

RECONSIDERATION PROCESS

1. The Agency sends notice of disqualification to the subject and the license holder.
 -  The letters to the subject and license holder are different IF the subject is not the license holder.
2. The subject has 15-30 days to respond in writing, to request reconsideration, as specified in the 245C, Department of Human Services Background Studies Act . The time frames for requesting reconsideration will depend upon the level of the risk of harm that the agency determines.
 -  The request must be made by the subject or the parent of a minor subject. If the license holder is **NOT** the subject, the license holder may **NOT** request reconsideration.
 -  The subject's request must be sent to the licensing agency. The licensing agency is then required to send it to the commissioner.
3. The agency reviews the request and all pertinent information (e.g., police reports, BCA, child and/or adult protection reports, evaluations, etc.)
4. The agency makes a recommendation from the possible outcomes:
 -  the disqualifying factor be set aside,
 -  the disqualifying factor not be set aside **and** a variance be granted.
 -  the disqualifying factor not be set aside, **and no** variance granted

The agency's recommendation must be based on documentation as required in The Department of Human Services Background Studies Act (245C.22.)

5. The agency then submits all of the pertinent information to the Department of Human Services. (See the checklist for disqualification reconsideration.)
6. DHS notifies the subject, license holder, and agency of the action taken.

DHS cannot act on a request until all necessary information is received. Please see the checklist for disqualification reconsideration.