

Subject Family child foster care licensure

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Overview

This bill modifies provisions relating to licensure and background checks for individuals and applicants affiliated with licensed family child foster care. The bill allows for licensure denial and licensing action for non-disqualifying background study information that reflects on an applicant's ability to safely care for children, and creates new disqualification criteria for individuals affiliated with family child foster care license applicants.

Summary

Section	Description
1	Denial of application. Amends § 245A.05. Specifies that the commissioner of human services may deny an applicant for family child foster care if the applicant has non-disqualifying background study information that reflects on the applicant's ability to safely care for foster children. Makes this section effective March 1, 2020.
2	Sanctions; appeals; license. Amends § 245A.07, subd. 1. Allows the commissioner of human services to take adverse licensing action if a license holder has non-disqualifying background study information that reflects on the applicant's ability to safely care for foster children. Makes this section effective March 1, 2020.
3	Licensed family child foster care. Adds subd. 9 to § 245A.16. Requires a county agency or private agency to review specified information relating to non-disqualifying background study results before denying or revoking a family child foster care license, and to send a summary of the review to the commissioner, including a recommendation for licensing action. Makes this section effective March 1, 2020.

Section	Description
4	<p>Licensed family child foster care.</p> <p>Adds subd. 12a to § 245C.02. Specifies in the background study definitions that “licensed family foster care” includes providers who have applied for licensure under section 245A.04, subdivision 1, and does not include foster residence settings. Makes this section effective March 1, 2020.</p>
5	<p>Privacy notice to background study subject.</p> <p>Amends § 245C.05, subd. 2c. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history.</p>
6	<p>Fingerprint data notification.</p> <p>Amends § 245C.05, subd. 2d. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history.</p>
7	<p>Electronic transmission.</p> <p>Amends § 245C.05, subd. 4. Adds a summary of nondisqualifying background study results and relevant underlying investigative information to the information that DHS must transmit electronically to county and private agencies for child foster care. Makes this section effective March 1, 2020.</p>
8	<p>Fingerprints and photograph.</p> <p>Amends § 245C.05, subd. 5. Removes provision stating that the FBI will only keep fingerprints from national criminal history background checks if the subject has a criminal history.</p>
9	<p>Arrest and investigative information.</p> <p>Amends § 245C.08, subd. 3.</p> <p>(a) Allows for the review of arrest and investigative information by the commissioners of health and human services.</p> <p>(b) Allows the commissioner to review a subject’s FBI records more than once, when specifically required by law.</p> <p>(c) Specifies that national criminal history check information is private data that cannot be shared.</p> <p>(d) Specifies that the entity that submitted a background study is not required to obtain a copy of the disqualification letter if the commissioner disqualifies a subject based on national criminal history check information.</p>

Section	Description
10	<p>Disqualification from direct contact.</p> <p>Amends § 245C.14, subd. 1. Specifies that the commissioner must disqualify an individual applying for family child foster care licensure from any position allowing direct contact with persons served, if the background study contains disqualifying information, as listed in section 245C.15, subdivision 6 (new subdivision). Makes this section effective March 1, 2020.</p>
11	<p>Licensed family child foster care disqualifications.</p> <p>Adds subdivision 6 to § 245C.15. Specifies disqualifying crimes and creates new criteria for disqualification for background studies affiliated with family child foster care license applicants.</p> <p>Paragraphs (a) and (b) list actions and crimes for which an applicant is disqualified, no matter how much time has passed.</p> <p>Paragraphs (c) and (d) list actions and crimes for which an applicant is disqualified if less than five years have passed.</p> <p>Makes this section effective March 1, 2020.</p>
12	<p>Disqualification; bar to set aside a disqualification; request for variance.</p> <p>Amends § 245C.24. Adds paragraph (d) to subdivision 2, specifying that the commissioner must not set aside a disqualification for any of the crimes or actions listed in section 245C.15, subdivision 6, paragraph (a), for anyone 18 or older affiliated with a licensed family child foster care program.</p> <p>Amends subdivisions 3 and 4 to allow the commissioner to set aside disqualifications for family child foster care licensing, in certain circumstances.</p> <p>Adds subdivision 5, specifying that the commissioner must not set aside a disqualification for any of the crimes or actions listed in section 245C.15, subdivision 6, paragraph (c) committed within the past five years, for anyone 18 or older affiliated with a licensed family child foster care program.</p> <p>Makes this section effective March 1, 2020.</p>



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