



MINNESOTA BUREAU OF CRIMINAL APPREHENSION

2021 REPORT TO THE LEGISLATURE ON DELAYED SUBMISSION OF FINGERPRINTS

JANUARY 2021

DELAYED SUBMISSION OF FINGERPRINTS REPORTING

[2020 Minnesota Session Laws, Section 26, subdivision 4](#) requires the Bureau of Criminal Apprehension to file a report providing 1) the statutes that were the subject of the delayed submission of fingerprints; 2) an explanation of why the delayed submission of fingerprints was necessary; 3) the number of essential workers who were subject to a background check and were granted a delay of submission of fingerprints; 4) the number of essential workers granted a delay who submitted fingerprints; 5) the number of essential workers granted a delay who were subsequently disqualified upon submission of fingerprints; and 6) aggregate data about the licensing and employment categories for which fingerprint submissions were delayed.

In consultation with the affected agencies, the Bureau of Criminal Apprehension has compiled this information and submits this report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety.

STATUTES THAT WERE THE SUBJECTS OF THE DELAYED SUBMISSION OF FINGERPRINTS.

- Minnesota Statutes, Section 214.075 – Health Related Licensing Boards (see list of Boards below)
- Minnesota Statutes, Section 152.29, Subdivision 1 (j) – Manufacturer of Medical Cannabis

EXPLANATION OF WHY THE DELAYED SUBMISSION OF FINGERPRINTS WAS NECESSARY

- **Health Related Licensing Boards** - Most fingerprinting locations have been closed during the pandemic. Even some that eventually reopened were subsequently closed again. Applicants for license with the Health Related Licensing Boards (HLBs) must fill essential worker positions, especially in areas of health care.
- **Office of Medical Cannabis** - Executive Order 20-26 permits medical cannabis distribution facilities to continue to operate during the COVID-19 peacetime emergency. It is necessary to perform background checks during the peacetime emergency because these workers provide health care and other services to Minnesota's most severely ill residents and other services to vulnerable populations where the risk of transmitting COVID-19 is high. Background checks of medical cannabis manufacturer employees mitigate the risk of diversion and protect the safety and integrity of the program. The availability of fingerprint sites has been limited during the pandemic.

THE NUMBER OF ESSENTIAL WORKERS WHO WERE SUBJECT TO A BACKGROUND CHECK AND WERE GRANTED A DELAY OF SUBMISSION OF FINGERPRINTS

- **Health Related Licensing Boards** - Between April 8, 2020, and December 31, 2020, 10,224 individuals utilized the delayed fingerprint submission option. In January 2021, an additional 671 delayed fingerprint requests were submitted.
- **Office of Medical Cannabis** - Office of Medical Cannabis has received 81 medical cannabis manufacturer employee background checks since April 2, 2020. Of the 81, 29 were granted a delay of submission of fingerprints.

THE NUMBER OF ESSENTIAL WORKERS GRANTED A DELAY WHO SUBMITTED FINGERPRINTS

- **Health Related Licensing Boards** - Between April 8, 2020, and December 31, 2020, fingerprints were submitted by 4,059 individuals who had previously utilized the delayed fingerprint submission option. In January 2021, an additional 643 fingerprints were submitted.
- **Office of Medical Cannabis** - Of the 29 delayed fingerprint background checks received by the Office of Medical Cannabis, 19 of these employees have submitted fingerprints.

THE NUMBER OF ESSENTIAL WORKERS GRANTED A DELAY WHO WERE SUBSEQUENTLY DISQUALIFIED UPON SUBMISSION OF FINGERPRINTS

- **Health Related Licensing Boards** – Responding boards were aware of a handful of reports based on fingerprint submission that contained information not found on the background check based on name and date of birth. However, none of these resulted in disqualifying the licensee. As an additional note, none of the HLBs would act upon the report obtained from the BCA; they would always request the primary source documents (from the court of conviction) and any decisions made regarding qualification for license would be based on that primary source information rather than Criminal History Record Information data.
- **Office of Medical Cannabis** - No medical cannabis manufacturer employees were disqualified upon submission of fingerprints.

AGGREGATE DATA ABOUT LICENSING AND EMPLOYMENT CATEGORIES FOR WHICH FINGERPRINT SUBMISSIONS WERE DELAYED

The licensing and employment categories for which fingerprint submissions were delayed were limited to critical positions, specifically health related licenses (see categories below) and employees of medical marijuana manufacturers.

HEALTH LICENSING BOARDS

Behavioral Health and Therapy

- Licensed Professional Clinical Counselor
- Alcohol and Drug Counselor
- Licensed Professional Counselor

Board of Executives for Long Term Services and Supports

- Nursing Home Administrators

Chiropractic

- Acupuncture Registration
- Doctor of Chiropractic

Dentistry

- Dental Assistant
- Dental Hygienist
- Dental Therapist
- Dentist

Dietetics and Nutrition Practice

- Dietitian
- Nutritionist

Medical Practice

- Acupuncturist
- Athletic Trainer
- Genetic Counselor
- Traditional Midwife
- Physician Assistant
- Physician and Surgeon
- Respiratory Therapist

Marriage and Family Therapy

- Marriage and Family Therapist

Nursing

- Registered Nurse
- Licensed Practical Nurse
- Certified Nurse Practitioner

Occupational Therapy

- Occupational Therapist

Optometry

- Optometrist

Pharmacy

Physical Therapy

Podiatric Medicine

- Orthotist
- Doctor of Podiatric Medicine

Psychology

- Licensed Psychologist

Social Work

- Licensed Social Worker

Veterinary Medicine