

2.1 (d) From July 1, 2007, to June 30, 2009, the commissioner of human services shall
2.2 conduct a study of an individual required to be studied under section 245C.03, at the
2.3 time of reapplication for a child foster care license. The county or private agency shall
2.4 collect and forward to the commissioner the information required under section 245C.05,
2.5 subdivisions 1, paragraphs (a) and (b), and 5, paragraphs (a) and (b). The background
2.6 study conducted by the commissioner of human services under this paragraph must
2.7 include a review of the information required under section 245C.08, subdivisions 1,
2.8 paragraph (a), clauses (1) to (5), 3, and 4.

2.9 (e) The commissioner of human services shall conduct a background study of an
2.10 individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2)
2.11 to (6), who is newly affiliated with a child foster care license holder. The county or
2.12 private agency shall collect and forward to the commissioner the information required
2.13 under section 245C.05, subdivisions 1 and 5. The background study conducted by the
2.14 commissioner of human services under this paragraph must include a review of the
2.15 information required under section 245C.08, subdivisions 1, 3, and 4.

2.16 (f) From January 1, 2010, to December 31, 2012, unless otherwise specified in
2.17 paragraph (c), the commissioner shall conduct a study of an individual required to
2.18 be studied under section 245C.03 at the time of reapplication for an adult foster care
2.19 or family adult day services license: (1) the county shall collect and forward to the
2.20 commissioner the information required under section 245C.05, subdivision 1, paragraphs
2.21 (a) and (b), and subdivision 5, paragraphs (a) and (b), for background studies conducted
2.22 by the commissioner for all family adult day services and for adult foster care when
2.23 the adult foster care license holder resides in the adult foster care or family adult day
2.24 services residence; (2) the license holder shall collect and forward to the commissioner
2.25 the information required under section 245C.05, subdivisions 1, paragraphs (a) and (b);
2.26 and 5, paragraphs (a) and (b), for background studies conducted by the commissioner for
2.27 adult foster care when the license holder does not reside in the adult foster care residence;
2.28 and (3) the background study conducted by the commissioner under this paragraph must
2.29 include a review of the information required under section 245C.08, subdivision 1,
2.30 paragraph (a), clauses (1) to (5), and subdivisions 3 and 4.

2.31 (g) The commissioner shall conduct a background study of an individual specified
2.32 under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly
2.33 affiliated with an adult foster care or family adult day services license holder: (1) the
2.34 county shall collect and forward to the commissioner the information required under
2.35 section 245C.05, subdivision 1, paragraphs (a) and (b), and subdivision 5, paragraphs (a)
2.36 and (b), for background studies conducted by the commissioner for all family adult day

3.1 services and for adult foster care when the adult foster care license holder resides in
3.2 the adult foster care residence; (2) the license holder shall collect and forward to the
3.3 commissioner the information required under section 245C.05, subdivisions 1, paragraphs
3.4 (a) and (b); and 5, paragraphs (a) and (b), for background studies conducted by the
3.5 commissioner for adult foster care when the license holder does not reside in the adult
3.6 foster care residence; and (3) the background study conducted by the commissioner under
3.7 this paragraph must include a review of the information required under section 245C.08,
3.8 subdivision 1, paragraph (a), and subdivisions 3 and 4.

3.9 (h) Applicants for licensure, license holders, and other entities as provided in this
3.10 chapter must submit completed background study forms to the commissioner before
3.11 individuals specified in section 245C.03, subdivision 1, begin positions allowing direct
3.12 contact in any licensed program.

3.13 (i) A license holder must ~~provide the commissioner notice~~ initiate a new background
3.14 study through the commissioner's online background study system or through a letter
3.15 mailed to the commissioner when:

3.16 (1) an individual returns to a position requiring a background study following an
3.17 absence of ~~45~~ 180 or more consecutive days; or

3.18 (2) a program that discontinued providing licensed direct contact services for ~~45~~ 180
3.19 or more consecutive days begins to provide direct contact licensed services again.

3.20 The license holder shall maintain a copy of the notification provided to
3.21 the commissioner under this paragraph in the program's files. If the individual's
3.22 disqualification was previously set aside for the license holder's program and the new
3.23 background study results in no new information that indicates the individual may pose a
3.24 risk of harm to persons receiving services from the license holder, the previous set-aside
3.25 shall remain in effect.

3.26 (j) For purposes of this section, a physician licensed under chapter 147 is considered
3.27 to be continuously affiliated upon the license holder's receipt from the commissioner of
3.28 health or human services of the physician's background study results.

3.29 (k) For purposes of family child care, substitute caregivers must receive repeat
3.30 background studies at the time of each license renewal.