

1.1 moves to amend H.F. No. 1638, the delete everything amendment
1.2 (H1638DE1), as follows:

1.3 Page 118, after line 3, insert:

1.4 "Sec. Minnesota Statutes 2014, section 144.057, subdivision 1, is amended to read:

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

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

1.13 (2) individuals specified in section 245C.03, subdivision 1, who perform direct
1.14 contact services in a nursing home or a home care agency licensed under chapter 144A
1.15 or a boarding care home licensed under sections 144.50 to 144.58, and if the individual
1.16 under study resides outside Minnesota, the study must ~~be at least as comprehensive as~~
1.17 ~~that of a Minnesota resident and include a search of information from the criminal justice~~
1.18 ~~data communications network in the state where the subject of the study resides~~ include a
1.19 check for substantiated findings of maltreatment of adults and children in the individual's
1.20 state of residence when the information is made available by that state, and must include a
1.21 check of the National Crime Information Center database;

1.22 (3) beginning July 1, 1999, all other (3) employees in nursing homes licensed under
1.23 chapter 144A, and boarding care homes licensed under sections 144.50 to 144.58. A
1.24 disqualification of an individual in this section shall disqualify the individual from
1.25 positions allowing direct contact or access to patients or residents receiving services.

1.26 "Access" means physical access to a client or the client's personal property without

2.1 continuous, direct supervision as defined in section 245C.02, subdivision 8, when the
2.2 employee's employment responsibilities do not include providing direct contact services;

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

2.5 (5) controlling persons of a supplemental nursing services agency, as defined under
2.6 section 144A.70.

2.7 If a facility or program is licensed by the Department of Human Services and subject
2.8 to the background study provisions of chapter 245C and is also licensed by the Department
2.9 of Health, the Department of Human Services is solely responsible for the background
2.10 studies of individuals in the jointly licensed programs."

2.11 Page 127, after line 25, insert:

2.12 "Sec. Minnesota Statutes 2014, section 245C.08, subdivision 1, is amended to read:

2.13 Subdivision 1. **Background studies conducted by Department of Human**

2.14 **Services.** (a) For a background study conducted by the Department of Human Services,
2.15 the commissioner shall review:

2.16 (1) information related to names of substantiated perpetrators of maltreatment of
2.17 vulnerable adults that has been received by the commissioner as required under section
2.18 626.557, subdivision 9c, paragraph (j);

2.19 (2) the commissioner's records relating to the maltreatment of minors in licensed
2.20 programs, and from findings of maltreatment of minors as indicated through the social
2.21 service information system;

2.22 (3) information from juvenile courts as required in subdivision 4 for individuals
2.23 listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

2.24 (4) information from the Bureau of Criminal Apprehension, including information
2.25 regarding a background study subject's registration in Minnesota as a predatory offender
2.26 under section 243.166;

2.27 (5) except as provided in clause (6), information from the national crime information
2.28 system when the commissioner has reasonable cause as defined under section 245C.05,
2.29 subdivision 5, or as required under section 144.057, subdivision 1, clause (2); and

2.30 (6) for a background study related to a child foster care application for licensure, a
2.31 transfer of permanent legal and physical custody of a child under sections 260C.503 to
2.32 260C.515, or adoptions, the commissioner shall also review:

2.33 (i) information from the child abuse and neglect registry for any state in which the
2.34 background study subject has resided for the past five years; and

2.35 (ii) information from national crime information databases, when the background
2.36 study subject is 18 years of age or older.

3.1 (b) Notwithstanding expungement by a court, the commissioner may consider
3.2 information obtained under paragraph (a), clauses (3) and (4), unless the commissioner
3.3 received notice of the petition for expungement and the court order for expungement is
3.4 directed specifically to the commissioner.

3.5 (c) The commissioner shall also review criminal case information received according
3.6 to section 245C.04, subdivision 4a, from the Minnesota court information system that
3.7 relates to individuals who have already been studied under this chapter and who remain
3.8 affiliated with the agency that initiated the background study.

3.9 (d) When the commissioner has reasonable cause to believe that the identity of
3.10 a background study subject is uncertain, the commissioner may require the subject to
3.11 provide a set of classifiable fingerprints for purposes of completing a fingerprint-based
3.12 record check with the Bureau of Criminal Apprehension. Fingerprints collected under this
3.13 paragraph shall not be saved by the commissioner after they have been used to verify the
3.14 identity of the background study subject against the particular criminal record in question."

3.15 Renumber the sections in sequence and correct the internal references

3.16 Amend the title accordingly