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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **63**

January 8, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to human services; repealing a permanent bar to set aside a
1.3 disqualification under human services background studies; amending Minnesota
1.4 Statutes 2006, section 245C.17, subdivision 2; repealing Minnesota Statutes
1.5 2006, section 245C.24, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2006, section 245C.17, subdivision 2, is amended to read:

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

- 1.11 (1) the information causing disqualification;
- 1.12 (2) instructions on how to request a reconsideration of the disqualification;
- 1.13 (3) ~~an explanation of any restrictions on the commissioner's discretion to set aside~~
- 1.14 ~~the disqualification under section 245C.24, when applicable to the individual;~~

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

1.19 ~~(5)~~ (4) the commissioner's determination of the individual's immediate risk of harm
1.20 under section 245C.16.

1.21 (b) If the commissioner determines under section 245C.16 that an individual poses
1.22 an imminent risk of harm to persons served by the program where the individual will have
1.23 direct contact, the commissioner's notice must include an explanation of the basis of
1.24 this determination.

2.1 (c) If the commissioner determines under section 245C.16 that an individual studied
2.2 does not pose a risk of harm that requires immediate removal, the individual shall be
2.3 informed of the conditions under which the agency that initiated the background study may
2.4 allow the individual to provide direct contact services as provided under subdivision 3.

2.5 Sec. 2. **REPEALER.**

2.6 Minnesota Statutes 2006, section 245C.24, subdivision 2, the permanent bar to set
2.7 aside a disqualification, is repealed.