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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3756

03/31/2016 Authored by Bernardy, Clark and McDonald

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying certain provisions governing human
1.3 services background studies; amending Minnesota Statutes 2014, section
1.4 245C.04, subdivision 3.
1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 245C.04, subdivision 3, is amended to read:

1.7 Subd. 3. **Personal care provider organizations.** (a) The commissioner shall
1.8 conduct a background study of an individual required to be studied under section 245C.03,
1.9 subdivision 2, at least upon application for initial enrollment under sections 256B.0651 to
1.10 256B.0654 and 256B.0659.

1.11 (b) Organizations required to initiate background studies under sections 256B.0651
1.12 to 256B.0654 and 256B.0659 for individuals described in section 245C.03, subdivision
1.13 2, must submit a completed background study request to the commissioner using the
1.14 electronic system known as NETStudy before those individuals begin a position allowing
1.15 direct contact with persons served by the organization.

1.16 (c) Organizations required to initiate background studies under sections 256B.0651
1.17 to 256B.0654 and 256B.0659 for individuals described in section 245C.03, subdivision 2,
1.18 must initiate a new background study through NETStudy when an individual returns to a
1.19 position requiring a background study following an absence of 120 or more consecutive
1.20 days.

1.21 (d) An individual required to be studied under this subdivision may provide personal
1.22 care assistance before the background study required by this subdivision is completed if:

1.23 (1) the individual is providing personal care assistance in an emergency situation; and

- 2.1 (2) a background study was previously successfully completed for the individual by
2.2 a different personal care provider organization.
- 2.3 Nothing in this paragraph changes a personal care assistance provider organization's
2.4 obligations to initiate a background study of an individual.