

S.F. 1434 (Sheran) H.F. 1539 (Scott)

Revisor#: 15-0030

Background on the Data Practices Human Services Policy Bill:

DHS' Framework for the Future includes these values: "We work in partnership with others; we cannot do it alone" and "We are accountable for results." This proposal supports these values by recognizing data sharing between state agencies is needed to improve services delivered in partnership across state agencies and to monitor and evaluate programs and policies. Individuals often receive services from multiple programs across state government. With an increased focus on results-based accountability, integrated service delivery models, and program integrity, there is a growing need to exchange data about individuals receiving services to determine outcomes and to provide better service coordination.

Tribes included in definition of "Welfare System" (Section 1) (§119B.125, Subd. 1)

CHANGE PROPOSED: This change makes it explicit that tribal health and human services are part of the "welfare system" within the state, as well as the authority to share "welfare data" with Tribal health and human services that are under contract to any/all of the agencies delineated in statute.

IMPACT OF PROPOSED CHANGE: It would allow tribes that are providing services to increase equity and improve outcomes from Native Americans in the state. It makes it clear that contracted tribes are included in the Welfare System.

Investigative Data – data sharing with law enforcement (Section 3) (§13.46, Subd. 3)

CHANGE PROPOSED: Clarifies that the Office of Inspector General (OIG) may share investigative data with law enforcement during the course of OIG's investigations.

IMPACT OF PROPOSED CHANGE: The current language implies this, but we are adding language to make it explicit.

CCAP Payment Data (Sections 4 and 7) (§13.461, subd. 28; 119B.02, subd. 6)

CHANGE PROPOSED: This proposal would allow data on Child Care Assistance Program (CCAP) payments to licensed and license-exempt child care centers to be public when the center meets certain criteria and the data does not identify a CCAP recipient.

IMPACT OF PROPOSED CHANGE: This change will provide more transparency for public payments made to CCAP centers.

Interagency agreement for data sharing from commissioner of revenue (Section 5 and 13) (§13.4967; 256B.04, Subd. 25)

CHANGE PROPOSED: Allows DHS to enter into an interagency agreement with Dept. of Revenue which would allow OIG to receive certain data on persons who have applied for, or are enrolled in, or who have been enrolled in, a Medical Assistance program administered by the agency.

IMPACT OF PROPOSED CHANGE: By allowing this access, the agency will have access to information necessary to make informed decisions on the eligibility of Medical Assistance program applicants or participants.

This would prevent public funds from going to applicants and providers who are not eligible for these programs, support investigations, thus allowing those funds to go to persons who meet the programs' eligibility criteria.

Data Sharing with the Department of Public Safety (Section 6) (§13.69)

CHANGE PROPOSED: This proposal would allow the Department of Public Safety to share social security data with the Department of Human Services for the purpose of recovering additional Medicaid benefits paid for recipients who have been injured in motor vehicle accidents. This proposal is needed to ensure compliance with federal regulations.

IMPACT OF PROPOSED CHANGE: This change will allow DHS to efficiently obtain matches of accident data to determine whether there might be third-party liability or a potential recovery.

Privacy Notice to background study subject (Section 8) (§245C.05, Subd.2c.)

CHANGE PROPOSED: Clarifies that the privacy notice for study subjects who are under 18 years old will require the signature of a person who has legal responsibility for the minor and gives consent to the subject's fingerprints & photograph being captured.

IMPACT OF PROPOSED CHANGE: For all the background study provisions, these changes contribute to DHS' goal of developing a more accurate and efficient background study process." They also provide one more safety measure to protect Minnesota's most vulnerable adults and children.

Fingerprints and photograph (Section 9) (§245C.05, Subd. 5)

CHANGE PROPOSED:

(d) Clarifies that a background study subject must provide fingerprints within 14 days of the initiation of the study.

(e) Expands DHS' authority to go to the FBI to conduct a national BGS on a person who is being studied by a county for family child care & who has not resided in MN for the previous 5 years.

Background studies conducted by a county agency (Section 10) (§245C.08, Subd. 2)

CHANGE PROPOSED: Expands DHS' authority to go to the FBI to conduct a national BGS on a person who is being studied by a county for family child care & who has not resided in MN for the previous 5 years.

Data sharing with DHS; multiple identification cards (Section 11) (§256.01, Subd. 18d)

CHANGE PROPOSED: Driver's Licenses & state ID cards have been cancelled - Data sharing with DPS – DPS to provide OIG with Social Security numbers, as well as the birthdate & names; also stipulates that we only want data from 2013 and onward.

IMPACT OF PROPOSED CHANGE: Modifies the 2012 legislation on data sharing between the MN Department of Public Safety's (DPS) Driver and Vehicle Services and the DHS OIG to identify potential fraudulent activities by current or former public recipients who may be using false identities.

Data sharing with DHS; legal presence date (Section 12) (§256.01, Subd. 18e)

CHANGE PROPOSED: Legal presence - Data sharing with DPS – DPS to provide OIG with Social Security numbers, as well as the birthdate & names

IMPACT OF PROPOSED CHANGE: Modifies the 2012 legislation on data sharing between the MN Department of Public Safety's (DPS) Driver and Vehicle Services and the DHS OIG to identify potential fraudulent activities by current or former public recipients who may have expired legal status in MN.

Common Entry Point Modifications (Section 14) (Modifies §626.557 subd. 12b.)

CHANGE PROPOSED: Allows the common entry point, lead investigative agencies, county social services, Tribes, and law enforcement to share private data for the purposes of providing protective services.

IMPACT OF PROPOSED CHANGE: Current statute does not allow for data sharing between these entities, causing a gap in being able to provide appropriate protective services. Allowing the data sharing will ensure all impacted entities have the relevant information so protective services are provided in a timely manner.

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