

MINNESOTA LAWS RELATED TO CHILDCARE SETTINGS AND SCHOOLS

Childcare Licensing Information

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSectionMethod=LatestReleased&dDocName=id_054359#

Chapter 9503: Childcare Centers (Rule 3)

www.revisor.leg.state.mn.us/arule/9503/

This rule addresses the licensing requirements for childcare centers. Communicable disease issues are addressed in the following sections: Exclusion of Sick Children (9503.0080), Sick Care Program (9503.0085), and Health (9503.0140). For more information, call the Minnesota Department of Human Services, Licensing Division at (651) 296-3971.

Chapter 9502: Family Childcare (Rule 2)

www.revisor.leg.state.mn.us/arule/9502/

This rule addresses the licensing requirements for family daycare and group family childcare homes. For more information, call your County Childcare Licensing Department.

Note about data privacy - authorized persons have access to provider records about children in care. However, the childcare provider **shall not** disclose any records on children in their care except to parents of the child or authorized persons.

Minnesota Immunization Laws

Provider's Quick Reference to MN Immunization Laws

<http://www.health.state.mn.us/divs/idepc/immunize/laws/qreflaws.pdf>

www.revisor.leg.state.mn.us/statutes

- **MN Statutes 121A.15**

School and Childcare Immunization Statute

Minnesota Statute 2015. Minnesota Rules, Chapter 4604 (see below) amends this statute. Go to the rule for additions and changes to these requirements.

Exemptions from Immunization

Minnesota Statutes, 121A.15, subd. 3 addresses health standards, immunizations, and school children.

- **MN Statutes 144.3351**

Sharing of Immunization Data

Minnesota Statute allows specific agencies to share immunization information without the individual's or the parent's consent.

<http://www.revisor.leg.state.mn.us/rules> (In box **retrieve by number** type in rule number).
Chapter 4604

Communicable Disease Rule: Chapter 4605.7040

<http://www.health.state.mn.us/divs/idepc/dtopics/reportable/rule/>

Many diseases must be reported to the health department. According to Minnesota rule (MCAR 4605.7040, 4605.7080), 77 diseases are reportable as of Fall 2015 (See Section 4).

Occupational Safety and Health Administration (OSHA)

- **Minnesota Right to Know Act of 1983**
Minnesota Employee Right-To-Know Act (MERTKA) is intended to ensure that employees are aware of the dangers associated with hazardous substances, harmful physical conditions, or infectious agents (in hospitals and clinics) that they may be exposed to in their workplaces.
- **Bloodborne Pathogen Standard, 29 CFR 1910.1030** (Occupational Exposure to Bloodborne Pathogens)

The Bloodborne Pathogen Standard applies to all employees with reasonably anticipated skin, eye, mucous membrane, or parenteral contact with human blood, blood components, or other potentially infectious materials that may result from the performance of an employee's duties. For more information on these laws, call OSHA Consultation Division at (651) 284-5060, or OSHA Enforcement Division at (651) 284-5050.

Data Practices Act: Chapter 13

<http://www.health.state.mn.us/divs/opi/gov/chsadmin/data/mgdpa.html>

- **Public Health Data (Section 13.3805) and Medical Data (Section 13.384)**
These sections of the Data Practices Act prevent local or state health departments from releasing health or medical data obtained during communicable disease investigations to a childcare setting or school without the individual's or parent's/guardian's consent.

Wading Pools in Family or Group Family Childcare Homes

- **Minnesota State Statutes, Section 144.1222**

These documents can be found at the Department of Human Services website at: <http://mn.gov/dhs/> (in search box type: wading pools).

The 2002 Minnesota Legislature passed a bill that allows portable wading pools to be used by family or group family childcare providers when certain requirements are met. A portable wading pool is defined as a pool with a maximum depth of 24 inches and is capable of being manually emptied and moved.

These portable wading pools may only be used after:

- The parent or legal guardian of the child has provided written consent to the license holder; and
- The written consent includes a statement that the parent or legal guardian has received and read the document written by the Department of Human Services and the Department of Health titled: "Fact Sheet: Risks of Wading Pools at Family Child Care Homes."

Wading pools at a commercially licensed childcare facility would be classified as a "public" pool, requiring compliance with the State Pool Code 4717. Portable wading pools do not meet these standards. DHS Rule 3 does not allow wading pools at childcare centers.