Section 1. Minnesota Statutes 2022, section 13.46, subdivision 4, is amended to read:

Subd. 4. Licensing data. (a) As used in this subdivision:

(1) "licensing data" are all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" are Social Security numbers, identity of and letters of reference, insurance information, reports from the Bureau of Criminal Apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data on applicants, license holders, and former licensees are public: name, address, telephone number of licensees, date of receipt of a completed application, dates of licensure, licensed capacity, type of client preferred; variances granted; record of training and education in child care and child development; type of dwelling; name and relationship of other family members; previous license history, class of license, the existence and status of complaints, and the number of serious injuries to or deaths of individuals in the licensed program as reported to the commissioner of human services, the local social services agency, or any other county welfare agency. For purposes of this clause, a serious injury is one that is treated by a physician.

(ii) Except as provided in item (v), when a correction order, an order to forfeit a fine, an order of license suspension, an order of temporary immediate suspension, an order of license revocation, an order of license denial, or an order of conditional license has been issued; or a complaint is resolved; the following data on current and former licensees and applicants are public: the general nature of the complaint or allegations leading to the temporary immediate suspension; the substance and investigative findings of the licensing or maltreatment complaint; licensing violation; or substantiated maltreatment; the existence of settlement negotiations; the record of informal resolution of a licensing violation; orders of hearing; findings of fact; conclusions of law; specifications of the final correction order; fine, suspension, temporary immediate suspension, revocation, denial, or conditional license contained in the record of licensing action; whether a fine has been paid; and the status of any appeal of these actions.

(iii) When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that a license holder, applicant, or controlling individual is responsible for maltreatment under section 626.557 or chapter 260E, the identity of the
applicant, license holder, or controlling individual as the individual responsible for maltreatment is public data at the time of the issuance of the license denial or sanction.

(iv) When a license denial under section 245A.05 or a sanction under section 245A.07 is based on a determination that a license holder, applicant, or controlling individual is disqualified under chapter 245C, the identity of the license holder, applicant, or controlling individual as the disqualified individual and the reason for the disqualification are public data at the time of the issuance of the licensing sanction or denial. If the applicant, license holder, or controlling individual requests reconsideration of the disqualification and the disqualification is affirmed, the reason for the disqualification and the reason to not set aside the disqualification are public data.

(v) A correction order or fine issued to a child care provider for a licensing violation is private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

(2) For applicants who withdraw their application prior to licensure or denial of a license, the following data are public: the name of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, and the date of withdrawal of the application.

(3) For applicants who are denied a license, the following data are public: the name and address of the applicant, the city and county in which the applicant was seeking licensure, the dates of the commissioner's receipt of the initial application and completed application, the type of license sought, the date of denial of the application, the nature of the basis for the denial, the existence of settlement negotiations, the record of informal resolution of a denial, orders of hearings, findings of fact, conclusions of law, specifications of the final order of denial, and the status of any appeal of the denial.

(4) When maltreatment is substantiated under section 626.557 or chapter 260E and the victim and the substantiated perpetrator are affiliated with a program licensed under chapter 245A, the commissioner of human services, local social services agency, or county welfare agency may inform the license holder where the maltreatment occurred of the identity of the substantiated perpetrator and the victim.

(5) Notwithstanding clause (1), for child foster care, only the name of the license holder and the status of the license are public if the county attorney has requested that data otherwise classified as public data under clause (1) be considered private data based on the best interests of a child in placement in a licensed program.

The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.
(d) The following are private data on individuals: the identity of persons who have made
reports concerning licensees or applicants that appear in inactive investigative data; and the
records of clients or employees of the licensee or applicant whose records are
received by the licensing agency for purposes of review or in anticipation of a contested
matter. The names of reporters of complaints or alleged violations of licensing standards
under chapters 245A, 245B, 245C, and 245D; and applicable rules and alleged maltreatment
under section 626.557 and chapter 260E; are confidential data and may be disclosed only
as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this
subdivision become public data if submitted to a court or administrative law judge as part
of a disciplinary proceeding in which there is a public hearing concerning a license which
has been suspended, immediately suspended, revoked, or denied.

(f) Data generated in the course of licensing investigations that relate to an alleged
violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this
subdivision that relate to or are derived from a report as defined in section 260E.03; or
626.557, subdivision 18; are subject to the destruction provisions of sections 260E.35;
subdivision 6; and 626.557, subdivision 12b.

(h) Upon request, not public data collected, maintained, used, or disseminated under
this subdivision that relate to or are derived from a report of substantiated maltreatment as
defined in section 626.557 or chapter 260E may be exchanged with the Department of
Health for purposes of completing background studies pursuant to section 144.057 and with
the Department of Corrections for purposes of completing background studies pursuant to
section 241.021.

(i) Data on individuals collected according to licensing activities under chapters 245A
and 245C; data on individuals collected by the commissioner of human services according
to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E
may be shared with the Department of Human Rights; the Department of Health; the
Department of Corrections; the ombudsman for mental health and developmental disabilities;
and the individual's professional regulatory board when there is reason to believe that laws
or standards under the jurisdiction of those agencies may have been violated or the
information may otherwise be relevant to the board's regulatory jurisdiction; Background
study data on an individual who is the subject of a background study under chapter 245C
may be shared with the commissioner and the commissioner's delegate by the licensing
division. Unless otherwise specified in this chapter, the identity of a reporter of alleged
maltreatment or licensing violations may not be disclosed.

(j) In addition to the notice of determinations required under sections 260E.24
subdivisions 5 and 7; and 260E.30, subdivision 6; paragraphs (b), (c), (d), (e), and (f); if the
commissioner or the local social services agency has determined that an individual is a
substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in section 260E.03, and the commissioner or local social services agency knows that the individual is a person responsible for a child's care in another facility, the commissioner or local social services agency shall notify the head of that facility of this determination. The notification must include an explanation of the individual's available appeal rights and the status of any appeal. If a notice is given under this paragraph, the government entity making the notification shall provide a copy of the notice to the individual who is the subject of the notice.

(k) All not public data collected, maintained, used, or disseminated under this subdivision and subdivision 3 may be exchanged between the Department of Human Services, Licensing Division, and the Department of Corrections for purposes of regulating services for which the Department of Human Services and the Department of Corrections have regulatory authority.

Sec. 2. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision to read:

Subd. 7a. "Conservator" has the meaning given in section 524.1-201, clause (10), and includes proposed and current conservators.

Sec. 3. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision to read:

Subd. 11f. "Guardian" has the meaning given in section 524.1-201, clause (27), and includes proposed and current guardians.

Sec. 4. Minnesota Statutes 2022, section 245C.02, subdivision 13e, is amended to read:

Subd. 13e. "NETStudy 2.0" means the commissioner's system that replaces both NETStudy and the department's internal background study processing system. NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by improving the accuracy of background studies through fingerprint-based criminal record checks and expanding the background studies to include a review of information from the Minnesota Court Information System and the national crime information database. NETStudy 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

1. providing access to and updates from public web-based data related to employment eligibility;
2. decreasing the need for repeat studies through electronic updates of background study subjects' criminal records;
3. supporting identity verification using subjects' Social Security numbers and photographs;
4. using electronic employer notifications; and

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

Subd. 7a. "Conservator" has the meaning given under section 524.1-201, clause (10), and includes proposed and current conservators.

Sec. 2. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision to read:

Subd. 11f. "Guardian" has the meaning given under section 524.1-201, clause (27), and includes proposed and current guardians.

Sec. 3. Minnesota Statutes 2022, section 245C.02, subdivision 13e, is amended to read:

Subd. 13e. "NETStudy 2.0" means the commissioner's system that replaces both NETStudy and the department's internal background study processing system. NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by improving the accuracy of background studies through fingerprint-based criminal record checks and expanding the background studies to include a review of information from the Minnesota Court Information System and the national crime information database. NETStudy 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

1. providing access to and updates from public web-based data related to employment eligibility;
2. decreasing the need for repeat studies through electronic updates of background study subjects' criminal records;
3. supporting identity verification using subjects' Social Security numbers and photographs;
4. using electronic employer notifications; and

April 28, 2023 01:50 PM
(5) issuing immediate verification of subjects' eligibility to provide services as more studies are completed under the NETStudy 2.0 system, and

(6) providing electronic access to certain notices for entities and background study subjects.

Sec. 5. Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:

Subdivision 1. Licensed programs. (a) The commissioner shall conduct a background study on:

1. (1) the person or persons applying for a license;
2. (2) an individual age 13 and over living in the household where the licensed program will be provided who is not receiving licensed services from the program;
3. (3) current or prospective employees or contractors of the applicant or license holder who will have direct contact with persons served by the facility, agency, or program;
4. (4) volunteers or student volunteers who will have direct contact with persons served by the program to provide program services if the contact is not under the continuous, direct supervision by an individual listed in clause (1) or (3);
5. (5) an individual age ten to 12 living in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;
6. (6) an individual who, without providing direct contact services at a licensed program, may have unsupervised access to children or vulnerable adults receiving services from a program, when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;
7. (7) all controlling individuals as defined in section 245A.02, subdivision 5a;
8. (8) notwithstanding the other requirements in this subdivision, child care background study subjects as defined in section 245C.02, subdivision 6a; and
9. (9) notwithstanding clause (3), for children's residential facilities and foster residence settings, any adult working in the facility, whether or not the individual will have direct contact with persons served by the facility.

(b) For child foster care when the license holder resides in the home where foster care services are provided, a short-term substitute caregiver providing direct contact services for a child for less than 72 hours of continuous care is not required to receive a background study under this chapter.

(c) This subdivision applies to the following programs that must be licensed under chapter 245A:

1. (1) adult foster care;
Sec. 18. Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:

Subdivision 1. Licensed programs. (a) The commissioner shall conduct a background study on:

(1) the person or persons applying for a license;

(2) an individual age 13 and over living in the household where the licensed program will be provided who is not receiving licensed services from the program;

(3) current or prospective employees or contractors of the applicant or license holder who will have direct contact with persons served by the facility, agency, or program;

(4) volunteers or student volunteers who will have direct contact with persons served by the program to provide program services if the contact is not under the continuous, direct supervision by an individual listed in clause (1) or (3);
(5) an individual age ten to 12 living in the household where the licensed services will be provided when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

(6) an individual who, without providing direct contact services at a licensed program, may have unsupervised access to children or vulnerable adults receiving services from a program, when the commissioner has reasonable cause as defined in section 245C.02, subdivision 15;

(7) all controlling individuals as defined in section 245A.02, subdivision 5a;

(8) notwithstanding the other requirements in this subdivision, child care background study subjects as defined in section 245C.02, subdivision 6a; and

(9) notwithstanding clause (3), for children's residential facilities and foster residence settings, any adult working in the facility, whether or not the individual will have direct contact with persons served by the facility.

(b) For child foster care when the license holder resides in the home where foster care services are provided, a short-term substitute caregiver providing direct contact services for a child for less than 72 hours of continuous care is not required to receive a background study under this chapter.

(c) This subdivision applies to the following programs that must be licensed under chapter 245A:

(1) adult foster care;

(2) child foster care;

(3) children's residential facilities;

(4) family child care;

(5) licensed child care centers;

(6) licensed home and community-based services under chapter 245D;

(7) residential mental health programs for adults;

(8) substance use disorder treatment programs under chapter 245G;

(9) withdrawal management programs under chapter 245F;

(10) adult day care centers;

(11) family adult day services;

(12) independent living assistance for youth;

(13) detoxification programs;
Sec. 6. Minnesota Statutes 2022, section 245C.03, subdivision 1a, is amended to read:

Subd. 1a. Procedure. (a) Individuals and organizations that are required under this section to have or initiate background studies shall comply with the requirements of this chapter.

(b) All studies conducted under this section shall be conducted according to sections 299C.60 to 299C.64. This requirement does not apply to subdivisions 1; paragraph (c); clauses (2) to (5); and 6a.

(c) All data obtained by the commissioner for a background study completed under this section is classified as private data on individuals, as defined in section 13.02, subdivision 9.

Sec. 7. Minnesota Statutes 2022, section 245C.031, subdivision 1, is amended to read:

Subdivision 1. Alternative background studies. (a) The commissioner shall conduct an alternative background study of individuals listed in this section.

(b) Notwithstanding other sections of this chapter, all alternative background studies except subdivision 12 shall be conducted according to this section and with sections 299C.60 to 299C.64.

(c) All terms in this section shall have the definitions provided in section 245C.02.

(d) The entity that submits an alternative background study request under this section shall submit the request to the commissioner according to section 245C.05.

(e) The commissioner shall comply with the destruction requirements in section 245C.051.

(f) Background studies conducted under this section are subject to the provisions of section 245C.32.

(g) The commissioner shall forward all information that the commissioner receives under section 245C.08 to the entity that submitted the alternative background study request under subdivision 2. The commissioner shall not make any eligibility determinations regarding background studies conducted under this section.

(h) All data obtained by the commissioner for a background study completed under this section is classified as private data on individuals, as defined in section 13.02, subdivision 9.
Sec. 5. [245C.033] GUARDIANS AND CONSERVATORS; MALTREATMENT AND STATE LICENSING AGENCY CHECKS.

Subdivision 1. Maltreatment data. Requests for maltreatment data submitted pursuant to section 324.5-118 must include information regarding whether the guardian or conservator has been a perpetrator of substantiated maltreatment of a vulnerable adult under section 626.557 or a minor under chapter 260E. If the guardian or conservator has been the perpetrator of substantiated maltreatment of a vulnerable adult or a minor, the commissioner must include a copy of any available public portion of the investigation memorandum under section 626.557, subdivision 12b, or any available public portion of the investigation memorandum under section 260E.30.

Subd. 2. State licensing agency data. (a) Requests for state licensing agency data submitted pursuant to section 524.5-118 shall include information from a check of state licensing agency records.

(b) The commissioner shall provide the court with licensing agency data for licenses directly related to the responsibilities of a guardian or conservator if the guardian or conservator has a current or prior affiliation with the:

1. (1) Lawyers Responsibility Board;
2. (2) Board of Social Work;
3. (3) Board of Psychology;
4. (4) Board of Medical Practice;
5. (5) Department of Education;
6. (6) Board of Medical Practice;
7. (7) Board of Dentistry;
8. (8) Board of Dental Hygiene;
9. (9) Professional Educator Licensing and Standards Board.

(c) The commissioner shall provide to the court the electronically available data maintained in the agency's database, including whether the guardian or conservator is or has been licensed by the agency and whether a disciplinary action or a sanction against the...
individual's license, including a condition, suspension, revocation, or cancellation, is in the
licensing agency's database.

245.10, the commissioner shall complete the maltreatment and state licensing agency
cchecks. Upon completion of the checks, the commissioner shall provide the requested
information to the courts on the form or in the manner prescribed by the commissioner
Subd. 3. Procedure: maltreatment and state licensing agency data; Requests for
maltransmission and state licensing agency data checks must be submitted by the guardian or
conservative to the commissioner on the form or in the manner prescribed by the
commissioner. Upon receipt of a signed informed consent and payment under section
723.10, the commissioner shall complete the maltreatment and state licensing agency
cchecks. Upon completion of the checks, the commissioner shall provide the requested
information to the courts on the form or in the manner prescribed by the commissioner
Subd. 4. Classification of maltreatment and state licensing agency data; access to
information. All data obtained by the commissioner for maltreatment and state licensing
agency checks completed under this section is classified as private data on individuals, as
defined in section 13.02, subdivision 9.

Sec. 9. Minnesota Statutes 2022, section 245C.04, subdivision 1, is amended to read:

(a) The commissioner shall conduct a background study of an individual required to be
studied under section 245C.03, subdivision 1, at least upon application for initial license for all license types.
(b) The commissioner shall conduct a background study of an individual required to be
studied under section 245C.03, subdivision 1, including a child care background study
subject as defined in section 245C.02, subdivision 6a, in a family child care program, licensed
child care center, certified license-exempt child care center, or legal nonlicensed child care
provider, on a schedule determined by the commissioner. Except as provided in section
245C.05, subdivision 5a, a child care background study must include submission of
fingerprints for a national criminal history record check and a review of the information
under section 245C.08. A background study for a child care program must be repeated
within five years from the most recent study conducted under this paragraph.

(e) At reauthorization or when a new background study is needed under section 119B.125,
subdivision 1a, for a legal nonlicensed child care provider authorized under chapter 119B
the individual shall provide information required under section 245C.05, subdivision 1,
paragraphs (a), (b), and (d), to the commissioner and be fingerprinted and photographed
under section 245C.05, subdivision 5. The commissioner shall verify the information received
under this paragraph and submit the request in NETStudy 2.0 to complete the background
study.

(d) At reapplication for a family child care license:
(f) The commissioner of human services shall conduct a background study of an individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated with a child foster family setting license holder or a legal nonlicensed child care provider authorized under chapter 119B and:

(1) except as provided in section 245C.05, subdivision 5a, the county shall collect and forward to the commissioner the information required under section 245C.05, subdivision 1, paragraphs (a) and (b), and subdivision 5, paragraph (b), for background studies conducted by the commissioner for all family adult day services, for adult foster care when the adult foster care license holder resides in the adult foster care residence, and for family child care and legal nonlicensed child care authorized under chapter 119B;
(2) the license holder shall collect and forward to the commissioner the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b); and 5, paragraphs (a) and (b), for background studies conducted by the commissioner for adult foster care when the license holder does not reside in the adult foster care residence; and

(3) the background study conducted by the commissioner under this paragraph must include a review of the information required under section 245C.08, subdivision 1, paragraphs (a), and subdivisions 3 and 4.

Applicants for licensure, license holders, and other entities as provided in this chapter must submit completed background study requests to the commissioner using the electronic system known as NETStudy before individuals specified in section 245C.03, subdivision 1, begin positions allowing direct contact in any licensed program.

For an individual who is not on the entity's active roster, the entity must initiate a new background study through NETStudy when:

(1) an individual returns to a position requiring a background study following an absence of 120 or more consecutive days; or

(2) a program that discontinued providing licensed direct contact services for 120 or more consecutive days begins to provide direct contact licensed services again.

The license holder shall maintain a copy of the notification provided to the commissioner under this paragraph in the program's files. If the individual's disqualification was previously set aside for the license holder's program and the new background study results in no new information that indicates the individual may pose a risk of harm to persons receiving services from the license holder, the previous set-aside shall remain in effect.

For purposes of this section, a physician licensed under chapter 147, advanced practice registered nurse licensed under chapter 148, or physician assistant licensed under chapter 147A is considered to be continuously affiliated upon the license holder's receipt from the commissioner of health or human services of the physician's, advanced practice registered nurse's, or physician assistant's background study results.

For purposes of family child care, a substitute caregiver must receive repeat background studies at the time of each license renewal.

A repeat background study at the time of license renewal is not required if the family child care substitute caregiver's background study was completed by the commissioner on or after October 1, 2017, and the substitute caregiver is on the license holder's active roster in NETStudy 2.0.

Before and after school programs authorized under chapter 119B, are exempt from the background study requirements under section 123B.03, for an employee for whom a background study under this chapter has been completed.
EFFECTIVE DATE. This section is effective April 28, 2025.

Sec. 10. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:
Subdivision 1. Individual studied. (a) The individual who is the subject of the background study must provide the applicant, license holder, or other entity under section 245C.04 with sufficient information to ensure an accurate study, including:
(1) the individual's first, middle, and last name and all other names by which the individual has been known;
(2) current home address, city, and state of residence;
(3) current zip code;
(4) sex;
(5) date of birth;
(6) driver's license number or state identification number; and
(7) upon implementation of NETStudy 2.0, the home address, city, county, and state of residence for the past five years.
(b) Every subject of a background study conducted or initiated by counties or private agencies under this chapter must also provide the home address, city, county, and state of residence for the past five years.
(c) Every subject of a background study related to private agency adoptions or related to child foster care licensed through a private agency, who is 18 years of age or older, shall also provide the commissioner a signed consent for the release of any information received from national crime information databases to the private agency that initiated the background study.
(d) The subject of a background study shall provide fingerprints and a photograph as required in subdivision 5.
(e) The subject of a background study shall submit a completed criminal and maltreatment history records check consent form for applicable national and state level record checks.
(f) A background study subject who has access to the NETStudy 2.0 applicant portal must provide updated contact information to the commissioner via NETStudy 2.0 any time the subject's personal information changes for as long as they remain affiliated on any roster.

REVISOR FULL-TEXT SIDE-BY-SIDE

April 28, 2023 01:50 PM
House Language H0238-3

EFFECTIVE DATE. This section is effective April 28, 2025.

Sec. 6. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:
Subdivision 1. Individual studied. (a) The individual who is the subject of the background study must provide the applicant, license holder, or other entity under section 245C.04 with sufficient information to ensure an accurate study, including:
(1) the individual's first, middle, and last name and all other names by which the individual has been known;
(2) current home address, city, and state of residence;
(3) current zip code;
(4) sex;
(5) date of birth;
(6) driver's license number or state identification number; and
(7) upon implementation of NETStudy 2.0, the home address, city, county, and state of residence for the past five years.
(b) Every subject of a background study conducted or initiated by counties or private agencies under this chapter must also provide the home address, city, county, and state of residence for the past five years.
(c) Every subject of a background study related to private agency adoptions or related to child foster care licensed through a private agency, who is 18 years of age or older, shall also provide the commissioner a signed consent for the release of any information received from national crime information databases to the private agency that initiated the background study.
(d) The subject of a background study shall provide fingerprints and a photograph as required in subdivision 5.
(e) The subject of a background study shall submit a completed criminal and maltreatment history records check consent form and criminal history disclosure form for applicable national and state level record checks.
(f) A background study subject who has access to the NETStudy 2.0 applicant portal must provide updated contact information to the commissioner via NETStudy 2.0 any time their personal information changes for as long as they remain affiliated on any roster.
An entity must update contact information in NETStudy 2.0 for a background study subject on the entity’s roster any time the entity receives new contact information from the study subject.

UES2995-2 ARTICLE 9, SECTION 25 ALSO AMENDS SECTION 245C.05, SUBD. 1, AND IS BELOW.

Sec. 25. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:

Subdivision 1. Individual studied. (a) The individual who is the subject of the background study must provide the applicant, license holder, or other entity under section 245C.04 with sufficient information to ensure an accurate study, including:

(1) the individual’s first, middle, and last name and all other names by which the individual has been known;

(2) current home address, city, and state of residence;

(3) current zip code;

(4) sex;

(5) date of birth;

(6) driver's license number or state identification number or, for those without a driver's license or state identification card, an acceptable form of identification as determined by the commissioner; and

(7) upon implementation of NETStudy 2.0, the home address, city, county, and state of residence for the past five years;

(b) Every subject of a background study conducted or initiated by counties or private agencies under this chapter must also provide the home address, city, county, and state of residence for the past five years.

(c) Every subject of a background study related to private agency adoptions or related to child foster care licensed through a private agency; who is 18 years of age or older, shall also provide the commissioner a signed consent for the release of any information received from national crime information databases to the private agency that initiated the background study.

(d) The subject of a background study shall provide fingerprints and a photograph as required in subdivision 5;

(e) The subject of a background study shall submit a completed criminal and maltreatment history records check consent form and criminal history disclosure form for applicable national and state level record checks.
Sec. 11. Minnesota Statutes 2022, section 245C.05, subdivision 2c, is amended to read:

Subd. 2c. Privacy notice to background study subject. (a) Prior to initiating each background study, the entity initiating the study must provide the commissioner's privacy notice to the background study subject required under section 13.04, subdivision 2. The notice must be available through the commissioner's electronic NETStudy and NETStudy 2.0 systems and shall include the information in paragraphs (b) and (c).

(b) The background study subject shall be informed that any previous background studies that received a set-aside will be reviewed, and without further contact with the background study subject, the commissioner may notify the agency that initiated the subsequent background study:

(1) that the individual has a disqualification that has been set aside for the program or agency that initiated the study;
(2) the reason for the disqualification; and
(3) that information about the decision to set aside the disqualification will be available to the license holder upon request without the consent of the background study subject.

(c) The background study subject must also be informed that:

(1) the subject's fingerprints collected for purposes of completing the background study under this chapter must not be retained by the Department of Public Safety, Bureau of Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will not retain background study subjects' fingerprints;
(2) effective upon implementation of NETStudy 2.0, the subject's photographic image will be retained by the commissioner; and if the subject has provided the subject's Social Security number for purposes of the background study, the photographic image will be available to prospective employers and agencies initiating background studies under this chapter to verify the identity of the subject of the background study;
(3) the authorized fingerprint collection vendor or vendors shall, for purposes of verifying the identity of the background study subject, be able to view the identifying information entered into NETStudy 2.0 by the entity that initiated the background study; but shall not retain the subject's fingerprints, photograph, or information from NETStudy 2.0. The authorized fingerprint collection vendor or vendors shall retain no more than the subject's name and the date and time the subject's fingerprints were recorded and sent, only as necessary for auditing and billing activities;
(4) the commissioner shall provide the subject notice, as required in section 245C.17, subdivision 1, paragraph (a), when an entity initiates a background study on the individual;
(5) the subject may request in writing a report listing the entities that initiated a background study on the individual as provided in section 245C.17, subdivision 1, paragraph (b);
the subject may request in writing that information used to complete the individual’s background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051, paragraph (a), are met; and

(7) notwithstanding clause (6), the commissioner shall destroy:

(i) the subject’s photograph after a period of two years when the requirements of section 245C.051, paragraph (c), are met; and

(ii) any data collected on a subject under this chapter after a period of two years following the individual’s death as provided in section 245C.051, paragraph (d).

Sec. 7. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

Subd. 4. Electronic transmission.
(a) For background studies conducted by the Department of Human Services, the commissioner shall implement a secure system for the electronic transmission of:

(1) background study information to the commissioner;

(2) background study results to the license holder;

(3) background study information obtained under this section and section 245C.08 to counties and private agencies for background studies conducted by the commissioner for child foster care, including a summary of nondisqualifying results, except as prohibited by law; and

(4) background study results to county agencies for background studies conducted by the commissioner for adult foster care and family adult day services and, upon implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(b) Unless the commissioner has granted a hardship variance under paragraph (c), a license holder or an applicant must use the electronic transmission system known as implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(c) A license holder or applicant whose program is located in an area in which high-speed Internet is inaccessible may request the commissioner to grant a variance to the electronic transmission requirement.

(d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under this subdivision.

(e) The background study subject shall access background study-related documents electronically in the applicant portal. A background study subject may request the commissioner to grant a variance to the requirement to access documents electronically in

Sec. 12. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

Subd. 4. Electronic transmission.
(a) For background studies conducted by the Department of Human Services, the commissioner shall implement a secure system for the electronic transmission of:

(1) background study information to the commissioner;

(2) background study results to the license holder;

(3) background study information obtained under this section and section 245C.08 to counties and private agencies for background studies conducted by the commissioner for child foster care, including a summary of nondisqualifying results, except as prohibited by law; and

(4) background study results to county agencies for background studies conducted by the commissioner for adult foster care and family adult day services and, upon implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(b) Unless the commissioner has granted a hardship variance under paragraph (c), a license holder or an applicant must use the electronic transmission system known as implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(c) A license holder or applicant whose program is located in an area in which high-speed Internet is inaccessible may request the commissioner to grant a variance to the electronic transmission requirement.

(d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under this subdivision.

(e) The background study subject shall access background study-related documents electronically in the applicant portal. A background study subject may request the commissioner to grant a variance to the requirement to access documents electronically in

Sec. 7. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

Subd. 4. Electronic transmission.
(a) For background studies conducted by the Department of Human Services, the commissioner shall implement a secure system for the electronic transmission of:

(1) background study information to the commissioner;

(2) background study results to the license holder;

(3) background study information obtained under this section and section 245C.08 to counties and private agencies for background studies conducted by the commissioner for child foster care, including a summary of nondisqualifying results, except as prohibited by law; and

(4) background study results to county agencies for background studies conducted by the commissioner for adult foster care and family adult day services and, upon implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(b) Unless the commissioner has granted a hardship variance under paragraph (c), a license holder or an applicant must use the electronic transmission system known as implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(c) A license holder or applicant whose program is located in an area in which high-speed Internet is inaccessible may request the commissioner to grant a variance to the electronic transmission requirement.

(d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under this subdivision.

(e) The background study subject shall access background study-related documents electronically in the applicant portal. A background study subject may request the commissioner to grant a variance to the requirement to access documents electronically in
The NETStudy 2.0 applicant portal and may also request paper documentation of their background studies.

EFFECTIVE DATE: The amendments to paragraph (a), clause (4), are effective April 28, 2025.

Sec. 29. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

Electronic transmission. (a) For background studies conducted by the Department of Human Services, the commissioner shall implement a secure system for the electronic transmission of:

1. background study information to the commissioner;
2. background study results to the license holder;
3. background study information obtained under this section and section 245C.08 to counties and private agencies for background studies conducted by the commissioner for child foster care, including a summary of nondisqualifying results, except as prohibited by law; and
4. background study results to county agencies for background studies conducted by the commissioner for adult foster care and family adult day services and, upon implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B.

(b) Unless the commissioner has granted a hardship variance under paragraph (c), a license holder or an applicant must use the electronic transmission system known as NETStudy or NETStudy 2.0 to submit all requests for background studies to the commissioner as required by this chapter.

(c) A license holder or applicant whose program is located in an area in which high-speed Internet is inaccessible may request the commissioner to grant a variance to the electronic transmission requirement.

(d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under this subdivision.

EFFECTIVE DATE: This section is effective April 28, 2025.

Sec. 13. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

For a background study conducted by the Department of Human Services, the commissioner shall review:

**REVISOR FULL-TEXT SIDE-BY-SIDE**
(1) information related to names of substantiated perpetrators of maltreatment of
vulnerable adults that has been received by the commissioner as required under section
362.557, subdivision 9c, paragraph (j);

(2) the commissioner's records relating to the maltreatment of minors in licensed
programs, and from findings of maltreatment of minors as indicated through the social
service information system;

(3) information from juvenile courts as required in subdivision 4 for individuals listed
in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information
regarding a background study subject's registration in Minnesota as a predatory offender
under section 243.166;

(5) except as provided in clause (6), information received as a result of submission of
fingerprints for a national criminal history record check, as defined in section 245C.02,
subdivision 13c, when the commissioner has reasonable cause for a national criminal history
record check as defined in section 245C.02, subdivision 15a, or as required under section
144.057, subdivision 1, clause (2);

(6) for a background study related to a child foster family setting application for licensure,
and sections 260C.503 to 260C.515, or adoptions, and for a
background study required for family child care, certified license-exempt child care, child
care centers, and legal nonlicensed child care authorized under chapter 119B, the
commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the
background study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older, or a minor under
section 245C.05, subdivision 5a, paragraph (c), information received following submission
of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older under
section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
license-exempt child care, licensed child care centers, and legal nonlicensed child care
authorized under chapter 119B, information obtained using non-fingerprint-based data
including information from the criminal and sex offender registries for any state in which
the background study subject resided for the past five years and information from the national
crime information database and the national sex offender registry; and

(7) for a background study required for family child care, certified license-exempt child
care centers, licensed child care centers, and legal nonlicensed child care authorized under

(1) information related to names of substantiated perpetrators of maltreatment of
vulnerable adults that has been received by the commissioner as required under section
626.557, subdivision 9c, paragraph (j);

(2) the commissioner's records relating to the maltreatment of minors in licensed
programs, and from findings of maltreatment of minors as indicated through the social
service information system;

(3) information from juvenile courts as required in subdivision 4 for individuals listed
in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information
regarding a background study subject's registration in Minnesota as a predatory offender
under section 243.166;

(5) except as provided in clause (6), information received as a result of submission of
fingerprints for a national criminal history record check, as defined in section 245C.02,
subdivision 13c, when the commissioner has reasonable cause for a national criminal history
record check as defined in section 245C.02, subdivision 15a, or as required under section
144.057, subdivision 1, clause (2);

(6) for a background study related to a child foster family setting application for licensure,
and sections 260C.503 to 260C.515, or adoptions, and for a
background study required for family child care, certified license-exempt child care, child
care centers, and legal nonlicensed child care authorized under chapter 119B, the
commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the
background study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older, or a minor under
section 245C.05, subdivision 5a, paragraph (c), information received following submission
of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older under
section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
license-exempt child care, licensed child care centers, and legal nonlicensed child care
authorized under chapter 119B, information obtained using non-fingerprint-based data
including information from the criminal and sex offender registries for any state in which
the background study subject resided for the past five years and information from the national
crime information database and the national sex offender registry; and

(7) for a background study required for family child care, certified license-exempt child
care centers, licensed child care centers, and legal nonlicensed child care authorized under
chapter 119B, the background study shall also include, to the extent practicable, a name
and date-of-birth search of the National Sex Offender Public website.
chapter 119B, the background study shall also include, to the extent practicable, a name
and date-of-birth search of the National Sex Offender Public website.

(b) For a background study required for treatment programs for sexual psychopathic
personalities or sexually dangerous persons, the background study shall only include a
review of the information required under paragraph (a), clauses (1) to (4).

(b) Notwithstanding expungement by a court, the commissioner may consider information
obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice
of the petition for expungement and the court order for expungement is directed specifically
to the commissioner.

(c) The commissioner shall also review criminal case information received according
to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
to individuals who have already been studied under this chapter and who remain affiliated
with the agency that initiated the background study.

(d) When the commissioner has reasonable cause to believe that the identity of a
background study subject is uncertain, the commissioner may require the subject to provide
a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
shall not be saved by the commissioner after they have been used to verify the identity of
the background study subject against the particular criminal record in question.

The commissioner may inform the entity that initiated a background study under
NETStudy 2.0 of the status of processing of the subject's fingerprints.

Sec. 10. Minnesota Statutes 2022, section 245C.10, subdivision 2, is amended to read:

The commissioner shall recover the

The commissioner shall report any fee increase under this subdivision to the legislature during
the legislative session following the fee increase, so that the legislature may consider adoption
of the fee increase into statute. By July 1 of every year, background study fees shall be set
at the amount adopted by the legislature under this section.

Sec. 14. Minnesota Statutes 2022, section 245C.10, subdivision 2, is amended to read:

Subd. 2. Supplemental nursing services agencies. The commissioner shall recover the
cost of the background studies initiated by supplemental nursing services agencies registered
under section 144A.71, subdivision 1, through a fee of no more than $44 per study
charged to the agency. The fees collected under this subdivision are appropriated to the
commissioner for the purpose of conducting background studies.

(b) Notwithstanding expungement by a court, the commissioner may consider information
obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice
of the petition for expungement and the court order for expungement is directed specifically
to the commissioner.

(c) The commissioner shall also review criminal case information received according
to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
to individuals who have already been studied under this chapter and who remain affiliated
with the agency that initiated the background study.

Sec. 14. Minnesota Statutes 2022, section 245C.10, subdivision 2, is amended to read:

The commissioner may inform the entity that initiated a background study under
NETStudy 2.0 of the status of processing of the subject's fingerprints.

Sec. 14. Minnesota Statutes 2022, section 245C.10, subdivision 2, is amended to read:

Subd. 2. Supplemental nursing services agencies. The commissioner shall recover the
cost of the background studies initiated by supplemental nursing services agencies registered
under section 144A.71, subdivision 1, through a fee of no more than $44 per study
charged to the agency. The fees collected under this subdivision are appropriated to the
commissioner for the purpose of conducting background studies.
Sec. 11. Minnesota Statutes 2022, section 245C.10, subdivision 2a, is amended to read:
no more than
The commissioner shall
The commissioner shall recover the
Temporary personnel agencies, educational programs, and professional
Subd. 5.
Subd. 2a.
set fees to recover the cost of combined background studies and criminal background checks
initiated by applicants, licensees, and certified practitioners regulated under sections 148.511
to 148.5198 and chapter 153A through a fee of no more than $44 per study charged to the
entity. The fees collected under this subdivision shall be deposited in the special revenue
fund and are appropriated to the commissioner for the purpose of conducting background
studies and criminal background checks.
Sec. 12. Minnesota Statutes 2022, section 245C.10, subdivision 3, is amended to read:
Subd. 3.
Subd. 3. Personal care provider organizations. The commissioner shall recover the
cost of background studies initiated by a personal care provider organization under sections
256B.0651 to 256B.0654 and 256B.0659 through a fee of no more than $42 per study charged
to the organization responsible for submitting the background study form. The fees
collected under this subdivision are appropriated to the commissioner for the purpose of
conducting background studies.
Sec. 13. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:
Subd. 4.
Subd. 4. Temporary personnel agencies, personnel pool agencies, educational
programs, and professional services agencies. The commissioner shall recover the cost
of the background studies initiated by temporary personnel agencies, personnel pool agencies,
educational programs, and professional services agencies that initiate background studies
under section 245C.03, subdivision 4, through a fee of no more than $42 $44 per study charged
to the agency. The fees collected under this subdivision are appropriated to the commissioner for
the purpose of conducting background studies.
Sec. 14. Minnesota Statutes 2022, section 245C.10, subdivision 5, is amended to read:
Subd. 5.
Subd. 5. Adult foster care and family adult day services. The commissioner shall
recover the cost of background studies required under section 245C.03, subdivision 1, for
the purposes of adult foster care and family adult day services licensing, through a fee of
no more than $42 $44 per study charged to the license holder. The fees collected under this

Sec. 15. Minnesota Statutes 2022, section 245C.10, subdivision 2a, is amended to read:
no more than
The commissioner shall
The commissioner shall recover the
Temporary personnel agencies, educational programs, and professional
Subd. 5.
Subd. 2a.
set fees to recover the cost of combined background studies and criminal background checks
initiated by applicants, licensees, and certified practitioners regulated under sections 148.511
to 148.5198 and chapter 153A through a fee of no more than $44 per study charged to the
entity. The fees collected under this subdivision shall be deposited in the special revenue
fund and are appropriated to the commissioner for the purpose of conducting background
studies and criminal background checks.
Sec. 16. Minnesota Statutes 2022, section 245C.10, subdivision 3, is amended to read:
Subd. 3.
Subd. 3. Personal care provider organizations. The commissioner shall recover the
cost of background studies initiated by a personal care provider organization under sections
256B.0651 to 256B.0654 and 256B.0659 through a fee of no more than $42 per study charged
to the organization responsible for submitting the background study form. The fees
collected under this subdivision are appropriated to the commissioner for the purpose of
conducting background studies.
Sec. 17. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:
Subd. 4.
Subd. 4. Temporary personnel agencies, personnel pool agencies, educational
programs, and professional services agencies. The commissioner shall recover the cost
of the background studies initiated by temporary personnel agencies, personnel pool agencies,
educational programs, and professional services agencies that initiate background studies
under section 245C.03, subdivision 4, through a fee of no more than $42 $44 per study charged
to the agency. The fees collected under this subdivision are appropriated to the commissioner for
the purpose of conducting background studies.

UES2995-2 ARTICLE 9, SECTION 28 ALSO AMENDS SECTION 245C.10, SUBD. 4, AND IS BELOW.
Sec. 28. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:
Subd. 4.
Subd. 4. Temporary personnel agencies, personnel pool agencies, educational
programs, and professional services agencies. The commissioner shall recover the cost
of the background studies initiated by temporary personnel agencies, personnel pool agencies,
educational programs, and professional services agencies that initiate background studies
under section 245C.03, subdivision 4, through a fee of no more than $42 per study charged
to the agency. The fees collected under this subdivision are appropriated to the commissioner
for the purpose of conducting background studies.
Sec. 18. Minnesota Statutes 2022, section 245C.10, subdivision 5, is amended to read:
Subd. 5.
Subd. 5. Adult foster care and family adult day services. The commissioner shall
receive the cost of background studies and criminal background checks
initiated by applicants, licensees, and certified practitioners regulated under sections 148.511
to 148.5198 and chapter 153A through a fee of no more than $44 per study charged to the
entity. The fees collected under this subdivision shall be deposited in the special revenue
fund and are appropriated to the commissioner for the purpose of conducting background
studies and criminal background checks.
subdivision are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 19. Minnesota Statutes 2022, section 245C.10, subdivision 6, is amended to read:

Subd. 6. Unlicensed home and community-based waiver providers of service to seniors and individuals with disabilities. The commissioner shall recover the cost of a background study required for family child care, certified license-exempt child care centers, licensed child care centers, certified license-exempt child care centers, and legal nonlicensed child care authorized under chapter 119B, through a fee of no more than $42 per study charged to the license holder. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 20. Minnesota Statutes 2022, section 245C.10, subdivision 8, is amended to read:

Subd. 8. Children’s therapeutic services and supports providers. The commissioner shall recover the cost of background studies required under section 245C.03, subdivision 7, for the purposes of children’s therapeutic services and supports under section 256B.0943, through a fee of no more than $44 per study charged to the license holder. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 21. Minnesota Statutes 2022, section 245C.10, subdivision 9, is amended to read:

Subd. 9. Human services licensed programs. The commissioner shall recover the cost of background studies required under section 245C.03, subdivision 1, for all programs that are licensed by the commissioner, except child foster care when the applicant or license holder resides in the home where child foster care services are provided, family child care, child care centers, certified license-exempt child care centers, and legal nonlicensed child care authorized under chapter 119B, through a fee of no more than $44 per study charged to the license holder. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 22. Minnesota Statutes 2022, section 245C.10, subdivision 9a, is amended to read:

Subd. 9a. Child care programs. The commissioner shall recover the cost of a background study required for family child care, certified license-exempt child care centers, licensed child care centers, and legal nonlicensed child care providers authorized under chapter 119B through a fee of no more than $44 per study charged to the license holder. The fee of no more than $44 per study shall be charged for studies conducted under section 245C.05, subdivision 5a, paragraph (a). The fees collected under this subdivision are appropriated to the commissioner to conduct background studies.

Sec. 23. Minnesota Statutes 2022, section 245C.10, subdivision 10, is amended to read:

Subd. 10. Community first services and supports organizations. The commissioner shall recover the cost of background studies initiated by an agency-provider delivering services under section 256B.85, subdivision 11, or a financial management services provider providing service functions under section 256B.85, subdivision 13, through a fee of no more than $44 per study, charged to the organization responsible for submitting the background study required for family child care, certified license-exempt child care centers, licensed child care centers, and legal nonlicensed child care providers authorized under chapter 119B through a fee of no more than $44 per study charged to the license holder. A fee of no more than $44 per study shall be charged for studies conducted under section 245C.05, subdivision 5a, paragraph (a). The fees collected under this subdivision are appropriated to the commissioner to conduct background studies.
study form. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 24. Minnesota Statutes 2022, section 245C.10, subdivision 11, is amended to read:

Subd. 11. Providers of housing support. The commissioner shall recover the cost of background studies initiated by providers of housing support under section 256L.04 through a fee of no more than $42 $44 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 25. Minnesota Statutes 2022, section 245C.10, subdivision 12, is amended to read:

Subd. 12. Child protection workers or social services staff having responsibility for child protective duties. The commissioner shall recover the cost of background studies initiated by county social services agencies and local welfare agencies for individuals who are required to have a background study under section 260E.36, subdivision 3, through a fee of no more than $42 $44 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 26. Minnesota Statutes 2022, section 245C.10, subdivision 13, is amended to read:

Subd. 13. Providers of special transportation service. The commissioner shall recover the cost of background studies initiated by providers of special transportation service under section 174.30 through a fee of no more than $42 $44 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 27. Minnesota Statutes 2022, section 245C.10, subdivision 14, is amended to read:

Subd. 14. Children's residential facilities. The commissioner shall recover the cost of background studies initiated by a licensed children's residential facility through a fee of no more than $55 $53 per study. Fees collected under this subdivision are appropriated to the commissioner for purposes of conducting background studies. Sec. 28. Minnesota Statutes 2022, section 245C.10, subdivision 15, is amended to read:

Subd. 15. Guardians and conservators. The commissioner shall recover the cost of conducting background studies maltreatment and state licensing agency checks for guardians and conservators under section 245C.033 through a fee of no more than $50 $60 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies maltreatment and state licensing agency checks. The fee for conducting an alternative background study for appointment of a professional guardian or conservator must be paid by the guardian or conservator. In other cases, the fee must be paid as follows:

study form. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 20. Minnesota Statutes 2022, section 245C.10, subdivision 11, is amended to read:

Subd. 11. Providers of housing support. The commissioner shall recover the cost of background studies initiated by providers of housing support under section 256L.04 through a fee of no more than $42 $44 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 21. Minnesota Statutes 2022, section 245C.10, subdivision 12, is amended to read:

Subd. 12. Child protection workers or social services staff having responsibility for child protective duties. The commissioner shall recover the cost of background studies initiated by county social services agencies and local welfare agencies for individuals who are required to have a background study under section 260E.36, subdivision 3, through a fee of no more than $42 $44 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 22. Minnesota Statutes 2022, section 245C.10, subdivision 13, is amended to read:

Subd. 13. Providers of special transportation service. The commissioner shall recover the cost of background studies initiated by providers of special transportation service under section 174.30 through a fee of no more than $42 $44 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies. Sec. 23. Minnesota Statutes 2022, section 245C.10, subdivision 14, is amended to read:

Subd. 14. Children's residential facilities. The commissioner shall recover the cost of background studies initiated by a licensed children's residential facility through a fee of no more than $55 $53 per study. Fees collected under this subdivision are appropriated to the commissioner for purposes of conducting background studies. Sec. 24. Minnesota Statutes 2022, section 245C.10, subdivision 15, is amended to read:

Subd. 15. Guardians and conservators. The commissioner shall recover the cost of conducting background studies maltreatment and state licensing agency checks for guardians and conservators under section 245C.033 through a fee of no more than $50 $60 per study. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies maltreatment and state licensing agency checks. The fee for conducting an alternative background study for appointment of a professional guardian or conservator must be paid by the guardian or conservator. In other cases, the fee must be paid as follows: must be paid directly to and in the manner prescribed by the commissioner before any maltreatment and state licensing agency checks under section 245C.033 may be conducted.
if the matter is proceeding in forma pauperis, the fee must be paid as an expense for purposes of section 524.5-502, paragraph (a).

(2) if there is an estate of the ward or protected person, the fee must be paid from the estate.

(3) in the case of a guardianship or conservatorship of a person that is not proceeding in forma pauperis, the fee must be paid by the guardian, conservator, or the court.

The commissioner shall recover the cost of background studies initiated by the Professional Educators Licensing Standards Board through a fee of no more than $51 per study charged to the enrolled agency. The fees collected under this subdivision are appropriated to the commissioner for purposes of conducting background studies.

Sec. 29. Minnesota Statutes 2022, section 245C.10, subdivision 16, is amended to read:

Subd. 16. Providers of housing support services. The commissioner shall recover the cost of background studies required under section 256B.0949, through a fee of no more than $42 per study. Fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 30. Minnesota Statutes 2022, section 245C.10, subdivision 17, is amended to read:

Subd. 17. Early intensive developmental and behavioral intervention providers. The commissioner shall recover the cost of background studies initiated by the Early Intensive Developmental and Behavioral Intervention providers under section 256B.0949, through a fee of no more than $42 per study charged to the enrolled agency. The fees collected under this subdivision are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 31. Minnesota Statutes 2022, section 245C.10, subdivision 20, is amended to read:

Subd. 20. Professional Educators Licensing Standards Board. The commissioner shall recover the cost of background studies initiated by the Professional Educators Licensing Standards Board through a fee of no more than $42 per study. Fees collected under this subdivision are appropriated to the commissioner for purposes of conducting background studies.

Sec. 32. Minnesota Statutes 2022, section 245C.10, subdivision 21, is amended to read:

Subd. 21. Board of School Administrators. The commissioner shall recover the cost of background studies initiated by the Board of School Administrators through a fee of no more than $42 per study. Fees collected under this subdivision are appropriated to the commissioner for purposes of conducting background studies.
Sec. 29. Minnesota Statutes 2022, section 245C.10, is amended by adding a subdivision to read:

Subd. 22. Tribal organizations. The commissioner shall recover the cost of background studies initiated by Tribal organizations under section 245C.34 for adoption and child foster care. The fee amount shall be established through interagency agreements between the commissioner and Tribal organizations or their designees. The fees collected under this subdivision shall be deposited in the special revenue fund and are appropriated to the commissioner for the purpose of conducting background studies and criminal background checks.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 33. Minnesota Statutes 2022, section 245C.15, subdivision 2, is amended to read:

Subd. 2. 15-year disqualification. (a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 152.021, subdivision 1 or 2b; (aggravated controlled substance crime in the first degree; sale crimes); 152.022, subdivision 1 (controlled substance crime in the second degree; sale crimes); 152.023, subdivision 1 (controlled substance crime in the third degree; sale crimes); 152.024, subdivision 1 (controlled substance crime in the fourth degree; sale crimes); 256.98 (wrongfully obtaining assistance); 268.182 (fraud); 298.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.223 or 609.231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a gang); 609.2325 (financial exploitation of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender); 609.498; subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); 609.521 (possession of shoplifting gear); 609.522 (trafficking in a controlled substance); 609.523 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.589 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure, not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution

EFFECTIVE DATE. This section is effective July 1, 2024.
and exhibition prohibited; penalty; or 624.713 (certain persons not to possess firearms); or
chapter 152 (drug; controlled substance); or Minnesota Statutes 2012, section 609.21; or
a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed
since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than 15 years has passed
since the termination of the individual's parental rights under section 260C.301, subdivision
1, paragraph (b), or subdivision 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed
since the discharge of the sentence imposed for an offense in any other state or country, the
elements of which are substantially similar to the elements of the offenses listed in paragraph
(a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the
sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is
disqualified but the disqualification look-back period for the offense is the period applicable
to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction,
the disqualification period begins from the date of the court order. When a disqualification
is based on an admission, the disqualification period begins from the date of an admission
in court. When a disqualification is based on an Alford Plea, the disqualification period
begins from the date the Alford Plea is entered in court. When a disqualification is based
on a preponderance of evidence of a disqualifying act, the disqualification date begins from
the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

EFFECTIVE DATE. This section is effective for background studies requested on or
after August 1, 2024.

Sec. 34. Minnesota Statutes 2022, section 245C.15, is amended by adding a subdivision
to read:

Subd. 4b. Five-year disqualification. (a) An individual is disqualified under section
245C.14 if: (1) less than five years have passed since the discharge of the sentence imposed,
if any, for the offense; and (2) the individual has committed a felony, gross misdemeanor,
or misdemeanor-level violation of any of the following offenses: section 152.021, subdivision
2 or 2a (controlled substance possession crime in the first degree; methamphetamine
manufacture crime); 152.022, subdivision 2 (controlled substance possession crime in the
second degree); 152.023, subdivision 2 (controlled substance possession crime in the
third degree); 152.024, subdivision 2 (controlled substance possession crime in the fourth degree);
152.025 (controlled substance crime in the fifth degree); 152.026 (importing controlled
substances across state borders); 152.0262 (possession of substances with intent to
(b) An individual is disqualified under section 245C.14 if less than five years have passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes;

(c) An individual is disqualified under section 245C.14 if less than five years have passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a);

(d) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford plea, the disqualification period begins from the date the Alford plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last;

EFFECTIVE DATE. This section is effective for background studies requested on or after August 1, 2024.

Sec. 35. Minnesota Statutes 2022, section 245C.17, subdivision 2, is amended to read:

Subd. 2. Disqualification notice sent to subject. (a) If the information in the study indicates the individual is disqualified from direct contact with, or from access to, persons served by the program, the commissioner shall disclose to the individual studied:

(1) the information causing disqualification;

(2) instructions on how to request a reconsideration of the disqualification;

(3) an explanation of any restrictions on the commissioner's discretion to set aside the disqualification under section 245C.24, when applicable to the individual;

(4) a statement that if the individual's disqualification is set aside under section 245C.22, the applicant, license holder, or other entity that initiated the background study will be provided with the reason for the individual's disqualification and an explanation that the factors under section 245C.22, subdivision 4, which were the basis of the decision to set aside the disqualification shall be made available to the license holder upon request without the consent of the subject of the background study;

(5) a statement indicating that if the individual's disqualification is set aside or the facility is granted a variance under section 245C.30, the individual's identity and the reason for the
individual's disqualification will become public data under section 245C.22, subdivision 7,
when applicable to the individual;

(4) (a) a statement that when a subsequent background study is initiated on the individual
following a set-aside of the individual's disqualification, and the commissioner makes a
determination under section 245C.22, subdivision 5, paragraph (b), that the previous set-aside
applies to the subsequent background study, the applicant, license holder, or other entity
that initiated the background study will be informed in the notice under section 245C.22,
subdivision 5, paragraph (c):

(i) of the reason for the individual's disqualification; and

(ii) that the individual's disqualification is set aside for that program or agency; and

(iii) that information about the factors under section 245C.22, subdivision 4, that were
the basis of the decision to set aside the disqualification are available to the license holder
upon request without the consent of the background study subject; and

(5) the commissioner's determination of the individual's immediate risk of harm
under section 245C.16.

(b) If the commissioner determines under section 245C.16 that an individual poses an
imminent risk of harm to persons served by the program where the individual will have
direct contact with, or access to, people receiving services, the commissioner's notice must
include an explanation of the basis of this determination:

(1) if the commissioner determines under section 245C.16 that an individual studied
does not pose a risk of harm that requires immediate removal, the individual shall be informed
of the conditions under which the agency that initiated the background study may allow the
individual to have direct contact with, or access to, people receiving services, as provided
under subdivision 3.

Sec. 36. Minnesota Statutes 2022, section 245C.17, subdivision 3, is amended to read:

Subd. 3. Disqualification notification. (a) The commissioner shall notify an applicant,
license holder, or other entity as provided in this chapter who is not the subject of the study:

(1) that the commissioner has found information that disqualifies the individual studied
from being in a position allowing direct contact with, or access to, people served by the
program; and

(2) the commissioner's determination of the individual's risk of harm under section
245C.16.

(b) If the commissioner determines under section 245C.16 that an individual studied
poses an imminent risk of harm to persons served by the program where the individual
studied will have direct contact with, or access to, people served by the program, the...
commissioner shall order the license holder to immediately remove the individual studied from any position allowing direct contact with, or access to, people served by the program.

(c) If the commissioner determines under section 245C.16 that an individual studied poses a risk of harm that requires continuous, direct supervision, the commissioner shall order the applicant, license holder, or other entities as provided in this chapter to:

(1) immediately remove the individual studied from any position allowing direct contact with, or access to, people receiving services; or

(2) before allowing the disqualified individual to be in a position allowing direct contact with, or access to, people receiving services, the applicant, license holder, or other entity, as provided in this chapter, must:

(i) obtain from the disqualified individual a copy of the individual's notice of disqualification from the commissioner that explains the reason for disqualification;

(ii) ensure that the individual studied is under continuous, direct supervision when in a position allowing direct contact with, or access to, people receiving services during the period in which the individual may request a reconsideration of the disqualification under section 245C.21; and

(iii) ensure that the disqualified individual requests reconsideration within 30 days of receipt of the notice of disqualification.

(d) If the commissioner determines under section 245C.16 that an individual studied does not pose a risk of harm that requires continuous, direct supervision, the commissioner shall order the applicant, license holder, or other entities as provided in this chapter to:

(1) immediately remove the individual studied from any position allowing direct contact with, or access to, people receiving services; or

(2) before allowing the disqualified individual to be in any position allowing direct contact with, or access to, people receiving services, the applicant, license holder, or other entity as provided in this chapter must:

(i) obtain from the disqualified individual a copy of the individual's notice of disqualification from the commissioner that explains the reason for disqualification; and

(ii) ensure that the disqualified individual requests reconsideration within 15 days of receipt of the notice of disqualification.

(e) The commissioner shall not notify the applicant, license holder, or other entity as provided in this chapter of the information contained in the subject's background study unless:

(1) the basis for the disqualification is failure to cooperate with the background study or substantiated maltreatment under section 626.557 or chapter 260L;
(2) the Data Practices Act under chapter 13 provides for release of the information; or

(3) the individual studied authorizes the release of the information.

Sec. 37. Minnesota Statutes 2022, section 245C.17, subdivision 6, is amended to read:

Subd. 6. Notice to county agency. For studies on individuals related to a license to provide adult foster care when the applicant or license holder resides in the adult foster care residence and family adult day services and, effective upon implementation of NETStudy 2.0, family child care and legal nonlicensed child care authorized under chapter 119B, the commissioner shall also provide a notice of the background study results to the county agency that initiated the background study.

EFFECTIVE DATE. This section is effective April 28, 2025.

Sec. 38. Minnesota Statutes 2022, section 245C.21, subdivision 1a, is amended to read:

Subd. 1a. Submission of reconsideration request. (a) For disqualifications related to studies conducted by county agencies for family child care, and for disqualifications related to studies conducted by the commissioner for child foster care, adult foster care, and family adult day services when the applicant or license holder resides in the home where services are provided, the individual shall submit the request for reconsideration to the county agency that initiated the background study.

(b) For disqualifications related to studies conducted by the commissioner for child foster care providers monitored by private licensing agencies under section 245A.16, the individual shall submit the request for reconsideration to the private agency that initiated the background study.

(c) A reconsideration request shall be submitted within 30 days of the individual's receipt of the notification or the time frames specified in subdivision 2, whichever time frame is shorter.

(d) The county or private agency shall forward the individual's request for reconsideration and provide the commissioner with a recommendation whether to set aside the individual's disqualification.

Sec. 39. Minnesota Statutes 2022, section 245C.21, subdivision 2, is amended to read:

Subd. 2. Time frame for requesting reconsideration. (a) When the commissioner sends an individual a notice of disqualification based on a finding under section 245C.16, subdivision 2, paragraph (a), clause (1) or (2), the disqualified individual must submit the request for a reconsideration within 30 calendar days of the individual's receipt of the notice.
of disqualification. If mailed, the request for reconsideration must be postmarked and sent
to the commissioner within 30 calendar days of the individual's receipt of the notice of
disqualification. If a request for reconsideration is made by personal service, it must be
received by the commissioner within 30 calendar days after the individual's receipt of the
notice of disqualification. Upon showing that the information under subdivision 3 cannot
be obtained within 30 days, the disqualified individual may request additional time, not to
exceed 30 days, to obtain the information.

(b) When the commissioner sends an individual a notice of disqualification based on a
finding under section 245C.16, subdivision 2, paragraph (a), clause (3), the disqualified
individual must submit the request for reconsideration within 30 calendar days of the
individual's receipt of the notice of disqualification: If mailed, the request for reconsideration
must be postmarked and sent to the commissioner within 30 calendar days of the
individual's receipt of the notice of disqualification: If a request for reconsideration is made
by personal service, it must be received by the commissioner within 30 calendar days
after the individual's receipt of the notice of disqualification.

c) An individual who was determined to have maltreated a child under chapter 260E
or a vulnerable adult under section 626.557, and who is disqualified on the basis of serious
or recurring maltreatment, may request a reconsideration of both the maltreatment and the
disqualification determinations. The request must be submitted within 30 calendar days of
the individual's receipt of the notice of disqualification: If mailed, the request for
reconsideration must be postmarked and sent to the commissioner within 30 calendar days
of the individual's receipt of the notice of disqualification: If a request for reconsideration
is made by personal service, it must be received by the commissioner within 30 calendar
days after the individual's receipt of the notice of disqualification.

(d) Except for family child care and child foster care, reconsideration of a maltreatment
determination under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of
a disqualification under section 245C.22, shall not be conducted when:

(1) a denial of a license under section 245A.05, or a licensing sanction under section
245A.07, is based on a determination that the license holder is responsible for maltreatment
or the disqualification of a license holder based on serious or recurring maltreatment;

(2) the denial of a license or licensing sanction is issued at the same time as the
maltreatment determination or disqualification; and

(3) the license holder appeals the maltreatment determination, disqualification, and
denial of a license or licensing sanction: In such cases, a fair hearing under section 256.045
must be conducted under sections 245C.27, 260E.33, and 626.557, subdivision 9d.
Under section 245A.08, subdivision 2a, the scope of the consolidated contested case hearing
must include the maltreatment determination, disqualification, and denial of a license or
licensing sanction.
Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment determination or disqualification, but does not appeal the denial of a license or a licensing sanction, reconsideration of the maltreatment determination shall be conducted under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

Sec. 40. Minnesota Statutes 2022, section 245C.22, subdivision 7, is amended to read:

(1) for any disqualifying characteristic under section 245C.15, except a felony-level conviction for a drug-related offense within the past five years, when the set-aside relates to a child care center or a family child care provider licensed under chapter 245A, certified license-exempt child care center, or legal nonlicensed family child care;

(2) for a disqualifying characteristic under section 245C.15, subdivision 2;

(b) Notwithstanding section 13.46, upon granting a variance to a license holder under section 245C.30, the identity of the disqualified individual who is the subject of the variance, the individual's disqualifying characteristics under section 245C.15, and the terms of the variance are public data, except as provided in paragraph (c), clause (6), when the variance:

(1) is issued to a child care center or a family child care provider licensed under chapter 245A; or

(2) relates to an individual with a disqualifying characteristic under section 245C.15, subdivision 2;

(c) The identity of a disqualified individual and the reason for disqualification remain private data when:

(1) a disqualification is not set aside and no variance is granted, except as provided under section 13.46, subdivision 4;

(2) the data are not public under paragraph (a) or (b);

(3) the disqualification is rescinded because the information relied upon to disqualify the individual is incorrect;

(4) the disqualification relates to a license to provide relative child foster care. As used in this clause, "relative" has the meaning given it under section 260C.007, subdivision 26h or 27h.
(5) the disqualified individual is a household member of a licensed foster care provider and:

(i) the disqualified individual previously received foster care services from this licensed foster care provider;

(ii) the disqualified individual was subsequently adopted by this licensed foster care provider; and

(iii) the disqualifying act occurred before the adoption; or

(6) a variance is granted to a child care center or family child care license holder for an individual's disqualification that is based on a felony-level conviction for a drug-related offense that occurred within the past five years.

(d) Licensed family child care providers and child care centers must provide notices as required under section 245C.301.

(e) Notwithstanding paragraphs (a) and (b), the identity of household members who are the subject of a disqualification related set-aside or variance is not public data if:

(1) the household member resides in the residence where the family child care is provided;

(2) the subject of the set-aside or variance is under the age of 18 years; and

(3) the set-aside or variance only relates to a disqualification under section 245C.15, subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

(f) When the commissioner has reason to know that a disqualified individual has received an order for expungement for the disqualifying record that does not limit the commissioner's access to the record, and the record was opened or exchanged with the commissioner for purposes of a background study under this chapter, the data that would otherwise become public under paragraph (a) or (b) remain private data.

Sec. 41. Minnesota Statutes 2022, section 245C.23, subdivision 1, is amended to read:

Subdivision 1. Disqualification that is rescinded or set aside. (a) If the commissioner rescinds or sets aside a disqualification, the commissioner shall notify the applicant, license holder, or other entity of the reason for the individual's disqualification and that information about which factors under section 245C.22, subdivision 4, were the basis of
the decision to set aside the disqualification are available to the license holder upon request without the consent of the background study subject.

(d) When the commissioner has reason to know that a disqualified individual has received an order for expungement for the disqualifying record that does not limit the commissioner's access to the record, and the record was opened or exchanged with the commissioner for purposes of a background study under this chapter, the information provided under paragraph (c) must only inform the applicant, license holder, or other entity that the disqualifying criminal record is sealed under a court order.

(e) The notification requirements in paragraph (c) do not apply when the set aside is granted to an individual related to a background study for a licensed child care center, certified license-exempt child care center, family child care license holder, or for a legal nonlicensed child care provider authorized under chapter 119B, and the individual is disqualified for a felony-level conviction for a drug-related offense that occurred within the past five years. The notice that the individual's disqualification is set aside must inform the applicant, license holder, or legal nonlicensed child care provider that the disqualifying criminal record is not public.

THE FOLLOWING SECTION IS FROM H0238-3 ARTICLE 1.

Sec. 42. Minnesota Statutes 2022, section 245C.23, subdivision 2, is amended to read:

Subd. 2. Commissioner's notice of disqualification that is not set aside. (a) The commissioner shall notify the license holder of the disqualification and order the license holder to immediately remove the individual from any position allowing direct contact with persons receiving services from the license holder if:

1. the individual studied does not submit a timely request for reconsideration under section 245C.21;
2. the individual submits a timely request for reconsideration, but the commissioner does not set aside the disqualification for that license holder under section 245C.22, unless the individual has a right to request a hearing under section 245C.27, 245C.28, or 256.045;
3. an individual who has a right to request a hearing under sections 245C.27 and 256.045, or 245C.28 and chapter 14 for a disqualification that has not been set aside, does not request a hearing within the specified time; or
4. an individual submitted a timely request for a hearing under sections 245C.27 and 256.045, or 245C.28 and chapter 14, but the commissioner does not set aside the disqualification under section 245A.08, subdivision 5, or 256.045.

(b) If the commissioner does not set aside the disqualification under section 245C.22, and the license holder was previously ordered under section 245C.17 to immediately remove the disqualified individual from direct contact with persons receiving services or to ensure...
that the individual is under continuous, direct supervision when providing direct contact services, the order remains in effect pending the outcome of a hearing under sections 245C.27 and 256.045, or 245C.28 and chapter 14.

(c) If the commissioner does not set aside the disqualification under section 245C.22, and the license holder was not previously ordered under section 245C.17 to immediately remove the disqualified individual from direct contact with persons receiving services or to ensure that the individual is under continuous direct supervision when providing direct contact services, the commissioner shall order the individual to remain under continuous direct supervision pending the outcome of a hearing under sections 245C.27 and 256.045, or 245C.28 and chapter 14.

(d) For background studies related to child foster care when the applicant or license holder resides in the home where services are provided, the commissioner shall also notify the county or private agency that initiated the study of the results of the reconsideration.

(e) For background studies related to family child care, legal nonlicensed child care, adult foster care programs when the applicant or license holder resides in the home where services are provided, and family adult day services, the commissioner shall also notify the county that initiated the study of the results of the reconsideration.

EFFECTIVE DATE. This section is effective April 28, 2025.

Sec. 43. Minnesota Statutes 2022, section 245C.24, subdivision 2, is amended to read:

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

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

(c) If an individual who requires a background study for nonemergency medical transportation services under section 245C.03, subdivision 12, was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have passed since the discharge of the sentence imposed, the commissioner may consider granting a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the employer. This paragraph does not apply to a person disqualified based on a violation of sections 243.166; 609.185 to

that the individual is under continuous, direct supervision when providing direct contact services, the order remains in effect pending the outcome of a hearing under sections 245C.27 and 256.045, or 245C.28 and chapter 14.

(c) If the commissioner does not set aside the disqualification under section 245C.22, and the license holder was not previously ordered under section 245C.17 to immediately remove the disqualified individual from direct contact with persons receiving services or to ensure that the individual is under continuous direct supervision when providing direct contact services, the commissioner shall order the individual to remain under continuous direct supervision pending the outcome of a hearing under sections 245C.27 and 256.045, or 245C.28 and chapter 14.

(d) For background studies related to child foster care when the applicant or license holder resides in the home where services are provided, the commissioner shall also notify the county or private agency that initiated the study of the results of the reconsideration.

(e) For background studies related to family child care, legal nonlicensed child care, adult foster care programs when the applicant or license holder resides in the home where services are provided, and family adult day services, the commissioner shall also notify the county that initiated the study of the results of the reconsideration.

EFFECTIVE DATE. This section is effective April 28, 2025.
320.4 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23; subdivision 2; clause (1); or 3;
320.5 clause (1); 617.246; or 617.247;
320.6 (d) When a licensed foster care provider adopts an individual who had received foster
320.7 care services from the provider for over six months, and the adopted individual is required
320.8 to receive a background study under section 245C.03; subdivision 1; paragraph (a), clause
320.9 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
320.10 to permit the adopted individual with a permanent disqualification to remain affiliated with
320.11 the license holder under the conditions of the variance when the variance is recommended
320.12 by the county of responsibility for each of the remaining individuals in placement in the
320.13 home and the licensing agency for the home;
320.14 (e) For an individual 18 years of age or older affiliated with a licensed family foster
320.15 setting, the commissioner must not set aside or grant a variance for the disqualification of
320.16 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
320.17 if the individual was disqualified for a crime or conduct listed in section 245C.15; subdivision
320.18 4a; paragraphs (a) and (b);
320.19 (f) In connection with a family foster setting license, the commissioner may grant a
320.20 variance to the disqualification for an individual who is under 18 years of age at the time
320.21 the background study is submitted;
320.22 (g) The commissioner may set aside or grant a variance for any disqualification that is
320.23 based on conduct or a conviction in an individual's juvenile record.
320.24 Sec. 44. Minnesota Statutes 2022, section 245C.30, subdivision 2, is amended to read:
320.25 Subd. 2. Disclosure of reason for disqualification. (a) The commissioner may not grant
320.26 a variance for a disqualified individual unless the applicant, license-exempt child care center
320.27 certification holder, or license holder requests the variance and the disqualified individual
320.28 provides written consent for the commissioner to disclose to the applicant, license-exempt
320.29 child care center certification holder, or license holder the reason for the disqualification.
320.30 (b) This subdivision does not apply to programs licensed to provide family child care
320.31 for children, foster care for children in the provider's own home, or foster care or day care
320.32 services for adults in the provider's own home. When the commissioner grants a variance
320.33 for a disqualified individual in connection with a license to provide the services specified
320.34 in this paragraph, the disqualified individual's consent is not required to disclose the reason
320.35 for the disqualification to the license holder in the variance issued under subdivision 1;
320.36 provided that the commissioner may not disclose the reason for the disqualification if the
320.37 disqualification is based on a felony-level conviction for a drug-related offense within the
320.38 past five years.
Sec. 30. Minnesota Statutes 2022, section 245C.32, subdivision 2, is amended to read:

(a) The commissioner may also use these systems and records to obtain and provide criminal history data from the Bureau of Criminal Apprehension, criminal history data held by the commissioner, and data about substantiated maltreatment under section 626.557 or chapter 260E, for other purposes, provided that:

1. the background study is specifically authorized in statute; or
2. the request is made with the informed consent of the subject of the study as provided in section 13.05, subdivision 4.

(b) An individual making a request under paragraph (a), clause (2), must agree in writing not to disclose the data to any other individual without the consent of the subject of the data.

(c) The commissioner may use these systems to share background study documentation electronically with entities and individuals who are the subject of a background study.

(d) The commissioner may recover the cost of obtaining and providing background study data by charging the individual or entity requesting the study a fee of no more than $42 per study as described in section 245C.10. The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies.

Sec. 31. Minnesota Statutes 2022, section 524.5-118, is amended to read:

(1) the background study is specifically authorized in statute; or
2. the request is made with the informed consent of the subject of the study as provided in section 13.05, subdivision 4.

(b) An individual making a request under paragraph (a), clause (2), must agree in writing not to disclose the data to any other individual without the consent of the subject of the data.

(c) The commissioner may use these systems to share background study documentation electronically with entities and individuals who are the subject of a background study.

(d) The commissioner may recover the cost of obtaining and providing background study data by charging the individual or entity requesting the study a fee of no more than $42 per study as described in section 245C.10. The fees collected under this paragraph are appropriated to the commissioner for the purpose of conducting background studies.
(2) criminal history data from a national criminal history record check as defined in section 245C.02, subdivision 13c, and

(3) state licensing agency data if a search of the database or databases of the agencies listed in subdivision 2a shows that the proposed guardian or conservator has ever held a professional license directly related to the responsibilities of a professional fiduciary from an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled,

and

(4) data on whether the person has been a perpetrator of substantiated maltreatment of a vulnerable adult or minor.

c) If the guardian or conservator is not an individual, the background study maltreatment and state licensing agency checks and the criminal history check must be done on all individuals currently employed by the proposed guardian or conservator who will be responsible for exercising powers and duties under the guardianship or conservatorship.

d) Notwithstanding paragraph (a), if the court determines that it would be in the best interests of the person subject to guardianship or conservatorship to appoint a guardian or conservator before the background study maltreatment and state licensing agency checks and the criminal history check can be completed, the court may make the appointment pending the results of the study, however, the background study maltreatment and state licensing agency checks and the criminal history check must then be completed as soon as reasonably possible after appointment, no later than 30 days after appointment.

e) The fees for background studies the maltreatment and state licensing agency checks and the criminal history check conducted under this section are specified in section 245C.10, subdivision 44, 15, and 299C.10, subdivisions 4 and 5. The fees for conducting a background study maltreatment and state licensing agency checks and the criminal history check for the appointment of a professional guardian or conservator must be paid by the guardian or conservator. In other cases, the fee must be paid as follows:

   (1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes of section 524.5-502, paragraph (a);
   (2) if there is an estate of the person subject to guardianship or conservatorship, the fee must be paid from the estate; or
   (3) in the case of a guardianship or conservatorship who has a developmental disability, if the parent or guardian has raised the

   (1) a state agency or county;
   (2) a parent or guardian of a person proposed to be subject to guardianship or conservatorship who has a developmental disability, if the parent or guardian has raised the

   (2) a parent or guardian of a person proposed to be subject to guardianship or conservatorship who has a developmental disability, if the parent or guardian has raised the

   (1) a state agency or county;
   (2) a parent or guardian of a person proposed to be subject to guardianship or conservatorship who has a developmental disability, if the parent or guardian has raised the

   (1) a state agency or county;
   (2) a parent or guardian of a person proposed to be subject to guardianship or conservatorship who has a developmental disability, if the parent or guardian has raised the
person proposed to be subject to guardianship or conservatorship in the family home until
the time the petition is filed, unless counsel appointed for the person proposed to be subject

to guardianship or conservatorship under section 524.5-205, paragraph (e); 524.5-304,
paragraph (b), 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a
background study check; or

(3) a bank with trust powers, bank and trust company, or trust company, organized under
the laws of any state or of the United States and which is regulated by the commissioner of
commerce or a federal regulator.

Subd. 2. Procedure; criminal history and maltreatment records background
maltreatment and state licensing agency checks and criminal history check. (a) The
court guardian or conservator shall request the commissioner of human services to Bureau
of Criminal Apprehension in the Department of Public Safety, other criminal history data held by the
commissioner of human services, data regarding substantiated maltreatment of vulnerable
adults under section 626.557, and substantiated maltreatment of minors under chapter 260E,
and criminal history information from other states or jurisdictions as indicated from a national
criminal history record check within 20 working days of receipt of a request. If the subject
of the study has been the perpetrator of substantiated maltreatment of a vulnerable adult or
minor, the response must include a copy of the public portion of the investigation
memorandum under section 260E.30. The commissioner shall provide the
court with information from a review of information according to subdivision 2a if the study
subject provided information indicating current or prior affiliation with a state licensing
agency.

In accordance with section 245C.033, the commissioner of human services
shall conduct a national criminal history record check. The
court guardian or conservator shall submit a set of classifiable fingerprints. The fingerprints must be recorded on a
fingerprint card provided by the commissioner of human services Bureau of Criminal
Apprehension.

(b) The commissioner of human services Bureau of Criminal Apprehension shall provide
the court with criminal history data as defined in section 13.87 from the Bureau of Criminal
Apprehension in the Department of Public Safety, other criminal history data held by the
commissioner of human services, data regarding substantiated maltreatment of vulnerable
adults under section 626.557, and substantiated maltreatment of minors under chapter 260E,
and criminal history information from other states or jurisdictions as indicated from a national
criminal history record check within 20 working days of receipt of a request. If the subject
of the study has been the perpetrator of substantiated maltreatment of a vulnerable adult or
minor, the response must include a copy of the public portion of the investigation
memorandum under section 260E.30. The commissioner shall provide the
court with information from a review of information according to subdivision 2a if the study
subject provided information indicating current or prior affiliation with a state licensing
agency.

The request must be accompanied by the applicable fee and acknowledgment that the study
subject guardian or conservator has been the perpetrator of substantiated maltreatment of a vulnerable adult or minor, the response must include a copy
of any available public portion of the investigation memorandum under section 626.557.

The request shall submit the

The request must be accompanied by the applicable fee and acknowledgment that the study
subject guardian or conservator has been the perpetrator of substantiated maltreatment of a vulnerable adult or minor, the response must include a copy
of any available public portion of the investigation memorandum under section 626.557.

The request shall submit the
copy of any available public portion of the investigation memorandum under section 626.557.
subdivision 12b, or any available public portion of the investigation memorandum under section 260E.30.

(d) Notwithstanding section 260E.30 or 626.557, subdivision 12b, if the commissioner of human services or a county lead agency or lead investigative agency has information that a person on whom a background study was previously done under this section has been determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the commissioner or the county may provide this information to the court that requested the background study. The commissioner may also provide the court with additional criminal history or substantiated maltreatment information that becomes available after the background study is done if determining eligibility for the guardian or conservator.

Subd. 2a. Procedure; state licensing agency data. (a) In response to a request submitted under section 245C.033, the commissioner of human services shall provide the court within 25 working days of receipt of the request with licensing agency data for licenses directly related to the responsibilities of a professional fiduciary if the study subject indicates the guardian or conservator has a current or prior affiliation from the following agencies in Minnesota:

1. Lawyers Responsibility Board;
2. State Board of Accountancy;
3. Board of Social Work;
4. Board of Psychology;
5. Board of Nursing;
6. Board of Medical Practice;
7. Department of Education;
8. Department of Commerce;
9. Board of Chiropractic Examiners;
10. Board of Dentistry;
11. Board of Marriage and Family Therapy;
12. Department of Human Services;
13. Peace Officer Standards and Training (POST) Board; and
14. Professional Educator Licensing and Standards Board.

(b) The commissioner shall enter into agreements with these agencies to provide the commissioner with electronic access to the relevant licensing data, and to provide the commissioner with a quarterly list of new sanctions issued by the agency.

(g) Notwithstanding section 260E.30 or 626.557, subdivision 12b, if the commissioner of human services or a county lead agency or lead investigative agency has information that a person on whom a background study was previously done under this section has been determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the commissioner or the county may provide this information to the court that requested the background study, is determining eligibility for the guardian or conservator. The commissioner may also provide the court with additional criminal history or substantiated maltreatment information that becomes available after the background study is done if determining eligibility for the guardian or conservator.
The commissioner shall provide any new information to the court. If the proposed guardian or conservator has resided in a state other than Minnesota in the previous ten years, licensing agency data under this section shall also include the licensing agency data from any other state where the proposed guardian or conservator reported to have resided during the previous ten years if the study subject indicates current or prior affiliation. If the proposed guardian or conservator has or has had a professional license in another state that is directly related to the responsibilities of a professional fiduciary from one of the agencies listed under paragraph (a), state licensing agency data shall also include data from the relevant licensing agency of that state.

The commissioner is not required to conduct a background study on the subject of a background study for the purpose of determining whether the person's appointment or continued appointment is in the best interests of the person subject to guardianship or conservatorship; and to obtain from the commissioner's review in paragraph (d) identify new information, the commissioner shall provide any new information to the court.

The court shall notify the guardian or conservator that they have the following rights:

(1) has new disciplinary action or sanction against the individual's license; or
(2) did not disclose a prior or current affiliation with a Minnesota licensing agency.

The Bureau of Criminal Apprehension must provide the guardian or conservator with a criminal history check.

The court shall notify the subject of a background study guardian or conservator that the subject guardian or conservator has the following rights:

(1) the right to be informed that the court will request a background study on the subject maltreatment and state licensing checks and a criminal history check on the guardian or conservator for the purpose of determining whether the person's appointment or continued appointment is in the best interests of the person subject to guardianship or conservatorship;
(2) the right to be informed of the results of the study checks and to obtain from the court a copy of the results; and

The commissioner shall provide information to the court the electronically available data maintained in the agency’s database, including whether the proposed guardian or conservator is or has been licensed by the agency, and if the licensing agency database indicates a disciplinary action or a sanction against the individual's license, including a condition, suspension, revocation, or cancellation in accordance with section 245C.033.

The court shall notify the guardian or conservator of the results of the background study conducted under this section, and to obtain from the Bureau of Criminal Apprehension a criminal history check. The court shall notify the guardian or conservator that the Bureau of Criminal Apprehension must provide the guardian or conservator with a criminal history check in accordance with section 245C.033, subdivision 2.

The court shall notify the subject of a background study guardian or conservator that the Bureau of Criminal Apprehension must provide the guardian or conservator with a criminal history check in accordance with section 245C.033.
(3) the right to challenge the accuracy and completeness of information contained in the results under section 13.04, subdivision 4, except to the extent precluded by section 256.045, subdivision 3.

Sec. 32. REPEALER.

(a) Minnesota Statutes 2022, sections 245C.02, subdivision 14b; 245C.031, subdivisions 5, 6, and 7; 245C.032; and 245C.30, subdivision 1a, are repealed.

(b) Minnesota Statutes 2022, section 245C.11, subdivision 3, is repealed.

EFFECTIVE DATE: Paragraph (a) is effective August 1, 2023, and paragraph (b) is effective April 28, 2025.

EFFECTIVE DATE. Paragraph (a) is effective August 1, 2023, and paragraph (b) is effective April 28, 2025.