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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 454

01/28/2019 Authored by Zerwas, Edelson, Lesch, Noor, Carlson, A., and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; requiring background studies of paid and volunteer employees
1.3 of youth camps and youth camp programs; amending Minnesota Statutes 2018,
1.4 sections 144.057, subdivisions 1, 2, 4, by adding a subdivision; 144.71, subdivision
1.5 2; 245C.03, by adding a subdivision; 245C.04, by adding a subdivision; 245C.10,
1.6 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.7 chapter 144.

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

1.9 Section 1. Minnesota Statutes 2018, section 144.057, subdivision 1, is amended to read:

1.10 Subdivision 1. Background studies required. The commissioner of health shall contract
1.11 with the commissioner of human services to conduct background studies of:

1.12 (1) individuals providing services which have direct contact, as defined under section
1.13 245C.02, subdivision 11, with patients and residents in hospitals, boarding care homes,
1.14 outpatient surgical centers licensed under sections 144.50 to 144.58; nursing homes and
1.15 home care agencies licensed under chapter 144A; residential care homes licensed under
1.16 chapter 144B, and board and lodging establishments that are registered to provide supportive
1.17 or health supervision services under section 157.17;

1.18 (2) individuals specified in section 245C.03, subdivision 1, who perform direct contact
1.19 services in a nursing home or a home care agency licensed under chapter 144A or a boarding
1.20 care home licensed under sections 144.50 to 144.58. If the individual under study resides
1.21 outside Minnesota, the study must include a check for substantiated findings of maltreatment
1.22 of adults and children in the individual's state of residence when the information is made
1.23 available by that state, and must include a check of the National Crime Information Center
1.24 database;

2.1 (3) beginning July 1, 1999, all other employees in nursing homes licensed under chapter
 2.2 144A, and boarding care homes licensed under sections 144.50 to 144.58. A disqualification
 2.3 of an individual in this section shall disqualify the individual from positions allowing direct
 2.4 contact or access to patients or residents receiving services. "Access" means physical access
 2.5 to a client or the client's personal property without continuous, direct supervision as defined
 2.6 in section 245C.02, subdivision 8, when the employee's employment responsibilities do not
 2.7 include providing direct contact services;

2.8 (4) individuals employed by a supplemental nursing services agency, as defined under
 2.9 section 144A.70, who are providing services in health care facilities; ~~and~~

2.10 (5) controlling persons of a supplemental nursing services agency, as defined under
 2.11 section 144A.70; and

2.12 (6) individuals who are paid or volunteer employees of a youth camp, youth summer
 2.13 day camp program, or youth summer residential camp program, as defined in section 144.71,
 2.14 subdivision 2, in a position with direct contact, as defined in section 245C.02, subdivision
 2.15 11.

2.16 If a facility or program is licensed by the Department of Human Services and subject to
 2.17 the background study provisions of chapter 245C and is also licensed by the Department
 2.18 of Health, the Department of Human Services is solely responsible for the background
 2.19 studies of individuals in the jointly licensed programs.

2.20 Sec. 2. Minnesota Statutes 2018, section 144.057, subdivision 2, is amended to read:

2.21 Subd. 2. **Responsibilities of Department of Human Services.** (a) The Department of
 2.22 Human Services shall conduct the background studies required by subdivision 1 in
 2.23 compliance with the provisions of chapter 245C. For the purpose of this section, the term
 2.24 "residential program" shall include all facilities described in subdivision 1. The Department
 2.25 of Human Services shall provide necessary forms and instructions, shall conduct the
 2.26 necessary background studies of individuals, and shall provide notification of the results of
 2.27 the studies to the;

2.28 (1) facilities, supplemental nursing services agencies, youth camps, youth summer day
 2.29 camp programs, or youth summer residential camp programs;

2.30 (2) individuals; and

2.31 (3) the commissioner of health.

3.1 (b) Individuals shall be disqualified under the provisions of chapter 245C. If an individual
3.2 is disqualified, the Department of Human Services shall notify:

3.3 (1) the facility, the supplemental nursing services agency, youth camp, youth summer
3.4 day camp program, or youth summer residential camp program; and

3.5 (2) the individual and shall inform the individual of the right to request a reconsideration
3.6 of the disqualification by submitting the request to the Department of Health.

3.7 Sec. 3. Minnesota Statutes 2018, section 144.057, is amended by adding a subdivision to
3.8 read:

3.9 Subd. 2a. **Additional requirements; youth camps and youth camp programs.** For a
3.10 background study initiated by an operator of a youth camp, youth summer day camp program,
3.11 or youth summer residential camp program, the background study subject must submit to
3.12 a criminal history records check of state data completed by the Bureau of Criminal
3.13 Apprehension and a national criminal history records check, including a search of the records
3.14 of the Federal Bureau of Investigation.

3.15 Sec. 4. Minnesota Statutes 2018, section 144.057, subdivision 4, is amended to read:

3.16 Subd. 4. **Responsibilities of facilities, youth camps, and agencies.** Facilities, youth
3.17 camps, and agencies described in subdivision 1 shall be responsible for cooperating with
3.18 the departments in implementing the provisions of this section. The responsibilities imposed
3.19 on applicants and licensees under chapters 245A and 245C shall apply to these facilities,
3.20 youth camps, and supplemental nursing services agencies. The provision of section 245C.09,
3.21 shall apply to applicants, licensees, registrants, or an individual's refusal to cooperate with
3.22 the completion of the background studies. Supplemental nursing services agencies subject
3.23 to the registration requirements in section 144A.71 must maintain records verifying
3.24 compliance with the background study requirements under this section. Youth camps subject
3.25 to licensure under sections 144.71 to 144.74 must maintain records verifying compliance
3.26 with the background study requirements under this section that apply to paid and volunteer
3.27 employees of the youth camp and for any paid and volunteer employees of a youth summer
3.28 day camp program or youth summer residential camp program that contracts with the youth
3.29 camp to hold a youth camp program at the youth camp site.

3.30 Sec. 5. Minnesota Statutes 2018, section 144.71, subdivision 2, is amended to read:

3.31 Subd. 2. ~~Definition~~ **Definitions.** ~~For the purpose of such sections, a youth camp is~~
3.32 ~~defined as~~ The definitions in this subdivision apply to sections 144.71 to 144.74:

4.1 (1) "youth camp" means a parcel or parcels of land with permanent buildings, tents or
 4.2 other structures together with appurtenances thereon, established or maintained as living
 4.3 quarters where both food and beverage service and lodging or the facilities therefor are
 4.4 provided for ten or more people, operated continuously for a period of five days or more
 4.5 each year for educational, recreational or vacation purposes, and the use of the camp is
 4.6 offered to minors free of charge or for payment of a fee;

4.7 (2) "youth summer day camp program" means a program that operates at a youth camp
 4.8 on a scheduled basis at any time between June 1 and September 15, provides indoor or
 4.9 outdoor organized group activities under general supervision to children under 16 years of
 4.10 age for a period of less than 24 hours on any day, and does not provide for overnight
 4.11 occupancy by these children; and

4.12 (3) "youth summer residential camp program" means a program that operates at a youth
 4.13 camp on a scheduled basis at any time between June 1 and September 15, provides indoor
 4.14 or outdoor organized activities to children under 18 years of age, and provides for overnight
 4.15 occupancy by these children.

4.16 **Sec. 6. [144.725] BACKGROUND CHECKS FOR CERTAIN YOUTH CAMPS.**

4.17 As a condition of licensure under section 144.72, an operator of a youth camp:

4.18 (1) shall conduct a background study for each applicant for paid or volunteer employment
 4.19 with a youth camp for a position with direct contact, as defined in section 245C.02,
 4.20 subdivision 11; and

4.21 (2) is permitted to contract with an operator of a youth summer day camp program or
 4.22 youth summer residential camp program to hold a youth summer day camp program or
 4.23 youth summer residential camp program at the youth camp site, only if the operator of the
 4.24 youth camp program conducts a background study for each applicant for paid or volunteer
 4.25 employment with the youth camp program for a position with direct contact, as defined in
 4.26 section 245C.02, subdivision 11.

4.27 **Sec. 7. Minnesota Statutes 2018, section 245C.03, is amended by adding a subdivision to**
 4.28 **read:**

4.29 **Subd. 3a. Youth camps and youth camp programs.** The commissioner shall conduct
 4.30 all background studies initiated by an operator of a youth camp, youth summer day camp
 4.31 program, or youth summer residential camp program under section 144.725.

5.1 Sec. 8. Minnesota Statutes 2018, section 245C.04, is amended by adding a subdivision to
5.2 read:

5.3 Subd. 2a. Youth camps and youth camp programs. An operator of a youth camp or
5.4 youth camp program that initiates a background study under section 144.725 of an applicant
5.5 for paid or volunteer employment with the youth camp or youth camp program for a position
5.6 with direct contact must submit completed background study forms to the commissioner
5.7 before the applicant begins employment with the youth camp or youth camp program.

5.8 Sec. 9. Minnesota Statutes 2018, section 245C.10, is amended by adding a subdivision to
5.9 read:

5.10 Subd. 2b. Youth camps and youth camp programs. The commissioner shall recover
5.11 the cost of the background studies initiated under section 144.725 by an operator of a youth
5.12 camp, youth summer day camp program, or youth summer residential camp program through
5.13 a fee of no more than \$20 per study charged to the operator of the youth camp or youth
5.14 camp program.