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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **2467**

02/27/2014 Authored by Liebling

The bill was read for the first time and referred to the Committee on Civil Law

03/26/2014 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying requirements for human services
1.3 background studies; amending Minnesota Statutes 2012, sections 245C.02, by
1.4 adding subdivisions; 245C.03, subdivision 2, by adding a subdivision; 245C.04,
1.5 subdivision 1; 245C.05, subdivisions 1, 2, 2c, 4, 5; 245C.07; 245C.13, subdivision
1.6 1; 245C.17, subdivision 1; 245C.20, by adding a subdivision; 245C.32, by adding
1.7 subdivisions; Minnesota Statutes 2013 Supplement, section 245C.04, subdivision
1.8 4a; proposing coding for new law in Minnesota Statutes, chapter 245C.

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

1.10 Section 1. Minnesota Statutes 2012, section 245C.02, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 4a. **Authorized fingerprint collection vendor.** "Authorized fingerprint
1.13 collection vendor" means a qualified organization under a written contract with the
1.14 commissioner to provide services in accordance with section 245C.05, subdivision 5,
1.15 paragraph (d).

1.16 Sec. 2. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision
1.17 to read:

1.18 Subd. 13a. **NETStudy.** "NETStudy" means the commissioner's online system
1.19 implemented in July 2004 and used by entities for submitting background study requests
1.20 required under this chapter.

1.21 Sec. 3. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision
1.22 to read:

1.23 Subd. 13b. **NETStudy 2.0.** "NETStudy 2.0" means the commissioner's system
1.24 that replaces both NETStudy and the department's internal background study processing

2.1 system. NETStudy 2.0 is designed to enhance protection of children and vulnerable adults
2.2 by improving the accuracy of background studies through fingerprint-based criminal record
2.3 checks and expanding the background studies to include a review of information from
2.4 the Minnesota Court Information System and the national crime information database.

2.5 NETStudy 2.0 is also designed to increase efficiencies in and speed of the hiring process by:

2.6 (1) providing access to and updates from public Web-based data related to
2.7 employment eligibility;

2.8 (2) decreasing the need for repeat studies through electronic updates of background
2.9 study subjects' criminal records;

2.10 (3) supporting identity verification using subjects' Social Security numbers and
2.11 photographs;

2.12 (4) using electronic employer notifications; and

2.13 (5) issuing immediate verification of subjects' eligibility to provide services as more
2.14 studies are completed under the NETStudy 2.0 system.

2.15 Sec. 4. Minnesota Statutes 2012, section 245C.02, is amended by adding a subdivision
2.16 to read:

2.17 Subd. 17a. **Roster.** (a) "Roster" means the electronic method used to identify the
2.18 entity or entities required to conduct background studies under this chapter with which a
2.19 background subject is affiliated. There are three types of rosters: active roster, inactive
2.20 roster, and master roster.

2.21 (b) "Active roster" means the list of individuals specific to an entity who have been
2.22 determined eligible under this chapter to provide services for the entity and who the entity
2.23 has identified as affiliated. An individual shall remain on the entity's active roster and is
2.24 considered affiliated until the commissioner determines the individual is ineligible or the
2.25 entity removes the individual from the entity's active roster.

2.26 (c) "Inactive roster" means the list maintained by the commissioner of individuals
2.27 who are eligible under this chapter to provide services and are not on an active roster.
2.28 Individuals shall remain on the inactive roster for no more than 180 consecutive days,
2.29 unless the individual submits a written request to the commissioner requesting to remain
2.30 on the inactive roster for a longer period of time. Upon the commissioner's receipt of
2.31 information that may cause an individual on the inactive roster to be disqualified under
2.32 this chapter, the commissioner shall remove the individual from the inactive roster, and if
2.33 the individual again seeks a position requiring a background study, the individual shall be
2.34 required to complete a new background study.

3.1 (d) "Master roster" means the list maintained by the commissioner of all individuals
3.2 who, as a result of a background study under this chapter, and regardless of affiliation with
3.3 an entity, are determined by the commissioner to be eligible to provide services for one
3.4 or more entities. The master roster includes all background study subjects on rosters
3.5 under paragraphs (b) and (c).

3.6 Sec. 5. Minnesota Statutes 2012, section 245C.03, subdivision 2, is amended to read:

3.7 Subd. 2. **Personal care provider organizations and community first services and**
3.8 **supports workers.** The commissioner shall conduct background studies on any individual
3.9 required under sections 256B.0651 to 256B.0656 and, 256B.0659, and 256B.85 to have a
3.10 background study completed under this chapter.

3.11 Sec. 6. Minnesota Statutes 2012, section 245C.03, is amended by adding a subdivision
3.12 to read:

3.13 Subd. 8. **Self-initiated background studies.** Upon implementation of NETStudy
3.14 2.0, the commissioner shall conduct background studies according to this chapter when
3.15 initiated by an individual who is not on the master roster. A subject under this subdivision
3.16 who is not disqualified must be placed on the inactive roster.

3.17 Sec. 7. Minnesota Statutes 2012, section 245C.04, subdivision 1, is amended to read:

3.18 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a
3.19 background study of an individual required to be studied under section 245C.03,
3.20 subdivision 1, at least upon application for initial license for all license types.

3.21 (b) The commissioner shall conduct a background study of an individual required
3.22 to be studied under section 245C.03, subdivision 1, at reapplication for a license for
3.23 family child care.

3.24 (c) The commissioner is not required to conduct a study of an individual at the time
3.25 of reapplication for a license if the individual's background study was completed by the
3.26 commissioner of human services for an adult foster care license holder that is also:

3.27 (1) registered under chapter 144D; or

3.28 (2) licensed to provide home and community-based services to people with
3.29 disabilities at the foster care location and the license holder does not reside in the foster
3.30 care residence; and

3.31 (3) the following conditions are met:

3.32 (i) a study of the individual was conducted either at the time of initial licensure or
3.33 when the individual became affiliated with the license holder;

4.1 (ii) the individual has been continuously affiliated with the license holder since
4.2 the last study was conducted; and

4.3 (iii) the last study of the individual was conducted on or after October 1, 1995.

4.4 (d) From July 1, 2007, to June 30, 2009, the commissioner of human services shall
4.5 conduct a study of an individual required to be studied under section 245C.03, at the
4.6 time of reapplication for a child foster care license. The county or private agency shall
4.7 collect and forward to the commissioner the information required under section 245C.05,
4.8 subdivisions 1, paragraphs (a) and (b), and 5, paragraphs (a) and (b). The background
4.9 study conducted by the commissioner of human services under this paragraph must
4.10 include a review of the information required under section 245C.08, subdivisions 1,
4.11 paragraph (a), clauses (1) to (5), 3, and 4.

4.12 (e) The commissioner of human services shall conduct a background study of an
4.13 individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2)
4.14 to (6), who is newly affiliated with a child foster care license holder. The county or
4.15 private agency shall collect and forward to the commissioner the information required
4.16 under section 245C.05, subdivisions 1 and 5. The background study conducted by the
4.17 commissioner of human services under this paragraph must include a review of the
4.18 information required under section 245C.08, subdivisions 1, 3, and 4.

4.19 (f) From January 1, 2010, to December 31, 2012, unless otherwise specified in
4.20 paragraph (c), the commissioner shall conduct a study of an individual required to
4.21 be studied under section 245C.03 at the time of reapplication for an adult foster care
4.22 or family adult day services license: (1) the county shall collect and forward to the
4.23 commissioner the information required under section 245C.05, subdivision 1, paragraphs
4.24 (a) and (b), and subdivision 5, paragraphs (a) and (b), for background studies conducted
4.25 by the commissioner for all family adult day services and for adult foster care when
4.26 the adult foster care license holder resides in the adult foster care or family adult day
4.27 services residence; (2) the license holder shall collect and forward to the commissioner
4.28 the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b);
4.29 and 5, paragraphs (a) and (b), for background studies conducted by the commissioner for
4.30 adult foster care when the license holder does not reside in the adult foster care residence;
4.31 and (3) the background study conducted by the commissioner under this paragraph must
4.32 include a review of the information required under section 245C.08, subdivision 1,
4.33 paragraph (a), clauses (1) to (5), and subdivisions 3 and 4.

4.34 (g) The commissioner shall conduct a background study of an individual specified
4.35 under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly
4.36 affiliated with an adult foster care or family adult day services license holder: (1) the

5.1 county shall collect and forward to the commissioner the information required under
5.2 section 245C.05, subdivision 1, paragraphs (a) and (b), and subdivision 5, paragraphs (a)
5.3 and (b), for background studies conducted by the commissioner for all family adult day
5.4 services and for adult foster care when the adult foster care license holder resides in
5.5 the adult foster care residence; (2) the license holder shall collect and forward to the
5.6 commissioner the information required under section 245C.05, subdivisions 1, paragraphs
5.7 (a) and (b); and 5, paragraphs (a) and (b), for background studies conducted by the
5.8 commissioner for adult foster care when the license holder does not reside in the adult
5.9 foster care residence; and (3) the background study conducted by the commissioner under
5.10 this paragraph must include a review of the information required under section 245C.08,
5.11 subdivision 1, paragraph (a), and subdivisions 3 and 4.

5.12 (h) Applicants for licensure, license holders, and other entities as provided in this
5.13 chapter must submit completed background study forms to the commissioner before
5.14 individuals specified in section 245C.03, subdivision 1, begin positions allowing direct
5.15 contact in any licensed program.

5.16 (i) ~~A license holder~~ For an individual who is not on the entity's active roster,
5.17 the entity must initiate a new background study through the commissioner's online
5.18 background study system when:

5.19 (1) an individual returns to a position requiring a background study following an
5.20 absence of 90 or more consecutive days; or

5.21 (2) a program that discontinued providing licensed direct contact services for 90 or
5.22 more consecutive days begins to provide direct contact licensed services again.

5.23 The license holder shall maintain a copy of the notification provided to
5.24 the commissioner under this paragraph in the program's files. If the individual's
5.25 disqualification was previously set aside for the license holder's program and the new
5.26 background study results in no new information that indicates the individual may pose a
5.27 risk of harm to persons receiving services from the license holder, the previous set-aside
5.28 shall remain in effect.

5.29 (j) For purposes of this section, a physician licensed under chapter 147 is considered
5.30 to be continuously affiliated upon the license holder's receipt from the commissioner of
5.31 health or human services of the physician's background study results.

5.32 (k) For purposes of family child care, a substitute caregiver must receive repeat
5.33 background studies at the time of each license renewal.

5.34 Sec. 8. Minnesota Statutes 2013 Supplement, section 245C.04, subdivision 4a, is
5.35 amended to read:

6.1 Subd. 4a. **Agency background studies; electronic criminal case information**
6.2 **updates; rosters; and criteria for eliminating repeat background studies.** (a) The
6.3 commissioner shall develop and implement an electronic process as a part of NETStudy
6.4 2.0 for the regular transfer of new criminal case information that is added to the Minnesota
6.5 court information system. The commissioner's system must include for review only
6.6 information that relates to individuals who ~~have been the subject of a background study~~
6.7 ~~under this chapter that remain affiliated with the agency that initiated the background~~
6.8 ~~study. For purposes of this paragraph, an individual remains affiliated with an agency~~
6.9 ~~that initiated the background study until the agency informs the commissioner that the~~
6.10 ~~individual is no longer affiliated. When any individual no longer affiliated according to~~
6.11 ~~this paragraph returns to a position requiring a background study under this chapter, the~~
6.12 ~~agency with whom the individual is again affiliated shall initiate a new background study~~
6.13 ~~regardless of the length of time the individual was no longer affiliated with the agency~~
6.14 are on the master roster.

6.15 (b) The commissioner shall develop and implement an online system as a part of
6.16 NETStudy 2.0 for agencies that initiate background studies under this chapter to access
6.17 and maintain records of background studies initiated by that agency. The system must
6.18 show all active background study subjects affiliated with that agency and the status of
6.19 each individual's background study. Each agency that initiates background studies must
6.20 use this system to notify the commissioner of discontinued affiliation for purposes of the
6.21 processes required under paragraph (a).

6.22 (c) After an entity initiating a background study has paid the applicable fee for the
6.23 study and has provided the individual with the privacy notice required under section
6.24 245C.05, subdivision 2c, NETStudy 2.0 shall immediately inform the entity whether the
6.25 individual requires a background study or whether the individual is immediately eligible
6.26 to provide services based on a previous background study. If the individual is immediately
6.27 eligible, the entity initiating the background study shall be able to view the information
6.28 previously supplied by the individual who is the subject of a background study as required
6.29 under section 245C.05, subdivision 1, including the individual's photograph taken at the
6.30 time the individual's fingerprints were recorded. The commissioner shall not provide any
6.31 entity initiating a subsequent background study with information regarding the other
6.32 entities that initiated background studies on the subject.

6.33 (d) Verification that an individual is eligible to provide services based on a previous
6.34 background study is dependent on the individual voluntarily providing the individual's
6.35 Social Security number to the commissioner at the time each background study is initiated.
6.36 When an individual does not provide the individual's Social Security number for the

7.1 background study, that study is not transferable and a repeat background study on that
7.2 individual is required if the individual seeks a position requiring a background study under
7.3 this chapter with another entity.

7.4 Sec. 9. Minnesota Statutes 2012, section 245C.05, subdivision 1, is amended to read:

7.5 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the
7.6 background study must provide the applicant, license holder, or other entity under section
7.7 245C.04 with sufficient information to ensure an accurate study, including:

7.8 (1) the individual's first, middle, and last name and all other names by which the
7.9 individual has been known;

7.10 (2) current home address, city, and state of residence;

7.11 (3) current zip code;

7.12 (4) sex;

7.13 (5) date of birth; ~~and~~

7.14 (6) Minnesota driver's license number or state identification number; and

7.15 (7) upon implementation of NETStudy 2.0, the home address, city, county, and
7.16 state of residence for the past five years.

7.17 (b) Every subject of a background study conducted or initiated by counties or private
7.18 agencies under this chapter must also provide the home address, city, county, and state of
7.19 residence for the past five years.

7.20 (c) Every subject of a background study related to private agency adoptions or
7.21 related to child foster care licensed through a private agency, who is 18 years of age
7.22 or older, shall also provide the commissioner a signed consent for the release of any
7.23 information received from national crime information databases to the private agency that
7.24 initiated the background study.

7.25 (d) The subject of a background study shall provide fingerprints and a photograph as
7.26 required in subdivision 5, ~~paragraph (c).~~

7.27 Sec. 10. Minnesota Statutes 2012, section 245C.05, subdivision 2, is amended to read:

7.28 Subd. 2. **Applicant, license holder, or other entity.** (a) The applicant, license
7.29 holder, or other entities as provided in this chapter shall verify that the information
7.30 collected under subdivision 1 about an individual who is the subject of the background
7.31 study is correct and must provide the information on forms or in a format prescribed by
7.32 the commissioner.

7.33 (b) The information collected under subdivision 1 about an individual who is the
7.34 subject of a completed background study may only be viewable by an entity that initiates

8.1 a subsequent background study on that individual under NETStudy 2.0 after the entity
8.2 has paid the applicable fee for the study and has provided the individual with the privacy
8.3 notice in subdivision 2c.

8.4 Sec. 11. Minnesota Statutes 2012, section 245C.05, subdivision 2c, is amended to read:

8.5 Subd. 2c. **Privacy notice to background study subject.** (a) ~~For every~~ Prior
8.6 to initiating each background study, the entity initiating the study must provide the
8.7 commissioner's privacy notice to the background study subject required under section
8.8 13.04, subdivision 2, that is provided. The notice must be available through the
8.9 commissioner's electronic NETStudy system or through the commissioner's background
8.10 study forms and NETStudy 2.0 systems and shall include the information in paragraph
8.11 paragraphs (b) and (c).

8.12 (b) The background study subject shall be informed that any previous background
8.13 studies that received a set-aside will be reviewed, and without further contact with the
8.14 background study subject, the commissioner may notify the agency that initiated the
8.15 subsequent background study:

8.16 (1) that the individual has a disqualification that has been set aside for the program
8.17 or agency that initiated the study;

8.18 (2) the reason for the disqualification; and

8.19 (3) that information about the decision to set aside the disqualification will be
8.20 available to the license holder upon request without the consent of the background study
8.21 subject.

8.22 (c) The background study subject must also be informed that:

8.23 (1) the subject's fingerprints collected for purposes of completing the background
8.24 study under this chapter must not be retained by the Department of Public Safety, Bureau
8.25 of Criminal Apprehension, or by the commissioner, but will be retained by the Federal
8.26 Bureau of Investigation;

8.27 (2) effective upon implementation of NETStudy 2.0, the subject's photographic
8.28 image will be retained by the commissioner, and if the subject has provided the subject's
8.29 Social Security number for purposes of the background study, the photographic image will
8.30 be available to prospective employers and agencies initiating background studies under
8.31 this chapter to verify the identity of the subject of the background study; and

8.32 (3) the commissioner's authorized fingerprint collection vendor shall, for purposes
8.33 of verifying the identity of the background study subject, be able to view the identifying
8.34 information entered into NETStudy 2.0 by the entity that initiated the background study,
8.35 but shall not retain the subject's fingerprints, photograph, or information from NETStudy

9.1 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's
9.2 name and the date and time the subject's fingerprints were recorded and sent, only as
9.3 necessary for auditing and billing activities.

9.4 Sec. 12. Minnesota Statutes 2012, section 245C.05, subdivision 4, is amended to read:

9.5 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the
9.6 Department of Human Services, the commissioner shall implement a secure system for the
9.7 electronic transmission of:

9.8 (1) background study information to the commissioner;

9.9 (2) background study results to the license holder;

9.10 (3) background study results to county and private agencies for background studies
9.11 conducted by the commissioner for child foster care; and

9.12 (4) background study results to county agencies for background studies conducted
9.13 by the commissioner for adult foster care and family adult day services.

9.14 (b) Unless the commissioner has granted a hardship variance under paragraph (c),
9.15 a license holder or an applicant must use the electronic transmission system known
9.16 as NETStudy or NETStudy 2.0 to submit all requests for background studies to the
9.17 commissioner as required by this chapter.

9.18 (c) A license holder or applicant whose program is located in an area in which
9.19 high-speed Internet is inaccessible may request the commissioner to grant a variance to
9.20 the electronic transmission requirement.

9.21 Sec. 13. Minnesota Statutes 2012, section 245C.05, subdivision 5, is amended to read:

9.22 Subd. 5. **Fingerprints and photograph.** (a) Before the implementation of
9.23 NETStudy 2.0, except as provided in paragraph (c), for any background study completed
9.24 under this chapter, when the commissioner has reasonable cause to believe that further
9.25 pertinent information may exist on the subject of the background study, the subject
9.26 shall provide the commissioner with a set of classifiable fingerprints obtained from an
9.27 authorized agency.

9.28 (b) Before the implementation of NETStudy 2.0, for purposes of requiring
9.29 fingerprints, the commissioner has reasonable cause when, but not limited to, the:

9.30 (1) information from the Bureau of Criminal Apprehension indicates that the subject
9.31 is a multistate offender;

9.32 (2) information from the Bureau of Criminal Apprehension indicates that multistate
9.33 offender status is undetermined; or

10.1 (3) commissioner has received a report from the subject or a third party indicating
10.2 that the subject has a criminal history in a jurisdiction other than Minnesota.

10.3 (c) ~~Except as specified under section 245C.04, subdivision 1,~~ Notwithstanding
10.4 paragraph (d), for background studies conducted by the commissioner for child foster
10.5 care or adoptions, the subject of the background study, who is 18 years of age or older,
10.6 shall provide the commissioner with a set of classifiable fingerprints obtained from an
10.7 authorized agency.

10.8 (d) For background studies initiated on or after the implementation of NETStudy
10.9 2.0, every subject of a background study must provide the commissioner with a set of the
10.10 background study subject's classifiable fingerprints and photograph. The photograph
10.11 and fingerprints must be recorded at the same time by the commissioner's authorized
10.12 fingerprint collection vendor and sent to the commissioner through the commissioner's
10.13 secure data system described in section 245C.32, subdivision 1a, paragraph (b). The
10.14 fingerprints shall not be retained by the Department of Public Safety, Bureau of Criminal
10.15 Apprehension, or the commissioner, but will be retained by the Federal Bureau of
10.16 Investigation. The commissioner's authorized fingerprint collection vendor shall, for
10.17 purposes of verifying the identity of the background study subject, be able to view
10.18 the identifying information entered into NETStudy 2.0 by the entity that initiated the
10.19 background study, but shall not retain the subject's fingerprints, photograph, or information
10.20 from NETStudy 2.0. The authorized fingerprint collection vendor shall retain no more
10.21 than the name and date and time the subject's fingerprints were recorded and sent, only as
10.22 necessary for auditing and billing activities.

10.23 Sec. 14. **[245C.051] DESTRUCTION OF BACKGROUND STUDY SUBJECT**
10.24 **INFORMATION.**

10.25 (a) A background study subject may request in writing to the commissioner that
10.26 information used to complete the individual's study in NETStudy 2.0 be destroyed if
10.27 the individual:

- 10.28 (1) has not been affiliated with any entity for the previous two years; and
10.29 (2) has no current disqualifying characteristic.

10.30 (b) After receiving the request and verifying the information in paragraph (a), the
10.31 commissioner shall destroy the information used to complete the subject's background
10.32 study and shall keep a record of the subject's name and a notation of the date that the
10.33 information was destroyed.

11.1 (c) When a previously studied individual has not been on the master roster for two
11.2 years, the commissioner shall destroy the photographic image of the individual obtained
11.3 under section 245C.05, subdivision 5, paragraph (d).

11.4 (d) Any data collected on an individual under this chapter that is maintained by
11.5 the commissioner that has not been destroyed according to paragraph (b) or (c), shall
11.6 be destroyed when two years have elapsed from the individual's actual death that is
11.7 reported to the commissioner or the presumed death of the individual. For purposes of
11.8 this subdivision, an individual is presumed to be dead if either 90 years elapsed since
11.9 the creation of the data or 90 years have elapsed since the individual's birth, whichever
11.10 is earlier, except that an individual is not presumed to be dead if readily available data
11.11 indicate that the individual is still living.

11.12 Sec. 15. Minnesota Statutes 2012, section 245C.07, is amended to read:

11.13 **245C.07 STUDY SUBJECT AFFILIATED WITH MULTIPLE FACILITIES.**

11.14 (a) Subject to the conditions in paragraph (d), when a license holder, applicant, or
11.15 other entity owns multiple programs or services that are licensed by the Department
11.16 of Human Services, Department of Health, or Department of Corrections, only one
11.17 background study is required for an individual who provides direct contact services in one
11.18 or more of the licensed programs or services if:

11.19 (1) the license holder designates one individual with one address and telephone
11.20 number as the person to receive sensitive background study information for the multiple
11.21 licensed programs or services that depend on the same background study; and

11.22 (2) the individual designated to receive the sensitive background study information
11.23 is capable of determining, upon request of the department, whether a background study
11.24 subject is providing direct contact services in one or more of the license holder's programs
11.25 or services and, if so, at which location or locations.

11.26 (b) When a license holder maintains background study compliance for multiple
11.27 licensed programs according to paragraph (a), and one or more of the licensed programs
11.28 closes, the license holder shall immediately notify the commissioner which staff must be
11.29 transferred to an active license so that the background studies can be electronically paired
11.30 with the license holder's active program.

11.31 (c) When a background study is being initiated by a licensed program or service or a
11.32 foster care provider that is also registered under chapter 144D, a study subject affiliated
11.33 with multiple licensed programs or services may attach to the background study form a
11.34 cover letter indicating the additional names of the programs or services, addresses, and
11.35 background study identification numbers.

12.1 When the commissioner receives a notice, the commissioner shall notify each
12.2 program or service identified by the background study subject of the study results.

12.3 The background study notice the commissioner sends to the subsequent agencies
12.4 shall satisfy those programs' or services' responsibilities for initiating a background study
12.5 on that individual.

12.6 (d) If a background study was conducted on an individual related to child foster care
12.7 and the requirements under paragraph (a) are met, the background study is transferable
12.8 across all licensed programs. If a background study was conducted on an individual under
12.9 a license other than child foster care and the requirements under paragraph (a) are met, the
12.10 background study is transferable to all licensed programs except child foster care.

12.11 (e) The provisions of this section that allow a single background study in one
12.12 or more licensed programs or services do not apply to background studies submitted
12.13 by adoption agencies, supplemental nursing services agencies, personnel agencies,
12.14 educational programs, professional services agencies, and unlicensed personal care
12.15 provider organizations.

12.16 (f) For an entity operating under NETStudy 2.0, the entity's active roster must be
12.17 the system used to document when a background study subject is affiliated with multiple
12.18 entities.

12.19 Sec. 16. Minnesota Statutes 2012, section 245C.13, subdivision 1, is amended to read:

12.20 Subdivision 1. **Timing.** Upon receipt of the background study forms from an
12.21 applicant, license holder, or other entity as provided in this chapter required to initiate
12.22 a background study under section 245C.04, the commissioner shall complete the
12.23 background study and provide the notice required under section 245C.17, subdivision 1;
12.24 ~~within 15 working days.~~

12.25 Sec. 17. Minnesota Statutes 2012, section 245C.17, subdivision 1, is amended to read:

12.26 Subdivision 1. **Time frame for notice of study results and auditing system**
12.27 **access.** ~~(a) Within 15 working days after the commissioner's receipt of the background~~
12.28 ~~study form, the commissioner shall notify the individual who is the subject of the study~~
12.29 ~~in writing or by electronic transmission of the results of the study or that more time~~
12.30 ~~is needed to complete the study.~~

12.31 ~~(b)~~ (a) Within ~~15~~ three working days after the commissioner's receipt of the a request
12.32 for a background study form submitted on paper through the commissioner's NETStudy
12.33 or NETStudy 2.0 system, the commissioner shall notify the applicant, background study
12.34 subject and the license holder; or other entity as provided in this chapter in writing or by

13.1 electronic transmission of the results of the study or that more time is needed to complete
13.2 the study. The notice to the individual shall include the identity of the entity that initiated
13.3 the background study.

13.4 ~~(e) Within three days after the commissioner's receipt of a request for a background~~
13.5 ~~study submitted through the commissioner's online system, the commissioner shall~~
13.6 ~~provide an electronic notification to the applicant, license holder, or other entity as~~
13.7 ~~provided in this chapter. The electronic notification shall disclose the results of the study~~
13.8 ~~or that more time is needed to complete the study.~~ (b) Before being provided access to
13.9 NETStudy 2.0, the license holder or other entity under section 245C.04 shall sign an
13.10 acknowledgment of responsibilities form developed by the commissioner that includes
13.11 identifying the sensitive background study information person, who must be an employee
13.12 of the license holder or entity. All queries to NETStudy 2.0 are electronically recorded
13.13 and subject to audit by the commissioner. The electronic record shall identify the specific
13.14 user. A background study subject may request in writing to the commissioner a report
13.15 listing the entities that initiated a background study on the individual.

13.16 ~~(d)~~ (c) When the commissioner has completed a prior background study on an
13.17 individual that resulted in an order for immediate removal and more time is necessary to
13.18 complete a subsequent study, the notice that more time is needed that is issued under
13.19 ~~paragraphs~~ paragraph (a), (b), and (e) shall include an order for immediate removal of the
13.20 individual from any position allowing direct contact with or access to people receiving
13.21 services pending completion of the background study.

13.22 Sec. 18. Minnesota Statutes 2012, section 245C.20, is amended by adding a
13.23 subdivision to read:

13.24 Subd. 3. **Background studies identified on active rosters.** The requirements in
13.25 subdivisions 1 and 2 are met for entities for which active rosters are implemented and for
13.26 whom all individuals affiliated with the entity are recorded on the active roster.

13.27 Sec. 19. Minnesota Statutes 2012, section 245C.32, is amended by adding a
13.28 subdivision to read:

13.29 Subd. 1a. **NETStudy 2.0 system.** (a) The commissioner shall design, develop, and
13.30 test the NETStudy 2.0 system and implement it no later than September 1, 2015.

13.31 (b) The NETStudy 2.0 system developed and implemented by the commissioner
13.32 shall incorporate and meet all applicable data security standards and policies required
13.33 by the Federal Bureau of Investigation (FBI), Department of Public Safety, Bureau of
13.34 Criminal Apprehension, and the MN.IT Services Department. The system shall meet

14.1 all required standards for encryption of data at the database level as well as encryption
14.2 of data that travels electronically among agencies initiating background studies, the
14.3 commissioner's authorized fingerprint collection vendor, the commissioner, the Bureau of
14.4 Criminal Apprehension, and in cases involving national criminal record checks, the FBI.

14.5 (c) The data system developed and implemented by the commissioner shall
14.6 incorporate a system of data security that allows the commissioner to control access to the
14.7 data field level by the commissioner's employees. The commissioner shall establish that
14.8 employees have access to the minimum amount of private data on any individual as is
14.9 necessary to perform their duties under this chapter.

14.10 (d) The commissioner shall oversee regular quality and compliance audits of the
14.11 authorized fingerprint collection vendor.

14.12 Sec. 20. Minnesota Statutes 2012, section 245C.32, is amended by adding a
14.13 subdivision to read:

14.14 Subd. 1b. **Civil remedies.** When accessing private data on individuals through
14.15 NETStudy 2.0, entities that are authorized to initiate background studies and the
14.16 commissioner's authorized fingerprint collection vendors shall be subject to all
14.17 responsibilities and civil remedies applicable to a responsible authority or government
14.18 entity as specified under section 13.08.