Temporary modifications to licensing requirements affecting all DHS-licensed and certified services

In March 2020, the commissioner issued a waiver suspending or modifying specific routine licensing activities and requirements so that essential services could continue during the COVID-19 pandemic. The Commissioner temporarily extended the timelines for training for existing staff and license holders during the peacetime emergency. The waiver was modified and extended on May 1 and July 1, 2020. Now, the commissioner is again amending the waiver to require license and certification holders to resume most annual and other ongoing training requirements effective Jan. 1, 2021.

The current modifications to licensing requirements and enforcement activities include the following:

1. DHS, county and private agency licensors may conduct licensing activities using remote technologies when necessary to support social distancing and community mitigation. Routine licensing by OIG Licensing and county licensors may continue to waive the statutory requirement to conduct unannounced annual licensing visits for licensed child care programs that are not in response to complaint investigations. (Minn. Stat. §§ 245A.04, 245A.16)

2. DHS, county and private agency licensors will continue to communicate with and provide technical assistance to providers to the greatest extent possible using remote technologies that support social distancing and community mitigation. (Minn. Stat. §§ 245A.04, 245A.16)

3. DHS, county and private agency licensors will continue to provide corrective action that reflects the provider’s operation during the pandemic. (Minn. Stat. §§ 245A.06)

4. Licenses for family child care, child and adult foster care, and community residential settings that are set to expire through the COVID-19 peacetime emergency will be automatically extended for three additional months. (Minn. Stat. §§ 245A.04, 245A.16)

5. Training timelines for existing staff and license holders that expire during the declared peacetime emergency and cannot be met are extended through December 31, 2020. Beginning on January 1, 2021, all licensed providers must resume completion of annual and ongoing training requirements on the applicable timelines required in Chapter 245A as follows:

   A. Beginning on January 1, 2021, all providers licensed by a county or private agency (family child care, family child foster care, child foster residence settings, adult foster care, family adult day services) must resume completion of annual and ongoing training requirements.
Because of the peacetime emergency, some providers may not have been able to complete all required training. County and private agency licensors are required to consider this when conducting renewals/annual inspections that occur from Jan. 1 through June 30, 2021 as follows:

1. County and private agency licensors will review training completed during the current license renewal/review period.
2. County and private agency licensors will offer technical assistance to providers that are still working towards compliance with training requirements and should not issue correction orders for training that was due but have not yet been completed.

For licensing renewals/annual visits that occur after July 1, 2021, providers will need to demonstrate compliance with all required training due at the time of the renewal/annual visit or be subject to a correction order if training requirements are not met.

B. For adult day centers and services, home and community-based services, licensed child care centers, and certified child care centers, whose training is based and reviewed upon a calendar year, these programs will be required to resume completion of annual and ongoing training requirements beginning on January 1, 2021. Given the previous modification of licensing requirements due to the peacetime emergency, licensors will not review training for calendar year 2020. Biennial trainings that were due in calendar year 2020 must be completed in 2021. These providers must ensure all required training for calendar year 2020 have been completed by the end of calendar year 2021 or be subject to a correction order if training requirements are not met.

C. For substance use disorder treatment programs, children’s residential facilities, psychiatric residential treatment facilities, residential mental health treatment for adults, intensive residential treatment services, detoxification programs, withdrawal management programs, mental health centers, forensic mental health program, and the Minnesota Sex Offender Program, whose training requirements are often based upon the date of hire or the date the training was previously taken and reviewed for compliance according to the date due, these programs will be required to resume completion of annual and ongoing training requirements beginning on January 1, 2021. Licensors will not review trainings required to be completed between March 1, 2020 and December 31, 2020, given the modifications of training requirements due to the peacetime emergency. Annual and biennial trainings that were due in 2020, but were not completed, must instead be completed in 2021 by the same month the training was due in 2020. These providers must ensure all required training requirements have been completed as it comes due after December 31, 2020 or be subject to a correction order if training requirements are not met.
D. Due to ongoing limited availability of (in person) child passenger restraint training required under Minn. Stat. §245A.18, Subd. 2, the deadline to renew this training is extended during the peacetime emergency.

E. The modification to certain training requirements through the peacetime emergency for licensed child care centers approved in CV.25 relating to first aid and CPR trainings remains unchanged. Centers must continue to have at least one staff person who has had first aid training and one staff person who has had CPR training in the last three years present at all times when children are present, as specified in CV25.

F. The modification to certain training requirements through the peacetime emergency for licensed substance use disorder treatment programs approved in CV.45 relating to first aid and CPR trainings remains unchanged. Residential programs must continue to have at least one person on site who has completed, at a minimum, online training in first aid and CPR, and nonresidential programs are not required to have at least one staff person present at the program that is first aid and CPR certified during the peacetime emergency.