

Senator Wiklund from the Committee on Health and Human Services, to which was referred

S.F. No. 4665: A bill for an act relating to human services; the Department of Human Services Office of Inspector General policy bill; modifying provisions relating to human services licensing, background studies, provider notifications, substance use disorder medications, and electronic signatures; amending Minnesota Statutes 2022, sections 245A.04, by adding a subdivision; 245A.043, subdivisions 2, 4, by adding subdivisions; 245A.52, subdivision 2, by adding a subdivision; 245C.03, by adding a subdivision; 245C.05, subdivision 5; 245C.08, subdivision 4; 245C.10, subdivision 18; 245C.14, subdivision 1, by adding a subdivision; 245C.15, subdivisions 3, 4; 245C.22, subdivision 4; 245C.24, subdivisions 2, 5, 6; 245C.30, by adding a subdivision; 245F.09, subdivision 2; 245F.14, by adding a subdivision; 245G.07, subdivision 4; 245G.08, subdivisions 5, 6; 245G.10, by adding a subdivision; 245G.22, subdivisions 6, 7; 260E.33, subdivision 2; Minnesota Statutes 2023 Supplement, sections 13.46, subdivision 4; 245.735, subdivision 4b; 245A.03, subdivision 2; 245A.043, subdivision 3; 245A.07, subdivision 1; 245A.11, subdivision 7; 245A.16, subdivision 1; 245A.211, subdivision 4; 245A.242, subdivision 2; 245C.02, subdivision 13e; 245C.033, subdivision 3; 245C.10, subdivision 15; 245C.15, subdivisions 2, 4a; 245G.22, subdivisions 2, 17; 256.046, subdivision 3; 256B.064, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 245C; repealing Minnesota Statutes 2022, section 245C.125; Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 2; Minnesota Rules, part 9502.0425, subparts 5, 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, delete section 2

Page 5, after line 21, insert:

"EFFECTIVE DATE. This section is effective January 1, 2025."

Page 10, delete line 13

Page 13, line 17, delete "license holder's" and insert "party's"

Page 16, after line 13, insert:

"Sec. 10. Minnesota Statutes 2022, section 245A.07, subdivision 6, is amended to read:

Subd. 6. **Appeal of multiple sanctions.** (a) When the license holder appeals more than one licensing action or sanction that were simultaneously issued by the commissioner, the license holder shall specify the actions or sanctions that are being appealed.

(b) If there are different timelines prescribed in statutes for the licensing actions or sanctions being appealed, the license holder must submit the appeal within the longest of those timelines specified in statutes.

(c) The appeal must be made in writing by certified mail ~~or~~, personal service, or through the provider licensing and reporting hub. If mailed, the appeal must be postmarked and sent to the commissioner within the prescribed timeline with the first day beginning the day after the license holder receives the certified letter. If a request is made by personal service, it

must be received by the commissioner within the prescribed timeline with the first day beginning the day after the license holder receives the certified letter. If the appeal is made through the provider licensing and reporting hub, it must be received by the commissioner within the prescribed timeline with the first day beginning the day after the commissioner issued the order through the hub.

(d) When there are different timelines prescribed in statutes for the appeal of licensing actions or sanctions simultaneously issued by the commissioner, the commissioner shall specify in the notice to the license holder the timeline for appeal as specified under paragraph (b)."

Page 22, line 5, delete the colon and insert "any individual who is affiliated with a Head Start program."

Page 22, delete lines 6 to 8

Page 22, line 32, delete the second "245C" and insert "245C.15"

Page 24, after line 17, insert:

"Sec. 22. Minnesota Statutes 2023 Supplement, section 245C.08, subdivision 1, is amended to read:

Subdivision 1. **Background studies conducted by Department of Human Services.** (a) For a background study conducted by the Department of Human Services, the commissioner shall review:

(1) information related to names of substantiated perpetrators of maltreatment of vulnerable adults that has been received by the commissioner as required under section 626.557, subdivision 9c, paragraph (j);

(2) the commissioner's records relating to the maltreatment of minors in licensed programs, and from findings of maltreatment of minors as indicated through the social service information system;

(3) information from juvenile courts as required ~~in subdivision 4 for individuals listed in section 245C.03, subdivision 1, paragraph (a),~~ for studies under this chapter when there is reasonable cause;

(4) information from the Bureau of Criminal Apprehension, including information regarding a background study subject's registration in Minnesota as a predatory offender under section 243.166;

(5) except as provided in clause (6), information received as a result of submission of fingerprints for a national criminal history record check, as defined in section 245C.02, subdivision 13c, when the commissioner has reasonable cause for a national criminal history record check as defined under section 245C.02, subdivision 15a, or as required under section 144.057, subdivision 1, clause (2);

(6) for a background study related to a child foster family setting application for licensure, foster residence settings, children's residential facilities, a transfer of permanent legal and physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a background study required for family child care, certified license-exempt child care, child care centers, and legal nonlicensed child care authorized under chapter 119B, the commissioner shall also review:

(i) information from the child abuse and neglect registry for any state in which the background study subject has resided for the past five years;

(ii) when the background study subject is 18 years of age or older, or a minor under section 245C.05, subdivision 5a, paragraph (c), information received following submission of fingerprints for a national criminal history record check; and

(iii) when the background study subject is 18 years of age or older or a minor under section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified license-exempt child care, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, information obtained using non-fingerprint-based data including information from the criminal and sex offender registries for any state in which the background study subject resided for the past five years and information from the national crime information database and the national sex offender registry;

(7) for a background study required for family child care, certified license-exempt child care centers, licensed child care centers, and legal nonlicensed child care authorized under chapter 119B, the background study shall also include, to the extent practicable, a name and date-of-birth search of the National Sex Offender Public website; and

(8) for a background study required for treatment programs for sexual psychopathic personalities or sexually dangerous persons, the background study shall only include a review of the information required under paragraph (a), clauses (1) to (4).

(b) Except as otherwise provided in this paragraph, notwithstanding expungement by a court, the commissioner may consider information obtained under paragraph (a), clauses (3) and (4), unless:

(1) the commissioner received notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner; or

(2) the commissioner received notice of the expungement order issued pursuant to section 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically to the commissioner.

The commissioner may not consider information obtained under paragraph (a), clauses (3) and (4), or from any other source that identifies a violation of chapter 152 without determining if the offense involved the possession of marijuana or tetrahydrocannabinol and, if so, whether the person received a grant of expungement or order of expungement, or the person was resentenced to a lesser offense. If the person received a grant of expungement or order of expungement, the commissioner may not consider information related to that violation but may consider any other relevant information arising out of the same incident.

(c) The commissioner shall also review criminal case information received according to section 245C.04, subdivision 4a, from the Minnesota court information system that relates to individuals who have already been studied under this chapter and who remain affiliated with the agency that initiated the background study.

(d) When the commissioner has reasonable cause to believe that the identity of a background study subject is uncertain, the commissioner may require the subject to provide a set of classifiable fingerprints for purposes of completing a fingerprint-based record check with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph shall not be saved by the commissioner after they have been used to verify the identity of the background study subject against the particular criminal record in question.

(e) The commissioner may inform the entity that initiated a background study under NETStudy 2.0 of the status of processing of the subject's fingerprints."

Page 26, line 11, delete everything after "or" and insert "section 260C.301, subdivision 3."

Page 26, delete lines 12 and 13

Page 27, line 16, after the second semicolon, insert "152.0263, subdivision 1 (possession of cannabis in the first degree); 152.0264, subdivision 1 (sale of cannabis in the first degree); 152.0265, subdivision 1 (cultivation of cannabis in the first degree);"

Page 27, lines 23 and 24, delete the new language

Page 27, line 35, delete "609.528"

- 5.1 Page 28, lines 1, 5, 6, 7, 10, 11, 12, and 15, delete the new language
- 5.2 Page 28, line 9, delete everything after the second semicolon
- 5.3 Page 28, line 14, reinstate "or" and delete the new language
- 5.4 Page 28, line 21, reinstate the stricken language and delete the new language
- 5.5 Page 28, delete line 22
- 5.6 Page 28, line 23, delete the new language
- 5.7 Page 29, lines 17, 18, 27, 28, 30, 31, 32, 34, and 35, delete the new language
- 5.8 Page 29, line 33, strike everything after the first semicolon
- 5.9 Page 30, lines 1 and 2, delete the new language
- 5.10 Page 30, line 5, reinstate "or" and delete the new language
- 5.11 Page 30, line 6, delete the new language
- 5.12 Page 31, lines 1, 2, 7 to 13, 15, 18, and 19, delete the new language
- 5.13 Page 31, line 17, reinstate "or"
- 5.14 Page 34, line 10, after the semicolon, insert "152.0263, subdivision 1 (possession of
- 5.15 cannabis in the first degree); 152.0264, subdivision 1 (sale of cannabis in the first degree);
- 5.16 152.0265, subdivision 1 (cultivation of cannabis in the first degree);"
- 5.17 Page 39, delete section 34
- 5.18 Page 41, after line 22, insert:
- 5.19 "Sec. 38. Minnesota Statutes 2022, section 245F.17, is amended to read:
- 5.20 **245F.17 PERSONNEL FILES.**
- 5.21 A license holder must maintain a separate personnel file for each staff member. At a
- 5.22 minimum, the file must contain:
- 5.23 (1) a completed application for employment signed by the staff member that contains
- 5.24 the staff member's qualifications for employment and documentation related to the applicant's
- 5.25 background study data, as defined in chapter 245C;
- 5.26 (2) documentation of the staff member's current professional license or registration, if
- 5.27 relevant;
- 5.28 (3) documentation of orientation and subsequent training; and

- 6.1 (4) ~~documentation of a statement of freedom from substance use problems; and~~
6.2 ~~(5)~~ an annual job performance evaluation.

6.3 **EFFECTIVE DATE.** This section is effective the day following final enactment."

6.4 Page 42, delete lines 7 to 10 and insert:

6.5 "(c) If the license holder provides treatment services by telehealth, the services must be
6.6 provided according to this paragraph:

6.7 (1) the license holder must maintain a licensed physical location in Minnesota where
6.8 the license holder must offer all treatment services in subdivision 1, paragraph (a), clauses
6.9 (1) to (4), physically in person to each client;

6.10 (2) the license holder must meet all requirements for the provision of telehealth in sections
6.11 254B.05, subdivision 5, paragraph (f), and 256B.0625, subdivision 3b. The license holder
6.12 must document all items in section 256B.0625, subdivision 3b, paragraph (c), for each client
6.13 receiving services by telehealth, regardless of payment type or whether the client is a medical
6.14 assistance enrollee;

6.15 (3) the license holder may provide treatment services by telehealth to clients individually;

6.16 (4) the license holder may provide treatment services by telehealth to a group of clients
6.17 that are each in a separate physical location;

6.18 (5) the license holder must not provide treatment services remotely by telehealth to a
6.19 group of clients meeting together in person;

6.20 (6) clients and staff may join an in-person group by telehealth if a staff qualified to
6.21 provide the treatment service is physically present with the group of clients meeting together
6.22 in person; and

6.23 (7) the qualified professional providing a residential group treatment service by telehealth
6.24 must be physically present on-site at the licensed residential location while the service is
6.25 being provided."

6.26 Page 42, line 12, after "(5)" insert "and (8)"

6.27 Page 46, line 27, strike "with"

6.28 Page 46, line 28, strike "authority to prescribe"

6.29 Page 48, line 18, after "day" insert "(e.g., Sunday)"

6.30 Renumber the sections in sequence

7.1

Amend the title numbers accordingly

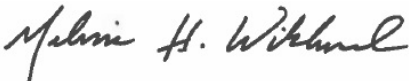
7.2

And when so amended the bill do pass and be re-referred to the Committee on Judiciary

7.3

and Public Safety. Amendments adopted. Report adopted.

7.4



7.5

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(Committee Chair)

7.6

March 12, 2024.....

7.7

(Date of Committee recommendation)