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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **2265**

03/07/2019 Authored by Pinto, Kiel and Loeffler  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy  
03/21/2019 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time

1.1 A bill for an act  
1.2 relating to human services; modifying the permanent bar to set aside a background  
1.3 study disqualification; amending Minnesota Statutes 2018, section 245C.24,  
1.4 subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 245C.24, subdivision 2, is amended to read:

1.7 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in  
1.8 paragraph (b), the commissioner may not set aside the disqualification of any individual  
1.9 disqualified pursuant to this chapter, regardless of how much time has passed, if the individual  
1.10 was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

1.11 (b) For an individual ~~in the chemical dependency or corrections field~~ who was disqualified  
1.12 for a crime or conduct listed under section 245C.15, subdivision 1, and ~~whose disqualification~~  
1.13 ~~was set aside prior to July 1, 2005~~ more than 20 years have passed since the discharge of  
1.14 the sentence imposed or, if the disqualification is not based on a conviction, more than 20  
1.15 years have passed since the individual committed the act upon which the disqualification  
1.16 was based, the commissioner must consider granting a set aside or variance pursuant to  
1.17 section 245C.22 or 245C.30 for the license holder for a program dealing primarily with  
1.18 adults. ~~A request for reconsideration evaluated under this paragraph must include a letter~~  
1.19 ~~of recommendation from the license holder that was subject to the prior set-aside decision~~  
1.20 ~~addressing the individual's quality of care to children or vulnerable adults and the~~  
1.21 ~~circumstances of the individual's departure from that service~~ This paragraph does not apply  
1.22 to a person disqualified based on a violation of sections 609.342 to 609.3453; 617.23,  
1.23 subdivision 2, clause (1), or subdivision 3, clause (1); 617.246; or 617.247.

2.1 (c) When a licensed foster care provider adopts an individual who had received foster  
2.2 care services from the provider for over six months, and the adopted individual is required  
2.3 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause  
2.4 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30  
2.5 to permit the adopted individual with a permanent disqualification to remain affiliated with  
2.6 the license holder under the conditions of the variance when the variance is recommended  
2.7 by the county of responsibility for each of the remaining individuals in placement in the  
2.8 home and the licensing agency for the home.