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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1258

03/05/2013 Authored by Lesch and Abeler

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

1.1 A bill for an act
1.2 relating to human services; providing an exception to disqualification from
1.3 working in human services licensed programs; amending Minnesota Statutes
1.4 2012, section 245C.14, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2012, section 245C.14, subdivision 1, is amended to read:

1.7 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
1.8 disqualify an individual who is the subject of a background study from any position
1.9 allowing direct contact with persons receiving services from the license holder or entity
1.10 identified in section 245C.03, upon receipt of information showing, or when a background
1.11 study completed under this chapter shows any of the following:

1.12 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in
1.13 section 245C.15, regardless of whether the conviction or admission is a felony, gross
1.14 misdemeanor, or misdemeanor level crime;

1.15 (2) a preponderance of the evidence indicates the individual has committed an act
1.16 or acts that meet the definition of any of the crimes listed in section 245C.15, regardless
1.17 of whether the preponderance of the evidence is for a felony, gross misdemeanor, or
1.18 misdemeanor level crime; or

1.19 (3) an investigation results in an administrative determination listed under section
1.20 245C.15, subdivision 4, paragraph (b).

1.21 (b) No individual who is disqualified following a background study under section
1.22 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact
1.23 with persons served by a program or entity identified in section 245C.03, unless the
1.24 commissioner has provided written notice under section 245C.17 stating that:

2.1 (1) the individual may remain in direct contact during the period in which the
2.2 individual may request reconsideration as provided in section 245C.21, subdivision 2;

2.3 (2) the commissioner has set aside the individual's disqualification for that program
2.4 or entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

2.5 (3) the license holder has been granted a variance for the disqualified individual
2.6 under section 245C.30.

2.7 (c) An individual must not be disqualified if the individual's only disqualifying
2.8 offense or offenses occurred when the individual was a minor, and five or more years have
2.9 passed during which the individual has committed no other disqualifying offenses. This
2.10 paragraph does not apply to an individual who was convicted of the disqualifying crime
2.11 following certification under section 260B.125, or if the individual's qualification was for
2.12 an offense under section 245C.15, subdivision 1.