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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1539

03/09/2015 Authored by Scott and Mack

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying human services data provisions; amending
1.3 Minnesota Statutes 2014, sections 13.46, subdivisions 1, 2, 3; 13.461, subdivision
1.4 28; 13.4967, by adding a subdivision; 13.69, subdivision 1; 119B.02, subdivision
1.5 6; 245C.05, subdivisions 2c, 5; 245C.08, subdivision 2; 256.01, subdivisions
1.6 18d, 18e; 256B.04, by adding a subdivision; 626.557, subdivision 12b.

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

1.8 Section 1. Minnesota Statutes 2014, section 13.46, subdivision 1, is amended to read:

1.9 Subdivision 1. **Definitions.** As used in this section:

1.10 (a) "Individual" means an individual according to section 13.02, subdivision 8,
1.11 but does not include a vendor of services.

1.12 (b) "Program" includes all programs for which authority is vested in a component of
1.13 the welfare system according to statute or federal law, including, but not limited to, the
1.14 aid to families with dependent children program formerly codified in sections 256.72 to
1.15 256.87, Minnesota family investment program, temporary assistance for needy families
1.16 program, medical assistance, general assistance, general assistance medical care, child
1.17 care assistance program, and child support collections.

1.18 (c) "Welfare system" includes:

1.19 (1) the Department of Human Services;

1.20 (2) local social services agencies;

1.21 (3) county welfare agencies;

1.22 (4) private licensing agencies;

1.23 (5) the public authority responsible for child support enforcement;

1.24 (6) human services boards;

1.25 (7) community mental health center boards;

2.1 (8) state hospitals;₂
 2.2 (9) state nursing homes;₂
 2.3 (10) the ombudsman for mental health and developmental disabilities;₂
 2.4 (11) tribal social services or welfare agencies that are operated by federally
 2.5 recognized tribes and that are under contract to any of the above agencies to the extent
 2.6 specified in the contract; and

2.7 (12) persons, agencies, institutions, organizations, and other entities under contract
 2.8 to any of the above agencies to the extent specified in the contract.

2.9 (d) "Mental health data" means data on individual clients and patients of community
 2.10 mental health centers, established under section 245.62, mental health divisions of
 2.11 counties and other providers under contract to deliver mental health services, or the
 2.12 ombudsman for mental health and developmental disabilities.

2.13 (e) "Fugitive felon" means a person who has been convicted of a felony and who has
 2.14 escaped from confinement or violated the terms of probation or parole for that offense.

2.15 (f) "Private licensing agency" means an agency licensed by the commissioner of
 2.16 human services under chapter 245A to perform the duties under section 245A.16.

2.17 Sec. 2. Minnesota Statutes 2014, section 13.46, subdivision 2, is amended to read:

2.18 Subd. 2. **General.** (a) Data on individuals collected, maintained, used, or
 2.19 disseminated by the welfare system are private data on individuals, and shall not be
 2.20 disclosed except:

2.21 (1) according to section 13.05;

2.22 (2) according to court order;

2.23 (3) according to a statute specifically authorizing access to the private data;

2.24 (4) to an agent of the welfare system and an investigator acting on behalf of a county,
 2.25 the state, or the federal government, including a law enforcement person or attorney in the
 2.26 investigation or prosecution of a criminal, civil, or administrative proceeding relating to
 2.27 the administration of a program;

2.28 (5) to personnel of the welfare system who require the data to verify an individual's
 2.29 identity; determine eligibility, amount of assistance, and the need to provide services to
 2.30 an individual or family across programs; evaluate the effectiveness of programs; assess
 2.31 parental contribution amounts; and investigate suspected fraud;

2.32 (6) to administer federal funds or programs;

2.33 (7) between personnel of the welfare system working in the same program;

2.34 (8) to the Department of Revenue to assess parental contribution amounts for

2.35 purposes of section 252.27, subdivision 2a, administer and evaluate tax refund or tax credit

3.1 programs and to identify individuals who may benefit from these programs. The following
3.2 information may be disclosed under this paragraph: an individual's and their dependent's
3.3 names, dates of birth, Social Security numbers, income, addresses, and other data as
3.4 required, upon request by the Department of Revenue. Disclosures by the commissioner
3.5 of revenue to the commissioner of human services for the purposes described in this clause
3.6 are governed by section 270B.14, subdivision 1. Tax refund or tax credit programs include,
3.7 but are not limited to, the dependent care credit under section 290.067, the Minnesota
3.8 working family credit under section 290.0671, the property tax refund and rental credit
3.9 under section 290A.04, and the Minnesota education credit under section 290.0674;

3.10 (9) between the Department of Human Services, the Department of Employment and
3.11 Economic Development, the Department of Health, and ~~when applicable~~, the Department
3.12 of Education, for the following purposes:

3.13 (i) to monitor the eligibility of the data subject for unemployment benefits, for any
3.14 employment or training program administered, supervised, or certified by that agency;

3.15 (ii) to administer any rehabilitation program or child care assistance program,
3.16 whether alone or in conjunction with the welfare system;

3.17 (iii) to monitor and evaluate the Minnesota family investment program or the child
3.18 care assistance program by exchanging data on recipients and former recipients of food
3.19 support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance
3.20 under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; and

3.21 (iv) to analyze public assistance employment services and program utilization,
3.22 cost, effectiveness, and outcomes as implemented under the authority established in Title
3.23 II, Sections 201-204 of the Ticket to Work and Work Incentives Improvement Act of
3.24 1999. Health records governed by sections 144.291 to 144.298 and "protected health
3.25 information" as defined in Code of Federal Regulations, title 45, section 160.103, and
3.26 governed by Code of Federal Regulations, title 45, parts 160-164, including health care
3.27 claims utilization information, must not be exchanged under this clause; and

3.28 (v) to monitor and evaluate the effectiveness, efficiency, outcomes, utilization, and
3.29 cost-effectiveness of programs and policies administered or supervised by the departments
3.30 and to improve services by exchanging data on current and former recipients of services,
3.31 as is reasonably necessary to perform these functions, except as limited by federal law
3.32 or regulation;

3.33 (10) to appropriate parties in connection with an emergency if knowledge of
3.34 the information is necessary to protect the health or safety of the individual or other
3.35 individuals or persons;

4.1 (11) data maintained by residential programs as defined in section 245A.02 may
4.2 be disclosed to the protection and advocacy system established in this state according
4.3 to Part C of Public Law 98-527 to protect the legal and human rights of persons with
4.4 developmental disabilities or other related conditions who live in residential facilities for
4.5 these persons if the protection and advocacy system receives a complaint by or on behalf
4.6 of that person and the person does not have a legal guardian or the state or a designee of
4.7 the state is the legal guardian of the person;

4.8 (12) to the county medical examiner or the county coroner for identifying or locating
4.9 relatives or friends of a deceased person;

4.10 (13) data on a child support obligor who makes payments to the public agency
4.11 may be disclosed to the Minnesota Office of Higher Education to the extent necessary to
4.12 determine eligibility under section 136A.121, subdivision 2, clause (5);

4.13 (14) participant Social Security numbers and names collected by the telephone
4.14 assistance program may be disclosed to the Department of Revenue to conduct an
4.15 electronic data match with the property tax refund database to determine eligibility under
4.16 section 237.70, subdivision 4a;

4.17 (15) the current address of a Minnesota family investment program participant
4.18 may be disclosed to law enforcement officers who provide the name of the participant
4.19 and notify the agency that:

4.20 (i) the participant:

4.21 (A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after
4.22 conviction, for a crime or attempt to commit a crime that is a felony under the laws of the
4.23 jurisdiction from which the individual is fleeing; or

4.24 (B) is violating a condition of probation or parole imposed under state or federal law;

4.25 (ii) the location or apprehension of the felon is within the law enforcement officer's
4.26 official duties; and

4.27 (iii) the request is made in writing and in the proper exercise of those duties;

4.28 (16) the current address of a recipient of general assistance or general assistance
4.29 medical care may be disclosed to probation officers and corrections agents who are
4.30 supervising the recipient and to law enforcement officers who are investigating the
4.31 recipient in connection with a felony level offense;

4.32 (17) information obtained from food support applicant or recipient households may
4.33 be disclosed to local, state, or federal law enforcement officials, upon their written request,
4.34 for the purpose of investigating an alleged violation of the Food Stamp Act, according
4.35 to Code of Federal Regulations, title 7, section 272.1(c);

5.1 (18) the address, Social Security number, and, if available, photograph of any
5.2 member of a household receiving food support shall be made available, on request, to a
5.3 local, state, or federal law enforcement officer if the officer furnishes the agency with the
5.4 name of the member and notifies the agency that:

5.5 (i) the member:

5.6 (A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a
5.7 crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

5.8 (B) is violating a condition of probation or parole imposed under state or federal
5.9 law; or

5.10 (C) has information that is necessary for the officer to conduct an official duty related
5.11 to conduct described in subitem (A) or (B);

5.12 (ii) locating or apprehending the member is within the officer's official duties; and

5.13 (iii) the request is made in writing and in the proper exercise of the officer's official
5.14 duty;

5.15 (19) the current address of a recipient of Minnesota family investment program,
5.16 general assistance, general assistance medical care, or food support may be disclosed to
5.17 law enforcement officers who, in writing, provide the name of the recipient and notify the
5.18 agency that the recipient is a person required to register under section 243.166, but is not
5.19 residing at the address at which the recipient is registered under section 243.166;

5.20 (20) certain information regarding child support obligors who are in arrears may be
5.21 made public according to section 518A.74;

5.22 (21) data on child support payments made by a child support obligor and data on
5.23 the distribution of those payments excluding identifying information on obligees may be
5.24 disclosed to all obligees to whom the obligor owes support, and data on the enforcement
5.25 actions undertaken by the public authority, the status of those actions, and data on the
5.26 income of the obligor or obligee may be disclosed to the other party;

5.27 (22) data in the work reporting system may be disclosed under section 256.998,
5.28 subdivision 7;

5.29 (23) to the Department of Education for the purpose of matching Department of
5.30 Education student data with public assistance data to determine students eligible for free
5.31 and reduced-price meals, meal supplements, and free milk according to United States
5.32 Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and
5.33 state funds that are distributed based on income of the student's family; and to verify
5.34 receipt of energy assistance for the telephone assistance plan;

5.35 (24) the current address and telephone number of program recipients and emergency
5.36 contacts may be released to the commissioner of health or a community health board as

6.1 defined in section 145A.02, subdivision 5, when the commissioner or community health
6.2 board has reason to believe that a program recipient is a disease case, carrier, suspect case,
6.3 or at risk of illness, and the data are necessary to locate the person;

6.4 (25) to other state agencies, statewide systems, and political subdivisions of this
6.5 state, including the attorney general, and agencies of other states, interstate information
6.6 networks, federal agencies, and other entities as required by federal regulation or law for
6.7 the administration of the child support enforcement program;

6.8 (26) to personnel of public assistance programs as defined in section 256.741, for
6.9 access to the child support system database for the purpose of administration, including
6.10 monitoring and evaluation of those public assistance programs;

6.11 (27) to monitor and evaluate the Minnesota family investment program by
6.12 exchanging data between the Departments of Human Services and Education, on
6.13 recipients and former recipients of food support, cash assistance under chapter 256, 256D,
6.14 256J, or 256K, child care assistance under chapter 119B, or medical programs under
6.15 chapter 256B, 256D, or 256L;

6.16 (28) to evaluate child support program performance and to identify and prevent
6.17 fraud in the child support program by exchanging data between the Department of Human
6.18 Services, Department of Revenue under section 270B.14, subdivision 1, paragraphs (a)
6.19 and (b), without regard to the limitation of use in paragraph (c), Department of Health,
6.20 Department of Employment and Economic Development, and other state agencies as is
6.21 reasonably necessary to perform these functions;

6.22 (29) counties operating child care assistance programs under chapter 119B may
6.23 disseminate data on program participants, applicants, and providers to the commissioner
6.24 of education; or

6.25 (30) child support data on the child, the parents, and relatives of the child may be
6.26 disclosed to agencies administering programs under titles IV-B and IV-E of the Social
6.27 Security Act, as authorized by federal law.

6.28 (b) Information on persons who have been treated for drug or alcohol abuse may
6.29 only be disclosed according to the requirements of Code of Federal Regulations, title
6.30 42, sections 2.1 to 2.67.

6.31 (c) Data provided to law enforcement agencies under paragraph (a), clause (15),
6.32 (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected
6.33 nonpublic while the investigation is active. The data are private after the investigation
6.34 becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

6.35 (d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but are
6.36 not subject to the access provisions of subdivision 10, paragraph (b).

7.1 For the purposes of this subdivision, a request will be deemed to be made in writing
7.2 if made through a computer interface system.

7.3 Sec. 3. Minnesota Statutes 2014, section 13.46, subdivision 3, is amended to read:

7.4 Subd. 3. **Investigative data.** (a) Data on persons, including data on vendors of
7.5 services, licensees, and applicants that is collected, maintained, used, or disseminated
7.6 by the welfare system in an investigation, authorized by statute, and relating to the
7.7 enforcement of rules or law are confidential data on individuals pursuant to section 13.02,
7.8 subdivision 3, or protected nonpublic data not on individuals pursuant to section 13.02,
7.9 subdivision 13, and shall not be disclosed except:

7.10 (1) pursuant to section 13.05;

7.11 (2) pursuant to statute or valid court order;

7.12 (3) to a party named in a civil or criminal proceeding, administrative or judicial, for
7.13 preparation of defense; ~~or~~

7.14 (4) to provide notices required or permitted by statute;

7.15 (5) to an agent of the welfare system or an investigator acting on behalf of a county,
7.16 the state, or the federal government, including a law enforcement officer or agent; or

7.17 (6) to a prosecuting attorney involved in the investigation or prosecution of a
7.18 criminal, civil, or administrative proceeding relating to the administration of a program in
7.19 the welfare system.

7.20 The data referred to in this subdivision shall be classified as public data upon
7.21 submission to an administrative law judge or court in an administrative or judicial
7.22 proceeding. Inactive welfare investigative data shall be treated as provided in section
7.23 13.39, subdivision 3.

7.24 (b) Notwithstanding any other provision in law, the commissioner of human services
7.25 shall provide all active and inactive investigative data, including the name of the reporter
7.26 of alleged maltreatment under section 626.556 or 626.557, to the ombudsman for mental
7.27 health and developmental disabilities upon the request of the ombudsman.

7.28 (c) Notwithstanding paragraph (a) and section 13.39, the existence of an
7.29 investigation by the commissioner of possible overpayments of public funds to a service
7.30 provider or recipient may be disclosed if the commissioner determines that it will not
7.31 compromise the investigation.

7.32 Sec. 4. Minnesota Statutes 2014, section 13.461, subdivision 28, is amended to read:

7.33 Subd. 28. **Child care assistance program.** Child care assistance program payment
7.34 data and data collected, maintained, used, or disseminated by the welfare system pertaining

8.1 to persons selected as legal nonlicensed child care providers by families receiving child
8.2 care assistance are classified under section 119B.02, subdivision 6.

8.3 Sec. 5. Minnesota Statutes 2014, section 13.4967, is amended by adding a subdivision
8.4 to read:

8.5 Subd. 9. **Data on medical assistance applicants and current or former**
8.6 **recipients.** Certain data on medical assistance applicants and current or former recipients
8.7 of medical assistance may be shared according to section 256B.04, subdivision 25.

8.8 Sec. 6. Minnesota Statutes 2014, section 13.69, subdivision 1, is amended to read:

8.9 Subdivision 1. **Classifications.** (a) The following government data of the
8.10 Department of Public Safety are private data:

8.11 (1) medical data on driving instructors, licensed drivers, and applicants for parking
8.12 certificates and special license plates issued to physically disabled persons;

8.13 (2) other data on holders of a disability certificate under section 169.345, except that
8.14 data that are not medical data may be released to law enforcement agencies;

8.15 (3) Social Security numbers in driver's license and motor vehicle registration
8.16 records, except that Social Security numbers must be provided to the Department of
8.17 Revenue for purposes of tax administration, the Department of Labor and Industry for
8.18 purposes of workers' compensation administration and enforcement, the Department of
8.19 Human Services for purposes of recovering Minnesota health care program benefits paid
8.20 for recipients injured in motor vehicle accidents, and the Department of Natural Resources
8.21 for purposes of license application administration; and

8.22 (4) data on persons listed as standby or temporary custodians under section 171.07,
8.23 subdivision 11, except that the data must be released to:

8.24 (i) law enforcement agencies for the purpose of verifying that an individual is a
8.25 designated caregiver; or

8.26 (ii) law enforcement agencies who state that the license holder is unable to
8.27 communicate at that time and that the information is necessary for notifying the designated
8.28 caregiver of the need to care for a child of the license holder.

8.29 The department may release the Social Security number only as provided in clause
8.30 (3) and must not sell or otherwise provide individual Social Security numbers or lists of
8.31 Social Security numbers for any other purpose.

8.32 (b) The following government data of the Department of Public Safety are
8.33 confidential data: data concerning an individual's driving ability when that data is received
8.34 from a member of the individual's family.

9.1 Sec. 7. Minnesota Statutes 2014, section 119B.02, subdivision 6, is amended to read:

9.2 Subd. 6. **Data.** (a) Data collected, maintained, used, or disseminated by the
 9.3 welfare system pertaining to persons selected as legal nonlicensed child care providers
 9.4 by families receiving child care assistance shall be treated as licensing data as provided
 9.5 in section 13.46, subdivision 4.

9.6 (b) Child care assistance program payment data are public when the data relate to a
 9.7 child care assistance program payment made to a licensed child care center or a child care
 9.8 center exempt from licensure that meets one or more of the following criteria:

9.9 (1) the center has been disqualified from receiving payment for child care services
 9.10 from the child care assistance program under this chapter due to wrongfully obtaining
 9.11 child care assistance under section 256.98, subdivision 8, paragraph (c);

9.12 (2) the center has had substantiated maltreatment in the facility under section
 9.13 626.556, was issued a licensing sanction under section 245A.07, or was issued a
 9.14 conditional license under section 245A.06;

9.15 (3) the center has been refused a child care authorization, has had a child care
 9.16 authorization revoked, has had a payment stopped, or has been denied payment for a bill
 9.17 under section 119B.13, subdivision 6, paragraph (d); or

9.18 (4) the center has been investigated for financial misconduct under section 245E.02,
 9.19 resulting in a finding that financial misconduct occurred.

9.20 Any payment data that may identify a specific child care assistance recipient or benefits
 9.21 paid on behalf of a specific child care assistance recipient, as determined by the
 9.22 commissioner, are private data on individuals. For purposes of this paragraph, "payment
 9.23 data" means data showing that a child care assistance program payment was made and
 9.24 the amount of child care assistance program payments made to a child care center over a
 9.25 specified time period. Payment data may include the numbers of families and children on
 9.26 whose behalf payments were made over the specified time period.

9.27 Sec. 8. Minnesota Statutes 2014, section 245C.05, subdivision 2c, is amended to read:

9.28 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each
 9.29 background study, the entity initiating the study must provide the commissioner's privacy
 9.30 notice to the background study subject required under section 13.04, subdivision 2. The
 9.31 notice must be available through the commissioner's electronic NETStudy and NETStudy
 9.32 2.0 systems and shall include the information in paragraphs (b) and (c).

9.33 (b) The background study subject shall be informed that any previous background
 9.34 studies that received a set-aside will be reviewed, and without further contact with the

10.1 background study subject, the commissioner may notify the agency that initiated the
10.2 subsequent background study:

10.3 (1) that the individual has a disqualification that has been set aside for the program
10.4 or agency that initiated the study;

10.5 (2) the reason for the disqualification; and

10.6 (3) that information about the decision to set aside the disqualification will be
10.7 available to the license holder upon request without the consent of the background study
10.8 subject.

10.9 (c) The background study subject must also be informed that:

10.10 (1) the subject's fingerprints collected for purposes of completing the background
10.11 study under this chapter must not be retained by the Department of Public Safety, Bureau
10.12 of Criminal Apprehension, or by the commissioner, but will be retained by the Federal
10.13 Bureau of Investigation;

10.14 (2) effective upon implementation of NETStudy 2.0, the subject's photographic
10.15 image will be retained by the commissioner, and if the subject has provided the subject's
10.16 Social Security number for purposes of the background study, the photographic image will
10.17 be available to prospective employers and agencies initiating background studies under
10.18 this chapter to verify the identity of the subject of the background study;

10.19 (3) the commissioner's authorized fingerprint collection vendor shall, for purposes
10.20 of verifying the identity of the background study subject, be able to view the identifying
10.21 information entered into NETStudy 2.0 by the entity that initiated the background study,
10.22 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
10.23 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's
10.24 name and the date and time the subject's fingerprints were recorded and sent, only as
10.25 necessary for auditing and billing activities;

10.26 (4) the commissioner shall provide the subject notice, as required in section 245C.17,
10.27 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

10.28 (5) the subject may request in writing a report listing the entities that initiated
10.29 a background study on the individual as provided in section 245C.17, subdivision 1,
10.30 paragraph (b);

10.31 (6) the subject may request in writing that information used to complete the
10.32 individual's background study in NETStudy 2.0 be destroyed if the requirements of section
10.33 245C.051, paragraph (a), are met; and

10.34 (7) notwithstanding clause (6), the commissioner shall destroy:

10.35 (i) the subject's photograph after a period of two years when the requirements of
10.36 section 245C.051, paragraph (c), are met; and

11.1 (ii) any data collected on a subject under this chapter after a period of two years
11.2 following the individual's death as provided in section 245C.051, paragraph (d).

11.3 (d) For background study subjects who are younger than age 18, the privacy notice
11.4 provided through NETStudy 2.0 shall include a consent form that includes the information
11.5 in paragraphs (b) and (c) and requires the signature of a person who has legal responsibility
11.6 for the minor, including but not limited to a parent or legal guardian, to consent to the
11.7 minor subject's fingerprints and photograph being captured.

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

11.9 Sec. 9. Minnesota Statutes 2014, section 245C.05, subdivision 5, is amended to read:

11.10 Subd. 5. **Fingerprints and photograph.** (a) Before the implementation of
11.11 NETStudy 2.0, except as provided in paragraph (c), for any background study completed
11.12 under this chapter, when the commissioner has reasonable cause to believe that further
11.13 pertinent information may exist on the subject of the background study, the subject
11.14 shall provide the commissioner with a set of classifiable fingerprints obtained from an
11.15 authorized agency.

11.16 (b) Before the implementation of NETStudy 2.0, for purposes of requiring
11.17 fingerprints, the commissioner has reasonable cause when, but not limited to, the:

11.18 (1) information from the Bureau of Criminal Apprehension indicates that the subject
11.19 is a multistate offender;

11.20 (2) information from the Bureau of Criminal Apprehension indicates that multistate
11.21 offender status is undetermined; or

11.22 (3) commissioner has received a report from the subject or a third party indicating
11.23 that the subject has a criminal history in a jurisdiction other than Minnesota.

11.24 (c) Notwithstanding paragraph (d), for background studies conducted by the
11.25 commissioner for child foster care, adoptions, or a transfer of permanent legal and
11.26 physical custody of a child, the subject of the background study, who is 18 years of age
11.27 or older, shall provide the commissioner with a set of classifiable fingerprints obtained
11.28 from an authorized agency.

11.29 (d) For background studies initiated on or after the implementation of NETStudy
11.30 2.0, every subject of a background study must provide the commissioner with a set of the
11.31 background study subject's classifiable fingerprints and photograph within 14 days of the
11.32 initiation of the background study in NETStudy 2.0. The photograph and fingerprints must
11.33 be recorded at the same time by the commissioner's authorized fingerprint collection vendor
11.34 and sent to the commissioner through the commissioner's secure data system described in
11.35 section 245C.32, subdivision 1a, paragraph (b). The fingerprints shall not be retained by

12.1 the Department of Public Safety, Bureau of Criminal Apprehension, or the commissioner,
 12.2 but will be retained by the Federal Bureau of Investigation. The commissioner's authorized
 12.3 fingerprint collection vendor shall, for purposes of verifying the identity of the background
 12.4 study subject, be able to view the identifying information entered into NETStudy 2.0 by
 12.5 the entity that initiated the background study, but shall not retain the subject's fingerprints,
 12.6 photograph, or information from NETStudy 2.0. The authorized fingerprint collection
 12.7 vendor shall retain no more than the name and date and time the subject's fingerprints were
 12.8 recorded and sent, only as necessary for auditing and billing activities.

12.9 (e) For background studies completed by county agencies under this chapter for
 12.10 family child care services, any subject of a background study who has resided in another
 12.11 state within the five years preceding initiation of the background study must provide the
 12.12 county agency with a set of the subject's classifiable fingerprints for purposes of obtaining
 12.13 criminal history data from the National Criminal Records Repository.

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

12.15 Sec. 10. Minnesota Statutes 2014, section 245C.08, subdivision 2, is amended to read:

12.16 Subd. 2. **Background studies conducted by a county agency.** (a) For a
 12.17 background study conducted by a county agency for family child care services, the
 12.18 commissioner shall review:

12.19 (1) information from the county agency's record of substantiated maltreatment
 12.20 of adults and the maltreatment of minors;

12.21 (2) information from juvenile courts as required in subdivision 4 for:

12.22 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages
 12.23 13 through 23 living in the household where the licensed services will be provided; and

12.24 (ii) any other individual listed under section 245C.03, subdivision 1, when there
 12.25 is reasonable cause; ~~and~~

12.26 (3) information from the Bureau of Criminal Apprehension; and

12.27 (4) criminal history data from the National Criminal Records Repository when the
 12.28 individual has resided in another state within the five years preceding initiation of the
 12.29 background study.

12.30 (b) If the individual has not resided in the county for ~~less than~~ the five years
 12.31 preceding initiation of the background study, the study shall include the records specified
 12.32 under paragraph (a) for the individual's previous county or counties of residence for the
 12.33 past five years.

12.34 (c) Notwithstanding expungement by a court, the county agency may consider
 12.35 information obtained under paragraph (a), clause (3), unless the commissioner received

13.1 notice of the petition for expungement and the court order for expungement is directed
13.2 specifically to the commissioner.

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

13.4 Sec. 11. Minnesota Statutes 2014, section 256.01, subdivision 18d, is amended to read:

13.5 Subd. 18d. **Data sharing with Department of Human Services; multiple**
13.6 **identification cards.** (a) The commissioner of public safety shall, on a monthly basis,
13.7 provide the commissioner of human services with the first, middle, and last name, the
13.8 address, date of birth, Social Security number, driver's license or state identification
13.9 card number, and all photographs or electronically produced images of all applicants
13.10 and holders whose drivers' licenses and state identification cards have been canceled
13.11 on or after January 1, 2013, under section 171.14, paragraph (a), clause (2) or (3), by
13.12 the commissioner of public safety. After the initial data report has been provided by
13.13 the commissioner of public safety to the commissioner of human services under this
13.14 paragraph, subsequent reports shall only include cancellations that occurred after the end
13.15 date of the cancellations represented in the previous data report.

13.16 (b) The commissioner of human services shall compare the information provided
13.17 under paragraph (a) with the commissioner's data regarding recipients of all public
13.18 assistance programs managed by the Department of Human Services to determine whether
13.19 any individual with multiple identification cards issued by the Department of Public
13.20 Safety has illegally or improperly enrolled in any public assistance program managed by
13.21 the Department of Human Services.

13.22 (c) If the commissioner of human services determines that an applicant or recipient
13.23 has illegally or improperly enrolled in any public assistance program, the commissioner
13.24 shall provide all due process protections to the individual before terminating the individual
13.25 from the program according to applicable statute and notifying the county attorney.

13.26 Sec. 12. Minnesota Statutes 2014, section 256.01, subdivision 18e, is amended to read:

13.27 Subd. 18e. **Data sharing with the Department of Human Services; legal presence**
13.28 **date.** (a) The commissioner of public safety shall, on a monthly basis, provide the
13.29 commissioner of human services with the first, middle, and last name, and address, date of
13.30 birth, Social Security number, and driver's license or state identification card number of all
13.31 applicants and holders of drivers' licenses and state identification cards whose temporary
13.32 legal presence date has expired and as a result the driver's license or identification card has
13.33 been accordingly canceled under section 171.14 by the commissioner of public safety.

14.1 (b) The commissioner of human services shall use the information provided under
 14.2 paragraph (a) to determine whether the eligibility of any recipients of public assistance
 14.3 programs managed by the Department of Human Services has changed as a result of the
 14.4 status change in the Department of Public Safety data.

14.5 (c) If the commissioner of human services determines that a recipient has illegally or
 14.6 improperly received benefits from any public assistance program, the commissioner shall
 14.7 provide all due process protections to the individual before terminating the individual from
 14.8 the program according to applicable statute and notifying the county attorney.

14.9 Sec. 13. Minnesota Statutes 2014, section 256B.04, is amended by adding a
 14.10 subdivision to read:

14.11 Subd. 25. **Interagency agreement for data sharing from commissioner**
 14.12 **of revenue.** The commissioner may enter into an interagency agreement with the
 14.13 commissioner of revenue to allow the Department of Revenue to transmit electronically
 14.14 to the Department of Human Services certain data on persons who applied for medical
 14.15 assistance or who are current or former medical assistance recipients. If an interagency
 14.16 agreement is concluded, the Department of Revenue is authorized to share the following
 14.17 data with the Department of Human Services: data from the personal or corporate filings
 14.18 of the medical assistance applicant, recipient, or former recipient; and data on the medical
 14.19 assistance applicant's, recipient's, or former recipient's wages, earned and unearned
 14.20 income, assets, and business expenses filed with the Department of Revenue.

14.21 Sec. 14. Minnesota Statutes 2014, section 626.557, subdivision 12b, is amended to read:

14.22 Subd. 12b. **Data management.** (a) In performing any of the duties of this section as
 14.23 a lead investigative agency, the county social service agency shall maintain appropriate
 14.24 records. Data collected by the county social service agency under this section are welfare
 14.25 data under section 13.46. Notwithstanding section 13.46, subdivision 1, paragraph (a),
 14.26 data under this paragraph that are inactive investigative data on an individual who is a
 14.27 vendor of services are private data on individuals, as defined in section 13.02. The identity
 14.28 of the reporter may only be disclosed as provided in paragraph (c).

14.29 Data maintained by the common entry point are confidential data on individuals or
 14.30 protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163,
 14.31 the common entry point shall maintain data for three calendar years after date of receipt
 14.32 and then destroy the data unless otherwise directed by federal requirements.

14.33 (b) The commissioners of health and human services shall prepare an investigation
 14.34 memorandum for each report alleging maltreatment investigated under this section.

15.1 County social service agencies must maintain private data on individuals but are not
15.2 required to prepare an investigation memorandum. During an investigation by the
15.3 commissioner of health or the commissioner of human services, data collected under this
15.4 section are confidential data on individuals or protected nonpublic data as defined in
15.5 section 13.02. Upon completion of the investigation, the data are classified as provided in
15.6 clauses (1) to (3) and paragraph (c).

15.7 (1) The investigation memorandum must contain the following data, which are public:

15.8 (i) the name of the facility investigated;

15.9 (ii) a statement of the nature of the alleged maltreatment;

15.10 (iii) pertinent information obtained from medical or other records reviewed;

15.11 (iv) the identity of the investigator;

15.12 (v) a summary of the investigation's findings;

15.13 (vi) statement of whether the report was found to be substantiated, inconclusive,
15.14 false, or that no determination will be made;

15.15 (vii) a statement of any action taken by the facility;

15.16 (viii) a statement of any action taken by the lead investigative agency; and

15.17 (ix) when a lead investigative agency's determination has substantiated maltreatment,
15.18 a statement of whether an individual, individuals, or a facility were responsible for the
15.19 substantiated maltreatment, if known.

15.20 The investigation memorandum must be written in a manner which protects the
15.21 identity of the reporter and of the vulnerable adult and may not contain the names or, to
15.22 the extent possible, data on individuals or private data listed in clause (2).

15.23 (2) Data on individuals collected and maintained in the investigation memorandum
15.24 are private data, including:

15.25 (i) the name of the vulnerable adult;

15.26 (ii) the identity of the individual alleged to be the perpetrator;

15.27 (iii) the identity of the individual substantiated as the perpetrator; and

15.28 (iv) the identity of all individuals interviewed as part of the investigation.

15.29 (3) Other data on individuals maintained as part of an investigation under this section
15.30 are private data on individuals upon completion of the investigation.

15.31 (c) After the assessment or investigation is completed, the name of the reporter
15.32 must be confidential. The subject of the report may compel disclosure of the name of the
15.33 reporter only with the consent of the reporter or upon a written finding by a court that
15.34 the report was false and there is evidence that the report was made in bad faith. This
15.35 subdivision does not alter disclosure responsibilities or obligations under the Rules of
15.36 Criminal Procedure, except that where the identity of the reporter is relevant to a criminal

16.1 prosecution, the district court shall do an in-camera review prior to determining whether
16.2 to order disclosure of the identity of the reporter.

16.3 (d) Notwithstanding section 138.163, data maintained under this section by the
16.4 commissioners of health and human services must be maintained under the following
16.5 schedule and then destroyed unless otherwise directed by federal requirements:

16.6 (1) data from reports determined to be false, maintained for three years after the
16.7 finding was made;

16.8 (2) data from reports determined to be inconclusive, maintained for four years after
16.9 the finding was made;

16.10 (3) data from reports determined to be substantiated, maintained for seven years
16.11 after the finding was made; and

16.12 (4) data from reports which were not investigated by a lead investigative agency and
16.13 for which there is no final disposition, maintained for three years from the date of the report.

16.14 (e) The commissioners of health and human services shall annually publish on their
16.15 Web sites the number and type of reports of alleged maltreatment involving licensed
16.16 facilities reported under this section, the number of those requiring investigation under this
16.17 section, and the resolution of those investigations. On a biennial basis, the commissioners
16.18 of health and human services shall jointly report the following information to the
16.19 legislature and the governor:

16.20 (1) the number and type of reports of alleged maltreatment involving licensed
16.21 facilities reported under this section, the number of those requiring investigations under
16.22 this section, the resolution of those investigations, and which of the two lead agencies
16.23 was responsible;

16.24 (2) trends about types of substantiated maltreatment found in the reporting period;

16.25 (3) if there are upward trends for types of maltreatment substantiated,

16.26 recommendations for addressing and responding to them;

16.27 (4) efforts undertaken or recommended to improve the protection of vulnerable adults;

16.28 (5) whether and where backlogs of cases result in a failure to conform with statutory
16.29 time frames and recommendations for reducing backlogs if applicable;

16.30 (6) recommended changes to statutes affecting the protection of vulnerable adults; and

16.31 (7) any other information that is relevant to the report trends and findings.

16.32 (f) Each lead investigative agency must have a record retention policy.

16.33 (g) The common entry point, lead investigative agencies, county agencies or their
16.34 designees, prosecuting authorities, and law enforcement agencies, state agencies, and
16.35 tribes may exchange not public data, as defined in section 13.02, if the agency or authority
16.36 requesting providing the data determines that the data are pertinent and necessary to the

17.1 ~~requesting~~ agency or authority for the provision of protective services or in initiating,
17.2 furthering, or completing an investigation under this section. Data collected under this
17.3 section must be made available to prosecuting authorities and law enforcement officials,
17.4 local county agencies, and licensing agencies investigating the alleged maltreatment
17.5 under this section. The lead investigative agency shall exchange not public data with the
17.6 vulnerable adult maltreatment review panel established in section 256.021 if the data
17.7 are pertinent and necessary for a review requested under that section. Notwithstanding
17.8 section 138.17, upon completion of the review, not public data received by the review
17.9 panel must be destroyed.

17.10 (h) Each lead investigative agency shall keep records of the length of time it takes to
17.11 complete its investigations.

17.12 (i) A lead investigative agency may notify other affected parties and their authorized
17.13 representative if the lead investigative agency has reason to believe maltreatment has
17.14 occurred and determines the information will safeguard the well-being of the affected
17.15 parties or dispel widespread rumor or unrest in the affected facility.

17.16 (j) Under any notification provision of this section, where federal law specifically
17.17 prohibits the disclosure of patient identifying information, a lead investigative agency may
17.18 not provide any notice unless the vulnerable adult has consented to disclosure in a manner
17.19 which conforms to federal requirements.