an offer of
23.21 social services to the subjects of the screened out report.

23.22 **Sec. 22. [260E.22] INTERVIEWS.**

23.23 Subdivision 1. Authority to interview. (a) The agency responsible for assessing or
23.24 investigating reports of maltreatment has the authority to interview the child, the person or
23.25 persons responsible for the child's care, the alleged offender, and any other person with
23.26 knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk
23.27 to the child, and formulating a plan.

23.28 (b) Authority of the local welfare agency responsible for assessing or investigating the
23.29 maltreatment report, the agency responsible for assessing or investigating the report, and
23.30 the local law enforcement agency responsible for investigating the alleged maltreatment
23.31 includes but is not limited to authority to interview, without parental consent, the alleged
23.32 victim and any other children who currently reside with or who have resided with the alleged
23.33 offender.

24.1 Subd. 2. **Interview procedure.** (a) The interview may take place at school or at any
24.2 facility or other place where the alleged victim or other children might be found or the child
24.3 may be transported to, and the interview may be conducted at a place appropriate for the
24.4 interview of a child designated by the local welfare agency or law enforcement agency.

24.5 (b) The interview may take place outside the presence of the alleged offender or parent,
24.6 legal custodian, guardian, or school official.

24.7 (c) For a family assessment, it is the preferred practice to request a parent or guardian's
24.8 permission to interview the child before conducting the child interview, unless doing so
24.9 would compromise the safety assessment.

24.10 Subd. 3. **Notification after interview.** (a) Except as provided in this subdivision, the
24.11 parent, legal custodian, or guardian shall be notified by the responsible agency or local law
24.12 enforcement agency no later than the conclusion of the investigation or assessment that this
24.13 interview has occurred.

24.14 (b) Notwithstanding notice required under the Minnesota Rules of Juvenile Protection,
24.15 the juvenile court may, after hearing on an ex parte motion by the local welfare agency,
24.16 order that, where reasonable cause exists, the agency withhold notification of this interview
24.17 from the parent, legal custodian, or guardian. If the interview took place or is to take place
24.18 on school property, the order shall specify that school officials may not disclose to the
24.19 parent, legal custodian, or guardian the contents of the notification of intent to interview
24.20 the child on school property, as provided under this subdivision, and any other related
24.21 information regarding the interview that may be a part of the child's school record. A copy
24.22 of the order shall be sent by the local welfare or law enforcement agency to the appropriate
24.23 school official.

24.24 Subd. 4. **Tennessen notice not required.** In conducting investigations and assessments
24.25 pursuant to this chapter, the notice required by section 13.04, subdivision 2, need not be
24.26 provided to a child under the age of ten who is the alleged victim of maltreatment.

24.27 Subd. 5. **Court order for interview.** (a) Where the alleged offender or a person
24.28 responsible for the care of the alleged victim or other child prevents access to the victim or
24.29 other child by the local welfare agency, the juvenile court may order the parent, legal
24.30 custodian, or guardian to produce the alleged victim or other child for questioning by the
24.31 local welfare agency or the local law enforcement agency outside the presence of the alleged
24.32 offender or any person responsible for the child's care at reasonable places and times as
24.33 specified by court order.

25.1 (b) Before making an order under paragraph (a), the court shall issue an order to show
25.2 cause, either upon its own motion or upon a verified petition, specifying the basis for the
25.3 requested interview and fixing the time and place of the hearing. The order to show cause
25.4 shall be served personally and shall be heard in the same manner as provided in other cases
25.5 in the juvenile court. The court shall consider the need for appointment of a guardian ad
25.6 litem to protect the best interests of the child. If appointed, the guardian ad litem shall be
25.7 present at the hearing on the order to show cause.

25.8 Subd. 6. **Interview format.** (a) When conducting an investigation, the local welfare
25.9 agency shall use a question and answer interviewing format with questioning as nondirective
25.10 as possible to elicit spontaneous responses.

25.11 (b) For investigations only, the following interviewing methods and procedures must
25.12 be used whenever possible when collecting information:

25.13 (1) audio recording of all interviews with witnesses and collateral sources; and

25.14 (2) in a case of alleged sexual abuse, audio-video recording of each interview with the
25.15 alleged victim and a child witness.

25.16 Subd. 7. **Interviews on school property.** (a) When the local welfare agency, local law
25.17 enforcement agency, or the agency responsible for assessing or investigating a report of
25.18 maltreatment determines that an interview should take place on school property, written
25.19 notification of intent to interview the child on school property must be received by school
25.20 officials before the interview. The notification shall include the name of the child to be
25.21 interviewed, the purpose of the interview, and a reference to the statutory authority to conduct
25.22 an interview on school property. For an interview conducted by the local welfare agency,
25.23 the notification shall be signed by the chair of the local welfare agency or the chair's designee.
25.24 The notification shall be private data on individuals subject to the provisions of this
25.25 subdivision. School officials may not disclose to the parent, legal custodian, or guardian
25.26 the contents of the notification or any other related information regarding the interview until
25.27 notified in writing by the local welfare agency or local law enforcement agency that the
25.28 investigation or assessment has been concluded, unless a school employee or agent is alleged
25.29 to have maltreated the child. Until that time, the local welfare agency, local law enforcement
25.30 agency, or the agency responsible for assessing or investigating a report of maltreatment
25.31 shall be solely responsible for any disclosure regarding the nature of the assessment or
25.32 investigation.

25.33 (b) Except where the alleged offender is believed to be a school official or employee,
25.34 the time, place, and manner of the interview on school premises shall be within the discretion

26.1 of school officials, but the local welfare agency or local law enforcement agency shall have
 26.2 the exclusive authority to determine who may attend the interview. The conditions as to
 26.3 time, place, and manner of the interview set by the school officials shall be reasonable, and
 26.4 the interview shall be conducted not more than 24 hours after the receipt of the notification
 26.5 unless another time is considered necessary by agreement between the school officials and
 26.6 the local welfare agency or local law enforcement agency. Where the school fails to comply
 26.7 with the provisions of this paragraph, the juvenile court may order the school to comply.
 26.8 Every effort must be made to reduce the disruption of the educational program of the child,
 26.9 other students, or school staff when an interview is conducted on school premises.

26.10 **Sec. 23. [260E.23] DOCUMENTING INTERVIEWS WITH CHILD**
 26.11 **MALTREATMENT VICTIMS.**

26.12 Subdivision 1. **Policy.** It is the policy of this state to encourage adequate and accurate
 26.13 documentation of the number and content of interviews conducted with alleged child
 26.14 maltreatment victims during the course of a child maltreatment assessment or investigation,
 26.15 criminal investigation, or prosecution, and to discourage interviews that are unnecessary,
 26.16 duplicative, or otherwise not in the best interests of the child.

26.17 Subd. 2. **Definitions.** As used in this section:

26.18 (1) "government employee" means an employee of a state or local agency, and any
 26.19 person acting as an agent of a state or local agency;

26.20 (2) "interview" means a statement of an alleged maltreatment victim which is given or
 26.21 made to a government employee during the course of a maltreatment assessment or
 26.22 investigation, criminal investigation, or prosecution; and

26.23 (3) "record" means an audio or video recording of an interview, or a written record of
 26.24 an interview.

26.25 Subd. 3. **Record required.** Whenever an interview is conducted, the interviewer must
 26.26 make a record of the interview. The record must contain the following information:

26.27 (1) the date, time, place, and duration of the interview;

26.28 (2) the identity of the persons present at the interview; and

26.29 (3) if the record is in writing, a summary of the information obtained during the interview.

26.30 Subd. 4. **Records maintained.** The records shall be maintained by the interviewer in
 26.31 accordance with applicable provisions of section 260E.35 and chapter 13.

27.1 Subd. 5. **Guidelines on tape recording of interviews.** Every county attorney's office
 27.2 shall be responsible for developing written guidelines on the tape recording of interviews
 27.3 by government employees who conduct child maltreatment assessments or investigations,
 27.4 criminal investigations, or prosecutions. The guidelines are public data as defined in section
 27.5 13.02, subdivision 14.

27.6 Sec. 24. **[260E.24] CONCLUSION OF FAMILY ASSESSMENT OR FAMILY**
 27.7 **INVESTIGATION BY LOCAL WELFARE AGENCY.**

27.8 Subdivision 1. **Timing.** The local welfare agency shall conclude the family assessment
 27.9 or the investigation within 45 days of the receipt of a report. The conclusion of the assessment
 27.10 or investigation may be extended to permit the completion of a criminal investigation or
 27.11 the receipt of expert information requested within 45 days of the receipt of the report.

27.12 Subd. 2. **Determination after family assessment.** After conducting a family assessment,
 27.13 the local welfare agency shall determine whether child protective services are needed to
 27.14 address the safety of the child and other family members and the risk of subsequent
 27.15 maltreatment.

27.16 Subd. 3. **Determinations after family investigation.** (a) After conducting an
 27.17 investigation, the local welfare agency shall make two determinations: (1) whether
 27.18 maltreatment occurred; and (2) whether child protective services are needed.

27.19 (b) No determination of maltreatment shall be made when the alleged offender is a child
 27.20 under the age of ten.

27.21 (c) The local welfare agency or the agency responsible for investigating the report may
 27.22 make a determination of no maltreatment early in an investigation, and close the case and
 27.23 retain immunity, if the collected information shows no basis for a full investigation.

27.24 Subd. 4. **Child protective services.** For the purposes of this chapter, except for section
 27.25 260E.37, a determination that child protective services are needed means that the local
 27.26 welfare agency documented conditions during the assessment or investigation sufficient to
 27.27 cause a child protection worker, as defined in section 260E.37, to conclude that a child is
 27.28 at significant risk of maltreatment if protective intervention is not provided and that the
 27.29 individual or individuals responsible for the child's care have not taken or are not likely to
 27.30 take action to protect the child from maltreatment or risk of maltreatment.

27.31 Subd. 5. **Notifications at conclusion of family investigation.** (a) Within ten working
 27.32 days of the conclusion of an investigation, the local welfare agency or agency responsible
 27.33 for investigating the report shall notify the parent or guardian of the child and the person

28.1 determined to be maltreating the child, if not the parent or guardian of the child, of the
28.2 determination and a summary of the specific reasons for the determination.

28.3 (b) The notice must include a certification that the information collection procedures
28.4 under section 260E.20 were followed and a notice of the right of a data subject to obtain
28.5 access to other private data on the subject collected, created, or maintained under this section.

28.6 (c) In addition, the notice shall include the length of time that the records will be kept
28.7 under section 260E.35, subdivision 6. The investigating agency shall notify the parent or
28.8 guardian of the child who is the subject of the report, and any person determined to have
28.9 maltreated the child, of their appeal or review rights under this chapter.

28.10 (d) The notice must also state that a finding of maltreatment may result in denial of a
28.11 license or certification application or background study disqualification under chapter 245C
28.12 related to employment or services that are licensed or certified by the Department of Human
28.13 Services under chapter 245A or 245H, the Department of Health under chapter 144 or 144A,
28.14 the Department of Corrections under section 241.021, and from providing services related
28.15 to an unlicensed personal care provider organization under chapter 256B.

28.16 Subd. 6. **Required referral to early intervention services.** A child under age three
28.17 who is involved in a substantiated case of maltreatment shall be referred for screening under
28.18 the Individuals with Disabilities Education Act, part C. Parents must be informed that the
28.19 evaluation and acceptance of services are voluntary. The commissioner of human services
28.20 shall monitor referral rates by county and annually report the information to the legislature.
28.21 Refusal to have a child screened is not a basis for a child in need of protection or services
28.22 petition under chapter 260C.

28.23 Subd. 7. **Notification at conclusion of family assessment.** Within ten working days of
28.24 the conclusion of a family assessment, the local welfare agency shall notify the parent or
28.25 guardian of the child of the need for services to address child safety concerns or significant
28.26 risk of subsequent maltreatment. The local welfare agency and the family may also jointly
28.27 agree that family support and family preservation services are needed.

28.28 Sec. 25. **[260E.25] PROVISION OF MEDICAL CARE.**

28.29 (a) If lack of medical care due to a parent's, guardian's, or caretaker's good faith selection
28.30 and dependence upon spiritual means or prayer for treatment or care of disease or remedial
28.31 care for the child in lieu of medical care may result in serious danger to the child's health,
28.32 the local welfare agency may ensure that necessary medical services are provided to the
28.33 child.

29.1 (b) If the review or examination required under section 260E.20, subdivision 4, leads
 29.2 to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by
 29.3 initiating legal proceedings under section 260C.141 and by filing an expedited motion to
 29.4 prevent the withholding of medically indicated treatment.

29.5 **Sec. 26. [260E.26] PROVISION OF CHILD PROTECTIVE SERVICES.**

29.6 The local welfare agency shall create a written plan, in collaboration with the family
 29.7 whenever possible, within 30 days of the determination that child protective services are
 29.8 needed or upon joint agreement of the local welfare agency and the family that family
 29.9 support and preservation services are needed. Child protective services for a family are
 29.10 voluntary unless ordered by the court.

29.11 **Sec. 27. [260E.27] CONSULTATION WITH THE COUNTY ATTORNEY.**

29.12 The local welfare agency shall consult with the county attorney to determine the
 29.13 appropriateness of filing a petition alleging the child is in need of protection or services
 29.14 under section 260C.007, subdivision 6, if:

29.15 (1) the family does not accept or comply with a plan for child protective services;

29.16 (2) voluntary child protective services may not provide sufficient protection for the child;

29.17 or

29.18 (3) the family is not cooperating with an investigation or assessment.

29.19 **Sec. 28. [260E.28] CONDUCTING INVESTIGATION IN FACILITY OR SCHOOL.**

29.20 Subdivision 1. **Immediate investigation for alleged maltreatment in a facility.** (a)
 29.21 The commissioner of human services, health, or education, whichever is responsible for
 29.22 investigating the report, shall immediately investigate if the report alleges that:

29.23 (1) a child who is in the care of a facility as defined in section 260E.03 is the victim of
 29.24 maltreatment in a facility by an individual in that facility or has been the victim of
 29.25 maltreatment in a facility by an individual in that facility within the three years preceding
 29.26 the report; or

29.27 (2) a child is the victim of maltreatment in a facility by an individual in a facility defined
 29.28 in section 260E.03, subdivision 6, while in the care of that facility within the three years
 29.29 preceding the report.

29.30 (b) The commissioner of the agency responsible for investigating the report shall arrange
 29.31 for the transmittal to the commissioner of reports received by local agencies and may delegate

30.1 to a local welfare agency the duty to investigate reports. The commissioner of the agency
30.2 responsible for investigating the report or local welfare agency may interview any children
30.3 who are or have been in the care of a facility under investigation and the children's parents,
30.4 guardians, or legal custodians.

30.5 (c) In conducting an investigation under this section, the commissioner has the powers
30.6 and duties specified for a local welfare agency under this chapter.

30.7 Subd. 2. **Preinterview notification for facility investigation.** Before any interview
30.8 related to maltreatment in a facility under the provisions of section 260E.22, the
30.9 commissioner of the agency responsible for investigating the report or local welfare agency
30.10 shall notify the parent, guardian, or legal custodian of a child who will be interviewed in
30.11 the manner provided for in section 260E.22. If reasonable efforts to reach the parent,
30.12 guardian, or legal custodian of a child in an out-of-home placement have failed, the child
30.13 may be interviewed if there is reason to believe the interview is necessary to protect the
30.14 child or other children in the facility. The commissioner of the agency responsible for
30.15 assessing or investigating the report or local agency must provide the information required
30.16 in this subdivision to the parent, guardian, or legal custodian of a child interviewed without
30.17 parental notification as soon as possible after the interview. When the investigation is
30.18 completed, any parent, guardian, or legal custodian notified under this subdivision shall
30.19 receive the written memorandum provided for in section 260E.30, subdivision 5.

30.20 Subd. 3. **Facility records.** The commissioner of human services, the ombudsman for
30.21 mental health and developmental disabilities, the local welfare agencies responsible for
30.22 investigating reports, the commissioner of education, and the local law enforcement agencies
30.23 have the right to enter a facility as defined in section 260E.03 and to inspect and copy the
30.24 facility's records, including medical records, as part of the investigation. Notwithstanding
30.25 the provisions of chapter 13, the commissioner of human services, the ombudsman for
30.26 mental health and developmental disabilities, the local welfare agencies responsible for
30.27 investigating reports, the commissioner of education, and the local law enforcement agencies
30.28 also have the right to inform the facility under investigation that an investigation is being
30.29 conducted, to disclose to the facility the names of the individuals under investigation for
30.30 maltreating a child, and to provide the facility with a copy of the report and the investigative
30.31 findings.

30.32 Subd. 4. **Access to information.** In conducting investigations under this chapter, the
30.33 commissioner or local welfare agency shall obtain access to information consistent with
30.34 section 260E.20, subdivision 3. In conducting investigations under this section, the
30.35 commissioner of education shall obtain access to reports and investigative data that are

31.1 relevant to a report of maltreatment and are in the possession of a school facility as defined
 31.2 in section 260E.03, subdivision 6, clause (2), notwithstanding the classification of the data
 31.3 as educational or personnel data under chapter 13. This includes but is not limited to school
 31.4 investigative reports, information concerning the conduct of school personnel alleged to
 31.5 have committed maltreatment of students, information about witnesses, and any protective
 31.6 or corrective action taken by the school facility regarding the school personnel alleged to
 31.7 have committed maltreatment.

31.8 Subd. 5. **Investigation involving school facility.** In conducting an investigation involving
 31.9 a school facility as defined in section 260E.03, subdivision 6, clause (2), the commissioner
 31.10 of education shall collect available and relevant information and use the procedures in
 31.11 sections 260E.20, subdivisions 2 and 3, and 260E.22, except that the requirement for
 31.12 face-to-face observation of the child and face-to-face interview of the alleged offender is
 31.13 to occur in the initial stages of the investigation provided that the commissioner may also
 31.14 base the investigation on investigative reports and data received from the school facility
 31.15 and local law enforcement agency, to the extent those investigations satisfy the requirements
 31.16 of sections 260E.20, subdivisions 2 and 3, and 260E.22.

31.17 Sec. 29. **[260E.29] NOTIFICATION REQUIREMENTS FOR SCHOOLS AND**
 31.18 **FACILITIES.**

31.19 Subdivision 1. **Notification requirements for school facility.** (a) Notwithstanding
 31.20 section 260E.09, the commissioner of education must inform the parent, guardian, or legal
 31.21 custodian of the child who is the subject of a report of alleged maltreatment in a school
 31.22 facility within ten days of receiving the report, either orally or in writing, whether the
 31.23 commissioner is investigating the report of alleged maltreatment.

31.24 (b) Regardless of whether a report is made under section 260E.09, as soon as practicable
 31.25 after a school receives information regarding an incident that may constitute maltreatment
 31.26 of a child in a school facility, the school shall inform the parent, legal guardian, or custodian
 31.27 of the child that an incident occurred that may constitute maltreatment of the child, when
 31.28 the incident occurred, and the nature of the conduct that may constitute maltreatment.

31.29 Subd. 2. **Notification requirements for other types of facilities.** When a report is
 31.30 received that alleges maltreatment of a child while in the care of a licensed or unlicensed
 31.31 day care facility, residential facility, agency, hospital, sanitarium, or other facility or
 31.32 institution required to be licensed or certified according to sections 144.50 to 144.58;
 31.33 241.021; or 245A.01 to 245A.16; or chapter 144H, 245D, or 245H; or a school as defined
 31.34 in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed personal

32.1 care provider organization as defined in section 256B.0625, subdivision 19a, the
 32.2 commissioner of the agency responsible for investigating the report or local welfare agency
 32.3 investigating the report shall provide the following information to the parent, guardian, or
 32.4 legal custodian of a child alleged to have been the victim of maltreatment in the facility;
 32.5 the name of the facility; the fact that a report alleging maltreatment in the facility has been
 32.6 received; the nature of the alleged maltreatment in the facility; that the agency is conducting
 32.7 an investigation; any protective or corrective measures being taken pending the outcome
 32.8 of the investigation; and that a written memorandum will be provided when the investigation
 32.9 is completed.

32.10 Subd. 3. **Discretionary notification.** The commissioner of the agency responsible for
 32.11 investigating the report or local welfare agency may also provide the information in
 32.12 subdivision 2 to the parent, guardian, or legal custodian of any other child in the facility if
 32.13 the investigative agency knows or has reason to believe the alleged maltreatment of a child
 32.14 in the facility occurred. In determining whether to exercise this authority, the commissioner
 32.15 of the agency responsible for investigating the report or local welfare agency shall consider
 32.16 the seriousness of the alleged maltreatment of a child in the facility; the number of alleged
 32.17 victims of maltreatment of a child in the facility; the number of alleged offenders; and the
 32.18 length of the investigation. The facility shall be notified whenever this discretion is exercised.

32.19 Sec. 30. ~~[260E.30]~~ **CONCLUSION OF SCHOOL OR FACILITY INVESTIGATION.**

32.20 Subdivision 1. **Investigation involving a school facility.** If the commissioner of education
 32.21 conducts an investigation, the commissioner shall determine whether maltreatment occurred
 32.22 and what corrective or protective action was taken by the school facility. If a determination
 32.23 is made that maltreatment occurred, the commissioner shall report to the employer, the
 32.24 school board, and any appropriate licensing entity the determination that maltreatment
 32.25 occurred and what corrective or protective action was taken by the school facility. In all
 32.26 other cases, the commissioner shall inform the school board or employer that a report was
 32.27 received; the subject of the report; the date of the initial report; the category of maltreatment
 32.28 alleged as defined in section 260E.03, subdivision 12; the fact that maltreatment was not
 32.29 determined; and a summary of the specific reasons for the determination.

32.30 Subd. 2. **Investigation involving a facility.** (a) When maltreatment is determined in an
 32.31 investigation involving a facility, the investigating agency shall also determine whether the
 32.32 facility or individual was responsible, or whether both the facility and the individual were
 32.33 responsible for the maltreatment using the mitigating factors in subdivision 4. Determinations

33.1 under this subdivision must be made based on a preponderance of the evidence and are
33.2 private data on individuals or nonpublic data as maintained by the commissioner of education.

33.3 (b) Any operator, employee, or volunteer worker at any facility who intentionally
33.4 maltreats any child in the care of that facility may be charged with a violation of section
33.5 609.255, 609.377, or 609.378. Any operator of a facility who knowingly permits conditions
33.6 to exist that result in maltreatment of a child in a facility while in the care of that facility
33.7 may be charged with a violation of section 609.378. The facility operator shall inform all
33.8 mandated reporters employed by or otherwise associated with the facility of the duties
33.9 required of mandated reporters and shall inform all mandatory reporters of the prohibition
33.10 against retaliation for reports made in good faith under this section.

33.11 Subd. 3. **Nonmaltreatment mistake.** (a) If paragraph (b) applies, rather than making a
33.12 determination of substantiated maltreatment by the individual, the commissioner of human
33.13 services shall determine that a nonmaltreatment mistake was made by the individual.

33.14 (b) A nonmaltreatment mistake occurs when:

33.15 (1) at the time of the incident, the individual was performing duties identified in the
33.16 center's child care program plan required under Minnesota Rules, part 9503.0045;

33.17 (2) the individual has not been determined responsible for a similar incident that resulted
33.18 in a finding of maltreatment for at least seven years;

33.19 (3) the individual has not been determined to have committed a similar nonmaltreatment
33.20 mistake under this paragraph for at least four years;

33.21 (4) any injury to a child resulting from the incident, if treated, is treated only with
33.22 remedies that are available over the counter, whether ordered by a medical professional or
33.23 not; and

33.24 (5) except for the period when the incident occurred, the facility and the individual
33.25 providing services were both in compliance with all licensing requirements relevant to the
33.26 incident.

33.27 (c) This subdivision only applies to child care centers licensed under Minnesota Rules,
33.28 chapter 9503.

33.29 Subd. 4. **Mitigating factors in investigating facilities.** (a) When determining whether
33.30 the facility or individual is the responsible party, or whether both the facility and the
33.31 individual are responsible for determined maltreatment in a facility, the investigating agency
33.32 shall consider at least the following mitigating factors:

34.1 (1) whether the actions of the facility or the individual caregivers were according to,
34.2 and followed the terms of, an erroneous physician order, prescription, individual care plan,
34.3 or directive; however, this is not a mitigating factor when the facility or caregiver was
34.4 responsible for the issuance of the erroneous order, prescription, individual care plan, or
34.5 directive or knew or should have known of the errors and took no reasonable measures to
34.6 correct the defect before administering care;

34.7 (2) comparative responsibility between the facility, other caregivers, and requirements
34.8 placed upon an employee, including the facility's compliance with related regulatory standards
34.9 and the adequacy of facility policies and procedures, facility training, an individual's
34.10 participation in the training, the caregiver's supervision, and facility staffing levels and the
34.11 scope of the individual employee's authority and discretion; and

34.12 (3) whether the facility or individual followed professional standards in exercising
34.13 professional judgment.

34.14 (b) The evaluation of the facility's responsibility under paragraph (a), clause (2), must
34.15 not be based on the completeness of the risk assessment or risk reduction plan required
34.16 under section 245A.66, but must be based on the facility's compliance with the regulatory
34.17 standards for policies and procedures, training, and supervision as cited in Minnesota Statutes
34.18 and Minnesota Rules.

34.19 (c) Notwithstanding paragraphs (a) and (b), when maltreatment is determined to have
34.20 been committed by an individual who is also the facility license holder, both the individual
34.21 and the facility must be determined responsible for the maltreatment, and both the background
34.22 study disqualification standards under section 245C.15, subdivision 4, and the licensing or
34.23 certification actions under sections 245A.06, 245A.07, 245H.06, or 245H.07 apply.

34.24 **Subd. 5. Notification when school or facility investigation is completed.** (a) When
34.25 the commissioner of the agency responsible for investigating the report or local welfare
34.26 agency has completed its investigation, every parent, guardian, or legal custodian previously
34.27 notified of the investigation by the commissioner or local welfare agency shall be provided
34.28 with the following information in a written memorandum: the name of the facility
34.29 investigated; the nature of the alleged maltreatment of a child in the facility; the investigator's
34.30 name; a summary of the investigation findings; a statement of whether maltreatment was
34.31 found; and the protective or corrective measures that are being or will be taken.

34.32 (b) The memorandum shall be written in a manner that protects the identity of the reporter
34.33 and the child and shall not contain the name or, to the extent possible, reveal the identity
34.34 of the alleged offender or the identity of individuals interviewed during the investigation.

35.1 (c) If maltreatment is determined to exist, the commissioner or local welfare agency
35.2 shall also provide the written memorandum to the parent, guardian, or legal custodian of
35.3 each child in the facility who had contact with the individual responsible for the maltreatment.

35.4 (d) When the facility is the responsible party for maltreatment, the commissioner or
35.5 local welfare agency shall also provide the written memorandum to the parent, guardian,
35.6 or legal custodian of each child who received services in the population of the facility where
35.7 the maltreatment occurred.

35.8 (e) This notification must be provided to the parent, guardian, or legal custodian of each
35.9 child receiving services from the time the maltreatment occurred until either the individual
35.10 responsible for maltreatment is no longer in contact with a child or children in the facility
35.11 or the conclusion of the investigation.

35.12 (f) In the case of maltreatment within a school facility, as defined in section 120A.05,
35.13 subdivisions 9, 11, and 13, and chapter 124E, the commissioner of education need not
35.14 provide notification to parents, guardians, or legal custodians of each child in the facility,
35.15 but shall, within ten days after the investigation is completed, provide written notification
35.16 to the parent, guardian, or legal custodian of any student alleged to have been maltreated.

35.17 (g) The commissioner of education may notify the parent, guardian, or legal custodian
35.18 of any student involved as a witness to alleged maltreatment.

35.19 **Subd. 6. Notification to parent, child, or offender following investigation.** (a) Within
35.20 ten working days of the conclusion of an investigation, the local welfare agency or agency
35.21 responsible for investigating the report of maltreatment in a facility shall notify the parent
35.22 or guardian of the child, the person determined to be maltreating the child, and the director
35.23 of the facility of the determination and a summary of the specific reasons for the
35.24 determination.

35.25 (b) When the investigation involves a child foster care setting that is monitored by a
35.26 private licensing agency under section 245A.16, the local welfare agency responsible for
35.27 investigating the report shall notify the private licensing agency of the determination and
35.28 shall provide a summary of the specific reasons for the determination. The notice to the
35.29 private licensing agency must include identifying private data, but not the identity of the
35.30 reporter of maltreatment.

35.31 (c) The notice must also include a certification that the information collection procedures
35.32 under section 260E.20, subdivision 3, were followed and a notice of the right of a data
35.33 subject to obtain access to other private data on the subject collected, created, or maintained
35.34 under this section.

36.1 (d) In addition, the notice shall include the length of time that the records will be kept
36.2 under section 260E.35, subdivision 6.

36.3 (e) The investigating agency shall notify the parent or guardian of the child who is the
36.4 subject of the report, and any person or facility determined to have maltreated a child, of
36.5 their appeal or review rights under this section.

36.6 (f) The notice must also state that a finding of maltreatment may result in denial of a
36.7 license or certification application or background study disqualification under chapter 245C
36.8 related to employment or services that are licensed by the Department of Human Services
36.9 under chapter 245A or 245H, the Department of Health under chapter 144 or 144A, the
36.10 Department of Corrections under section 241.021, and from providing services related to
36.11 an unlicensed personal care provider organization under chapter 256B.

36.12 **Sec. 31. [260E.31] REPORTING OF PRENATAL EXPOSURE TO CONTROLLED**
36.13 **SUBSTANCES.**

36.14 Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person
36.15 mandated to report under this chapter shall immediately report to the local welfare agency
36.16 if the person knows or has reason to believe that a woman is pregnant and has used a
36.17 controlled substance for a nonmedical purpose during the pregnancy, including but not
36.18 limited to tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy
36.19 in any way that is habitual or excessive.

36.20 (b) A health care professional or a social service professional who is mandated to report
36.21 under this chapter is exempt from reporting under paragraph (a) a woman's use or
36.22 consumption of tetrahydrocannabinol or alcoholic beverages during pregnancy if the
36.23 professional is providing the woman with prenatal care or other health care services.

36.24 (c) Any person may make a voluntary report if the person knows or has reason to believe
36.25 that a woman is pregnant and has used a controlled substance for a nonmedical purpose
36.26 during the pregnancy, including but not limited to tetrahydrocannabinol, or has consumed
36.27 alcoholic beverages during the pregnancy in any way that is habitual or excessive.

36.28 (d) An oral report shall be made immediately by telephone or otherwise. An oral report
36.29 made by a person required to report shall be followed within 72 hours, exclusive of weekends
36.30 and holidays, by a report in writing to the local welfare agency. Any report shall be of
36.31 sufficient content to identify the pregnant woman, the nature and extent of the use, if known,
36.32 and the name and address of the reporter. The local welfare agency shall accept a report

37.1 made under paragraph (c) notwithstanding refusal by a voluntary reporter to provide the
 37.2 reporter's name or address as long as the report is otherwise sufficient.

37.3 (e) For purposes of this section, "prenatal care" means the comprehensive package of
 37.4 medical and psychological support provided throughout the pregnancy.

37.5 Subd. 2. **Local welfare agency.** Upon receipt of a report of prenatal exposure to a
 37.6 controlled substance required under subdivision 1, the local welfare agency shall immediately
 37.7 conduct an appropriate assessment and offer services indicated under the circumstances.
 37.8 Services offered may include but are not limited to a referral for chemical dependency
 37.9 assessment, a referral for chemical dependency treatment if recommended, and a referral
 37.10 for prenatal care. The local welfare agency may also take any appropriate action under
 37.11 chapter 253B, including seeking an emergency admission under section 253B.05. The local
 37.12 welfare agency shall seek an emergency admission under section 253B.05 if the pregnant
 37.13 woman refuses recommended voluntary services or fails recommended treatment.

37.14 Subd. 3. **Related provisions.** Reports under this section are governed by sections
 37.15 260E.05, 260E.06, 260E.34, and 260E.35.

37.16 Subd. 4. **Controlled substances.** For purposes of this section and section 260E.32,
 37.17 "controlled substance" means a controlled substance listed in section 253B.02, subdivision
 37.18 2.

37.19 **Sec. 32. [260E.32] TOXICOLOGY TESTS REQUIRED.**

37.20 Subdivision 1. **Test; report.** (a) A physician shall administer a toxicology test to a
 37.21 pregnant woman under the physician's care or to a woman under the physician's care within
 37.22 eight hours after delivery to determine whether there is evidence that she has ingested a
 37.23 controlled substance, if the woman has obstetrical complications that are a medical indication
 37.24 of possible use of a controlled substance for a nonmedical purpose.

37.25 (b) If the test results are positive, the physician shall report the results under section
 37.26 260E.31. A negative test result does not eliminate the obligation to report under section
 37.27 260E.31 if other evidence gives the physician reason to believe the patient has used a
 37.28 controlled substance for a nonmedical purpose.

37.29 Subd. 2. **Newborns.** (a) A physician shall administer to each newborn infant born under
 37.30 the physician's care a toxicology test to determine whether there is evidence of prenatal
 37.31 exposure to a controlled substance, if the physician has reason to believe based on a medical
 37.32 assessment of the mother or the infant that the mother used a controlled substance for a
 37.33 nonmedical purpose during the pregnancy.

38.1 (b) If the test results are positive, the physician shall report the results as neglect under
38.2 section 260E.03. A negative test result does not eliminate the obligation to report under this
38.3 chapter if other medical evidence of prenatal exposure to a controlled substance is present.

38.4 Subd. 3. **Report to Department of Health.** Physicians shall report to the Department
38.5 of Health the results of tests performed under subdivisions 1 and 2. A report shall be made
38.6 on the certificate of live birth medical supplement or the report of fetal death medical
38.7 supplement filed on or after February 1, 1991. The reports are medical data under section
38.8 13.384.

38.9 Subd. 4. **Reliability of tests.** A positive test result reported under this section must be
38.10 obtained from a confirmatory test performed by a drug testing laboratory that meets the
38.11 requirements of section 181.953 and must be performed according to the requirements for
38.12 performance of confirmatory tests imposed by the licensing, accreditation, or certification
38.13 program listed in section 181.953, subdivision 1, in which the laboratory participates.

38.14 Sec. 33. **[260E.33] RECONSIDERATION AND APPEAL OF MALTREATMENT**
38.15 **DETERMINATION FOLLOWING INVESTIGATION.**

38.16 Subdivision 1. **Following family assessment.** Administrative reconsideration is not
38.17 applicable in a family assessment since no determination concerning maltreatment is made.

38.18 Subd. 2. **Request for reconsideration.** (a) Except as provided under subdivision 5, an
38.19 individual or facility that the commissioner of human services, a local welfare agency, or
38.20 the commissioner of education determines has maltreated a child, an interested person acting
38.21 on behalf of the child, regardless of the determination, who contests the investigating agency's
38.22 final determination regarding maltreatment, may request the investigating agency to
38.23 reconsider its final determination regarding maltreatment. The request for reconsideration
38.24 must be submitted in writing to the investigating agency within 15 calendar days after receipt
38.25 of notice of the final determination regarding maltreatment or, if the request is made by an
38.26 interested person who is not entitled to notice, within 15 days after receipt of the notice by
38.27 the parent or guardian of the child. If mailed, the request for reconsideration must be
38.28 postmarked and sent to the investigating agency within 15 calendar days of the individual's
38.29 or facility's receipt of the final determination. If the request for reconsideration is made by
38.30 personal service, it must be received by the investigating agency within 15 calendar days
38.31 after the individual's or facility's receipt of the final determination.

38.32 (b) An individual who was determined to have maltreated a child under this chapter and
38.33 who was disqualified on the basis of serious or recurring maltreatment under sections
38.34 245C.14 and 245C.15 may request reconsideration of the maltreatment determination and

39.1 the disqualification. The request for reconsideration of the maltreatment determination and
39.2 the disqualification must be submitted within 30 calendar days of the individual's receipt
39.3 of the notice of disqualification under sections 245C.16 and 245C.17. If mailed, the request
39.4 for reconsideration of the maltreatment determination and the disqualification must be
39.5 postmarked and sent to the investigating agency within 30 calendar days of the individual's
39.6 receipt of the maltreatment determination and notice of disqualification. If the request for
39.7 reconsideration is made by personal service, it must be received by the investigating agency
39.8 within 30 calendar days after the individual's receipt of the notice of disqualification.

39.9 Subd. 3. **Request for fair hearing.** (a) Except as provided under subdivisions 5 and 6,
39.10 if the investigating agency denies the request or fails to act upon the request within 15
39.11 working days after receiving the request for reconsideration, the person or facility entitled
39.12 to a fair hearing under section 256.045 may submit to the commissioner of human services
39.13 or the commissioner of education a written request for a hearing under section 256.045.
39.14 Section 256.045 also governs hearings requested to contest a final determination of the
39.15 commissioner of education. The investigating agency shall notify persons who request
39.16 reconsideration of their rights under this paragraph. The hearings specified under this section
39.17 are the only administrative appeal of a decision issued under subdivision 2. Determinations
39.18 under this section are not subject to accuracy and completeness challenges under section
39.19 13.04.

39.20 (b) Except as provided under subdivision 6, if an individual or facility contests the
39.21 investigating agency's final determination regarding maltreatment by requesting a fair
39.22 hearing under section 256.045, the commissioner of human services shall ensure that the
39.23 hearing is conducted and a decision is reached within 90 days of receipt of the request for
39.24 a hearing. The time for action on the decision may be extended for as many days as the
39.25 hearing is postponed or the record is held open for the benefit of either party.

39.26 Subd. 4. **Change of maltreatment determination.** If, as a result of a reconsideration
39.27 or fair hearing, the investigating agency changes the determination of maltreatment, that
39.28 agency shall notify every parent, guardian, or legal custodian previously notified of the
39.29 investigation, the commissioner of the agency responsible for assessing or investigating the
39.30 report, the local welfare agency, and, if applicable, the director of the facility and the private
39.31 licensing agency.

39.32 Subd. 5. **Consolidation.** If an individual was disqualified under sections 245C.14 and
39.33 245C.15 on the basis of a determination of maltreatment which was serious or recurring,
39.34 and the individual requested reconsideration of the maltreatment determination under
39.35 subdivision 2 and requested reconsideration of the disqualification under sections 245C.21

40.1 to 245C.27, reconsideration of the maltreatment determination and reconsideration of the
40.2 disqualification shall be consolidated into a single fair hearing. If reconsideration of the
40.3 maltreatment determination is denied and the individual remains disqualified following a
40.4 reconsideration decision, the individual may request a fair hearing under section 256.045.
40.5 If an individual requests a fair hearing on the maltreatment determination and the
40.6 disqualification, the scope of the fair hearing shall include both the maltreatment
40.7 determination and the disqualification.

40.8 Subd. 6. **Contested case hearing.** If a maltreatment determination or a disqualification
40.9 based on serious or recurring maltreatment is the basis for a denial of a license under section
40.10 245A.05 or a licensing sanction under section 245A.07, the license holder has the right to
40.11 a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to
40.12 1400.8612. As provided for under section 245A.08, subdivision 2a, the scope of the contested
40.13 case hearing shall include the maltreatment determination, disqualification, and licensing
40.14 sanction or denial of a license. In such cases, a fair hearing regarding the maltreatment
40.15 determination and disqualification shall not be conducted under section 256.045. Except
40.16 for family child care and child foster care, reconsideration of a maltreatment determination
40.17 as provided under this subdivision, and reconsideration of a disqualification as provided
40.18 under section 245C.22, shall also not be conducted when:

40.19 (1) a denial of a license under section 245A.05 or a licensing sanction under section
40.20 245A.07 is based on a determination that the license holder is responsible for maltreatment
40.21 or the disqualification of a license holder based on serious or recurring maltreatment;

40.22 (2) the denial of a license or licensing sanction is issued at the same time as the
40.23 maltreatment determination or disqualification; and

40.24 (3) the license holder appeals the maltreatment determination or disqualification and
40.25 denial of a license or licensing sanction.

40.26 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
40.27 determination or disqualification, but does not appeal the denial of a license or a licensing
40.28 sanction, reconsideration of the maltreatment determination shall be conducted under
40.29 subdivision 2 and section 626.557, subdivision 9d, and reconsideration of the disqualification
40.30 shall be conducted under section 245C.22. In such cases, a fair hearing shall also be
40.31 conducted as provided under subdivision 2 and sections 245C.27 and 626.557, subdivision
40.32 9d.

40.33 If the disqualified subject is an individual other than the license holder and upon whom
40.34 a background study must be conducted under chapter 245C, the hearings of all parties may

41.1 be consolidated into a single contested case hearing upon consent of all parties and the
 41.2 administrative law judge.

41.3 Subd. 7. **Process for correction order or decertification.** If a maltreatment determination
 41.4 is the basis for a correction order under section 245H.06 or decertification under section
 41.5 245H.07, the certification holder has the right to request reconsideration under sections
 41.6 245H.06 and 245H.07. If the certification holder appeals the maltreatment determination
 41.7 or disqualification, but does not appeal the correction order or decertification, reconsideration
 41.8 of the maltreatment determination shall be conducted under subdivision 2 and reconsideration
 41.9 of the disqualification shall be conducted under section 245C.22.

41.10 Sec. 34. **[260E.34] IMMUNITY.**

41.11 (a) The following persons are immune from any civil or criminal liability that otherwise
 41.12 might result from the person's actions, if the person is acting in good faith:

41.13 (1) a person making a voluntary or mandated report under this chapter or assisting in an
 41.14 assessment under this chapter;

41.15 (2) a person with responsibility for performing duties under this section or supervisor
 41.16 employed by a local welfare agency, the commissioner of an agency responsible for operating
 41.17 or supervising a licensed or unlicensed day care facility, residential facility, agency, hospital,
 41.18 sanitarium, or other facility or institution required to be licensed or certified under sections
 41.19 144.50 to 144.58; 241.021; 245A.01 to 245A.16; or chapter 245B or 245H; or a school as
 41.20 defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E; or a nonlicensed
 41.21 personal care provider organization as defined in section 256B.0625, subdivision 19a,
 41.22 complying with sections 260E.23, subdivisions 2 and 3, and 260E.30; and

41.23 (3) a public or private school, facility as defined in section 260E.03, or the employee of
 41.24 any public or private school or facility who permits access by a local welfare agency, the
 41.25 Department of Education, or a local law enforcement agency and assists in an investigation
 41.26 or assessment pursuant to this chapter.

41.27 (b) A person who is a supervisor or person with responsibility for performing duties
 41.28 under this chapter employed by a local welfare agency, the commissioner of human services,
 41.29 or the commissioner of education complying with this chapter or any related rule or provision
 41.30 of law is immune from any civil or criminal liability that might otherwise result from the
 41.31 person's actions, if the person is (1) acting in good faith and exercising due care, or (2)
 41.32 acting in good faith and following the information collection procedures established under
 41.33 section 260E.20, subdivision 3.

42.1 (c) Any physician or other medical personnel administering a toxicology test under
 42.2 section 260E.32 to determine the presence of a controlled substance in a pregnant woman,
 42.3 in a woman within eight hours after delivery, or in a child at birth or during the first month
 42.4 of life is immune from civil or criminal liability arising from administration of the test, if
 42.5 the physician ordering the test believes in good faith that the test is required under this
 42.6 section and the test is administered in accordance with an established protocol and reasonable
 42.7 medical practice.

42.8 (d) This section does not provide immunity to any person for failure to make a required
 42.9 report or for committing maltreatment.

42.10 (e) If a person who makes a voluntary or mandatory report under section 260E.06 prevails
 42.11 in a civil action from which the person has been granted immunity under this section, the
 42.12 court may award the person attorney fees and costs.

42.13 **Sec. 35. [260E.35] DATA PRACTICES.**

42.14 Subdivision 1. **Maintaining data.** Notwithstanding the data's classification in the
 42.15 possession of any other agency, data acquired by the local welfare agency or the agency
 42.16 responsible for assessing or investigating the report during the course of the assessment or
 42.17 investigation are private data on individuals and must be maintained according to this section.

42.18 Subd. 2. **Data collected during investigation of maltreatment in school.** (a) Data of
 42.19 the commissioner of education collected or maintained during and for the purpose of an
 42.20 investigation of alleged maltreatment in a school are governed by this chapter,
 42.21 notwithstanding the data's classification as educational, licensing, or personnel data under
 42.22 chapter 13.

42.23 (b) In conducting an investigation involving a school facility as defined in section
 42.24 260E.03, subdivision 6, clause (2), the commissioner of education shall collect investigative
 42.25 reports and data that are relevant to a report of maltreatment from local law enforcement
 42.26 and the school facility.

42.27 Subd. 3. **Classification and release of data.** (a) A written copy of a report maintained
 42.28 by personnel of agencies, other than welfare or law enforcement agencies, which are subject
 42.29 to chapter 13 shall be confidential. An individual subject of the report may obtain access
 42.30 to the original report as provided by paragraphs (g) to (o).

42.31 (b) All reports and records created, collected, or maintained under this chapter by a local
 42.32 welfare agency or law enforcement agency may be disclosed to a local welfare or other
 42.33 child welfare agency of another state when the agency certifies that:

43.1 (1) the reports and records are necessary to conduct an investigation of actions that would
43.2 qualify as maltreatment under this chapter; and

43.3 (2) the reports and records will be used only for purposes of a child protection assessment
43.4 or investigation and will not be further disclosed to any other person or agency.

43.5 (c) The local social service agency or law enforcement agency in this state shall keep a
43.6 record of all records or reports disclosed pursuant to this subdivision and of any agency to
43.7 which the records or reports are disclosed. If in any case records or reports are disclosed
43.8 before a determination is made under section 260E.24, subdivision 3, paragraph (a), or a
43.9 disposition of a criminal proceeding is reached, the local social service agency or law
43.10 enforcement agency in this state shall forward the determination or disposition to any agency
43.11 that has received a report or record under this subdivision.

43.12 (d) The responsible authority of a local welfare agency or the responsible authority's
43.13 designee may release private or confidential data on an active case involving assessment
43.14 or investigation of actions that are defined as maltreatment under this chapter to a court
43.15 services agency if:

43.16 (1) the court services agency has an active case involving a common client who is the
43.17 subject of the data; and

43.18 (2) the data are necessary for the court services agency to effectively process the court
43.19 services agency's case, including investigating or performing other duties relating to the
43.20 case required by law.

43.21 (e) The data disclosed under paragraph (d) may be used only for purposes of the active
43.22 court services case described in paragraph (d), clause (1), and may not be further disclosed
43.23 to any other person or agency, except as authorized by law.

43.24 (f) Records maintained under subdivision 4, paragraph (b), may be shared with another
43.25 local welfare agency that requests the information because it is conducting an assessment
43.26 or investigation under this section of the subject of the records.

43.27 (g) Except as provided in paragraphs (b), (h), (i), (p), and (q); subdivision 1; and sections
43.28 260E.22, subdivision 2; and 260E.23, all records concerning individuals maintained by a
43.29 local welfare agency or agency responsible for assessing or investigating the report under
43.30 this chapter, including any written reports filed under sections 260E.06 and 260E.09, shall
43.31 be private data on individuals, except insofar as copies of reports are required by section
43.32 260E.12, subdivision 1 or 2, to be sent to the local police department or the county sheriff.

44.1 (h) All records concerning determinations of maltreatment by a facility are nonpublic
44.2 data as maintained by the Department of Education, except insofar as copies of reports are
44.3 required by section 260E.12, subdivision 1 or 2, to be sent to the local police department
44.4 or the county sheriff.

44.5 (i) Reports maintained by any police department or the county sheriff shall be private
44.6 data on individuals, except the reports shall be made available to the investigating, petitioning,
44.7 or prosecuting authority, including a county medical examiner or county coroner.

44.8 (j) Section 13.82, subdivisions 8, 9, and 14, apply to law enforcement data other than
44.9 the reports.

44.10 (k) The local welfare agency or agency responsible for assessing or investigating the
44.11 report shall make available to the investigating, petitioning, or prosecuting authority,
44.12 including a county medical examiner or county coroner or a professional delegate, any
44.13 records that contain information relating to a specific incident of maltreatment that is under
44.14 investigation, petition, or prosecution and information relating to any prior incident of
44.15 maltreatment involving any of the same persons. The records shall be collected and
44.16 maintained according to chapter 13.

44.17 (l) An individual subject of a record shall have access to the record according to those
44.18 sections, except that the name of the reporter shall be confidential while the report is under
44.19 assessment or investigation except as otherwise permitted by this section.

44.20 (m) Any person conducting an investigation or assessment under this section who
44.21 intentionally discloses the identity of a reporter before the completion of the investigation
44.22 or assessment is guilty of a misdemeanor. After the assessment or investigation is completed,
44.23 the name of the reporter shall be confidential. The subject of the report may compel disclosure
44.24 of the name of the reporter only with the consent of the reporter or upon a written finding
44.25 by the court that the report was false and that there is evidence that the report was made in
44.26 bad faith. This subdivision does not alter disclosure responsibilities or obligations under
44.27 the Rules of Criminal Procedure.

44.28 (n) Upon request of the legislative auditor, data on individuals maintained under this
44.29 chapter must be released to the legislative auditor in order for the auditor to fulfill the
44.30 auditor's duties under section 3.971. The auditor shall maintain the data according to chapter
44.31 13.

44.32 (o) Active law enforcement investigative data received by a local welfare agency or
44.33 agency responsible for assessing or investigating the report under this chapter are confidential

45.1 data on individuals. When this data become inactive in the law enforcement agency, the
45.2 data are private data on individuals.

45.3 (p) Section 13.03, subdivision 4, applies to data received by the commissioner of
45.4 education from a licensing entity.

45.5 Subd. 4. **Data disclosed to reporter.** (a) A local welfare or child protection agency, or
45.6 the agency responsible for assessing or investigating the report of maltreatment, shall provide
45.7 relevant private data on individuals obtained under this chapter to a mandated reporter who
45.8 made the report and who has an ongoing responsibility for the health, education, or welfare
45.9 of a child affected by the data, unless the agency determines that providing the data would
45.10 not be in the best interests of the child.

45.11 (b) The agency may provide the data to other mandated reporters with ongoing
45.12 responsibility for the health, education, or welfare of the child. Mandated reporters with
45.13 ongoing responsibility for the health, education, or welfare of a child affected by the data
45.14 include the child's teachers or other appropriate school personnel, foster parents, health care
45.15 providers, respite care workers, therapists, social workers, child care providers, residential
45.16 care staff, crisis nursery staff, probation officers, and court services personnel. Under this
45.17 chapter, a mandated reporter need not have made the report to be considered a person with
45.18 ongoing responsibility for the health, education, or welfare of a child affected by the data.
45.19 Data provided under this chapter must be limited to data pertinent to the individual's
45.20 responsibility for caring for the child.

45.21 (c) A reporter who receives private data on individuals under this subdivision must treat
45.22 the data according to that classification, regardless of whether the reporter is an employee
45.23 of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply
45.24 if a reporter releases data in violation of this chapter or other law.

45.25 Subd. 5. **Data provided to commissioner of education.** The commissioner of education
45.26 must be provided with all requested data that are relevant to a report of maltreatment and
45.27 are in possession of a school facility as defined in section 260E.03, subdivision 6, clause
45.28 (2), when the data are requested pursuant to an assessment or investigation of a maltreatment
45.29 report of a student in a school. If the commissioner of education makes a determination of
45.30 maltreatment involving an individual performing work within a school facility who is
45.31 licensed by a board or other agency, the commissioner shall provide a copy of its offender
45.32 maltreatment determination report to the licensing entity with all student-identifying
45.33 information removed. The offender maltreatment determination report shall include but is
45.34 not limited to the following sections: report of alleged maltreatment; legal standard;

46.1 investigation; summary of findings; determination; corrective action by a school;
46.2 reconsideration process; and a listing of records related to the investigation. Notwithstanding
46.3 section 13.03, subdivision 4, data received by a licensing entity under this paragraph are
46.4 governed by section 13.41 or other applicable law governing data of the receiving entity,
46.5 except that this section applies to the classification of and access to data on the reporter of
46.6 the maltreatment.

46.7 Subd. 6. **Data retention.** (a) Notwithstanding sections 138.163 and 138.17, a record
46.8 maintained or a record derived from a report of maltreatment by a local welfare agency,
46.9 agency responsible for assessing or investigating the report, court services agency, or school
46.10 under this chapter shall be destroyed as provided in paragraphs (b) to (e) by the responsible
46.11 authority.

46.12 (b) For a report alleging maltreatment that was not accepted for assessment or
46.13 investigation, a family assessment case, and a case where an investigation results in no
46.14 determination of maltreatment or the need for child protective services, the record must be
46.15 maintained for a period of five years after the date the report was not accepted for assessment
46.16 or investigation or the date of the final entry in the case record. A record of a report that
46.17 was not accepted must contain sufficient information to identify the subjects of the report,
46.18 the nature of the alleged maltreatment, and the reasons as to why the report was not accepted.
46.19 Records under this paragraph may not be used for employment, background checks, or
46.20 purposes other than to assist in future screening decisions and risk and safety assessments.

46.21 (c) All records relating to reports that, upon investigation, indicate either maltreatment
46.22 or a need for child protective services shall be maintained for ten years after the date of the
46.23 final entry in the case record.

46.24 (d) All records regarding a report of maltreatment, including a notification of intent to
46.25 interview that was received by a school under section 260E.22, subdivision 7, shall be
46.26 destroyed by the school when ordered to do so by the agency conducting the assessment or
46.27 investigation. The agency shall order the destruction of the notification when other records
46.28 relating to the report under investigation or assessment are destroyed under this subdivision.

46.29 (e) Private or confidential data released to a court services agency under subdivision 3,
46.30 paragraph (d), must be destroyed by the court services agency when ordered to do so by the
46.31 local welfare agency that released the data. The local welfare agency or agency responsible
46.32 for assessing or investigating the report shall order destruction of the data when other records
46.33 relating to the assessment or investigation are destroyed under this subdivision.

47.1 Subd. 7. Disclosure to public. (a) Notwithstanding any other provision of law and
47.2 subject to this subdivision, a public agency shall disclose to the public, upon request, the
47.3 findings and information related to a child fatality or near fatality if:

47.4 (1) a person is criminally charged with having caused the child fatality or near fatality;

47.5 (2) a county attorney certifies that a person would have been charged with having caused
47.6 the child fatality or near fatality but for that person's death; or

47.7 (3) a child protection investigation resulted in a determination of maltreatment.

47.8 (b) Findings and information disclosed under this subdivision consist of a written
47.9 summary that includes any of the following information the agency is able to provide:

47.10 (1) the cause and circumstances regarding the child fatality or near fatality;

47.11 (2) the age and gender of the child;

47.12 (3) information on any previous reports of maltreatment that are pertinent to the
47.13 maltreatment that led to the child fatality or near fatality;

47.14 (4) information on any previous investigations that are pertinent to the maltreatment that
47.15 led to the child fatality or near fatality;

47.16 (5) the result of any investigations described in clause (4);

47.17 (6) actions of and services provided by the local welfare agency on behalf of a child that
47.18 are pertinent to the maltreatment that led to the child fatality or near fatality; and

47.19 (7) the result of any review of the state child mortality review panel, a local child mortality
47.20 review panel, a local community child protection team, or any public agency.

47.21 (c) Nothing in this subdivision authorizes access to the private data in the custody of a
47.22 local welfare agency, or the disclosure to the public of the records or content of any
47.23 psychiatric, psychological, or therapeutic evaluation, or the disclosure of information that
47.24 would reveal the identities of persons who provided information related to maltreatment of
47.25 the child.

47.26 (d) A person whose request is denied may apply to the appropriate court for an order
47.27 compelling disclosure of all or part of the findings and information of the public agency.
47.28 The application must set forth, with reasonable particularity, factors supporting the
47.29 application. The court has jurisdiction to issue these orders. Actions under this chapter must
47.30 be set down for immediate hearing, and subsequent proceedings in those actions must be
47.31 given priority by the appellate courts.

48.1 (e) A public agency or its employees acting in good faith in disclosing or declining to
48.2 disclose information under this chapter are immune from criminal or civil liability that might
48.3 otherwise be incurred or imposed for that action.

48.4 Subd. 8. **Disclosure not required.** When interviewing a child under this chapter, an
48.5 individual does not include the parent or guardian of the child for purposes of section 13.04,
48.6 subdivision 2, when the parent or guardian is the alleged offender.

48.7 Sec. 36. **[260E.36] SPECIALIZED TRAINING AND EDUCATION REQUIRED.**

48.8 Subdivision 1. **Job classification; continuing education.** (a) The commissioner of
48.9 human services, for employees subject to the Minnesota Merit System, and directors of
48.10 county personnel systems, for counties not subject to the Minnesota Merit System, shall
48.11 establish a job classification consisting exclusively of persons with the specialized knowledge,
48.12 skills, and experience required to satisfactorily perform child protection duties pursuant to
48.13 this chapter.

48.14 (b) All child protection workers or social services staff having responsibility for child
48.15 protection duties under this chapter shall receive 15 hours of continuing education or
48.16 in-service training each year relevant to providing child protective services. The local welfare
48.17 agency shall maintain a record of training completed by each employee having responsibility
48.18 for performing child protection duties.

48.19 Subd. 2. **Child protection worker foundation education.** An individual who seeks
48.20 employment as a child protection worker after the commissioner of human services has
48.21 implemented the foundation training program developed under section 260E.37 must
48.22 complete competency-based foundation training during their first six months of employment
48.23 as a child protection worker.

48.24 Subd. 3. **Background studies.** (a) County employees hired on or after July 1, 2015, who
48.25 have responsibility for child protection duties or current county employees who are assigned
48.26 new child protection duties on or after July 1, 2015, are required to undergo a background
48.27 study. A county may complete these background studies by either:

48.28 (1) use of the Department of Human Services NETStudy 2.0 system according to sections
48.29 245C.03 and 245C.10; or

48.30 (2) an alternative process defined by the county.

48.31 (b) County social services agencies and local welfare agencies must initiate background
48.32 studies before an individual begins a position allowing direct contact with persons served
48.33 by the agency.

49.1 Subd. 4. **Joint training.** The commissioners of human services and public safety shall
 49.2 cooperate in the development of a joint program for training child maltreatment services
 49.3 professionals in the appropriate techniques for child maltreatment assessment and
 49.4 investigation. The program shall include but need not be limited to the following areas:

49.5 (1) the public policy goals of the state as set forth in section 260C.001 and the role of
 49.6 the assessment or investigation in meeting these goals;

49.7 (2) the special duties of child protection workers and law enforcement officers under
 49.8 this chapter;

49.9 (3) the appropriate methods for directing and managing affiliated professionals who
 49.10 may be utilized in providing protective services and strengthening family ties;

49.11 (4) the appropriate methods for interviewing alleged victims of child maltreatment and
 49.12 other children in the course of performing an assessment or an investigation;

49.13 (5) the dynamics of child maltreatment within family systems and the appropriate methods
 49.14 for interviewing parents in the course of the assessment or investigation, including training
 49.15 in recognizing cases in which one of the parents is a victim of domestic abuse and in need
 49.16 of special legal or medical services;

49.17 (6) the legal, evidentiary considerations that may be relevant to the conduct of an
 49.18 assessment or an investigation;

49.19 (7) the circumstances under which it is appropriate to remove the alleged offender or
 49.20 the alleged victim from the home;

49.21 (8) the protective social services that are available to protect alleged victims from further
 49.22 maltreatment, to prevent child maltreatment and domestic abuse, and to preserve the family
 49.23 unit; and training in the preparation of case plans to coordinate services for the alleged child
 49.24 victim with services for any parents who are victims of domestic abuse;

49.25 (9) the methods by which child protection workers and law enforcement workers
 49.26 cooperate in conducting assessments and investigations in order to avoid duplication of
 49.27 efforts; and

49.28 (10) appropriate methods for interviewing alleged victims and conducting investigations
 49.29 in cases where the alleged victim is developmentally, physically, or mentally disabled.

49.30 Subd. 5. **Priority training.** The commissioners of human services and public safety
 49.31 shall provide the program courses described in subdivision 2 at convenient times and
 49.32 locations in the state. The commissioners shall give training priority in the program areas

50.1 cited in subdivision 2 to persons currently performing assessments and investigations
 50.2 pursuant to this chapter.

50.3 Subd. 6. **Revenue.** (a) The commissioner of human services shall add the following
 50.4 funds to the funds appropriated under section 260E.37, subdivision 2, to develop and support
 50.5 training.

50.6 (b) The commissioner of human services shall submit claims for federal reimbursement
 50.7 earned through the activities and services supported through Department of Human Services
 50.8 child protection or child welfare training funds. Federal revenue earned must be used to
 50.9 improve and expand training services by the department. The department expenditures
 50.10 eligible for federal reimbursement under this section must not be made from federal funds
 50.11 or funds used to match other federal funds.

50.12 (c) Each year, the commissioner of human services shall withhold from funds distributed
 50.13 to each county under Minnesota Rules, parts 9550.0300 to 9550.0370, an amount equivalent
 50.14 to 1.5 percent of each county's annual title XX allocation under section 256M.50. The
 50.15 commissioner must use these funds to ensure decentralization of training.

50.16 (d) The federal revenue under this subdivision is available for these purposes until the
 50.17 funds are expended.

50.18 **Sec. 37. [260E.37] CHILD PROTECTION WORKERS; TRAINING.**

50.19 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
 50.20 meanings given unless the specific context indicates otherwise.

50.21 (b) "Advanced training" means training provided to a local child protection worker after
 50.22 the person has performed an initial six months of employment as a child protection worker.

50.23 (c) "Child protection agency" means an agency authorized to receive reports, conduct
 50.24 assessments and investigations, and make determinations pursuant to this chapter.

50.25 (d) "Child protection services" means the receipt and assessment of reports of
 50.26 maltreatment and the provision of services to families and children when maltreatment has
 50.27 occurred or when there is risk of maltreatment. These services include:

50.28 (1) the assessment of risk to a child alleged to have been maltreated;

50.29 (2) interviews of any person alleged to have maltreated a child and the child or children
 50.30 involved in the report, and interviews with persons having facts or knowledge necessary to
 50.31 assess the level of risk to a child and the need for protective intervention;

50.32 (3) the gathering of written or evidentiary materials;

51.1 (4) the recording of case findings and determinations; and

51.2 (5) other actions required by this chapter, administrative rule, or agency policy.

51.3 (e) "Competency-based training" means a course of instruction that provides both
 51.4 information and skills practice, which is based upon clearly stated and measurable
 51.5 instructional objectives, and which requires demonstration of the achievement of a particular
 51.6 standard of skills and knowledge for satisfactory completion.

51.7 (f) "Foundation training" means training provided to a local child protection worker
 51.8 after the person has begun to perform child protection duties, but before the expiration of
 51.9 six months of employment as a child protection worker. This foundation training must occur
 51.10 during the performance of job duties and must include an evaluation of the employee's
 51.11 application of skills and knowledge.

51.12 Subd. 2. **Training program; development.** The commissioner of human services shall
 51.13 develop a program of competency-based foundation and advanced training for child
 51.14 protection workers if funds are appropriated to the commissioner for this purpose.

51.15 **Sec. 38. [260E.38] AUDIT.**

51.16 Subdivision 1. **Audit required.** The commissioner shall regularly audit for accuracy
 51.17 the data reported by counties on maltreatment of children.

51.18 Subd. 2. **Audit procedure.** The commissioner shall develop a plan to perform quality
 51.19 assurance reviews of local welfare agency screening practices and decisions. The
 51.20 commissioner shall provide oversight and guidance to counties to ensure consistent
 51.21 application of screening guidelines, thorough and appropriate screening decisions, and
 51.22 correct documentation and maintenance of reports.

51.23 Subd. 3. **Report required.** The commissioner shall produce an annual report of the
 51.24 summary results of the reviews. The report must only contain aggregate data and may not
 51.25 include any data that could be used to personally identify any subject whose data is included
 51.26 in the report. The report is public information and must be provided to the chairs and ranking
 51.27 minority members of the legislative committees having jurisdiction over child protection
 51.28 issues.

51.29 **Sec. 39. REPEALER.**

51.30 (a) Minnesota Statutes 2018, sections 626.556, subdivisions 1, 3, 3a, 3c, 3d, 3f, 4, 4a,
 51.31 5, 6, 6a, 7, 7a, 8, 9, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, 10m, 10n,

52.1 11a, 11b, 11c, 11d, 12, 14, 15, and 16; 626.5561; 626.5562; 626.558; 626.559, subdivisions
 52.2 1, 1a, 1b, 2, 3, and 5; 626.5591; and 626.561, are repealed.

52.3 (b) Minnesota Statutes 2019 Supplement, section 626.556, subdivisions 2, 3b, 3e, 10,
 52.4 and 11, are repealed.

52.5 ARTICLE 2

52.6 CONFORMING CHANGES

52.7 Section 1. Minnesota Statutes 2018, section 13.32, subdivision 3, is amended to read:

52.8 Subd. 3. **Private data; when disclosure is permitted.** Except as provided in subdivision
 52.9 5, educational data is private data on individuals and shall not be disclosed except as follows:

52.10 (a) pursuant to section 13.05;

52.11 (b) pursuant to a valid court order;

52.12 (c) pursuant to a statute specifically authorizing access to the private data;

52.13 (d) to disclose information in health, including mental health, and safety emergencies
 52.14 pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code
 52.15 of Federal Regulations, title 34, section 99.36;

52.16 (e) pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1),
 52.17 (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3), (b)(6), (b)(7), and (i), and Code of Federal Regulations,
 52.18 title 34, sections 99.31, 99.32, 99.33, 99.34, 99.35, and 99.39;

52.19 (f) to appropriate health authorities to the extent necessary to administer immunization
 52.20 programs and for bona fide epidemiologic investigations which the commissioner of health
 52.21 determines are necessary to prevent disease or disability to individuals in the public
 52.22 educational agency or institution in which the investigation is being conducted;

52.23 (g) when disclosure is required for institutions that participate in a program under title
 52.24 IV of the Higher Education Act, United States Code, title 20, section 1092;

52.25 (h) to the appropriate school district officials to the extent necessary under subdivision
 52.26 6, annually to indicate the extent and content of remedial instruction, including the results
 52.27 of assessment testing and academic performance at a postsecondary institution during the
 52.28 previous academic year by a student who graduated from a Minnesota school district within
 52.29 two years before receiving the remedial instruction;

52.30 (i) to appropriate authorities as provided in United States Code, title 20, section
 52.31 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the

53.1 system to effectively serve, prior to adjudication, the student whose records are released;
53.2 provided that the authorities to whom the data are released submit a written request for the
53.3 data that certifies that the data will not be disclosed to any other person except as authorized
53.4 by law without the written consent of the parent of the student and the request and a record
53.5 of the release are maintained in the student's file;

53.6 (j) to volunteers who are determined to have a legitimate educational interest in the data
53.7 and who are conducting activities and events sponsored by or endorsed by the educational
53.8 agency or institution for students or former students;

53.9 (k) to provide student recruiting information, from educational data held by colleges
53.10 and universities, as required by and subject to Code of Federal Regulations, title 32, section
53.11 216;

53.12 (l) to the juvenile justice system if information about the behavior of a student who poses
53.13 a risk of harm is reasonably necessary to protect the health or safety of the student or other
53.14 individuals;

53.15 (m) with respect to Social Security numbers of students in the adult basic education
53.16 system, to Minnesota State Colleges and Universities and the Department of Employment
53.17 and Economic Development for the purpose and in the manner described in section 124D.52,
53.18 subdivision 7;

53.19 (n) to the commissioner of education for purposes of an assessment or investigation of
53.20 a report of alleged maltreatment of a student as mandated by ~~section 626.556~~ chapter 260E.
53.21 Upon request by the commissioner of education, data that are relevant to a report of
53.22 maltreatment and are from charter school and school district investigations of alleged
53.23 maltreatment of a student must be disclosed to the commissioner, including, but not limited
53.24 to, the following:

53.25 (1) information regarding the student alleged to have been maltreated;

53.26 (2) information regarding student and employee witnesses;

53.27 (3) information regarding the alleged perpetrator; and

53.28 (4) what corrective or protective action was taken, if any, by the school facility in response
53.29 to a report of maltreatment by an employee or agent of the school or school district;

53.30 (o) when the disclosure is of the final results of a disciplinary proceeding on a charge
53.31 of a crime of violence or nonforcible sex offense to the extent authorized under United
53.32 States Code, title 20, section 1232g(b)(6)(A) and (B) and Code of Federal Regulations, title
53.33 34, sections 99.31 (a)(13) and (14);

54.1 (p) when the disclosure is information provided to the institution under United States
 54.2 Code, title 42, section 14071, concerning registered sex offenders to the extent authorized
 54.3 under United States Code, title 20, section 1232g(b)(7); or

54.4 (q) when the disclosure is to a parent of a student at an institution of postsecondary
 54.5 education regarding the student's violation of any federal, state, or local law or of any rule
 54.6 or policy of the institution, governing the use or possession of alcohol or of a controlled
 54.7 substance, to the extent authorized under United States Code, title 20, section 1232g(i), and
 54.8 Code of Federal Regulations, title 34, section 99.31 (a)(15), and provided the institution
 54.9 has an information release form signed by the student authorizing disclosure to a parent.
 54.10 The institution must notify parents and students about the purpose and availability of the
 54.11 information release forms. At a minimum, the institution must distribute the information
 54.12 release forms at parent and student orientation meetings.

54.13 Sec. 2. Minnesota Statutes 2018, section 13.3805, subdivision 3, is amended to read:

54.14 Subd. 3. **Office of Health Facility Complaints; investigative data.** Except for
 54.15 investigative data under ~~section 626.556~~ chapter 260E, all investigative data maintained by
 54.16 the Department of Health's Office of Health Facility Complaints are subject to provisions
 54.17 of and classified pursuant to section 626.557, subdivision 12b, paragraphs (b) to (d).
 54.18 Notwithstanding sections ~~626.556, subdivision 11,~~ 260E.21, subdivision 4; 260E.35; and
 54.19 626.557, subdivision 12b, paragraph (b), data identifying an individual substantiated as the
 54.20 perpetrator are public data. For purposes of this subdivision, an individual is substantiated
 54.21 as the perpetrator if the commissioner of health determines that the individual is the
 54.22 perpetrator and the determination of the commissioner is upheld after the individual either
 54.23 exercises applicable administrative appeal rights or fails to exercise these rights within the
 54.24 time allowed by law.

54.25 Sec. 3. Minnesota Statutes 2018, section 13.43, subdivision 14, is amended to read:

54.26 Subd. 14. **Maltreatment data.** (a) When a report of alleged maltreatment of a student
 54.27 in a school facility, as defined in section ~~626.556, subdivision 2, paragraph (e)~~ 260E.03,
 54.28 subdivision 6, is made to the commissioner of education under ~~section 626.556~~ chapter
 54.29 260E, data that are relevant to a report of maltreatment and are collected by the school
 54.30 facility about the person alleged to have committed maltreatment must be provided to the
 54.31 commissioner of education upon request for purposes of an assessment or investigation of
 54.32 the maltreatment report. Data received by the commissioner of education pursuant to these
 54.33 assessments or investigations are classified under ~~section 626.556~~ chapter 260E.

55.1 (b) Personnel data may be released for purposes of providing information to a parent,
 55.2 legal guardian, or custodian of a child under section ~~626.556, subdivision 7~~ 260E.15.

55.3 Sec. 4. Minnesota Statutes 2019 Supplement, section 13.46, subdivision 3, is amended to
 55.4 read:

55.5 Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of services,
 55.6 licensees, and applicants that is collected, maintained, used, or disseminated by the welfare
 55.7 system in an investigation, authorized by statute, and relating to the enforcement of rules
 55.8 or law are confidential data on individuals pursuant to section 13.02, subdivision 3, or
 55.9 protected nonpublic data not on individuals pursuant to section 13.02, subdivision 13, and
 55.10 shall not be disclosed except:

55.11 (1) pursuant to section 13.05;

55.12 (2) pursuant to statute or valid court order;

55.13 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
 55.14 preparation of defense;

55.15 (4) to an agent of the welfare system or an investigator acting on behalf of a county,
 55.16 state, or federal government, including a law enforcement officer or attorney in the
 55.17 investigation or prosecution of a criminal, civil, or administrative proceeding, unless the
 55.18 commissioner of human services determines that disclosure may compromise a Department
 55.19 of Human Services ongoing investigation; or

55.20 (5) to provide notices required or permitted by statute.

55.21 The data referred to in this subdivision shall be classified as public data upon submission
 55.22 to an administrative law judge or court in an administrative or judicial proceeding. Inactive
 55.23 welfare investigative data shall be treated as provided in section 13.39, subdivision 3.

55.24 (b) Notwithstanding any other provision in law, the commissioner of human services
 55.25 shall provide all active and inactive investigative data, including the name of the reporter
 55.26 of alleged maltreatment under section ~~626.556 or 626.557~~ chapter 260E, to the ombudsman
 55.27 for mental health and developmental disabilities upon the request of the ombudsman.

55.28 (c) Notwithstanding paragraph (a) and section 13.39, the existence of an investigation
 55.29 by the commissioner of human services of possible overpayments of public funds to a service
 55.30 provider or recipient may be disclosed if the commissioner determines that it will not
 55.31 compromise the investigation.

56.1 Sec. 5. Minnesota Statutes 2019 Supplement, section 13.46, subdivision 4, is amended to
56.2 read:

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

56.4 (1) "licensing data" are all data collected, maintained, used, or disseminated by the
56.5 welfare system pertaining to persons licensed or registered or who apply for licensure or
56.6 registration or who formerly were licensed or registered under the authority of the
56.7 commissioner of human services;

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

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

56.13 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license
56.14 holders, and former licensees are public: name, address, telephone number of licensees,
56.15 date of receipt of a completed application, dates of licensure, licensed capacity, type of
56.16 client preferred, variances granted, record of training and education in child care and child
56.17 development, type of dwelling, name and relationship of other family members, previous
56.18 license history, class of license, the existence and status of complaints, and the number of
56.19 serious injuries to or deaths of individuals in the licensed program as reported to the
56.20 commissioner of human services, the local social services agency, or any other county
56.21 welfare agency. For purposes of this clause, a serious injury is one that is treated by a
56.22 physician.

56.23 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,
56.24 an order of license suspension, an order of temporary immediate suspension, an order of
56.25 license revocation, an order of license denial, or an order of conditional license has been
56.26 issued, or a complaint is resolved, the following data on current and former licensees and
56.27 applicants are public: the general nature of the complaint or allegations leading to the
56.28 temporary immediate suspension; the substance and investigative findings of the licensing
56.29 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence
56.30 of settlement negotiations; the record of informal resolution of a licensing violation; orders
56.31 of hearing; findings of fact; conclusions of law; specifications of the final correction order,
56.32 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license
56.33 contained in the record of licensing action; whether a fine has been paid; and the status of
56.34 any appeal of these actions.

57.1 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07
57.2 is based on a determination that a license holder, applicant, or controlling individual is
57.3 responsible for maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, the identity
57.4 of the applicant, license holder, or controlling individual as the individual responsible for
57.5 maltreatment is public data at the time of the issuance of the license denial or sanction.

57.6 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07
57.7 is based on a determination that a license holder, applicant, or controlling individual is
57.8 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling
57.9 individual as the disqualified individual and the reason for the disqualification are public
57.10 data at the time of the issuance of the licensing sanction or denial. If the applicant, license
57.11 holder, or controlling individual requests reconsideration of the disqualification and the
57.12 disqualification is affirmed, the reason for the disqualification and the reason to not set aside
57.13 the disqualification are public data.

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

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

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

57.29 (4) When maltreatment is substantiated under section ~~626.556~~ or 626.557 or chapter
57.30 260E and the victim and the substantiated perpetrator are affiliated with a program licensed
57.31 under chapter 245A, the commissioner of human services, local social services agency, or
57.32 county welfare agency may inform the license holder where the maltreatment occurred of
57.33 the identity of the substantiated perpetrator and the victim.

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

58.5 (c) The following are private data on individuals under section 13.02, subdivision 12,
 58.6 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data
 58.7 on family day care program and family foster care program applicants and licensees and
 58.8 their family members who provide services under the license.

58.9 (d) The following are private data on individuals: the identity of persons who have made
 58.10 reports concerning licensees or applicants that appear in inactive investigative data, and the
 58.11 records of clients or employees of the licensee or applicant for licensure whose records are
 58.12 received by the licensing agency for purposes of review or in anticipation of a contested
 58.13 matter. The names of reporters of complaints or alleged violations of licensing standards
 58.14 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment
 58.15 under ~~sections 626.556 and~~ section 626.557 and chapter 260E, are confidential data and
 58.16 may be disclosed only as provided in ~~section 626.556, subdivision 11,~~ section 260E.21,
 58.17 subdivision 4; 260E.35; or 626.557, subdivision 12b.

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

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

58.24 (g) Data that are not public data collected, maintained, used, or disseminated under this
 58.25 subdivision that relate to or are derived from a report as defined in section ~~626.556,~~
 58.26 ~~subdivision 2~~ 260E.03, or 626.5572, subdivision 18, are subject to the destruction provisions
 58.27 of sections ~~626.556, subdivision 11~~ 260E.35, subdivision 6, and 626.557, subdivision 12b.

58.28 (h) Upon request, not public data collected, maintained, used, or disseminated under
 58.29 this subdivision that relate to or are derived from a report of substantiated maltreatment as
 58.30 defined in section ~~626.556 or 626.557~~ chapter 260E may be exchanged with the
 58.31 Department of Health for purposes of completing background studies pursuant to section
 58.32 144.057 and with the Department of Corrections for purposes of completing background
 58.33 studies pursuant to section 241.021.

59.1 (i) Data on individuals collected according to licensing activities under chapters 245A
 59.2 and 245C, data on individuals collected by the commissioner of human services according
 59.3 to investigations under section 626.557 and chapters 245A, 245B, 245C, and 245D, and
 59.4 ~~sections 626.556 and 626.557~~ 260E may be shared with the Department of Human Rights,
 59.5 the Department of Health, the Department of Corrections, the ombudsman for mental health
 59.6 and developmental disabilities, and the individual's professional regulatory board when
 59.7 there is reason to believe that laws or standards under the jurisdiction of those agencies may
 59.8 have been violated or the information may otherwise be relevant to the board's regulatory
 59.9 jurisdiction. Background study data on an individual who is the subject of a background
 59.10 study under chapter 245C for a licensed service for which the commissioner of human
 59.11 services is the license holder may be shared with the commissioner and the commissioner's
 59.12 delegate by the licensing division. Unless otherwise specified in this chapter, the identity
 59.13 of a reporter of alleged maltreatment or licensing violations may not be disclosed.

59.14 (j) In addition to the notice of determinations required under ~~section 626.556, subdivision~~
 59.15 ~~10f,~~ sections 260E.24, subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b),
 59.16 (c), (d), (e), and (f), if the commissioner or the local social services agency has determined
 59.17 that an individual is a substantiated perpetrator of maltreatment of a child based on sexual
 59.18 abuse, as defined in section ~~626.556, subdivision 2~~ 260E.03, and the commissioner or local
 59.19 social services agency knows that the individual is a person responsible for a child's care
 59.20 in another facility, the commissioner or local social services agency shall notify the head
 59.21 of that facility of this determination. The notification must include an explanation of the
 59.22 individual's available appeal rights and the status of any appeal. If a notice is given under
 59.23 this paragraph, the government entity making the notification shall provide a copy of the
 59.24 notice to the individual who is the subject of the notice.

59.25 (k) All not public data collected, maintained, used, or disseminated under this subdivision
 59.26 and subdivision 3 may be exchanged between the Department of Human Services, Licensing
 59.27 Division, and the Department of Corrections for purposes of regulating services for which
 59.28 the Department of Human Services and the Department of Corrections have regulatory
 59.29 authority.

59.30 Sec. 6. Minnesota Statutes 2018, section 13.82, subdivision 8, is amended to read:

59.31 Subd. 8. **Child abuse identity data.** Active or inactive investigative data that identify
 59.32 a victim of child abuse or neglect reported under ~~section 626.556~~ chapter 260E are private
 59.33 data on individuals. Active or inactive investigative data that identify a reporter of child
 59.34 abuse or neglect under ~~section 626.556~~ chapter 260E are confidential data on individuals,

60.1 unless the subject of the report compels disclosure under ~~section 626.556, subdivision 11~~
60.2 sections 260E.21, subdivision 4, or 260E.35.

60.3 Sec. 7. Minnesota Statutes 2018, section 13.82, subdivision 9, is amended to read:

60.4 Subd. 9. **Inactive child abuse data.** Investigative data that become inactive under
60.5 subdivision 7, clause (a) or (b), and that relate to the alleged abuse or neglect of a child by
60.6 a person responsible for the child's care, as defined in section ~~626.556, subdivision 2~~ 260E.03,
60.7 are private data.

60.8 Sec. 8. Minnesota Statutes 2018, section 13.82, subdivision 17, is amended to read:

60.9 Subd. 17. **Protection of identities.** A law enforcement agency or a law enforcement
60.10 dispatching agency working under direction of a law enforcement agency shall withhold
60.11 public access to data on individuals to protect the identity of individuals in the following
60.12 circumstances:

60.13 (a) when access to the data would reveal the identity of an undercover law enforcement
60.14 officer, as provided in section 13.43, subdivision 5;

60.15 (b) when access to the data would reveal the identity of a victim or alleged victim of
60.16 criminal sexual conduct or sex trafficking under section 609.322, 609.341 to 609.3451, or
60.17 617.246, subdivision 2;

60.18 (c) when access to the data would reveal the identity of a paid or unpaid informant being
60.19 used by the agency if the agency reasonably determines that revealing the identity of the
60.20 informant would threaten the personal safety of the informant;

60.21 (d) when access to the data would reveal the identity of a victim of or witness to a crime
60.22 if the victim or witness specifically requests not to be identified publicly, unless the agency
60.23 reasonably determines that revealing the identity of the victim or witness would not threaten
60.24 the personal safety or property of the individual;

60.25 (e) when access to the data would reveal the identity of a deceased person whose body
60.26 was unlawfully removed from a cemetery in which it was interred;

60.27 (f) when access to the data would reveal the identity of a person who placed a call to a
60.28 911 system or the identity or telephone number of a service subscriber whose phone is used
60.29 to place a call to the 911 system and: (1) the agency determines that revealing the identity
60.30 may threaten the personal safety or property of any person; or (2) the object of the call is
60.31 to receive help in a mental health emergency. For the purposes of this paragraph, a voice
60.32 recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

61.1 (g) when access to the data would reveal the identity of a juvenile witness and the agency
 61.2 reasonably determines that the subject matter of the investigation justifies protecting the
 61.3 identity of the witness; or

61.4 (h) when access to the data would reveal the identity of a mandated reporter under section
 61.5 60A.952, subdivision 2, 609.456, ~~626.556~~, or ~~626.557~~ or chapter 260E.

61.6 Data concerning individuals whose identities are protected by this subdivision are private
 61.7 data about those individuals. Law enforcement agencies shall establish procedures to acquire
 61.8 the data and make the decisions necessary to protect the identity of individuals described
 61.9 in clauses (c), (d), (f), and (g).

61.10 Sec. 9. Minnesota Statutes 2018, section 13.821, is amended to read:

61.11 **13.821 VIDEOTAPES OF CHILD ABUSE VICTIMS.**

61.12 (a) Notwithstanding section 13.04, subdivision 3, an individual subject of data may not
 61.13 obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining,
 61.14 denying, or describing an act of physical or sexual abuse without a court order under section
 61.15 13.03, subdivision 6, or 611A.90. The definitions of physical abuse and sexual abuse in
 61.16 section ~~626.556, subdivision 2~~ 260E.03, apply to this section, except that abuse is not limited
 61.17 to acts by a person responsible for the child's care or in a significant relationship with the
 61.18 child or position of authority.

61.19 (b) This section does not limit other rights of access to data by an individual under section
 61.20 13.04, subdivision 3, other than the right to obtain a copy of the videotape, nor prohibit
 61.21 rights of access pursuant to discovery in a court proceeding.

61.22 Sec. 10. Minnesota Statutes 2018, section 13.84, subdivision 9, is amended to read:

61.23 Subd. 9. **Child abuse data; release to child protective services.** A court services agency
 61.24 may release private or confidential data on an active case involving assessment or
 61.25 investigation of actions that are defined as sexual abuse, physical abuse, or neglect under
 61.26 ~~section 626.556~~ chapter 260E to a local welfare agency if:

61.27 (1) the local welfare agency has an active case involving a common client or clients who
 61.28 are the subject of the data; and

61.29 (2) the data are necessary for the local welfare agency to effectively process the agency's
 61.30 case, including investigating or performing other duties relating to the case required by law.

62.1 Court services data disclosed under this subdivision may be used only for purposes of
 62.2 the active case described in clause (1) and may not be further disclosed to any other person
 62.3 or agency, except as authorized by law.

62.4 Sec. 11. Minnesota Statutes 2018, section 13.871, subdivision 6, is amended to read:

62.5 Subd. 6. **Training; investigation; apprehension; reports.** (a) **Reports of gunshot**
 62.6 **wounds.** Disclosure of the name of a person making a report under section ~~626.52,~~
 62.7 ~~subdivision 2,~~ 260E.03 is governed by section 626.53.

62.8 (b) **Child abuse report records.** Data contained in child abuse report records are
 62.9 classified under ~~section 626.556~~ chapter 260E.

62.10 (c) **Interstate data exchange.** Disclosure of child abuse reports to agencies of another
 62.11 state is classified under section ~~626.556, subdivision 10,~~ 260E.35, subdivision 3, paragraphs
 62.12 (b) and (c).

62.13 (d) **Release to family court services.** Release of child abuse data to a court services
 62.14 agency is authorized under section ~~626.556, subdivision 10,~~ 260E.35, subdivision 3,
 62.15 paragraphs (d) and (e).

62.16 (e) **Release of data to mandated reporters.** Release of child abuse data to mandated
 62.17 reporters who have an ongoing responsibility for the health, education, or welfare of a child
 62.18 affected by the data is authorized under section ~~626.556, subdivision 10,~~ 260E.35, subdivision
 62.19 4.

62.20 (f) **Release of child abuse assessment or investigative records to other counties.**
 62.21 Release of child abuse investigative records to local welfare agencies is authorized under
 62.22 section ~~626.556, subdivision 10,~~ 260E.35, subdivision 3, paragraph (f).

62.23 (g) **Classifying and sharing records and reports of child abuse.** The classification of
 62.24 child abuse data and the sharing of records and reports of child abuse by and between local
 62.25 welfare agencies and law enforcement agencies are governed under ~~section 626.556,~~
 62.26 ~~subdivision 11~~ sections 260E.21, subdivision 4, and 260E.35.

62.27 (h) **Disclosure of information not required in certain cases.** Disclosure of certain data
 62.28 obtained from interviewing a minor is governed by section ~~626.556, subdivision 11a,~~ 260E.35,
 62.29 subdivision 8.

62.30 (i) **Data received from law enforcement.** Classifying child abuse data received by
 62.31 certain agencies from law enforcement agencies is governed under section ~~626.556,~~
 62.32 ~~subdivision 11b~~ 260E.35, subdivision 3, paragraph (p).

63.1 (j) **Disclosure in child fatality cases.** Disclosure of information relating to a child fatality
63.2 is governed under section ~~626.556, subdivision 11~~ 260E.35, subdivision 7.

63.3 (k) **Reports of prenatal exposure to controlled substances.** Data on persons making
63.4 reports under section ~~626.5561~~ 260E.31 are classified under section ~~626.5561, subdivision~~
63.5 ~~3~~ 260E.35, subdivision 3.

63.6 (l) **Vulnerable adult report records.** Data contained in vulnerable adult report records
63.7 are classified under section 626.557, subdivision 12b.

63.8 (m) **Adult protection team information sharing.** Sharing of local welfare agency
63.9 vulnerable adult data with a protection team is governed by section 626.5571, subdivision
63.10 3.

63.11 (n) **Child protection team.** Data acquired by a case consultation committee or
63.12 subcommittee of a child protection team are classified by section ~~626.558, subdivision 3~~
63.13 260E.02, subdivision 4.

63.14 (o) **Peace officer discipline procedures.** Access by an officer under investigation to
63.15 the investigating agency's investigative report on the officer is governed by section 626.89,
63.16 subdivision 6.

63.17 (p) **Racial profiling study data.** Racial profiling study data is governed by Minnesota
63.18 Statutes 2006, section 626.951.

63.19 Sec. 12. Minnesota Statutes 2018, section 13.88, is amended to read:

63.20 **13.88 COMMUNITY DISPUTE RESOLUTION CENTER DATA.**

63.21 The guidelines shall provide that all files relating to a case in a community dispute
63.22 resolution program are to be classified as private data on individuals, pursuant to section
63.23 13.02, subdivision 12, with the following exceptions:

63.24 (1) When a party to the case has been formally charged with a criminal offense, the data
63.25 are to be classified as public data on individuals, pursuant to section 13.02, subdivision 15.

63.26 (2) Data relating to suspected neglect or physical or sexual abuse of children or
63.27 maltreatment of vulnerable adults are to be subject to the reporting requirements of ~~sections~~
63.28 ~~626.556 and~~ section 626.557 and chapter 260E.

63.29 Sec. 13. Minnesota Statutes 2018, section 120B.22, subdivision 2, is amended to read:

63.30 Subd. 2. **In-service training.** Each district is encouraged to provide training for district
63.31 staff and school board members on the following:

64.1 (1) helping students identify violence in the family and the community so that students
64.2 may learn to resolve conflicts in effective, nonviolent ways;

64.3 (2) responding to a disclosure of child sexual abuse in a supportive, appropriate manner;
64.4 and

64.5 (3) complying with mandatory reporting requirements under ~~section 626.556~~ chapter
64.6 260E.

64.7 The in-service training must be ongoing and involve experts familiar with sexual abuse,
64.8 domestic violence, and personal safety issues.

64.9 Sec. 14. Minnesota Statutes 2019 Supplement, section 122A.20, subdivision 2, is amended
64.10 to read:

64.11 Subd. 2. **Mandatory reporting.** (a) A school board, superintendent, charter school
64.12 board, charter school executive director, or charter school authorizer must report to the
64.13 Professional Educator Licensing and Standards Board, the Board of School Administrators,
64.14 or the Board of Trustees of the Minnesota State Colleges and Universities, whichever has
64.15 jurisdiction over the teacher's or administrator's license, when its teacher or administrator
64.16 is discharged or resigns from employment after a charge is filed with the school board under
64.17 section 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7, or after charges are filed
64.18 that are grounds for discharge under section 122A.40, subdivision 13, paragraph (a), clauses
64.19 (1) to (5), or when a teacher or administrator is suspended or resigns while an investigation
64.20 is pending under section 122A.40, subdivision 13, paragraph (a), clauses (1) to (5), or chapter
64.21 260E; or 122A.41, subdivisions 6, clauses (1), (2), and (3), and 7; or ~~626.556~~, or when a
64.22 teacher or administrator is suspended without an investigation under section 122A.41,
64.23 subdivisions 6, paragraph (a), clauses (1), (2), and (3), and 7; ~~or 626.556~~, or chapter 260E.

64.24 The report must be made to the appropriate licensing board within ten days after the
64.25 discharge, suspension, or resignation has occurred. The licensing board to which the report
64.26 is made must investigate the report for violation of subdivision 1 and the reporting board,
64.27 administrator, or authorizer must cooperate in the investigation. Notwithstanding any
64.28 provision in chapter 13 or any law to the contrary, upon written request from the licensing
64.29 board having jurisdiction over the license, a board, charter school, authorizer, charter school
64.30 executive director, or school superintendent shall provide the licensing board with information
64.31 about the teacher or administrator from the district's files, any termination or disciplinary
64.32 proceeding, any settlement or compromise, or any investigative file. Upon written request
64.33 from the appropriate licensing board, a board or school superintendent may, at the discretion
64.34 of the board or school superintendent, solicit the written consent of a student and the student's

65.1 parent to provide the licensing board with information that may aid the licensing board in
 65.2 its investigation and license proceedings. The licensing board's request need not identify a
 65.3 student or parent by name. The consent of the student and the student's parent must meet
 65.4 the requirements of chapter 13 and Code of Federal Regulations, title 34, section 99.30.
 65.5 The licensing board may provide a consent form to the district. Any data transmitted to any
 65.6 board under this section is private data under section 13.02, subdivision 12, notwithstanding
 65.7 any other classification of the data when it was in the possession of any other agency.

65.8 (b) The licensing board to which a report is made must transmit to the Attorney General's
 65.9 Office any record or data it receives under this subdivision for the sole purpose of having
 65.10 the Attorney General's Office assist that board in its investigation. When the Attorney
 65.11 General's Office has informed an employee of the appropriate licensing board in writing
 65.12 that grounds exist to suspend or revoke a teacher's license to teach, that licensing board
 65.13 must consider suspending or revoking or decline to suspend or revoke the teacher's or
 65.14 administrator's license within 45 days of receiving a stipulation executed by the teacher or
 65.15 administrator under investigation or a recommendation from an administrative law judge
 65.16 that disciplinary action be taken.

65.17 (c) The Professional Educator Licensing and Standards Board and Board of School
 65.18 Administrators must report to the appropriate law enforcement authorities a revocation,
 65.19 suspension, or agreement involving a loss of license, relating to a teacher or administrator's
 65.20 inappropriate sexual conduct with a minor. For purposes of this section, "law enforcement
 65.21 authority" means a police department, county sheriff, or tribal police department. A report
 65.22 by the Professional Educator Licensing and Standards Board to appropriate law enforcement
 65.23 authorities does not diminish, modify, or otherwise affect the responsibilities of a school
 65.24 board or any person mandated to report abuse under ~~section 626.556~~ chapter 260E.

65.25 Sec. 15. Minnesota Statutes 2019 Supplement, section 122A.40, subdivision 13, is amended
 65.26 to read:

65.27 Subd. 13. **Immediate discharge.** (a) Except as otherwise provided in paragraph (b), a
 65.28 board may discharge a continuing-contract teacher, effective immediately, upon any of the
 65.29 following grounds:

65.30 (1) immoral conduct, insubordination, or conviction of a felony;

65.31 (2) conduct unbecoming a teacher which requires the immediate removal of the teacher
 65.32 from classroom or other duties;

66.1 (3) failure without justifiable cause to teach without first securing the written release of
66.2 the school board;

66.3 (4) gross inefficiency which the teacher has failed to correct after reasonable written
66.4 notice;

66.5 (5) willful neglect of duty; or

66.6 (6) continuing physical or mental disability subsequent to a 12 months leave of absence
66.7 and inability to qualify for reinstatement in accordance with subdivision 12.

66.8 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
66.9 discriminatory practice described in section 363A.13.

66.10 Prior to discharging a teacher under this paragraph, the board must notify the teacher in
66.11 writing and state its ground for the proposed discharge in reasonable detail. Within ten days
66.12 after receipt of this notification the teacher may make a written request for a hearing before
66.13 the board and it shall be granted before final action is taken. The board may suspend a
66.14 teacher with pay pending the conclusion of the hearing and determination of the issues
66.15 raised in the hearing after charges have been filed which constitute ground for discharge.
66.16 If a teacher has been charged with a felony and the underlying conduct that is the subject
66.17 of the felony charge is a ground for a proposed immediate discharge, the suspension pending
66.18 the conclusion of the hearing and determination of the issues may be without pay. If a
66.19 hearing under this paragraph is held, the board must reimburse the teacher for any salary
66.20 or compensation withheld if the final decision of the board or the arbitrator does not result
66.21 in a penalty to or suspension, termination, or discharge of the teacher.

66.22 (b) A board must discharge a continuing-contract teacher, effective immediately, upon
66.23 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
66.24 license has been revoked due to a conviction for child abuse, as defined in section 609.185;
66.25 sex trafficking in the first degree under section 609.322, subdivision 1; sex trafficking in
66.26 the second degree under section 609.322, subdivision 1a; engaging in hiring or agreeing to
66.27 hire a minor to engage in prostitution under section 609.324, subdivision 1; sexual abuse
66.28 under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23,
66.29 subdivision 3; solicitation of children to engage in sexual conduct or communication of
66.30 sexually explicit materials to children under section 609.352; interference with privacy
66.31 under section 609.746 or harassment or stalking under section 609.749 and the victim was
66.32 a minor; using minors in a sexual performance under section 617.246; possessing
66.33 pornographic works involving a minor under section 617.247; or any other offense not listed

67.1 in this paragraph that requires the person to register as a predatory offender under section
67.2 243.166, or a crime under a similar law of another state or the United States.

67.3 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
67.4 a final determination of child maltreatment involving a teacher under section ~~626.556,~~
67.5 ~~subdivision 11,~~ 260E.21, subdivision 4, or 260E.35, the school principal or other person
67.6 having administrative control of the school must include in the teacher's employment record
67.7 the information contained in the record of the disciplinary action or the final maltreatment
67.8 determination, consistent with the definition of public data under section 13.41, subdivision
67.9 5, and must provide the Professional Educator Licensing and Standards Board and the
67.10 licensing division at the department with the necessary and relevant information to enable
67.11 the Professional Educator Licensing and Standards Board and the department's licensing
67.12 division to fulfill their statutory and administrative duties related to issuing, renewing,
67.13 suspending, or revoking a teacher's license. Information received by the Professional Educator
67.14 Licensing and Standards Board or the licensing division at the department under this
67.15 paragraph is governed by section 13.41 or other applicable law governing data of the
67.16 receiving entity. In addition to the background check required under section 123B.03, a
67.17 school board or other school hiring authority must contact the Professional Educator
67.18 Licensing and Standards Board and the department to determine whether the teacher's license
67.19 has been suspended or revoked, consistent with the discharge and final maltreatment
67.20 determinations identified in this paragraph. Unless restricted by federal or state data practices
67.21 law or by the terms of a collective bargaining agreement, the responsible authority for a
67.22 school district must disseminate to another school district private personnel data on a current
67.23 or former teacher employee or contractor of the district, including the results of background
67.24 investigations, if the requesting school district seeks the information because the subject of
67.25 the data has applied for employment with the requesting school district.

67.26 Sec. 16. Minnesota Statutes 2019 Supplement, section 122A.41, subdivision 6, is amended
67.27 to read:

67.28 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided in
67.29 paragraph (b), causes for the discharge or demotion of a teacher either during or after the
67.30 probationary period must be:

67.31 (1) immoral character, conduct unbecoming a teacher, or insubordination;

67.32 (2) failure without justifiable cause to teach without first securing the written release of
67.33 the school board having the care, management, or control of the school in which the teacher
67.34 is employed;

68.1 (3) inefficiency in teaching or in the management of a school, consistent with subdivision
68.2 5, paragraph (b);

68.3 (4) affliction with a communicable disease must be considered as cause for removal or
68.4 suspension while the teacher is suffering from such disability; or

68.5 (5) discontinuance of position or lack of pupils.

68.6 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair
68.7 discriminatory practice described in section 363A.13.

68.8 (b) A probationary or continuing-contract teacher must be discharged immediately upon
68.9 receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's
68.10 license has been revoked due to a conviction for child abuse, as defined in section 609.185;
68.11 sex trafficking in the first degree under section 609.322, subdivision 1; sex trafficking in
68.12 the second degree under section 609.322, subdivision 1a; engaging in hiring or agreeing to
68.13 hire a minor to engage in prostitution under section 609.324, subdivision 1; sexual abuse
68.14 under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23,
68.15 subdivision 3; solicitation of children to engage in sexual conduct or communication of
68.16 sexually explicit materials to children under section 609.352; interference with privacy
68.17 under section 609.746 or harassment or stalking under section 609.749 and the victim was
68.18 a minor; using minors in a sexual performance under section 617.246; possessing
68.19 pornographic works involving a minor under section 617.247; or any other offense not listed
68.20 in this paragraph that requires the person to register as a predatory offender under section
68.21 243.166, or a crime under a similar law of another state or the United States.

68.22 (c) When a teacher is discharged under paragraph (b) or when the commissioner makes
68.23 a final determination of child maltreatment involving a teacher under section ~~626.556,~~
68.24 ~~subdivision 11,~~ 260E.21, subdivision 4, or 260E.35, the school principal or other person
68.25 having administrative control of the school must include in the teacher's employment record
68.26 the information contained in the record of the disciplinary action or the final maltreatment
68.27 determination, consistent with the definition of public data under section 13.41, subdivision
68.28 5, and must provide the Professional Educator Licensing and Standards Board and the
68.29 licensing division at the department with the necessary and relevant information to enable
68.30 the Professional Educator Licensing and Standards Board and the department's licensing
68.31 division to fulfill their statutory and administrative duties related to issuing, renewing,
68.32 suspending, or revoking a teacher's license. Information received by the Professional Educator
68.33 Licensing and Standards Board or the licensing division at the department under this
68.34 paragraph is governed by section 13.41 or other applicable law governing data of the

69.1 receiving entity. In addition to the background check required under section 123B.03, a
 69.2 school board or other school hiring authority must contact the Professional Educator
 69.3 Licensing and Standards Board and the department to determine whether the teacher's license
 69.4 has been suspended or revoked, consistent with the discharge and final maltreatment
 69.5 determinations identified in this paragraph. Unless restricted by federal or state data practices
 69.6 law or by the terms of a collective bargaining agreement, the responsible authority for a
 69.7 school district must disseminate to another school district private personnel data on a current
 69.8 or former teacher employee or contractor of the district, including the results of background
 69.9 investigations, if the requesting school district seeks the information because the subject of
 69.10 the data has applied for employment with the requesting school district.

69.11 Sec. 17. Minnesota Statutes 2018, section 125A.0942, subdivision 4, is amended to read:

69.12 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

69.13 (1) engaging in conduct prohibited under section 121A.58;

69.14 (2) requiring a child to assume and maintain a specified physical position, activity, or
 69.15 posture that induces physical pain;

69.16 (3) totally or partially restricting a child's senses as punishment;

69.17 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
 69.18 substance, or spray as punishment;

69.19 (5) denying or restricting a child's access to equipment and devices such as walkers,
 69.20 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
 69.21 except when temporarily removing the equipment or device is needed to prevent injury to
 69.22 the child or others or serious damage to the equipment or device, in which case the equipment
 69.23 or device shall be returned to the child as soon as possible;

69.24 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical
 69.25 abuse under ~~section 626.556~~ chapter 260E;

69.26 (7) withholding regularly scheduled meals or water;

69.27 (8) denying access to bathroom facilities;

69.28 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs
 69.29 a child's ability to communicate distress, places pressure or weight on a child's head, throat,
 69.30 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's
 69.31 torso; and

69.32 (10) prone restraint.

70.1 Sec. 18. Minnesota Statutes 2018, section 135A.15, subdivision 10, is amended to read:

70.2 Subd. 10. **Applicability of other laws.** This section does not exempt mandatory reporters
 70.3 from the requirements of section ~~626.556~~ or 626.557 or chapter 260E governing the reporting
 70.4 of maltreatment of minors or vulnerable adults. Nothing in this section limits the authority
 70.5 of an institution to comply with other applicable state or federal laws related to investigations
 70.6 or reports of sexual harassment, sexual violence, or sexual assault.

70.7 Sec. 19. Minnesota Statutes 2018, section 144.225, subdivision 2b, is amended to read:

70.8 Subd. 2b. **Commissioner of health; duties.** Notwithstanding the designation of certain
 70.9 of this data as confidential under subdivision 2 or private under subdivision 2a, the
 70.10 commissioner shall give the commissioner of human services access to birth record data
 70.11 and data contained in recognitions of parentage prepared according to section 257.75
 70.12 necessary to enable the commissioner of human services to identify a child who is subject
 70.13 to threatened injury, as defined in section ~~626.556, subdivision 2, paragraph (p)~~ 260E.03,
 70.14 subdivision 23, by a person responsible for the child's care, as defined in section ~~626.556,~~
 70.15 ~~subdivision 2, paragraph (j), clause (1)~~ 260E.03, subdivision 17. The commissioner shall
 70.16 be given access to all data included on official birth records.

70.17 Sec. 20. Minnesota Statutes 2018, section 144.343, subdivision 4, is amended to read:

70.18 Subd. 4. **Limitations.** No notice shall be required under this section if:

70.19 (1) the attending physician certifies in the pregnant woman's medical record that the
 70.20 abortion is necessary to prevent the woman's death and there is insufficient time to provide
 70.21 the required notice; or

70.22 (2) the abortion is authorized in writing by the person or persons who are entitled to
 70.23 notice; or

70.24 (3) the pregnant minor woman declares that she is a victim of sexual abuse, neglect, or
 70.25 physical abuse as defined in ~~section 626.556~~ chapter 260E. Notice of that declaration shall
 70.26 be made to the proper authorities as provided in section ~~626.556, subdivision 3~~ 260E.06.

70.27 Sec. 21. Minnesota Statutes 2018, section 144.7065, subdivision 10, is amended to read:

70.28 Subd. 10. **Relation to other law; data classification.** (a) Adverse health events described
 70.29 in subdivisions 2 to 6 do not constitute "maltreatment," "neglect," or "a physical injury that
 70.30 is not reasonably explained" under section ~~626.556~~ or 626.557 or chapter 260E and are
 70.31 excluded from the reporting requirements of ~~sections 626.556 and section 626.557~~ and section 626.557 and

71.1 chapter 260E, provided the facility makes a determination within 24 hours of the discovery
 71.2 of the event that this section is applicable and the facility files the reports required under
 71.3 this section in a timely fashion.

71.4 (b) A facility that has determined that an event described in subdivisions 2 to 6 has
 71.5 occurred must inform persons who are mandated reporters under section ~~626.556, subdivision~~
 71.6 ~~3, 260E.06~~ or 626.5572, subdivision 16, of that determination. A mandated reporter otherwise
 71.7 required to report under section ~~626.556, subdivision 3, 260E.06~~ or 626.557, subdivision
 71.8 3, paragraph (e), is relieved of the duty to report an event that the facility determines under
 71.9 paragraph (a) to be reportable under subdivisions 2 to 6.

71.10 (c) The protections and immunities applicable to voluntary reports under ~~sections 626.556~~
 71.11 ~~and section 626.557~~ and chapter 260E are not affected by this section.

71.12 (d) Notwithstanding section ~~626.556, 626.557, chapter 260E~~, or any other provision of
 71.13 Minnesota statute or rule to the contrary, a lead agency under section ~~626.556, subdivision~~
 71.14 ~~3e 260E.14, subdivision 1, paragraphs (a), (b), and (c)~~, a lead investigative agency under
 71.15 section 626.5572, subdivision 13, the commissioner of health, or the director of the Office
 71.16 of Health Facility Complaints is not required to conduct an investigation of or obtain or
 71.17 create investigative data or reports regarding an event described in subdivisions 2 to 6. If
 71.18 the facility satisfies the requirements described in paragraph (a), the review or investigation
 71.19 shall be conducted and data or reports shall be obtained or created only under sections
 71.20 144.706 to 144.7069, except as permitted or required under sections 144.50 to 144.564, or
 71.21 as necessary to carry out the state's certification responsibility under the provisions of
 71.22 sections 1864 and 1867 of the Social Security Act. If a licensed health care provider reports
 71.23 an event to the facility required to be reported under subdivisions 2 to 6 in a timely manner,
 71.24 the provider's licensing board is not required to conduct an investigation of or obtain or
 71.25 create investigative data or reports regarding the individual reporting of the events described
 71.26 in subdivisions 2 to 6.

71.27 (e) Data contained in the following records are nonpublic and, to the extent they contain
 71.28 data on individuals, confidential data on individuals, as defined in section 13.02:

71.29 (1) reports provided to the commissioner under sections 147.155, 147A.155, 148.267,
 71.30 151.301, and 153.255;

71.31 (2) event reports, findings of root cause analyses, and corrective action plans filed by a
 71.32 facility under this section; and

71.33 (3) records created or obtained by the commissioner in reviewing or investigating the
 71.34 reports, findings, and plans described in clause (2).

72.1 For purposes of the nonpublic data classification contained in this paragraph, the reporting
72.2 facility shall be deemed the subject of the data.

72.3 Sec. 22. Minnesota Statutes 2018, section 144.7068, is amended to read:

72.4 **144.7068 REPORTS FROM LICENSING BOARDS.**

72.5 (a) Effective upon full implementation of the adverse health care events reporting system,
72.6 the records maintained under sections 147.155, 147A.155, 148.267, 151.301, and 153.255,
72.7 shall be reported to the commissioner on the schedule established in those sections.

72.8 (b) The commissioner shall forward these reports to the facility named in the report.

72.9 (c) The facility shall determine whether the event has been previously reported under
72.10 section 144.7065. The facility shall notify the commissioner whether the event has been
72.11 reported previously. If the event has not been previously reported, the facility shall make a
72.12 determination whether the event was reportable under section 144.7065. If the facility
72.13 determines the event was reportable, the date of discovery of the event for the purposes of
72.14 section 144.7065, subdivision 10, paragraph (d), shall be as follows:

72.15 (1) if the commissioner determines that the facility knew or reasonably should have
72.16 known about the occurrence of the event, the date the event occurred shall be the date of
72.17 discovery. The facility shall be considered out of compliance with the reporting act, and
72.18 the event shall be subject to ~~sections 626.556 and~~ section 626.557 and chapter 260E; or

72.19 (2) if the commissioner determines that the facility did not know about the occurrence
72.20 of the event, the date the facility receives the report from the commissioner shall serve as
72.21 the date of discovery.

72.22 If the facility determines that the event was not reportable under section 144.7065, the
72.23 facility shall notify the commissioner of that determination.

72.24 Sec. 23. Minnesota Statutes 2018, section 144A.472, subdivision 1, is amended to read:

72.25 Subdivision 1. **License applications.** Each application for a home care provider license
72.26 must include information sufficient to show that the applicant meets the requirements of
72.27 licensure, including:

72.28 (1) the applicant's name, e-mail address, physical address, and mailing address, including
72.29 the name of the county in which the applicant resides and has a principal place of business;

72.30 (2) the initial license fee in the amount specified in subdivision 7;

- 73.1 (3) the e-mail address, physical address, mailing address, and telephone number of the
73.2 principal administrative office;
- 73.3 (4) the e-mail address, physical address, mailing address, and telephone number of each
73.4 branch office, if any;
- 73.5 (5) the names, e-mail and mailing addresses, and telephone numbers of all owners and
73.6 managerial officials;
- 73.7 (6) documentation of compliance with the background study requirements of section
73.8 144A.476 for all persons involved in the management, operation, or control of the home
73.9 care provider;
- 73.10 (7) documentation of a background study as required by section 144.057 for any
73.11 individual seeking employment, paid or volunteer, with the home care provider;
- 73.12 (8) evidence of workers' compensation coverage as required by sections 176.181 and
73.13 176.182;
- 73.14 (9) documentation of liability coverage, if the provider has it;
- 73.15 (10) identification of the license level the provider is seeking;
- 73.16 (11) documentation that identifies the managerial official who is in charge of day-to-day
73.17 operations and attestation that the person has reviewed and understands the home care
73.18 provider regulations;
- 73.19 (12) documentation that the applicant has designated one or more owners, managerial
73.20 officials, or employees as an agent or agents, which shall not affect the legal responsibility
73.21 of any other owner or managerial official under this chapter;
- 73.22 (13) the signature of the officer or managing agent on behalf of an entity, corporation,
73.23 association, or unit of government;
- 73.24 (14) verification that the applicant has the following policies and procedures in place so
73.25 that if a license is issued, the applicant will implement the policies and procedures and keep
73.26 them current:
- 73.27 (i) requirements in ~~sections 626.556~~ chapter 260E, reporting of maltreatment of minors,
73.28 and section 626.557, reporting of maltreatment of vulnerable adults;
- 73.29 (ii) conducting and handling background studies on employees;
- 73.30 (iii) orientation, training, and competency evaluations of home care staff, and a process
73.31 for evaluating staff performance;

- 74.1 (iv) handling complaints from clients, family members, or client representatives regarding
 74.2 staff or services provided by staff;
- 74.3 (v) conducting initial evaluation of clients' needs and the providers' ability to provide
 74.4 those services;
- 74.5 (vi) conducting initial and ongoing client evaluations and assessments and how changes
 74.6 in a client's condition are identified, managed, and communicated to staff and other health
 74.7 care providers as appropriate;
- 74.8 (vii) orientation to and implementation of the home care client bill of rights;
- 74.9 (viii) infection control practices;
- 74.10 (ix) reminders for medications, treatments, or exercises, if provided; and
- 74.11 (x) conducting appropriate screenings, or documentation of prior screenings, to show
 74.12 that staff are free of tuberculosis, consistent with current United States Centers for Disease
 74.13 Control and Prevention standards; and
- 74.14 (15) other information required by the department.

74.15 Sec. 24. Minnesota Statutes 2018, section 144A.479, subdivision 6, is amended to read:

74.16 Subd. 6. **Reporting maltreatment of vulnerable adults and minors.** (a) All home care
 74.17 providers must comply with requirements for the reporting of maltreatment of minors in
 74.18 ~~section 626.556~~ chapter 260E and the requirements for the reporting of maltreatment of
 74.19 vulnerable adults in section 626.557. Each home care provider must establish and implement
 74.20 a written procedure to ensure that all cases of suspected maltreatment are reported.

74.21 (b) Each home care provider must develop and implement an individual abuse prevention
 74.22 plan for each vulnerable minor or adult for whom home care services are provided by a
 74.23 home care provider. The plan shall contain an individualized review or assessment of the
 74.24 person's susceptibility to abuse by another individual, including other vulnerable adults or
 74.25 minors; the person's risk of abusing other vulnerable adults or minors; and statements of
 74.26 the specific measures to be taken to minimize the risk of abuse to that person and other
 74.27 vulnerable adults or minors. For purposes of the abuse prevention plan, the term abuse
 74.28 includes self-abuse.

74.29 Sec. 25. Minnesota Statutes 2019 Supplement, section 144A.4796, subdivision 2, is
 74.30 amended to read:

74.31 Subd. 2. **Content.** (a) The orientation must contain the following topics:

- 75.1 (1) an overview of sections 144A.43 to 144A.4798;
- 75.2 (2) introduction and review of all the provider's policies and procedures related to the
75.3 provision of home care services by the individual staff person;
- 75.4 (3) handling of emergencies and use of emergency services;
- 75.5 (4) compliance with and reporting of the maltreatment of minors or vulnerable adults
75.6 under ~~sections 626.556 and~~ section 626.557 and chapter 260E;
- 75.7 (5) home care bill of rights under section 144A.44;
- 75.8 (6) handling of clients' complaints, reporting of complaints, and where to report
75.9 complaints including information on the Office of Health Facility Complaints and the
75.10 Common Entry Point;
- 75.11 (7) consumer advocacy services of the Office of Ombudsman for Long-Term Care,
75.12 Office of Ombudsman for Mental Health and Developmental Disabilities, Managed Care
75.13 Ombudsman at the Department of Human Services, county managed care advocates, or
75.14 other relevant advocacy services; and
- 75.15 (8) review of the types of home care services the employee will be providing and the
75.16 provider's scope of licensure.
- 75.17 (b) In addition to the topics listed in paragraph (a), orientation may also contain training
75.18 on providing services to clients with hearing loss. Any training on hearing loss provided
75.19 under this subdivision must be high quality and research-based, may include online training,
75.20 and must include training on one or more of the following topics:
- 75.21 (1) an explanation of age-related hearing loss and how it manifests itself, its prevalence,
75.22 and challenges it poses to communication;
- 75.23 (2) health impacts related to untreated age-related hearing loss, such as increased
75.24 incidence of dementia, falls, hospitalizations, isolation, and depression; or
- 75.25 (3) information about strategies and technology that may enhance communication and
75.26 involvement, including communication strategies, assistive listening devices, hearing aids,
75.27 visual and tactile alerting devices, communication access in real time, and closed captions.
- 75.28 Sec. 26. Minnesota Statutes 2018, section 144A.4796, subdivision 6, is amended to read:
- 75.29 Subd. 6. **Required annual training.** (a) All staff that perform direct home care services
75.30 must complete at least eight hours of annual training for each 12 months of employment.
75.31 The training may be obtained from the home care provider or another source and must

76.1 include topics relevant to the provision of home care services. The annual training must
76.2 include:

76.3 (1) training on reporting of maltreatment of minors under ~~section 626.556~~ chapter 260E
76.4 and maltreatment of vulnerable adults under section 626.557, whichever is applicable to
76.5 the services provided;

76.6 (2) review of the home care bill of rights in section 144A.44;

76.7 (3) review of infection control techniques used in the home and implementation of
76.8 infection control standards including a review of hand-washing techniques; the need for
76.9 and use of protective gloves, gowns, and masks; appropriate disposal of contaminated
76.10 materials and equipment, such as dressings, needles, syringes, and razor blades; disinfecting
76.11 reusable equipment; disinfecting environmental surfaces; and reporting of communicable
76.12 diseases; and

76.13 (4) review of the provider's policies and procedures relating to the provision of home
76.14 care services and how to implement those policies and procedures.

76.15 (b) In addition to the topics listed in paragraph (a), annual training may also contain
76.16 training on providing services to clients with hearing loss. Any training on hearing loss
76.17 provided under this subdivision must be high quality and research-based, may include online
76.18 training, and must include training on one or more of the following topics:

76.19 (1) an explanation of age-related hearing loss and how it manifests itself, its prevalence,
76.20 and challenges it poses to communication;

76.21 (2) health impacts related to untreated age-related hearing loss, such as increased
76.22 incidence of dementia, falls, hospitalizations, isolation, and depression; or

76.23 (3) information about strategies and technology that may enhance communication and
76.24 involvement, including communication strategies, assistive listening devices, hearing aids,
76.25 visual and tactile alerting devices, communication access in real time, and closed captions.

76.26 Sec. 27. Minnesota Statutes 2018, section 144H.16, subdivision 1, is amended to read:

76.27 Subdivision 1. **Reporting of maltreatment of minors.** A PPEC center must develop
76.28 policies and procedures for reporting suspected child maltreatment that fulfill the
76.29 requirements of ~~section 626.556~~ chapter 260E. The policies and procedures must include
76.30 the telephone numbers of the local county child protection agency for reporting suspected
76.31 maltreatment. The policies and procedures specified in this subdivision must be provided

77.1 to the parents or guardians of all children at the time of admission to the PPEC center and
77.2 must be available upon request.

77.3 Sec. 28. Minnesota Statutes 2018, section 144H.18, subdivision 3, is amended to read:

77.4 Subd. 3. **Fines for violations of other statutes.** The commissioner shall impose a fine
77.5 of \$250 on a PPEC center, employee, or contractor for each violation by that PPEC center,
77.6 employee, or contractor of section 144H.16, subdivision 2, ~~or 626.556~~ or chapter 260E.

77.7 Sec. 29. Minnesota Statutes 2018, section 145.902, subdivision 3, is amended to read:

77.8 Subd. 3. **Immunity.** (a) A safe place with responsibility for performing duties under
77.9 this section, and any employee, doctor, ambulance personnel, or other medical professional
77.10 working at the safe place, are immune from any criminal liability that otherwise might result
77.11 from their actions, if they are acting in good faith in receiving a newborn, and are immune
77.12 from any civil liability that otherwise might result from merely receiving a newborn.

77.13 (b) A safe place performing duties under this section, or an employee, doctor, ambulance
77.14 personnel, or other medical professional working at the safe place who is a mandated reporter
77.15 under ~~section 626.556~~ chapter 260E, is immune from any criminal or civil liability that
77.16 otherwise might result from the failure to make a report under that section if the person is
77.17 acting in good faith in complying with this section.

77.18 Sec. 30. Minnesota Statutes 2018, section 145.952, subdivision 2, is amended to read:

77.19 Subd. 2. **Abuse.** "Abuse" means physical abuse, sexual abuse, neglect, mental injury,
77.20 and threatened injury, as those terms are defined in ~~section 626.556, subdivision 2~~ chapter
77.21 260E.

77.22 Sec. 31. Minnesota Statutes 2018, section 146A.025, is amended to read:

77.23 **146A.025 MALTREATMENT OF MINORS.**

77.24 Nothing in this chapter shall restrict the ability of a local welfare agency, local law
77.25 enforcement agency, the commissioner of human services, or the state to take action regarding
77.26 the maltreatment of minors under section 609.378 ~~or 626.556~~ or chapter 260E. A parent
77.27 who obtains complementary and alternative health care for the parent's minor child is not
77.28 relieved of the duty to seek necessary medical care consistent with the requirements of
77.29 ~~sections~~ section 609.378 and 626.556 and chapter 260E. A complementary or alternative
77.30 health care practitioner who is providing services to a child who is not receiving necessary
77.31 medical care must make a report under ~~section 626.556~~ chapter 260E. A complementary

78.1 or alternative health care provider is a mandated reporter under section ~~626.556, subdivision~~
78.2 ~~3~~ 260E.06.

78.3 Sec. 32. Minnesota Statutes 2019 Supplement, section 148B.593, is amended to read:

78.4 **148B.593 DISCLOSURE OF INFORMATION.**

78.5 (a) A person licensed under sections 148B.50 to 148B.593 may not disclose without
78.6 written consent of the client any communication made by the client to the licensee in the
78.7 course of the practice of professional counseling, nor may any employee of the licensee
78.8 reveal the information without the consent of the employer or client except as provided
78.9 under section ~~626.556~~ or 626.557 or chapter 260E.

78.10 (b) For purposes of sections 148B.50 to 148B.593, the confidential relations and
78.11 communications between the licensee and a client are placed upon the same basis as those
78.12 that exist between a licensed psychologist and client. Nothing in sections 148B.50 to
78.13 148B.593 may be construed to require any communications to be disclosed except by court
78.14 order or as provided in paragraph (c).

78.15 (c) Private information may be disclosed without the consent of the client when a duty
78.16 to warn arises, or as otherwise provided by law or court order. The duty to warn of, or take
78.17 reasonable precautions to provide protection from, violent behavior arises only when a client
78.18 or other person has communicated to the provider a specific, serious threat of physical
78.19 violence to self or a specific, clearly identified or identifiable potential victim. If a duty to
78.20 warn arises, the duty is discharged by the provider if reasonable efforts are made to
78.21 communicate the threat to law enforcement agencies, the potential victim, the family of the
78.22 client, or appropriate third parties who are in a position to prevent or avert the harm. No
78.23 monetary liability and no cause of action or disciplinary action by the board may arise
78.24 against a provider for disclosure of confidences to third parties, for failure to disclose
78.25 confidences to third parties, or for erroneous disclosure of confidences to third parties in a
78.26 good faith effort to warn against or take precautions against a client's violent behavior or
78.27 threat of suicide.

78.28 (d) For purposes of this section, (1) "provider" includes a licensee, an applicant for
78.29 licensure, and a student or intern practicing professional counseling or professional clinical
78.30 counseling under supervision as part of an accredited graduate educational program or under
78.31 a supervised postgraduate experience in professional counseling or professional clinical
78.32 counseling required for licensure; (2) "other person" means an immediate family member
78.33 or someone who personally knows the client and has reason to believe the client is capable
78.34 of and will carry out the serious, specific threat of harm to a specific, clearly identified, or

79.1 identifiable victim; and (3) "reasonable efforts" means communicating the serious, specific
 79.2 threat to the potential victim and if unable to make contact with the potential victim,
 79.3 communicating the serious, specific threat to the law enforcement agency closest to the
 79.4 potential victim of the client.

79.5 Sec. 33. Minnesota Statutes 2018, section 148E.240, subdivision 7, is amended to read:

79.6 Subd. 7. **Reporting maltreatment of minors.** An applicant or licensee must comply
 79.7 with the reporting of maltreatment of minors established by ~~section 626.556~~ chapter 260E.

79.8 Sec. 34. Minnesota Statutes 2018, section 148F.13, subdivision 12, is amended to read:

79.9 Subd. 12. **Abuse or neglect of minors or vulnerable adults.** An applicant or licensee
 79.10 must comply with the reporting of maltreatment of minors established in ~~section 626.556~~
 79.11 chapter 260E and the reporting of maltreatment of vulnerable adults established in section
 79.12 626.557.

79.13 Sec. 35. Minnesota Statutes 2018, section 148F.205, subdivision 1, is amended to read:

79.14 Subdivision 1. **Mandatory reporting requirements.** A provider is required to file a
 79.15 complaint when the provider knows or has reason to believe that another provider:

79.16 (1) is unable to practice with reasonable skill and safety as a result of a physical or mental
 79.17 illness or condition, including, but not limited to, substance abuse or dependence, except
 79.18 that this mandated reporting requirement is deemed fulfilled by a report made to the Health
 79.19 Professionals Services Program (HPSP) as provided by section 214.33, subdivision 1;

79.20 (2) is engaging in or has engaged in sexual behavior with a client or former client in
 79.21 violation of section 148F.165, subdivision 6 or 7;

79.22 (3) has failed to report abuse or neglect of children or vulnerable adults in violation of
 79.23 section ~~626.556~~ or 626.557 or chapter 260E; or

79.24 (4) has employed fraud or deception in obtaining or renewing an alcohol and drug
 79.25 counseling license.

79.26 Sec. 36. Minnesota Statutes 2018, section 153B.70, is amended to read:

79.27 **153B.70 GROUNDS FOR DISCIPLINARY ACTION.**

79.28 (a) The board may refuse to issue or renew a license, revoke or suspend a license, or
 79.29 place on probation or reprimand a licensee for one or any combination of the following:

- 80.1 (1) making a material misstatement in furnishing information to the board;
- 80.2 (2) violating or intentionally disregarding the requirements of this chapter;
- 80.3 (3) conviction of a crime, including a finding or verdict of guilt, an admission of guilt,
80.4 or a no-contest plea, in this state or elsewhere, reasonably related to the practice of the
80.5 profession. Conviction, as used in this clause, includes a conviction of an offense which, if
80.6 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor,
80.7 without regard to its designation elsewhere, or a criminal proceeding where a finding or
80.8 verdict of guilty is made or returned but the adjudication of guilt is either withheld or not
80.9 entered;
- 80.10 (4) making a misrepresentation in order to obtain or renew a license;
- 80.11 (5) displaying a pattern of practice or other behavior that demonstrates incapacity or
80.12 incompetence to practice;
- 80.13 (6) aiding or assisting another person in violating the provisions of this chapter;
- 80.14 (7) failing to provide information within 60 days in response to a written request from
80.15 the board, including documentation of completion of continuing education requirements;
- 80.16 (8) engaging in dishonorable, unethical, or unprofessional conduct;
- 80.17 (9) engaging in conduct of a character likely to deceive, defraud, or harm the public;
- 80.18 (10) inability to practice due to habitual intoxication, addiction to drugs, or mental or
80.19 physical illness;
- 80.20 (11) being disciplined by another state or territory of the United States, the federal
80.21 government, a national certification organization, or foreign nation, if at least one of the
80.22 grounds for the discipline is the same or substantially equivalent to one of the grounds in
80.23 this section;
- 80.24 (12) directly or indirectly giving to or receiving from a person, firm, corporation,
80.25 partnership, or association a fee, commission, rebate, or other form of compensation for
80.26 professional services not actually or personally rendered;
- 80.27 (13) incurring a finding by the board that the licensee, after the licensee has been placed
80.28 on probationary status, has violated the conditions of the probation;
- 80.29 (14) abandoning a patient or client;

81.1 (15) willfully making or filing false records or reports in the course of the licensee's
81.2 practice including, but not limited to, false records or reports filed with state or federal
81.3 agencies;

81.4 (16) willfully failing to report child maltreatment as required under the Maltreatment of
81.5 Minors Act, ~~section 626.556~~ chapter 260E; or

81.6 (17) soliciting professional services using false or misleading advertising.

81.7 (b) A license to practice is automatically suspended if (1) a guardian of a licensee is
81.8 appointed by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other
81.9 than the minority of the licensee, or (2) the licensee is committed by order of a court pursuant
81.10 to chapter 253B. The license remains suspended until the licensee is restored to capacity
81.11 by a court and, upon petition by the licensee, the suspension is terminated by the board after
81.12 a hearing. The licensee may be reinstated to practice, either with or without restrictions, by
81.13 demonstrating clear and convincing evidence of rehabilitation. The regulated person is not
81.14 required to prove rehabilitation if the subsequent court decision overturns previous court
81.15 findings of public risk.

81.16 (c) If the board has probable cause to believe that a licensee or applicant has violated
81.17 paragraph (a), clause (10), it may direct the person to submit to a mental or physical
81.18 examination. For the purpose of this section, every person is deemed to have consented to
81.19 submit to a mental or physical examination when directed in writing by the board and to
81.20 have waived all objections to the admissibility of the examining physician's testimony or
81.21 examination report on the grounds that the testimony or report constitutes a privileged
81.22 communication. Failure of a regulated person to submit to an examination when directed
81.23 constitutes an admission of the allegations against the person, unless the failure was due to
81.24 circumstances beyond the person's control, in which case a default and final order may be
81.25 entered without the taking of testimony or presentation of evidence. A regulated person
81.26 affected under this paragraph shall at reasonable intervals be given an opportunity to
81.27 demonstrate that the person can resume the competent practice of the regulated profession
81.28 with reasonable skill and safety to the public. In any proceeding under this paragraph, neither
81.29 the record of proceedings nor the orders entered by the board shall be used against a regulated
81.30 person in any other proceeding.

81.31 (d) In addition to ordering a physical or mental examination, the board may,
81.32 notwithstanding section 13.384 or 144.293, or any other law limiting access to medical or
81.33 other health data, obtain medical data and health records relating to a licensee or applicant
81.34 without the person's or applicant's consent if the board has probable cause to believe that a

82.1 licensee is subject to paragraph (a), clause (10). The medical data may be requested from
 82.2 a provider as defined in section 144.291, subdivision 2, paragraph (i), an insurance company,
 82.3 or a government agency, including the Department of Human Services. A provider, insurance
 82.4 company, or government agency shall comply with any written request of the board under
 82.5 this section and is not liable in any action for damages for releasing the data requested by
 82.6 the board if the data are released pursuant to a written request under this section, unless the
 82.7 information is false and the provider giving the information knew, or had reason to know,
 82.8 the information was false. Information obtained under this section is private data on
 82.9 individuals as defined in section 13.02.

82.10 (e) If the board issues an order of immediate suspension of a license, a hearing must be
 82.11 held within 30 days of the suspension and completed without delay.

82.12 Sec. 37. Minnesota Statutes 2018, section 214.103, subdivision 8, is amended to read:

82.13 Subd. 8. **Dismissal and reopening of a complaint.** (a) A complaint may not be dismissed
 82.14 without the concurrence of at least two board members and, upon the request of the
 82.15 complainant, a review by a representative of the attorney general's office. The designee of
 82.16 the attorney general must review before dismissal any complaints which allege any violation
 82.17 of chapter 609, any conduct which would be required to be reported under section ~~626.556~~
 82.18 ~~or 626.557~~ chapter 260E, any sexual contact or sexual conduct with a client, any violation
 82.19 of a federal law, any actual or potential inability to practice the regulated profession or
 82.20 occupation by reason of illness, use of alcohol, drugs, chemicals, or any other materials, or
 82.21 as a result of any mental or physical condition, any violation of state medical assistance
 82.22 laws, or any disciplinary action related to credentialing in another jurisdiction or country
 82.23 which was based on the same or related conduct specified in this subdivision.

82.24 (b) The board may reopen a dismissed complaint if the board receives newly discovered
 82.25 information that was not available to the board during the initial investigation of the
 82.26 complaint, or if the board receives a new complaint that indicates a pattern of behavior or
 82.27 conduct.

82.28 Sec. 38. Minnesota Statutes 2018, section 214.104, is amended to read:

82.29 **214.104 HEALTH-RELATED LICENSING BOARDS; SUBSTANTIATED**
 82.30 **MALTREATMENT.**

82.31 (a) A health-related licensing board shall make determinations as to whether regulated
 82.32 persons who are under the board's jurisdiction should be the subject of disciplinary or
 82.33 corrective action because of substantiated maltreatment under section ~~626.556~~ ~~or 626.557~~.

83.1 or chapter 260E. The board shall make a determination upon receipt, and after the review,
83.2 of an investigation memorandum or other notice of substantiated maltreatment under section
83.3 ~~626.556~~ or 626.557, chapter 260E, or of a notice from the commissioner of human services
83.4 that a background study of a regulated person shows substantiated maltreatment.

83.5 (b) Upon completion of its review of a report of substantiated maltreatment, the board
83.6 shall notify the commissioner of human services of its determination. The board shall notify
83.7 the commissioner of human services if, following a review of the report of substantiated
83.8 maltreatment, the board determines that it does not have jurisdiction in the matter and the
83.9 commissioner shall make the appropriate disqualification decision regarding the regulated
83.10 person as otherwise provided in chapter 245C. The board shall also notify the commissioner
83.11 of health or the commissioner of human services immediately upon receipt of knowledge
83.12 of a facility or program allowing a regulated person to provide direct contact services at the
83.13 facility or program while not complying with requirements placed on the regulated person.

83.14 (c) In addition to any other remedy provided by law, the board may, through its designated
83.15 board member, temporarily suspend the license of a licensee; deny a credential to an
83.16 applicant; or require the regulated person to be continuously supervised, if the board finds
83.17 there is probable cause to believe the regulated person referred to the board according to
83.18 paragraph (a) poses an immediate risk of harm to vulnerable persons. The board shall
83.19 consider all relevant information available, which may include but is not limited to:

83.20 (1) the extent the action is needed to protect persons receiving services or the public;

83.21 (2) the recency of the maltreatment;

83.22 (3) the number of incidents of maltreatment;

83.23 (4) the intrusiveness or violence of the maltreatment; and

83.24 (5) the vulnerability of the victim of maltreatment.

83.25 The action shall take effect upon written notice to the regulated person, served by certified
83.26 mail, specifying the statute violated. The board shall notify the commissioner of health or
83.27 the commissioner of human services of the suspension or denial of a credential. The action
83.28 shall remain in effect until the board issues a temporary stay or a final order in the matter
83.29 after a hearing or upon agreement between the board and the regulated person. At the time
83.30 the board issues the notice, the regulated person shall inform the board of all settings in
83.31 which the regulated person is employed or practices. The board shall inform all known
83.32 employment and practice settings of the board action and schedule a disciplinary hearing
83.33 to be held under chapter 14. The board shall provide the regulated person with at least 30

84.1 days' notice of the hearing, unless the parties agree to a hearing date that provides less than
 84.2 30 days' notice, and shall schedule the hearing to begin no later than 90 days after issuance
 84.3 of the notice of hearing.

84.4 Sec. 39. Minnesota Statutes 2019 Supplement, section 243.166, subdivision 7, is amended
 84.5 to read:

84.6 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections
 84.7 244.052 and 299C.093, the data provided under this section is private data on individuals
 84.8 under section 13.02, subdivision 12.

84.9 (b) The data may be used only by law enforcement and corrections agencies for law
 84.10 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
 84.11 the status of an individual as a predatory offender to a child protection worker with a local
 84.12 welfare agency for purposes of doing a family assessment under ~~section 626.556~~ chapter
 84.13 260E. A corrections agent may also disclose the status of an individual as a predatory
 84.14 offender to comply with section 244.057.

84.15 (c) The commissioner of human services is authorized to have access to the data for:

84.16 (1) state-operated services, as defined in section 246.014, for the purposes described in
 84.17 section 246.13, subdivision 2, paragraph (b); and

84.18 (2) purposes of completing background studies under chapter 245C.

84.19 Sec. 40. Minnesota Statutes 2018, section 245.8261, subdivision 9, is amended to read:

84.20 Subd. 9. **Conditions on use of restrictive procedures.** Restrictive procedures must not:

84.21 (1) be implemented with a child in a manner that constitutes sexual abuse, neglect, or
 84.22 physical abuse under ~~section 626.556~~ chapter 260E, the reporting of maltreatment of minors;

84.23 (2) restrict a child's normal access to a nutritious diet, drinking water, adequate ventilation,
 84.24 necessary medical care, ordinary hygiene facilities, or necessary clothing or to any protection
 84.25 required by state licensing standards and federal regulations governing the program;

84.26 (3) be used as punishment or for the convenience of staff; or

84.27 (4) deny the child visitation or contact with legal counsel and next of kin.

85.1 Sec. 41. Minnesota Statutes 2018, section 245A.04, subdivision 5, is amended to read:

85.2 Subd. 5. **Commissioner's right of access.** (a) When the commissioner is exercising the
85.3 powers conferred by this chapter ~~and~~, sections 245.69, ~~626.556~~, and 626.557, and chapter
85.4 260E, the commissioner must be given access to:

85.5 (1) the physical plant and grounds where the program is provided;

85.6 (2) documents and records, including records maintained in electronic format;

85.7 (3) persons served by the program; and

85.8 (4) staff and personnel records of current and former staff whenever the program is in
85.9 operation and the information is relevant to inspections or investigations conducted by the
85.10 commissioner. Upon request, the license holder must provide the commissioner verification
85.11 of documentation of staff work experience, training, or educational requirements.

85.12 The commissioner must be given access without prior notice and as often as the
85.13 commissioner considers necessary if the commissioner is investigating alleged maltreatment,
85.14 conducting a licensing inspection, or investigating an alleged violation of applicable laws
85.15 or rules. In conducting inspections, the commissioner may request and shall receive assistance
85.16 from other state, county, and municipal governmental agencies and departments. The
85.17 applicant or license holder shall allow the commissioner to photocopy, photograph, and
85.18 make audio and video tape recordings during the inspection of the program at the
85.19 commissioner's expense. The commissioner shall obtain a court order or the consent of the
85.20 subject of the records or the parents or legal guardian of the subject before photocopying
85.21 hospital medical records.

85.22 (b) Persons served by the program have the right to refuse to consent to be interviewed,
85.23 photographed, or audio or videotaped. Failure or refusal of an applicant or license holder
85.24 to fully comply with this subdivision is reasonable cause for the commissioner to deny the
85.25 application or immediately suspend or revoke the license.

85.26 Sec. 42. Minnesota Statutes 2018, section 245A.06, subdivision 8, is amended to read:

85.27 Subd. 8. **Requirement to post conditional license.** For licensed family child care
85.28 providers and child care centers, upon receipt of any order of conditional license issued by
85.29 the commissioner under this section, and notwithstanding a pending request for
85.30 reconsideration of the order of conditional license by the license holder, the license holder
85.31 shall post the order of conditional license in a place that is conspicuous to the people receiving
85.32 services and all visitors to the facility for two years. When the order of conditional license
85.33 is accompanied by a maltreatment investigation memorandum prepared under section

86.1 ~~626.556~~ or 626.557 or chapter 260E, the investigation memoranda must be posted with the
86.2 order of conditional license.

86.3 Sec. 43. Minnesota Statutes 2019 Supplement, section 245A.07, subdivision 3, is amended
86.4 to read:

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

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

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

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

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

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

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

86.24 (b) If the license was suspended or revoked, the notice must inform the license holder
86.25 of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts
86.26 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking
86.27 a license. The appeal of an order suspending or revoking a license must be made in writing
86.28 by certified mail or personal service. If mailed, the appeal must be postmarked and sent to
86.29 the commissioner within ten calendar days after the license holder receives notice that the
86.30 license has been suspended or revoked. If a request is made by personal service, it must be
86.31 received by the commissioner within ten calendar days after the license holder received the
86.32 order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a
86.33 timely appeal of an order suspending or revoking a license, the license holder may continue

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

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

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

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

87.24 (4) Fines shall be assessed as follows:

87.25 (i) the license holder shall forfeit \$1,000 for each determination of maltreatment of a
87.26 child under ~~section 626.556~~ chapter 260E or the maltreatment of a vulnerable adult under
87.27 section 626.557 for which the license holder is determined responsible for the maltreatment
87.28 under ~~section 626.556, subdivision 10e, paragraph (i), 260E.30, subdivision 4, paragraphs~~
87.29 (a) and (b), or 626.557, subdivision 9c, paragraph (c);

87.30 (ii) if the commissioner determines that a determination of maltreatment for which the
87.31 license holder is responsible is the result of maltreatment that meets the definition of serious
87.32 maltreatment as defined in section 245C.02, subdivision 18, the license holder shall forfeit
87.33 \$5,000;

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

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

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

88.10 For purposes of this section, "occurrence" means each violation identified in the
88.11 commissioner's fine order. Fines assessed against a license holder that holds a license to
88.12 provide home and community-based services, as identified in section 245D.03, subdivision
88.13 1, and a community residential setting or day services facility license under chapter 245D
88.14 where the services are provided, may be assessed against both licenses for the same
88.15 occurrence, but the combined amount of the fines shall not exceed the amount specified in
88.16 this clause for that occurrence.

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

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

88.29 Sec. 44. Minnesota Statutes 2018, section 245A.07, subdivision 5, is amended to read:

88.30 Subd. 5. **Requirement to post licensing order or fine.** For licensed family child care
88.31 providers and child care centers, upon receipt of any order of license suspension, temporary
88.32 immediate suspension, fine, or revocation issued by the commissioner under this section,
88.33 and notwithstanding a pending appeal of the order of license suspension, temporary

89.1 immediate suspension, fine, or revocation by the license holder, the license holder shall
 89.2 post the order of license suspension, temporary immediate suspension, fine, or revocation
 89.3 in a place that is conspicuous to the people receiving services and all visitors to the facility
 89.4 for two years. When the order of license suspension, temporary immediate suspension, fine,
 89.5 or revocation is accompanied by a maltreatment investigation memorandum prepared under
 89.6 section ~~626.556~~ or 626.557 or chapter 260E, the investigation memoranda must be posted
 89.7 with the order of license suspension, temporary immediate suspension, fine, or revocation.

89.8 Sec. 45. Minnesota Statutes 2018, section 245A.08, subdivision 2a, is amended to read:

89.9 Subd. 2a. **Consolidated contested case hearings.** (a) When a denial of a license under
 89.10 section 245A.05 or a licensing sanction under section 245A.07, subdivision 3, is based on
 89.11 a disqualification for which reconsideration was timely requested and which was not set
 89.12 aside under section 245C.22, the scope of the contested case hearing shall include the
 89.13 disqualification and the licensing sanction or denial of a license, unless otherwise specified
 89.14 in this subdivision. When the licensing sanction or denial of a license is based on a
 89.15 determination of maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, or a
 89.16 disqualification for serious or recurring maltreatment which was not set aside, the scope of
 89.17 the contested case hearing shall include the maltreatment determination, disqualification,
 89.18 and the licensing sanction or denial of a license, unless otherwise specified in this subdivision.
 89.19 In such cases, a fair hearing under section 256.045 shall not be conducted as provided for
 89.20 in sections 245C.27, ~~626.556, subdivision 10;~~ 260E.33, and 626.557, subdivision 9d.

89.21 (b) Except for family child care and child foster care, reconsideration of a maltreatment
 89.22 determination under sections ~~626.556, subdivision 10;~~ 260E.33 and 626.557, subdivision
 89.23 9d, and reconsideration of a disqualification under section 245C.22, shall not be conducted
 89.24 when:

89.25 (1) a denial of a license under section 245A.05, or a licensing sanction under section
 89.26 245A.07, is based on a determination that the license holder is responsible for maltreatment
 89.27 or the disqualification of a license holder is based on serious or recurring maltreatment;

89.28 (2) the denial of a license or licensing sanction is issued at the same time as the
 89.29 maltreatment determination or disqualification; and

89.30 (3) the license holder appeals the maltreatment determination or disqualification, and
 89.31 denial of a license or licensing sanction. In these cases, a fair hearing shall not be conducted
 89.32 under sections 245C.27, ~~626.556, subdivision 10;~~ 260E.33, and 626.557, subdivision 9d.
 89.33 The scope of the contested case hearing must include the maltreatment determination,
 89.34 disqualification, and denial of a license or licensing sanction.

90.1 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
90.2 determination or disqualification, but does not appeal the denial of a license or a licensing
90.3 sanction, reconsideration of the maltreatment determination shall be conducted under sections
90.4 ~~626.556, subdivision 10i~~, 260E.33 and 626.557, subdivision 9d, and reconsideration of the
90.5 disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall
90.6 also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i~~ 260E.33,
90.7 and 626.557, subdivision 9d.

90.8 (c) In consolidated contested case hearings regarding sanctions issued in family child
90.9 care, child foster care, family adult day services, adult foster care, and community residential
90.10 settings, the county attorney shall defend the commissioner's orders in accordance with
90.11 section 245A.16, subdivision 4.

90.12 (d) The commissioner's final order under subdivision 5 is the final agency action on the
90.13 issue of maltreatment and disqualification, including for purposes of subsequent background
90.14 studies under chapter 245C and is the only administrative appeal of the final agency
90.15 determination, specifically, including a challenge to the accuracy and completeness of data
90.16 under section 13.04.

90.17 (e) When consolidated hearings under this subdivision involve a licensing sanction based
90.18 on a previous maltreatment determination for which the commissioner has issued a final
90.19 order in an appeal of that determination under section 256.045, or the individual failed to
90.20 exercise the right to appeal the previous maltreatment determination under section ~~626.556,~~
90.21 ~~subdivision 10i~~, 260E.33 or 626.557, subdivision 9d, the commissioner's order is conclusive
90.22 on the issue of maltreatment. In such cases, the scope of the administrative law judge's
90.23 review shall be limited to the disqualification and the licensing sanction or denial of a license.
90.24 In the case of a denial of a license or a licensing sanction issued to a facility based on a
90.25 maltreatment determination regarding an individual who is not the license holder or a
90.26 household member, the scope of the administrative law judge's review includes the
90.27 maltreatment determination.

90.28 (f) The hearings of all parties may be consolidated into a single contested case hearing
90.29 upon consent of all parties and the administrative law judge, if:

90.30 (1) a maltreatment determination or disqualification, which was not set aside under
90.31 section 245C.22, is the basis for a denial of a license under section 245A.05 or a licensing
90.32 sanction under section 245A.07;

90.33 (2) the disqualified subject is an individual other than the license holder and upon whom
90.34 a background study must be conducted under section 245C.03; and

91.1 (3) the individual has a hearing right under section 245C.27.

91.2 (g) When a denial of a license under section 245A.05 or a licensing sanction under
 91.3 section 245A.07 is based on a disqualification for which reconsideration was requested and
 91.4 was not set aside under section 245C.22, and the individual otherwise has no hearing right
 91.5 under section 245C.27, the scope of the administrative law judge's review shall include the
 91.6 denial or sanction and a determination whether the disqualification should be set aside,
 91.7 unless section 245C.24 prohibits the set-aside of the disqualification. In determining whether
 91.8 the disqualification should be set aside, the administrative law judge shall consider the
 91.9 factors under section 245C.22, subdivision 4, to determine whether the individual poses a
 91.10 risk of harm to any person receiving services from the license holder.

91.11 (h) Notwithstanding section 245C.30, subdivision 5, when a licensing sanction under
 91.12 section 245A.07 is based on the termination of a variance under section 245C.30, subdivision
 91.13 4, the scope of the administrative law judge's review shall include the sanction and a
 91.14 determination whether the disqualification should be set aside, unless section 245C.24
 91.15 prohibits the set-aside of the disqualification. In determining whether the disqualification
 91.16 should be set aside, the administrative law judge shall consider the factors under section
 91.17 245C.22, subdivision 4, to determine whether the individual poses a risk of harm to any
 91.18 person receiving services from the license holder.

91.19 Sec. 46. Minnesota Statutes 2018, section 245A.085, is amended to read:

91.20 **245A.085 CONSOLIDATION OF HEARINGS; RECONSIDERATION.**

91.21 Hearings authorized under this chapter, ~~chapter 245C,~~ and sections 256.045, 256B.04,
 91.22 ~~626.556,~~ and 626.557, and chapters 245C and 260E, shall be consolidated if feasible and
 91.23 in accordance with other applicable statutes and rules. Reconsideration under sections
 91.24 245C.28; ~~626.556, subdivision 10;~~ 260E.33; and 626.557, subdivision 9d, shall also be
 91.25 consolidated if feasible.

91.26 Sec. 47. Minnesota Statutes 2018, section 245A.11, subdivision 7b, is amended to read:

91.27 Subd. 7b. **Adult foster care data privacy and security.** (a) An adult foster care or
 91.28 community residential setting license holder who creates, collects, records, maintains, stores,
 91.29 or discloses any individually identifiable recipient data, whether in an electronic or any
 91.30 other format, must comply with the privacy and security provisions of applicable privacy
 91.31 laws and regulations, including:

92.1 (1) the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA),
92.2 Public Law 104-1; and the HIPAA Privacy Rule, Code of Federal Regulations, title 45, part
92.3 160, and subparts A and E of part 164; and

92.4 (2) the Minnesota Government Data Practices Act as codified in chapter 13.

92.5 (b) For purposes of licensure, the license holder shall be monitored for compliance with
92.6 the following data privacy and security provisions:

92.7 (1) the license holder must control access to data on residents served by the program
92.8 according to the definitions of public and private data on individuals under section 13.02;
92.9 classification of the data on individuals as private under section 13.46, subdivision 2; and
92.10 control over the collection, storage, use, access, protection, and contracting related to data
92.11 according to section 13.05, in which the license holder is assigned the duties of a government
92.12 entity;

92.13 (2) the license holder must provide each resident served by the program with a notice
92.14 that meets the requirements under section 13.04, in which the license holder is assigned the
92.15 duties of the government entity, and that meets the requirements of Code of Federal
92.16 Regulations, title 45, part 164.52. The notice shall describe the purpose for collection of
92.17 the data, and to whom and why it may be disclosed pursuant to law. The notice must inform
92.18 the individual that the license holder uses electronic monitoring and, if applicable, that
92.19 recording technology is used;

92.20 (3) the license holder must not install monitoring cameras in bathrooms;

92.21 (4) electronic monitoring cameras must not be concealed from the residents served by
92.22 the program; and

92.23 (5) electronic video and audio recordings of residents served by the program shall be
92.24 stored by the license holder for five days unless: (i) a resident served by the program or
92.25 legal representative requests that the recording be held longer based on a specific report of
92.26 alleged maltreatment; or (ii) the recording captures an incident or event of alleged
92.27 maltreatment under section ~~626.556~~ or 626.557 or chapter 260E or a crime under chapter
92.28 609. When requested by a resident served by the program or when a recording captures an
92.29 incident or event of alleged maltreatment or a crime, the license holder must maintain the
92.30 recording in a secured area for no longer than 30 days to give the investigating agency an
92.31 opportunity to make a copy of the recording. The investigating agency will maintain the
92.32 electronic video or audio recordings as required in section 626.557, subdivision 12b.

93.1 (c) The commissioner shall develop, and make available to license holders and county
 93.2 licensing workers, a checklist of the data privacy provisions to be monitored for purposes
 93.3 of licensure.

93.4 Sec. 48. Minnesota Statutes 2019 Supplement, section 245A.145, subdivision 1, is amended
 93.5 to read:

93.6 Subdivision 1. **Policies and procedures.** (a) The Department of Human Services must
 93.7 develop policies and procedures for reporting suspected child maltreatment that fulfill the
 93.8 requirements in ~~section 626.556~~ chapter 260E and provide the policies and procedures to
 93.9 all licensed child care providers. The policies and procedures must be written in plain
 93.10 language.

93.11 (b) The policies and procedures required in paragraph (a) must:

93.12 (1) be provided to the parents of all children at the time of enrollment in the child care
 93.13 program; and

93.14 (2) be made available upon request.

93.15 Sec. 49. Minnesota Statutes 2019 Supplement, section 245A.40, subdivision 1, is amended
 93.16 to read:

93.17 Subdivision 1. **Orientation.** (a) The child care center license holder must ensure that
 93.18 the director, staff persons, substitutes, and unsupervised volunteers are given orientation
 93.19 training and successfully complete the training before starting assigned duties. The orientation
 93.20 training must include information about:

93.21 (1) the center's philosophy, child care program, and procedures for maintaining health
 93.22 and safety according to section 245A.41 and Minnesota Rules, part 9503.0140, and handling
 93.23 emergencies and accidents according to Minnesota Rules, part 9503.0110;

93.24 (2) specific job responsibilities;

93.25 (3) the behavior guidance standards in Minnesota Rules, part 9503.0055;

93.26 (4) the reporting responsibilities in ~~section 626.556~~, chapter 260E and Minnesota Rules,
 93.27 part 9503.0130;

93.28 (5) the center's drug and alcohol policy under section 245A.04, subdivision 1, paragraph
 93.29 (c);

93.30 (6) the center's risk reduction plan as required under section 245A.66, subdivision 2;

94.1 (7) at least one-half hour of training on the standards under section 245A.1435 and on
 94.2 reducing the risk of sudden unexpected infant death as required in subdivision 5, if applicable;

94.3 (8) at least one-half hour of training on the risk of abusive head trauma as required for
 94.4 the director and staff under subdivision 5a, if applicable; and

94.5 (9) training required by a child's individual child care program plan as required under
 94.6 Minnesota Rules, part 9503.0065, subpart 3, if applicable.

94.7 (b) In addition to paragraph (a), before having unsupervised direct contact with a child,
 94.8 the director and staff persons within the first 90 days of employment, and substitutes and
 94.9 unsupervised volunteers within 90 days after the first date of direct contact with a child,
 94.10 must complete:

94.11 (1) pediatric first aid, in accordance with subdivision 3; and

94.12 (2) pediatric cardiopulmonary resuscitation, in accordance with subdivision 4.

94.13 (c) In addition to paragraph (b), the director and staff persons within the first 90 days
 94.14 of employment, and substitutes and unsupervised volunteers within 90 days from the first
 94.15 date of direct contact with a child, must complete training in child development, in accordance
 94.16 with subdivision 2.

94.17 (d) The license holder must ensure that documentation, as required in subdivision 10,
 94.18 identifies the number of hours completed for each topic with a minimum training time
 94.19 identified, if applicable, and that all required content is included.

94.20 (e) Training in this subdivision must not be used to meet in-service training requirements
 94.21 in subdivision 7.

94.22 (f) Training completed within the previous 12 months under paragraphs (a), clauses (7)
 94.23 and (8), and (c) are transferable to another child care center.

94.24 Sec. 50. Minnesota Statutes 2018, section 245C.05, subdivision 6, is amended to read:

94.25 Subd. 6. **Applicant, license holder, other entities, and agencies.** (a) The applicant,
 94.26 license holder, other entities as provided in this chapter, Bureau of Criminal Apprehension,
 94.27 law enforcement agencies, commissioner of health, and county agencies shall help with the
 94.28 study by giving the commissioner criminal conviction data and reports about the maltreatment
 94.29 of adults substantiated under section 626.557 and the maltreatment of minors substantiated
 94.30 under ~~section 626.556~~ chapter 260E.

94.31 (b) If a background study is initiated by an applicant, license holder, or other entities as
 94.32 provided in this chapter, and the applicant, license holder, or other entity receives information

95.1 about the possible criminal or maltreatment history of an individual who is the subject of
 95.2 the background study, the applicant, license holder, or other entity must immediately provide
 95.3 the information to the commissioner.

95.4 (c) The program or county or other agency must provide written notice to the individual
 95.5 who is the subject of the background study of the requirements under this subdivision.

95.6 Sec. 51. Minnesota Statutes 2018, section 245C.15, subdivision 4, is amended to read:

95.7 Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section
 95.8 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed,
 95.9 if any, for the offense; and (2) the individual has committed a misdemeanor-level violation
 95.10 of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182
 95.11 (fraud); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.2112,
 95.12 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first
 95.13 degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree);
 95.14 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242
 95.15 (domestic assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure
 95.16 to report maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the
 95.17 third degree); 609.27 (coercion); violation of an order for protection under 609.3232
 95.18 (protective order authorized; procedures; penalties); 609.466 (medical assistance fraud);
 95.19 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft);
 95.20 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.611
 95.21 (insurance fraud); 609.66 (dangerous weapons); 609.665 (spring guns); 609.746 (interference
 95.22 with privacy); 609.79 (obscene or harassing telephone calls); 609.795 (letter, telegram, or
 95.23 package; opening; harassment); 609.82 (fraud in obtaining credit); 609.821 (financial
 95.24 transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.293 (harmful
 95.25 materials; dissemination and display to minors prohibited); or Minnesota Statutes 2012,
 95.26 section 609.21; or violation of an order for protection under section 518B.01 (Domestic
 95.27 Abuse Act).

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

95.30 (1) failure to make required reports under section ~~626.556, subdivision 3~~, 260E.06 or
 95.31 626.557, subdivision 3, for incidents in which: (i) the final disposition under section ~~626.556~~
 95.32 ~~or 626.557~~ or chapter 260E was substantiated maltreatment, and (ii) the maltreatment was
 95.33 recurring or serious; or

96.1 (2) substantiated serious or recurring maltreatment of a minor under ~~section 626.556~~
96.2 chapter 260E, a vulnerable adult under section 626.557, or serious or recurring maltreatment
96.3 in any other state, the elements of which are substantially similar to the elements of
96.4 maltreatment under section ~~626.556~~ or 626.557 or chapter 260E for which: (i) there is a
96.5 preponderance of evidence that the maltreatment occurred, and (ii) the subject was
96.6 responsible for the maltreatment.

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

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

96.15 (e) When a disqualification is based on a judicial determination other than a conviction,
96.16 the disqualification period begins from the date of the court order. When a disqualification
96.17 is based on an admission, the disqualification period begins from the date of an admission
96.18 in court. When a disqualification is based on an Alford Plea, the disqualification period
96.19 begins from the date the Alford Plea is entered in court. When a disqualification is based
96.20 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
96.21 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
96.22 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

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

96.25 Sec. 52. Minnesota Statutes 2018, section 245C.16, subdivision 1, is amended to read:

96.26 Subdivision 1. **Determining immediate risk of harm.** (a) If the commissioner determines
96.27 that the individual studied has a disqualifying characteristic, the commissioner shall review
96.28 the information immediately available and make a determination as to the subject's immediate
96.29 risk of harm to persons served by the program where the individual studied will have direct
96.30 contact with, or access to, people receiving services.

96.31 (b) The commissioner shall consider all relevant information available, including the
96.32 following factors in determining the immediate risk of harm:

96.33 (1) the recency of the disqualifying characteristic;

- 97.1 (2) the recency of discharge from probation for the crimes;
- 97.2 (3) the number of disqualifying characteristics;
- 97.3 (4) the intrusiveness or violence of the disqualifying characteristic;
- 97.4 (5) the vulnerability of the victim involved in the disqualifying characteristic;
- 97.5 (6) the similarity of the victim to the persons served by the program where the individual
- 97.6 studied will have direct contact;
- 97.7 (7) whether the individual has a disqualification from a previous background study that
- 97.8 has not been set aside; and
- 97.9 (8) if the individual has a disqualification which may not be set aside because it is a
- 97.10 permanent bar under section 245C.24, subdivision 1, or the individual is a child care
- 97.11 background study subject who has a felony-level conviction for a drug-related offense in
- 97.12 the last five years, the commissioner may order the immediate removal of the individual
- 97.13 from any position allowing direct contact with, or access to, persons receiving services from
- 97.14 the program.
- 97.15 (c) This section does not apply when the subject of a background study is regulated by
- 97.16 a health-related licensing board as defined in chapter 214, and the subject is determined to
- 97.17 be responsible for substantiated maltreatment under section ~~626.556~~ or 626.557 or chapter
- 97.18 260E.
- 97.19 (d) This section does not apply to a background study related to an initial application
- 97.20 for a child foster care license.
- 97.21 (e) Except for paragraph (f), this section does not apply to a background study that is
- 97.22 also subject to the requirements under section 256B.0659, subdivisions 11 and 13, for a
- 97.23 personal care assistant or a qualified professional as defined in section 256B.0659,
- 97.24 subdivision 1.
- 97.25 (f) If the commissioner has reason to believe, based on arrest information or an active
- 97.26 maltreatment investigation, that an individual poses an imminent risk of harm to persons
- 97.27 receiving services, the commissioner may order that the person be continuously supervised
- 97.28 or immediately removed pending the conclusion of the maltreatment investigation or criminal
- 97.29 proceedings.

97.30 Sec. 53. Minnesota Statutes 2018, section 245C.17, subdivision 3, is amended to read:

97.31 Subd. 3. **Disqualification notification.** (a) The commissioner shall notify an applicant,

97.32 license holder, or other entity as provided in this chapter who is not the subject of the study:

98.1 (1) that the commissioner has found information that disqualifies the individual studied
98.2 from being in a position allowing direct contact with, or access to, people served by the
98.3 program; and

98.4 (2) the commissioner's determination of the individual's risk of harm under section
98.5 245C.16.

98.6 (b) If the commissioner determines under section 245C.16 that an individual studied
98.7 poses an imminent risk of harm to persons served by the program where the individual
98.8 studied will have direct contact with, or access to, people served by the program, the
98.9 commissioner shall order the license holder to immediately remove the individual studied
98.10 from any position allowing direct contact with, or access to, people served by the program.

98.11 (c) If the commissioner determines under section 245C.16 that an individual studied
98.12 poses a risk of harm that requires continuous, direct supervision, the commissioner shall
98.13 order the applicant, license holder, or other entities as provided in this chapter to:

98.14 (1) immediately remove the individual studied from any position allowing direct contact
98.15 with, or access to, people receiving services; or

98.16 (2) before allowing the disqualified individual to be in a position allowing direct contact
98.17 with, or access to, people receiving services, the applicant, license holder, or other entity,
98.18 as provided in this chapter, must:

98.19 (i) obtain from the disqualified individual a copy of the individual's notice of
98.20 disqualification from the commissioner that explains the reason for disqualification;

98.21 (ii) ensure that the individual studied is under continuous, direct supervision when in a
98.22 position allowing direct contact with, or access to, people receiving services during the
98.23 period in which the individual may request a reconsideration of the disqualification under
98.24 section 245C.21; and

98.25 (iii) ensure that the disqualified individual requests reconsideration within 30 days of
98.26 receipt of the notice of disqualification.

98.27 (d) If the commissioner determines under section 245C.16 that an individual studied
98.28 does not pose a risk of harm that requires continuous, direct supervision, the commissioner
98.29 shall order the applicant, license holder, or other entities as provided in this chapter to:

98.30 (1) immediately remove the individual studied from any position allowing direct contact
98.31 with, or access to, people receiving services; or

99.1 (2) before allowing the disqualified individual to be in any position allowing direct
 99.2 contact with, or access to, people receiving services, the applicant, license holder, or other
 99.3 entity as provided in this chapter must:

99.4 (i) obtain from the disqualified individual a copy of the individual's notice of
 99.5 disqualification from the commissioner that explains the reason for disqualification; and

99.6 (ii) ensure that the disqualified individual requests reconsideration within 15 days of
 99.7 receipt of the notice of disqualification.

99.8 (e) The commissioner shall not notify the applicant, license holder, or other entity as
 99.9 provided in this chapter of the information contained in the subject's background study
 99.10 unless:

99.11 (1) the basis for the disqualification is failure to cooperate with the background study
 99.12 or substantiated maltreatment under section ~~626.556~~ or 626.557 or chapter 260E;

99.13 (2) the Data Practices Act under chapter 13 provides for release of the information; or

99.14 (3) the individual studied authorizes the release of the information.

99.15 Sec. 54. Minnesota Statutes 2018, section 245C.21, subdivision 2, is amended to read:

99.16 Subd. 2. **Time frame for requesting reconsideration.** (a) When the commissioner
 99.17 sends an individual a notice of disqualification based on a finding under section 245C.16,
 99.18 subdivision 2, paragraph (a), clause (1) or (2), the disqualified individual must submit the
 99.19 request for a reconsideration within 30 calendar days of the individual's receipt of the notice
 99.20 of disqualification. If mailed, the request for reconsideration must be postmarked and sent
 99.21 to the commissioner within 30 calendar days of the individual's receipt of the notice of
 99.22 disqualification. If a request for reconsideration is made by personal service, it must be
 99.23 received by the commissioner within 30 calendar days after the individual's receipt of the
 99.24 notice of disqualification. Upon showing that the information under subdivision 3 cannot
 99.25 be obtained within 30 days, the disqualified individual may request additional time, not to
 99.26 exceed 30 days, to obtain the information.

99.27 (b) When the commissioner sends an individual a notice of disqualification based on a
 99.28 finding under section 245C.16, subdivision 2, paragraph (a), clause (3), the disqualified
 99.29 individual must submit the request for reconsideration within 15 calendar days of the
 99.30 individual's receipt of the notice of disqualification. If mailed, the request for reconsideration
 99.31 must be postmarked and sent to the commissioner within 15 calendar days of the individual's
 99.32 receipt of the notice of disqualification. If a request for reconsideration is made by personal

100.1 service, it must be received by the commissioner within 15 calendar days after the individual's
100.2 receipt of the notice of disqualification.

100.3 (c) An individual who was determined to have maltreated a child under ~~section 626.556~~
100.4 chapter 260E or a vulnerable adult under section 626.557, and who is disqualified on the
100.5 basis of serious or recurring maltreatment, may request a reconsideration of both the
100.6 maltreatment and the disqualification determinations. The request must be submitted within
100.7 30 calendar days of the individual's receipt of the notice of disqualification. If mailed, the
100.8 request for reconsideration must be postmarked and sent to the commissioner within 30
100.9 calendar days of the individual's receipt of the notice of disqualification. If a request for
100.10 reconsideration is made by personal service, it must be received by the commissioner within
100.11 30 calendar days after the individual's receipt of the notice of disqualification.

100.12 (d) Except for family child care and child foster care, reconsideration of a maltreatment
100.13 determination under sections ~~626.556, subdivision 10i,~~ 260E.33 and 626.557, subdivision
100.14 9d, and reconsideration of a disqualification under section 245C.22, shall not be conducted
100.15 when:

100.16 (1) a denial of a license under section 245A.05, or a licensing sanction under section
100.17 245A.07, is based on a determination that the license holder is responsible for maltreatment
100.18 or the disqualification of a license holder based on serious or recurring maltreatment;

100.19 (2) the denial of a license or licensing sanction is issued at the same time as the
100.20 maltreatment determination or disqualification; and

100.21 (3) the license holder appeals the maltreatment determination, disqualification, and
100.22 denial of a license or licensing sanction. In such cases, a fair hearing under section 256.045
100.23 must not be conducted under sections 245C.27, ~~626.556, subdivision 10i,~~ 260E.33, and
100.24 626.557, subdivision 9d. Under section 245A.08, subdivision 2a, the scope of the
100.25 consolidated contested case hearing must include the maltreatment determination,
100.26 disqualification, and denial of a license or licensing sanction.

100.27 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
100.28 determination or disqualification, but does not appeal the denial of a license or a licensing
100.29 sanction, reconsideration of the maltreatment determination shall be conducted under sections
100.30 ~~626.556, subdivision 10i,~~ 260E.33 and 626.557, subdivision 9d, and reconsideration of the
100.31 disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall
100.32 also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i,~~ 260E.33,
100.33 and 626.557, subdivision 9d.

101.1 Sec. 55. Minnesota Statutes 2018, section 245C.24, subdivision 4, is amended to read:

101.2 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not set
101.3 aside the disqualification of an individual in connection with a license to provide family
101.4 child care for children, foster care for children in the provider's home, or foster care or day
101.5 care services for adults in the provider's home if within seven years preceding the study:

101.6 (1) the individual committed an act that constitutes maltreatment of a child under ~~section~~
101.7 ~~626.556, subdivision 10e,~~ sections 260E.24, subdivisions 1, 2, and 3, and 260E.30,
101.8 subdivisions 1, 2, and 4, and the maltreatment resulted in substantial bodily harm as defined
101.9 in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by
101.10 competent psychological or psychiatric evidence; or

101.11 (2) the individual was determined under section 626.557 to be the perpetrator of a
101.12 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial
101.13 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional
101.14 harm as supported by competent psychological or psychiatric evidence.

101.15 Sec. 56. Minnesota Statutes 2018, section 245C.25, is amended to read:

101.16 **245C.25 CONSOLIDATED RECONSIDERATION OF MALTREATMENT**
101.17 **DETERMINATION AND DISQUALIFICATION.**

101.18 If an individual is disqualified on the basis of a determination of maltreatment under
101.19 section ~~626.556 or~~ 626.557 or chapter 260E, which was serious or recurring, and the
101.20 individual requests reconsideration of the maltreatment determination under section ~~626.556,~~
101.21 ~~subdivision 10i,~~ 260E.33 or 626.557, subdivision 9d, and also requests reconsideration of
101.22 the disqualification under section 245C.21, the commissioner shall consolidate the
101.23 reconsideration of the maltreatment determination and the disqualification into a single
101.24 reconsideration.

101.25 Sec. 57. Minnesota Statutes 2018, section 245C.27, subdivision 1, is amended to read:

101.26 Subdivision 1. **Fair hearing following a reconsideration decision.** (a) An individual
101.27 who is disqualified on the basis of a preponderance of evidence that the individual committed
101.28 an act or acts that meet the definition of any of the crimes listed in section 245C.15; for a
101.29 determination under section ~~626.556 or~~ 626.557 or chapter 260E of substantiated
101.30 maltreatment that was serious or recurring under section 245C.15; or for failure to make
101.31 required reports under section ~~626.556, subdivision 3;~~ 260E.06, subdivision 1 or 2; 260E.11,
101.32 subdivision 1; or 626.557, subdivision 3, pursuant to section 245C.15, subdivision 4,

102.1 paragraph (b), clause (1), may request a fair hearing under section 256.045, following a
102.2 reconsideration decision issued under section 245C.23, unless the disqualification is deemed
102.3 conclusive under section 245C.29.

102.4 (b) The fair hearing is the only administrative appeal of the final agency determination
102.5 for purposes of appeal by the disqualified individual. The disqualified individual does not
102.6 have the right to challenge the accuracy and completeness of data under section 13.04.

102.7 (c) Except as provided under paragraph (e), if the individual was disqualified based on
102.8 a conviction of, admission to, or Alford Plea to any crimes listed in section 245C.15,
102.9 subdivisions 1 to 4, or for a disqualification under section 256.98, subdivision 8, the
102.10 reconsideration decision under section 245C.22 is the final agency determination for purposes
102.11 of appeal by the disqualified individual and is not subject to a hearing under section 256.045.
102.12 If the individual was disqualified based on a judicial determination, that determination is
102.13 treated the same as a conviction for purposes of appeal.

102.14 (d) This subdivision does not apply to a public employee's appeal of a disqualification
102.15 under section 245C.28, subdivision 3.

102.16 (e) Notwithstanding paragraph (c), if the commissioner does not set aside a
102.17 disqualification of an individual who was disqualified based on both a preponderance of
102.18 evidence and a conviction or admission, the individual may request a fair hearing under
102.19 section 256.045, unless the disqualifications are deemed conclusive under section 245C.29.
102.20 The scope of the hearing conducted under section 256.045 with regard to the disqualification
102.21 based on a conviction or admission shall be limited solely to whether the individual poses
102.22 a risk of harm, according to section 256.045, subdivision 3b. In this case, the reconsideration
102.23 decision under section 245C.22 is not the final agency decision for purposes of appeal by
102.24 the disqualified individual.

102.25 Sec. 58. Minnesota Statutes 2018, section 245C.27, subdivision 2, is amended to read:

102.26 Subd. 2. **Consolidated fair hearing following a reconsideration decision.** (a) If an
102.27 individual who is disqualified on the bases of serious or recurring maltreatment requests a
102.28 fair hearing on the maltreatment determination under section ~~626.556, subdivision 10i,~~
102.29 260E.33 or 626.557, subdivision 9d, and requests a fair hearing under this section on the
102.30 disqualification following a reconsideration decision under section 245C.23, the scope of
102.31 the fair hearing under section 256.045 shall include the maltreatment determination and the
102.32 disqualification.

103.1 (b) A fair hearing is the only administrative appeal of the final agency determination.
 103.2 The disqualified individual does not have the right to challenge the accuracy and
 103.3 completeness of data under section 13.04.

103.4 (c) This subdivision does not apply to a public employee's appeal of a disqualification
 103.5 under section 245C.28, subdivision 3.

103.6 Sec. 59. Minnesota Statutes 2018, section 245C.28, subdivision 1, is amended to read:

103.7 Subdivision 1. **License holder.** (a) If a maltreatment determination or a disqualification
 103.8 for which reconsideration was timely requested and which was not set aside is the basis for
 103.9 a denial of a license under section 245A.05 or a licensing sanction under section 245A.07,
 103.10 the license holder has the right to a contested case hearing under chapter 14 and Minnesota
 103.11 Rules, parts 1400.8505 to 1400.8612. The license holder must submit the appeal under
 103.12 section 245A.05 or 245A.07, subdivision 3.

103.13 (b) As provided under section 245A.08, subdivision 2a, if the denial of a license or
 103.14 licensing sanction is based on a disqualification for which reconsideration was timely
 103.15 requested and was not set aside, the scope of the consolidated contested case hearing must
 103.16 include:

103.17 (1) the disqualification, to the extent the license holder otherwise has a hearing right on
 103.18 the disqualification under this chapter; and

103.19 (2) the licensing sanction or denial of a license.

103.20 (c) As provided for under section 245A.08, subdivision 2a, if the denial of a license or
 103.21 licensing sanction is based on a determination of maltreatment under section ~~626.556 or~~
 103.22 626.557 or chapter 260E, or a disqualification for serious or recurring maltreatment which
 103.23 was not set aside, the scope of the contested case hearing must include:

103.24 (1) the maltreatment determination, if the maltreatment is not conclusive under section
 103.25 245C.29;

103.26 (2) the disqualification, if the disqualification is not conclusive under section 245C.29;
 103.27 and

103.28 (3) the licensing sanction or denial of a license. In such cases, a fair hearing must not
 103.29 be conducted under section 256.045. If the disqualification was based on a determination
 103.30 of substantiated serious or recurring maltreatment under section ~~626.556 or~~ 626.557 or
 103.31 chapter 260E, the appeal must be submitted under sections 245A.07, subdivision 3, ~~and~~
 103.32 ~~626.556, subdivision 10i, 260E.33,~~ or 626.557, subdivision 9d.

104.1 (d) Except for family child care and child foster care, reconsideration of a maltreatment
 104.2 determination under sections ~~626.556, subdivision 10i, 260E.33~~ and 626.557, subdivision
 104.3 9d, and reconsideration of a disqualification under section 245C.22, must not be conducted
 104.4 when:

104.5 (1) a denial of a license under section 245A.05, or a licensing sanction under section
 104.6 245A.07, is based on a determination that the license holder is responsible for maltreatment
 104.7 or the disqualification of a license holder based on serious or recurring maltreatment;

104.8 (2) the denial of a license or licensing sanction is issued at the same time as the
 104.9 maltreatment determination or disqualification; and

104.10 (3) the license holder appeals the maltreatment determination, disqualification, and
 104.11 denial of a license or licensing sanction. In such cases a fair hearing under section 256.045
 104.12 must not be conducted under sections 245C.27, ~~626.556, subdivision 10i, 260E.33~~, and
 104.13 626.557, subdivision 9d. Under section 245A.08, subdivision 2a, the scope of the
 104.14 consolidated contested case hearing must include the maltreatment determination,
 104.15 disqualification, and denial of a license or licensing sanction.

104.16 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
 104.17 determination or disqualification, but does not appeal the denial of a license or a licensing
 104.18 sanction, reconsideration of the maltreatment determination shall be conducted under sections
 104.19 ~~626.556, subdivision 10i, 260E.33~~ and 626.557, subdivision 9d, and reconsideration of the
 104.20 disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall
 104.21 also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i, 260E.33~~,
 104.22 and 626.557, subdivision 9d.

104.23 Sec. 60. Minnesota Statutes 2018, section 245C.29, subdivision 1, is amended to read:

104.24 Subdivision 1. **Conclusive maltreatment determination or disposition.** Unless
 104.25 otherwise specified in statute, a maltreatment determination or disposition under section
 104.26 ~~626.556 or 626.557~~ or chapter 260E is conclusive, if:

104.27 (1) the commissioner has issued a final order in an appeal of that determination or
 104.28 disposition under section 245A.08, subdivision 5, or 256.045;

104.29 (2) the individual did not request reconsideration of the maltreatment determination or
 104.30 disposition under section ~~626.556 or 626.557~~ or chapter 260E; or

104.31 (3) the individual did not request a hearing of the maltreatment determination or
 104.32 disposition under section 256.045.

105.1 Sec. 61. Minnesota Statutes 2018, section 245C.31, subdivision 1, is amended to read:

105.2 Subdivision 1. **Board determines disciplinary or corrective action.** (a) When the
105.3 subject of a background study is regulated by a health-related licensing board as defined in
105.4 chapter 214, and the commissioner determines that the regulated individual is responsible
105.5 for substantiated maltreatment under section ~~626.556~~ or 626.557 or chapter 260E, instead
105.6 of the commissioner making a decision regarding disqualification, the board shall make a
105.7 determination whether to impose disciplinary or corrective action under chapter 214.

105.8 (b) This section does not apply to a background study of an individual regulated by a
105.9 health-related licensing board if the individual's study is related to child foster care, adult
105.10 foster care, or family child care licensure.

105.11 Sec. 62. Minnesota Statutes 2018, section 245C.32, subdivision 2, is amended to read:

105.12 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain
105.13 and provide criminal history data from the Bureau of Criminal Apprehension, criminal
105.14 history data held by the commissioner, and data about substantiated maltreatment under
105.15 section ~~626.556~~ or 626.557 or chapter 260E, for other purposes, provided that:

105.16 (1) the background study is specifically authorized in statute; or

105.17 (2) the request is made with the informed consent of the subject of the study as provided
105.18 in section 13.05, subdivision 4.

105.19 (b) An individual making a request under paragraph (a), clause (2), must agree in writing
105.20 not to disclose the data to any other individual without the consent of the subject of the data.

105.21 (c) The commissioner may recover the cost of obtaining and providing background study
105.22 data by charging the individual or entity requesting the study a fee of no more than \$20 per
105.23 study. The fees collected under this paragraph are appropriated to the commissioner for the
105.24 purpose of conducting background studies.

105.25 (d) The commissioner shall recover the cost of obtaining background study data required
105.26 under section 524.5-118 through a fee of \$50 per study for an individual who has not lived
105.27 outside Minnesota for the past ten years, and a fee of \$100 for an individual who has resided
105.28 outside of Minnesota for any period during the ten years preceding the background study.
105.29 The commissioner shall recover, from the individual, any additional fees charged by other
105.30 states' licensing agencies that are associated with these data requests. Fees under subdivision
105.31 3 also apply when criminal history data from the National Criminal Records Repository is
105.32 required.

- 106.1 Sec. 63. Minnesota Statutes 2018, section 245D.02, subdivision 11, is amended to read:
- 106.2 Subd. 11. **Incident.** "Incident" means an occurrence which involves a person and requires
- 106.3 the program to make a response that is not a part of the program's ordinary provision of
- 106.4 services to that person, and includes:
- 106.5 (1) serious injury of a person as determined by section 245.91, subdivision 6;
- 106.6 (2) a person's death;
- 106.7 (3) any medical emergency, unexpected serious illness, or significant unexpected change
- 106.8 in an illness or medical condition of a person that requires the program to call 911, physician
- 106.9 treatment, or hospitalization;
- 106.10 (4) any mental health crisis that requires the program to call 911, a mental health crisis
- 106.11 intervention team, or a similar mental health response team or service when available and
- 106.12 appropriate;
- 106.13 (5) an act or situation involving a person that requires the program to call 911, law
- 106.14 enforcement, or the fire department;
- 106.15 (6) a person's unauthorized or unexplained absence from a program;
- 106.16 (7) conduct by a person receiving services against another person receiving services
- 106.17 that:
- 106.18 (i) is so severe, pervasive, or objectively offensive that it substantially interferes with a
- 106.19 person's opportunities to participate in or receive service or support;
- 106.20 (ii) places the person in actual and reasonable fear of harm;
- 106.21 (iii) places the person in actual and reasonable fear of damage to property of the person;
- 106.22 or
- 106.23 (iv) substantially disrupts the orderly operation of the program;
- 106.24 (8) any sexual activity between persons receiving services involving force or coercion
- 106.25 as defined under section 609.341, subdivisions 3 and 14;
- 106.26 (9) any emergency use of manual restraint as identified in section 245D.061 or successor
- 106.27 provisions; or
- 106.28 (10) a report of alleged or suspected child or vulnerable adult maltreatment under section
- 106.29 ~~626.556~~ or 626.557 or chapter 260E.

107.1 Sec. 64. Minnesota Statutes 2018, section 245D.06, subdivision 1, is amended to read:

107.2 Subdivision 1. **Incident response and reporting.** (a) The license holder must respond
107.3 to incidents under section 245D.02, subdivision 11, that occur while providing services to
107.4 protect the health and safety of and minimize risk of harm to the person.

107.5 (b) The license holder must maintain information about and report incidents to the
107.6 person's legal representative or designated emergency contact and case manager within 24
107.7 hours of an incident occurring while services are being provided, within 24 hours of discovery
107.8 or receipt of information that an incident occurred, unless the license holder has reason to
107.9 know that the incident has already been reported, or as otherwise directed in a person's
107.10 coordinated service and support plan or coordinated service and support plan addendum.
107.11 An incident of suspected or alleged maltreatment must be reported as required under
107.12 paragraph (d), and an incident of serious injury or death must be reported as required under
107.13 paragraph (e).

107.14 (c) When the incident involves more than one person, the license holder must not disclose
107.15 personally identifiable information about any other person when making the report to each
107.16 person and case manager unless the license holder has the consent of the person.

107.17 (d) Within 24 hours of reporting maltreatment as required under section ~~626.556~~ or
107.18 ~~626.557~~ or chapter 260E, the license holder must inform the case manager of the report
107.19 unless there is reason to believe that the case manager is involved in the suspected
107.20 maltreatment. The license holder must disclose the nature of the activity or occurrence
107.21 reported and the agency that received the report.

107.22 (e) The license holder must report the death or serious injury of the person as required
107.23 in paragraph (b) and to the Department of Human Services Licensing Division, and the
107.24 Office of Ombudsman for Mental Health and Developmental Disabilities as required under
107.25 section 245.94, subdivision 2a, within 24 hours of the death or serious injury, or receipt of
107.26 information that the death or serious injury occurred, unless the license holder has reason
107.27 to know that the death or serious injury has already been reported.

107.28 (f) When a death or serious injury occurs in a facility certified as an intermediate care
107.29 facility for persons with developmental disabilities, the death or serious injury must be
107.30 reported to the Department of Health, Office of Health Facility Complaints, and the Office
107.31 of Ombudsman for Mental Health and Developmental Disabilities, as required under sections
107.32 245.91 and 245.94, subdivision 2a, unless the license holder has reason to know that the
107.33 death or serious injury has already been reported.

108.1 (g) The license holder must conduct an internal review of incident reports of deaths and
108.2 serious injuries that occurred while services were being provided and that were not reported
108.3 by the program as alleged or suspected maltreatment, for identification of incident patterns,
108.4 and implementation of corrective action as necessary to reduce occurrences. The review
108.5 must include an evaluation of whether related policies and procedures were followed,
108.6 whether the policies and procedures were adequate, whether there is a need for additional
108.7 staff training, whether the reported event is similar to past events with the persons or the
108.8 services involved, and whether there is a need for corrective action by the license holder to
108.9 protect the health and safety of persons receiving services. Based on the results of this
108.10 review, the license holder must develop, document, and implement a corrective action plan
108.11 designed to correct current lapses and prevent future lapses in performance by staff or the
108.12 license holder, if any.

108.13 (h) The license holder must verbally report the emergency use of manual restraint of a
108.14 person as required in paragraph (b) within 24 hours of the occurrence. The license holder
108.15 must ensure the written report and internal review of all incident reports of the emergency
108.16 use of manual restraints are completed according to the requirements in section 245D.061
108.17 or successor provisions.

108.18 Sec. 65. Minnesota Statutes 2018, section 245D.06, subdivision 6, is amended to read:

108.19 Subd. 6. **Restricted procedures.** (a) The following procedures are allowed when the
108.20 procedures are implemented in compliance with the standards governing their use as
108.21 identified in clauses (1) to (3). Allowed but restricted procedures include:

108.22 (1) permitted actions and procedures subject to the requirements in subdivision 7;

108.23 (2) procedures identified in a positive support transition plan subject to the requirements
108.24 in subdivision 8; or

108.25 (3) emergency use of manual restraint subject to the requirements in section 245D.061.

108.26 (b) A restricted procedure identified in paragraph (a) must not:

108.27 (1) be implemented with a child in a manner that constitutes sexual abuse, neglect,
108.28 physical abuse, or mental injury, as defined in section ~~626.556, subdivision 2~~ 260E.03;

108.29 (2) be implemented with an adult in a manner that constitutes abuse or neglect as defined
108.30 in section 626.5572, subdivision 2 or 17;

108.31 (3) be implemented in a manner that violates a person's rights identified in section
108.32 245D.04;

109.1 (4) restrict a person's normal access to a nutritious diet, drinking water, adequate
109.2 ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions,
109.3 necessary clothing, or any protection required by state licensing standards or federal
109.4 regulations governing the program;

109.5 (5) deny the person visitation or ordinary contact with legal counsel, a legal representative,
109.6 or next of kin;

109.7 (6) be used for the convenience of staff, as punishment, as a substitute for adequate
109.8 staffing, or as a consequence if the person refuses to participate in the treatment or services
109.9 provided by the program;

109.10 (7) use prone restraint. For purposes of this section, "prone restraint" means use of
109.11 manual restraint that places a person in a face-down position. Prone restraint does not include
109.12 brief physical holding of a person who, during an emergency use of manual restraint, rolls
109.13 into a prone position, if the person is restored to a standing, sitting, or side-lying position
109.14 as quickly as possible;

109.15 (8) apply back or chest pressure while a person is in a prone position as identified in
109.16 clause (7), supine position, or side-lying position; or

109.17 (9) be implemented in a manner that is contraindicated for any of the person's known
109.18 medical or psychological limitations.

109.19 Sec. 66. Minnesota Statutes 2018, section 245D.09, subdivision 4, is amended to read:

109.20 Subd. 4. **Orientation to program requirements.** Except for a license holder who does
109.21 not supervise any direct support staff, within 60 calendar days of hire, unless stated otherwise,
109.22 the license holder must provide and ensure completion of orientation sufficient to create
109.23 staff competency for direct support staff that combines supervised on-the-job training with
109.24 review of and instruction in the following areas:

109.25 (1) the job description and how to complete specific job functions, including:

109.26 (i) responding to and reporting incidents as required under section 245D.06, subdivision
109.27 1; and

109.28 (ii) following safety practices established by the license holder and as required in section
109.29 245D.06, subdivision 2;

109.30 (2) the license holder's current policies and procedures required under this chapter,
109.31 including their location and access, and staff responsibilities related to implementation of
109.32 those policies and procedures;

110.1 (3) data privacy requirements according to sections 13.01 to 13.10 and 13.46, the federal
 110.2 Health Insurance Portability and Accountability Act of 1996 (HIPAA), and staff
 110.3 responsibilities related to complying with data privacy practices;

110.4 (4) the service recipient rights and staff responsibilities related to ensuring the exercise
 110.5 and protection of those rights according to the requirements in section 245D.04;

110.6 (5) sections 245A.65, 245A.66, ~~626.556~~, and 626.557 and chapter 260E, governing
 110.7 maltreatment reporting and service planning for children and vulnerable adults, and staff
 110.8 responsibilities related to protecting persons from maltreatment and reporting maltreatment.
 110.9 This orientation must be provided within 72 hours of first providing direct contact services
 110.10 and annually thereafter according to section 245A.65, subdivision 3;

110.11 (6) the principles of person-centered service planning and delivery as identified in section
 110.12 245D.07, subdivision 1a, and how they apply to direct support service provided by the staff
 110.13 person;

110.14 (7) the safe and correct use of manual restraint on an emergency basis according to the
 110.15 requirements in section 245D.061 or successor provisions, and what constitutes the use of
 110.16 restraints, time out, and seclusion, including chemical restraint;

110.17 (8) staff responsibilities related to prohibited procedures under section 245D.06,
 110.18 subdivision 5, or successor provisions, why such procedures are not effective for reducing
 110.19 or eliminating symptoms or undesired behavior, and why such procedures are not safe;

110.20 (9) basic first aid; and

110.21 (10) other topics as determined necessary in the person's coordinated service and support
 110.22 plan by the case manager or other areas identified by the license holder.

110.23 Sec. 67. Minnesota Statutes 2018, section 245D.32, subdivision 5, is amended to read:

110.24 Subd. 5. **Investigations of alleged or suspected maltreatment.** Nothing in this section
 110.25 changes the commissioner's responsibilities to investigate alleged or suspected maltreatment
 110.26 of a minor under ~~section 626.556~~ chapter 260E or a vulnerable adult under section 626.557.

110.27 Sec. 68. Minnesota Statutes 2018, section 245F.04, subdivision 1, is amended to read:

110.28 Subdivision 1. **General application and license requirements.** An applicant for licensure
 110.29 as a clinically managed withdrawal management program or medically monitored withdrawal
 110.30 management program must meet the following requirements, except where otherwise noted.
 110.31 All programs must comply with federal requirements and the general requirements in

111.1 ~~chapters 245A and 245C and sections 626.556, 626.557, and 626.5572~~ and chapters 245A,
 111.2 245C, and 260E. A withdrawal management program must be located in a hospital licensed
 111.3 under sections 144.50 to 144.581, or must be a supervised living facility with a class B
 111.4 license from the Department of Health under Minnesota Rules, parts 4665.0100 to 4665.9900.

111.5 Sec. 69. Minnesota Statutes 2018, section 245F.15, subdivision 3, is amended to read:

111.6 Subd. 3. **Program director qualifications.** A program director must:

111.7 (1) have at least one year of work experience in direct service to individuals with
 111.8 substance use disorders or one year of work experience in the management or administration
 111.9 of direct service to individuals with substance use disorders;

111.10 (2) have a baccalaureate degree or three years of work experience in administration or
 111.11 personnel supervision in human services; and

111.12 (3) know and understand the requirements of this chapter ~~and chapters 245A and 245C,~~
 111.13 ~~and,~~ sections 253B.04, 253B.05, ~~626.556, 626.557, and 626.5572,~~ and chapters 245A, 245C,
 111.14 and 260E.

111.15 Sec. 70. Minnesota Statutes 2018, section 245F.15, subdivision 5, is amended to read:

111.16 Subd. 5. **Responsible staff person qualifications.** Each responsible staff person must
 111.17 know and understand the requirements of this chapter ~~and,~~ sections 245A.65, 253B.04,
 111.18 253B.05, ~~626.556, 626.557, and 626.5572,~~ and chapter 260E. In a clinically managed
 111.19 program, the responsible staff person must be a licensed practical nurse employed by or
 111.20 under contract with the license holder. In a medically monitored program, the responsible
 111.21 staff person must be a registered nurse, program director, or physician.

111.22 Sec. 71. Minnesota Statutes 2018, section 245F.16, subdivision 1, is amended to read:

111.23 Subdivision 1. **Policy requirements.** A license holder must have written personnel
 111.24 policies and must make them available to staff members at all times. The personnel policies
 111.25 must:

111.26 (1) ensure that a staff member's retention, promotion, job assignment, or pay are not
 111.27 affected by a good-faith communication between the staff member and the Department of
 111.28 Human Services, Department of Health, Ombudsman for Mental Health and Developmental
 111.29 Disabilities, law enforcement, or local agencies that investigate complaints regarding patient
 111.30 rights, health, or safety;

112.1 (2) include a job description for each position that specifies job responsibilities, degree
 112.2 of authority to execute job responsibilities, standards of job performance related to specified
 112.3 job responsibilities, and qualifications;

112.4 (3) provide for written job performance evaluations for staff members of the license
 112.5 holder at least annually;

112.6 (4) describe behavior that constitutes grounds for disciplinary action, suspension, or
 112.7 dismissal, including policies that address substance use problems and meet the requirements
 112.8 of section 245F.15, subdivisions 1 and 2. The policies and procedures must list behaviors
 112.9 or incidents that are considered substance use problems. The list must include:

112.10 (i) receiving treatment for substance use disorder within the period specified for the
 112.11 position in the staff qualification requirements;

112.12 (ii) substance use that has a negative impact on the staff member's job performance;

112.13 (iii) substance use that affects the credibility of treatment services with patients, referral
 112.14 sources, or other members of the community; and

112.15 (iv) symptoms of intoxication or withdrawal on the job;

112.16 (5) include policies prohibiting personal involvement with patients and policies
 112.17 prohibiting patient maltreatment as specified under ~~chapter 604~~ and sections 245A.65,
 112.18 ~~626.556~~, 626.557, and 626.5572 and chapters 260E and 604;

112.19 (6) include a chart or description of organizational structure indicating the lines of
 112.20 authority and responsibilities;

112.21 (7) include a written plan for new staff member orientation that, at a minimum, includes
 112.22 training related to the specific job functions for which the staff member was hired, program
 112.23 policies and procedures, patient needs, and the areas identified in subdivision 2, paragraphs
 112.24 (b) to (e); and

112.25 (8) include a policy on the confidentiality of patient information.

112.26 Sec. 72. Minnesota Statutes 2018, section 245F.16, subdivision 2, is amended to read:

112.27 Subd. 2. **Staff development.** (a) A license holder must ensure that each staff member
 112.28 receives orientation training before providing direct patient care and at least 30 hours of
 112.29 continuing education every two years. A written record must be kept to demonstrate
 112.30 completion of training requirements.

- 113.1 (b) Within 72 hours of beginning employment, all staff having direct patient contact
113.2 must be provided orientation on the following:
- 113.3 (1) specific license holder and staff responsibilities for patient confidentiality;
- 113.4 (2) standards governing the use of protective procedures;
- 113.5 (3) patient ethical boundaries and patient rights, including the rights of patients admitted
113.6 under chapter 253B;
- 113.7 (4) infection control procedures;
- 113.8 (5) mandatory reporting under sections 245A.65, ~~626.556~~, and 626.557; and chapter
113.9 260E, including specific training covering the facility's policies concerning obtaining patient
113.10 releases of information;
- 113.11 (6) HIV minimum standards as required in section 245A.19;
- 113.12 (7) motivational counseling techniques and identifying stages of change; and
- 113.13 (8) eight hours of training on the program's protective procedures policy required in
113.14 section 245F.09, including:
- 113.15 (i) approved therapeutic holds;
- 113.16 (ii) protective procedures used to prevent patients from imminent danger of harming
113.17 self or others;
- 113.18 (iii) the emergency conditions under which the protective procedures may be used, if
113.19 any;
- 113.20 (iv) documentation standards for using protective procedures;
- 113.21 (v) how to monitor and respond to patient distress; and
- 113.22 (vi) person-centered planning and trauma-informed care.
- 113.23 (c) All staff having direct patient contact must be provided annual training on the
113.24 following:
- 113.25 (1) infection control procedures;
- 113.26 (2) mandatory reporting under sections 245A.65, ~~626.556~~, and 626.557; and chapter
113.27 260E, including specific training covering the facility's policies concerning obtaining patient
113.28 releases of information;
- 113.29 (3) HIV minimum standards as required in section 245A.19; and
- 113.30 (4) motivational counseling techniques and identifying stages of change.

114.1 (d) All staff having direct patient contact must be provided training every two years on
114.2 the following:

114.3 (1) specific license holder and staff responsibilities for patient confidentiality;

114.4 (2) standards governing use of protective procedures, including:

114.5 (i) approved therapeutic holds;

114.6 (ii) protective procedures used to prevent patients from imminent danger of harming
114.7 self or others;

114.8 (iii) the emergency conditions under which the protective procedures may be used, if
114.9 any;

114.10 (iv) documentation standards for using protective procedures;

114.11 (v) how to monitor and respond to patient distress; and

114.12 (vi) person-centered planning and trauma-informed care; and

114.13 (3) patient ethical boundaries and patient rights, including the rights of patients admitted
114.14 under chapter 253B.

114.15 (e) Continuing education that is completed in areas outside of the required topics must
114.16 provide information to the staff person that is useful to the performance of the individual
114.17 staff person's duties.

114.18 Sec. 73. Minnesota Statutes 2018, section 245F.18, is amended to read:

114.19 **245F.18 POLICY AND PROCEDURES MANUAL.**

114.20 A license holder must develop a written policy and procedures manual that is
114.21 alphabetically indexed and has a table of contents, so that staff have immediate access to
114.22 all policies and procedures, and that consumers of the services and other authorized parties
114.23 have access to all policies and procedures. The manual must contain the following materials:

114.24 (1) a description of patient education services as required in section 245F.06;

114.25 (2) personnel policies that comply with section 245F.16;

114.26 (3) admission information and referral and discharge policies that comply with section
114.27 245F.05;

114.28 (4) a health monitoring plan that complies with section 245F.12;

114.29 (5) a protective procedures policy that complies with section 245F.09, if the program
114.30 elects to use protective procedures;

115.1 (6) policies and procedures for assuring appropriate patient-to-staff ratios that comply
115.2 with section 245F.14;

115.3 (7) policies and procedures for assessing and documenting the susceptibility for risk of
115.4 abuse to the patient as the basis for the individual abuse prevention plan required by section
115.5 245A.65;

115.6 (8) procedures for mandatory reporting as required by sections 245A.65, ~~626.556~~, and
115.7 ~~626.557~~ and chapter 260E;

115.8 (9) a medication control plan that complies with section 245F.13; and

115.9 (10) policies and procedures regarding HIV that meet the minimum standards under
115.10 section 245A.19.

115.11 Sec. 74. Minnesota Statutes 2018, section 245G.03, subdivision 1, is amended to read:

115.12 Subdivision 1. **License requirements.** (a) An applicant for a license to provide substance
115.13 use disorder treatment must comply with the general requirements in ~~chapters 245A and~~
115.14 ~~245C, sections 626.556 and~~ section 626.557, chapters 245A, 245C, and 260E, and Minnesota
115.15 Rules, chapter 9544.

115.16 (b) The commissioner may grant variances to the requirements in this chapter that do
115.17 not affect the client's health or safety if the conditions in section 245A.04, subdivision 9,
115.18 are met.

115.19 Sec. 75. Minnesota Statutes 2018, section 245G.10, subdivision 3, is amended to read:

115.20 Subd. 3. **Responsible staff member.** A treatment director must designate a staff member
115.21 who, when present in the facility, is responsible for the delivery of treatment service. A
115.22 license holder must have a designated staff member during all hours of operation. A license
115.23 holder providing room and board and treatment at the same site must have a responsible
115.24 staff member on duty 24 hours a day. The designated staff member must know and understand
115.25 the implications of this chapter, ~~and~~ sections 245A.65, ~~626.556~~, 626.557, and 626.5572,
115.26 and chapter 260E.

115.27 Sec. 76. Minnesota Statutes 2018, section 245G.11, subdivision 3, is amended to read:

115.28 Subd. 3. **Treatment directors.** A treatment director must:

115.29 (1) have at least one year of work experience in direct service to an individual with
115.30 substance use disorder or one year of work experience in the management or administration
115.31 of direct service to an individual with substance use disorder;

116.1 (2) have a baccalaureate degree or three years of work experience in administration or
 116.2 personnel supervision in human services; and

116.3 (3) know and understand the implications of this chapter, ~~chapter 245A, and sections~~
 116.4 ~~626.556, 626.557, and 626.5572, and chapters 245A and 260E.~~ Demonstration of the
 116.5 treatment director's knowledge must be documented in the personnel record.

116.6 Sec. 77. Minnesota Statutes 2018, section 245G.11, subdivision 4, is amended to read:

116.7 Subd. 4. **Alcohol and drug counselor supervisors.** An alcohol and drug counselor
 116.8 supervisor must:

116.9 (1) meet the qualification requirements in subdivision 5;

116.10 (2) have three or more years of experience providing individual and group counseling
 116.11 to individuals with substance use disorder; and

116.12 (3) know and understand the implications of this chapter ~~and~~, sections 245A.65, ~~626.556,~~
 116.13 ~~626.557, and 626.5572, and chapter 260E.~~

116.14 Sec. 78. Minnesota Statutes 2019 Supplement, section 245G.12, is amended to read:

116.15 **245G.12 PROVIDER POLICIES AND PROCEDURES.**

116.16 A license holder must develop a written policies and procedures manual, indexed
 116.17 according to section 245A.04, subdivision 14, paragraph (c), that provides staff members
 116.18 immediate access to all policies and procedures and provides a client and other authorized
 116.19 parties access to all policies and procedures. The manual must contain the following
 116.20 materials:

116.21 (1) assessment and treatment planning policies, including screening for mental health
 116.22 concerns and treatment objectives related to the client's identified mental health concerns
 116.23 in the client's treatment plan;

116.24 (2) policies and procedures regarding HIV according to section 245A.19;

116.25 (3) the license holder's methods and resources to provide information on tuberculosis
 116.26 and tuberculosis screening to each client and to report a known tuberculosis infection
 116.27 according to section 144.4804;

116.28 (4) personnel policies according to section 245G.13;

116.29 (5) policies and procedures that protect a client's rights according to section 245G.15;

116.30 (6) a medical services plan according to section 245G.08;

- 117.1 (7) emergency procedures according to section 245G.16;
- 117.2 (8) policies and procedures for maintaining client records according to section 245G.09;
- 117.3 (9) procedures for reporting the maltreatment of minors according to ~~section 626.556~~
- 117.4 chapter 260E, and vulnerable adults according to sections 245A.65, 626.557, and 626.5572;
- 117.5 (10) a description of treatment services that: (i) includes the amount and type of services
- 117.6 provided; (ii) identifies which services meet the definition of group counseling under section
- 117.7 245G.01, subdivision 13a; and (iii) defines the program's treatment week;
- 117.8 (11) the methods used to achieve desired client outcomes;
- 117.9 (12) the hours of operation; and
- 117.10 (13) the target population served.

117.11 Sec. 79. Minnesota Statutes 2019 Supplement, section 245G.13, subdivision 1, is amended

117.12 to read:

117.13 Subdivision 1. **Personnel policy requirements.** A license holder must have written

117.14 personnel policies that are available to each staff member. The personnel policies must:

117.15 (1) ensure that staff member retention, promotion, job assignment, or pay are not affected

117.16 by a good faith communication between a staff member and the department, the Department

117.17 of Health, the ombudsman for mental health and developmental disabilities, law enforcement,

117.18 or a local agency for the investigation of a complaint regarding a client's rights, health, or

117.19 safety;

117.20 (2) contain a job description for each staff member position specifying responsibilities,

117.21 degree of authority to execute job responsibilities, and qualification requirements;

117.22 (3) provide for a job performance evaluation based on standards of job performance

117.23 conducted on a regular and continuing basis, including a written annual review;

117.24 (4) describe behavior that constitutes grounds for disciplinary action, suspension, or

117.25 dismissal, including policies that address staff member problematic substance use and the

117.26 requirements of section 245G.11, subdivision 1, policies prohibiting personal involvement

117.27 with a client in violation of chapter 604, and policies prohibiting client abuse described in

117.28 sections 245A.65, ~~626.556~~, 626.557, and 626.5572, and chapter 260E;

117.29 (5) identify how the program will identify whether behaviors or incidents are problematic

117.30 substance use, including a description of how the facility must address:

118.1 (i) receiving treatment for substance use within the period specified for the position in
 118.2 the staff qualification requirements, including medication-assisted treatment;

118.3 (ii) substance use that negatively impacts the staff member's job performance;

118.4 (iii) substance use that affects the credibility of treatment services with a client, referral
 118.5 source, or other member of the community;

118.6 (iv) symptoms of intoxication or withdrawal on the job; and

118.7 (v) the circumstances under which an individual who participates in monitoring by the
 118.8 health professional services program for a substance use or mental health disorder is able
 118.9 to provide services to the program's clients;

118.10 (6) include a chart or description of the organizational structure indicating lines of
 118.11 authority and responsibilities;

118.12 (7) include orientation within 24 working hours of starting for each new staff member
 118.13 based on a written plan that, at a minimum, must provide training related to the staff member's
 118.14 specific job responsibilities, policies and procedures, client confidentiality, HIV minimum
 118.15 standards, and client needs; and

118.16 (8) include policies outlining the license holder's response to a staff member with a
 118.17 behavior problem that interferes with the provision of treatment service.

118.18 Sec. 80. Minnesota Statutes 2018, section 245G.13, subdivision 2, is amended to read:

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

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

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

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

118.25 (c) Annually each staff member with direct contact must be trained on mandatory
 118.26 reporting as specified in sections 245A.65, ~~626.556, 626.5561~~, 626.557, and 626.5572, and
 118.27 chapter 260E, including specific training covering the license holder's policies for obtaining
 118.28 a release of client information.

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

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

119.9 Sec. 81. Minnesota Statutes 2019 Supplement, section 245H.11, is amended to read:

119.10 **245H.11 REPORTING.**

119.11 (a) The certification holder must comply and must have written policies for staff to
 119.12 comply with the reporting requirements for abuse and neglect specified in ~~section 626.556~~
 119.13 chapter 260E. A person mandated to report physical or sexual child abuse or neglect occurring
 119.14 within a certified center shall report the information to the commissioner.

119.15 (b) The certification holder must inform the commissioner within 24 hours of:

119.16 (1) the death of a child in the program; and

119.17 (2) any injury to a child in the program that required treatment by a physician.

119.18 Sec. 82. Minnesota Statutes 2018, section 254A.09, is amended to read:

119.19 **254A.09 CONFIDENTIALITY OF RECORDS.**

119.20 The Department of Human Services shall assure confidentiality to individuals who are
 119.21 the subject of research by the state authority or are recipients of substance misuse or substance
 119.22 use disorder information, assessment, or treatment from a licensed or approved program.
 119.23 The commissioner shall withhold from all persons not connected with the conduct of the
 119.24 research the names or other identifying characteristics of a subject of research unless the
 119.25 individual gives written permission that information relative to treatment and recovery may
 119.26 be released. Persons authorized to protect the privacy of subjects of research may not be
 119.27 compelled in any federal, state or local, civil, criminal, administrative or other proceeding
 119.28 to identify or disclose other confidential information about the individuals. Identifying
 119.29 information and other confidential information related to substance misuse or substance use
 119.30 disorder information, assessment, treatment, or aftercare services may be ordered to be
 119.31 released by the court for the purpose of civil or criminal investigations or proceedings if,
 119.32 after review of the records considered for disclosure, the court determines that the information

120.1 is relevant to the purpose for which disclosure is requested. The court shall order disclosure
120.2 of only that information which is determined relevant. In determining whether to compel
120.3 disclosure, the court shall weigh the public interest and the need for disclosure against the
120.4 injury to the patient, to the treatment relationship in the program affected and in other
120.5 programs similarly situated, and the actual or potential harm to the ability of programs to
120.6 attract and retain patients if disclosure occurs. This section does not exempt any person
120.7 from the reporting obligations under ~~section 626.556~~ chapter 260E, nor limit the use of
120.8 information reported in any proceeding arising out of the abuse or neglect of a child.
120.9 Identifying information and other confidential information related to substance misuse or
120.10 substance use disorder, assessment, treatment, or aftercare services may be ordered to be
120.11 released by the court for the purpose of civil or criminal investigations or proceedings. No
120.12 information may be released pursuant to this section that would not be released pursuant to
120.13 section 595.02, subdivision 2.

120.14 Sec. 83. Minnesota Statutes 2019 Supplement, section 254B.04, subdivision 1, is amended
120.15 to read:

120.16 Subdivision 1. **Eligibility.** (a) Persons eligible for benefits under Code of Federal
120.17 Regulations, title 25, part 20, who meet the income standards of section 256B.056,
120.18 subdivision 4, and are not enrolled in medical assistance, are entitled to chemical dependency
120.19 fund services. State money appropriated for this paragraph must be placed in a separate
120.20 account established for this purpose.

120.21 (b) Persons with dependent children who are determined to be in need of chemical
120.22 dependency treatment pursuant to an assessment under ~~section 626.556, subdivision 10,~~
120.23 260E.20, subdivision 1, or a case plan under section 260C.201, subdivision 6, or 260C.212,
120.24 shall be assisted by the local agency to access needed treatment services. Treatment services
120.25 must be appropriate for the individual or family, which may include long-term care treatment
120.26 or treatment in a facility that allows the dependent children to stay in the treatment facility.
120.27 The county shall pay for out-of-home placement costs, if applicable.

120.28 (c) Notwithstanding paragraph (a), persons enrolled in medical assistance are eligible
120.29 for room and board services under section 254B.05, subdivision 5, paragraph (b), clause
120.30 (12).

120.31 Sec. 84. Minnesota Statutes 2018, section 256.01, subdivision 12, is amended to read:

120.32 Subd. 12. **Child mortality review panel.** (a) The commissioner shall establish a child
120.33 mortality review panel to review deaths of children in Minnesota, including deaths attributed

121.1 to maltreatment or in which maltreatment may be a contributing cause and to review near
121.2 fatalities as defined in section ~~626.556, subdivision 11d~~ 260E.35. The commissioners of
121.3 health, education, and public safety and the attorney general shall each designate a
121.4 representative to the child mortality review panel. Other panel members shall be appointed
121.5 by the commissioner, including a board-certified pathologist and a physician who is a coroner
121.6 or a medical examiner. The purpose of the panel shall be to make recommendations to the
121.7 state and to county agencies for improving the child protection system, including
121.8 modifications in statute, rule, policy, and procedure.

121.9 (b) The commissioner may require a county agency to establish a local child mortality
121.10 review panel. The commissioner may establish procedures for conducting local reviews
121.11 and may require that all professionals with knowledge of a child mortality case participate
121.12 in the local review. In this section, "professional" means a person licensed to perform or a
121.13 person performing a specific service in the child protective service system. "Professional"
121.14 includes law enforcement personnel, social service agency attorneys, educators, and social
121.15 service, health care, and mental health care providers.

121.16 (c) If the commissioner of human services has reason to believe that a child's death was
121.17 caused by maltreatment or that maltreatment was a contributing cause, the commissioner
121.18 has access to not public data under chapter 13 maintained by state agencies, statewide
121.19 systems, or political subdivisions that are related to the child's death or circumstances
121.20 surrounding the care of the child. The commissioner shall also have access to records of
121.21 private hospitals as necessary to carry out the duties prescribed by this section. Access to
121.22 data under this paragraph is limited to police investigative data; autopsy records and coroner
121.23 or medical examiner investigative data; hospital, public health, or other medical records of
121.24 the child; hospital and other medical records of the child's parent that relate to prenatal care;
121.25 and records created by social service agencies that provided services to the child or family
121.26 within three years preceding the child's death. A state agency, statewide system, or political
121.27 subdivision shall provide the data upon request of the commissioner. Not public data may
121.28 be shared with members of the state or local child mortality review panel in connection with
121.29 an individual case.

121.30 (d) Notwithstanding the data's classification in the possession of any other agency, data
121.31 acquired by a local or state child mortality review panel in the exercise of its duties is
121.32 protected nonpublic or confidential data as defined in section 13.02, but may be disclosed
121.33 as necessary to carry out the purposes of the review panel. The data is not subject to subpoena
121.34 or discovery. The commissioner may disclose conclusions of the review panel, but shall
121.35 not disclose data that was classified as confidential or private data on decedents, under

122.1 section 13.10, or private, confidential, or protected nonpublic data in the disseminating
 122.2 agency, except that the commissioner may disclose local social service agency data as
 122.3 provided in section 626.556, subdivision 11d, on individual cases involving a fatality or
 122.4 near fatality of a person served by the local social service agency prior to the date of death.

122.5 (e) A person attending a child mortality review panel meeting shall not disclose what
 122.6 transpired at the meeting, except to carry out the purposes of the mortality review panel.
 122.7 The proceedings and records of the mortality review panel are protected nonpublic data as
 122.8 defined in section 13.02, subdivision 13, and are not subject to discovery or introduction
 122.9 into evidence in a civil or criminal action against a professional, the state or a county agency,
 122.10 arising out of the matters the panel is reviewing. Information, documents, and records
 122.11 otherwise available from other sources are not immune from discovery or use in a civil or
 122.12 criminal action solely because they were presented during proceedings of the review panel.
 122.13 A person who presented information before the review panel or who is a member of the
 122.14 panel shall not be prevented from testifying about matters within the person's knowledge.
 122.15 However, in a civil or criminal proceeding a person shall not be questioned about the person's
 122.16 presentation of information to the review panel or opinions formed by the person as a result
 122.17 of the review meetings.

122.18 Sec. 85. Minnesota Statutes 2019 Supplement, section 256.01, subdivision 14b, is amended
 122.19 to read:

122.20 Subd. 14b. **American Indian child welfare projects.** (a) The commissioner of human
 122.21 services may authorize projects to initiate tribal delivery of child welfare services to American
 122.22 Indian children and their parents and custodians living on the reservation. The commissioner
 122.23 has authority to solicit and determine which tribes may participate in a project. Grants may
 122.24 be issued to Minnesota Indian tribes to support the projects. The commissioner may waive
 122.25 existing state rules as needed to accomplish the projects. The commissioner may authorize
 122.26 projects to use alternative methods of (1) screening, investigating, and assessing reports of
 122.27 child maltreatment, and (2) administrative reconsideration, administrative appeal, and
 122.28 judicial appeal of maltreatment determinations, provided the alternative methods used by
 122.29 the projects comply with the provisions of ~~sections~~ section 256.045 and 626.556 and chapter
 122.30 260E that deal with the rights of individuals who are the subjects of reports or investigations,
 122.31 including notice and appeal rights and data practices requirements. The commissioner shall
 122.32 only authorize alternative methods that comply with the public policy under section 626.556,
 122.33 subdivision 1. The commissioner may seek any federal approvals necessary to carry out the
 122.34 projects as well as seek and use any funds available to the commissioner, including use of
 122.35 federal funds, foundation funds, existing grant funds, and other funds. The commissioner

123.1 is authorized to advance state funds as necessary to operate the projects. Federal
 123.2 reimbursement applicable to the projects is appropriated to the commissioner for the purposes
 123.3 of the projects. The projects must be required to address responsibility for safety, permanency,
 123.4 and well-being of children.

123.5 (b) For the purposes of this section, "American Indian child" means a person under 21
 123.6 years old and who is a tribal member or eligible for membership in one of the tribes chosen
 123.7 for a project under this subdivision and who is residing on the reservation of that tribe.

123.8 (c) In order to qualify for an American Indian child welfare project, a tribe must:

123.9 (1) be one of the existing tribes with reservation land in Minnesota;

123.10 (2) have a tribal court with jurisdiction over child custody proceedings;

123.11 (3) have a substantial number of children for whom determinations of maltreatment have
 123.12 occurred;

123.13 (4)(i) have capacity to respond to reports of abuse and neglect under ~~section 626.556~~
 123.14 chapter 260E; or (ii) have codified the tribe's screening, investigation, and assessment of
 123.15 reports of child maltreatment procedures, if authorized to use an alternative method by the
 123.16 commissioner under paragraph (a);

123.17 (5) provide a wide range of services to families in need of child welfare services; and

123.18 (6) have a tribal-state title IV-E agreement in effect.

123.19 (d) Grants awarded under this section may be used for the nonfederal costs of providing
 123.20 child welfare services to American Indian children on the tribe's reservation, including costs
 123.21 associated with:

123.22 (1) assessment and prevention of child abuse and neglect;

123.23 (2) family preservation;

123.24 (3) facilitative, supportive, and reunification services;

123.25 (4) out-of-home placement for children removed from the home for child protective
 123.26 purposes; and

123.27 (5) other activities and services approved by the commissioner that further the goals of
 123.28 providing safety, permanency, and well-being of American Indian children.

123.29 (e) When a tribe has initiated a project and has been approved by the commissioner to
 123.30 assume child welfare responsibilities for American Indian children of that tribe under this
 123.31 section, the affected county social service agency is relieved of responsibility for responding

124.1 to reports of abuse and neglect under ~~section 626.556~~ chapter 260E for those children during
124.2 the time within which the tribal project is in effect and funded. The commissioner shall
124.3 work with tribes and affected counties to develop procedures for data collection, evaluation,
124.4 and clarification of ongoing role and financial responsibilities of the county and tribe for
124.5 child welfare services prior to initiation of the project. Children who have not been identified
124.6 by the tribe as participating in the project shall remain the responsibility of the county.
124.7 Nothing in this section shall alter responsibilities of the county for law enforcement or court
124.8 services.

124.9 (f) Participating tribes may conduct children's mental health screenings under section
124.10 245.4874, subdivision 1, paragraph (a), clause (12), for children who are eligible for the
124.11 initiative and living on the reservation and who meet one of the following criteria:

124.12 (1) the child must be receiving child protective services;

124.13 (2) the child must be in foster care; or

124.14 (3) the child's parents must have had parental rights suspended or terminated.

124.15 Tribes may access reimbursement from available state funds for conducting the screenings.
124.16 Nothing in this section shall alter responsibilities of the county for providing services under
124.17 section 245.487.

124.18 (g) Participating tribes may establish a local child mortality review panel. In establishing
124.19 a local child mortality review panel, the tribe agrees to conduct local child mortality reviews
124.20 for child deaths or near-fatalities occurring on the reservation under subdivision 12. Tribes
124.21 with established child mortality review panels shall have access to nonpublic data and shall
124.22 protect nonpublic data under subdivision 12, paragraphs (c) to (e). The tribe shall provide
124.23 written notice to the commissioner and affected counties when a local child mortality review
124.24 panel has been established and shall provide data upon request of the commissioner for
124.25 purposes of sharing nonpublic data with members of the state child mortality review panel
124.26 in connection to an individual case.

124.27 (h) The commissioner shall collect information on outcomes relating to child safety,
124.28 permanency, and well-being of American Indian children who are served in the projects.
124.29 Participating tribes must provide information to the state in a format and completeness
124.30 deemed acceptable by the state to meet state and federal reporting requirements.

124.31 (i) In consultation with the White Earth Band, the commissioner shall develop and submit
124.32 to the chairs and ranking minority members of the legislative committees with jurisdiction
124.33 over health and human services a plan to transfer legal responsibility for providing child

125.1 protective services to White Earth Band member children residing in Hennepin County to
125.2 the White Earth Band. The plan shall include a financing proposal, definitions of key terms,
125.3 statutory amendments required, and other provisions required to implement the plan. The
125.4 commissioner shall submit the plan by January 15, 2012.

125.5 Sec. 86. Minnesota Statutes 2018, section 256.01, subdivision 15, is amended to read:

125.6 Subd. 15. **Citizen review panels.** (a) The commissioner shall establish a minimum of
125.7 three citizen review panels to examine the policies and procedures of state and local welfare
125.8 agencies to evaluate the extent to which the agencies are effectively discharging their child
125.9 protection responsibilities. Local social service agencies shall cooperate and work with the
125.10 citizen review panels. Where appropriate, the panels may examine specific cases to evaluate
125.11 the effectiveness of child protection activities. The panels must examine the extent to which
125.12 the state and local agencies are meeting the requirements of the federal Child Abuse
125.13 Prevention and Treatment Act and the Reporting of Maltreatment of Minors Act. The
125.14 commissioner may authorize mortality review panels or child protection teams to carry out
125.15 the duties of a citizen review panel if membership meets or is expanded to meet the
125.16 requirements of this section.

125.17 (b) The panel membership must include volunteers who broadly represent the community
125.18 in which the panel is established, including members who have expertise in the prevention
125.19 and treatment of child abuse and neglect, child protection advocates, and representatives of
125.20 the councils of color and ombudsperson for families.

125.21 (c) A citizen review panel has access to the following data for specific case review under
125.22 this paragraph: police investigative data; autopsy records and coroner or medical examiner
125.23 investigative data; hospital, public health, or other medical records of the child; hospital
125.24 and other medical records of the child's parent that relate to prenatal care; records created
125.25 by social service agencies that provided services to the child or family; and personnel data
125.26 related to an employee's performance in discharging child protection responsibilities. A
125.27 state agency, statewide system, or political subdivision shall provide the data upon request
125.28 of the commissioner. Not public data may be shared with members of the state or local
125.29 citizen review panel in connection with an individual case.

125.30 (d) Notwithstanding the data's classification in the possession of any other agency, data
125.31 acquired by a local or state citizen review panel in the exercise of its duties are protected
125.32 nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary
125.33 to carry out the purposes of the review panel. The data are not subject to subpoena or
125.34 discovery. The commissioner may disclose conclusions of the review panel, but may not

126.1 disclose data on individuals that were classified as confidential or private data on individuals
126.2 in the possession of the state agency, statewide system, or political subdivision from which
126.3 the data were received, except that the commissioner may disclose local social service
126.4 agency data as provided in section ~~626.556, subdivision 11d~~ 260E.35, on individual cases
126.5 involving a fatality or near fatality of a person served by the local social service agency
126.6 prior to the date of death.

126.7 (e) A person attending a citizen review panel meeting may not disclose what transpired
126.8 at the meeting, except to carry out the purposes of the review panel. The proceedings and
126.9 records of the review panel are protected nonpublic data as defined in section 13.02,
126.10 subdivision 13, and are not subject to discovery or introduction into evidence in a civil or
126.11 criminal action against a professional, the state, or county agency arising out of the matters
126.12 the panel is reviewing. Information, documents, and records otherwise available from other
126.13 sources are not immune from discovery or use in a civil or criminal action solely because
126.14 they were presented during proceedings of the review panel. A person who presented
126.15 information before the review panel or who is a member of the panel is not prevented from
126.16 testifying about matters within the person's knowledge. However, in a civil or criminal
126.17 proceeding, a person must not be questioned about the person's presentation of information
126.18 to the review panel or opinions formed by the person as a result of the review panel meetings.

126.19 Sec. 87. Minnesota Statutes 2018, section 256.045, subdivision 3, is amended to read:

126.20 Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

126.21 (1) any person applying for, receiving or having received public assistance, medical
126.22 care, or a program of social services granted by the state agency or a county agency or the
126.23 federal Food Stamp Act whose application for assistance is denied, not acted upon with
126.24 reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed
126.25 to have been incorrectly paid;

126.26 (2) any patient or relative aggrieved by an order of the commissioner under section
126.27 252.27;

126.28 (3) a party aggrieved by a ruling of a prepaid health plan;

126.29 (4) except as provided under chapter 245C, any individual or facility determined by a
126.30 lead investigative agency to have maltreated a vulnerable adult under section 626.557 after
126.31 they have exercised their right to administrative reconsideration under section 626.557;

127.1 (5) any person whose claim for foster care payment according to a placement of the
127.2 child resulting from a child protection assessment under ~~section 626.556~~ chapter 260E is
127.3 denied or not acted upon with reasonable promptness, regardless of funding source;

127.4 (6) any person to whom a right of appeal according to this section is given by other
127.5 provision of law;

127.6 (7) an applicant aggrieved by an adverse decision to an application for a hardship waiver
127.7 under section 256B.15;

127.8 (8) an applicant aggrieved by an adverse decision to an application or redetermination
127.9 for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

127.10 (9) except as provided under chapter 245A, an individual or facility determined to have
127.11 maltreated a minor under ~~section 626.556~~ chapter 260E, after the individual or facility has
127.12 exercised the right to administrative reconsideration under ~~section 626.556~~ chapter 260E;

127.13 (10) except as provided under chapter 245C, an individual disqualified under sections
127.14 245C.14 and 245C.15, following a reconsideration decision issued under section 245C.23,
127.15 on the basis of serious or recurring maltreatment; a preponderance of the evidence that the
127.16 individual has committed an act or acts that meet the definition of any of the crimes listed
127.17 in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section
127.18 ~~626.556, subdivision 3,~~ 260E.06, subdivision 1, or 626.557, subdivision 3. Hearings regarding
127.19 a maltreatment determination under clause (4) or (9) and a disqualification under this clause
127.20 in which the basis for a disqualification is serious or recurring maltreatment, shall be
127.21 consolidated into a single fair hearing. In such cases, the scope of review by the human
127.22 services judge shall include both the maltreatment determination and the disqualification.
127.23 The failure to exercise the right to an administrative reconsideration shall not be a bar to a
127.24 hearing under this section if federal law provides an individual the right to a hearing to
127.25 dispute a finding of maltreatment;

127.26 (11) any person with an outstanding debt resulting from receipt of public assistance,
127.27 medical care, or the federal Food Stamp Act who is contesting a setoff claim by the
127.28 Department of Human Services or a county agency. The scope of the appeal is the validity
127.29 of the claimant agency's intention to request a setoff of a refund under chapter 270A against
127.30 the debt;

127.31 (12) a person issued a notice of service termination under section 245D.10, subdivision
127.32 3a, from residential supports and services as defined in section 245D.03, subdivision 1,
127.33 paragraph (c), clause (3), that is not otherwise subject to appeal under subdivision 4a;

128.1 (13) an individual disability waiver recipient based on a denial of a request for a rate
128.2 exception under section 256B.4914; or

128.3 (14) a person issued a notice of service termination under section 245A.11, subdivision
128.4 11, that is not otherwise subject to appeal under subdivision 4a.

128.5 (b) The hearing for an individual or facility under paragraph (a), clause (4), (9), or (10),
128.6 is the only administrative appeal to the final agency determination specifically, including
128.7 a challenge to the accuracy and completeness of data under section 13.04. Hearings requested
128.8 under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or
128.9 after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged
128.10 to have maltreated a resident prior to October 1, 1995, shall be held as a contested case
128.11 proceeding under the provisions of chapter 14. Hearings requested under paragraph (a),
128.12 clause (9), apply only to incidents of maltreatment that occur on or after July 1, 1997. A
128.13 hearing for an individual or facility under paragraph (a), clauses (4), (9), and (10), is only
128.14 available when there is no district court action pending. If such action is filed in district
128.15 court while an administrative review is pending that arises out of some or all of the events
128.16 or circumstances on which the appeal is based, the administrative review must be suspended
128.17 until the judicial actions are completed. If the district court proceedings are completed,
128.18 dismissed, or overturned, the matter may be considered in an administrative hearing.

128.19 (c) For purposes of this section, bargaining unit grievance procedures are not an
128.20 administrative appeal.

128.21 (d) The scope of hearings involving claims to foster care payments under paragraph (a),
128.22 clause (5), shall be limited to the issue of whether the county is legally responsible for a
128.23 child's placement under court order or voluntary placement agreement and, if so, the correct
128.24 amount of foster care payment to be made on the child's behalf and shall not include review
128.25 of the propriety of the county's child protection determination or child placement decision.

128.26 (e) The scope of hearings under paragraph (a), clauses (12) and (14), shall be limited to
128.27 whether the proposed termination of services is authorized under section 245D.10,
128.28 subdivision 3a, paragraph (b), or 245A.11, subdivision 11, and whether the requirements
128.29 of section 245D.10, subdivision 3a, paragraphs (c) to (e), or 245A.11, subdivision 2a,
128.30 paragraphs (d) to (f), were met. If the appeal includes a request for a temporary stay of
128.31 termination of services, the scope of the hearing shall also include whether the case
128.32 management provider has finalized arrangements for a residential facility, a program, or
128.33 services that will meet the assessed needs of the recipient by the effective date of the service
128.34 termination.

129.1 (f) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor
 129.2 under contract with a county agency to provide social services is not a party and may not
 129.3 request a hearing under this section, except if assisting a recipient as provided in subdivision
 129.4 4.

129.5 (g) An applicant or recipient is not entitled to receive social services beyond the services
 129.6 prescribed under chapter 256M or other social services the person is eligible for under state
 129.7 law.

129.8 (h) The commissioner may summarily affirm the county or state agency's proposed
 129.9 action without a hearing when the sole issue is an automatic change due to a change in state
 129.10 or federal law.

129.11 (i) Unless federal or Minnesota law specifies a different time frame in which to file an
 129.12 appeal, an individual or organization specified in this section may contest the specified
 129.13 action, decision, or final disposition before the state agency by submitting a written request
 129.14 for a hearing to the state agency within 30 days after receiving written notice of the action,
 129.15 decision, or final disposition, or within 90 days of such written notice if the applicant,
 129.16 recipient, patient, or relative shows good cause, as defined in section 256.0451, subdivision
 129.17 13, why the request was not submitted within the 30-day time limit. The individual filing
 129.18 the appeal has the burden of proving good cause by a preponderance of the evidence.

129.19 Sec. 88. Minnesota Statutes 2018, section 256.045, subdivision 3b, is amended to read:

129.20 Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a)
 129.21 The state human services judge shall determine that maltreatment has occurred if a
 129.22 preponderance of evidence exists to support the final disposition under ~~sections 626.556~~
 129.23 ~~and section 626.557 and chapter 260E~~. For purposes of hearings regarding disqualification,
 129.24 the state human services judge shall affirm the proposed disqualification in an appeal under
 129.25 subdivision 3, paragraph (a), clause (10), if a preponderance of the evidence shows the
 129.26 individual has:

129.27 (1) committed maltreatment under section ~~626.556 or 626.557 or chapter 260E~~, which
 129.28 is serious or recurring;

129.29 (2) committed an act or acts meeting the definition of any of the crimes listed in section
 129.30 245C.15, subdivisions 1 to 4; or

129.31 (3) failed to make required reports under section ~~626.556 or 626.557 or chapter 260E~~,
 129.32 for incidents in which the final disposition under section ~~626.556 or 626.557 or chapter~~
 129.33 ~~260E~~ was substantiated maltreatment that was serious or recurring.

130.1 (b) If the disqualification is affirmed, the state human services judge shall determine
130.2 whether the individual poses a risk of harm in accordance with the requirements of section
130.3 245C.22, and whether the disqualification should be set aside or not set aside. In determining
130.4 whether the disqualification should be set aside, the human services judge shall consider
130.5 all of the characteristics that cause the individual to be disqualified, including those
130.6 characteristics that were not subject to review under paragraph (a), in order to determine
130.7 whether the individual poses a risk of harm. A decision to set aside a disqualification that
130.8 is the subject of the hearing constitutes a determination that the individual does not pose a
130.9 risk of harm and that the individual may provide direct contact services in the individual
130.10 program specified in the set aside.

130.11 (c) If a disqualification is based solely on a conviction or is conclusive for any reason
130.12 under section 245C.29, the disqualified individual does not have a right to a hearing under
130.13 this section.

130.14 (d) The state human services judge shall recommend an order to the commissioner of
130.15 health, education, or human services, as applicable, who shall issue a final order. The
130.16 commissioner shall affirm, reverse, or modify the final disposition. Any order of the
130.17 commissioner issued in accordance with this subdivision is conclusive upon the parties
130.18 unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under
130.19 chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.482, the
130.20 commissioner's determination as to maltreatment is conclusive, as provided under section
130.21 245C.29.

130.22 Sec. 89. Minnesota Statutes 2018, section 256.045, subdivision 4, is amended to read:

130.23 Subd. 4. **Conduct of hearings.** (a) All hearings held pursuant to subdivision 3, 3a, 3b,
130.24 or 4a shall be conducted according to the provisions of the federal Social Security Act and
130.25 the regulations implemented in accordance with that act to enable this state to qualify for
130.26 federal grants-in-aid, and according to the rules and written policies of the commissioner
130.27 of human services. County agencies shall install equipment necessary to conduct telephone
130.28 hearings. A state human services judge may schedule a telephone conference hearing when
130.29 the distance or time required to travel to the county agency offices will cause a delay in the
130.30 issuance of an order, or to promote efficiency, or at the mutual request of the parties. Hearings
130.31 may be conducted by telephone conferences unless the applicant, recipient, former recipient,
130.32 person, or facility contesting maltreatment objects. A human services judge may grant a
130.33 request for a hearing in person by holding the hearing by interactive video technology or
130.34 in person. The human services judge must hear the case in person if the person asserts that

131.1 either the person or a witness has a physical or mental disability that would impair the
131.2 person's or witness's ability to fully participate in a hearing held by interactive video
131.3 technology. The hearing shall not be held earlier than five days after filing of the required
131.4 notice with the county or state agency. The state human services judge shall notify all
131.5 interested persons of the time, date, and location of the hearing at least five days before the
131.6 date of the hearing. Interested persons may be represented by legal counsel or other
131.7 representative of their choice, including a provider of therapy services, at the hearing and
131.8 may appear personally, testify and offer evidence, and examine and cross-examine witnesses.
131.9 The applicant, recipient, former recipient, person, or facility contesting maltreatment shall
131.10 have the opportunity to examine the contents of the case file and all documents and records
131.11 to be used by the county or state agency at the hearing at a reasonable time before the date
131.12 of the hearing and during the hearing. In hearings under subdivision 3, paragraph (a), clauses
131.13 (4), (9), and (10), either party may subpoena the private data relating to the investigation
131.14 prepared by the agency under section ~~626.556~~ or 626.557 or chapter 260E that is not
131.15 otherwise accessible under section 13.04, provided the identity of the reporter may not be
131.16 disclosed.

131.17 (b) The private data obtained by subpoena in a hearing under subdivision 3, paragraph
131.18 (a), clause (4), (9), or (10), must be subject to a protective order which prohibits its disclosure
131.19 for any other purpose outside the hearing provided for in this section without prior order of
131.20 the district court. Disclosure without court order is punishable by a sentence of not more
131.21 than 90 days imprisonment or a fine of not more than \$1,000, or both. These restrictions on
131.22 the use of private data do not prohibit access to the data under section 13.03, subdivision
131.23 6. Except for appeals under subdivision 3, paragraph (a), clauses (4), (5), (9), and (10), upon
131.24 request, the county agency shall provide reimbursement for transportation, child care,
131.25 photocopying, medical assessment, witness fee, and other necessary and reasonable costs
131.26 incurred by the applicant, recipient, or former recipient in connection with the appeal. All
131.27 evidence, except that privileged by law, commonly accepted by reasonable people in the
131.28 conduct of their affairs as having probative value with respect to the issues shall be submitted
131.29 at the hearing and such hearing shall not be "a contested case" within the meaning of section
131.30 14.02, subdivision 3. The agency must present its evidence prior to or at the hearing, and
131.31 may not submit evidence after the hearing except by agreement of the parties at the hearing,
131.32 provided the petitioner has the opportunity to respond.

131.33 (c) In hearings under subdivision 3, paragraph (a), clauses (4), (9), and (10), involving
131.34 determinations of maltreatment or disqualification made by more than one county agency,
131.35 by a county agency and a state agency, or by more than one state agency, the hearings may

132.1 be consolidated into a single fair hearing upon the consent of all parties and the state human
132.2 services judge.

132.3 (d) For hearings under subdivision 3, paragraph (a), clause (4) or (10), involving a
132.4 vulnerable adult, the human services judge shall notify the vulnerable adult who is the
132.5 subject of the maltreatment determination and, if known, a guardian of the vulnerable adult
132.6 appointed under section 524.5-310, or a health care agent designated by the vulnerable adult
132.7 in a health care directive that is currently effective under section 145C.06 and whose authority
132.8 to make health care decisions is not suspended under section 524.5-310, of the hearing. The
132.9 notice must be sent by certified mail and inform the vulnerable adult of the right to file a
132.10 signed written statement in the proceedings. A guardian or health care agent who prepares
132.11 or files a written statement for the vulnerable adult must indicate in the statement that the
132.12 person is the vulnerable adult's guardian or health care agent and sign the statement in that
132.13 capacity. The vulnerable adult, the guardian, or the health care agent may file a written
132.14 statement with the human services judge hearing the case no later than five business days
132.15 before commencement of the hearing. The human services judge shall include the written
132.16 statement in the hearing record and consider the statement in deciding the appeal. This
132.17 subdivision does not limit, prevent, or excuse the vulnerable adult from being called as a
132.18 witness testifying at the hearing or grant the vulnerable adult, the guardian, or health care
132.19 agent a right to participate in the proceedings or appeal the human services judge's decision
132.20 in the case. The lead investigative agency must consider including the vulnerable adult
132.21 victim of maltreatment as a witness in the hearing. If the lead investigative agency determines
132.22 that participation in the hearing would endanger the well-being of the vulnerable adult or
132.23 not be in the best interests of the vulnerable adult, the lead investigative agency shall inform
132.24 the human services judge of the basis for this determination, which must be included in the
132.25 final order. If the human services judge is not reasonably able to determine the address of
132.26 the vulnerable adult, the guardian, or the health care agent, the human services judge is not
132.27 required to send a hearing notice under this subdivision.

132.28 Sec. 90. Minnesota Statutes 2018, section 256B.0621, subdivision 4, is amended to read:

132.29 Subd. 4. **Relocation targeted county case management provider qualifications.** (a)
132.30 A relocation targeted county case management provider is an enrolled medical assistance
132.31 provider who is determined by the commissioner to have all of the following characteristics:

132.32 (1) the legal authority to provide public welfare under sections 393.01, subdivision 7;
132.33 and 393.07; or a federally recognized Indian tribe;

133.1 (2) the demonstrated capacity and experience to provide the components of case
133.2 management to coordinate and link community resources needed by the eligible population;

133.3 (3) the administrative capacity and experience to serve the target population for whom
133.4 it will provide services and ensure quality of services under state and federal requirements;

133.5 (4) the legal authority to provide complete investigative and protective services under
133.6 section ~~626.556, subdivision 10~~ 260E.14; and child welfare and foster care services under
133.7 section 393.07, subdivisions 1 and 2; or a federally recognized Indian tribe;

133.8 (5) a financial management system that provides accurate documentation of services
133.9 and costs under state and federal requirements; and

133.10 (6) the capacity to document and maintain individual case records under state and federal
133.11 requirements.

133.12 (b) A provider of targeted case management under section 256B.0625, subdivision 20,
133.13 may be deemed a certified provider of relocation targeted case management.

133.14 (c) A relocation targeted county case management provider may subcontract with another
133.15 provider to deliver relocation targeted case management services. Subcontracted providers
133.16 must demonstrate the ability to provide the services outlined in subdivision 6, and have a
133.17 procedure in place that notifies the recipient and the recipient's legal representative of any
133.18 conflict of interest if the contracted targeted case management provider also provides, or
133.19 will provide, the recipient's services and supports. Counties must require that contracted
133.20 providers must provide information on all conflicts of interest and obtain the recipient's
133.21 informed consent or provide the recipient with alternatives.

133.22 Sec. 91. Minnesota Statutes 2018, section 256B.0625, subdivision 33, is amended to read:

133.23 Subd. 33. **Child welfare targeted case management.** Medical assistance, subject to
133.24 federal approval, covers child welfare targeted case management services as defined in
133.25 section 256B.094 to children under age 21 who have been assessed and determined in
133.26 accordance with section 256F.10 to be:

133.27 (1) at risk of placement or in placement as defined in section 260C.212, subdivision 1;

133.28 (2) at risk of maltreatment or experiencing maltreatment as defined in section ~~626.556,~~
133.29 ~~subdivision 10~~ 260E.03, subdivision 12; or

133.30 (3) in need of protection or services as defined in section 260C.007, subdivision 6.

134.1 Sec. 92. Minnesota Statutes 2018, section 256B.0945, subdivision 1, is amended to read:

134.2 Subdivision 1. **Residential services; provider qualifications.** (a) Counties must arrange
134.3 to provide residential services for children with severe emotional disturbance according to
134.4 sections 245.4882, 245.4885, and this section.

134.5 (b) Services must be provided by a facility that is licensed according to section 245.4882
134.6 and administrative rules promulgated thereunder, and under contract with the county.

134.7 (c) Eligible service costs may be claimed for a facility that is located in a state that
134.8 borders Minnesota if:

134.9 (1) the facility is the closest facility to the child's home, providing the appropriate level
134.10 of care; and

134.11 (2) the commissioner of human services has completed an inspection of the out-of-state
134.12 program according to the interagency agreement with the commissioner of corrections under
134.13 section 260B.198, subdivision 11, paragraph (b), and the program has been certified by the
134.14 commissioner of corrections under section 260B.198, subdivision 11, paragraph (a), to
134.15 substantially meet the standards applicable to children's residential mental health treatment
134.16 programs under Minnesota Rules, chapter 2960. Nothing in this section requires the
134.17 commissioner of human services to enforce the background study requirements under chapter
134.18 245C or the requirements related to prevention and investigation of alleged maltreatment
134.19 under section ~~626.556~~ or 626.557 or chapter 260E. Complaints received by the commissioner
134.20 of human services must be referred to the out-of-state licensing authority for possible
134.21 follow-up.

134.22 (d) Notwithstanding paragraph (b), eligible service costs may be claimed for an
134.23 out-of-state inpatient treatment facility if:

134.24 (1) the facility specializes in providing mental health services to children who are deaf,
134.25 deafblind, or hard-of-hearing and who use American Sign Language as their first language;

134.26 (2) the facility is licensed by the state in which it is located; and

134.27 (3) the state in which the facility is located is a member state of the Interstate Compact
134.28 on Mental Health.

134.29 Sec. 93. Minnesota Statutes 2018, section 256B.0949, subdivision 16, is amended to read:

134.30 Subd. 16. **Agency duties.** (a) An agency delivering an EIDBI service under this section
134.31 must:

- 135.1 (1) enroll as a medical assistance Minnesota health care program provider according to
135.2 Minnesota Rules, part 9505.0195, and section 256B.04, subdivision 21, and meet all
135.3 applicable provider standards and requirements;
- 135.4 (2) demonstrate compliance with federal and state laws for EIDBI service;
- 135.5 (3) verify and maintain records of a service provided to the person or the person's legal
135.6 representative as required under Minnesota Rules, parts 9505.2175 and 9505.2197;
- 135.7 (4) demonstrate that while enrolled or seeking enrollment as a Minnesota health care
135.8 program provider the agency did not have a lead agency contract or provider agreement
135.9 discontinued because of a conviction of fraud; or did not have an owner, board member, or
135.10 manager fail a state or federal criminal background check or appear on the list of excluded
135.11 individuals or entities maintained by the federal Department of Human Services Office of
135.12 Inspector General;
- 135.13 (5) have established business practices including written policies and procedures, internal
135.14 controls, and a system that demonstrates the organization's ability to deliver quality EIDBI
135.15 services;
- 135.16 (6) have an office located in Minnesota;
- 135.17 (7) conduct a criminal background check on an individual who has direct contact with
135.18 the person or the person's legal representative;
- 135.19 (8) report maltreatment according to ~~sections 626.556 and~~ section 626.557 and chapter
135.20 260E;
- 135.21 (9) comply with any data requests consistent with the Minnesota Government Data
135.22 Practices Act, sections 256B.064 and 256B.27;
- 135.23 (10) provide training for all agency staff on the requirements and responsibilities listed
135.24 in the Maltreatment of Minors Act, ~~section 626.556~~ chapter 260E, and the Vulnerable Adult
135.25 Protection Act, section 626.557, including mandated and voluntary reporting, nonretaliation,
135.26 and the agency's policy for all staff on how to report suspected abuse and neglect;
- 135.27 (11) have a written policy to resolve issues collaboratively with the person and the
135.28 person's legal representative when possible. The policy must include a timeline for when
135.29 the person and the person's legal representative will be notified about issues that arise in
135.30 the provision of services;
- 135.31 (12) provide the person's legal representative with prompt notification if the person is
135.32 injured while being served by the agency. An incident report must be completed by the

136.1 agency staff member in charge of the person. A copy of all incident and injury reports must
 136.2 remain on file at the agency for at least five years from the report of the incident; and

136.3 (13) before starting a service, provide the person or the person's legal representative a
 136.4 description of the treatment modality that the person shall receive, including the staffing
 136.5 certification levels and training of the staff who shall provide a treatment.

136.6 (b) When delivering the ITP, and annually thereafter, an agency must provide the person
 136.7 or the person's legal representative with:

136.8 (1) a written copy and a verbal explanation of the person's or person's legal
 136.9 representative's rights and the agency's responsibilities;

136.10 (2) documentation in the person's file the date that the person or the person's legal
 136.11 representative received a copy and explanation of the person's or person's legal
 136.12 representative's rights and the agency's responsibilities; and

136.13 (3) reasonable accommodations to provide the information in another format or language
 136.14 as needed to facilitate understanding of the person's or person's legal representative's rights
 136.15 and the agency's responsibilities.

136.16 Sec. 94. Minnesota Statutes 2018, section 256B.0951, subdivision 5, is amended to read:

136.17 Subd. 5. **Variance of certain standards prohibited.** The safety standards, rights, or
 136.18 procedural protections under ~~chapter 245C~~ and sections 245.825; 245.91 to 245.97; 245A.09,
 136.19 subdivision 2, paragraph (c), clauses (2) and (5); 245A.12; 245A.13; 252.41, subdivision
 136.20 9; 256B.092, subdivisions 1b, clause (7), and 10; ~~626.556; and 626.557; and chapters 245C~~
 136.21 and 260E, and procedures for the monitoring of psychotropic medications shall not be varied
 136.22 under the alternative quality assurance licensing system. The commission may make
 136.23 recommendations to the commissioners of human services and health or to the legislature
 136.24 regarding alternatives to or modifications of the rules and procedures referenced in this
 136.25 subdivision.

136.26 Sec. 95. Minnesota Statutes 2018, section 256B.0954, is amended to read:

136.27 **256B.0954 CERTAIN PERSONS DEFINED AS MANDATED REPORTERS.**

136.28 Members of the Quality Assurance Commission established under section 256B.0951,
 136.29 members of quality assurance review councils established under section 256B.0952, quality
 136.30 assurance managers appointed under section 256B.0952, and members of quality assurance
 136.31 teams established under section 256B.0952 are mandated reporters as that term is defined
 136.32 in sections ~~626.556, subdivision 3~~ 260E.06, subdivision 1, and 626.5572, subdivision 16.

137.1 Sec. 96. Minnesota Statutes 2018, section 256B.097, subdivision 4, is amended to read:

137.2 Subd. 4. **Regional quality councils.** (a) The commissioner shall establish, as selected
137.3 by the State Quality Council, regional quality councils of key stakeholders, including regional
137.4 representatives of:

137.5 (1) disability service recipients and their family members;

137.6 (2) disability service providers;

137.7 (3) disability advocacy groups; and

137.8 (4) county human services agencies and staff from the Department of Human Services
137.9 and Ombudsman for Mental Health and Developmental Disabilities.

137.10 (b) Each regional quality council shall:

137.11 (1) direct and monitor the community-based, person-directed quality assurance system
137.12 in this section;

137.13 (2) approve a training program for quality assurance team members under clause (13);

137.14 (3) review summary reports from quality assurance team reviews and make
137.15 recommendations to the State Quality Council regarding program licensure;

137.16 (4) make recommendations to the State Quality Council regarding the system;

137.17 (5) resolve complaints between the quality assurance teams, counties, providers, persons
137.18 receiving services, their families, and legal representatives;

137.19 (6) analyze and review quality outcomes and critical incident data reporting incidents
137.20 of life safety concerns immediately to the Department of Human Services licensing division;

137.21 (7) provide information and training programs for persons with disabilities and their
137.22 families and legal representatives on service options and quality expectations;

137.23 (8) disseminate information and resources developed to other regional quality councils;

137.24 (9) respond to state-level priorities;

137.25 (10) establish regional priorities for quality improvement;

137.26 (11) submit an annual report to the State Quality Council on the status, outcomes,
137.27 improvement priorities, and activities in the region;

137.28 (12) choose a representative to participate on the State Quality Council and assume other
137.29 responsibilities consistent with the priorities of the State Quality Council; and

138.1 (13) recruit, train, and assign duties to members of quality assurance teams, taking into
 138.2 account the size of the service provider, the number of services to be reviewed, the skills
 138.3 necessary for the team members to complete the process, and ensure that no team member
 138.4 has a financial, personal, or family relationship with the facility, program, or service being
 138.5 reviewed or with anyone served at the facility, program, or service. Quality assurance teams
 138.6 must be comprised of county staff, persons receiving services or the person's families, legal
 138.7 representatives, members of advocacy organizations, providers, and other involved
 138.8 community members. Team members must complete the training program approved by the
 138.9 regional quality council and must demonstrate performance-based competency. Team
 138.10 members may be paid a per diem and reimbursed for expenses related to their participation
 138.11 in the quality assurance process.

138.12 (c) The commissioner shall monitor the safety standards, rights, and procedural
 138.13 protections for the monitoring of psychotropic medications and those identified under
 138.14 sections 245.825; 245.91 to 245.97; 245A.09, subdivision 2, paragraph (c), clauses (2) and
 138.15 (5); 245A.12; 245A.13; 252.41, subdivision 9; 256B.092, subdivision 1b, clause (7); ~~626.556;~~
 138.16 and ~~626.557;~~ and chapter 260E.

138.17 (d) The regional quality councils may hire staff to perform the duties assigned in this
 138.18 subdivision.

138.19 (e) The regional quality councils may charge fees for their services.

138.20 (f) The quality assurance process undertaken by a regional quality council consists of
 138.21 an evaluation by a quality assurance team of the facility, program, or service. The process
 138.22 must include an evaluation of a random sample of persons served. The sample must be
 138.23 representative of each service provided. The sample size must be at least five percent but
 138.24 not less than two persons served. All persons must be given the opportunity to be included
 138.25 in the quality assurance process in addition to those chosen for the random sample.

138.26 (g) A facility, program, or service may contest a licensing decision of the regional quality
 138.27 council as permitted under chapter 245A.

138.28 Sec. 97. Minnesota Statutes 2018, section 256B.097, subdivision 6, is amended to read:

138.29 Subd. 6. **Mandated reporters.** Members of the State Quality Council under subdivision
 138.30 3, the regional quality councils under subdivision 4, and quality assurance team members
 138.31 under subdivision 4, paragraph (b), clause (13), are mandated reporters as defined in sections
 138.32 ~~626.556, subdivision 3~~ 260E.06, subdivision 1, and 626.5572, subdivision 16.

139.1 Sec. 98. Minnesota Statutes 2018, section 256B.77, subdivision 17, is amended to read:

139.2 Subd. 17. **Approval of alternatives.** The commissioner may approve alternatives to
139.3 administrative rules if the commissioner determines that appropriate alternative measures
139.4 are in place to protect the health, safety, and rights of enrollees and to assure that services
139.5 are of sufficient quality to produce the outcomes described in the personal support plans.
139.6 Prior approved waivers, if needed by the demonstration project, shall be extended. The
139.7 commissioner shall not waive the rights or procedural protections under sections 245.825;
139.8 245.91 to 245.97; 252.41, subdivision 9; 256B.092, subdivision 10; ~~626.556~~; and 626.557;
139.9 and chapter 260E or procedures for the monitoring of psychotropic medications. Prohibited
139.10 practices as defined in statutes and rules governing service delivery to eligible individuals
139.11 are applicable to services delivered under this demonstration project.

139.12 Sec. 99. Minnesota Statutes 2019 Supplement, section 256B.85, subdivision 10, is amended
139.13 to read:

139.14 Subd. 10. **Agency-provider and FMS provider qualifications and duties.** (a)
139.15 Agency-providers identified in subdivision 11 and FMS providers identified in subdivision
139.16 13a shall:

139.17 (1) enroll as a medical assistance Minnesota health care programs provider and meet all
139.18 applicable provider standards and requirements;

139.19 (2) demonstrate compliance with federal and state laws and policies for CFSS as
139.20 determined by the commissioner;

139.21 (3) comply with background study requirements under chapter 245C and maintain
139.22 documentation of background study requests and results;

139.23 (4) verify and maintain records of all services and expenditures by the participant,
139.24 including hours worked by support workers;

139.25 (5) not engage in any agency-initiated direct contact or marketing in person, by telephone,
139.26 or other electronic means to potential participants, guardians, family members, or participants'
139.27 representatives;

139.28 (6) directly provide services and not use a subcontractor or reporting agent;

139.29 (7) meet the financial requirements established by the commissioner for financial
139.30 solvency;

139.31 (8) have never had a lead agency contract or provider agreement discontinued due to
139.32 fraud, or have never had an owner, board member, or manager fail a state or FBI-based

140.1 criminal background check while enrolled or seeking enrollment as a Minnesota health care
140.2 programs provider; and

140.3 (9) have an office located in Minnesota.

140.4 (b) In conducting general duties, agency-providers and FMS providers shall:

140.5 (1) pay support workers based upon actual hours of services provided;

140.6 (2) pay for worker training and development services based upon actual hours of services
140.7 provided or the unit cost of the training session purchased;

140.8 (3) withhold and pay all applicable federal and state payroll taxes;

140.9 (4) make arrangements and pay unemployment insurance, taxes, workers' compensation,
140.10 liability insurance, and other benefits, if any;

140.11 (5) enter into a written agreement with the participant, participant's representative, or
140.12 legal representative that assigns roles and responsibilities to be performed before services,
140.13 supports, or goods are provided;

140.14 (6) report maltreatment as required under ~~sections 626.556 and~~ section 626.557 and
140.15 chapter 260E;

140.16 (7) comply with the labor market reporting requirements described in section 256B.4912,
140.17 subdivision 1a;

140.18 (8) comply with any data requests from the department consistent with the Minnesota
140.19 Government Data Practices Act under chapter 13; and

140.20 (9) maintain documentation for the requirements under subdivision 16, paragraph (e),
140.21 clause (2), to qualify for an enhanced rate under this section.

140.22 Sec. 100. Minnesota Statutes 2018, section 256B.85, subdivision 12a, is amended to read:

140.23 Subd. 12a. **CFSS agency-provider requirements; policies for complaint process and**
140.24 **incident response.** (a) The CFSS agency-provider must establish policies and procedures
140.25 that promote service recipient rights by providing a simple complaint process for participants
140.26 served by the program and their authorized representatives to bring a grievance. The
140.27 complaint process must:

140.28 (1) provide staff assistance with the complaint process when requested;

140.29 (2) allow the participant to bring the complaint to the highest level of authority in the
140.30 program if the grievance cannot be resolved by other staff members, and provide the name,
140.31 address, and telephone number of that person;

- 141.1 (3) provide the addresses and telephone numbers of outside agencies to assist the
141.2 participant;
- 141.3 (4) require a prompt response to all complaints affecting a participant's health and safety
141.4 and a timely response to all other complaints;
- 141.5 (5) require an evaluation of whether:
- 141.6 (i) related policies and procedures were followed and adequate;
- 141.7 (ii) there is a need for additional staff training;
- 141.8 (iii) the complaint is similar to past complaints with the persons, staff, or services
141.9 involved; and
- 141.10 (iv) there is a need for corrective action by the agency-provider to protect the health and
141.11 safety of participants receiving services;
- 141.12 (6) provide a written summary of the complaint and a notice of the complaint resolution
141.13 to the participant and, if applicable, case manager or care coordinator; and
- 141.14 (7) require that the complaint summary and resolution notice be maintained in the
141.15 participant's service record.
- 141.16 (b) The CFSS agency-provider must establish policies and procedures for responding
141.17 to incidents that occur while services are being provided. When a participant has a legal
141.18 representative or a participant's representative, incidents must be reported to these
141.19 representatives. For the purposes of this paragraph, "incident" means an occurrence that
141.20 involves a participant and requires a response that is not a part of the ordinary provision of
141.21 the services to that participant, and includes:
- 141.22 (1) serious injury of a participant as determined by section 245.91, subdivision 6;
- 141.23 (2) a participant's death;
- 141.24 (3) any medical emergency, unexpected serious illness, or significant unexpected change
141.25 in a participant's illness or medical condition that requires a call to 911, physician treatment,
141.26 or hospitalization;
- 141.27 (4) any mental health crisis that requires a call to 911 or a mental health crisis intervention
141.28 team;
- 141.29 (5) an act or situation involving a participant that requires a call to 911, law enforcement,
141.30 or the fire department;
- 141.31 (6) a participant's unexplained absence;

142.1 (7) behavior that creates an imminent risk of harm to the participant or another; and

142.2 (8) a report of alleged or suspected child or vulnerable adult maltreatment under section
142.3 ~~626.556~~ or 626.557 or chapter 260E.

142.4 Sec. 101. Minnesota Statutes 2018, section 256E.21, subdivision 5, is amended to read:

142.5 Subd. 5. **Child abuse.** "Child abuse" means sexual abuse, neglect, or physical abuse as
142.6 defined in section ~~626.556, subdivision 2, paragraphs (g), (k), and (n)~~ 260E.03, subdivisions
142.7 15, 18, and 20.

142.8 Sec. 102. Minnesota Statutes 2018, section 256F.10, subdivision 1, is amended to read:

142.9 Subdivision 1. **Eligibility.** Persons under 21 years of age who are eligible to receive
142.10 medical assistance are eligible for child welfare targeted case management services under
142.11 section 256B.094 and this section if they have received an assessment and have been
142.12 determined by the local county or tribal social services agency to be:

142.13 (1) at risk of placement or in placement as described in section 260C.212, subdivision
142.14 1;

142.15 (2) at risk of maltreatment or experiencing maltreatment as defined in section ~~626.556,~~
142.16 ~~subdivision 10~~ 260E.03, subdivision 12; or

142.17 (3) in need of protection or services as defined in section 260C.007, subdivision 6.

142.18 Sec. 103. Minnesota Statutes 2018, section 256F.10, subdivision 4, is amended to read:

142.19 Subd. 4. **Provider qualifications and certification standards.** The commissioner must
142.20 certify each provider before enrolling it as a child welfare targeted case management provider
142.21 of services under section 256B.094 and this section. The certification process shall examine
142.22 the provider's ability to meet the qualification requirements and certification standards in
142.23 this subdivision and other federal and state requirements of this service. A certified child
142.24 welfare targeted case management provider is an enrolled medical assistance provider who
142.25 is determined by the commissioner to have all of the following:

142.26 (1) the legal authority to provide public welfare under sections 393.01, subdivision 7,
142.27 and 393.07 or a federally recognized Indian tribe;

142.28 (2) the demonstrated capacity and experience to provide the components of case
142.29 management to coordinate and link community resources needed by the eligible population;

143.1 (3) administrative capacity and experience in serving the target population for whom it
143.2 will provide services and in ensuring quality of services under state and federal requirements;

143.3 (4) the legal authority to provide complete investigative and protective services under
143.4 section ~~626.556, subdivision 10~~ 260E.20, and child welfare and foster care services under
143.5 section 393.07, subdivisions 1 and 2, or a federally recognized Indian tribe;

143.6 (5) a financial management system that provides accurate documentation of services
143.7 and costs under state and federal requirements; and

143.8 (6) the capacity to document and maintain individual case records under state and federal
143.9 requirements.

143.10 Sec. 104. Minnesota Statutes 2018, section 256L.07, subdivision 4, is amended to read:

143.11 Subd. 4. **Families with children in need of chemical dependency treatment.** Premiums
143.12 for families with children when a parent has been determined to be in need of chemical
143.13 dependency treatment pursuant to an assessment conducted by the county under section
143.14 ~~626.556, subdivision 10~~ 260E.20, subdivision 1, paragraph (g), or a case plan under section
143.15 260C.201, subdivision 6, or 260C.212, who are eligible for MinnesotaCare under section
143.16 256L.04, subdivision 1, may be paid by the county of residence of the person in need of
143.17 treatment for one year from the date the family is determined to be eligible or if the family
143.18 is currently enrolled in MinnesotaCare from the date the person is determined to be in need
143.19 of chemical dependency treatment. Upon renewal, the family is responsible for any premiums
143.20 owed under section 256L.15. If the family is not currently enrolled in MinnesotaCare, the
143.21 local county human services agency shall determine whether the family appears to meet the
143.22 eligibility requirements and shall assist the family in applying for the MinnesotaCare
143.23 program.

143.24 Sec. 105. Minnesota Statutes 2018, section 256M.10, subdivision 2, is amended to read:

143.25 Subd. 2. **Vulnerable children and adults services.** (a) "Vulnerable children and adults
143.26 services" means services provided or arranged for by county boards for vulnerable children
143.27 under ~~chapter~~ chapters 260C and 260E, and ~~sections 626.556 and 626.5561~~, and adults
143.28 under section 626.557 who experience dependency, abuse, or neglect, as well as services
143.29 for family members to support those individuals. These services may be provided by
143.30 professionals or nonprofessionals, including the person's natural supports in the community.
143.31 For the purpose of this chapter, "vulnerable children" means children and adolescents.

144.1 (b) Vulnerable children and adults services do not include services under the public
144.2 assistance programs known as the Minnesota family investment program, Minnesota
144.3 supplemental aid, medical assistance, general assistance, MinnesotaCare, or community
144.4 health services.

144.5 Sec. 106. Minnesota Statutes 2018, section 256M.40, subdivision 1, is amended to read:

144.6 Subdivision 1. **Formula.** The commissioner shall allocate state funds appropriated under
144.7 this chapter to each county board on a calendar year basis in an amount determined according
144.8 to the formula in paragraphs (a) to (e).

144.9 (a) For calendar years 2011 and 2012, the commissioner shall allocate available funds
144.10 to each county in proportion to that county's share in calendar year 2010.

144.11 (b) For calendar year 2013 and each calendar year thereafter, the commissioner shall
144.12 allocate available funds to each county as follows:

144.13 (1) 75 percent must be distributed on the basis of the county share in calendar year 2012;

144.14 (2) five percent must be distributed on the basis of the number of persons residing in
144.15 the county as determined by the most recent data of the state demographer;

144.16 (3) ten percent must be distributed on the basis of the number of vulnerable children
144.17 that are subjects of reports under ~~chapter chapters 260C and sections 626.556 and 626.5561~~
144.18 and 260E, and in the county as determined by the most recent data of the commissioner;
144.19 and

144.20 (4) ten percent must be distributed on the basis of the number of vulnerable adults that
144.21 are subjects of reports under section 626.557 in the county as determined by the most recent
144.22 data of the commissioner.

144.23 (c) The commissioner is precluded from changing the formula under this subdivision or
144.24 recommending a change to the legislature without public review and input.

144.25 Sec. 107. Minnesota Statutes 2018, section 256M.41, subdivision 1, is amended to read:

144.26 Subdivision 1. **Formula for county staffing funds.** (a) The commissioner shall allocate
144.27 state funds appropriated under this section to each county board on a calendar year basis in
144.28 an amount determined according to the following formula:

144.29 (1) 50 percent must be distributed on the basis of the child population residing in the
144.30 county as determined by the most recent data of the state demographer;

145.1 (2) 25 percent must be distributed on the basis of the number of screened-in reports of
145.2 child maltreatment under ~~sections 626.556 and 626.5561~~ chapter 260E, and in the county
145.3 as determined by the most recent data of the commissioner; and

145.4 (3) 25 percent must be distributed on the basis of the number of open child protection
145.5 case management cases in the county as determined by the most recent data of the
145.6 commissioner.

145.7 (b) Notwithstanding this subdivision, no county shall be awarded an allocation of less
145.8 than \$75,000.

145.9 Sec. 108. Minnesota Statutes 2018, section 257.0764, is amended to read:

145.10 **257.0764 COMPLAINTS.**

145.11 An ombudsperson may receive a complaint from any source concerning an action of an
145.12 agency, facility, or program. After completing a review, the ombudsperson shall inform the
145.13 complainant, agency, facility, or program. Services to a child shall not be unfavorably altered
145.14 as a result of an investigation or complaint. An agency, facility, or program shall not retaliate
145.15 or take adverse action, as defined in section ~~626.556, subdivision 4a,~~ 260E.07, paragraph
145.16 (c), against an individual who, in good faith, makes a complaint or assists in an investigation.

145.17 Sec. 109. Minnesota Statutes 2018, section 260.012, is amended to read:

145.18 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
145.19 **REUNIFICATION; REASONABLE EFFORTS.**

145.20 (a) Once a child alleged to be in need of protection or services is under the court's
145.21 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
145.22 services, by the social services agency are made to prevent placement or to eliminate the
145.23 need for removal and to reunite the child with the child's family at the earliest possible time,
145.24 and the court must ensure that the responsible social services agency makes reasonable
145.25 efforts to finalize an alternative permanent plan for the child as provided in paragraph (e).
145.26 In determining reasonable efforts to be made with respect to a child and in making those
145.27 reasonable efforts, the child's best interests, health, and safety must be of paramount concern.
145.28 Reasonable efforts to prevent placement and for rehabilitation and reunification are always
145.29 required except upon a determination by the court that a petition has been filed stating a
145.30 prima facie case that:

145.31 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,
145.32 subdivision 14;

- 146.1 (2) the parental rights of the parent to another child have been terminated involuntarily;
- 146.2 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph
- 146.3 (a), clause (2);
- 146.4 (4) the parent's custodial rights to another child have been involuntarily transferred to a
- 146.5 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),
- 146.6 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;
- 146.7 (5) the parent has committed sexual abuse as defined in section ~~626.556, subdivision 2~~
- 146.8 260E.03, against the child or another child of the parent;
- 146.9 (6) the parent has committed an offense that requires registration as a predatory offender
- 146.10 under section 243.166, subdivision 1b, paragraph (a) or (b); or
- 146.11 (7) the provision of services or further services for the purpose of reunification is futile
- 146.12 and therefore unreasonable under the circumstances.
- 146.13 (b) When the court makes one of the prima facie determinations under paragraph (a),
- 146.14 either permanency pleadings under section 260C.505, or a termination of parental rights
- 146.15 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under
- 146.16 sections 260C.503 to 260C.521 must be held within 30 days of this determination.
- 146.17 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
- 146.18 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
- 146.19 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
- 146.20 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
- 146.21 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
- 146.22 1901, the responsible social services agency must provide active efforts as required under
- 146.23 United States Code, title 25, section 1911(d).
- 146.24 (d) "Reasonable efforts to prevent placement" means:
- 146.25 (1) the agency has made reasonable efforts to prevent the placement of the child in foster
- 146.26 care by working with the family to develop and implement a safety plan; or
- 146.27 (2) given the particular circumstances of the child and family at the time of the child's
- 146.28 removal, there are no services or efforts available which could allow the child to safely
- 146.29 remain in the home.
- 146.30 (e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence
- 146.31 by the responsible social services agency to:
- 146.32 (1) reunify the child with the parent or guardian from whom the child was removed;

147.1 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
147.2 where appropriate, provide services necessary to enable the noncustodial parent to safely
147.3 provide the care, as required by section 260C.219;

147.4 (3) conduct a relative search to identify and provide notice to adult relatives as required
147.5 under section 260C.221;

147.6 (4) place siblings removed from their home in the same home for foster care or adoption,
147.7 or transfer permanent legal and physical custody to a relative. Visitation between siblings
147.8 who are not in the same foster care, adoption, or custodial placement or facility shall be
147.9 consistent with section 260C.212, subdivision 2; and

147.10 (5) when the child cannot return to the parent or guardian from whom the child was
147.11 removed, to plan for and finalize a safe and legally permanent alternative home for the child,
147.12 and considers permanent alternative homes for the child inside or outside of the state,
147.13 preferably through adoption or transfer of permanent legal and physical custody of the child.

147.14 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
147.15 social services agency to use culturally appropriate and available services to meet the needs
147.16 of the child and the child's family. Services may include those provided by the responsible
147.17 social services agency and other culturally appropriate services available in the community.
147.18 At each stage of the proceedings where the court is required to review the appropriateness
147.19 of the responsible social services agency's reasonable efforts as described in paragraphs (a),
147.20 (d), and (e), the social services agency has the burden of demonstrating that:

147.21 (1) it has made reasonable efforts to prevent placement of the child in foster care;

147.22 (2) it has made reasonable efforts to eliminate the need for removal of the child from
147.23 the child's home and to reunify the child with the child's family at the earliest possible time;

147.24 (3) it has made reasonable efforts to finalize an alternative permanent home for the child,
147.25 and considers permanent alternative homes for the child inside or outside of the state; or

147.26 (4) reasonable efforts to prevent placement and to reunify the child with the parent or
147.27 guardian are not required. The agency may meet this burden by stating facts in a sworn
147.28 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
147.29 reasonable efforts or facts the agency believes demonstrate there is no need for reasonable
147.30 efforts to reunify the parent and child, or through testimony or a certified report required
147.31 under juvenile court rules.

147.32 (g) Once the court determines that reasonable efforts for reunification are not required
147.33 because the court has made one of the prima facie determinations under paragraph (a), the

148.1 court may only require reasonable efforts for reunification after a hearing according to
148.2 section 260C.163, where the court finds there is not clear and convincing evidence of the
148.3 facts upon which the court based its prima facie determination. In this case when there is
148.4 clear and convincing evidence that the child is in need of protection or services, the court
148.5 may find the child in need of protection or services and order any of the dispositions available
148.6 under section 260C.201, subdivision 1. Reunification of a child with a parent is not required
148.7 if the parent has been convicted of:

148.8 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185
148.9 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

148.10 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

148.11 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States
148.12 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;

148.13 (4) committing sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03,
148.14 against the child or another child of the parent; or

148.15 (5) an offense that requires registration as a predatory offender under section 243.166,
148.16 subdivision 1b, paragraph (a) or (b).

148.17 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
148.18 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
148.19 conclusions as to the provision of reasonable efforts. When determining whether reasonable
148.20 efforts have been made, the court shall consider whether services to the child and family
148.21 were:

148.22 (1) relevant to the safety and protection of the child;

148.23 (2) adequate to meet the needs of the child and family;

148.24 (3) culturally appropriate;

148.25 (4) available and accessible;

148.26 (5) consistent and timely; and

148.27 (6) realistic under the circumstances.

148.28 In the alternative, the court may determine that provision of services or further services
148.29 for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances
148.30 or that reasonable efforts are not required as provided in paragraph (a).

149.1 (i) This section does not prevent out-of-home placement for treatment of a child with a
149.2 mental disability when it is determined to be medically necessary as a result of the child's
149.3 diagnostic assessment or individual treatment plan indicates that appropriate and necessary
149.4 treatment cannot be effectively provided outside of a residential or inpatient treatment
149.5 program and the level or intensity of supervision and treatment cannot be effectively and
149.6 safely provided in the child's home or community and it is determined that a residential
149.7 treatment setting is the least restrictive setting that is appropriate to the needs of the child.

149.8 (j) If continuation of reasonable efforts to prevent placement or reunify the child with
149.9 the parent or guardian from whom the child was removed is determined by the court to be
149.10 inconsistent with the permanent plan for the child or upon the court making one of the prima
149.11 facie determinations under paragraph (a), reasonable efforts must be made to place the child
149.12 in a timely manner in a safe and permanent home and to complete whatever steps are
149.13 necessary to legally finalize the permanent placement of the child.

149.14 (k) Reasonable efforts to place a child for adoption or in another permanent placement
149.15 may be made concurrently with reasonable efforts to prevent placement or to reunify the
149.16 child with the parent or guardian from whom the child was removed. When the responsible
149.17 social services agency decides to concurrently make reasonable efforts for both reunification
149.18 and permanent placement away from the parent under paragraph (a), the agency shall disclose
149.19 its decision and both plans for concurrent reasonable efforts to all parties and the court.
149.20 When the agency discloses its decision to proceed on both plans for reunification and
149.21 permanent placement away from the parent, the court's review of the agency's reasonable
149.22 efforts shall include the agency's efforts under both plans.

149.23 Sec. 110. Minnesota Statutes 2018, section 260.761, subdivision 2, is amended to read:

149.24 Subd. 2. **Agency and court notice to tribes.** (a) When a local social services agency
149.25 has information that a family assessment or investigation being conducted may involve an
149.26 Indian child, the local social services agency shall notify the Indian child's tribe of the family
149.27 assessment or investigation according to section ~~626.556, subdivision 10, paragraph (a),~~
149.28 ~~clause (5)~~ 260E.18. Initial notice shall be provided by telephone and by e-mail or facsimile.
149.29 The local social services agency shall request that the tribe or a designated tribal
149.30 representative participate in evaluating the family circumstances, identifying family and
149.31 tribal community resources, and developing case plans.

149.32 (b) When a local social services agency has information that a child receiving services
149.33 may be an Indian child, the local social services agency shall notify the tribe by telephone
149.34 and by e-mail or facsimile of the child's full name and date of birth, the full names and dates

150.1 of birth of the child's biological parents, and, if known, the full names and dates of birth of
150.2 the child's grandparents and of the child's Indian custodian. This notification must be provided
150.3 so the tribe can determine if the child is enrolled in the tribe or eligible for membership,
150.4 and must be provided within seven days. If information regarding the child's grandparents
150.5 or Indian custodian is not available within the seven-day period, the local social services
150.6 agency shall continue to request this information and shall notify the tribe when it is received.
150.7 Notice shall be provided to all tribes to which the child may have any tribal lineage. If the
150.8 identity or location of the child's parent or Indian custodian and tribe cannot be determined,
150.9 the local social services agency shall provide the notice required in this paragraph to the
150.10 United States secretary of the interior.

150.11 (c) In accordance with sections 260C.151 and 260C.152, when a court has reason to
150.12 believe that a child placed in emergency protective care is an Indian child, the court
150.13 administrator or a designee shall, as soon as possible and before a hearing takes place, notify
150.14 the tribal social services agency by telephone and by e-mail or facsimile of the date, time,
150.15 and location of the emergency protective case hearing. The court shall make efforts to allow
150.16 appearances by telephone for tribal representatives, parents, and Indian custodians.

150.17 (d) A local social services agency must provide the notices required under this subdivision
150.18 at the earliest possible time to facilitate involvement of the Indian child's tribe. Nothing in
150.19 this subdivision is intended to hinder the ability of the local social services agency and the
150.20 court to respond to an emergency situation. Lack of participation by a tribe shall not prevent
150.21 the tribe from intervening in services and proceedings at a later date. A tribe may participate
150.22 at any time. At any stage of the local social services agency's involvement with an Indian
150.23 child, the agency shall provide full cooperation to the tribal social services agency, including
150.24 disclosure of all data concerning the Indian child. Nothing in this subdivision relieves the
150.25 local social services agency of satisfying the notice requirements in the Indian Child Welfare
150.26 Act.

150.27 Sec. 111. Minnesota Statutes 2018, section 260B.171, subdivision 6, is amended to read:

150.28 Subd. 6. **Attorney access to records.** An attorney representing a child, parent, or guardian
150.29 ad litem in a proceeding under this chapter shall be given access to records, local social
150.30 services agency files, and reports which form the basis of any recommendation made to the
150.31 court. An attorney does not have access under this subdivision to the identity of a person
150.32 who made a report under ~~section 626.556~~ chapter 260E. The court may issue protective
150.33 orders to prohibit an attorney from sharing a specified record or portion of a record with a
150.34 client other than a guardian ad litem.

151.1 Sec. 112. Minnesota Statutes 2019 Supplement, section 260B.198, subdivision 1, is
151.2 amended to read:

151.3 Subdivision 1. **Court order, findings, remedies, treatment.** (a) If the court finds that
151.4 the child is delinquent, it shall enter an order making any of the following dispositions of
151.5 the case which are deemed necessary to the rehabilitation of the child:

151.6 (1) counsel the child or the parents, guardian, or custodian;

151.7 (2) place the child under the supervision of a probation officer or other suitable person
151.8 in the child's own home under conditions prescribed by the court including reasonable rules
151.9 for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed
151.10 for the physical, mental, and moral well-being and behavior of the child, or with the consent
151.11 of the commissioner of corrections, in a group foster care facility which is under the
151.12 management and supervision of said commissioner;

151.13 (3) if the court determines that the child is a danger to self or others, subject to the
151.14 supervision of the court, transfer legal custody of the child to one of the following:

151.15 (i) a child-placing agency;

151.16 (ii) the local social services agency;

151.17 (iii) a reputable individual of good moral character. No person may receive custody of
151.18 two or more unrelated children unless licensed as a residential facility pursuant to sections
151.19 245A.01 to 245A.16;

151.20 (iv) a county home school, if the county maintains a home school or enters into an
151.21 agreement with a county home school; or

151.22 (v) a county probation officer for placement in a group foster home established under
151.23 the direction of the juvenile court and licensed pursuant to section 241.021;

151.24 (4) transfer legal custody by commitment to the commissioner of corrections;

151.25 (5) if the child is found to have violated a state or local law or ordinance which has
151.26 resulted in damage to the person or property of another, the court may order the child to
151.27 make reasonable restitution for such damage;

151.28 (6) require the child to pay a fine of up to \$1,000. The court shall order payment of the
151.29 fine in accordance with a time payment schedule which shall not impose an undue financial
151.30 hardship on the child;

151.31 (7) if the child is in need of special treatment and care for reasons of physical or mental
151.32 health, the court may order the child's parent, guardian, or custodian to provide it. If the

152.1 parent, guardian, or custodian fails to provide this treatment or care, the court may order it
152.2 provided;

152.3 (8) if the court believes that it is in the best interests of the child and of public safety
152.4 that the driver's license of the child be canceled until the child's 18th birthday, the court
152.5 may recommend to the commissioner of public safety the cancellation of the child's license
152.6 for any period up to the child's 18th birthday, and the commissioner is hereby authorized
152.7 to cancel such license without a hearing. At any time before the termination of the period
152.8 of cancellation, the court may, for good cause, recommend to the commissioner of public
152.9 safety that the child be authorized to apply for a new license, and the commissioner may so
152.10 authorize;

152.11 (9) if the court believes that it is in the best interest of the child and of public safety that
152.12 the child is enrolled in school, the court may require the child to remain enrolled in a public
152.13 school until the child reaches the age of 18 or completes all requirements needed to graduate
152.14 from high school. Any child enrolled in a public school under this clause is subject to the
152.15 provisions of the Pupil Fair Dismissal Act in chapter 127;

152.16 (10) if the child is petitioned and found by the court to have committed a controlled
152.17 substance offense under sections 152.021 to 152.027, the court shall determine whether the
152.18 child unlawfully possessed or sold the controlled substance while driving a motor vehicle.
152.19 If so, the court shall notify the commissioner of public safety of its determination and order
152.20 the commissioner to revoke the child's driver's license for the applicable time period specified
152.21 in section 152.0271. If the child does not have a driver's license or if the child's driver's
152.22 license is suspended or revoked at the time of the delinquency finding, the commissioner
152.23 shall, upon the child's application for driver's license issuance or reinstatement, delay the
152.24 issuance or reinstatement of the child's driver's license for the applicable time period specified
152.25 in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to
152.26 take the licensing action without a hearing;

152.27 (11) if the child is petitioned and found by the court to have committed or attempted to
152.28 commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
152.29 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
152.30 petition based on one or more of those sections, the court shall order an independent
152.31 professional assessment of the child's need for sex offender treatment. An assessor providing
152.32 an assessment for the court must be experienced in the evaluation and treatment of juvenile
152.33 sex offenders. If the assessment indicates that the child is in need of and amenable to sex
152.34 offender treatment, the court shall include in its disposition order a requirement that the
152.35 child undergo treatment. Notwithstanding sections 13.384, 13.85, 144.291 to 144.298, or

153.1 260B.171, ~~or 626.556~~, or chapter 260E, the assessor has access to the following private or
 153.2 confidential data on the child if access is relevant and necessary for the assessment:

153.3 (i) medical data under section 13.384;

153.4 (ii) corrections and detention data under section 13.85;

153.5 (iii) health records under sections 144.291 to 144.298;

153.6 (iv) juvenile court records under section 260B.171; and

153.7 (v) local welfare agency records under ~~section 626.556~~ chapter 260E.

153.8 Data disclosed under this clause may be used only for purposes of the assessment and
 153.9 may not be further disclosed to any other person, except as authorized by law; or

153.10 (12) if the child is found delinquent due to the commission of an offense that would be
 153.11 a felony if committed by an adult, the court shall make a specific finding on the record
 153.12 regarding the juvenile's mental health and chemical dependency treatment needs.

153.13 (b) Any order for a disposition authorized under this section shall contain written findings
 153.14 of fact to support the disposition ordered and shall also set forth in writing the following
 153.15 information:

153.16 (1) why the best interests of the child are served by the disposition ordered; and

153.17 (2) what alternative dispositions were considered by the court and why such dispositions
 153.18 were not appropriate in the instant case. Clause (1) does not apply to a disposition under
 153.19 subdivision 1a.

153.20 Sec. 113. Minnesota Statutes 2018, section 260C.007, subdivision 3, is amended to read:

153.21 Subd. 3. **Case plan.** "Case plan" means any plan for the delivery of services to a child
 153.22 and parent or guardian, or, when reunification is not required, the child alone, that is
 153.23 developed according to the requirements of section 245.4871, subdivision 19 or 21; 245.492,
 153.24 subdivision 16; 256B.092; 260C.212, subdivision 1; or ~~626.556, subdivision 10~~ 260E.26.

153.25 Sec. 114. Minnesota Statutes 2018, section 260C.007, subdivision 5, is amended to read:

153.26 Subd. 5. **Child abuse.** "Child abuse" means an act that involves a minor victim that
 153.27 constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.322,
 153.28 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, 617.246, or that is physical
 153.29 or sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03, or an act committed

154.1 in another state that involves a minor victim and would constitute a violation of one of these
154.2 sections if committed in this state.

154.3 Sec. 115. Minnesota Statutes 2018, section 260C.007, subdivision 6, is amended to read:

154.4 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
154.5 services" means a child who is in need of protection or services because the child:

154.6 (1) is abandoned or without parent, guardian, or custodian;

154.7 (2)(i) has been a victim of physical or sexual abuse as defined in section ~~626.556,~~
154.8 ~~subdivision 2~~ 260E.03, subdivision 18 or 20, (ii) resides with or has resided with a victim
154.9 of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision
154.10 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined
154.11 in subdivision 13 or child abuse as defined in subdivision 5 or 13, or (iv) is a victim of
154.12 emotional maltreatment as defined in subdivision 15;

154.13 (3) is without necessary food, clothing, shelter, education, or other required care for the
154.14 child's physical or mental health or morals because the child's parent, guardian, or custodian
154.15 is unable or unwilling to provide that care;

154.16 (4) is without the special care made necessary by a physical, mental, or emotional
154.17 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
154.18 that care;

154.19 (5) is medically neglected, which includes, but is not limited to, the withholding of
154.20 medically indicated treatment from an infant with a disability with a life-threatening
154.21 condition. The term "withholding of medically indicated treatment" means the failure to
154.22 respond to the infant's life-threatening conditions by providing treatment, including
154.23 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
154.24 practice registered nurse's reasonable medical judgment, will be most likely to be effective
154.25 in ameliorating or correcting all conditions, except that the term does not include the failure
154.26 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
154.27 when, in the treating physician's or advanced practice registered nurse's reasonable medical
154.28 judgment:

154.29 (i) the infant is chronically and irreversibly comatose;

154.30 (ii) the provision of the treatment would merely prolong dying, not be effective in
154.31 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
154.32 futile in terms of the survival of the infant; or

155.1 (iii) the provision of the treatment would be virtually futile in terms of the survival of
155.2 the infant and the treatment itself under the circumstances would be inhumane;

155.3 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
155.4 of the child's care and custody, including a child who entered foster care under a voluntary
155.5 placement agreement between the parent and the responsible social services agency under
155.6 section 260C.227;

155.7 (7) has been placed for adoption or care in violation of law;

155.8 (8) is without proper parental care because of the emotional, mental, or physical disability,
155.9 or state of immaturity of the child's parent, guardian, or other custodian;

155.10 (9) is one whose behavior, condition, or environment is such as to be injurious or
155.11 dangerous to the child or others. An injurious or dangerous environment may include, but
155.12 is not limited to, the exposure of a child to criminal activity in the child's home;

155.13 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
155.14 have been diagnosed by a physician and are due to parental neglect;

155.15 (11) is a sexually exploited youth;

155.16 (12) has committed a delinquent act or a juvenile petty offense before becoming ten
155.17 years old;

155.18 (13) is a runaway;

155.19 (14) is a habitual truant;

155.20 (15) has been found incompetent to proceed or has been found not guilty by reason of
155.21 mental illness or mental deficiency in connection with a delinquency proceeding, a
155.22 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
155.23 proceeding involving a juvenile petty offense; or

155.24 (16) has a parent whose parental rights to one or more other children were involuntarily
155.25 terminated or whose custodial rights to another child have been involuntarily transferred to
155.26 a relative and there is a case plan prepared by the responsible social services agency
155.27 documenting a compelling reason why filing the termination of parental rights petition under
155.28 section 260C.503, subdivision 2, is not in the best interests of the child.

155.29 Sec. 116. Minnesota Statutes 2018, section 260C.007, subdivision 13, is amended to read:

155.30 Subd. 13. **Domestic child abuse.** "Domestic child abuse" means:

156.1 (1) any physical injury to a minor family or household member inflicted by an adult
156.2 family or household member other than by accidental means;

156.3 (2) subjection of a minor family or household member by an adult family or household
156.4 member to any act which constitutes a violation of sections 609.321 to 609.324, 609.342,
156.5 609.343, 609.344, 609.345, or 617.246; or

156.6 (3) physical or sexual abuse as defined in section ~~626.556, subdivision 2~~ 260E.03,
156.7 subdivision 18 or 20.

156.8 Sec. 117. Minnesota Statutes 2019 Supplement, section 260C.139, subdivision 3, is
156.9 amended to read:

156.10 Subd. 3. **Status of child.** For purposes of proceedings under this chapter and adoption
156.11 proceedings, a newborn left at a safe place, pursuant to subdivision 4 and section 145.902,
156.12 is considered an abandoned child under section ~~626.556, subdivision 2, paragraph (o), clause~~
156.13 ~~(2)~~ 260E.03, subdivision 22, clause (2). The child is abandoned under sections 260C.007,
156.14 subdivision 6, clause (1), and 260C.301, subdivision 1, paragraph (b), clause (1).

156.15 Sec. 118. Minnesota Statutes 2018, section 260C.150, subdivision 3, is amended to read:

156.16 Subd. 3. **Identifying parents of child; diligent efforts; data.** (a) The responsible social
156.17 services agency shall make diligent efforts to identify and locate both parents of any child
156.18 who is the subject of proceedings under this chapter. Diligent efforts include:

156.19 (1) asking the custodial or known parent to identify any nonresident parent of the child
156.20 and provide information that can be used to verify the nonresident parent's identity including
156.21 the dates and locations of marriages and divorces; dates and locations of any legal
156.22 proceedings regarding paternity; date and place of the child's birth; nonresident parent's full
156.23 legal name; nonresident parent's date of birth, or if the nonresident parent's date of birth is
156.24 unknown, an approximate age; the nonresident parent's Social Security number; the
156.25 nonresident parent's whereabouts including last known whereabouts; and the whereabouts
156.26 of relatives of the nonresident parent. For purposes of this subdivision, "nonresident parent"
156.27 means a parent who does not reside in the same household as the child or did not reside in
156.28 the same household as the child at the time the child was removed when the child is in foster
156.29 care;

156.30 (2) obtaining information that will identify and locate the nonresident parent from the
156.31 county and state of Minnesota child support enforcement information system;

157.1 (3) requesting a search of the Minnesota Fathers' Adoption Registry 30 days after the
157.2 child's birth; and

157.3 (4) using any other reasonable means to identify and locate the nonresident parent.

157.4 (b) The agency may disclose data which is otherwise private under section 13.46 or
157.5 ~~626.556~~ or chapter 260E in order to carry out its duties under this subdivision.

157.6 (c) Upon the filing of a petition alleging the child to be in need of protection or services,
157.7 the responsible social services agency may contact a putative father who registered with
157.8 the Minnesota Fathers' Adoption Registry more than 30 days after the child's birth. The
157.9 social service agency may consider a putative father for the day-to-day care of the child
157.10 under section 260C.219 if the putative father cooperates with genetic testing and there is a
157.11 positive test result under section 257.62, subdivision 5. Nothing in this paragraph:

157.12 (1) relieves a putative father who registered with the Minnesota Fathers' Adoption
157.13 Registry more than 30 days after the child's birth of the duty to cooperate with paternity
157.14 establishment proceedings under section 260C.219;

157.15 (2) gives a putative father who registered with the Minnesota Fathers' Adoption Registry
157.16 more than 30 days after the child's birth the right to notice under section 260C.151 unless
157.17 the putative father is entitled to notice under sections 259.24 and 259.49, subdivision 1,
157.18 paragraph (a) or (b), clauses (1) to (7); or

157.19 (3) establishes a right to assert an interest in the child in a termination of parental rights
157.20 proceeding contrary to section 259.52, subdivision 6, unless the putative father is entitled
157.21 to notice under sections 259.24 and 259.49, subdivision 1, paragraph (a) or (b), clauses (1)
157.22 to (7).

157.23 Sec. 119. Minnesota Statutes 2018, section 260C.171, subdivision 3, is amended to read:

157.24 Subd. 3. **Attorney access to records.** An attorney representing a child, parent, or guardian
157.25 ad litem in a proceeding under this chapter shall be given access to records, responsible
157.26 social services agency files, and reports which form the basis of any recommendation made
157.27 to the court. An attorney does not have access under this subdivision to the identity of a
157.28 person who made a report under ~~section 626.556~~ chapter 260E. The court may issue
157.29 protective orders to prohibit an attorney from sharing a specified record or portion of a
157.30 record with a client other than a guardian ad litem.

158.1 Sec. 120. Minnesota Statutes 2018, section 260C.177, is amended to read:

158.2 **260C.177 PARENTAL AND LAW ENFORCEMENT NOTIFICATION.**

158.3 An emergency shelter and its agents, employees, and volunteers must comply with court
158.4 orders, ~~section 626.556~~, this chapter, chapter 260E, and all other applicable laws. In any
158.5 event, unless other legal requirements require earlier or different notification or actions, an
158.6 emergency shelter must attempt to notify a runaway's parent or legal guardian of the
158.7 runaway's location and status within 72 hours. The notification must include a description
158.8 of the runaway's physical and emotional condition and the circumstances surrounding the
158.9 runaway's admission to the emergency shelter, unless there are compelling reasons not to
158.10 provide the parent or legal guardian with this information. Compelling reasons may include
158.11 circumstances in which the runaway is or has been exposed to domestic violence or a victim
158.12 of abuse, neglect, or abandonment.

158.13 Sec. 121. Minnesota Statutes 2019 Supplement, section 260C.178, subdivision 1, is
158.14 amended to read:

158.15 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody
158.16 under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall hold a
158.17 hearing within 72 hours of the time the child was taken into custody, excluding Saturdays,
158.18 Sundays, and holidays, to determine whether the child should continue in custody.

158.19 (b) Unless there is reason to believe that the child would endanger self or others or not
158.20 return for a court hearing, or that the child's health or welfare would be immediately
158.21 endangered, the child shall be released to the custody of a parent, guardian, custodian, or
158.22 other suitable person, subject to reasonable conditions of release including, but not limited
158.23 to, a requirement that the child undergo a chemical use assessment as provided in section
158.24 260C.157, subdivision 1.

158.25 (c) If the court determines there is reason to believe that the child would endanger self
158.26 or others or not return for a court hearing, or that the child's health or welfare would be
158.27 immediately endangered if returned to the care of the parent or guardian who has custody
158.28 and from whom the child was removed, the court shall order the child into foster care as
158.29 defined in section 260C.007, subdivision 18, under the legal responsibility of the responsible
158.30 social services agency or responsible probation or corrections agency for the purposes of
158.31 protective care as that term is used in the juvenile court rules or into the home of a
158.32 noncustodial parent and order the noncustodial parent to comply with any conditions the
158.33 court determines to be appropriate to the safety and care of the child, including cooperating
158.34 with paternity establishment proceedings in the case of a man who has not been adjudicated

159.1 the child's father. The court shall not give the responsible social services legal custody and
159.2 order a trial home visit at any time prior to adjudication and disposition under section
159.3 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the
159.4 care of the parent or guardian who has custody and from whom the child was removed and
159.5 order the parent or guardian to comply with any conditions the court determines to be
159.6 appropriate to meet the safety, health, and welfare of the child.

159.7 (d) In determining whether the child's health or welfare would be immediately
159.8 endangered, the court shall consider whether the child would reside with a perpetrator of
159.9 domestic child abuse.

159.10 (e) The court, before determining whether a child should be placed in or continue in
159.11 foster care under the protective care of the responsible agency, shall also make a
159.12 determination, consistent with section 260.012 as to whether reasonable efforts were made
159.13 to prevent placement or whether reasonable efforts to prevent placement are not required.
159.14 In the case of an Indian child, the court shall determine whether active efforts, according
159.15 to section 260.762 and the Indian Child Welfare Act of 1978, United States Code, title 25,
159.16 section 1912(d), were made to prevent placement. The court shall enter a finding that the
159.17 responsible social services agency has made reasonable efforts to prevent placement when
159.18 the agency establishes either:

159.19 (1) that it has actually provided services or made efforts in an attempt to prevent the
159.20 child's removal but that such services or efforts have not proven sufficient to permit the
159.21 child to safely remain in the home; or

159.22 (2) that there are no services or other efforts that could be made at the time of the hearing
159.23 that could safely permit the child to remain home or to return home. When reasonable efforts
159.24 to prevent placement are required and there are services or other efforts that could be ordered
159.25 which would permit the child to safely return home, the court shall order the child returned
159.26 to the care of the parent or guardian and the services or efforts put in place to ensure the
159.27 child's safety. When the court makes a prima facie determination that one of the
159.28 circumstances under paragraph (g) exists, the court shall determine that reasonable efforts
159.29 to prevent placement and to return the child to the care of the parent or guardian are not
159.30 required.

159.31 If the court finds the social services agency's preventive or reunification efforts have
159.32 not been reasonable but further preventive or reunification efforts could not permit the child
159.33 to safely remain at home, the court may nevertheless authorize or continue the removal of
159.34 the child.

160.1 (f) The court may not order or continue the foster care placement of the child unless the
160.2 court makes explicit, individualized findings that continued custody of the child by the
160.3 parent or guardian would be contrary to the welfare of the child and that placement is in the
160.4 best interest of the child.

160.5 (g) At the emergency removal hearing, or at any time during the course of the proceeding,
160.6 and upon notice and request of the county attorney, the court shall determine whether a
160.7 petition has been filed stating a prima facie case that:

160.8 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,
160.9 subdivision 14;

160.10 (2) the parental rights of the parent to another child have been involuntarily terminated;

160.11 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph
160.12 (a), clause (2);

160.13 (4) the parents' custodial rights to another child have been involuntarily transferred to a
160.14 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (e),
160.15 clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

160.16 (5) the parent has committed sexual abuse as defined in section ~~626.556, subdivision 2~~
160.17 260E.03, against the child or another child of the parent;

160.18 (6) the parent has committed an offense that requires registration as a predatory offender
160.19 under section 243.166, subdivision 1b, paragraph (a) or (b); or

160.20 (7) the provision of services or further services for the purpose of reunification is futile
160.21 and therefore unreasonable.

160.22 (h) When a petition to terminate parental rights is required under section 260C.301,
160.23 subdivision 4, or 260C.503, subdivision 2, but the county attorney has determined not to
160.24 proceed with a termination of parental rights petition, and has instead filed a petition to
160.25 transfer permanent legal and physical custody to a relative under section 260C.507, the
160.26 court shall schedule a permanency hearing within 30 days of the filing of the petition.

160.27 (i) If the county attorney has filed a petition under section 260C.307, the court shall
160.28 schedule a trial under section 260C.163 within 90 days of the filing of the petition except
160.29 when the county attorney determines that the criminal case shall proceed to trial first under
160.30 section 260C.503, subdivision 2, paragraph (c).

160.31 (j) If the court determines the child should be ordered into foster care and the child's
160.32 parent refuses to give information to the responsible social services agency regarding the

161.1 child's father or relatives of the child, the court may order the parent to disclose the names,
161.2 addresses, telephone numbers, and other identifying information to the responsible social
161.3 services agency for the purpose of complying with sections 260C.151, 260C.212, 260C.215,
161.4 and 260C.221.

161.5 (k) If a child ordered into foster care has siblings, whether full, half, or step, who are
161.6 also ordered into foster care, the court shall inquire of the responsible social services agency
161.7 of the efforts to place the children together as required by section 260C.212, subdivision 2,
161.8 paragraph (d), if placement together is in each child's best interests, unless a child is in
161.9 placement for treatment or a child is placed with a previously noncustodial parent who is
161.10 not a parent to all siblings. If the children are not placed together at the time of the hearing,
161.11 the court shall inquire at each subsequent hearing of the agency's reasonable efforts to place
161.12 the siblings together, as required under section 260.012. If any sibling is not placed with
161.13 another sibling or siblings, the agency must develop a plan to facilitate visitation or ongoing
161.14 contact among the siblings as required under section 260C.212, subdivision 1, unless it is
161.15 contrary to the safety or well-being of any of the siblings to do so.

161.16 (l) When the court has ordered the child into foster care or into the home of a noncustodial
161.17 parent, the court may order a chemical dependency evaluation, mental health evaluation,
161.18 medical examination, and parenting assessment for the parent as necessary to support the
161.19 development of a plan for reunification required under subdivision 7 and section 260C.212,
161.20 subdivision 1, or the child protective services plan under section ~~626.556, subdivision 10~~
161.21 260E.26, and Minnesota Rules, part 9560.0228.

161.22 Sec. 122. Minnesota Statutes 2019 Supplement, section 260C.201, subdivision 6, is
161.23 amended to read:

161.24 Subd. 6. **Case plan.** (a) For each disposition ordered where the child is placed away
161.25 from a parent or guardian, the court shall order the responsible social services agency to
161.26 prepare a written out-of-home placement plan according to the requirements of section
161.27 260C.212, subdivision 1. When a foster child is colocated with a parent in a licensed
161.28 residential family-based substance use disorder treatment program under section 260C.190,
161.29 the case plan must specify the recommendation for the colocation before the child is colocated
161.30 with the parent.

161.31 (b) In cases where the child is not placed out of the home or is ordered into the home of
161.32 a noncustodial parent, the responsible social services agency shall prepare a plan for delivery
161.33 of social services to the child and custodial parent under section ~~626.556, subdivision 10~~
161.34 260E.26, or any other case plan required to meet the needs of the child. The plan shall be

162.1 designed to safely maintain the child in the home or to reunite the child with the custodial
162.2 parent.

162.3 (c) The court may approve the case plan as presented or modify it after hearing from
162.4 the parties. Once the plan is approved, the court shall order all parties to comply with it. A
162.5 copy of the approved case plan shall be attached to the court's order and incorporated into
162.6 it by reference.

162.7 (d) A party has a right to request a court review of the reasonableness of the case plan
162.8 upon a showing of a substantial change of circumstances.

162.9 Sec. 123. Minnesota Statutes 2018, section 260C.209, subdivision 2, is amended to read:

162.10 Subd. 2. **General procedures.** (a) When accessing information under subdivision 1, the
162.11 agency shall require the individual being assessed to provide sufficient information to ensure
162.12 an accurate assessment under this section, including:

162.13 (1) the individual's first, middle, and last name and all other names by which the
162.14 individual has been known;

162.15 (2) home address, zip code, city, county, and state of residence for the past five years;

162.16 (3) sex;

162.17 (4) date of birth; and

162.18 (5) driver's license number or state identification number.

162.19 (b) When notified by the responsible social services agency that it is accessing information
162.20 under subdivision 1, the Bureau of Criminal Apprehension, commissioners of health and
162.21 human services, law enforcement, and county agencies must provide the responsible social
162.22 services agency or county attorney with the following information on the individual being
162.23 assessed: criminal history data, local law enforcement data about the household, reports
162.24 about the maltreatment of adults substantiated under section 626.557, and reports of
162.25 maltreatment of minors substantiated under ~~section 626.556~~ chapter 260E.

162.26 Sec. 124. Minnesota Statutes 2018, section 260C.212, subdivision 12, is amended to read:

162.27 Subd. 12. **Fair hearing review.** Any person whose claim for foster care payment pursuant
162.28 to the placement of a child resulting from a child protection assessment under ~~section 626.556~~
162.29 chapter 260E is denied or not acted upon with reasonable promptness may appeal the decision
162.30 under section 256.045, subdivision 3.

163.1 Sec. 125. Minnesota Statutes 2018, section 260C.221, is amended to read:

163.2 **260C.221 RELATIVE SEARCH.**

163.3 (a) The responsible social services agency shall exercise due diligence to identify and
163.4 notify adult relatives prior to placement or within 30 days after the child's removal from the
163.5 parent. The county agency shall consider placement with a relative under this section without
163.6 delay and whenever the child must move from or be returned to foster care. The relative
163.7 search required by this section shall be comprehensive in scope. After a finding that the
163.8 agency has made reasonable efforts to conduct the relative search under this paragraph, the
163.9 agency has the continuing responsibility to appropriately involve relatives, who have
163.10 responded to the notice required under this paragraph, in planning for the child and to
163.11 continue to consider relatives according to the requirements of section 260C.212, subdivision
163.12 2. At any time during the course of juvenile protection proceedings, the court may order
163.13 the agency to reopen its search for relatives when it is in the child's best interest to do so.

163.14 (b) The relative search required by this section shall include both maternal and paternal
163.15 adult relatives of the child; all adult grandparents; all legal parents, guardians, or custodians
163.16 of the child's siblings; and any other adult relatives suggested by the child's parents, subject
163.17 to the exceptions due to family violence in paragraph (c). The search shall also include
163.18 getting information from the child in an age-appropriate manner about who the child
163.19 considers to be family members and important friends with whom the child has resided or
163.20 had significant contact. The relative search required under this section must fulfill the
163.21 agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the
163.22 breakup of the Indian family under United States Code, title 25, section 1912(d), and to
163.23 meet placement preferences under United States Code, title 25, section 1915. The relatives
163.24 must be notified:

163.25 (1) of the need for a foster home for the child, the option to become a placement resource
163.26 for the child, and the possibility of the need for a permanent placement for the child;

163.27 (2) of their responsibility to keep the responsible social services agency and the court
163.28 informed of their current address in order to receive notice in the event that a permanent
163.29 placement is sought for the child and to receive notice of the permanency progress review
163.30 hearing under section 260C.204. A relative who fails to provide a current address to the
163.31 responsible social services agency and the court forfeits the right to receive notice of the
163.32 possibility of permanent placement and of the permanency progress review hearing under
163.33 section 260C.204. A decision by a relative not to be identified as a potential permanent
163.34 placement resource or participate in planning for the child at the beginning of the case shall

164.1 not affect whether the relative is considered for placement of the child with that relative
164.2 later;

164.3 (3) that the relative may participate in the care and planning for the child, including that
164.4 the opportunity for such participation may be lost by failing to respond to the notice sent
164.5 under this subdivision. "Participate in the care and planning" includes, but is not limited to,
164.6 participation in case planning for the parent and child, identifying the strengths and needs
164.7 of the parent and child, supervising visits, providing respite and vacation visits for the child,
164.8 providing transportation to appointments, suggesting other relatives who might be able to
164.9 help support the case plan, and to the extent possible, helping to maintain the child's familiar
164.10 and regular activities and contact with friends and relatives;

164.11 (4) of the family foster care licensing requirements, including how to complete an
164.12 application and how to request a variance from licensing standards that do not present a
164.13 safety or health risk to the child in the home under section 245A.04 and supports that are
164.14 available for relatives and children who reside in a family foster home; and

164.15 (5) of the relatives' right to ask to be notified of any court proceedings regarding the
164.16 child, to attend the hearings, and of a relative's right or opportunity to be heard by the court
164.17 as required under section 260C.152, subdivision 5.

164.18 (c) A responsible social services agency may disclose private data, as defined in ~~sections~~
164.19 section 13.02 and 626.556 chapter 260E, to relatives of the child for the purpose of locating
164.20 and assessing a suitable placement and may use any reasonable means of identifying and
164.21 locating relatives including the Internet or other electronic means of conducting a search.
164.22 The agency shall disclose data that is necessary to facilitate possible placement with relatives
164.23 and to ensure that the relative is informed of the needs of the child so the relative can
164.24 participate in planning for the child and be supportive of services to the child and family.
164.25 If the child's parent refuses to give the responsible social services agency information
164.26 sufficient to identify the maternal and paternal relatives of the child, the agency shall ask
164.27 the juvenile court to order the parent to provide the necessary information. If a parent makes
164.28 an explicit request that a specific relative not be contacted or considered for placement due
164.29 to safety reasons including past family or domestic violence, the agency shall bring the
164.30 parent's request to the attention of the court to determine whether the parent's request is
164.31 consistent with the best interests of the child and the agency shall not contact the specific
164.32 relative when the juvenile court finds that contacting the specific relative would endanger
164.33 the parent, guardian, child, sibling, or any family member.

165.1 (d) At a regularly scheduled hearing not later than three months after the child's placement
165.2 in foster care and as required in section 260C.202, the agency shall report to the court:

165.3 (1) its efforts to identify maternal and paternal relatives of the child and to engage the
165.4 relatives in providing support for the child and family, and document that the relatives have
165.5 been provided the notice required under paragraph (a); and

165.6 (2) its decision regarding placing the child with a relative as required under section
165.7 260C.212, subdivision 2, and to ask relatives to visit or maintain contact with the child in
165.8 order to support family connections for the child, when placement with a relative is not
165.9 possible or appropriate.

165.10 (e) Notwithstanding chapter 13, the agency shall disclose data about particular relatives
165.11 identified, searched for, and contacted for the purposes of the court's review of the agency's
165.12 due diligence.

165.13 (f) When the court is satisfied that the agency has exercised due diligence to identify
165.14 relatives and provide the notice required in paragraph (a), the court may find that reasonable
165.15 efforts have been made to conduct a relative search to identify and provide notice to adult
165.16 relatives as required under section 260.012, paragraph (e), clause (3). If the court is not
165.17 satisfied that the agency has exercised due diligence to identify relatives and provide the
165.18 notice required in paragraph (a), the court may order the agency to continue its search and
165.19 notice efforts and to report back to the court.

165.20 (g) When the placing agency determines that permanent placement proceedings are
165.21 necessary because there is a likelihood that the child will not return to a parent's care, the
165.22 agency must send the notice provided in paragraph (h), may ask the court to modify the
165.23 duty of the agency to send the notice required in paragraph (h), or may ask the court to
165.24 completely relieve the agency of the requirements of paragraph (h). The relative notification
165.25 requirements of paragraph (h) do not apply when the child is placed with an appropriate
165.26 relative or a foster home that has committed to adopting the child or taking permanent legal
165.27 and physical custody of the child and the agency approves of that foster home for permanent
165.28 placement of the child. The actions ordered by the court under this section must be consistent
165.29 with the best interests, safety, permanency, and welfare of the child.

165.30 (h) Unless required under the Indian Child Welfare Act or relieved of this duty by the
165.31 court under paragraph (f), when the agency determines that it is necessary to prepare for
165.32 permanent placement determination proceedings, or in anticipation of filing a termination
165.33 of parental rights petition, the agency shall send notice to the relatives, any adult with whom
165.34 the child is currently residing, any adult with whom the child has resided for one year or

166.1 longer in the past, and any adults who have maintained a relationship or exercised visitation
166.2 with the child as identified in the agency case plan. The notice must state that a permanent
166.3 home is sought for the child and that the individuals receiving the notice may indicate to
166.4 the agency their interest in providing a permanent home. The notice must state that within
166.5 30 days of receipt of the notice an individual receiving the notice must indicate to the agency
166.6 the individual's interest in providing a permanent home for the child or that the individual
166.7 may lose the opportunity to be considered for a permanent placement.

166.8 Sec. 126. Minnesota Statutes 2018, section 260C.503, subdivision 2, is amended to read:

166.9 Subd. 2. **Termination of parental rights.** (a) The responsible social services agency
166.10 must ask the county attorney to immediately file a termination of parental rights petition
166.11 when:

166.12 (1) the child has been subjected to egregious harm as defined in section 260C.007,
166.13 subdivision 14;

166.14 (2) the child is determined to be the sibling of a child who was subjected to egregious
166.15 harm;

166.16 (3) the child is an abandoned infant as defined in section 260C.301, subdivision 2,
166.17 paragraph (a), clause (2);

166.18 (4) the child's parent has lost parental rights to another child through an order involuntarily
166.19 terminating the parent's rights;

166.20 (5) the parent has committed sexual abuse as defined in section ~~626.556, subdivision 2~~
166.21 260E.03, against the child or another child of the parent;

166.22 (6) the parent has committed an offense that requires registration as a predatory offender
166.23 under section 243.166, subdivision 1b, paragraph (a) or (b); or

166.24 (7) another child of the parent is the subject of an order involuntarily transferring
166.25 permanent legal and physical custody of the child to a relative under this chapter or a similar
166.26 law of another jurisdiction;

166.27 The county attorney shall file a termination of parental rights petition unless the conditions
166.28 of paragraph (d) are met.

166.29 (b) When the termination of parental rights petition is filed under this subdivision, the
166.30 responsible social services agency shall identify, recruit, and approve an adoptive family
166.31 for the child. If a termination of parental rights petition has been filed by another party, the
166.32 responsible social services agency shall be joined as a party to the petition.

167.1 (c) If criminal charges have been filed against a parent arising out of the conduct alleged
167.2 to constitute egregious harm, the county attorney shall determine which matter should
167.3 proceed to trial first, consistent with the best interests of the child and subject to the
167.4 defendant's right to a speedy trial.

167.5 (d) The requirement of paragraph (a) does not apply if the responsible social services
167.6 agency and the county attorney determine and file with the court:

167.7 (1) a petition for transfer of permanent legal and physical custody to a relative under
167.8 sections 260C.505 and 260C.515, subdivision 3, including a determination that adoption is
167.9 not in the child's best interests and that transfer of permanent legal and physical custody is
167.10 in the child's best interests; or

167.11 (2) a petition under section 260C.141 alleging the child, and where appropriate, the
167.12 child's siblings, to be in need of protection or services accompanied by a case plan prepared
167.13 by the responsible social services agency documenting a compelling reason why filing a
167.14 termination of parental rights petition would not be in the best interests of the child.

167.15 Sec. 127. Minnesota Statutes 2018, section 260D.01, is amended to read:

167.16 **260D.01 CHILD IN VOLUNTARY FOSTER CARE FOR TREATMENT.**

167.17 (a) Sections 260D.01 to 260D.10, may be cited as the "child in voluntary foster care for
167.18 treatment" provisions of the Juvenile Court Act.

167.19 (b) The juvenile court has original and exclusive jurisdiction over a child in voluntary
167.20 foster care for treatment upon the filing of a report or petition required under this chapter.
167.21 All obligations of the agency to a child and family in foster care contained in chapter 260C
167.22 not inconsistent with this chapter are also obligations of the agency with regard to a child
167.23 in foster care for treatment under this chapter.

167.24 (c) This chapter shall be construed consistently with the mission of the children's mental
167.25 health service system as set out in section 245.487, subdivision 3, and the duties of an agency
167.26 under sections 256B.092 and 260C.157 and Minnesota Rules, parts 9525.0004 to 9525.0016,
167.27 to meet the needs of a child with a developmental disability or related condition. This
167.28 chapter:

167.29 (1) establishes voluntary foster care through a voluntary foster care agreement as the
167.30 means for an agency and a parent to provide needed treatment when the child must be in
167.31 foster care to receive necessary treatment for an emotional disturbance or developmental
167.32 disability or related condition;

168.1 (2) establishes court review requirements for a child in voluntary foster care for treatment
168.2 due to emotional disturbance or developmental disability or a related condition;

168.3 (3) establishes the ongoing responsibility of the parent as legal custodian to visit the
168.4 child, to plan together with the agency for the child's treatment needs, to be available and
168.5 accessible to the agency to make treatment decisions, and to obtain necessary medical,
168.6 dental, and other care for the child; and

168.7 (4) applies to voluntary foster care when the child's parent and the agency agree that the
168.8 child's treatment needs require foster care either:

168.9 (i) due to a level of care determination by the agency's screening team informed by the
168.10 diagnostic and functional assessment under section 245.4885; or

168.11 (ii) due to a determination regarding the level of services needed by the responsible
168.12 social services' screening team under section 256B.092, and Minnesota Rules, parts
168.13 9525.0004 to 9525.0016.

168.14 (d) This chapter does not apply when there is a current determination under ~~section~~
168.15 ~~626.556~~ chapter 260E that the child requires child protective services or when the child is
168.16 in foster care for any reason other than treatment for the child's emotional disturbance or
168.17 developmental disability or related condition. When there is a determination under ~~section~~
168.18 ~~626.556~~ chapter 260E that the child requires child protective services based on an assessment
168.19 that there are safety and risk issues for the child that have not been mitigated through the
168.20 parent's engagement in services or otherwise, or when the child is in foster care for any
168.21 reason other than the child's emotional disturbance or developmental disability or related
168.22 condition, the provisions of chapter 260C apply.

168.23 (e) The paramount consideration in all proceedings concerning a child in voluntary foster
168.24 care for treatment is the safety, health, and the best interests of the child. The purpose of
168.25 this chapter is:

168.26 (1) to ensure a child with a disability is provided the services necessary to treat or
168.27 ameliorate the symptoms of the child's disability;

168.28 (2) to preserve and strengthen the child's family ties whenever possible and in the child's
168.29 best interests, approving the child's placement away from the child's parents only when the
168.30 child's need for care or treatment requires it and the child cannot be maintained in the home
168.31 of the parent; and

168.32 (3) to ensure the child's parent retains legal custody of the child and associated
168.33 decision-making authority unless the child's parent willfully fails or is unable to make

169.1 decisions that meet the child's safety, health, and best interests. The court may not find that
169.2 the parent willfully fails or is unable to make decisions that meet the child's needs solely
169.3 because the parent disagrees with the agency's choice of foster care facility, unless the
169.4 agency files a petition under chapter 260C, and establishes by clear and convincing evidence
169.5 that the child is in need of protection or services.

169.6 (f) The legal parent-child relationship shall be supported under this chapter by maintaining
169.7 the parent's legal authority and responsibility for ongoing planning for the child and by the
169.8 agency's assisting the parent, where necessary, to exercise the parent's ongoing right and
169.9 obligation to visit or to have reasonable contact with the child. Ongoing planning means:

169.10 (1) actively participating in the planning and provision of educational services, medical,
169.11 and dental care for the child;

169.12 (2) actively planning and participating with the agency and the foster care facility for
169.13 the child's treatment needs; and

169.14 (3) planning to meet the child's need for safety, stability, and permanency, and the child's
169.15 need to stay connected to the child's family and community.

169.16 (g) The provisions of section 260.012 to ensure placement prevention, family
169.17 reunification, and all active and reasonable effort requirements of that section apply. This
169.18 chapter shall be construed consistently with the requirements of the Indian Child Welfare
169.19 Act of 1978, United States Code, title 25, section 1901, et al., and the provisions of the
169.20 Minnesota Indian Family Preservation Act, sections 260.751 to 260.835.

169.21 Sec. 128. Minnesota Statutes 2018, section 260D.02, subdivision 3, is amended to read:

169.22 Subd. 3. **Case plan.** "Case plan" means any plan for the delivery of services to a child
169.23 and parent, or when reunification is not required, the child alone, that is developed according
169.24 to the requirements of sections 245.4871, subdivision 19 or 21; 245.492, subdivision 16;
169.25 256B.092; and 260C.212, subdivision 1; ~~626.556, subdivision 10;~~ and Minnesota Rules,
169.26 parts 9525.0004 to 9525.0016.

169.27 Sec. 129. Minnesota Statutes 2018, section 260D.02, subdivision 5, is amended to read:

169.28 Subd. 5. **Child in voluntary foster care for treatment.** "Child in voluntary foster care
169.29 for treatment" means a child who is emotionally disturbed or developmentally disabled or
169.30 has a related condition and is in foster care under a voluntary foster care agreement between
169.31 the child's parent and the agency due to concurrence between the agency and the parent
169.32 when it is determined that foster care is medically necessary:

170.1 (1) due to a determination by the agency's screening team based on its review of the
 170.2 diagnostic and functional assessment under section 245.4885; or

170.3 (2) due to a determination by the agency's screening team under section 256B.092 and
 170.4 Minnesota Rules, parts 9525.0004 to 9525.0016.

170.5 A child is not in voluntary foster care for treatment under this chapter when there is a
 170.6 current determination under ~~section 626.556~~ chapter 260E that the child requires child
 170.7 protective services or when the child is in foster care for any reason other than the child's
 170.8 emotional or developmental disability or related condition.

170.9 Sec. 130. Minnesota Statutes 2019 Supplement, section 299C.093, is amended to read:

170.10 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

170.11 The superintendent of the Bureau of Criminal Apprehension shall maintain a
 170.12 computerized data system relating to individuals required to register as predatory offenders
 170.13 under section 243.166. To the degree feasible, the system must include the data required to
 170.14 be provided under section 243.166, subdivisions 4, 4a, and 4b, and indicate the time period
 170.15 that the person is required to register. The superintendent shall maintain this data in a manner
 170.16 that ensures that it is readily available to law enforcement agencies. This data is private data
 170.17 on individuals under section 13.02, subdivision 12, but may be used for law enforcement
 170.18 and corrections purposes. Law enforcement or a corrections agent may disclose the status
 170.19 of an individual as a predatory offender to a child protection worker with a local welfare
 170.20 agency for purposes of doing a family assessment under ~~section 626.556~~ chapter 260E. A
 170.21 corrections agent may also disclose the status of an individual as a predatory offender to
 170.22 comply with section 244.057. The commissioner of human services has access to the data
 170.23 for state-operated services, as defined in section 246.014, for the purposes described in
 170.24 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background
 170.25 studies under chapter 245C.

170.26 Sec. 131. Minnesota Statutes 2018, section 388.051, subdivision 2, is amended to read:

170.27 Subd. 2. **Special provisions.** (a) In Anoka, Carver, Dakota, Hennepin, Scott, and
 170.28 Washington Counties, only the county attorney shall prosecute gross misdemeanor violations
 170.29 of sections 289A.63, subdivisions 1, 2, 4, and 6; 297B.10; 609.255, subdivision 3; 609.377;
 170.30 609.378; 609.41; and 617.247.

170.31 (b) In Ramsey County, only the county attorney shall prosecute gross misdemeanor
 170.32 violations of sections 609.255, subdivision 3; 609.377; and 609.378.

171.1 (c) The county attorney shall prosecute failure to report physical or sexual child abuse
 171.2 or neglect as provided under section ~~626.556, subdivision 6,~~ 260E.08, paragraphs (a), (b),
 171.3 and (c), violations of fifth-degree criminal sexual conduct under section 609.3451, and
 171.4 environmental law violations under sections 115.071, 299F.098, and 609.671.

171.5 (d) Except in Hennepin and Ramsey Counties, only the county attorney shall prosecute
 171.6 gross misdemeanor violations of section 152.025.

171.7 Sec. 132. Minnesota Statutes 2018, section 518.165, subdivision 2, is amended to read:

171.8 Subd. 2. **Required appointment of guardian ad litem.** In all proceedings for child
 171.9 custody or for marriage dissolution or legal separation in which custody or parenting time
 171.10 with a minor child is an issue, if the court has reason to believe that the minor child is a
 171.11 victim of domestic child abuse or neglect, as those terms are defined in ~~sections~~ section
 171.12 260C.007 and ~~626.556~~ chapter 260E, respectively, the court shall appoint a guardian ad
 171.13 litem. The guardian ad litem shall represent the interests of the child and advise the court
 171.14 with respect to custody and parenting time. If the child is represented by a guardian ad litem
 171.15 in any other pending proceeding, the court may appoint that guardian to represent the child
 171.16 in the custody or parenting time proceeding. No guardian ad litem need be appointed if the
 171.17 alleged domestic child abuse or neglect is before the court on a juvenile dependency and
 171.18 neglect petition. Nothing in this subdivision requires the court to appoint a guardian ad litem
 171.19 in any proceeding for child custody, marriage dissolution, or legal separation in which an
 171.20 allegation of domestic child abuse or neglect has not been made.

171.21 Sec. 133. Minnesota Statutes 2018, section 518.165, subdivision 5, is amended to read:

171.22 Subd. 5. **Procedure, criminal history, and maltreatment records background**
 171.23 **study.** (a) When the court requests a background study under subdivision 4, paragraph (a),
 171.24 the request shall be submitted to the Department of Human Services through the department's
 171.25 electronic online background study system.

171.26 (b) When the court requests a search of the National Criminal Records Repository, the
 171.27 court must provide a set of classifiable fingerprints of the subject of the study on a fingerprint
 171.28 card provided by the commissioner of human services.

171.29 (c) The commissioner of human services shall provide the court with criminal history
 171.30 data as defined in section 13.87 from the Bureau of Criminal Apprehension in the Department
 171.31 of Public Safety, other criminal history data held by the commissioner of human services,
 171.32 and data regarding substantiated maltreatment of a minor under ~~section 626.556~~ chapter
 171.33 260E, and substantiated maltreatment of a vulnerable adult under section 626.557, within

172.1 15 working days of receipt of a request. If the subject of the study has been determined by
 172.2 the Department of Human Services or the Department of Health to be the perpetrator of
 172.3 substantiated maltreatment of a minor or vulnerable adult in a licensed facility, the response
 172.4 must include a copy of the public portion of the investigation memorandum under section
 172.5 ~~626.556, subdivision 10f~~ 260E.30, or the public portion of the investigation memorandum
 172.6 under section 626.557, subdivision 12b. When the background study shows that the subject
 172.7 has been determined by a county adult protection or child protection agency to have been
 172.8 responsible for maltreatment, the court shall be informed of the county, the date of the
 172.9 finding, and the nature of the maltreatment that was substantiated. The commissioner shall
 172.10 provide the court with information from the National Criminal Records Repository within
 172.11 three working days of the commissioner's receipt of the data. When the commissioner finds
 172.12 no criminal history or substantiated maltreatment on a background study subject, the
 172.13 commissioner shall make these results available to the court electronically through the
 172.14 secure online background study system.

172.15 (d) Notwithstanding section ~~626.556, subdivision 10f~~, 260E.30 or 626.557, subdivision
 172.16 12b, if the commissioner or county lead agency or lead investigative agency has information
 172.17 that a person on whom a background study was previously done under this section has been
 172.18 determined to be a perpetrator of maltreatment of a minor or vulnerable adult, the
 172.19 commissioner or the county may provide this information to the court that requested the
 172.20 background study.

172.21 Sec. 134. Minnesota Statutes 2018, section 524.5-118, subdivision 2, is amended to read:

172.22 Subd. 2. **Procedure; criminal history and maltreatment records background**
 172.23 **check.** (a) The court shall request the commissioner of human services to complete a
 172.24 background study under section 245C.32. The request must be accompanied by the applicable
 172.25 fee and the signed consent of the subject of the study authorizing the release of the data
 172.26 obtained to the court. If the court is requesting a search of the National Criminal Records
 172.27 Repository, the request must be accompanied by a set of classifiable fingerprints of the
 172.28 subject of the study. The fingerprints must be recorded on a fingerprint card provided by
 172.29 the commissioner of human services.

172.30 (b) The commissioner of human services shall provide the court with criminal history
 172.31 data as defined in section 13.87 from the Bureau of Criminal Apprehension in the Department
 172.32 of Public Safety, other criminal history data held by the commissioner of human services,
 172.33 and data regarding substantiated maltreatment of vulnerable adults under section 626.557
 172.34 and substantiated maltreatment of minors under ~~section 626.556~~ chapter 260E within 15

173.1 working days of receipt of a request. If the subject of the study has been the perpetrator of
 173.2 substantiated maltreatment of a vulnerable adult or minor, the response must include a copy
 173.3 of the public portion of the investigation memorandum under section 626.557, subdivision
 173.4 12b, or the public portion of the investigation memorandum under section ~~626.556,~~
 173.5 ~~subdivision 10f~~ 260E.30. If the court did not request a search of the National Criminal
 173.6 Records Repository and information from the Bureau of Criminal Apprehension indicates
 173.7 that the subject is a multistate offender or that multistate offender status is undetermined,
 173.8 the response must include this information. The commissioner shall provide the court with
 173.9 information from the National Criminal Records Repository within three working days of
 173.10 the commissioner's receipt of the data.

173.11 (c) Notwithstanding section 260E.30 or 626.557, subdivision 12b, ~~or 626.556, subdivision~~
 173.12 ~~10f~~, if the commissioner of human services or a county lead agency or lead investigative
 173.13 agency has information that a person on whom a background study was previously done
 173.14 under this section has been determined to be a perpetrator of maltreatment of a vulnerable
 173.15 adult or minor, the commissioner or the county may provide this information to the court
 173.16 that requested the background study. The commissioner may also provide the court with
 173.17 additional criminal history or substantiated maltreatment information that becomes available
 173.18 after the background study is done.

173.19 Sec. 135. Minnesota Statutes 2018, section 595.02, subdivision 1, is amended to read:

173.20 Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding,
 173.21 including a party, may testify in any action or proceeding, civil or criminal, in court or
 173.22 before any person who has authority to receive evidence, except as provided in this
 173.23 subdivision:

173.24 (a) A husband cannot be examined for or against his wife without her consent, nor a
 173.25 wife for or against her husband without his consent, nor can either, during the marriage or
 173.26 afterwards, without the consent of the other, be examined as to any communication made
 173.27 by one to the other during the marriage. This exception does not apply to a civil action or
 173.28 proceeding by one against the other, nor to a criminal action or proceeding for a crime
 173.29 committed by one against the other or against a child of either or against a child under the
 173.30 care of either spouse, nor to a criminal action or proceeding in which one is charged with
 173.31 homicide or an attempt to commit homicide and the date of the marriage of the defendant
 173.32 is subsequent to the date of the offense, nor to an action or proceeding for nonsupport,
 173.33 neglect, dependency, or termination of parental rights.

174.1 (b) An attorney cannot, without the consent of the attorney's client, be examined as to
174.2 any communication made by the client to the attorney or the attorney's advice given thereon
174.3 in the course of professional duty; nor can any employee of the attorney be examined as to
174.4 the communication or advice, without the client's consent.

174.5 (c) A member of the clergy or other minister of any religion shall not, without the consent
174.6 of the party making the confession, be allowed to disclose a confession made to the member
174.7 of the clergy or other minister in a professional character, in the course of discipline enjoined
174.8 by the rules or practice of the religious body to which the member of the clergy or other
174.9 minister belongs; nor shall a member of the clergy or other minister of any religion be
174.10 examined as to any communication made to the member of the clergy or other minister by
174.11 any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in
174.12 the course of the member of the clergy's or other minister's professional character, without
174.13 the consent of the person.

174.14 (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent
174.15 of the patient, be allowed to disclose any information or any opinion based thereon which
174.16 the professional acquired in attending the patient in a professional capacity, and which was
174.17 necessary to enable the professional to act in that capacity; after the decease of the patient,
174.18 in an action to recover insurance benefits, where the insurance has been in existence two
174.19 years or more, the beneficiaries shall be deemed to be the personal representatives of the
174.20 deceased person for the purpose of waiving this privilege, and no oral or written waiver of
174.21 the privilege shall have any binding force or effect except when made upon the trial or
174.22 examination where the evidence is offered or received.

174.23 (e) A public officer shall not be allowed to disclose communications made to the officer
174.24 in official confidence when the public interest would suffer by the disclosure.

174.25 (f) Persons of unsound mind and persons intoxicated at the time of their production for
174.26 examination are not competent witnesses if they lack capacity to remember or to relate
174.27 truthfully facts respecting which they are examined.

174.28 (g) A registered nurse, psychologist, consulting psychologist, or licensed social worker
174.29 engaged in a psychological or social assessment or treatment of an individual at the
174.30 individual's request shall not, without the consent of the professional's client, be allowed to
174.31 disclose any information or opinion based thereon which the professional has acquired in
174.32 attending the client in a professional capacity, and which was necessary to enable the
174.33 professional to act in that capacity. Nothing in this clause exempts licensed social workers

175.1 from compliance with the provisions of ~~sections 626.556 and~~ section 626.557 and chapter
175.2 260E.

175.3 (h) An interpreter for a person disabled in communication shall not, without the consent
175.4 of the person, be allowed to disclose any communication if the communication would, if
175.5 the interpreter were not present, be privileged. For purposes of this section, a "person disabled
175.6 in communication" means a person who, because of a hearing, speech or other communication
175.7 disorder, or because of the inability to speak or comprehend the English language, is unable
175.8 to understand the proceedings in which the person is required to participate. The presence
175.9 of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

175.10 (i) Licensed chemical dependency counselors shall not disclose information or an opinion
175.11 based on the information which they acquire from persons consulting them in their
175.12 professional capacities, and which was necessary to enable them to act in that capacity,
175.13 except that they may do so:

175.14 (1) when informed consent has been obtained in writing, except in those circumstances
175.15 in which not to do so would violate the law or would result in clear and imminent danger
175.16 to the client or others;

175.17 (2) when the communications reveal the contemplation or ongoing commission of a
175.18 crime; or

175.19 (3) when the consulting person waives the privilege by bringing suit or filing charges
175.20 against the licensed professional whom that person consulted.

175.21 (j) A parent or the parent's minor child may not be examined as to any communication
175.22 made in confidence by the minor to the minor's parent. A communication is confidential if
175.23 made out of the presence of persons not members of the child's immediate family living in
175.24 the same household. This exception may be waived by express consent to disclosure by a
175.25 parent entitled to claim the privilege or by the child who made the communication or by
175.26 failure of the child or parent to object when the contents of a communication are demanded.
175.27 This exception does not apply to a civil action or proceeding by one spouse against the other
175.28 or by a parent or child against the other, nor to a proceeding to commit either the child or
175.29 parent to whom the communication was made or to place the person or property or either
175.30 under the control of another because of an alleged mental or physical condition, nor to a
175.31 criminal action or proceeding in which the parent is charged with a crime committed against
175.32 the person or property of the communicating child, the parent's spouse, or a child of either
175.33 the parent or the parent's spouse, or in which a child is charged with a crime or act of
175.34 delinquency committed against the person or property of a parent or a child of a parent, nor

176.1 to an action or proceeding for termination of parental rights, nor any other action or
176.2 proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport
176.3 by a parent.

176.4 (k) Sexual assault counselors may not be allowed to disclose any opinion or information
176.5 received from or about the victim without the consent of the victim. However, a counselor
176.6 may be compelled to identify or disclose information in investigations or proceedings related
176.7 to neglect or termination of parental rights if the court determines good cause exists. In
176.8 determining whether to compel disclosure, the court shall weigh the public interest and need
176.9 for disclosure against the effect on the victim, the treatment relationship, and the treatment
176.10 services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from
176.11 compliance with the provisions of ~~sections 626.556 and~~ section 626.557 and chapter 260E.

176.12 "Sexual assault counselor" for the purpose of this section means a person who has
176.13 undergone at least 40 hours of crisis counseling training and works under the direction of
176.14 a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or
176.15 assistance to victims of sexual assault.

176.16 (l) A domestic abuse advocate may not be compelled to disclose any opinion or
176.17 information received from or about the victim without the consent of the victim unless
176.18 ordered by the court. In determining whether to compel disclosure, the court shall weigh
176.19 the public interest and need for disclosure against the effect on the victim, the relationship
176.20 between the victim and domestic abuse advocate, and the services if disclosure occurs.
176.21 Nothing in this paragraph exempts domestic abuse advocates from compliance with the
176.22 provisions of ~~sections 626.556 and~~ section 626.557 and chapter 260E.

176.23 For the purposes of this section, "domestic abuse advocate" means an employee or
176.24 supervised volunteer from a community-based battered women's shelter and domestic abuse
176.25 program eligible to receive grants under section 611A.32; that provides information,
176.26 advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse
176.27 and who is not employed by or under the direct supervision of a law enforcement agency,
176.28 a prosecutor's office, or by a city, county, or state agency.

176.29 (m) A person cannot be examined as to any communication or document, including
176.30 work notes, made or used in the course of or because of mediation pursuant to an agreement
176.31 to mediate or a collaborative law process pursuant to an agreement to participate in
176.32 collaborative law. This does not apply to the parties in the dispute in an application to a
176.33 court by a party to have a mediated settlement agreement or a stipulated agreement resulting
176.34 from the collaborative law process set aside or reformed. A communication or document

177.1 otherwise not privileged does not become privileged because of this paragraph. This
 177.2 paragraph is not intended to limit the privilege accorded to communication during mediation
 177.3 or collaborative law by the common law.

177.4 (n) A child under ten years of age is a competent witness unless the court finds that the
 177.5 child lacks the capacity to remember or to relate truthfully facts respecting which the child
 177.6 is examined. A child describing any act or event may use language appropriate for a child
 177.7 of that age.

177.8 (o) A communication assistant for a telecommunications relay system for persons who
 177.9 have communication disabilities shall not, without the consent of the person making the
 177.10 communication, be allowed to disclose communications made to the communication assistant
 177.11 for the purpose of relaying.

177.12 Sec. 136. Minnesota Statutes 2018, section 595.02, subdivision 2, is amended to read:

177.13 Subd. 2. **Exceptions.** (a) The exception provided by paragraphs (d) and (g) of subdivision
 177.14 1 shall not apply to any testimony, records, or other evidence relating to the abuse or neglect
 177.15 of a minor in any proceeding under chapter 260 or any proceeding under section 245A.08,
 177.16 to revoke a day care or foster care license, arising out of the neglect or physical or sexual
 177.17 abuse of a minor, as defined in section ~~626.556, subdivision 2~~ 260E.03.

177.18 (b) The exception provided by paragraphs (d) and (g) of subdivision 1 shall not apply
 177.19 to criminal proceedings arising out of the neglect or physical or sexual abuse of a minor,
 177.20 as defined in section ~~626.556, subdivision 2~~ 260E.03, if the court finds that:

177.21 (1) there is a reasonable likelihood that the records in question will disclose material
 177.22 information or evidence of substantial value in connection with the investigation or
 177.23 prosecution; and

177.24 (2) there is no other practicable way of obtaining the information or evidence. This
 177.25 clause shall not be construed to prohibit disclosure of the patient record when it supports
 177.26 the otherwise uncorroborated statements of any material fact by a minor alleged to have
 177.27 been abused or neglected by the patient; and

177.28 (3) the actual or potential injury to the patient-health professional relationship in the
 177.29 treatment program affected, and the actual or potential harm to the ability of the program
 177.30 to attract and retain patients, is outweighed by the public interest in authorizing the disclosure
 177.31 sought.

177.32 No records may be disclosed under this paragraph other than the records of the specific
 177.33 patient suspected of the neglect or abuse of a minor. Disclosure and dissemination of any

178.1 information from a patient record shall be limited under the terms of the order to assure that
 178.2 no information will be disclosed unnecessarily and that dissemination will be no wider than
 178.3 necessary for purposes of the investigation or prosecution.

178.4 Sec. 137. Minnesota Statutes 2018, section 609.26, subdivision 7, is amended to read:

178.5 Subd. 7. **Reporting of deprivation of parental rights.** Any violation of this section
 178.6 shall be reported pursuant to section ~~626.556, subdivision 3a~~ 260E.11, subdivision 2.

178.7 Sec. 138. Minnesota Statutes 2018, section 609.3457, subdivision 2, is amended to read:

178.8 Subd. 2. **Access to data.** Notwithstanding sections 13.384, 13.85, 144.291 to 144.298,
 178.9 260B.171, 260C.171, or 626.556, the assessor has access to the following private or
 178.10 confidential data on the person if access is relevant and necessary for the assessment:

178.11 (1) medical data under section 13.384;

178.12 (2) corrections and detention data under section 13.85;

178.13 (3) health records under sections 144.291 to 144.298;

178.14 (4) juvenile court records under sections 260B.171 and 260C.171; and

178.15 (5) local welfare agency records under ~~section 626.556~~ chapter 260E.

178.16 Data disclosed under this section may be used only for purposes of the assessment and
 178.17 may not be further disclosed to any other person, except as authorized by law.

178.18 Sec. 139. Minnesota Statutes 2018, section 609.379, subdivision 2, is amended to read:

178.19 Subd. 2. **Applicability.** This section applies to sections 260B.425, 260C.425, 609.255,
 178.20 609.376, and 609.378, ~~and 626.556~~ and chapter 260E.

178.21 Sec. 140. Minnesota Statutes 2018, section 609.507, is amended to read:

178.22 **609.507 FALSELY REPORTING CHILD ABUSE.**

178.23 A person is guilty of a misdemeanor who:

178.24 (1) informs another person that a person has committed sexual abuse, physical abuse,
 178.25 or neglect of a child, as defined in section ~~626.556, subdivision 2~~ 260E.03;

178.26 (2) knows that the allegation is false or is without reason to believe that the alleged
 178.27 abuser committed the abuse or neglect; and

178.28 (3) has the intent that the information influence a child custody hearing.

179.1 Sec. 141. Minnesota Statutes 2018, section 609.7495, subdivision 1, is amended to read:

179.2 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have
179.3 the meanings given them.

179.4 (a) "Facility" means any of the following:

179.5 (1) a hospital or other health institution licensed under sections 144.50 to 144.56;

179.6 (2) a medical facility as defined in section 144.561;

179.7 (3) an agency, clinic, or office operated under the direction of or under contract with the
179.8 commissioner of health or a community health board, as defined in section 145A.02;

179.9 (4) a facility providing counseling regarding options for medical services or recovery
179.10 from an addiction;

179.11 (5) a facility providing emergency shelter services for battered women, as defined in
179.12 section 611A.31, subdivision 3, or a facility providing transitional housing for battered
179.13 women and their children;

179.14 (6) a facility as defined in section ~~626.556, subdivision 2, paragraph (e)~~ 260E.03,
179.15 subdivision 6;

179.16 (7) a facility as defined in section 626.5572, subdivision 6, where the services described
179.17 in that paragraph are provided;

179.18 (8) a place to or from which ambulance service, as defined in section 144E.001, is
179.19 provided or sought to be provided; and

179.20 (9) a hospice provider licensed under section 144A.753.

179.21 (b) "Aggrieved party" means a person whose access to or egress from a facility is
179.22 obstructed in violation of subdivision 2, or the facility.

179.23 Sec. 142. Minnesota Statutes 2018, section 611A.203, subdivision 4, is amended to read:

179.24 Subd. 4. **Duties; access to data.** (a) The domestic fatality review team shall collect,
179.25 review, and analyze death certificates and death data, including investigative reports, medical
179.26 and counseling records, victim service records, employment records, child abuse reports,
179.27 or other information concerning domestic violence deaths, survivor interviews and surveys,
179.28 and other information deemed by the team as necessary and appropriate concerning the
179.29 causes and manner of domestic violence deaths.

179.30 (b) The review team has access to the following not public data, as defined in section
179.31 13.02, subdivision 8a, relating to a case being reviewed by the team: inactive law enforcement

180.1 investigative data under section 13.82; autopsy records and coroner or medical examiner
180.2 investigative data under section 13.83; hospital, public health, or other medical records of
180.3 the victim under section 13.384; records under section 13.46, created by social service
180.4 agencies that provided services to the victim, the alleged perpetrator, or another victim who
180.5 experienced or was threatened with domestic abuse by the perpetrator; and child maltreatment
180.6 records under ~~section 626.556~~ chapter 260E, relating to the victim or a family or household
180.7 member of the victim. Access to medical records under this paragraph also includes records
180.8 governed by sections 144.291 to 144.298. The review team has access to corrections and
180.9 detention data as provided in section 13.85.

180.10 (c) As part of any review, the domestic fatality review team may compel the production
180.11 of other records by applying to the district court for a subpoena, which will be effective
180.12 throughout the state according to the Rules of Civil Procedure.

180.13 Sec. 143. Minnesota Statutes 2018, section 611A.90, subdivision 1, is amended to read:

180.14 Subdivision 1. **Definition.** For purposes of this section, "physical abuse" and "sexual
180.15 abuse" have the meanings given in section ~~626.556, subdivision 2~~ 260E.03, except that
180.16 abuse is not limited to acts by a person responsible for the child's care or in a significant
180.17 relationship with the child or position of authority.

180.18 Sec. 144. Minnesota Statutes 2018, section 626.557, subdivision 9d, is amended to read:

180.19 Subd. 9d. **Administrative reconsideration; review panel.** (a) Except as provided under
180.20 paragraph (e), any individual or facility which a lead investigative agency determines has
180.21 maltreated a vulnerable adult, or the vulnerable adult or an interested person acting on behalf
180.22 of the vulnerable adult, regardless of the lead investigative agency's determination, who
180.23 contests the lead investigative agency's final disposition of an allegation of maltreatment,
180.24 may request the lead investigative agency to reconsider its final disposition. The request
180.25 for reconsideration must be submitted in writing to the lead investigative agency within 15
180.26 calendar days after receipt of notice of final disposition or, if the request is made by an
180.27 interested person who is not entitled to notice, within 15 days after receipt of the notice by
180.28 the vulnerable adult or the vulnerable adult's guardian or health care agent. If mailed, the
180.29 request for reconsideration must be postmarked and sent to the lead investigative agency
180.30 within 15 calendar days of the individual's or facility's receipt of the final disposition. If the
180.31 request for reconsideration is made by personal service, it must be received by the lead
180.32 investigative agency within 15 calendar days of the individual's or facility's receipt of the
180.33 final disposition. An individual who was determined to have maltreated a vulnerable adult

181.1 under this section and who was disqualified on the basis of serious or recurring maltreatment
181.2 under sections 245C.14 and 245C.15, may request reconsideration of the maltreatment
181.3 determination and the disqualification. The request for reconsideration of the maltreatment
181.4 determination and the disqualification must be submitted in writing within 30 calendar days
181.5 of the individual's receipt of the notice of disqualification under sections 245C.16 and
181.6 245C.17. If mailed, the request for reconsideration of the maltreatment determination and
181.7 the disqualification must be postmarked and sent to the lead investigative agency within 30
181.8 calendar days of the individual's receipt of the notice of disqualification. If the request for
181.9 reconsideration is made by personal service, it must be received by the lead investigative
181.10 agency within 30 calendar days after the individual's receipt of the notice of disqualification.

181.11 (b) Except as provided under paragraphs (e) and (f), if the lead investigative agency
181.12 denies the request or fails to act upon the request within 15 working days after receiving
181.13 the request for reconsideration, the person or facility entitled to a fair hearing under section
181.14 256.045, may submit to the commissioner of human services a written request for a hearing
181.15 under that statute. The vulnerable adult, or an interested person acting on behalf of the
181.16 vulnerable adult, may request a review by the Vulnerable Adult Maltreatment Review Panel
181.17 under section 256.021 if the lead investigative agency denies the request or fails to act upon
181.18 the request, or if the vulnerable adult or interested person contests a reconsidered disposition.
181.19 The lead investigative agency shall notify persons who request reconsideration of their
181.20 rights under this paragraph. The request must be submitted in writing to the review panel
181.21 and a copy sent to the lead investigative agency within 30 calendar days of receipt of notice
181.22 of a denial of a request for reconsideration or of a reconsidered disposition. The request
181.23 must specifically identify the aspects of the lead investigative agency determination with
181.24 which the person is dissatisfied.

181.25 (c) If, as a result of a reconsideration or review, the lead investigative agency changes
181.26 the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (f).

181.27 (d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable
181.28 adult" means a person designated in writing by the vulnerable adult to act on behalf of the
181.29 vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy
181.30 or health care agent appointed under chapter 145B or 145C, or an individual who is related
181.31 to the vulnerable adult, as defined in section 245A.02, subdivision 13.

181.32 (e) If an individual was disqualified under sections 245C.14 and 245C.15, on the basis
181.33 of a determination of maltreatment, which was serious or recurring, and the individual has
181.34 requested reconsideration of the maltreatment determination under paragraph (a) and
181.35 reconsideration of the disqualification under sections 245C.21 to 245C.27, reconsideration

182.1 of the maltreatment determination and requested reconsideration of the disqualification
182.2 shall be consolidated into a single reconsideration. If reconsideration of the maltreatment
182.3 determination is denied and the individual remains disqualified following a reconsideration
182.4 decision, the individual may request a fair hearing under section 256.045. If an individual
182.5 requests a fair hearing on the maltreatment determination and the disqualification, the scope
182.6 of the fair hearing shall include both the maltreatment determination and the disqualification.

182.7 (f) If a maltreatment determination or a disqualification based on serious or recurring
182.8 maltreatment is the basis for a denial of a license under section 245A.05 or a licensing
182.9 sanction under section 245A.07, the license holder has the right to a contested case hearing
182.10 under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. As provided for
182.11 under section 245A.08, the scope of the contested case hearing must include the maltreatment
182.12 determination, disqualification, and licensing sanction or denial of a license. In such cases,
182.13 a fair hearing must not be conducted under section 256.045. Except for family child care
182.14 and child foster care, reconsideration of a maltreatment determination under this subdivision,
182.15 and reconsideration of a disqualification under section 245C.22, must not be conducted
182.16 when:

182.17 (1) a denial of a license under section 245A.05, or a licensing sanction under section
182.18 245A.07, is based on a determination that the license holder is responsible for maltreatment
182.19 or the disqualification of a license holder based on serious or recurring maltreatment;

182.20 (2) the denial of a license or licensing sanction is issued at the same time as the
182.21 maltreatment determination or disqualification; and

182.22 (3) the license holder appeals the maltreatment determination or disqualification, and
182.23 denial of a license or licensing sanction.

182.24 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
182.25 determination or disqualification, but does not appeal the denial of a license or a licensing
182.26 sanction, reconsideration of the maltreatment determination shall be conducted under sections
182.27 ~~626.556, subdivision 10i~~, 260E.33 and 626.557, subdivision 9d, and reconsideration of the
182.28 disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall
182.29 also be conducted as provided under sections 245C.27, ~~626.556, subdivision 10i~~ 260E.33,
182.30 and 626.557, subdivision 9d.

182.31 If the disqualified subject is an individual other than the license holder and upon whom
182.32 a background study must be conducted under chapter 245C, the hearings of all parties may
182.33 be consolidated into a single contested case hearing upon consent of all parties and the
182.34 administrative law judge.

183.1 (g) Until August 1, 2002, an individual or facility that was determined by the
 183.2 commissioner of human services or the commissioner of health to be responsible for neglect
 183.3 under section 626.5572, subdivision 17, after October 1, 1995, and before August 1, 2001,
 183.4 that believes that the finding of neglect does not meet an amended definition of neglect may
 183.5 request a reconsideration of the determination of neglect. The commissioner of human
 183.6 services or the commissioner of health shall mail a notice to the last known address of
 183.7 individuals who are eligible to seek this reconsideration. The request for reconsideration
 183.8 must state how the established findings no longer meet the elements of the definition of
 183.9 neglect. The commissioner shall review the request for reconsideration and make a
 183.10 determination within 15 calendar days. The commissioner's decision on this reconsideration
 183.11 is the final agency action.

183.12 (1) For purposes of compliance with the data destruction schedule under subdivision
 183.13 12b, paragraph (d), when a finding of substantiated maltreatment has been changed as a
 183.14 result of a reconsideration under this paragraph, the date of the original finding of a
 183.15 substantiated maltreatment must be used to calculate the destruction date.

183.16 (2) For purposes of any background studies under chapter 245C, when a determination
 183.17 of substantiated maltreatment has been changed as a result of a reconsideration under this
 183.18 paragraph, any prior disqualification of the individual under chapter 245C that was based
 183.19 on this determination of maltreatment shall be rescinded, and for future background studies
 183.20 under chapter 245C the commissioner must not use the previous determination of
 183.21 substantiated maltreatment as a basis for disqualification or as a basis for referring the
 183.22 individual's maltreatment history to a health-related licensing board under section 245C.31."

183.23 Delete the title and insert:

183.24 "A bill for an act
 183.25 relating to children; reorganizing and clarifying sections relating to child
 183.26 maltreatment and neglect; making technical changes; amending Minnesota Statutes
 183.27 2018, sections 13.32, subdivision 3; 13.3805, subdivision 3; 13.43, subdivision
 183.28 14; 13.82, subdivisions 8, 9, 17; 13.821; 13.84, subdivision 9; 13.871, subdivision
 183.29 6; 13.88; 120B.22, subdivision 2; 125A.0942, subdivision 4; 135A.15, subdivision
 183.30 10; 144.225, subdivision 2b; 144.343, subdivision 4; 144.7065, subdivision 10;
 183.31 144.7068; 144A.472, subdivision 1; 144A.479, subdivision 6; 144A.4796,
 183.32 subdivision 6; 144H.16, subdivision 1; 144H.18, subdivision 3; 145.902,
 183.33 subdivision 3; 145.952, subdivision 2; 146A.025; 148E.240, subdivision 7; 148F.13,
 183.34 subdivision 12; 148F.205, subdivision 1; 153B.70; 214.103, subdivision 8; 214.104;
 183.35 245.8261, subdivision 9; 245A.04, subdivision 5; 245A.06, subdivision 8; 245A.07,
 183.36 subdivision 5; 245A.08, subdivision 2a; 245A.085; 245A.11, subdivision 7b;
 183.37 245C.05, subdivision 6; 245C.15, subdivision 4; 245C.16, subdivision 1; 245C.17,
 183.38 subdivision 3; 245C.21, subdivision 2; 245C.24, subdivision 4; 245C.25; 245C.27,
 183.39 subdivisions 1, 2; 245C.28, subdivision 1; 245C.29, subdivision 1; 245C.31,
 183.40 subdivision 1; 245C.32, subdivision 2; 245D.02, subdivision 11; 245D.06,
 183.41 subdivisions 1, 6; 245D.09, subdivision 4; 245D.32, subdivision 5; 245F.04,
 183.42 subdivision 1; 245F.15, subdivisions 3, 5; 245F.16, subdivisions 1, 2; 245F.18;

184.1 245G.03, subdivision 1; 245G.10, subdivision 3; 245G.11, subdivisions 3, 4;
 184.2 245G.13, subdivision 2; 254A.09; 256.01, subdivisions 12, 15; 256.045,
 184.3 subdivisions 3, 3b, 4; 256B.0621, subdivision 4; 256B.0625, subdivision 33;
 184.4 256B.0945, subdivision 1; 256B.0949, subdivision 16; 256B.0951, subdivision 5;
 184.5 256B.0954; 256B.097, subdivisions 4, 6; 256B.77, subdivision 17; 256B.85,
 184.6 subdivision 12a; 256E.21, subdivision 5; 256F.10, subdivisions 1, 4; 256L.07,
 184.7 subdivision 4; 256M.10, subdivision 2; 256M.40, subdivision 1; 256M.41,
 184.8 subdivision 1; 257.0764; 260.012; 260.761, subdivision 2; 260B.171, subdivision
 184.9 6; 260C.007, subdivisions 3, 5, 6, 13; 260C.150, subdivision 3; 260C.171,
 184.10 subdivision 3; 260C.177; 260C.209, subdivision 2; 260C.212, subdivision 12;
 184.11 260C.221; 260C.503, subdivision 2; 260D.01; 260D.02, subdivisions 3, 5; 388.051,
 184.12 subdivision 2; 518.165, subdivisions 2, 5; 524.5-118, subdivision 2; 595.02,
 184.13 subdivisions 1, 2; 609.26, subdivision 7; 609.3457, subdivision 2; 609.379,
 184.14 subdivision 2; 609.507; 609.7495, subdivision 1; 611A.203, subdivision 4; 611A.90,
 184.15 subdivision 1; 626.557, subdivision 9d; Minnesota Statutes 2019 Supplement,
 184.16 sections 13.46, subdivisions 3, 4; 122A.20, subdivision 2; 122A.40, subdivision
 184.17 13; 122A.41, subdivision 6; 144A.4796, subdivision 2; 148B.593; 243.166,
 184.18 subdivision 7; 245A.07, subdivision 3; 245A.145, subdivision 1; 245A.40,
 184.19 subdivision 1; 245G.12; 245G.13, subdivision 1; 245H.11; 254B.04, subdivision
 184.20 1; 256.01, subdivision 14b; 256B.85, subdivision 10; 260B.198, subdivision 1;
 184.21 260C.139, subdivision 3; 260C.178, subdivision 1; 260C.201, subdivision 6;
 184.22 299C.093; proposing coding for new law as Minnesota Statutes, chapter 260E;
 184.23 repealing Minnesota Statutes 2018, sections 626.556, subdivisions 1, 3, 3a, 3c,
 184.24 3d, 3f, 4, 4a, 5, 6, 6a, 7, 7a, 8, 9, 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j,
 184.25 10k, 10l, 10m, 10n, 11a, 11b, 11c, 11d, 12, 14, 15, 16; 626.5561; 626.5562;
 184.26 626.558; 626.559, subdivisions 1, 1a, 1b, 2, 3, 5; 626.5591; 626.561; Minnesota
 184.27 Statutes 2019 Supplement, section 626.556, subdivisions 2, 3b, 3e, 10, 11."