



DHS' Statewide Background Study System

Dawn Davis | Deputy Inspector General | Background Studies Division
Office of Inspector General

General Information

DHS Background Studies

Process Overview

Due Process

Background Studies Eligibility Task Force

DHS Background Studies

Helps protect people served by programs for which studies are conducted while ensuring that qualified individuals can secure employment and provide services needed by their communities.

- **DHS Background Studies values**

- **Accuracy and thoroughness** in service to children and vulnerable adults
- **Accessibility and transparency** for study subjects, providers, and policymakers
- **Compliance** with federal and state requirements
- **Responsiveness** to state and local needs
- **Continuous improvement** of processes and overall enterprise

DHS Background Studies

- DHS conducts background studies for over 65 provider types with many having unique requirements
- Vital pre-screening processes intended to safeguard:
 - children
 - vulnerable adults
 - individuals receiving health care and human services
 - health care and human service workforce
- Determine whether a person has committed an act that would disqualify them from being employed or providing services that require a background study
- DHS' background study process is more than a background check; we perform a more thorough review of information from multiple sources

DHS Background Studies

- 85% of background study applications can be cleared within 24 – 48 hours
- For other applications, DHS staff are required to seek out additional records from other agencies:
 - In-state records from law enforcement or courts
 - Other states, particularly if the study subject has lived outside of Minnesota
 - Some programs require checks for every state the individual has lived within the past 5 years
- DHS does not have influence or control over records requested from other states' registries and repositories

DHS Background Studies

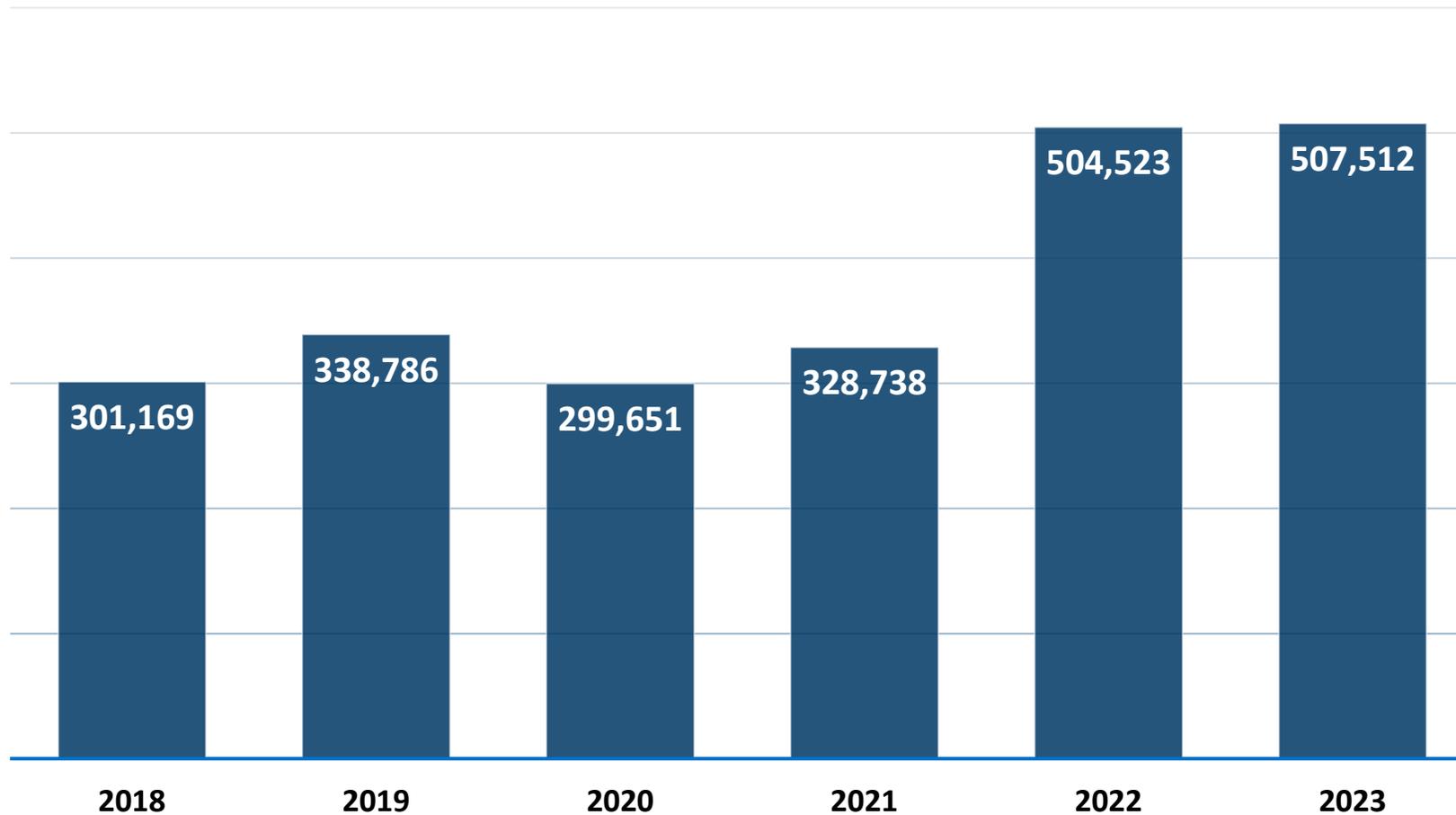
- DHS conducts background studies for:
 - DHS licensed, unlicensed, and certified programs
 - Minnesota Department of Health (MDH)
 - Minnesota Department of Corrections (DOC)
 - Minnesota Department of Transportation (MnDOT)
 - Minnesota Department of Education (MDE)
 - MNsure
 - Tribal Partners
 - Guardian Ad Litem
- Human Services Background Studies, MN Statutes, Chapter 245C
 - Generally required for individuals providing services to children and vulnerable adults
 - Chapter 245C is reviewed and approved by BCA/FBI to ensure compliance and enables DHS to receive Criminal History Record Information (CHRI)

DHS Background Studies

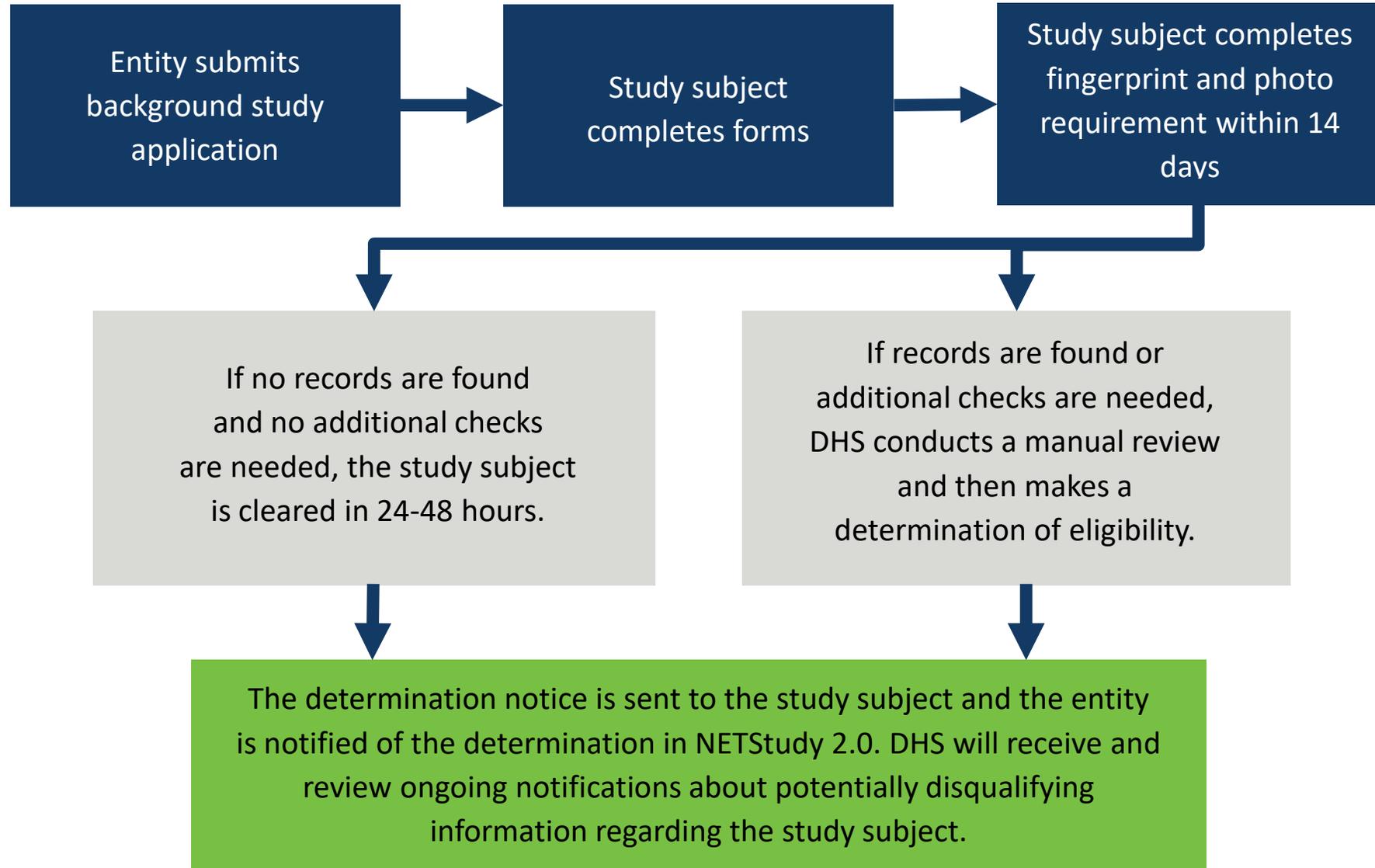
- Certain federally funded health care and human service programs require fingerprint-based background checks.
- DHS statewide background study system must align with federal law to request and receive national criminal history records
- The BCA/FBI authorizes DHS' ability to receive national criminal history records under several different federal laws:
 - National Child Protection Act (NCPA)/Volunteers for Children's Act (VCA) (42 USC § 5119a(a)(3) and 34 USC § 40102)
 - Adam Walsh Child Protection and Safety Act of 2006 (42 USC § 671(a)(20))
 - Child Care Development Block Grant Act (CCDBGGA) (42 USC § 9858f); regulation (45 CFR § 98.43)
 - Families First Prevention Services Act (FFPSA), enacted as part of Public Law (P.L.) 115 -123

DHS Background Studies

DATA: Total All Distinct Applications By Year



Process Overview



IDEMIA Identity & Security USA LLC (IDEMIA)

- Selected through a competitive bid process to provide statewide services in 2021
- Fingerprint and photo service rate \$10.50/pp
 - Paid directly to IDEMIA by the provider entity or study subject
- DHS has a 5-year agreement with IDEMIA; executed March 31, 2021
 - Performance-based contract
 - Contract requires annual review/renewal to address and resolve performance issues
- IDEMIA contracts with partner sites (IdentoGO) to provide fingerprinting and photo services
 - Sites must be located within 35-miles of study subject's home or place of employment
 - Full automation: Pre-enrollment and appointment scheduling processes are managed via IDEMIA's Universal Enrollment Program (UEP).

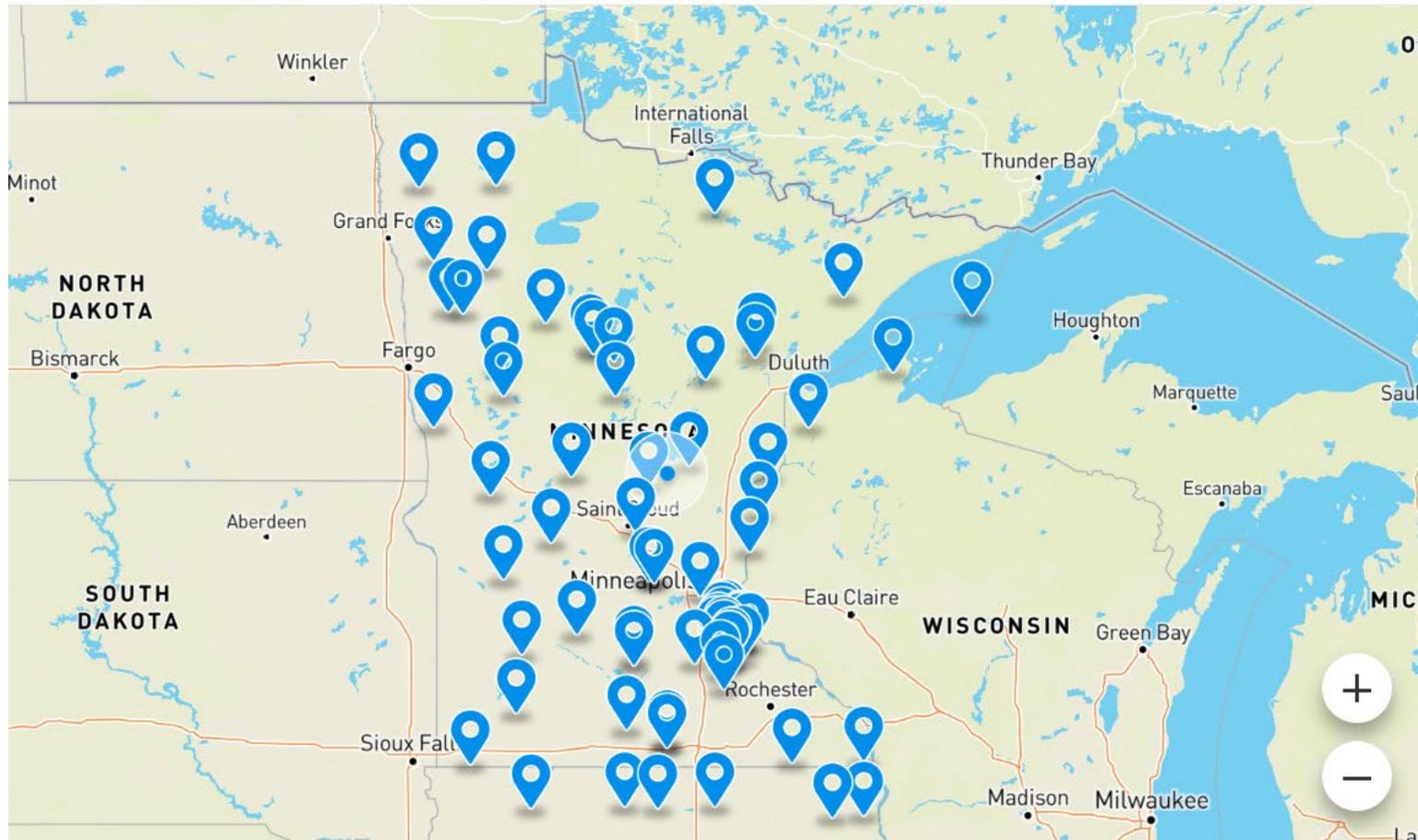
IDEMIA's performance is monitored in multiple ways, including:

- Sufficient sites operating across Minnesota
- Sites located within the 35-miles
- Site hours of operation; including weekend and evening hours
- Fingerprint transmission failure rates
- Fingerprint rejection rates with FBI
- Ability to provide mobile and gap coverage when site closures occur
- Percent of daily maximum site capacity
 - Number of available appointment slots
 - Number and percent of appointments utilized

Process Overview



[Services](#) [Solutions](#) [Locations](#) [News](#) [Partners](#)



Find an IdentoGO Center

Enter your location to start.

Minnesota, United States ✕

Minnesota

[IdentoGO - State Agency > Enrollment](#)

0.9 miles away

[IdentoGO - State Agency > Enrollment](#)

Due Process

- DHS-Office of Inspector General, Legal Unit conducts and completes reconsiderations for:
 - Minnesota Department of Human Services – facilities and providers/programs that are licensed, unlicensed, certified, and regulated by MNDHS
 - Minnesota Department of Transportation – transportation program providers certified and regulated by MnDOT
- Minnesota Department of Health (MDH) completes reconsiderations for facilities or programs licensed/regulated by MDH
- Minnesota Department of Corrections (DOC) completes reconsiderations for programs licensed/regulated by DOC

- All background study subjects have the right to appeal their disqualification determination.
- Appeals occur when:
 - Information used to determine disqualification is incorrect, and/or
 - Does not pose a risk of harm to people receiving services.
- If the disqualification is “set aside” the individual is allowed to work.

Background Studies Task Force

Reform Chapter 245C's use of juvenile evidence in disqualification determinations

Simplify structure of "lookback periods" for making disqualification determinations

Remove disqualifying crimes that do not indicate an unacceptable risk to the health and safety of vulnerable individuals

Standardize when disqualification lookback periods begin

Background Studies Eligibility Task Force

Remove Chapter 245C's bar to reconsideration requests from permanently disqualified individuals

Remove the use of the preponderance of the evidence standard to make disqualification determinations;

Undertake additional reforms to increase the efficiency and user-friendliness of the reconsideration process

Background Studies Eligibility Task Force

2023 legislation related to task force recommendations:

New standardized timeline for requesting reconsideration

- Beginning July 1, 2024 - all requests for reconsideration of an ineligible study determination will need to be resubmitted within 30 calendar days of receipt of the Notice of Disqualification.

New disqualifications for certain drug-related offenses

- For studies requested on or after August 1, 2024, a new 5-year disqualifications tier for certain drug-related crimes (particularly those related to the possession of a controlled substance) goes into effect.

Background Studies Eligibility Task Force

Outstanding task force recommendations that DHS believes are good policy:

Remove the bar to set-aside for any permanent disqualifications that do not require federal law compliance.

Review current disqualification structure to consider if changes should be made to the lookback period or the number of disqualification tiers.

The 2023 Legislature funded the planning portion for the automation of the request for reconsideration process. Consider funding the implementation portion of the automation for the request for reconsideration project.

Thank You!