

## State of Minnesota

## HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2750

03/08/2012 Authored by Abeler; Murphy, E., and Howes

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 nursing; authorizing criminal history records check; proposing coding  
1.3 for new law in Minnesota Statutes, chapter 148.

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

1.5 Section 1. [148.192] CRIMINAL HISTORY RECORDS CHECK.

1.6 Subdivision 1. **Applicants.** (a) An applicant for initial licensure or licensure by  
1.7 endorsement under section 148.211 and an applicant for reregistration under section  
1.8 148.231, subdivision 5, shall submit to a criminal history records check of state data,  
1.9 regardless of data classification, and a national criminal history records check to include a  
1.10 search of the records of the Federal Bureau of Investigation.

1.11 (b) An applicant shall submit a completed, notarized records check consent form  
1.12 and fingerprints to the private vendor under contract with the board and must comply  
1.13 with the following requirements:

1.14 (1) request and consent to a criminal history records check of state data, regardless  
1.15 of data classification;

1.16 (2) request and consent to a national criminal history records check;

1.17 (3) submit to fingerprinting on a form acceptable to the board with the private vendor  
1.18 under contract with the board including a verification form;

1.19 (4) request that the criminal history records check results of state data and national  
1.20 data from the Federal Bureau of Investigation be sent directly to the board; and

1.21 (5) pay no more than \$25 for the fingerprinting and completion of the criminal  
1.22 history records check.

1.23 Subd. 2. **Board responsibilities.** (a) The board shall issue a request for proposals  
1.24 for a private vendor to provide criminal history records check. Preference shall be given

2.1 for a vendor that can provide accurate data at a low cost. The board shall enter into a  
2.2 contract with a private vendor to conduct the criminal history records check, and shall  
2.3 only accept criminal history background checks from that vendor.

2.4 (b) The board shall maintain the criminal history records check reports in a manner  
2.5 that ensures the confidentiality of the results as private data, prevents disclosure pursuant  
2.6 to a public records request, and complies with applicable state and federal requirements.

2.7 (c) All criminal history record data obtained by the board is private data on  
2.8 individuals under section 13.02, subdivision 12, and restricted to the exclusive use of  
2.9 the board, its members, officers, investigative staff, and attorneys for the purpose of  
2.10 evaluating the applicant's eligibility for licensure.

2.11 (d) If an applicant contests the accuracy or correctness of the criminal history  
2.12 records check and proves that the results were inaccurate or incorrect, the board shall  
2.13 destroy the inaccurate records.

2.14 (e) If data supplied by the Federal Bureau of Investigation conflicts with the data  
2.15 supplied by the private vendor, the vendor's results shall supersede the results from the  
2.16 Federal Bureau of Investigation.

2.17 Subd. 3. **Licensure; reregistration.** (a) In reviewing the results of the criminal  
2.18 history records check to determine whether the applicant should be granted an initial  
2.19 license or allowed to reregister, the board may consider all of the following:

2.20 (1) the nature and seriousness of the crime;  
2.21 (2) the circumstances surrounding the crime;  
2.22 (3) the extent of the applicant's past criminal activity;  
2.23 (4) the age of the applicant when the crime was committed;  
2.24 (5) the amount of time that has elapsed since the applicant's last criminal activity;  
2.25 (6) the conduct and work activity of the applicant before and after the criminal  
2.26 activity;

2.27 (7) whether the applicant has completed the terms of probation or deferred  
2.28 adjudication;

2.29 (8) whether the crime is substantially related to the qualifications, functions, or  
2.30 duties of a nurse;

2.31 (9) evidence of the applicant's rehabilitation;  
2.32 (10) whether the applicant fully disclosed the arrest or conviction to the board; and  
2.33 (11) any other factors the board considers relevant.

2.34 (b) The board shall not grant a license to an applicant or allow an applicant to  
2.35 reregister unless the applicant has complied with this section.

3.1            Subd. 4. **Results of records check.** (a) If a criminal history records check indicates  
3.2            that an applicant has engaged in criminal conduct, the board may take action under  
3.3            sections 214.10 and 214.103.

3.4            (b) If an applicant disputes the accuracy or correctness of the results of the criminal  
3.5            history records check, the board shall allow the applicant to present documentary evidence  
3.6            that the results are inaccurate or incorrect. The board shall issue a written decision within  
3.7            30 working days of receipt of the information.