

Return to Emergency Studies Frequently Asked Questions

1. What is an emergency background study?

An emergency background study (emergency study) is one that is completed under the authority of the [Governor's Executive Order 20-12](#) and the authority granted to the human services commissioner due to the COVID-19 pandemic. This authority temporarily suspends or modifies many of the background study requirements. These measures are being taken to assist entities in providing necessary direct care staffing for critical services to support vulnerable Minnesotans. This includes:

- Suspending the fingerprint and photograph requirement
- Completing Minnesota criminal history record checks only (FBI checks are suspended)
- Suspending out-of-state maltreatment checks for some provider types
(The following Title IV-E eligible provider types still require an out-of-state maltreatment check: family child foster care, corporate child foster care, adoption, and children's residential facilities)
- Permitting direct contact services without supervision for certain provider types, unless DHS notifies you otherwise.

2. How long are emergency studies valid?

Emergency studies remain valid during the peacetime emergency and for 60 days after the peacetime emergency expires. Instructions about transitioning back to fully compliant background studies will be provided in the future.

3. Are fingerprints and a photograph required?

No. Fingerprints and photographs are suspended for emergency studies submitted after 6:30 AM on November 19, 2020.

4. Can my entity fingerprint and photograph study subjects if we have our own equipment?

The system will not accept fingerprints and photograph for studies submitted after 6:30 AM on November 19, 2020. Livescan fingerprint equipment may continue to be used for studies that were submitted from October 21, 2020 at 6:00 AM through November 19, 2020 at 6:30 AM. Background study subjects can continue to be fingerprinted for these studies through December 31, 2020.

5. Will background study fees apply?

If your entity currently pays a fee for each background study transaction, the fee for most emergency background studies is \$20. On May 20, 2020, the fee for children's residential facilities returned to \$51 and the fee for private agency adoption studies returned to \$70. (Full fee applies to Title IV-E eligible provider types).

6. What documentation will entities receive?

There are no changes to the background study notices, document or email notifications. Entities will continue to receive electronic copies of background study documentation, and will receive email notifications when new documents and determinations are available. Additionally, there are no changes to the text of the notices.

7. What documentation will study subjects receive?

There are no changes to the background study documents that study subjects receive. They will continue to receive background study documents via the U.S. mail. Study subjects who use the applicant portal to complete the data entry for their application will continue to have electronic access to certain background study documents. There are no changes to the text of the notices.

8. What information is checked for an emergency background study?

Emergency background studies will include:

- A check of records from the Minnesota Bureau of Criminal Apprehension (BCA)
- A check of records from Minnesota counties and the Minnesota Departments of Health and of Human Services for substantiated abuse, neglect, or financial exploitation of a child or vulnerable adult
- If applicable based on provider type, a check of the following provider-checked registries according to current processes in the NETStudy 2.0 User Manual:
 - o Minnesota Office of Inspector General Excluded Individuals
 - o Federal Office of Inspector General List of Excluded Individuals and Entities (LEIE)
 - o Minnesota Nurse Aide Registry.
- A check for out-of-state maltreatment (when needed) for the following provider types: family child foster care, corporate child foster care, adoption and children's residential facilities.

Note: Federal criminal history record checks done by the FBI will not be completed because fingerprints are required for biometric matching.

9. Why do studies for providers eligible for Title IV-E funding require an out-of-state maltreatment check (also known as a Child Abuse and Neglect Registry (CANR) check)?

DHS received federal guidance that an out-of-state maltreatment check is required for these programs. Initially this was not part of the emergency background study. This requirement was

reinstated and applied retroactively to emergency background studies that were completed between April 6, 2020 and May 17, 2020.

The following providers require a CANR check for emergency background studies:

- Adoption
- Child foster care
- Corporate child foster care
- Children’s residential facilities.

10. Will emergency studies be updated with “rap back-like” information?

Yes. For individuals on an entity’s active roster, the emergency studies will be updated with information from the:

- Minnesota Court Information System (MNCIS)
- Minnesota maltreatment information system.

11. Are study subjects required to be supervised before receiving a notice from the Background Studies Division?

No. Supervision is not required once the background study application is submitted except as provided below. If the Background Studies Division determines that the study subject must be supervised or removed pending the results of the background study, the entity and the study subject will be notified. If the study subject is ordered supervised or removed, the entity must comply with the order.

Important notes:

- There are three provider types that require the study subject to have a clearance or other background study status that permits them to provide direct contact services. For these provider types, supervision cannot be waived. See the next question.
- The supervision status for emergency studies in NETStudy 2.0 may show “Yes”. The mandatory supervision requirement is being suspended for emergency studies, so disregard this field.
- Entities must follow the notice they receive from DHS for the supervision status of the study subject (as is currently required), regardless of the supervision status.

12. What are the exceptions to the supervision waiver for emergency studies?

The laws for the following services require that the entity receive a clearance or other background study notice permitting the study subject to provide direct contact services. For these services, supervision does not apply and therefore cannot be waived.

- Personal care assistants (PCAs) must have a clearance before providing services.
- Special transportation drivers and workers must have a clearance before providing services.
- Staff providing services in Housing Support settings must have a clearance before providing services.

13. Will entities know it is an emergency study?

Yes. All emergency studies will include “COVID-19 Study” in the final determination status. For example, if the study subject is determined eligible, the study subject’s final determination status will be “Eligible – COVID-19 Study.”

14. How will background study compliance be reviewed?

DHS will coordinate with the Minnesota Departments of Health, Corrections and Transportation about the emergency studies. These state agencies and the DHS Licensing Division can access entity’s NETStudy 2.0 rosters to view studies, including those that are tagged “COVID -19 Study.”

15. Will these emergency background study subjects be added to an entity’s roster?

Yes. The study subject will be added to the entity’s active roster until the entity removes the individual. Entities are required to separate study subjects from their active roster once the entity is no longer affiliated with the study subject.

16. What if the background study application connects to an existing determination in NETStudy 2.0?

In some cases, a background study application will connect to an existing determination, and you will receive a clearance notice immediately. This is part of “transferability” in the NETStudy 2.0 system. When this occurs, the background study meets all of the requirements (prior to the COVID-19 changes) and is a fully compliant study. This means that a new application will not need to be submitted later and the study subject will not have to be fingerprinted (for this study). Studies that “transfer” will show on your active roster. They will not be tagged with “COVID-19 Study” because they meet all of the requirements prior to the changes that occurred for emergency background studies.

17. Do emergency studies apply to child foster care programs?

Yes. The change applies to all study types in NETStudy 2.0. An emergency background study permits foster care providers to begin providing services immediately without needing to be fingerprinted and photographed.

18. Do emergency studies apply to child care services?

Yes. The changes apply to all study types in NETStudy 2.0. An emergency background study permits child care workers to begin providing services immediately without needing to be fingerprinted and photographed.

The expiration date on the “Roster” screen will display for child care studies with a date that is five years from the date the application is submitted. However, these studies do not meet the

federal enhanced background study requirements. Disregard the expiration date for emergency studies.

19. Do emergency studies apply to children’s residential facilities?

Yes. The change applies to all study types in NETStudy 2.0. An emergency background study permits workers in children’s residential facilities to begin providing services immediately without needing to be fingerprinted and photographed.

20. Are there changes to the disqualification and request for reconsideration process?

No. There are no changes to the disqualification and request for reconsideration process.

21. Do emergency studies apply to adoption for county and private agencies?

No. Adoption background studies are different from the other emergency background studies because they are submitted in the old background study system called NETStudy.

22. What other differences are there with emergency studies?

Emergency studies do not meet all of the pre-COVID-19 background study requirements. The following background study requirements are NOT included in emergency studies:

- For child care: a check of the child abuse and neglect registry (CANR) in states other than Minnesota.
- For nursing homes, boarding care and home care: checks of maltreatment of vulnerable adults and children in states the study subject reports to have lived in the past five years.
- For child care: checks of the National Sex Offender Registry (NSOR) and criminal history or predatory offender registry checks in any state outside of Minnesota where the individual currently lives or has lived within the last five years.

23. Can entities add affiliation records?

It is not possible to add affiliation records to NETStudy 2.0 rosters for emergency studies. However, study subjects can use an emergency study determination to work in other programs operated by the same entity when these criteria are met:

- The SIP is the same for the program the emergency background study was submitted by *and* the program(s) where the study subject will provide services; AND,
- The program where the study subject will provide services has the same or lower background study requirement(s) as the program type under which the background study was submitted (i.e., some study types continue to require out-of-state maltreatment checks and the higher study requirement must be met); AND,
- The study subject’s NETStudy 2.0 application is in process or the study subject has an eligible study

Note: see question 12 for additional information about personal care and transportation worker background studies.

24. What will happen to background study applications that were submitted in NETStudy 2.0 between Oct. 21 and 6 a.m. Nov. 19, 2020?

If the study subject's background study was submitted during this timeframe, **do not withdraw the background study application.** If the study subject:

- Was fingerprinted and photographed for the background study, the study is still valid and will be completed by DHS.
- Has not yet been fingerprinted and photographed for the background study, the fingerprint deadline date will be extended by DHS to Dec. 31, 2020. Encourage the study subject to be fingerprinted and photographed at a LiveScan location as soon as possible. If the study subject cannot be fingerprinted and photographed by the deadline date, the entity must submit a new background study application for the study subject, which will be completed using the study subject's name and date of birth. Fingerprint extension requests will not apply to these study applications.

If your entity does not remain affiliated with the study subject, remove the individual from the active roster and withdraw the application.

25. What provider types do emergency background studies apply?

- Adult day center
- Assisted living
- Board and lodging
- Boarding care
- Boarding care -- home care provider
- Child care:
 - Certified license exempt child care center
 - Legal non-licensed family child care
 - Licensed child care center
 - Licensed family child care
- Child protection worker
- Children's Therapeutic Services and Supports
- Corporate adult foster care
- Detoxification program
- DHS child foster care
- DHS children's residential facility
- DHS corporate child foster care
- DHS education program
- DHS education program -- child care
- DHS temporary employment -- child care
- DHS temporary employment/personnel agency
- DOC child foster care
- DOC children's residential facility
- DOC corporate child foster care
- Family adult day services
- Family adult foster care
- Fiscal management services
- Home and community-based services
- Home care provider
- Hospice care
- Hospital
- Hospital – nursing home
- Housing Support
- Independent living assistance – youth
- MDH educational program
- MDH health occupation practitioner
- MDH temporary employment/personnel agency

- Nursing home
- Nursing home – boarding care
- Outpatient surgery
- Personal care provider organization
- Private child caring or placing agency
- Residential mental health
- Residential services – physically disabled
- Sex offender treatment program
- Substance use disorder treatment
- Supplemental nursing services agencies
- Transportation provider
- Unlicensed Consumer Directed Community Supports
- Unlicensed Home and Community Based Services
- Withdrawal management

26. Which provider types are excluded from submitting emergency studies?

This change does not apply for these provider types, which will continue submitting studies the same as they were prior to Nov. 19, 2020.

- Adoptions
- Tribal adoption
- Tribal child care center
- Tribal child foster care
- MNSure
- Common Entry Point (CEP) / Minnesota Adult Abuse Reporting Center (MAARC)
- Guardians and conservators
- Guardian ad Litem

27. What will happen to a study that is in process/awaiting fingerprints?

DHS will extend the fingerprint deadline until December 31, 2020. If a study subject is not fingerprinted on or before this date, the background study will be closed and a new background study will need to be submitted.

28. What will happen to a study where the subject has already been fingerprinted and is awaiting completion of the study?

DHS will continue to process the study. Entities must follow supervision requirements/comply with notices generated in NETStudy 2.0.

29. What will happen to a study that has been initiated but not submitted before the return to emergency studies?

As of 6:30 AM on November 19, 2020, studies submitted will become emergency studies (even if the study was initiated prior to Nov. 19). Studies in the NETStudy 2.0 *Pending Payments* queue

or the *Not Yet Submitted* queue as of that time will become emergency studies if they are submitted. Studies initiated but not submitted will close 90 days after the study was initiated.

30. If an entity has submitted a fingerprint based study and the study subject has not been fingerprinted, how does this impact supervision status?

If a study subject has an emergency study allowing them to provide services for the entity (ie: eligible, set aside):

The study subject may provide services without supervision and be fingerprinted if possible. If fingerprints are taken for the fingerprint based study, the entity must follow supervision requirements and notices provided in the NETStudy 2.0 system. If the study subject is unable to be fingerprinted, your entity will receive a removal notice. The entity may disregard the removal notice.

If the study subject does not have an emergency study for the entity:

Follow the supervision status of the fingerprint based study in NETStudy 2.0. If the study subject is able to get fingerprinted they should do so. If they are unable to get fingerprinted and the study subject remains affiliated with the entity, an emergency study must be submitted.

31. If an entity submitted a fingerprint based study and the study subject has been fingerprinted, how does this impact supervision status?

The entity must follow any notices issued in NETStudy 2.0 for the study.

32. If an entity previously submitted an emergency study, does a new emergency study need to be submitted?

A previous emergency study can still be utilized as long as the entity has not separated the individual from their roster.

33. If an entity submitted a fingerprint study for a subject, does the entity need to submit an emergency study?

If the study subject has been or is going to be fingerprinted an emergency background study is not required. If the study subject is unable to be fingerprinted and remains affiliated, your entity will need to submit an emergency background study.

34. How will the return to emergency studies impact enhanced child care studies being submitted and the related fees being covered by DHS?

If an entity has already submitted a fingerprint-based study, and the study subject is fingerprinted before December 31, 2020, the study will be processed as an enhanced child care

study. Effective November 19, 2020 at 6:30 AM, all background studies will be processed as emergency studies. Emergency study fees are not covered by DHS. The fee for emergency child care background studies is \$20.00.

35. Are child abuse neglect registry (CANR) checks required for emergency studies?

Children's residential facilities, child foster care and adoption CANR checks will continue to be processed.

Child care, nursing home, boarding care and home care CANR checks will not be processed for emergency background studies.