



# DHS Background Studies Division

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## Topics

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Overview of DHS background studies system

Governor's 2023 background studies proposals

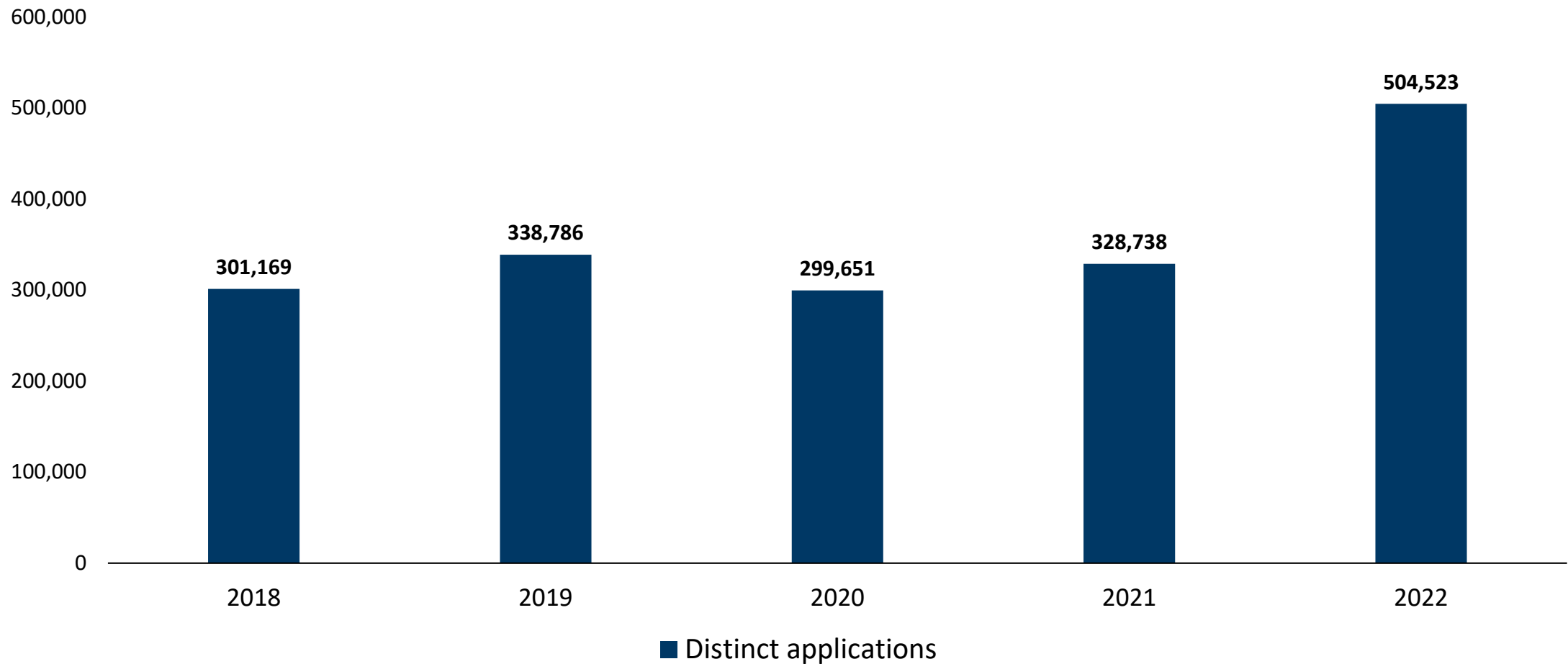
Overview of the Background Studies Eligibility Task Force

Task Force recommendations

# Background studies protect vulnerable populations

- DHS conducts background studies for more than 60 provider types, including more than 35,000 entities, with many having unique study requirements
- Background studies are vital pre-screening processes intended to safeguard children, vulnerable adults, and others who receive health care and human services
- A study determines whether a person has committed an act that would disqualify them from providing services that require a background study
- A background study is more than a check, it requires a thorough review of information from multiple sources

# Background study applications received (2018-2022)



# Background study process

- DHS uses a secure web-based system for background studies requests, known as NETStudy 2.0.
- NETStudy 2.0 is used to receive and process applications and records.
- Study subjects complete the fingerprint requirement through the DHS-approved vendor to check information against other records, including FBI databases.
- Approximately 85% of background study determinations are made within 24 to 48 hours.
- In some cases, more time is needed to complete the study, because staff must obtain and review information from other states, the court, law enforcement, or other agencies.

- All study subjects who are disqualified have the right to make an appeal for reconsideration of their determination.
- Disqualified study subjects may appeal the determination if:
  - The information used to disqualify is incorrect and/or,
  - The individual does not pose a risk of harm to people receiving services.
- Included in disqualification notices is information about how a person who is disqualified can challenge their disqualification.
- If the disqualification is “set aside,” the subject is allowed to work.

# BGS' 2023 budget proposals

- Operations
  - Funds critical background studies positions that support Minnesota's workforce needs and the safety of children and vulnerable adults
  - Will increase the background study system's effectiveness and efficiency
  - Improves engagement with and support to all providers required to submit background studies
- 245C statutory changes
  - Brings Minnesota into compliance with federal regulations on data sharing
  - Plans for the development of an electronic process for requesting reconsiderations and submitting appeals
- Background study fee update
  - Increases the background study fee by \$2 to account for a transaction fee increase
  - Grants DHS the authority to increase fees by the amount the BCA increases in the future
  - Allocates General Funds to cover the cost of tribal background studies for adoption and child foster care

# Human Services Background Study Eligibility Task Force

- The Human Services Background Study Eligibility Task Force:
  - The Legislature established the task force in 2021 to review statutes related to background study eligibility and disqualifications
  - Consisted of more than 20 members representing a variety of backgrounds and areas of expertise
    - DHS and MDH each had one representative and provided technical assistance and data to the task force
    - Included the following subcommittees: Disqualification, Remedies, Data, and Data Analysis
  - Met from October 2021 through December 2022
  - Was facilitated by the Legislative Coordinating Commission, which submitted an interim report on March 1, 2022 and a final report on December 16, 2022



# Task Force recommendations

- The final report includes 19 recommendations and can be found on the Legislative Coordinating Commission's webpage
  - DHS should modernize this process by creating a web portal so that the entire background study and reconsideration process can be done electronically.
  - DHS should receive funding to update its IT infrastructure to improve data retrieval.
  - DHS should create a dashboard and provide regular public reports on the background study process.
  - Standardize the timeline for requesting reconsideration at 30 days for all disqualifications.
  - It should be codified in statute that DHS is required to provide a list of community resources through which a disqualified person and prospective employer can obtain legal advice related to their background study and disqualification.
  - DHS should review the process and propose statutory changes that would allow traveling set-asides to work as this would create a more efficient process and reduce the use of resources.