HOUSE RESEARCH =

Bill Summary =

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Overview

This bill requires applicants for a nursing license to submit a criminal history check before licensure.

- 1 Requirements for criminal history check. Creates § 148.192.
 - **Subd. 1. Applicants.** Requires the board to complete a criminal background check on all new applicants for a nursing license. Requires applicants to submit fingerprints and provide consent to perform the background check.
 - **Subd. 2. Additional background check required.** Provides that if an applicant has not been granted a license within one year from initial application and background check, the background check must be completed again.
 - **Subd. 3. Fees.** Requires applicants to pay all fees associated with the background check.
 - **Subd. 4. Refusal to consent.** Provides that if the applicant refuses to consent or fails to submit fingerprints within 90 days of submitting the application, then the board can deny a license to the applicant.
 - **Subd. 5. Submission of fingerprints to Minnesota Bureau of Criminal Apprehension** (BCA). Requires the board to submit applicant fingerprints to the BCA for the state background check. Requires the BCA to submit the fingerprints to the FBI for national criminal justice information. Requires the BCA to report the results to the board.
 - **Subd. 6. Alternatives to fingerprint-based background check.** Allows the board to require an alternative method of criminal history check for an applicant whose fingerprints are unreadable.
 - **Subd. 7. Temporary permits.** Allows the board to issue a temporary, nonrenewable permit to practice pending background study results to applicants who have complied with background check requirements.
 - Subd. 8. Opportunity to challenge accuracy of report. Instructs the board to provide the

- applicant with an opportunity to offer complete information, or challenge the accuracy of the criminal justice information received by the board before the board takes adverse action against the applicant.
- **Subd. 9. Denial of licensure.** Requires the board to deny a license to an applicant convicted of any of the enumerated offenses in this subdivision.
- **Subd. 10. Conviction.** States that for purposes of this section conviction means, convicted or found guilty, found guilty by a jury but adjudication of guilt was withheld, convicted by execution of the sentence was stayed, or pleaded guilty or entered an Alford plea or no contest plea.
- **Subd. 11. Consideration of other crimes.** Allows the board to consider conviction of crimes not enumerated in subdivision 8 when determining an applicant's suitability for licensure.
- **Subd. 12. Order of denial.** Allows the board to issue a public order of denial of licensure if an applicant is found to have been convicted of one of the enumerated crimes. States the board is not required to provide a hearing to the applicant prior to denial of a license.
- **Subd. 13. Reconsideration of denial.** Provides the circumstances under which an applicant can request reconsideration, the procedure for requesting reconsideration, and the evidence that will be considered by the board. Allows the board to impose limitation on the applicant's license if a license is granted after reconsideration.
- **Subd. 14. Data practices.** Provides that all state and federal criminal history data obtained by the board is private data on individuals and restricted to the exclusive use of the board.
- **Subd. 15. Current licensees.** Permits the board to request a licensee who is the subject of an investigation to submit to a criminal background check if the board has reason to believe the licensee has been convicted of a crime.
- **Subd. 16. Instructions to the board; plan.** Paragraph (a) requires the board to develop a plan for completing background checks on all current licensees. The plan must require a licensee to submit fingerprints and to grant consent for a state and national criminal history check.
- Paragraph (b) provides the procedure for the background check.
- Paragraph (c) requires the licensee to be responsible for costs.
- **Exceptions.** Amends § 364.09. Adds that this section does not apply to individuals whose credential has been denied or revoked in accordance with section 148.192.
- **Appropriation.** There is a blank appropriation to the Board for implementation of section 1.
- **Effective date.** Provides an effective date of July 1, 2012, or as soon as the necessary interagency infrastructure and business processes are operational, whichever is later.