

1.1 A bill for an act

1.2 relating to human services; modifying provisions governing human services  
1.3 licensure disqualifications; amending Minnesota Statutes 2008, 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 2008, 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~~ paragraphs (b) and (c), the commissioner may not set aside the disqualification  
1.9 of any individual disqualified pursuant to this chapter, regardless of how much time has  
1.10 passed, if the individual was disqualified for a crime or conduct listed in section 245C.15,  
1.11 subdivision 1.

1.12 (b) For an individual in the chemical dependency or corrections field who was  
1.13 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose  
1.14 disqualification was set aside prior to July 1, 2005, the commissioner must consider  
1.15 granting a variance pursuant to section 245C.30 for the license holder for a program  
1.16 dealing primarily with adults. A request for reconsideration evaluated under this paragraph  
1.17 must include a letter of recommendation from the license holder that was subject to the  
1.18 prior set-aside decision addressing the individual's quality of care to children or vulnerable  
1.19 adults and the circumstances of the individual's departure from that service.

1.20 (c) For an individual who was disqualified for a crime or conduct listed under section  
1.21 245C.15, subdivision 1, and whose disqualification was set aside prior to July 1, 2005, the  
1.22 commissioner must consider granting a set-aside under section 245C.22. An employer  
1.23 who hires an individual who provides in-home services shall monitor service provision  
1.24 with the client by telephone at least quarterly. A request for reconsideration evaluated

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2.1 under this paragraph must include a letter of recommendation from the license holder that  
2.2 was subject to the prior set-aside decision addressing the individual's quality of care to  
2.3 children or vulnerable adults and the circumstances of the individual's departure from that  
2.4 service. This paragraph does not apply to individuals convicted under sections 609.342  
2.5 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the  
2.6 second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal  
2.7 sexual conduct in the fourth degree); 609.3453 (criminal sexual predatory conduct);  
2.8 609.352 (solicitation of children to engage in sexual conduct); 617.23, subdivision 2,  
2.9 clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); or 617.246  
2.10 (use of minors in a sexual performance).

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2009.