

1.1 moves to amend H.F. No. 3455 as follows:

1.2 Page 3, after line 30, insert:

1.3 "Sec. 2. Minnesota Statutes 2016, section 245C.22, subdivision 4, is amended to read:

1.4 Subd. 4. **Risk of harm; set aside.** (a) The commissioner may set aside the disqualification
1.5 if the commissioner finds that the individual has submitted sufficient information to
1.6 demonstrate that the individual does not pose a risk of harm to any person served by the
1.7 applicant, license holder, or other entities as provided in this chapter.

1.8 (b) In determining whether the individual has met the burden of proof by demonstrating
1.9 the individual does not pose a risk of harm, the commissioner shall consider:

1.10 (1) the nature, severity, and consequences of the event or events that led to the
1.11 disqualification;

1.12 (2) whether there is more than one disqualifying event;

1.13 (3) the age and vulnerability of the victim at the time of the event;

1.14 (4) the harm suffered by the victim;

1.15 (5) vulnerability of persons served by the program;

1.16 (6) the similarity between the victim and persons served by the program;

1.17 (7) the time elapsed without a repeat of the same or similar event;

1.18 (8) documentation of successful completion by the individual studied of training or
1.19 rehabilitation pertinent to the event; and

1.20 (9) any other information relevant to reconsideration.

1.21 (c) If the individual requested reconsideration on the basis that the information relied
1.22 upon to disqualify the individual was incorrect or inaccurate and the commissioner determines
1.23 that the information relied upon to disqualify the individual is correct, the commissioner

2.1 must also determine if the individual poses a risk of harm to persons receiving services in
2.2 accordance with paragraph (b).

2.3 (d) For an individual in the chemical dependency field, the commissioner must set aside
2.4 the disqualification if the following criteria are met:

2.5 (1) the individual submits sufficient documentation to demonstrate that the individual
2.6 is a nonviolent controlled substance offender under section 244.0513, subdivision 2, clauses
2.7 (1), (2), and (6);

2.8 (2) the individual is disqualified exclusively for one or more offense listed under section
2.9 152.021, subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or
2.10 152.025;

2.11 (3) the individual provided documentation of successful completion of treatment, at least
2.12 one year prior to the date of the request for reconsideration, at a program licensed under
2.13 chapter 245G;

2.14 (4) the individual provided documentation demonstrating abstinence from controlled
2.15 substances, as defined in section 152.01, subdivision 4, for the period one year prior to the
2.16 date of the request for reconsideration; and

2.17 (5) the individual is seeking employment in the chemical dependency field.

2.18 Sec. 3. Minnesota Statutes 2017 Supplement, section 245C.22, subdivision 5, is amended
2.19 to read:

2.20 Subd. 5. **Scope of set-aside.** (a) If the commissioner sets aside a disqualification under
2.21 this section, the disqualified individual remains disqualified, but may hold a license and
2.22 have direct contact with or access to persons receiving services. Except as provided in
2.23 paragraph (b), the commissioner's set-aside of a disqualification is limited solely to the
2.24 licensed program, applicant, or agency specified in the set aside notice under section 245C.23.
2.25 For personal care provider organizations, the commissioner's set-aside may further be limited
2.26 to a specific individual who is receiving services. For new background studies required
2.27 under section 245C.04, subdivision 1, paragraph (h), if an individual's disqualification was
2.28 previously set aside for the license holder's program and the new background study results
2.29 in no new information that indicates the individual may pose a risk of harm to persons
2.30 receiving services from the license holder, the previous set-aside shall remain in effect.

2.31 (b) If the commissioner has previously set aside an individual's disqualification for one
2.32 or more programs or agencies, and the individual is the subject of a subsequent background
2.33 study for a different program or agency, the commissioner shall determine whether the

3.1 disqualification is set aside for the program or agency that initiated the subsequent
3.2 background study. A notice of a set-aside under paragraph (c) shall be issued within 15
3.3 working days if all of the following criteria are met:

3.4 (1) the subsequent background study was initiated in connection with a program licensed
3.5 or regulated under the same provisions of law and rule for at least one program for which
3.6 the individual's disqualification was previously set aside by the commissioner;

3.7 (2) the individual is not disqualified for an offense specified in section 245C.15,
3.8 subdivision 1 or 2;

3.9 (3) except for an individual employed in the chemical dependency field, the individual
3.10 is not disqualified for an offense specified in section 245C.15, subdivision 2;

3.11 (4) the commissioner has received no new information to indicate that the individual
3.12 may pose a risk of harm to any person served by the program; and

3.13 ~~(4)~~ (5) the previous set-aside was not limited to a specific person receiving services.

3.14 (c) When a disqualification is set aside under paragraph (b), the notice of background
3.15 study results issued under section 245C.17, in addition to the requirements under section
3.16 245C.17, shall state that the disqualification is set aside for the program or agency that
3.17 initiated the subsequent background study. The notice must inform the individual that the
3.18 individual may request reconsideration of the disqualification under section 245C.21 on the
3.19 basis that the information used to disqualify the individual is incorrect."

3.20 Renumber the sections in sequence and correct the internal references

3.21 Amend the title accordingly