



Minnesota Department of **Human Services**

Fast Facts: 2014 Legislative Session

New background study law will improve protections for vulnerable adults and children

The Minnesota Department of Human Services completes background studies on individuals who care for children, people with disabilities, and elderly individuals who receive services in their homes and other health care settings. In 2012, DHS received a \$3 million federal grant to improve protections for children and vulnerable adults through more accurate and comprehensive background studies. Legislation proposed by Gov. Mark Dayton and approved by the Legislature adds to early enhancements.

Issues the new law will address

- Under current system, background studies have been tied to the employer. This resulted in workers needing a new study with each job change.
- Background studies currently are conducted using name and date of birth. People with common names often experience delays in getting their study completed due to the extra research necessary to ensure that criminal history, if any, belongs to the applicant.
- The Minnesota Bureau of Criminal Apprehension estimates that DHS misses about 1 percent of individuals' criminal records due to name-based checks. Nearly 2,500 background studies could be cleared even though the background study subject may have a serious criminal history in Minnesota.
- New criminal history information is provided only when an employer, corrections agent or probation officer reports it to DHS.
- Current mail notifications to the employers and individuals regarding background study results and phone contacts to employers to verify employment are time intensive and costly.

2014 legislative changes

The new background studies law requires DHS to collect fingerprints and a photograph of the background study subject. Legislation also requires implementation of new software that supports multiple changes designed to improve the accuracy and completeness of background studies. Highlights of the legislation include:

Improved accuracy of studies

- The background study system will change from studies based on name and date of birth to fingerprint-based state checks. This eliminates false "hits" on people with the same or similar name.
- DHS employees will no longer need to review records that don't belong to the actual background study subject or someone who has already passed a background study but is applying for a job with a different employer.
- DHS will receive updates of criminal information from the Minnesota Court Information System.

Increased efficiency and a faster hiring process for employers and employees

- With certain exceptions, the background study will be linked to the person and not to a specific job/employer. This means individuals only need to complete one background study rather than every time they change jobs.
- When a provider initiates a background study, if the study subject has already passed a fingerprint based study, the employer can hire the person immediately.
- Employers will have easier access to databases through DHS to assist in employment decisions.

Data privacy protections

- The new law prevents the retention of fingerprints, limits how long photos can be kept by DHS and allows individuals to request destruction of their data.
- In addition, the legislation outlines the timelines for auto destruction of data and requires fingerprint vendors to keep limited information strictly for billing and auditing purposes.

Improved accountability

- Background study subjects will be given a comprehensive privacy notice that will inform them of their rights, including the right to request a report on who accessed their background study status.

Next steps

- Stakeholder meetings will be held in eight locations throughout the state beginning in July to provide information about the background study changes and gather feedback.
- Training for providers and information on how to use the new system will be available in the late summer to prepare for the system's implementation in January 2015.
- Implementation of the changes, including use of fingerprints and photos for all background studies, will be phased in beginning in January 2015.
- Locations for fingerprinting will be set up across the state and ready for operation in January 2015.
- The background studies web pages will be redesigned and include information about the changes, stakeholder meetings, training, and fingerprint locations. The information will be posted on <http://www.dhs.state.mn.us/nbcp-initiative>.

Statistics

The new system will result in two-thirds fewer background studies being conducted but with more accurate and timely results. This will result in efficiencies for employees, employers and the state.

Current volume:

- Number of studies processed each work day: 1,200
- Number of annual background studies conducted: more than 275,000
- Percent of studies with findings that currently require staff research or action: 15 percent
- Number of background studies resulting in disqualification in fiscal year 2013: 6,931

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