



Summary

February 2024

Department of Human Services Licensing Division: Support to Counties

The Department of Human Services (DHS) has generally done a good job supporting county licensurers. Nevertheless, there is room for improvement, especially given upcoming structural changes at the state level.

Report Summary

DHS Support to County Licensing Agencies

The staff of county licensing agencies—“county licensurers”—rely on support from DHS for numerous reasons, such as training, guidance on new licensing policies, or assistance in emergent situations. DHS supports county licensurers through trainings, optional meetings, newsletters, and by responding to county licensurer questions submitted via telephone or e-mail (known as “triage”).

- Both the county licensurers and DHS staff who responded to our surveys generally agreed that DHS has, overall, provided effective support to county licensurers. (p. 16)
- Most county licensurers and DHS staff who responded to our surveys reported favorable opinions of DHS’s communication of licensing requirements. (pp. 17-18)
- DHS has provided a range of supports to county licensurers across programs, but has provided less support targeted to those who license Community Residential Settings (CRS). (pp. 14-15)

Recommendation ► DHS should improve the support it provides for CRS licensurers. (p. 22)

- While most county licensurers who responded to our survey noted that DHS’s triage responses were timely, some CRS licensurers reported that it took significant time to receive responses from DHS. (pp. 18-19)

Recommendations ► DHS should (1) develop a formal policy and establish a timeframe in which staff must respond to triage inquiries, and (2) track how long it takes staff to respond to inquiries. (p. 22)

- DHS has not put certain guidance in writing, making it difficult for county licensurers to obtain consistent and timely information. (pp. 20-21)

Recommendation ► DHS should provide written guidance that is easily accessible to all county licensurers. (pp. 22-23)

Background

DHS licenses individuals and businesses that provide care for children and vulnerable adults. DHS is exclusively responsible for the licensing activities related to many types of human services programs.

For other programs, DHS delegates certain licensing responsibilities to county governments, as allowed by Minnesota statutes. These programs include: (1) Family Child Care; (2) Child Foster Care; (3) Adult Foster Care; and (4) Community Residential Settings, which are residential facilities that serve adults with disabilities.

For programs with county-delegated licensing, county licensing agencies determine whether applicants meet licensing requirements. DHS’s Licensing Division then issues licenses or sends denial letters based on county recommendations. Similarly, county licensing agencies monitor providers on an ongoing basis, and DHS sanctions providers (as needed) based on county recommendations.

DHS-County Partnership

The county-delegated licensing system requires DHS and county licensors to work together to license service providers and perform other licensing functions. Significant changes, however, are on the horizon. In 2023, the Legislature created a new Department of Children, Youth, and Families (DCYF), and DHS's licensing of child care and child foster care services will be transferred to DCYF once the new department is operating.

- Two-thirds of county licensors reported that the partnership between DHS and county licensors is strong. (pp. 25-26)
- Most county licensors and DHS staff that we surveyed had favorable opinions of DHS's process for regularly reviewing the work of county licensing agencies (the "Rule 13" review process). (p. 32)
- DHS has made consistent efforts to inform and engage county licensors as it implemented changes to programs with county-delegated licensing. (pp. 33-37)
- DHS has sometimes been slow to issue licensing actions when providers do not comply with program requirements, which can negatively impact the department's relationship with county licensors. (pp. 29-31)

Recommendations ► DHS should (1) establish timeframes for processing licensing actions that are uniform across programs with county-delegated licensing, and (2) ensure that it addresses all recommendations for licensing actions within those timeframes. (p. 31)

- While most county licensors indicated that DHS had provided clear guidance on the division of licensing roles, some licensors expressed frustration about the delineation between those roles. (pp. 27-28)

Recommendation ► DHS and DCYF should take extra care to provide clear and consistent guidance on the respective roles of state agencies and county licensors, especially in light of the upcoming division of licensing oversight between the two departments. (p. 38)

Recommendation ► DCYF should adopt the recommendations from this report that are relevant to its activities. (p. 38)

Summary of Agency Response

In a letter dated February 15, 2024, Commissioner Jodi Harpstead said that DHS appreciated OLA's review and is "pleased that the recommendations align with our plans for improvement, which we are working to implement thanks to the investment of resources by the governor and 2023 Legislature." She stated that DHS is already using the additional resources to hire staff, and that filling those positions is "likely to help address many of the concerns about support" for CRS licensors. She said that as DHS prepares to transition programs to DCYF, the two departments are working closely to "ensure that licensing functions will continue without interruption, and that all partners, including county licensors, will have clear guidance on the respective roles of DHS and DCYF."