Bill Summary Comparison of

Health and Human Services

|  |  |
| --- | --- |
| Senate File 1458, 2nd Engrossment | Senate File 1458, 1st Unofficial Engrossment |
| Article 9, Health Licensing Boards  | Article 11, Health-Related Licensing Boards |

Prepared by:

Senate Counsel, Research and Fiscal Analysis and House Research

May 1, 2015

This publication can be made available in alternative format upon request.

Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance.

| Article 9 – Health Licensing Board  |  | Article 11 – Health-Related Licensing Boards |
| --- | --- | --- |
|  | House only section. | Sec. 1. Supervision. Amends § 146B.01, subd. 28. Clarifies that there are two types of supervision, direct and indirect, and defines both types. |
|  | House only section. | Sec. 2. Licensure requirements. Amends § 146B.03, subd. 4. Changes the structure of the subdivision to include two paragraphs. Existing language is designated as paragraph (a) and applies to all applicants for new licenses issued before January 1, 2016.Paragraph (b) requires an applicant for a license to submit a signed affidavit from each licensed technician who provided supervision for the experiences required for licensure. Requires the applicant to complete a minimum of five hours of coursework in bloodborne pathogens and various infection control techniques. This paragraph is effective for applicants for new licenses issued on or after January 1, 2016. |
|  | House only section.  | Sec. 3. Licensure term; renewal. Amends § 146B.03, subd. 6. Adds a requirement for the commissioner to notify a licensee of pending license expiration at least 90 days prior to the expiration of the license. |
|  | House only section. | Sec. 4. Required supervised experience. Amends § 146B.03, by adding subd. 12. Creates a separate subdivision for supervised experience requirements for applicants for tattoo and body piercing technicians. Establishes different supervised experience requirements for tattoo artists who wish to perform advanced and complex body piercing. |
|  | House only section. | Sec. 5. Proof of age. Amends § 146B.07, subd. 1. Requires body art technicians to require proof of age from clients who state they are 18 years of age or older. |
|  | House only section. | Sec. 6. Parent or legal guardian consent; prohibitions. Amends § 146B.07, subd. 2. Adds requirements for both the parent and the child to provide proof of identification that includes a photograph. Requires the parent or legal guardian to provide documentation to establish that the individual is the parent or legal guardian of the child. Clarifies the types of piercings that cannot be performed on a child. |
|  | House only section. | Sec. 7. Grounds listed. Amends § 147.091, subd. 1. Strikes failure to repay a student loan as one of the grounds for disciplinary action in the Medical Practice Act.  |
|  | House only section.(See SF 1521-floor) | Sec. 8. Exceptions. Amends § 148.271. Allows nurses licensed in other states, but not in Minnesota, to provide continuing education, serve as a guest lecturer, present at conferences, and provide distance learning in Minnesota without having a Minnesota license. |
|  | House only section.(See SF 383-finance) | Sec. 9. Board of optometry. Amends § 148.52. Clarifies that optometrists who are appointed to the board must be licensed in Minnesota. |
|  | House only section.(See SF 383-finance) | Sec. 10. Board; seal. Amends § 148.54. Adds the offices of vice president and secretary to the board. |
| **Section 1 (148.57, subd. 1)** modifies fees established under the Board of Optometry. | Identical except for paragraph (c). House strikes language related to an obsolete certification for the use of legend drugs.Staff recommends House language. | Sec. 11. Examination. Amends § 148.57, subd. 1. Strikes the $87 application fee and creates a cross-reference to section 148.59, the section in which all fees are listed. Strikes references obsolete requirements regarding use of legend drugs. |
| **Section 2 (148.57, subd. 2a)** modifies fees established under the Board of Optometry. | There is a structural difference only. House has divided this section into paragraphs. Staff recommends House language. | Sec. 12. Endorsement. Amends § 148.57, subd. 2. Strikes the $87 application fee and creates a cross-reference to section 148.59, the section in which all fees are listed. Makes structural changes to section by dividing it into paragraphs. Strikes a cross reference to an obsolete board certification. |
|  | House only section.(See SF 383-finance) | Sec. 13. Change of address. Amends § 148.57, by adding subd. 5. Requires a regulated person to maintain a current name and address with the board and notify the board in writing within 30 days of any change. Requires a regulated person to request revised credentials from the board when the person has a name change. Establishes requirements for reissuance of lost, stolen, or destroyed credentials. |
|  | House only section.(See SF 383-finance) | Sec. 14. Prohibitions relating to legend drugs. Amends § 148.574. Strikes references to sections repealed in this article. |
|  | House only section.(See SF 383-finance) | Sec. 15. Requirements defined. Amends § 148.575, subd. 2. Strikes obsolete language related to board certification for use of legend drugs since the use of legend drugs is now part of the curriculum in optometric training. |
|  | House only section.(See SF 383-finance) | Sec. 16. Standard of care. Amends § 148.577. Strikes reference to a section repealed in this article. |
| **Section 3 (148.59)** modifies fees established by the Board of Optometry. | Identical | Sec. 17. License and registration fees. Amends § 148.59. Establishes fees. Provides that fees may not exceed the listed amounts, but may be adjusted lower by the board. |
|  | House only section.(See SF 383-finance) | Sec. 18. Grounds for disciplinary action. Amends § 148.603. Establishes the conduct that may be the basis for disciplinary action. |
|  | House only section.(See SF 383-finance) | Sec. 19. Reporting obligations. Creates § 148.604. Subd. 1. Permission to report. Allows any person to report conduct constituting grounds for discipline to the board. Subd. 2. Institutions. Requires health care institutions and organizations to notify the board if the entity has taken action to revoke, suspend, restrict, or condition the optometrists practice privileges. Requires the institutions or organizations to notify the board if an optometrist has resigned prior to the conclusion of disciplinary proceedings. Subd. 3. Licensed professionals. Requires licensed optometrists to report conduct constituting grounds for disciplinary action to the board. Subd. 4. Self-reporting. Requires an optometrist to report to the board any personal conduct that constitutes grounds for disciplinary action. Subd. 5. Deadlines; forms; rulemaking. Requires reports to be made to the board within 30 days after occurrence of the reportable event. Allows the board to provide forms for submission of reports and to adopt rules. Subd. 6. Subpoenas. Allows the board to issue subpoenas for production of reports required by subdivisions 2 to 4. |
|  | House only section.(See SF 383-finance) | Sec. 20. Immunity. Creates § 148.605. Subd. 1. Reporting. Provides that any individual or entity making a report under section 148.604 in good faith and in exercise of reasonable care is immune from criminal and civil liability. Subd. 2. Investigation; indemnification. Paragraph (a) provides that members and employees of the board, and consultants retained by the board, are immune from criminal and civil liability related to their duties in investigating complaints and imposing disciplinary action when acting in good faith and in exercise of reasonable care. Paragraph (b) provides that members and employees of the board engaged in maintaining records and making reports regarding adverse health care events are immune from civil and criminal liability when acting in good faith and in exercise of reasonable care.Paragraph (c) states that for purposes of this section, a member of the board or a consultant is considered a state employee. |
|  | House only section.(See SF 383-finance) | Sec. 21. Optometrist cooperation. Creates § 148.606. Requires an optometrist who is the subject of an investigation to cooperate fully with the investigation. |
|  | House only section.(See SF 383-finance) | Sec. 22. Disciplinary action. Creates § 148.607. Lists the types of disciplinary action that can be taken by the board: revocation or suspension of the license, limitations or conditions placed on the license, civil penalties, and censure or reprimand. |
| **Section 4 (148E.075)** creates the following alternative licenses:  temporary leave license; emeritus inactive license; and an emeritus active license.**Subd. 1** establishes a temporary leave license and removes reference to inactive status.**Subd. 1a** establishes an emeritus inactive license.Subd. 1b establishes an emeritus active license.**Subd. 2** permits a licensee to apply for temporary leave license, emeritus inactive license, or emeritus active license at any time when currently licensed or as an alternative to applying for a renewal of a license.**Subd. 3** requires applicants for a temporary leave license or an emeritus inactive license to submit the established fee.  Requires an applicant for an emeritus active license to pay one-half of the renewal fee for the applicable license.  Requires the applicants to submit the fees with the application for the new license.**Subds. 4, 5, 6 and 7** are stricken.**Subd. 8** authorizes the board to resolve any pending complaints against a licensee before approving an application for an alternative license.  Permits the board to take disciplinary action against a licensee with an alternative license. | Identical | Sec. 23. Alternate licenses. Amends § 148E.075. Subd. 1. Temporary leave license. Paragraph (b) allows a licensee to hold a temporary leave license for no more than four consecutive years.Paragraph (c) allows a licensee to reactivate their license within the four-year period, but if this is not done within 60 days following the end of the four-year period, the license expires.Paragraph (d) prohibits a licensee with a temporary leave license from any form of social work practice except as provided in paragraph (e).Paragraph (e) establishes the procedure for a licensee with a temporary leave license to provide emergency social work services. Paragraph (f) requires a licensee with a temporary leave license to make this clear in any representation to the public regarding professional status. Subd. 1a. Emeritus inactive license. Paragraph (a) lists the conditions under which a licensee may qualify for this form of alternate license.Paragraph (b) allows a licensee with an emeritus inactive license to apply for reactivation within four years of the granting of this license. If not reactivated within that time, the individual may apply for a new license.Paragraph (c) prohibits a licensee with an emeritus inactive license from any form of social work practice except as provided in paragraph (d).Paragraph (d) establishes the procedure for a licensee with an emeritus inactive license to provide emergency social work services.Paragraph (e) requires a licensee with an emeritus inactive license to make this clear in any representation to the public regarding professional status. Subd. 1b. Emeritus active license. Paragraph (a) lists the conditions under which a licensee may qualify for this form of alternate license.Paragraph (b) lists the limitations on practice for an individual with an emeritus active license.Paragraph (c) requires renewal of an emeritus active license.Subd. 2. Application. Allows licensees to apply for an alternate license when currently licensed or as an alternative to renewing a license.Subd. 3. Fee. Requires applicants for a temporary leave license or an emeritus inactive license to submit the established fee. Provides that an applicant for an emeritus active license is required to pay one-half of the renewal fee for the applicable license. Requires applicants to submit the fees with the application for the new license. Subds. 4 to 7 are stricken.Subd. 8. Disciplinary or other action. Allows the board to resolve pending complaints against a licensee before approving the application for an alternate license. Allows the board to take disciplinary action against a licensee with an alternate license.  |
| **Section 5 (148E.080, subd.1)** changes a cross-reference. | Identical | Sec. 24. Mailing notices to licensees on temporary leave. Amends § 148E.080, subd. 1. Updates a cross-reference due to the amendments to § 148E.075. |
| **Section 6 (148E.080, subd. 2)** changes a cross-reference. | Identical | Sec. 25. Reactivation from a temporary leave or emeritus status. Amends § 148E.080, subd. 2. Updates cross-references due to the amendments to § 148E.075. |
| **Section 7 (148E.180, subd. 2)** creates an emeritus inactive license fee and an emeritus active license. | Identical | Sec. 26. License fees. Amends § 148E.180, subd. 2. Establishes an emeritus inactive license fee and an emeritus active license fee. |
| Section 8 (148E.180, subd. 5) establishes a license late fee. | Identical | Sec. 27. Late fees. Amends § 148E.180, subd. 5. Establishes a license late fee. |
| **Section 9 (150A.091, subd. 4)** modifies fees established by the Board of Dentistry. | Identical | Sec. 28. Annual license fees. Amends § 150A.091, subd. 4. Allows the Board of Dentistry to increase the annual license fee for a resident dentist or dental provider to no more than $85. |
| **Section 10 (150A.091, subd. 5)** modifies fees established by the Board of Dentistry. | Identical | Sec. 29. Biennial license or permit fees. Amends § 150A.091, subd. 5. Establishes an increased cap on fees for dentists, dental therapists, dental hygienists, and licensed dental assistants. |
| **Section 11 (150A.091. subd. 11)** modifies fees established by the Board of Dentistry. | Identical | Sec. 30. Certificate application fee for anesthesia/sedation. Amends § 150A.091, subd. 11. Establishes increased cap on fees for anesthesia and sedation applications and biennial renewals. |
| **Section 12 (150A.091, subd. 17)** modifies fees established by the Board of Dentistry. | Identical | Sec. 31. Advanced dental therapy examination fee. Amends § 150A.091, by adding subd. 17. Provides that the application fee to sit for the examination cannot exceed $250. |
| **Section 13 (150A.091, subd. 18)** modifies fees established by the Board of Dentistry. | Identical | Sec. 32. Corporation or professional firm late fee. Amends § 150A.091, by adding subd. 18. Allows the Board of Dentistry to assess a late fee of not more than $15 if a corporation or professional firm does not timely submit its annual fee. |
| **Section 14 (150A31)** modifies fees established by the Board of Dentistry. | Identical | Sec. 33. Fees. Amends § 150A.31. Allows the Board of Dentistry to charge dental laboratories a biennial renewal registration fee not to exceed $80. |
|  | House only section.(See SF 1765-floor) | Sec. 34. Pharmacy technician. Amends § 151.01, subd. 15a. Modifies the definition of pharmacy technician. Provides that a pharmacy technician is a person who has been trained to perform pharmacy tasks that do not require the professional judgment of a licensed pharmacist. Prohibits pharmacy technicians from performing tasks reserved to a licensed pharmacist. |
|  | House only section.(See SF 1765-floor) | Sec. 35. Practice of pharmacy. Amends § 151.01, subd. 27. Allows pharmacists to administer flu vaccines to individuals age six and older and all other vaccines to patients age 13 and older. (Current law allows administration of flu vaccine to individuals age 10 and older and all other vaccines to patients age 18 and older.)Requires the pharmacist to check the Minnesota Immunization Information Connection prior to administration of vaccines, except when giving a flu shot to individuals age nine and older. Strikes the requirement to notify the patient’s primary physician. |
|  | House only section.(See SF 1765-floor) | Sec. 36. State Board of Pharmacy. Amends § 151.02. Increases the membership on the board to three public members (currently there are two) and six pharmacists who actively practice (currently there are five). |
| **Section 15 (151.065, subd. 1)** modifies fees established by the Board of Pharmacy. | Identical | Sec. 37. Application fee. Amends § 151.056, subd. 1. Increase application fees for licensure and registration assessed by the Board of Pharmacy. |
| **Section 16 (151.065, subd. 2)** modifies fees established by the Board of Pharmacy. | Identical | Sec. 38. Original license fee. Amends § 151.065, subd. 2. Increase the pharmacist original license fee. |
| **Section 17 (151.065, subd. 3)** modifies fees established by the Board of Pharmacy. | Identical | Sec. 39. Annual renewal fees. Amends § 151.065, subd. 3. Increase annual licensure and registration renewal fees assessed by the Board of Pharmacy. |
| **Section 18 (151.065, subd. 4)** modifies fees established by the Board of Pharmacy. | Identical | Sec. 40. Miscellaneous fees. Amends § 151.065, subd. 4. Increases the fees for affidavits, duplicate licenses, and certifications assessed by the Board of Pharmacy. |
|  | House only section.(See SF 1765-floor) | Sec. 41. Pharmacy technician. Amends § 151.102. Subd. 1. General. Clarifies that a pharmacy technician can perform tasks that are not reserved to, and do not require the professional judgment of, a licensed pharmacist. Changes the number of pharmacy technicians that can be supervised by a pharmacist from two to three. Allows the board to adopt rules to set ratios of pharmacists to technicians greater than three to one.  Subd. 2. Waivers by board permitted. Allows the board to issue waivers to pharmacists who request permission to supervise more than three pharmacy technicians. Subd. 3. Registration fee. No change. |
|  | House only section.(See SF 1521-floor) | Sec. 42. Temporary license suspension; imminent risk of serious harm. Amends § 214.077. Paragraph (a) requires a health-related licensing board to temporarily suspend a person’s authority to practice if the person presents an imminent risk of serious harm. Requires the board to issue a temporary suspension order which takes effect upon personal service, or upon the third calendar day after the order is served by first class mail.Paragraph (b) clarifies that the temporary suspension remains in effect until the investigation is completed, a contested case hearing is conducted, and a final order is issued.Paragraph (c) requires the health-related licensing board to schedule a contested case hearing at the time the temporary suspension order is issued. Requires the board to provide theregulated person with at least ten days’ notice of the hearing. Provides that the hearing must be scheduled to begin no later than 30 days after service of the order on the regulated person.Paragraph (d) requires the administrative law judge (ALJ) to issue a report and recommendation no later than 30 days after the hearing, and requires the board to issue a final order no later than 30 day after receipt of the ALJ’s report and recommendations. Provides that except as provided in paragraph (e), if the board does not issue its final order within 30 days, the temporary suspension shall be lifted. Paragraph (e) allows the regulated person to request a delay in the proceedings for any reason.Paragraph (f) provides that for the purposes of this section, “health-related licensing board” does not include the Office of Unlicensed Complementary and Alternative Health Practices. |
|  | House only section.(See SF 1521-floor) | Sec. 43. Investigation and hearing. Amends § 214.10, subd. 2. Makes technical changes by striking the word “disciplinary” and inserting “contested case” to more accurately name the type of hearing that is conducted in response to complaints against a regulated person. |
|  | House only section.(See SF 1521-floor) | Sec. 44. Proceedings. Amends § 214.10, subd. 2a. Strikes the conviction for receiving stolen property (Minn. Stat. § 609.52), from the list of offenses that require a board to initiate proceedings to suspend or revoke a license or refuse to renew a license of a regulated person. |
|  | House only section.(See SF 1521-floor) | Sec. 45. Duties of a participating board. Amends § 214.32, subd. 6. Makes changes to conform to the amendments to section 214.077 in section 42. |
| **Section 19** repeals 148E.060, subd. 12 (temporary license, ineligibility). | In addition to the section repealed by the Senate, House repeals sections related to optometry and a section that allows health boards to take disciplinary action against a licensee who fails to repay student loans.(See SF 383-finance) | Sec. 46. Repealer. Repeals §§ 148.57, subds. 3 (revocation, suspension) and 4 (peddling and canvassing prohibited); 148.571 (use of topical ocular drugs); 148.572 (advice to seek diagnosis and treatment); 148.573, subd. 1 (certificate required for use or possession of topical ocular drug); 148.575, subds. 1 (certificate required for use of legend drugs), 3 (display of certificate required), 5 (notice to Board of Pharmacy), and 6 (board certification required); and 148.576, subds. 1 (authority to prescribe or administer legend drugs) and 2 (adverse reaction reports); § 148E.060, subd. 12 (ineligibility for a temporary license); § 148E.075, subds. 4 (time limits for temporary leaves), 5 (time limits for emeritus license), 6 (prohibition on practice), and 7 (representations of professional status); and § 214.105 (repealing the authority granted to the health boards to take disciplinary action against a person regulated by a board if the person fails to repay student loans). |