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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1172**

02/01/2023 Authored by Edelson; Fischer; Finke; Lee, F.; Frazier and others
The bill was read for the first time and referred to the Committee on Human Services Policy
03/08/2023 Adoption of Report: Amended and re-referred to the Committee on Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying health and human services background
1.3 study consideration of juvenile court records; modifying disqualification periods;
1.4 allowing a set aside for a disqualification based on conduct or convictions in an
1.5 individual's juvenile record; creating an electronic background check
1.6 reconsideration request process; appropriating money; amending Minnesota Statutes
1.7 2022, sections 245C.15, subdivisions 2, 4, by adding a subdivision; 245C.17,
1.8 subdivision 2; 245C.21, subdivisions 1a, 2; 245C.22, subdivision 1; 245C.24,
1.9 subdivision 2.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2022, section 245C.15, subdivision 2, is amended to read:

1.12 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14
1.13 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,
1.14 for the offense; and (2) the individual has committed a felony-level violation of any of the
1.15 following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (fraud);
1.16 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to
1.17 possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury);
1.18 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses
1.19 under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a
1.20 gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of
1.21 a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple
1.22 robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the
1.23 first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267
1.24 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the
1.25 second degree); 609.268 (injury or death of an unborn child in the commission of a crime);
1.26 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495

2.1 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree
2.2 tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525
2.3 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen
2.4 property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree);
2.5 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary
2.6 tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631
2.7 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense);
2.8 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687
2.9 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit);
2.10 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a
2.11 minor; repeat offenses under 617.241 (obscene materials and performances; distribution
2.12 and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); ~~chapter~~
2.13 ~~152 (drugs; controlled substance); or Minnesota Statutes 2012, section 609.21; or a~~
2.14 ~~felony-level conviction involving alcohol or drug use~~ 152.021, subdivision 1 or 2b,
2.15 (aggravated controlled substance crime in the first degree; sale crimes); 152.022, subdivision
2.16 1 (controlled substance crime in the second degree; sale crimes); or 169A.24 (felony
2.17 first-degree driving while impaired).

2.18 (b) An individual is disqualified under section 245C.14 if less than 15 years has passed
2.19 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
2.20 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

2.21 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed
2.22 since the termination of the individual's parental rights under section 260C.301, subdivision
2.23 1, paragraph (b), or subdivision 3.

2.24 (d) An individual is disqualified under section 245C.14 if less than 15 years has passed
2.25 since the discharge of the sentence imposed for an offense in any other state or country, the
2.26 elements of which are substantially similar to the elements of the offenses listed in paragraph
2.27 (a).

2.28 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the
2.29 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is
2.30 disqualified but the disqualification look-back period for the offense is the period applicable
2.31 to the gross misdemeanor or misdemeanor disposition.

2.32 (f) When a disqualification is based on a judicial determination other than a conviction,
2.33 the disqualification period begins from the date of the court order. When a disqualification
2.34 is based on an admission, the disqualification period begins from the date of an admission

3.1 in court. When a disqualification is based on an Alford Plea, the disqualification period
3.2 begins from the date the Alford Plea is entered in court. When a disqualification is based
3.3 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
3.4 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
3.5 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

3.6 **EFFECTIVE DATE.** This section is effective for background studies requested on or
3.7 after August 1, 2024.

3.8 Sec. 2. Minnesota Statutes 2022, section 245C.15, subdivision 4, is amended to read:

3.9 Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section
3.10 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed,
3.11 if any, for the offense; and (2) the individual has committed a misdemeanor-level violation
3.12 of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182
3.13 (fraud); 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.2112, 609.2113,
3.14 or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree);
3.15 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231
3.16 (assault in the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic
3.17 assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report
3.18 maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree);
3.19 609.27 (coercion); violation of an order for protection under 609.3232 (protective order
3.20 authorized; procedures; penalties); 609.466 (medical assistance fraud); ~~609.52 (theft);~~
3.21 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); ~~609.53 (receiving~~
3.22 ~~stolen property); 609.535 (issuance of dishonored checks);~~ 609.611 (insurance fraud); 609.66
3.23 (dangerous weapons); 609.665 (spring guns); 609.746 (interference with privacy); 609.79
3.24 (obscene or harassing telephone calls); 609.795 (letter, telegram, or package; opening;
3.25 harassment); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud);
3.26 617.23 (indecent exposure), not involving a minor; 617.293 (harmful materials; dissemination
3.27 and display to minors prohibited); or Minnesota Statutes 2012, section 609.21; or violation
3.28 of an order for protection under section 518B.01 (Domestic Abuse Act).

3.29 (b) An individual is disqualified under section 245C.14 if less than seven years has
3.30 passed since a determination or disposition of the individual's:

3.31 (1) failure to make required reports under section 260E.06 or 626.557, subdivision 3,
3.32 for incidents in which: (i) the final disposition under section 626.557 or chapter 260E was
3.33 substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

4.1 (2) substantiated serious or recurring maltreatment of a minor under chapter 260E, a
4.2 vulnerable adult under section 626.557, or serious or recurring maltreatment in any other
4.3 state, the elements of which are substantially similar to the elements of maltreatment under
4.4 section 626.557 or chapter 260E for which: (i) there is a preponderance of evidence that
4.5 the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

4.6 (c) An individual is disqualified under section 245C.14 if less than seven years has
4.7 passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of
4.8 the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
4.9 Statutes.

4.10 (d) An individual is disqualified under section 245C.14 if less than seven years has
4.11 passed since the discharge of the sentence imposed for an offense in any other state or
4.12 country, the elements of which are substantially similar to the elements of any of the offenses
4.13 listed in paragraphs (a) and (b).

4.14 (e) When a disqualification is based on a judicial determination other than a conviction,
4.15 the disqualification period begins from the date of the court order. When a disqualification
4.16 is based on an admission, the disqualification period begins from the date of an admission
4.17 in court. When a disqualification is based on an Alford Plea, the disqualification period
4.18 begins from the date the Alford Plea is entered in court. When a disqualification is based
4.19 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
4.20 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
4.21 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

4.22 (f) An individual is disqualified under section 245C.14 if less than seven years has passed
4.23 since the individual was disqualified under section 256.98, subdivision 8.

4.24 **EFFECTIVE DATE.** This section is effective for background studies requested on or
4.25 after August 1, 2024.

4.26 Sec. 3. Minnesota Statutes 2022, section 245C.15, is amended by adding a subdivision to
4.27 read:

4.28 **Subd. 4b. Five-year disqualification.** (a) An individual is disqualified under section
4.29 245C.14 if: (1) less than five years have passed since the discharge of the sentence imposed,
4.30 if any, for the offense; and (2) the individual has committed a felony-level violation of any
4.31 of the following offenses: 152.021, subdivision 2 or 2a (controlled substance possession
4.32 crime in the first degree; methamphetamine manufacture crime); 152.022, subdivision 2
4.33 (controlled substance possession crime in the second degree); 152.023 (controlled substance

5.1 crime in the third degree); 152.024 (controlled substance crime in the fourth degree); 152.025
5.2 (controlled substance crime in the fifth degree); 152.0261 (importing controlled substances
5.3 across state borders); 152.0262 (possession of substances with intent to manufacture
5.4 methamphetamine); 152.027, subdivision 6, paragraph (c) (sale of synthetic cannabinoids);
5.5 152.096 (conspiracy to commit controlled substance crime); 152.097 (simulated controlled
5.6 substances); or 152.137 (methamphetamine-related crimes involving children and vulnerable
5.7 adults).

5.8 (b) An individual is disqualified under section 245C.14 if: (1) less than five years have
5.9 passed since the discharge of the sentence imposed, if any, for the offense; and (2) the
5.10 individual has committed a misdemeanor-level violation of any of the following offenses:
5.11 609.52 (theft); 609.53 (receiving stolen property); or 609.535 (issuance of dishonored
5.12 checks).

5.13 (c) An individual is disqualified under section 245C.14 if less than five years have passed
5.14 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
5.15 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
5.16 Statutes.

5.17 (d) An individual is disqualified under section 245C.14 if less than five years have passed
5.18 since the discharge of the sentence imposed for an offense in any other state or country, the
5.19 elements of which are substantially similar to the elements of any of the offenses listed in
5.20 paragraphs (a) and (b).

5.21 (e) When a disqualification is based on a judicial determination other than a conviction,
5.22 the disqualification period begins from the date of the court order. When a disqualification
5.23 is based on an admission, the disqualification period begins from the date of an admission
5.24 in court. When a disqualification is based on an Alford Plea, the disqualification period
5.25 begins from the date the Alford Plea is entered in court. When a disqualification is based
5.26 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
5.27 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
5.28 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

5.29 **EFFECTIVE DATE.** This section is effective for background studies requested on or
5.30 after August 1, 2024.

6.1 Sec. 4. Minnesota Statutes 2022, section 245C.17, subdivision 2, is amended to read:

6.2 Subd. 2. **Disqualification notice sent to subject.** (a) If the information in the study
6.3 indicates the individual is disqualified from direct contact with, or from access to, persons
6.4 served by the program, the commissioner shall disclose to the individual studied:

6.5 (1) the information causing disqualification;

6.6 (2) instructions on how to request a reconsideration of the disqualification;

6.7 (3) an explanation of any restrictions on the commissioner's discretion to set aside the
6.8 disqualification under section 245C.24, when applicable to the individual;

6.9 (4) a statement that, if the individual's disqualification is set aside under section 245C.22,
6.10 the applicant, license holder, or other entity that initiated the background study will be
6.11 provided with the reason for the individual's disqualification and an explanation that the
6.12 factors under section 245C.22, subdivision 4, which were the basis of the decision to set
6.13 aside the disqualification shall be made available to the license holder upon request without
6.14 the consent of the subject of the background study;

6.15 (5) a statement indicating that if the individual's disqualification is set aside or the facility
6.16 is granted a variance under section 245C.30, the individual's identity and the reason for the
6.17 individual's disqualification will become public data under section 245C.22, subdivision 7,
6.18 when applicable to the individual;

6.19 (6) a statement that when a subsequent background study is initiated on the individual
6.20 following a set-aside of the individual's disqualification, and the commissioner makes a
6.21 determination under section 245C.22, subdivision 5, paragraph (b), that the previous set-aside
6.22 applies to the subsequent background study, the applicant, license holder, or other entity
6.23 that initiated the background study will be informed in the notice under section 245C.22,
6.24 subdivision 5, paragraph (c):

6.25 (i) of the reason for the individual's disqualification;

6.26 (ii) that the individual's disqualification is set aside for that program or agency; and

6.27 (iii) that information about the factors under section 245C.22, subdivision 4, that were
6.28 the basis of the decision to set aside the disqualification are available to the license holder
6.29 upon request without the consent of the background study subject; ~~and~~

6.30 (7) the commissioner's determination of the individual's immediate risk of harm under
6.31 section 245C.16.; and

7.1 (8) a list of community resources through which the individual studied, license holder,
7.2 or other entity that initiated the background study can obtain legal advice related to the
7.3 background study and disqualification and the request for reconsideration process.

7.4 (b) If the commissioner determines under section 245C.16 that an individual poses an
7.5 imminent risk of harm to persons served by the program where the individual will have
7.6 direct contact with, or access to, people receiving services, the commissioner's notice must
7.7 include an explanation of the basis of this determination.

7.8 (c) If the commissioner determines under section 245C.16 that an individual studied
7.9 does not pose a risk of harm that requires immediate removal, the individual shall be informed
7.10 of the conditions under which the agency that initiated the background study may allow the
7.11 individual to have direct contact with, or access to, people receiving services, as provided
7.12 under subdivision 3.

7.13 Sec. 5. Minnesota Statutes 2022, section 245C.21, subdivision 1a, is amended to read:

7.14 Subd. 1a. **Submission of reconsideration request.** (a) For disqualifications related to
7.15 studies conducted by county agencies for family child care, and for disqualifications related
7.16 to studies conducted by the commissioner for child foster care, adult foster care, and family
7.17 adult day services when the applicant or license holder resides in the home where services
7.18 are provided, the individual shall submit the request for reconsideration to the county agency
7.19 that initiated the background study.

7.20 (b) For disqualifications related to studies conducted by the commissioner for child
7.21 foster care providers monitored by private licensing agencies under section 245A.16, the
7.22 individual shall submit the request for reconsideration to the private agency that initiated
7.23 the background study.

7.24 (c) A reconsideration request shall be submitted within 30 days of the individual's receipt
7.25 of the disqualification notice ~~or the time frames specified in subdivision 2, whichever time~~
7.26 ~~frame is shorter.~~

7.27 (d) The county or private agency shall forward the individual's request for reconsideration
7.28 and provide the commissioner with a recommendation whether to set aside the individual's
7.29 disqualification.

7.30 Sec. 6. Minnesota Statutes 2022, section 245C.21, subdivision 2, is amended to read:

7.31 Subd. 2. **Time frame for requesting reconsideration.** (a) When the commissioner
7.32 sends an individual a notice of disqualification based on a finding under section 245C.16,

8.1 subdivision 2, paragraph (a), clause (1) or (2), the disqualified individual must submit the
8.2 request for a reconsideration within 30 calendar days of the individual's receipt of the notice
8.3 of disqualification. If mailed, the request for reconsideration must be postmarked and sent
8.4 to the commissioner within 30 calendar days of the individual's receipt of the notice of
8.5 disqualification. If a request for reconsideration is made by personal service, it must be
8.6 received by the commissioner within 30 calendar days after the individual's receipt of the
8.7 notice of disqualification. Upon showing that the information under subdivision 3 cannot
8.8 be obtained within 30 days, the disqualified individual may request additional time, not to
8.9 exceed 30 days, to obtain the information.

8.10 (b) When the commissioner sends an individual a notice of disqualification based on a
8.11 finding under section 245C.16, subdivision 2, paragraph (a), clause (3), the disqualified
8.12 individual must submit the request for reconsideration within ~~15~~ 30 calendar days of the
8.13 individual's receipt of the notice of disqualification. If mailed, the request for reconsideration
8.14 must be postmarked and sent to the commissioner within ~~15~~ 30 calendar days of the
8.15 individual's receipt of the notice of disqualification. If a request for reconsideration is made
8.16 by personal service, it must be received by the commissioner within ~~15~~ 30 calendar days
8.17 after the individual's receipt of the notice of disqualification.

8.18 (c) An individual who was determined to have maltreated a child under chapter 260E
8.19 or a vulnerable adult under section 626.557, and who is disqualified on the basis of serious
8.20 or recurring maltreatment, may request a reconsideration of both the maltreatment and the
8.21 disqualification determinations. The request must be submitted within 30 calendar days of
8.22 the individual's receipt of the notice of disqualification. If mailed, the request for
8.23 reconsideration must be postmarked and sent to the commissioner within 30 calendar days
8.24 of the individual's receipt of the notice of disqualification. If a request for reconsideration
8.25 is made by personal service, it must be received by the commissioner within 30 calendar
8.26 days after the individual's receipt of the notice of disqualification.

8.27 (d) Except for family child care and child foster care, reconsideration of a maltreatment
8.28 determination under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of
8.29 a disqualification under section 245C.22, shall not be conducted when:

8.30 (1) a denial of a license under section 245A.05, or a licensing sanction under section
8.31 245A.07, is based on a determination that the license holder is responsible for maltreatment
8.32 or the disqualification of a license holder based on serious or recurring maltreatment;

8.33 (2) the denial of a license or licensing sanction is issued at the same time as the
8.34 maltreatment determination or disqualification; and

9.1 (3) the license holder appeals the maltreatment determination, disqualification, and
9.2 denial of a license or licensing sanction. In such cases, a fair hearing under section 256.045
9.3 must not be conducted under sections 245C.27, 260E.33, and 626.557, subdivision 9d.
9.4 Under section 245A.08, subdivision 2a, the scope of the consolidated contested case hearing
9.5 must include the maltreatment determination, disqualification, and denial of a license or
9.6 licensing sanction.

9.7 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
9.8 determination or disqualification, but does not appeal the denial of a license or a licensing
9.9 sanction, reconsideration of the maltreatment determination shall be conducted under sections
9.10 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be
9.11 conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as
9.12 provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

9.13 Sec. 7. Minnesota Statutes 2022, section 245C.22, subdivision 1, is amended to read:

9.14 Subdivision 1. **Time frame; response to disqualification reconsideration requests.** (a)
9.15 The commissioner shall respond in writing or by electronic transmission to all reconsideration
9.16 requests for which the basis for the request is that the information the commissioner relied
9.17 upon to disqualify is incorrect or inaccurate within 30 working days of receipt of a complete
9.18 request and all required relevant information.

9.19 (b) If the basis for a disqualified individual's reconsideration request is that the individual
9.20 does not pose a risk of harm, the commissioner shall respond to the request within 15 working
9.21 days after receiving a complete request for reconsideration and all required relevant
9.22 information.

9.23 (c) If the disqualified individual's reconsideration request is based on both the correctness
9.24 or accuracy of the information the commissioner relied upon to disqualify the individual
9.25 and the individual's risk of harm, the commissioner shall respond to the request within 45
9.26 working days after receiving a complete request for reconsideration and all required relevant
9.27 information.

9.28 (d) The commissioner shall give priority consideration to a reconsideration request from
9.29 an individual who was disqualified based on crimes or conduct listed in section 245C.15,
9.30 subdivision 4b, and shall respond to such a request within 15 working days after receiving
9.31 a complete request for reconsideration and all required relevant information.

9.32 (e) If the commissioner is unable to respond to a request for reconsideration within the
9.33 time frames prescribed under this section, the commissioner shall notify the individual

10.1 requesting reconsideration and the individual's prospective employer of the delay and take
10.2 all necessary steps to ensure that the applicant can continue to work while the commissioner
10.3 completes the response to the request for reconsideration. The commissioner's response to
10.4 a request for reconsideration shall not, under any circumstances, be delayed beyond six
10.5 months from the date the commissioner received a complete request for reconsideration
10.6 and all required relevant information.

10.7 Sec. 8. Minnesota Statutes 2022, section 245C.24, subdivision 2, is amended to read:

10.8 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
10.9 paragraphs (b) to ~~(f)~~ (g), the commissioner may not set aside the disqualification of any
10.10 individual disqualified pursuant to this chapter, regardless of how much time has passed,
10.11 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
10.12 1.

10.13 (b) For an individual in the substance use disorder or corrections field who was
10.14 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose
10.15 disqualification was set aside prior to July 1, 2005, the commissioner must consider granting
10.16 a variance pursuant to section 245C.30 for the license holder for a program dealing primarily
10.17 with adults. A request for reconsideration evaluated under this paragraph must include a
10.18 letter of recommendation from the license holder that was subject to the prior set-aside
10.19 decision addressing the individual's quality of care to children or vulnerable adults and the
10.20 circumstances of the individual's departure from that service.

10.21 (c) If an individual who requires a background study for nonemergency medical
10.22 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
10.23 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
10.24 passed since the discharge of the sentence imposed, the commissioner may consider granting
10.25 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
10.26 paragraph must include a letter of recommendation from the employer. This paragraph does
10.27 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to
10.28 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
10.29 clause (1); 617.246; or 617.247.

10.30 (d) When a licensed foster care provider adopts an individual who had received foster
10.31 care services from the provider for over six months, and the adopted individual is required
10.32 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
10.33 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
10.34 to permit the adopted individual with a permanent disqualification to remain affiliated with

11.1 the license holder under the conditions of the variance when the variance is recommended
11.2 by the county of responsibility for each of the remaining individuals in placement in the
11.3 home and the licensing agency for the home.

11.4 (e) For an individual 18 years of age or older affiliated with a licensed family foster
11.5 setting, the commissioner must not set aside or grant a variance for the disqualification of
11.6 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
11.7 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
11.8 4a, paragraphs (a) and (b).

11.9 (f) In connection with a family foster setting license, the commissioner may grant a
11.10 variance to the disqualification for an individual who is under 18 years of age at the time
11.11 the background study is submitted.

11.12 (g) The commissioner may set aside or grant a variance for any disqualification that is
11.13 based on conduct or a conviction in an individual's juvenile record.

11.14 Sec. 9. **DIRECTION TO THE COMMISSIONER; SET-ASIDE PORTABILITY.**

11.15 The commissioner of human services shall evaluate the process for background study
11.16 disqualification set-asides to be portable and automatically apply to subsequent background
11.17 studies each time a background study subject who has been granted a set-aside applies for
11.18 a position with a license holder. By January 15, 2024, the commissioner must propose
11.19 statutory changes to improve this process and establish an automatic process for such
11.20 individuals.

11.21 Sec. 10. **DIRECTION TO THE COMMISSIONER; ELECTRONIC**
11.22 **RECONSIDERATION REQUESTS AND BLIND REVIEW PROCESS.**

11.23 The commissioner of human services shall develop and implement a process to allow
11.24 requests for reconsideration of background study disqualifications under Minnesota Statutes,
11.25 chapter 245C, and related correspondence to be submitted and received via email or through
11.26 another form of secure online communication that is accessible to individuals requesting
11.27 reconsideration. In addition, the commissioner shall develop and utilize a blind review
11.28 process for disqualification reconsideration requests, in which the name, gender, race,
11.29 address, and any other identifying information is removed from the request, wherever
11.30 practicable.

12.1 Sec. 11. **APPROPRIATION; BACKGROUND STUDY DATA RETRIEVAL**
12.2 **INFRASTRUCTURE IMPROVEMENTS.**

12.3 \$..... in fiscal year 2024 is appropriated from the general fund to the commissioner of
12.4 human services for updates to the Department of Human Services' information technology
12.5 infrastructure to improve data-retrieval capabilities related to background studies conducted
12.6 under Minnesota Statutes, chapter 245C. The commissioner must also use funds appropriated
12.7 under this section to create an online dashboard with deidentified background study data
12.8 and publish annual public reports on the NetStudy 2.0 background study process that provide
12.9 summary data on the number of studies conducted, a racial breakdown of studies and
12.10 disqualifications, the average time frame for receiving a determination, the number of
12.11 disqualifications issued, the number of reconsideration requests submitted, and the number
12.12 of set-asides granted.