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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4441

02/29/2024 Authored by Reyer and Frazier
The bill was read for the first time and referred to the Committee on Human Services Policy

1.1 A bill for an act
1.2 relating to human services licensing; allowing prospective worker platforms to
1.3 initiate background studies; amending Minnesota Statutes 2022, sections 245C.02,
1.4 by adding a subdivision; 245C.03, by adding a subdivision; 245C.04, subdivision
1.5 4a; Minnesota Statutes 2023 Supplement, sections 245C.03, subdivision 4; 245C.10,
1.6 subdivision 4.

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

1.8 Section 1. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 14c. **Prospective worker platform.** "Prospective worker platform" means any
1.11 person, firm, corporation, partnership, or association that maintains a system or technology
1.12 that provides a digital website, smart phone application, or software application that facilitates
1.13 engagement between a license holder and an individual to advertise and be matched for
1.14 temporary employment for direct care services with a license holder.

1.15 Sec. 2. Minnesota Statutes 2023 Supplement, section 245C.03, subdivision 4, is amended
1.16 to read:

1.17 Subd. 4. **Personnel pool agencies; temporary personnel agencies; educational**
1.18 **programs; professional services agencies; prospective worker platforms.** (a) The
1.19 commissioner also may conduct studies on individuals specified in subdivision 1, paragraph
1.20 (a), clauses (3) and (4), when the studies are initiated by:

- 1.21 (1) personnel pool agencies;
1.22 (2) temporary personnel agencies;

2.1 (3) educational programs that train individuals by providing direct contact services in
 2.2 licensed programs; ~~and~~

2.3 (4) professional services agencies that are not licensed and that work with licensed
 2.4 programs to provide direct contact services or individuals who provide direct contact services;
 2.5 and

2.6 (5) prospective worker platforms.

2.7 (b) Personnel pool agencies, temporary personnel agencies, and professional services
 2.8 agencies must employ the individuals providing direct care services for children, people
 2.9 with disabilities, or the elderly. Individuals must be affiliated in NETStudy 2.0 and subject
 2.10 to oversight by the entity, which includes but is not limited to continuous, direct supervision
 2.11 by the entity and being subject to immediate removal from providing direct care services
 2.12 when required.

2.13 (c) Prospective worker platforms must allow an individual seeking to become an
 2.14 employee to be matched with a license holder for employment on a part-time or full-time
 2.15 basis. After being matched, the individual must be affiliated with a license holder in
 2.16 NETStudy 2.0, must be subject to oversight by the license holder, and must be subject to
 2.17 immediate removal from providing direct care services when required. An individual utilizing
 2.18 a prospective worker platform for employment matching services must remain in compliance
 2.19 with the requirements of sections 299C.60 to 299C.64 and the National Child Protection
 2.20 Act and Volunteers for Children Act, United States Code, title 34, section 40101 et seq.

2.21 Sec. 3. Minnesota Statutes 2022, section 245C.03, is amended by adding a subdivision to
 2.22 read:

2.23 Subd. 16. **Prospective worker platform background studies.** The commissioner shall
 2.24 conduct background studies according to this chapter when initiated by a prospective worker
 2.25 platform on behalf of an individual who is not on the master roster. A subject under this
 2.26 subdivision who is not disqualified must be placed on the inactive roster.

2.27 Sec. 4. Minnesota Statutes 2022, section 245C.04, subdivision 4a, is amended to read:

2.28 Subd. 4a. **Agency background studies; electronic criminal case information updates;**
 2.29 **rosters; and criteria for eliminating repeat background studies.** (a) The commissioner
 2.30 shall develop and implement an electronic process as a part of NETStudy 2.0 for the regular
 2.31 transfer of new criminal case information that is added to the Minnesota court information

3.1 system. The commissioner's system must include for review only information that relates
3.2 to individuals who are on the master roster.

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

3.10 (c) After an entity initiating a background study has paid the applicable fee for the study
3.11 and has provided the individual with the privacy notice required under section 245C.05,
3.12 subdivision 2c, NETStudy 2.0 shall immediately inform the entity whether the individual
3.13 requires a background study or whether the individual is immediately eligible to provide
3.14 services based on a previous background study. If the individual is immediately eligible,
3.15 the entity initiating the background study shall be able to view the information previously
3.16 supplied by the individual who is the subject of a background study as required under section
3.17 245C.05, subdivision 1, including the individual's photograph taken at the time the
3.18 individual's fingerprints were recorded. The commissioner shall not provide any entity
3.19 initiating a subsequent background study with information regarding the other entities that
3.20 initiated background studies on the subject.

3.21 (d) Verification that an individual is eligible to provide services based on a previous
3.22 background study is dependent on the individual voluntarily providing the individual's
3.23 Social Security number to the commissioner at the time each background study is initiated.
3.24 When an individual does not provide the individual's Social Security number for the
3.25 background study, that study is not transferable and a repeat background study on that
3.26 individual is required if the individual seeks a position requiring a background study under
3.27 this chapter with another entity.

3.28 (e) Notwithstanding paragraphs (b) and (c), the commissioner must not provide a
3.29 prospective worker platform that initiates a background study on an individual's behalf
3.30 under section 245C.03, subdivision 16, with access to any information regarding the subject
3.31 other than whether the individual is immediately eligible to provide services.

4.1 Sec. 5. Minnesota Statutes 2023 Supplement, section 245C.10, subdivision 4, is amended
4.2 to read:

4.3 Subd. 4. **Temporary personnel agencies, personnel pool agencies, educational**
4.4 **programs, and professional services agencies; prospective worker platforms.** The
4.5 commissioner shall recover the cost of the background studies initiated by temporary
4.6 personnel agencies, personnel pool agencies, educational programs, prospective worker
4.7 platforms, and professional services agencies that initiate background studies under section
4.8 245C.03, subdivision 4, through a fee of no more than \$44 per study charged to the agency.
4.9 The fees collected under this subdivision are appropriated to the commissioner for the
4.10 purpose of conducting background studies.