

House Research Act Summary

CHAPTER: 396

SESSION: 2002 Regular Session

TOPIC: Disclosure of certain school personnel data; human services licensing; immunity to certain health care providers and facilities

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Analyst: Elisabeth Loehrke, 651-296-5043

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Overview

Section 1 of this act allows schools to release certain data regarding an employee's or former employee's violence or inappropriate sexual contact with a student, if the subject of the data consents. Sections 2 and 3 modify provisions in the Human Services Licensing Act. Section 4 gives certain health care providers and facilities immunity from liability for providing reference check information about current or former employees.

Section

- 1 **School district or charter school disclosure of violence or inappropriate contact.** Adds subd. 15 to § 13.43. Requires a school district superintendent or the administrator of a charter school to release to a requesting school district or charter school private personnel data on a current or former school employee about documented violence or inappropriate sexual contact with a student, if the subject of the data consents to the release. Makes this section effective July 1, 2002.
- 323 Amends § 245A.07, subds. 2 and 3. Amends two subdivisions in a section on the application of sanctions to license holders governed by the Human Services Licensing Act. Requires a license holder's appeal of a temporary immediate license suspension, a license suspension or revocation, or an order to pay a fine to be postmarked and sent to the commissioner within specified periods of time (current law requires these appeals to be received by the commissioner within these specified time periods).
- 4 **Reference checks by certain health care providers and facilities.** Adds § 604A.33. Provides immunity from liability to the listed health care providers and facilities for providing reference check information about current or former employees to prospective employers. Lists the information that may be provided. This section is effective July 1, 2002, and applies to causes of action arising on or after that date.

Subd. 1. Application. Lists the providers and facilities who are given immunity for providing reference check information about current or former employees: residential treatment programs for children or juveniles, group homes for children, nursing homes, home care providers, personal care provider organizations, day training and habilitation providers, board and lodging facilities, ICFs/MR, and other facilities that provider residential services to persons with developmental disabilities.

Subd. 2. Causes of action. Prohibits a provider or facility listed in subdivision 1, or a designated employee or agent, from being sued for disclosing information about a current or former employee, as long as the disclosure is made in compliance with this section. Still allows a person or entity to be sued (1) under the Human Rights Act; (2) if it is proved, by a preponderance of the evidence, that the information was fraudulently disclosed or disclosed with deliberate disregard as to its truth or falsity; or (3) if a prospective employer discloses information received under this section.

Subd. 3. Reference checks. Paragraph (a) lists information about a current or former employee that a provider, facility, employee, or agent may disclose in writing to a prospective employer, upon written request. Paragraph (b) lists additional information that may be disclosed in writing with the current or former employee's consent. Paragraph (c) specifies that a copy of the information disclosed and information on to whom it was disclosed must be provided to the current or former employee, upon request.