

House Research Act Summary

CHAPTER: 292

SESSION: 2002 Regular Session

TOPIC: Department of Human Services background studies and disqualifications

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Overview

This act updates the list of crimes that disqualify an individual from direct contact with persons served by a licensed program and the list of crimes constituting a ten-year and permanent bar to the set aside of the disqualification. The act authorizes a license holder to request information about a disqualification that the commissioner has set aside. The act also requires the commissioner to report to the legislature on the background study process and requests that the Supreme Court study and report to the legislature on a system to track civil actions involving sexual abuse.

Section

- 1 **Reconsideration of disqualification.** Amends § 245A.04, subd. 3b. Paragraph (c) modifies the list of crimes constituting a ten-year and permanent bar to the commissioner's reconsideration and set aside of a disqualification from direct contact with persons served by a licensed program.
Paragraph (g) requires that the commissioner inform a license holder, in the notice that the commissioner sends a license holder when the commissioner sets aside an individual's disqualification, that the license holder can request information about the nature of the disqualification and the factors that were the basis for the commissioner's decision to set aside the disqualification without the consent of the subject of the background study. With the written consent of the background study subject, the commissioner may release to the license holder all information related to the disqualification and the decision to set aside the disqualification.
- 2 **Disqualification.** Amends § 245A.04, subd. 3d. Modifies the list of crimes for which an individual must be disqualified following a background study.
- 3 **Background study process and vulnerable adult act review.** Requires that the commissioner, in consultation with the commissioners of health and corrections, the attorney general, and certain stakeholder groups involved with vulnerable adult maltreatment investigations and

background studies, to inform the legislature about the issues most in need of policy review. Requires that the review include a report on available data regarding the background study set-aside and variance processes. Also requires the review to include a report on data regarding maltreatment investigations, findings, and appeals, and an examination of disqualifying crimes. Requires that the commissioner provide this report to the legislature by January 15, 2003.

- 4 **Tracking of civil actions involving sexual abuse.** Requests that the Supreme Court study and make recommendations regarding tracking the filing and status of civil actions for damages resulting from sexual abuse for purposes of identifying individuals who may be disqualified under the Human Services Licensing Act. Requests that the Supreme Court report back to the legislature by July 15, 2003 with the results of its study and recommendations for implementing a tracking system.