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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **494**

02/11/2013 Authored by Simonson

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

1.1 A bill for an act
1.2 relating to human services; modifying set aside considerations; amending
1.3 Minnesota Statutes 2012, section 245C.22, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2012, section 245C.22, subdivision 4, is amended to read:

1.6 Subd. 4. **Risk of harm; set aside.** (a) The commissioner may set aside the
1.7 disqualification if the commissioner finds that the individual has submitted sufficient
1.8 information to demonstrate that the individual does not pose a risk of harm to any person
1.9 served by the applicant, license holder, or other entities as provided in this chapter.

1.10 (b) In determining whether the individual has met the burden of proof by
1.11 demonstrating the individual does not pose a risk of harm, the commissioner shall consider:

1.12 (1) the nature, severity, and consequences of the event or events that led to the
1.13 disqualification;

1.14 (2) whether there is more than one disqualifying event;

1.15 (3) the age and vulnerability of the victim at the time of the event;

1.16 (4) the harm suffered by the victim;

1.17 (5) vulnerability of persons served by the program;

1.18 (6) the similarity between the victim and persons served by the program;

1.19 (7) the time elapsed without a repeat of the same or similar event;

1.20 (8) documentation of successful completion by the individual studied of training or
1.21 rehabilitation pertinent to the event; ~~and~~

1.22 (9) recommendations of a current or past employer in a similar program or agency;

1.23 and

1.24 ~~(9)~~ (10) any other information relevant to reconsideration.

2.1 (c) If the individual requested reconsideration on the basis that the information
2.2 relied upon to disqualify the individual was incorrect or inaccurate and the commissioner
2.3 determines that the information relied upon to disqualify the individual is correct, the
2.4 commissioner must also determine if the individual poses a risk of harm to persons
2.5 receiving services in accordance with paragraph (b).