

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1002
Version: As introduced

DATE: March 15, 2013

Authors: Schoen and Winkler

Subject: Health occupations; criminal background check

Analyst: Lynn Aves

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill establishes a requirement for the health-related licensing boards and the commissioner of health to have criminal background checks completed on all applicants for initial licensure, licensure by endorsement, or reinstatement. Requires the boards and the commissioner to develop a plan for all licensees to have a criminal background check completed.

Section

1 Criminal background checks. Amends § 13.411, subd. 7. Specifies that criminal history information obtained by a health-related licensing board or the commissioner of health is classified as private data on individuals.

2 Health-related licensing boards; criminal background checks. Creates § 214.075.

Subd. 1. Applications. By January 1, 2018, requires all applicants for initial licensure, licensure by endorsement, or reinstatement to submit to a criminal history check of state and national data. Requires completion of a criminal history check if more than one year has elapsed since the applicant last submitted a background check to the board.

Subd. 2. Investigations. Allows a board or the commissioner of health to require a licensee to submit to a criminal history record check if the board or commissioner has reasonable cause to believe the licensee has been charged with or convicted of a crime.

Subd. 3. Consent form; fees; and fingerprints. Requires the applicant to submit

Section

a completed consent form for a criminal background check and a full set of fingerprints. Holds the applicant responsible for payment of all fees.

Subd. 4. Refusal to consent. Prohibits a board or the commissioner of health from issuing a license to any applicant who refuses to consent to a background check or fails to submit fingerprints within 90 days after an application is submitted. Provides that failure to submit to a criminal background check as required in subdivision 3 is grounds for disciplinary action.

Subd. 5. Submission of fingerprints to the Bureau of Criminal Apprehension. Requires the board, commissioner, or designee to submit applicant fingerprints to the BCA. Requires the BCA to perform a check of state criminal justice information and to forward the fingerprints to the FBI for a check of national criminal justice information. Instructs the BCA to report findings back to the entity that initiated the background study.

Subd. 6. Alternatives to fingerprint-based criminal background checks. Allows a board or the commissioner to require an alternative method of criminal history checks under specified circumstances.

Subd. 7. Data practices. Classifies criminal history record information received by a board or the commissioner as private data on individuals.

Subd. 8. Opportunity to challenge accuracy of report. Establishes the process and procedure for an applicant or licensee to challenge the accuracy of the criminal history information reported to the board or the commissioner.

Subd. 9. Instructions to the board; plans. Requires the boards and the commissioner to collaborate with DHS and the BCA to establish a plan for completing criminal background checks of all licensees who were licensed before the effective date requirement under subdivision 1.

- 3 Appropriation.** Appropriates an unspecified amount for fiscal year 2014 from the state government special revenue fund to the Administrative Services Unit for implementation of a criminal history check program.