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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2245

- 03/08/2017 Authored by Scott
- The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy
- 03/20/2017 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act

1.2 relating to child care; modifying welfare system terminology and definition;

1.3 modifying certain provisions governing community services data; amending

1.4 Minnesota Statutes 2016, sections 13.46, subdivisions 1, 2; 13.84, subdivision 5;

1.5 626.556, subdivision 10j.

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

1.7 Section 1. Minnesota Statutes 2016, section 13.46, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** As used in this section:

1.9 (a) "Individual" means an individual according to section 13.02, subdivision 8, but does

1.10 not include a vendor of services.

1.11 (b) "Program" includes all programs for which authority is vested in a component of the

1.12 ~~welfare~~ community services system according to statute or federal law, including, but not

1.13 limited to, Native American tribe programs that provide a service component of the

1.14 community services system, the aid to families with dependent children program formerly

1.15 codified in sections 256.72 to 256.87, Minnesota family investment program, temporary

1.16 assistance for needy families program, medical assistance, general assistance, general

1.17 assistance medical care formerly codified in chapter 256D, child care assistance program,

1.18 and child support collections.

1.19 (c) ~~"Welfare system"~~ "Community services system" includes the Department of Human

1.20 Services, local social services agencies, county welfare agencies, county public health

1.21 agencies, county veteran services agencies, county housing agencies, private licensing

1.22 agencies, the public authority responsible for child support enforcement, human services

1.23 boards, community mental health center boards, state hospitals, state nursing homes, the

2.1 ombudsman for mental health and developmental disabilities, Native American tribes to  
2.2 the extent a tribe provides a service component of the community services system, and  
2.3 persons, agencies, institutions, organizations, and other entities under contract to any of the  
2.4 above agencies to the extent specified in the contract.

2.5 (d) "Mental health data" means data on individual clients and patients of community  
2.6 mental health centers, established under section 245.62, mental health divisions of counties  
2.7 and other providers under contract to deliver mental health services, or the ombudsman for  
2.8 mental health and developmental disabilities.

2.9 (e) "Fugitive felon" means a person who has been convicted of a felony and who has  
2.10 escaped from confinement or violated the terms of probation or parole for that offense.

2.11 (f) "Private licensing agency" means an agency licensed by the commissioner of human  
2.12 services under chapter 245A to perform the duties under section 245A.16.

2.13 Sec. 2. Minnesota Statutes 2016, section 13.46, subdivision 2, is amended to read:

2.14 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or disseminated  
2.15 by the ~~welfare~~ community services system are private data on individuals, and shall not be  
2.16 disclosed except:

2.17 (1) according to section 13.05;

2.18 (2) according to court order;

2.19 (3) according to a statute specifically authorizing access to the private data;

2.20 (4) to an agent of the ~~welfare~~ community services system and an investigator acting on  
2.21 behalf of a county, the state, or the federal government, including a law enforcement person  
2.22 or attorney in the investigation or prosecution of a criminal, civil, or administrative  
2.23 proceeding relating to the administration of a program;

2.24 (5) to personnel of the ~~welfare~~ community services system who require the data to verify  
2.25 an individual's identity; determine eligibility, amount of assistance, and the need to provide  
2.26 services to an individual or family across programs; coordinate services for an individual  
2.27 or family; evaluate the effectiveness of programs; assess parental contribution amounts;  
2.28 and investigate suspected fraud;

2.29 (6) to administer federal funds or programs;

2.30 (7) between personnel of the ~~welfare~~ community services system working in the same  
2.31 program;

3.1 (8) to the Department of Revenue to assess parental contribution amounts for purposes  
3.2 of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit programs  
3.3 and to identify individuals who may benefit from these programs. The following information  
3.4 may be disclosed under this paragraph: an individual's and their dependent's names, dates  
3.5 of birth, Social Security numbers, income, addresses, and other data as required, upon  
3.6 request by the Department of Revenue. Disclosures by the commissioner of revenue to the  
3.7 commissioner of human services for the purposes described in this clause are governed by  
3.8 section 270B.14, subdivision 1. Tax refund or tax credit programs include, but are not limited  
3.9 to, the dependent care credit under section 290.067, the Minnesota working family credit  
3.10 under section 290.0671, the property tax refund and rental credit under section 290A.04,  
3.11 and the Minnesota education credit under section 290.0674;

3.12 (9) between the Department of Human Services, the Department of Employment and  
3.13 Economic Development, and when applicable, the Department of Education, for the following  
3.14 purposes:

3.15 (i) to monitor the eligibility of the data subject for unemployment benefits, for any  
3.16 employment or training program administered, supervised, or certified by that agency;

3.17 (ii) to administer any rehabilitation program or child care assistance program, whether  
3.18 alone or in conjunction with the ~~welfare~~ community services system;

3.19 (iii) to monitor and evaluate the Minnesota family investment program or the child care  
3.20 assistance program by exchanging data on recipients and former recipients of food support,  
3.21 cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter  
3.22 119B, medical programs under chapter 256B or 256L, or a medical program formerly  
3.23 codified under chapter 256D; and

3.24 (iv) to analyze public assistance employment services and program utilization, cost,  
3.25 effectiveness, and outcomes as implemented under the authority established in Title II,  
3.26 Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of 1999.  
3.27 Health records governed by sections 144.291 to 144.298 and "protected health information"  
3.28 as defined in Code of Federal Regulations, title 45, section 160.103, and governed by Code  
3.29 of Federal Regulations, title 45, parts 160-164, including health care claims utilization  
3.30 information, must not be exchanged under this clause;

3.31 (10) to appropriate parties in connection with an emergency if knowledge of the  
3.32 information is necessary to protect the health or safety of the individual or other individuals  
3.33 or persons;

4.1 (11) data maintained by residential programs as defined in section 245A.02 may be  
4.2 disclosed to the protection and advocacy system established in this state according to Part  
4.3 C of Public Law 98-527 to protect the legal and human rights of persons with developmental  
4.4 disabilities or other related conditions who live in residential facilities for these persons if  
4.5 the protection and advocacy system receives a complaint by or on behalf of that person and  
4.6 the person does not have a legal guardian or the state or a designee of the state is the legal  
4.7 guardian of the person;

4.8 (12) to the county medical examiner or the county coroner for identifying or locating  
4.9 relatives or friends of a deceased person;

4.10 (13) data on a child support obligor who makes payments to the public agency may be  
4.11 disclosed to the Minnesota Office of Higher Education to the extent necessary to determine  
4.12 eligibility under section 136A.121, subdivision 2, clause (5);

4.13 (14) participant Social Security numbers and names collected by the telephone assistance  
4.14 program may be disclosed to the Department of Revenue to conduct an electronic data  
4.15 match with the property tax refund database to determine eligibility under section 237.70,  
4.16 subdivision 4a;

4.17 (15) the current address of a Minnesota family investment program participant may be  
4.18 disclosed to law enforcement officers who provide the name of the participant and notify  
4.19 the agency that:

4.20 (i) the participant:

4.21 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after  
4.22 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the  
4.23 jurisdiction from which the individual is fleeing; or

4.24 (B) is violating a condition of probation or parole imposed under state or federal law;

4.25 (ii) the location or apprehension of the felon is within the law enforcement officer's  
4.26 official duties; and

4.27 (iii) the request is made in writing and in the proper exercise of those duties;

4.28 (16) the current address of a recipient of general assistance may be disclosed to probation  
4.29 officers and corrections agents who are supervising the recipient and to law enforcement  
4.30 officers who are investigating the recipient in connection with a felony level offense;

4.31 (17) information obtained from food support applicant or recipient households may be  
4.32 disclosed to local, state, or federal law enforcement officials, upon their written request, for

5.1 the purpose of investigating an alleged violation of the Food Stamp Act, according to Code  
5.2 of Federal Regulations, title 7, section 272.1(c);

5.3 (18) the address, Social Security number, and, if available, photograph of any member  
5.4 of a household receiving food support shall be made available, on request, to a local, state,  
5.5 or federal law enforcement officer if the officer furnishes the agency with the name of the  
5.6 member and notifies the agency that:

5.7 (i) the member:

5.8 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a  
5.9 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

5.10 (B) is violating a condition of probation or parole imposed under state or federal law;  
5.11 or

5.12 (C) has information that is necessary for the officer to conduct an official duty related  
5.13 to conduct described in subitem (A) or (B);

5.14 (ii) locating or apprehending the member is within the officer's official duties; and

5.15 (iii) the request is made in writing and in the proper exercise of the officer's official duty;

5.16 (19) the current address of a recipient of Minnesota family investment program, general  
5.17 assistance, or food support may be disclosed to law enforcement officers who, in writing,  
5.18 provide the name of the recipient and notify the agency that the recipient is a person required  
5.19 to register under section 243.166, but is not residing at the address at which the recipient is  
5.20 registered under section 243.166;

5.21 (20) certain information regarding child support obligors who are in arrears may be  
5.22 made public according to section 518A.74;

5.23 (21) data on child support payments made by a child support obligor and data on the  
5.24 distribution of those payments excluding identifying information on obligees may be  
5.25 disclosed to all obligees to whom the obligor owes support, and data on the enforcement  
5.26 actions undertaken by the public authority, the status of those actions, and data on the income  
5.27 of the obligor or obligee may be disclosed to the other party;

5.28 (22) data in the work reporting system may be disclosed under section 256.998,  
5.29 subdivision 7;

5.30 (23) to the Department of Education for the purpose of matching Department of Education  
5.31 student data with public assistance data to determine students eligible for free and  
5.32 reduced-price meals, meal supplements, and free milk according to United States Code,

6.1 title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state  
6.2 funds that are distributed based on income of the student's family; and to verify receipt of  
6.3 energy assistance for the telephone assistance plan;

6.4 (24) the current address and telephone number of program recipients and emergency  
6.5 contacts may be released to the commissioner of health or a community health board as  
6.6 defined in section 145A.02, subdivision 5, when the commissioner or community health  
6.7 board has reason to believe that a program recipient is a disease case, carrier, suspect case,  
6.8 or at risk of illness, and the data are necessary to locate the person;

6.9 (25) to other state agencies, statewide systems, and political subdivisions of this state,  
6.10 including the attorney general, and agencies of other states, interstate information networks,  
6.11 federal agencies, and other entities as required by federal regulation or law for the  
6.12 administration of the child support enforcement program;

6.13 (26) to personnel of public assistance programs as defined in section 256.741, for access  
6.14 to the child support system database for the purpose of administration, including monitoring  
6.15 and evaluation of those public assistance programs;

6.16 (27) to monitor and evaluate the Minnesota family investment program by exchanging  
6.17 data between the Departments of Human Services and Education, on recipients and former  
6.18 recipients of food support, cash assistance under chapter 256, 256D, 256J, or 256K, child  
6.19 care assistance under chapter 119B, medical programs under chapter 256B or 256L, or a  
6.20 medical program formerly codified under chapter 256D;

6.21 (28) to evaluate child support program performance and to identify and prevent fraud  
6.22 in the child support program by exchanging data between the Department of Human Services,  
6.23 Department of Revenue under section 270B.14, subdivision 1, paragraphs (a) and (b),  
6.24 without regard to the limitation of use in paragraph (c), Department of Health, Department  
6.25 of Employment and Economic Development, and other state agencies as is reasonably  
6.26 necessary to perform these functions;

6.27 (29) counties operating child care assistance programs under chapter 119B may  
6.28 disseminate data on program participants, applicants, and providers to the commissioner of  
6.29 education;

6.30 (30) child support data on the child, the parents, and relatives of the child may be  
6.31 disclosed to agencies administering programs under titles IV-B and IV-E of the Social  
6.32 Security Act, as authorized by federal law; ~~or~~

7.1 (31) to a health care provider governed by sections 144.291 to 144.298, to the extent  
7.2 necessary to coordinate services;

7.3 (32) to the chief administrative officer of a school to coordinate services for a student  
7.4 and family; data that may be disclosed under this clause are limited to name, date of birth,  
7.5 gender, and address; or

7.6 (33) to county correctional agencies to the extent necessary to coordinate services and  
7.7 diversion programs; data that may be disclosed under this clause are limited to name, client  
7.8 demographics, program, case status, and county worker information.

7.9 (b) Information on persons who have been treated for drug or alcohol abuse may only  
7.10 be disclosed according to the requirements of Code of Federal Regulations, title 42, sections  
7.11 2.1 to 2.67.

7.12 (c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16),  
7.13 (17), or (18), or paragraph (b), are investigative data and are confidential or protected  
7.14 nonpublic while the investigation is active. The data are private after the investigation  
7.15 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

7.16 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are  
7.17 not subject to the access provisions of subdivision 10, paragraph (b).

7.18 For the purposes of this subdivision, a request will be deemed to be made in writing if  
7.19 made through a computer interface system.

7.20 Sec. 3. Minnesota Statutes 2016, section 13.84, subdivision 5, is amended to read:

7.21 Subd. 5. **Disclosure.** Private or confidential court services data shall not be disclosed  
7.22 except:

7.23 (a) pursuant to section 13.05;

7.24 (b) pursuant to a statute specifically authorizing disclosure of court services data;

7.25 (c) with the written permission of the source of confidential data;

7.26 (d) to the court services department, parole or probation authority or state or local  
7.27 correctional agency or facility having statutorily granted supervision over the individual  
7.28 subject of the data or to county personnel within the community services system;

7.29 (e) pursuant to subdivision 6;

7.30 (f) pursuant to a valid court order; or

7.31 (g) pursuant to section 611A.06, subdivision 3a.

8.1 Sec. 4. Minnesota Statutes 2016, section 626.556, subdivision 10j, is amended to read:

8.2 Subd. 10j. **Release of data to mandated reporters.** (a) A local social services or child  
8.3 protection agency, or the agency responsible for assessing or investigating the report of  
8.4 maltreatment or for providing child protective services, shall provide relevant private data  
8.5 on individuals obtained under this section to a mandated reporter who made the report and  
8.6 who has an ongoing responsibility for the health, education, or welfare of a child affected  
8.7 by the data, unless the agency determines that providing the data would not be in the best  
8.8 interests of the child. The agency may provide the data to other mandated reporters with  
8.9 ongoing responsibility for the health, education, or welfare of the child. Mandated reporters  
8.10 with ongoing responsibility for the health, education, or welfare of a child affected by the  
8.11 data include the child's teachers or other appropriate school personnel, foster parents, health  
8.12 care providers, respite care workers, therapists, social workers, child care providers,  
8.13 residential care staff, crisis nursery staff, probation officers, and court services personnel.  
8.14 Under this section, a mandated reporter need not have made the report to be considered a  
8.15 person with ongoing responsibility for the health, education, or welfare of a child affected  
8.16 by the data. Data provided under this section must be limited to data pertinent to the  
8.17 individual's responsibility for caring for the child.

8.18 (b) A reporter who receives private data on individuals under this subdivision must treat  
8.19 the data according to that classification, regardless of whether the reporter is an employee  
8.20 of a government entity. The remedies and penalties under sections 13.08 and 13.09 apply  
8.21 if a reporter releases data in violation of this section or other law.