

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3772

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
03/22/2018	6926	Introduction and first reading Referred to Health and Human Services Finance and Policy

1.1

A bill for an act

1.2

relating to human services; modifying licensed alcohol and drug counselor and

1.3

human services licensing background study disqualifications; amending Minnesota

1.4

Statutes 2016, sections 148F.025, subdivision 4; 245C.15, by adding a subdivision.

1.5

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

1.6

Section 1. Minnesota Statutes 2016, section 148F.025, subdivision 4, is amended to read:

1.7

Subd. 4. **Background investigation.** The applicant must sign a release authorizing the

1.8

board to obtain information from the Bureau of Criminal Apprehension, the Department of

1.9

Human Services, the Office of Health Facilities Complaints, and other agencies specified

1.10

by the board. After the board has given written notice to an individual who is the subject

1.11

of a background investigation, the agencies shall assist the board with the investigation by

1.12

giving the board criminal conviction data, reports about substantiated maltreatment of minors

1.13

and vulnerable adults, and other information. The board may contract with the commissioner

1.14

of human services to obtain criminal history data from the Bureau of Criminal Apprehension.

1.15

Information obtained under this subdivision is private data on individuals as defined in

1.16

section 13.02, subdivision 12. The board shall not automatically disqualify an applicant

1.17

who is a nonviolent controlled substance offender from licensure and shall determine each

1.18

applicant's eligibility for licensure on a case-by-case basis based on a background

1.19

investigation. A nonviolent controlled substance offender is a person who meets the criteria

1.20

described under section 244.0513, subdivision 2, clauses (1), (2), and (6).

1.21

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2016, section 245C.15, is amended by adding a subdivision to read:

Subd. 6. **Certain nonviolent offenders.** (a) The commissioner shall not disqualify an otherwise qualified direct contact staff person under section 245G.11 who is a nonviolent controlled substance offender from providing direct contact services as a current or prospective employee, volunteer, or contractor for a licensed program or provider of housing support under chapter 256I. A nonviolent controlled substance offender is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (6).

(b) The commissioner shall not disqualify an otherwise qualified direct contact staff person from providing direct contact services as a current or prospective employee, volunteer, or contractor for a licensed program or provider of housing support under chapter 256I, for the following actions or offenses, if the commissioner, upon assessment of the background study, determines that the offenses are not related to the employment duties of the direct contact staff person:

(1) section 256.98 (wrongfully obtaining assistance);

(2) section 268.182 (false representation; concealment of facts);

(3) section 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud);

(4) section 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury);

(5) section 609.498 (tampering with a witness);

(6) section 609.521 (possession of shoplifting gear);

(7) section 609.535 (issuance of dishonored checks);

(8) section 609.71 (riot);

(9) section 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty);

(10) section 260C.301 (voluntary termination of parental rights);

(11) section 609.33 (disorderly house);

(12) section 617.243 (indecent literature, distribution);

(13) section 609.66 (dangerous weapons);

(14) section 609.665 (spring guns);

(15) section 609.79 (obscene or harassing telephone calls); and

3.1 (16) section 609.795 (letter, telegram, or package; opening; harassment).

3.2 **EFFECTIVE DATE.** This section is effective the day following final enactment.