

1.1 Senator moves to amend the delete-everything amendment (SCS4165A-2)
1.2 to S.F. No. 4165 as follows:

1.3 Page 95, after line 3, insert:

1.4 "(m) A licensed child care center, certified license-exempt child care center, licensed
1.5 family child care program, or legal nonlicensed child care provider authorized under chapter
1.6 119B is not required to submit a background study request for a private therapist for whom
1.7 a licensed program maintains a completed background study in the program's personnel
1.8 files."

1.9 Page 95, line 4, delete "(m)" and insert "(n)"

1.10 Page 96, after line 17, insert:

1.11 "Sec. 5. Minnesota Statutes 2021 Supplement, section 245C.13, subdivision 2, is amended
1.12 to read:

1.13 Subd. 2. **Activities pending completion of background study.** (a) The subject of a
1.14 background study may not perform any activity requiring a background study under
1.15 paragraph (c) until the commissioner has issued one of the notices under paragraph ~~(a)~~ (b).

1.16 ~~(a)~~ (b) Notices from the commissioner required prior to activity under paragraph (c)
1.17 include:

1.18 (1) a notice of the study results under section 245C.17 stating that:

1.19 ~~(i)~~ the individual is not disqualified; ~~or~~

1.20 ~~(ii) more time is needed to complete the study but the individual is not required to be~~
1.21 ~~removed from direct contact or access to people receiving services prior to completion of~~
1.22 ~~the study as provided under section 245C.17, subdivision 1, paragraph (b) or (c). The notice~~
1.23 ~~that more time is needed to complete the study must also indicate whether the individual is~~
1.24 ~~required to be under continuous direct supervision prior to completion of the background~~
1.25 ~~study. When more time is necessary to complete a background study of an individual~~
1.26 ~~affiliated with a Title IV-E eligible children's residential facility or foster residence setting,~~
1.27 ~~the individual may not work in the facility or setting regardless of whether or not the~~
1.28 ~~individual is supervised;~~

1.29 (2) a notice that a disqualification has been set aside under section 245C.23; or

1.30 (3) a notice that a variance has been granted related to the individual under section
1.31 245C.30.

2.1 ~~(b) For a background study affiliated with a licensed child care center or certified~~
 2.2 ~~license-exempt child care center, the notice sent under paragraph (a), clause (1), item (ii),~~
 2.3 ~~must require the individual to be under continuous direct supervision prior to completion~~
 2.4 ~~of the background study except as permitted in subdivision 3.~~

2.5 (c) Activities prohibited prior to receipt of notice under paragraph ~~(a)~~ (b) include:

2.6 (1) being issued a license;

2.7 (2) living in the household where the licensed program will be provided;

2.8 (3) providing direct contact services to persons served by a program unless the subject
 2.9 is under continuous direct supervision;

2.10 (4) having access to persons receiving services if the background study was completed
 2.11 under section 144.057, subdivision 1, or 245C.03, subdivision 1, paragraph (a), clause (2),
 2.12 (5), or (6), unless the subject is under continuous direct supervision;

2.13 (5) for licensed child care centers and certified license-exempt child care centers,
 2.14 providing direct contact services to persons served by the program;

2.15 (6) for children's residential facilities or foster residence settings, working in the facility
 2.16 or setting; or

2.17 (7) for background studies affiliated with a personal care provider organization, except
 2.18 as provided in section 245C.03, subdivision 3b, before a personal care assistant provides
 2.19 services, the personal care assistance provider agency must initiate a background study of
 2.20 the personal care assistant under this chapter and the personal care assistance provider
 2.21 agency must have received a notice from the commissioner that the personal care assistant
 2.22 is:

2.23 (i) not disqualified under section 245C.14; or

2.24 (ii) disqualified, but the personal care assistant has received a set aside of the
 2.25 disqualification under section 245C.22.

2.26 Sec. 6. Minnesota Statutes 2020, section 245C.13, subdivision 3, is amended to read:

2.27 Subd. 3. **Other state information.** If the commissioner has not received criminal, sex
 2.28 offender, or maltreatment information from another state that is required to be reviewed
 2.29 under this chapter within ~~ten~~ five working days of requesting the information, and the lack
 2.30 of the information is the only reason that a notice is issued under subdivision 2, paragraph
 2.31 ~~(a), clause (1), item (ii), the commissioner may issue a notice~~ the commissioner has not
 2.32 issued a notice under subdivision 2, paragraph (a), clause (1), ~~item (i)~~ then the commissioner

3.1 may issue such a notice. ~~The commissioner may take action on information received from~~
3.2 ~~other states after issuing a notice under subdivision 2, paragraph (a), clause (1), item (ii).~~

3.3 Sec. 7. Minnesota Statutes 2021 Supplement, section 245C.17, subdivision 1, is amended
3.4 to read:

3.5 Subdivision 1. **Time frame for notice of study results and auditing system access.** (a)
3.6 Within ~~three~~ seven working days after the commissioner's receipt of a request for a
3.7 background study submitted through the commissioner's NETStudy or NETStudy 2.0 system,
3.8 the commissioner shall notify the background study subject and the license holder, employer,
3.9 or other entity as provided in this chapter in writing or by electronic transmission of the
3.10 results of the study ~~or that more time is needed to complete the study.~~ The notice to the
3.11 individual shall include the identity of the entity that initiated the background study.

3.12 (b) Notwithstanding paragraph (a), within five working days after the commissioner's
3.13 receipt of a request for a background study submitted through the commissioner's NETStudy
3.14 or NETStudy 2.0 system, the commissioner shall notify the child care background study
3.15 subject, as defined in section 245C.02, subdivision 6a, and the license holder, employer, or
3.16 other entity as provided in this chapter of the results of the study in writing or by electronic
3.17 transmission. The notice to the child care background study subject shall include the identity
3.18 of the entity that initiated the background study.

3.19 ~~(b)~~ (c) Before being provided access to NETStudy 2.0, the license holder or other entity
3.20 under section 245C.04 shall sign an acknowledgment of responsibilities form developed
3.21 by the commissioner that includes identifying the sensitive background study information
3.22 person, who must be an employee of the license holder or entity. All queries to NETStudy
3.23 2.0 are electronically recorded and subject to audit by the commissioner. The electronic
3.24 record shall identify the specific user. A background study subject may request in writing
3.25 to the commissioner a report listing the entities that initiated a background study on the
3.26 individual.

3.27 ~~(e) When the commissioner has completed a prior background study on an individual~~
3.28 ~~that resulted in an order for immediate removal and more time is necessary to complete a~~
3.29 ~~subsequent study, the notice that more time is needed that is issued under paragraph (a)~~
3.30 ~~shall include an order for immediate removal of the individual from any position allowing~~
3.31 ~~direct contact with or access to people receiving services and from working in a children's~~
3.32 ~~residential facility, foster residence setting, child care center, or certified license-exempt~~
3.33 ~~child care center pending completion of the background study."~~

3.34 Renumber the sections in sequence and correct the internal references

4.1 Amend the title accordingly