

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes the order of an administrative law judge the final order in an administrative appeal, requires the commissioner to respond to reconsideration requests within specified timeframes or the disqualification will be set aside, modifies the definition of "neglect," and changes data classification.

Section

- 1 Consolidated contested case hearings.** Amends § 245A.08, subdivision 2a. Provides that the order of the administrative law judge is the final order.
- 2 Order of administrative law judge.** Amends § 245A.08, subdivision 4, including the headnote. Provides that the administrative law judge shall issue an order that is conclusive on all the parties unless it is appealed. Current law states that the administrative law judge shall issue a recommended order.
- 3 Notice of final order.** Amends § 245A.08, subdivision 5, including the headnote. Strikes language that states the commissioner of human services shall issue a final order after considering the findings of fact, conclusions, and recommendations of the administrative law judge. Makes the administrative law judge's order the final order.
- 4 Commissioner's time frame for responding to disqualification reconsideration requests.** Amends § 245C.22, subdivision 1. (a) Provides that if the basis for a disqualified individual's reconsideration request is that the information relied on by the commissioner is incorrect or inaccurate, the commissioner must respond within 30 working days or the disqualification is set aside.

Section

(b) Provides that if the basis for a disqualified individual's reconsideration request is that the individual does not pose a risk of harm, the commissioner must respond to the reconsideration request within 15 working days or the disqualification is set aside.

(c) Provides that if the basis for the disqualified individual's reconsideration request is based both on the correctness or accuracy of information, and the individual's risk of harm, the commissioner must respond within 45 working days or the disqualification is set aside.

5 Definitions. Amends § 626.556, subdivision 2. Modifies the definition of neglect to state that neglect does not include an injury occurring by accidental means, unless the injury meets the definition of substantial child endangerment.

6 Records. Amends § 626.556, subdivision 11. Provides that all records concerning maltreatment by a facility are nonpublic data, except those that are required to be sent to a law enforcement agency.

7 Welfare, court services agency, and school records maintained. Amends § 626.556, subdivision 11c. Makes clear that when there is no determination of maltreatment, records cannot be used for any purpose except to assist in future risk and safety assessments.