

Rule Amendments

Effective March 2002

1.245A.145 Child care program reporting notification.

Subdivision 1. **Policies and procedures.** (a) All licensed child care providers must develop policies and procedures for reporting suspected child maltreatment that fulfill the requirements in section [626.556](#) and must develop policies and procedures for reporting complaints about the operation of a child care program. The policies and procedures must include the telephone numbers of the local county child protection agency for reporting suspected maltreatment; the county licensing agency for family and group family child care providers; and the state licensing agency for child care centers for reporting other concerns.

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

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

(2) be made available upon request.

Subd. 2. **Licensing agency phone number displayed.** By July 1, 2002, a new or renewed child care license must include a statement that informs parents who have concerns about their child's care that they may call the licensing agency. The commissioner shall print the telephone number for the licensing agency in bold and large font on the license issued to child care providers.

2. MN Statutes 245A.14

Subd. 10. **Portable wading pools; family day care and group family day care providers.** A portable wading pool as defined in section [144.1222](#) may not be used by a child at a family day care or group family day care home or at a home at which child care services are provided under section [245A.03](#), subdivision 2, clause (2), unless the parent or legal guardian of the child has provided written consent. The written consent shall include a statement that the parent or legal guardian has received and read material provided by the Department of Health to the Department of Human Services for distribution to all family day care or group family day care homes and the general public on the human services Internet Web site related to the risk of disease transmission as well as other health risks associated with the use of portable wading pools.

Subd. 11. **Swimming pools; family day care and group family day care providers.** (a) This subdivision governs swimming pools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. This

subdivision does not apply to portable wading pools or whirlpools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. For a provider to be eligible to allow a child cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must not have had a licensing sanction under section [245A.07](#) or a correction order or conditional license under section [245A.06](#) relating to the supervision or health and safety of children during the prior 24 months, and must satisfy the following requirements:

(1) notify the county agency before initial use of the swimming pool and annually, thereafter;

(2) obtain written consent from a child's parent or legal guardian allowing the child to use the swimming pool and renew the parent or legal guardian's written consent at least annually. The written consent must include a statement that the parent or legal guardian has received and read materials provided by the Department of Health to the Department of Human Services for distribution to all family day care or group family day care homes and the general public on the human services Internet Web site related to the risk of disease transmission as well as other health risks associated with swimming pools. The written consent must also include a statement that the Department of Health, Department of Human Services, and county agency will not monitor or inspect the provider's swimming pool to ensure compliance with the requirements in this subdivision;

(3) enter into a written contract with a child's parent or legal guardian and renew the written contract annually. The terms of the written contract must specify that the provider agrees to perform all of the requirements in this subdivision;

(4) attend and successfully complete a swimming pool operator training course once every five years. Acceptable training courses are:

(i) the National Swimming Pool Foundation Certified Pool Operator course;

(ii) the National Spa and Pool Institute Tech I and Tech II courses (both required); or

(iii) the National Recreation and Park Association Aquatic Facility Operator course;

(5) require a caregiver trained in first aid and adult and child cardiopulmonary resuscitation to supervise and be present at the swimming pool with any children in the pool;

(6) toilet all potty-trained children before they enter the swimming pool;

(7) require all children who are not potty-trained to wear swim diapers while in the swimming pool;

(8) if fecal material enters the swimming pool water, add three times the normal shock treatment to the pool water to raise the chlorine level to at least 20 parts per million, and close the pool to swimming for the 24 hours following the entrance of fecal material into the water or until the water pH and disinfectant concentration levels have returned to the standards specified in clause (10), whichever is later;

(9) prevent any person from entering the swimming pool who has an open wound or any person who has or is suspected of having a communicable disease;

(10) maintain the swimming pool water at a pH of not less than 7.2 and not more than 8.0, maintain the disinfectant concentration between two and five parts per million for chlorine or between 2.3 and 4.5 parts per million for bromine, and maintain a daily record of the swimming pool's operation with pH and disinfectant concentration readings on days when children cared for at the family day care or group family day care home are present;

(11) have a disinfectant feeder or feeders;

(12) have a recirculation system that will clarify and disinfect the swimming pool volume of water in ten hours or less;

(13) maintain the swimming pool's water clarity so that an object on the pool floor at the pool's deepest point is easily visible;

(14) have two or more suction lines in the swimming pool;

(15) have in place and enforce written safety rules and swimming pool policies;

(16) have in place at all times a safety rope that divides the shallow and deep portions of the swimming pool;

(17) satisfy any existing local ordinances regarding swimming pool installation, decks, and fencing;

(18) maintain a water temperature of not more than 104 degrees Fahrenheit and not less than 70 degrees Fahrenheit; and

(19) for lifesaving equipment, have a United States Coast Guard-approved life ring attached to a rope, an exit ladder, and a shepherd's hook available at all times to the caregiver supervising the swimming pool.

The requirements of clauses (5), (16), and (18) only apply at times when children cared for at the family day care or group family day care home are present.

(b) A violation of paragraph (a), clauses (1) to (3), is grounds for a sanction under section [245A.07](#) or a correction order or conditional license under section [245A.06](#).

(c) If a provider under this subdivision receives a licensing sanction under section [245A.07](#) or a correction order or a conditional license under section [245A.06](#) relating to the supervision or health and safety of children, the provider is prohibited from allowing a child cared for at the family day care or group family day care home to continue to use the swimming pool located at the home.

Effective August 2004

1. Grievance policy/alcohol abuse policy

MN Statutes 245A.04, subdivision 1

(c) An applicant or license holder must have a policy that prohibits license holders, employees, subcontractors, and volunteers, when directly responsible for persons served by the program, from abusing prescription medication or being in any manner under the influence of a chemical that impairs the individual's ability to provide services or care. The license holder must train employees, subcontractors, and volunteers about the program's drug and alcohol policy.

(d) An applicant and license holder must have a program grievance procedure that permits persons served by the program and their authorized representatives to bring a grievance to the highest level of authority in the program.

2. Record of Background Checks

245C.20 License holder record keeping.

A licensed program shall document the date the program initiates a background study under this chapter in the program's personnel files. When a background study is completed under this chapter, a licensed program shall maintain a notice that the study was undertaken and completed in the program's personnel files. If a licensed program has not received a response from the commissioner under section [245C.17](#) within 45 days of initiation of the background study request, the licensed program must contact the commissioner to inquire about the status of the study.

Effective by January 1, 2006

1. First Aid/CPR Training

MN Rules Statute 245A.14

Subd. 12. **First aid training requirements.**

Notwithstanding Minnesota Rules, part [9503.0035](#), subpart 2, when children are present in a family child care home governed by Minnesota Rules, parts [9502.0315](#) to [9502.0445](#), or a child care center governed by Minnesota Rules, parts [9503.0005](#) to [9503.0170](#), at least one staff person must be present in the center or home who has been trained in first aid. The first aid

training must have been provided by an individual approved to provide first aid instruction. First aid training may be less than eight hours and persons qualified to provide first aid training shall include individuals approved as first aid instructors.

***Effective 5/17/06- Exempts a family child care providers from the first aid training requirements under MN Statutes section 245A.14, subd 12, related to any substitute caregivers who provide less then 30 hours of care during any 12 month period, allows the use of video training that has been reviewed and approved by the county licensing agency to be used to satisfy the family child care first aid training requirements**

Subd. 13. **Cardiopulmonary resuscitation training.** (a) When children are present in a child care center governed by Minnesota Rules, parts [9503.0005](#) to [9503.0170](#), or in a family child care home governed by Minnesota Rules, parts [9502.0315](#) to [9502.0445](#), at least one staff person must be present in the center or home who has been trained in cardiopulmonary resuscitation (CPR) and in the treatment of obstructed airways. The CPR training must have been provided by an individual approved to provide CPR instruction, must be repeated at least once every three years, and must be documented in the staff person's records.

(b) Notwithstanding Minnesota Rules, part [9503.0035](#), subpart 3, item A, cardiopulmonary resuscitation training may be provided for less than four hours.

(c) Notwithstanding Minnesota Rules, part [9503.0035](#), subpart 3, item C, persons qualified to provide cardiopulmonary resuscitation training shall include individuals approved as cardiopulmonary resuscitation instructors.

***Effective 5/17/06- Exempts a family child care providers from the CPR training requirements under MN Statutes section 245A.14, subd 13, related to any substitute caregivers who provide less then 30 hours of care during any 12 month period, allows the use of video training that has been reviewed and approved by the county licensing agency to be used to satisfy the family child care CPR training requirements**

2. 245A.18 Child passenger restraint systems.

Subdivision 1. **Seat belt use.** A license holder must comply with all seat belt and child passenger restraint system requirements under section [169.685](#).

Subd. 2. **Child passenger restraint systems; training requirement.** (a) Family and group family child care, child care centers, child foster care, and other programs licensed by the Department of Human Services that serve a child or children under nine years of age must document training that fulfills the

requirements in this subdivision.

(b) Before a license holder, staff person, caregiver, or helper transports a child or children under age nine in a motor vehicle, the person transporting the child must satisfactorily complete training on the proper use and installation of child restraint systems in motor vehicles. Training completed under this section may be used to meet initial or ongoing training under the following:

- (1) Minnesota Rules, part [2960.3070](#), subparts 1 and 2;
- (2) Minnesota Rules, part [9502.0385](#), subparts 2 and 3; and
- (3) Minnesota Rules, part [9503.0035](#), subparts 1 and 4.

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

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

***Effective 7/1/06- Child passenger restraint-exempts providers licensed by DHS that only transport school age children in school buses from the child passenger restraint training requirements in MN Statutes 245A.18, subd 2**

3. MN Statute 245A.06

Subd. 8. **Requirement to post correction order.** For licensed family child care providers and child care centers, upon receipt of any correction order or order of conditional license issued by the commissioner under this section, and notwithstanding a pending request for reconsideration of the correction order or order of conditional license by the license holder, the license holder shall post the correction order or order of conditional license in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. When the correction order or order of conditional license is accompanied by a maltreatment investigation memorandum prepared under section [626.556](#) or [626.557](#), the investigation memoranda must be posted with the correction order or order of conditional license.

4. MN Statute 245A.07

Subd. 5. **Requirement to post licensing order or fine.**

For licensed family child care providers and child care centers, upon receipt of any order of license suspension, temporary immediate suspension, fine, or revocation issued by the commissioner under this section, and notwithstanding a pending appeal of the order of license suspension, temporary immediate suspension, fine, or revocation by the license holder, the license holder shall post the order of license suspension, temporary immediate suspension, fine, or revocation in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. When the order of license suspension, temporary immediate suspension, fine, or revocation is accompanied by a maltreatment investigation memorandum prepared under section [626.556](#) or [626.557](#), the investigation memoranda must be posted with the order of license suspension, temporary immediate suspension, fine, or revocation.

5. 245A.144 Training on risk of sudden infant death syndrome and shaken baby syndrome.

(a) License holders must document that before staff persons, caregivers, and helpers assist in the care of infants, they receive training on reducing the risk of sudden infant death syndrome and shaken baby syndrome. The training on reducing the risk of sudden infant death syndrome and shaken baby syndrome may be provided as:

(1) orientation training to child care center staff under Minnesota Rules, part [9503.0035](#), subpart 1, and to child foster care providers, who care for infants, under Minnesota Rules, part [2960.3070](#), subpart 1;

(2) initial training to family and group family child care providers under Minnesota Rules, part [9502.0385](#), subpart 2;

(3) in-service training to child care center staff under Minnesota Rules, part [9503.0035](#), subpart 4, and to child foster care providers, who care for infants, under Minnesota Rules, part [2960.3070](#), subpart 2; or

(4) ongoing training to family and group family child care providers under Minnesota Rules, part [9502.0385](#), subpart 3.

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

(c) Training for family and group family child care providers must be approved by the county licensing agency according to Minnesota Rules, part [9502.0385](#).

(d) Training for child foster care providers must be

approved by the county licensing agency and fulfills, in part, training required under Minnesota Rules, part [2960.3070](#)

245A.1445 Dangers of shaking infants and young children.

The commissioner shall make available for viewing by all licensed and legal nonlicensed child care providers a video presentation on the dangers associated with shaking infants and young children. The video presentation shall be part of the initial and annual training of licensed child care providers. Legal nonlicensed child care providers may participate at their option in a video presentation session offered under this section. The commissioner shall provide to child care providers and interested individuals, at cost, copies of a video approved by the commissioner of health under section [144.574](#) on the dangers associated with shaking infants and young children.

6. 245A.146 Crib safety requirements.

Subdivision 1. **Consumer product safety Web link.** The commissioner shall maintain a link from the licensing division Web site to the United States Consumer Product Safety Commission Web site that addresses crib safety information.

Subd. 2. **Documentation requirement for license holders.**

(a) Effective January 1, 2006, all licensed child care providers must maintain the following documentation for every crib used by or that is accessible to any child in care:

- (1) the crib's brand name; and
- (2) the crib's model number.

(b) Any crib for which the license holder does not have the documentation required under paragraph (a) must not be used by or be accessible to children in care.

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

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

- (1) the crib was not identified as unsafe on the United States Consumer Product Safety Commission Web site;
- (2) the crib was identified as unsafe on the United States Consumer Product Safety Commission Web site, but the license holder has taken the action directed by the United States Consumer Product Safety Commission to make the crib safe; or

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

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

Subd. 4. **Crib safety standards and inspection.** (a) On at least a monthly basis, the license holder shall perform safety inspections of every crib used by or that is accessible to any child in care, and must document the following:

- (1) no corner posts extend more than 1/16 of an inch;
- (2) no spaces between side slats exceed 2.375 inches;
- (3) no mattress supports can be easily dislodged from any point of the crib;
- (4) no cutout designs are present on end panels;
- (5) no heights of the rail and end panel are less than 26 inches when measured from the top of the rail or panel in the highest position to the top of the mattress support in its lowest position;
- (6) no heights of the rail and end panel are less than nine inches when measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position;
- (7) no screws, bolts, or hardware are loose or not secured, and there is no use of woodscrews in components that are designed to be assembled and disassembled by the crib owner;
- (8) no sharp edges, points, or rough surfaces are present;
- (9) no wood surfaces are rough, splintered, split, or cracked;
- (10) no tears in mesh of fabric sides in non-full-size cribs;
- (11) no mattress pads in non-full-size mesh or fabric cribs exceed one inch; and
- (12) no gaps between the mattress and any sides of the crib are present.

(b) Upon discovery of any unsafe condition identified by the license holder during the safety inspection required under paragraph (a), the license holder shall immediately remove the crib from use and ensure that the crib is not accessible to children in care, and as soon as practicable, but not more than

two business days after the inspection, remove the crib from the area where child care services are routinely provided for necessary repairs or to destroy the crib.

(c) Documentation of the inspections and actions taken with unsafe cribs required in paragraphs (a) and (b) shall be maintained on site by the license holder and made available to parents of children in care and the commissioner.

Subd. 5. **Commissioner inspection.** During routine licensing inspections, and when investigating complaints regarding alleged violations of this section, the commissioner shall review the provider's documentation required under subdivisions 3 and 4.

Subd. 6. **Failure to comply.** The commissioner may issue a licensing action under section [245A.06](#) or [245A.07](#) if a license holder fails to comply with the requirements of this section.

7. MN Statutes 245C.13

Subd. 2. **Direct contact pending completion of background study.** The subject of a background study may not perform any activity requiring a background study under paragraph (b) until the commissioner has issued one of the notices under paragraph (a).

(a) Notices from the commissioner required prior to activity under paragraph (b) include:

(1) a notice of the study results under section [245C.17](#) stating that:

(i) the individual is not disqualified; or

(ii) more time is needed to complete the study but the individual is not required to be removed from direct contact or access to people receiving services prior to completion of the study as provided under section [245A.17](#), paragraph (c);

(2) a notice that a disqualification has been set aside under section [245C.23](#); or

(3) a notice that a variance has been granted related to the individual under section [245C.30](#).

(b) Activities prohibited prior to receipt of notice under paragraph (a) include:

(1) being issued a license;

(2) living in the household where the licensed program will be provided;

(3) providing direct contact services to persons served by

a program unless the subject is under continuous direct supervision; or

(4) having access to persons receiving services if the background study was completed under section [144.057](#), subdivision 1, or [245C.03](#), subdivision 1, paragraph (a), clause (2), (5), or (6), unless the subject is under continuous direct supervision.

8. MN Statutes 245C.22

Subd. 7. **Classification of certain data.** (a)

Notwithstanding section [13.46](#), upon setting aside a disqualification under this section, the identity of the disqualified individual who received the set aside and the individual's disqualifying characteristics are public data if the set aside was:

(1) for any disqualifying characteristic under section [245C.15](#), when the set aside relates to a child care center or a family child care provider licensed under chapter 245A; or

(2) for a disqualifying characteristic under section [245C.15](#), subdivision 2.

(b) Notwithstanding section [13.46](#), upon granting a variance to a license holder under section [245C.30](#), the identity of the disqualified individual who is the subject of the variance, the individual's disqualifying characteristics under section [245C.15](#), and the terms of the variance are public data, when the variance:

(1) is issued to a child care center or a family child care provider licensed under chapter 245A; or

(2) relates to an individual with a disqualifying characteristic under section [245C.15](#), subdivision 2.

(c) The identity of a disqualified individual and the reason for disqualification remain private data when:

(1) a disqualification is not set aside and no variance is granted;

(2) the data are not public under paragraph (a) or (b);

(3) the disqualification is rescinded because the information relied upon to disqualify the individual is incorrect; or

(4) the disqualification relates to a license to provide relative child foster care. As used in this clause, "relative" has the meaning given it under section [260C.007](#), subdivision 27.

(d) Licensed family day care providers and child care centers must notify parents considering enrollment of a child or

parents of a child attending the family day care or child care center if the program employs or has living in the home any individual who is the subject of either a set aside or variance

9. MN Statutes 13.46

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

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

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

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

(b)(1) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred, variances granted, record of training and education in child care and child development, type of dwelling, name and relationship of other family members, previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician. When a correction order or fine has been issued, a license is suspended, immediately suspended, revoked, denied, or made conditional, or a complaint is resolved, the following data on current and former licensees are public: the substance and investigative findings of the licensing or maltreatment complaint, licensing violation, or substantiated maltreatment; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order, fine, suspension, immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; and the status of any appeal of these actions.

(2) Notwithstanding sections [626.556](#), subdivision 11, and [626.557](#), subdivision 12b, when any person subject to disqualification under section [245C.14](#) in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home is a substantiated perpetrator of maltreatment, and the substantiated maltreatment is a reason for a licensing

action, the identity of the substantiated perpetrator of maltreatment is public data. For purposes of this clause, a person is a substantiated perpetrator if the maltreatment determination has been upheld under section [256.045](#); [626.556](#), subdivision 10i; [626.557](#), subdivision 9d; or chapter 14, or if an individual or facility has not timely exercised appeal rights under these sections.

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

(4) For applicants who are denied a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, and the status of any appeal of the denial.

(5) The following data on persons subject to disqualification under section [245C.14](#) in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section [245C.22](#), subdivisions 2 and 4, and the reasons for setting aside the disqualification; the nature of any disqualification for which a variance was granted under sections [245A.04](#), subdivision 9; and [245C.30](#), and the reasons for granting any variance under section [245A.04](#), subdivision 9; and, if applicable, the disclosure that any person subject to a background study under section [245C.03](#), subdivision 1, has successfully passed a background study.

(6) When maltreatment is substantiated under section [626.556](#) or [626.557](#) and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

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

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and

the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections [626.556](#) and [626.557](#) may be disclosed only as provided in section [626.556](#), subdivision 11, or [626.557](#), subdivision 12b.

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

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

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section [626.556](#), subdivision 2, or [626.5572](#), subdivision 18, are subject to the destruction provisions of sections [626.556](#), subdivision 11c, and [626.557](#), subdivision 12b.

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

(i) Data on individuals collected according to licensing activities under chapters 245A and 245C, and data on individuals collected by the commissioner of human services according to maltreatment investigations under sections [626.556](#) and [626.557](#), may be shared with the Department of Human Rights, the Department of Health, the Department of Corrections, the Ombudsman for Mental Health and Retardation, and the individual's professional regulatory board when there is reason to believe that laws or standards under the jurisdiction of those agencies may have been violated.

(j) In addition to the notice of determinations required under section [626.556](#), subdivision 10f, if the commissioner or the local social services agency has determined that an individual is a substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section [626.556](#), subdivision 2, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this

paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

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

Effective May 17, 2006

1. Syrup of Ipecac is no longer required.
2. Expands family child care licensing option to not-for-profit agencies with a structure on a residential lot when they have contracts with employers or other community organizations, and allows counties to grant limited capacity variances provided several additional safety related requirements are met (245A.14, sub 4e)

Effective July 1, 2006

1. Annual in-service training requirements have increased for family child care license holders and each primary caregiver from 6 to 8 hours each year. A primary caregiver is an adult caregiver who provides services in a licensed setting more than 30 days in any 12 month period (Brown County will begin enforcing January 1, 2007 for providers licensed prior to June 1, 2006) (245A.023b)
2. Early childhood development training-family child care license holders and primary caregivers must complete and document at least two hours of early childhood development training within the first year of employment or licensure, and exempts individuals with certain educational backgrounds (245A.14 subd 9a)
3. License holder documentation of cribs-allows a family child care provider to use a mesh sided playpen or crib that has not been identified as unsafe by the US Consumer Product Safety Commissioner for the care or sleeping of infants (245A.146 subd 3d)
4. Crib safety standards and inspections-sets standard acceptable gaps between the perimeter of a mattress and the perimeter of a non-full-size crib or full-size crib (245A.146 subd 4)

(12) no unacceptable gaps between the mattress and any sides of the crib are present

9.34 as follows:

10.1 (i) when the noncompressed mattress is centered in the non-full-size crib, at any of

10.2 the adjustable mattress support positions, the gap between the perimeter of the mattress

10.3 and the perimeter of the crib cannot be greater than one-half inch at any point. When the

10.4 mattress is placed against the perimeter of the crib, the resulting gap cannot be greater

10.5 that one inch at any point; and

10.6 (ii) when the noncompressed mattress is centered in the full-size crib, at any of

10.7 the adjustable mattress support positions, the gap between the perimeter of the mattress

10.8 and the perimeter of the crib cannot be greater than 11/16 inch at any point. When the

10.9 mattress is placed against the perimeter of the crib, the resulting gap cannot be greater

10.10 than 1-3/8 inch at any point.

5. Classification of certain data-makes the identity of household members who are the subject of a disqualification related set-aside or variance not public data if: household member resides in the residence where child care is provided; is under the age of 18; and set-aside or variance relate to a disqualification under section 245C.15, subd4 for a misdemeanor level theft crime (245C.22, subd 7d,e)
6. Notification of set-aside or variance-allows family child care providers to not disclose the identity of a household minor who is the subject of a set-aside or variance for a misdemeanor level theft crime.