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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2265

03/07/2019 Authored by Pinto and Kiel
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying the permanent bar to set aside a background
1.3 study disqualification; amending Minnesota Statutes 2018, section 245C.24,
1.4 subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2018, section 245C.24, subdivision 2, is amended to read:

1.7 Subd. 2. Permanent bar to set aside a disqualification. (a) Except as provided in
1.8 paragraph paragraphs (b) and (c), the commissioner may not set aside the disqualification
1.9 of any individual disqualified pursuant to this chapter, regardless of how much time has
1.10 passed, if the individual was disqualified for a crime or conduct listed in section 245C.15,
1.11 subdivision 1.

1.12 (b) For an individual in the chemical dependency or corrections field who was disqualified
1.13 for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification
1.14 was set aside prior to July 1, 2005, the commissioner must consider granting a variance
1.15 pursuant to section 245C.30 for the license holder for a program dealing primarily with
1.16 adults. A request for reconsideration evaluated under this paragraph must include a letter
1.17 of recommendation from the license holder that was subject to the prior set-aside decision
1.18 addressing the individual's quality of care to children or vulnerable adults and the
1.19 circumstances of the individual's departure from that service.

1.20 (c) If an individual providing nonemergency medical transportation was disqualified for
1.21 a crime or conduct listed under section 245C.15, subdivision 1, and if more than 40 years
1.22 have passed since the discharge of the sentence imposed, the commissioner may consider
1.23 granting a variance pursuant to section 245C.30 for the license holder or employer. A request

2.1 for reconsideration evaluated under this paragraph must include a letter of recommendation
2.2 from the employer.

2.3 (d) When a licensed foster care provider adopts an individual who had received foster
2.4 care services from the provider for over six months, and the adopted individual is required
2.5 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
2.6 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
2.7 to permit the adopted individual with a permanent disqualification to remain affiliated with
2.8 the license holder under the conditions of the variance when the variance is recommended
2.9 by the county of responsibility for each of the remaining individuals in placement in the
2.10 home and the licensing agency for the home.

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