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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3668**

03/29/2016 Authored by Dehn, R.,  
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 certain requirements for the commissioner  
1.3 to consider granting a variance; amending Minnesota Statutes 2014, section  
1.4 245C.24, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2014, 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 (b), the commissioner may not set aside the disqualification of any individual  
1.9 disqualified pursuant to this chapter, regardless of how much time has passed, if the  
1.10 individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

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

1.19 (c) When a licensed foster care provider adopts an individual who had received  
1.20 foster care services from the provider for over six months, and the adopted individual is  
1.21 required to receive a background study under section 245C.03, subdivision 1, paragraph  
1.22 (a), clause (2) or (6), the commissioner may grant a variance to the license holder under  
1.23 section 245C.30 to permit the adopted individual with a permanent disqualification  
1.24 to remain affiliated with the license holder under the conditions of the variance when

- 2.1 the variance is recommended by the county of responsibility for each of the remaining
- 2.2 individuals in placement in the home and the licensing agency for the home.