

New Legislation Affecting Licensed Programs

The following information explains new licensing laws passed during the 2014 legislative session. The law's effective date and statute citation are included.

Public Data on License Holders

The following data on license holders is now public:

- The general nature of the complaint or allegations leading to a temporary immediate suspension.
- The existence of settlement negotiations after a denial or licensing sanction has been issued.
- A maltreatment determination or disqualification of a controlling individual, in addition to the applicant or license holder, if it was a basis for a denial or licensing sanction.

Effective May 10, 2014.

[Laws of Minnesota 2014, Chapter 228, Article 1, Section 2.](#)

New Applications

- All applicants must now provide their taxpayer identification numbers, federal employer identification number if the applicant has employees, complete business name and d/b/a, if any, as registered with the Secretary of State.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 3.](#)

- An application must be denied if any controlling individual had a previous license denied. The addition of a new co-applicant does not constitute a substantial change in the conditions that caused the previous denial.
- If an applicant or controlling individual whose application was denied is affiliated with a subsequent application, and two years have not passed since the denial, the subsequent application must be denied.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 11.](#)

Temporary Immediate Suspensions

- The commissioner may issue a temporary immediate suspension if, while a program is operating under appeal of a revocation order, the commissioner identifies one or more subsequent violations of law or rule which may adversely affect the health or safety of persons served by the program.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 6.](#)

- When an appeal of a temporary immediate suspension is withdrawn or dismissed, the commissioner must issue a final order affirming the TIS within 10 calendar days of receipt of the withdrawal or dismissal.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 7.](#)

Appeals of Licensing Sanctions

New timelines for appeals of licensing sanctions other than temporary immediate suspensions:

- The commissioner must request assignment of an administrative law judge within 15 working days of receiving the appeal.
- The administrative law judge must conduct the hearing within 90 days after the request for assignment, unless an extension is requested by either party and granted by the administrative law judge for good cause or for purposes of discussing settlement.
- In no case shall one or more extensions be granted for a total of more than 90 calendar days unless there is a criminal or juvenile court action pending against the license holder or other individual subject to a background study.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 8.](#)

Commissioner's Right of Access

- The commissioner must be given access to personnel records of a license holder's current or former staff.
- Upon request, the license holder must provide the commissioner with verification of documentation of staff work experience, training, or educational requirements.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 4.](#)

Internal Review After Report of Maltreatment

All license holders, except family child care and foster care in the license holder's own home, must now complete the required internal review within 30 days when they have reason to know that an internal or external report of maltreatment of a child or vulnerable adult has been made.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 2, Section 16.](#)

Background Studies

- The license holder must initiate a new background study on an individual who returns to a position requiring a background study following an absence of 120 or more consecutive days (increased from 90 days).
- The license holder must initiate new background studies if it begins providing direct contact services again after having discontinued for 120 or more consecutive days (increased from 90 days).
- The license holder must initiate a new background study when an individual undergoes a legal name change. For background studies subject to a fee, this may be done through a notice to the commissioner.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 5, Section 1.](#)

In addition to documenting the date a background study was initiated, a licensed program must now document the date the subject of the study first has direct contact with persons served by the program.

Effective May 10, 2014

[Laws of Minnesota 2014, Chapter 228, Article 5, Section 5.](#)

Plan for Transfer of Clients and Records Upon Closure.

All applicants and license holders, except for child care providers, must submit a written plan indicating how they will provide for the transfer of clients and records if the program closes. A controlling individual must annually review and sign the plan.

Effective July 1, 2014

[Laws of Minnesota 2014, Chapter 312, Article 29, Section 2](#)