

320.29 **ARTICLE 9**
320.30 **HEALTH LICENSING BOARDS**

333.18 **ARTICLE 11**
333.19 **HEALTH-RELATED LICENSING BOARDS**

333.20 Section 1. Minnesota Statutes 2014, section 146B.01, subdivision 28, is amended to
333.21 read:

333.22 Subd. 28. **Supervision.** "Supervision" means the physical presence of a technician
333.23 licensed under this chapter while a body art procedure is being performed: and includes:

333.24 (1) direct supervision, which means the constant physical presence of a technician

333.25 licensed under this chapter within five feet and the line of sight of the temporary technician

333.26 who is performing a body art procedure; and

333.27 (2) indirect supervision, which means the constant physical presence of a technician

333.28 licensed under this chapter in the establishment while a body art procedure is being

333.29 performed by a temporary technician.

333.30 Sec. 2. Minnesota Statutes 2014, section 146B.03, subdivision 4, is amended to read:

333.31 Subd. 4. **Licensure requirements.** (a) An applicant for licensure under this section

333.32 shall submit to the commissioner on a form provided by the commissioner:

333.33 (1) proof that the applicant is over the age of 18;

334.1 (2) the type of license the applicant is applying for;

334.2 (3) all fees required under section 146B.10;

334.3 (4) proof of completing a minimum of 200 hours of supervised experience within

334.4 each area for which the applicant is seeking a license, and must include an affidavit from

334.5 the supervising licensed technician;

334.6 (5) proof of having satisfactorily completed coursework within the year preceding

334.7 application and approved by the commissioner on bloodborne pathogens, the prevention

334.8 of disease transmission, infection control, and aseptic technique. Courses to be considered

334.9 for approval by the commissioner may include, but are not limited to, those administered

334.10 by one of the following:

334.11 (i) the American Red Cross;

334.12 (ii) United States Occupational Safety and Health Administration (OSHA); or

334.13 (iii) the Alliance of Professional Tattooists; and

334.14 (6) any other relevant information requested by the commissioner.

334.15 The licensure requirements of this paragraph are effective for all applicants for new

334.16 licenses issued before January 1, 2016.

- 334.17 (b) An applicant for licensure under this section shall submit to the commissioner
334.18 on a form provided by the commissioner;
- 334.19 (1) proof that the applicant is over the age of 18;
- 334.20 (2) the type of license the applicant is applying for;
- 334.21 (3) all fees required under section 146B.10;
- 334.22 (4) a log showing completion of the supervised experience as specified in
334.23 subdivision 12;
- 334.24 (5) a signed affidavit from each licensed technician who the applicant listed as
334.25 providing supervision for each required activity;
- 334.26 (6) proof of having satisfactorily completed a minimum of five hours of coursework,
334.27 within the year preceding application and approved by the commissioner, on bloodborne
334.28 pathogens, the prevention of disease transmission, infection control, and aseptic technique.
334.29 Courses to be considered for approval by the commissioner may include, but are not
334.30 limited to, those administered by one of the following:
- 334.31 (i) the American Red Cross;
- 334.32 (ii) the United States Occupational Safety and Health Administration (OSHA); or
- 334.33 (iii) the Alliance of Professional Tattooists; and
- 334.34 (7) any other relevant information requested by the commissioner.
- 334.35 The licensure requirements of this paragraph shall be effective for all applicants for new
334.36 licenses issued on or after January 1, 2016.
- 335.1 Sec. 3. Minnesota Statutes 2014, section 146B.03, subdivision 6, is amended to read:
- 335.2 Subd. 6. **Licensure term; renewal.** (a) A technician's license is valid for two
335.3 years from the date of issuance and may be renewed upon payment of the renewal fee
335.4 established under section 146B.10.
- 335.5 (b) At renewal, a licensee must submit proof of continuing education approved by
335.6 the commissioner in the areas identified in subdivision 4, paragraph (b), clause ~~(5)~~ (6).
- 335.7 (c) The commissioner shall notify the technician of the pending expiration of a
335.8 technician license at least 90 days prior to license expiration.
- 335.9 Sec. 4. Minnesota Statutes 2014, section 146B.03, is amended by adding a subdivision
335.10 to read:
- 335.11 Subd. 12. **Required supervised experience.** An applicant for a body art technician
335.12 license shall complete the following minimum supervised experience for licensure:

- 335.13 (1) an applicant for a tattoo technician license or a dual body art technician license
335.14 must complete a minimum of 200 hours of tattoo experience under supervision; and
- 335.15 (2) an applicant for a body piercing technician license or a dual body art technician
335.16 license must perform 250 body piercings under direct supervision and 250 body piercings
335.17 under indirect supervision.
- 335.18 Sec. 5. Minnesota Statutes 2014, section 146B.07, subdivision 1, is amended to read:
- 335.19 Subdivision 1. **Proof of age.** (a) A technician shall require proof of age from clients
335.20 who state they are 18 years of age or older before performing any body art procedure on a
335.21 client. Proof of age must be established by one of the following methods:
- 335.22 (1) a valid driver's license or identification card issued by the state of Minnesota or
335.23 another state that includes a photograph and date of birth of the individual;
- 335.24 (2) a valid military identification card issued by the United States Department of
335.25 Defense;
- 335.26 (3) a valid passport;
- 335.27 (4) a resident alien card; or
- 335.28 (5) a tribal identification card.
- 335.29 (b) Before performing any body art procedure, the technician must provide the client
335.30 with a disclosure and authorization form that indicates whether the client has:
- 335.31 (1) diabetes;
- 335.32 (2) a history of hemophilia;
- 335.33 (3) a history of skin diseases, skin lesions, or skin sensitivities to soap or disinfectants;
- 335.34 (4) a history of epilepsy, seizures, fainting, or narcolepsy;
- 336.1 (5) any condition that requires the client to take medications such as anticoagulants
336.2 that thin the blood or interfere with blood clotting; or
- 336.3 (6) any other information that would aid the technician in the body art procedure
336.4 process evaluation.
- 336.5 (c) The form must include a statement informing the client that the technician shall
336.6 not perform a body art procedure if the client fails to complete or sign the disclosure and
336.7 authorization form, and the technician may decline to perform a body art procedure if the
336.8 client has any identified health conditions.
- 336.9 (d) The technician shall ask the client to sign and date the disclosure and
336.10 authorization form confirming that the information listed on the form is accurate.

- 336.11 (e) Before performing any body art procedure, the technician shall offer and make
336.12 available to the client personal draping, as appropriate.
- 336.13 Sec. 6. Minnesota Statutes 2014, section 146B.07, subdivision 2, is amended to read:
- 336.14 Subd. 2. **Parent or legal guardian consent; prohibitions.** (a) A technician may
336.15 perform body piercings on an individual under the age of 18 if when:
- 336.16 (1) the individual's parent or legal guardian is present and;
336.17 (2) the parent or legal guardian provides personal identification as provided in
336.18 subdivision 1, paragraph (a), clauses (1) to (5);
- 336.19 (3) the individual under age 18 provides proof of identification and age as provided
336.20 in subdivision 1, paragraph (a), clauses (1) to (5), by a current student identification,
336.21 or by another method that includes a photograph and the name of the individual from
336.22 an official source;
- 336.23 (4) the parent or legal guardian provides other documentation to reasonably establish
336.24 that the individual is the parent or the legal guardian of the individual under age 18 who is
336.25 seeking a body piercing;
- 336.26 (5) a consent form and the authorization form under subdivision 1, paragraph (b) is
336.27 signed by the parent or legal guardian in the presence of the technician; and
- 336.28 (6) the piercing is not prohibited under paragraph (c).
- 336.29 (b) No technician shall tattoo any individual under the age of 18 regardless of
336.30 parental or guardian consent.
- 336.31 (c) No nipple or genital piercing, branding, scarification, suspension, subdermal
336.32 implantation, microdermal, or tongue bifurcation shall be performed by any technician on
336.33 any individual under the age of 18 regardless of parental or guardian consent.
- 337.1 (d) No technician shall perform body art procedures on any individual who appears
337.2 to be under the influence of alcohol, controlled substances as defined in section 152.01,
337.3 subdivision 4, or hazardous substances as defined in rules adopted under chapter 182.
- 337.4 (e) No technician shall perform body art procedures while under the influence of
337.5 alcohol, controlled substances as defined under section 152.01, subdivision 4, or hazardous
337.6 substances as defined in the rules adopted under chapter 182.
- 337.7 (f) No technician shall administer anesthetic injections or other medications.
- 337.8 Sec. 7. Minnesota Statutes 2014, section 147.091, subdivision 1, is amended to read:
- 337.9 Subdivision 1. **Grounds listed.** The board may refuse to grant a license, may
337.10 refuse to grant registration to perform interstate telemedicine services, or may impose
337.11 disciplinary action as described in section 147.141 against any physician. The following
337.12 conduct is prohibited and is grounds for disciplinary action:

337.13 (a) Failure to demonstrate the qualifications or satisfy the requirements for a license
337.14 contained in this chapter or rules of the board. The burden of proof shall be upon the
337.15 applicant to demonstrate such qualifications or satisfaction of such requirements.

337.16 (b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing
337.17 examination process. Conduct which subverts or attempts to subvert the licensing
337.18 examination process includes, but is not limited to: (1) conduct which violates the
337.19 security of the examination materials, such as removing examination materials from the
337.20 examination room or having unauthorized possession of any portion of a future, current, or
337.21 previously administered licensing examination; (2) conduct which violates the standard of
337.22 test administration, such as communicating with another examinee during administration
337.23 of the examination, copying another examinee's answers, permitting another examinee
337.24 to copy one's answers, or possessing unauthorized materials; or (3) impersonating an
337.25 examinee or permitting an impersonator to take the examination on one's own behalf.

337.26 (c) Conviction, during the previous five years, of a felony reasonably related to the
337.27 practice of medicine or osteopathy. Conviction as used in this subdivision shall include
337.28 a conviction of an offense which if committed in this state would be deemed a felony
337.29 without regard to its designation elsewhere, or a criminal proceeding where a finding or
337.30 verdict of guilt is made or returned but the adjudication of guilt is either withheld or
337.31 not entered thereon.

337.32 (d) Revocation, suspension, restriction, limitation, or other disciplinary action
337.33 against the person's medical license in another state or jurisdiction, failure to report to the
337.34 board that charges regarding the person's license have been brought in another state or
337.35 jurisdiction, or having been refused a license by any other state or jurisdiction.

338.1 (e) Advertising which is false or misleading, which violates any rule of the board,
338.2 or which claims without substantiation the positive cure of any disease, or professional
338.3 superiority to or greater skill than that possessed by another physician.

338.4 (f) Violating a rule promulgated by the board or an order of the board, a state, or
338.5 federal law which relates to the practice of medicine, or in part regulates the practice of
338.6 medicine including without limitation sections 604.201, 609.344, and 609.345, or a state
338.7 or federal narcotics or controlled substance law.

338.8 (g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm
338.9 the public, or demonstrating a willful or careless disregard for the health, welfare or safety
338.10 of a patient; or medical practice which is professionally incompetent, in that it may create
338.11 unnecessary danger to any patient's life, health, or safety, in any of which cases, proof
338.12 of actual injury need not be established.

338.13 (h) Failure to supervise a physician assistant or failure to supervise a physician
338.14 under any agreement with the board.

338.15 (i) Aiding or abetting an unlicensed person in the practice of medicine, except that
338.16 it is not a violation of this paragraph for a physician to employ, supervise, or delegate
338.17 functions to a qualified person who may or may not be required to obtain a license or
338.18 registration to provide health services if that person is practicing within the scope of that
338.19 person's license or registration or delegated authority.

338.20 (j) Adjudication as mentally incompetent, mentally ill or developmentally disabled,
338.21 or as a chemically dependent person, a person dangerous to the public, a sexually
338.22 dangerous person, or a person who has a sexual psychopathic personality by a court of
338.23 competent jurisdiction, within or without this state. Such adjudication shall automatically
338.24 suspend a license for the duration thereof unless the board orders otherwise.

338.25 (k) Engaging in unprofessional conduct. Unprofessional conduct shall include
338.26 any departure from or the failure to conform to the minimal standards of acceptable
338.27 and prevailing medical practice in which proceeding actual injury to a patient need not
338.28 be established.

338.29 (l) Inability to practice medicine with reasonable skill and safety to patients by
338.30 reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of
338.31 material or as a result of any mental or physical condition, including deterioration through
338.32 the aging process or loss of motor skills.

338.33 (m) Revealing a privileged communication from or relating to a patient except when
338.34 otherwise required or permitted by law.

339.1 (n) Failure by a doctor of osteopathy to identify the school of healing in the
339.2 professional use of the doctor's name by one of the following terms: osteopathic physician
339.3 and surgeon, doctor of osteopathy, or D.O.

339.4 (o) Improper management of medical records, including failure to maintain adequate
339.5 medical records, to comply with a patient's request made pursuant to sections 144.291 to
339.6 144.298 or to furnish a medical record or report required by law.

339.7 (p) Fee splitting, including without limitation:

339.8 (1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate,
339.9 or remuneration, directly or indirectly, primarily for the referral of patients or the
339.10 prescription of drugs or devices;

339.11 (2) dividing fees with another physician or a professional corporation, unless the
339.12 division is in proportion to the services provided and the responsibility assumed by each
339.13 professional and the physician has disclosed the terms of the division;

339.14 (3) referring a patient to any health care provider as defined in sections 144.291 to
339.15 144.298 in which the referring physician has a "financial or economic interest," as defined
339.16 in section 144.6521, subdivision 3, unless the physician has disclosed the physician's
339.17 financial or economic interest in accordance with section 144.6521; and

339.18 (4) dispensing for profit any drug or device, unless the physician has disclosed the
339.19 physician's own profit interest.

339.20 The physician must make the disclosures required in this clause in advance and in writing
339.21 to the patient and must include in the disclosure a statement that the patient is free to
339.22 choose a different health care provider. This clause does not apply to the distribution
339.23 of revenues from a partnership, group practice, nonprofit corporation, or professional
339.24 corporation to its partners, shareholders, members, or employees if the revenues consist
339.25 only of fees for services performed by the physician or under a physician's direct
339.26 supervision, or to the division or distribution of prepaid or capitated health care premiums,
339.27 or fee-for-service withhold amounts paid under contracts established under other state law.

339.28 (q) Engaging in abusive or fraudulent billing practices, including violations of the
339.29 federal Medicare and Medicaid laws or state medical assistance laws.

339.30 (r) Becoming addicted or habituated to a drug or intoxicant.

339.31 (s) Prescribing a drug or device for other than medically accepted therapeutic or
339.32 experimental or investigative purposes authorized by a state or federal agency or referring
339.33 a patient to any health care provider as defined in sections 144.291 to 144.298 for services
339.34 or tests not medically indicated at the time of referral.

340.1 (t) Engaging in conduct with a patient which is sexual or may reasonably be
340.2 interpreted by the patient as sexual, or in any verbal behavior which is seductive or
340.3 sexually demeaning to a patient.

340.4 (u) Failure to make reports as required by section 147.111 or to cooperate with an
340.5 investigation of the board as required by section 147.131.

340.6 (v) Knowingly providing false or misleading information that is directly related
340.7 to the care of that patient unless done for an accepted therapeutic purpose such as the
340.8 administration of a placebo.

340.9 (w) Aiding suicide or aiding attempted suicide in violation of section 609.215 as
340.10 established by any of the following:

340.11 (1) a copy of the record of criminal conviction or plea of guilty for a felony in
340.12 violation of section 609.215, subdivision 1 or 2;

340.13 (2) a copy of the record of a judgment of contempt of court for violating an
340.14 injunction issued under section 609.215, subdivision 4;

340.15 (3) a copy of the record of a judgment assessing damages under section 609.215,
340.16 subdivision 5; or

340.17 (4) a finding by the board that the person violated section 609.215, subdivision
340.18 1 or 2. The board shall investigate any complaint of a violation of section 609.215,
340.19 subdivision 1 or 2.

340.20 (x) Practice of a board-regulated profession under lapsed or nonrenewed credentials.

340.21 ~~(y) Failure to repay a state or federally secured student loan in accordance with~~
340.22 ~~the provisions of the loan.~~

340.23 ~~(z)~~ (y) Providing interstate telemedicine services other than according to section
340.24 147.032.

340.25 Sec. 8. Minnesota Statutes 2014, section 148.271, is amended to read:

340.26 **148.271 EXEMPTIONS.**

340.27 The provisions of sections 148.171 to 148.285 shall not prohibit:

340.28 (1) The furnishing of nursing assistance in an emergency.

340.29 (2) The practice of advanced practice, professional, or practical nursing by any
340.30 legally qualified advanced practice, registered, or licensed practical nurse of another state
340.31 who is employed by the United States government or any bureau, division, or agency
340.32 thereof while in the discharge of official duties.

340.33 (3) The practice of any profession or occupation licensed by the state, other than
340.34 advanced practice, professional, or practical nursing, by any person duly licensed to
341.1 practice the profession or occupation, or the performance by a person of any acts properly
341.2 coming within the scope of the profession, occupation, or license.

341.3 (4) The provision of a nursing or nursing-related service by an unlicensed assistive
341.4 person who has been delegated or assigned the specific function and is supervised by a
341.5 registered nurse or monitored by a licensed practical nurse.

341.6 (5) The care of the sick with or without compensation when done in a nursing home
341.7 covered by the provisions of section 144A.09, subdivision 1.

341.8 (6) Professional nursing practice or advanced practice registered nursing practice by
341.9 a registered nurse or practical nursing practice by a licensed practical nurse licensed in
341.10 another state or territory who is in Minnesota as a student enrolled in a formal, structured
341.11 course of study, such as a course leading to a higher degree, certification in a nursing
341.12 specialty, or to enhance skills in a clinical field, while the student is practicing in the course.

341.13 (7) Professional or practical nursing practice by a student practicing under the
341.14 supervision of an instructor while the student is enrolled in a nursing program approved by
341.15 the board under section 148.251.

341.16 (8) Advanced practice registered nursing as defined in section 148.171, subdivisions
341.17 5, 10, 11, 13, and 21, by a registered nurse who is licensed and currently registered in
341.18 Minnesota or another United States jurisdiction and who is enrolled as a student in a
341.19 formal graduate education program leading to eligibility for certification and licensure
341.20 as an advanced practice registered nurse.

- 341.21 (9) Professional nursing practice or advanced practice registered nursing practice by
 341.22 a registered nurse or advanced practice registered nurse licensed in another state, territory,
 341.23 or jurisdiction who is in Minnesota temporarily;
 341.24 (i) providing continuing or in-service education;
 341.25 (ii) serving as a guest lecturer;
 341.26 (iii) presenting at a conference; or
 341.27 (iv) teaching didactic content via distance education to a student located in
 341.28 Minnesota who is enrolled in a formal, structured course of study, such as a course leading
 341.29 to a higher degree or certification in a nursing specialty.

341.30 Sec. 9. Minnesota Statutes 2014, section 148.52, is amended to read:

341.31 **148.52 BOARD OF OPTOMETRY.**

341.32 The Board of Optometry shall consist of two public members as defined by section
 341.33 214.02 and five qualified Minnesota licensed optometrists appointed by the governor.

341.34 Membership terms, compensation of members, removal of members, the filling of
 342.1 membership vacancies, and fiscal year and reporting requirements shall be as provided in
 342.2 sections 214.07 to 214.09.

342.3 The provision of staff, administrative services and office space; the review and
 342.4 processing of complaints; the setting of board fees; and other provisions relating to board
 342.5 operations shall be as provided in chapter 214.

342.6 Sec. 10. Minnesota Statutes 2014, section 148.54, is amended to read:

342.7 **148.54 BOARD; SEAL.**

342.8 The Board of Optometry shall elect from among its members a president, vice
 342.9 president, and secretary and may adopt a seal.

342.10 Sec. 11. Minnesota Statutes 2014, section 148.57, subdivision 1, is amended to read:

342.11 Subdivision 1. **Examination.** (a) A person not authorized to practice optometry in
 342.12 the state and desiring to do so shall apply to the state Board of Optometry by filling out
 342.13 and swearing to an application for a license granted by the board and accompanied by a
 342.14 fee in an amount of \$87 established by the board, not to exceed the amount specified in
 342.15 section 148.59. With the submission of the application form, the candidate shall prove
 342.16 that the candidate:

342.17 (1) is of good moral character;

342.18 (2) has obtained a clinical doctorate degree from a board-approved school or college
 342.19 of optometry, or is currently enrolled in the final year of study at such an institution; and

342.20 (3) has passed all parts of an examination.

320.31 Section 1. Minnesota Statutes 2014, section 148.57, subdivision 1, is amended to read:

321.1 Subdivision 1. **Examination.** (a) A person not authorized to practice optometry in
 321.2 the state and desiring to do so shall apply to the state Board of Optometry by filling out
 321.3 and swearing to an application for a license granted by the board and accompanied by a
 321.4 fee in an amount of \$87 established by the board, not to exceed the amount specified in
 321.5 section 148.59. With the submission of the application form, the candidate shall prove
 321.6 that the candidate:

321.7 (1) is of good moral character;

321.8 (2) has obtained a clinical doctorate degree from a board-approved school or college
 321.9 of optometry, or is currently enrolled in the final year of study at such an institution; and

321.10 (3) has passed all parts of an examination.

321.11 (b) The examination shall include both a written portion and a clinical practical
 321.12 portion and shall thoroughly test the fitness of the candidate to practice in this state. In
 321.13 regard to the written and clinical practical examinations, the board may:

321.14 (1) prepare, administer, and grade the examination itself;

321.15 (2) recognize and approve in whole or in part an examination prepared, administered
 321.16 and graded by a national board of examiners in optometry; or

321.17 (3) administer a recognized and approved examination prepared and graded by or
 321.18 under the direction of a national board of examiners in optometry.

321.19 (c) The board shall issue a license to each applicant who satisfactorily passes the
 321.20 examinations and fulfills the other requirements stated in this section and section 148.575
 321.21 for board certification for the use of legend drugs. Applicants for initial licensure do not
 321.22 need to apply for or possess a certificate as referred to in sections 148.571 to 148.574. The
 321.23 fees mentioned in this section are for the use of the board and in no case shall be refunded.

321.24 Sec. 2. Minnesota Statutes 2014, section 148.57, subdivision 2, is amended to read:

321.25 Subd. 2. **Endorsement.** An optometrist who holds a current license from another
 321.26 state, and who has practiced in that state not less than three years immediately preceding
 321.27 application, may apply for licensure in Minnesota by filling out and swearing to an
 321.28 application for license by endorsement furnished by the board. The completed application
 321.29 with all required documentation shall be filed at the board office along with a fee of \$87
 321.30 established by the board, not to exceed the amount specified in section 148.59. The
 321.31 application fee shall be for the use of the board and in no case shall be refunded. To
 321.32 verify that the applicant possesses the knowledge and ability essential to the practice of
 321.33 optometry in this state, the applicant must provide evidence of:

321.34 (1) having obtained a clinical doctorate degree from a board-approved school
 321.35 or college of optometry;

322.1 (2) successful completion of both written and practical examinations for licensure in
 322.2 the applicant's original state of licensure that thoroughly tested the fitness of the applicant
 322.3 to practice;

322.4 (3) successful completion of an examination of Minnesota state optometry laws;

322.5 (4) compliance with the requirements for board certification in section 148.575;

322.6 (5) compliance with all continuing education required for license renewal in every
 322.7 state in which the applicant currently holds an active license to practice; and

322.8 (6) being in good standing with every state board from which a license has been
 322.9 issued.

342.21 (b) The examination shall include both a written portion and a clinical practical
 342.22 portion and shall thoroughly test the fitness of the candidate to practice in this state. In
 342.23 regard to the written and clinical practical examinations, the board may:

342.24 (1) prepare, administer, and grade the examination itself;

342.25 (2) recognize and approve in whole or in part an examination prepared, administered
 342.26 and graded by a national board of examiners in optometry; or

342.27 (3) administer a recognized and approved examination prepared and graded by or
 342.28 under the direction of a national board of examiners in optometry.

342.29 (c) The board shall issue a license to each applicant who satisfactorily passes the
 342.30 examinations and fulfills the other requirements stated in this section ~~and section 148.575~~
 342.31 ~~for board certification for the use of legend drugs. Applicants for initial licensure do not~~
 342.32 ~~need to apply for or possess a certificate as referred to in sections 148.571 to 148.574. The~~
 342.33 ~~fees mentioned in this section are for the use of the board and in no case shall be refunded.~~

343.1 Sec. 12. Minnesota Statutes 2014, section 148.57, subdivision 2, is amended to read:

343.2 Subd. 2. **Endorsement.** (a) An optometrist who holds a current license from
 343.3 another state, and who has practiced in that state not less than three years immediately
 343.4 preceding application, may apply for licensure in Minnesota by filling out and swearing
 343.5 to an application for license by endorsement furnished by the board. The completed
 343.6 application with all required documentation shall be filed at the board office along with a
 343.7 fee of \$87 established by the board, not to exceed the amount specified in section 148.59.
 343.8 The application fee shall be for the use of the board and in no case shall be refunded.

343.9 (b) To verify that the applicant possesses the knowledge and ability essential to the
 343.10 practice of optometry in this state, the applicant must provide evidence of:

343.11 (1) having obtained a clinical doctorate degree from a board-approved school
 343.12 or college of optometry;

343.13 (2) successful completion of both written and practical examinations for licensure in
 343.14 the applicant's original state of licensure that thoroughly tested the fitness of the applicant
 343.15 to practice;

343.16 (3) successful completion of an examination of Minnesota state optometry laws;

343.17 (4) compliance with the requirements ~~for board certification~~ in section 148.575;

343.18 (5) compliance with all continuing education required for license renewal in every
 343.19 state in which the applicant currently holds an active license to practice; and

343.20 (6) being in good standing with every state board from which a license has been
 343.21 issued.

322.10 Documentation from a national certification system or program, approved by the
 322.11 board, which supports any of the listed requirements, may be used as evidence. The
 322.12 applicant may then be issued a license if the requirements for licensure in the other state
 322.13 are deemed by the board to be equivalent to those of sections 148.52 to 148.62.

343.22 (c) Documentation from a national certification system or program, approved by
 343.23 the board, which supports any of the listed requirements, may be used as evidence. The
 343.24 applicant may then be issued a license if the requirements for licensure in the other state
 343.25 are deemed by the board to be equivalent to those of sections 148.52 to 148.62.

343.26 Sec. 13. Minnesota Statutes 2014, section 148.57, is amended by adding a subdivision
 343.27 to read:

343.28 Subd. 5. **Change of address.** A person regulated by the board shall maintain a
 343.29 current name and address with the board and shall notify the board in writing within 30
 343.30 days of any change in name or address. If a name change only is requested, the regulated
 343.31 person must request revised credentials and return the current credentials to the board.
 343.32 The board may require the regulated person to substantiate the name change by submitting
 343.33 official documentation from a court of law or agency authorized under law to receive and
 343.34 officially record a name change. If an address change only is requested, no request for
 344.1 revised credentials is required. If the regulated person's current credentials have been lost,
 344.2 stolen, or destroyed, the person shall provide a written explanation to the board.

344.3 Sec. 14. Minnesota Statutes 2014, section 148.574, is amended to read:

344.4 **148.574 PROHIBITIONS RELATING TO LEGEND DRUGS;**
 344.5 **AUTHORIZING SALES BY PHARMACISTS UNDER CERTAIN CONDITIONS.**

344.6 ~~An optometrist shall not purchase, possess, administer, prescribe or give any legend~~
 344.7 ~~drug as defined in section 151.01 or 152.02 to any person except as is expressly authorized~~
 344.8 ~~by sections 148.571 to 148.577. Nothing in chapter 151 shall prevent a pharmacist from~~
 344.9 ~~selling topical ocular drugs to an optometrist authorized to use such drugs according to~~
 344.10 ~~sections 148.571 to 148.577. Notwithstanding sections 151.37 and 152.12, an optometrist~~
 344.11 ~~is prohibited from dispensing legend drugs at retail, unless the legend drug is within the~~
 344.12 ~~scope designated in section 148.56, subdivision 1, and is administered to the eye through~~
 344.13 ~~an ophthalmic good as defined in section 145.711, subdivision 4.~~

344.14 Sec. 15. Minnesota Statutes 2014, section 148.575, subdivision 2, is amended to read:

344.15 Subd. 2. ~~**Board-certified Requirements defined.** "Board-certified" means that A~~
 344.16 ~~licensed optometrist has been issued a certificate by the Board of Optometry certifying~~
 344.17 ~~that the optometrist has complied shall comply~~ with the following requirements for the use
 344.18 of legend drugs described in section 148.576:

344.19 ~~(1) successful completion of at least 60 hours of study in general and ocular~~
 344.20 ~~pharmacology emphasizing drugs used for examination or treatment purposes, their~~
 344.21 ~~systemic effects and management or referral of adverse reactions;~~

344.22 ~~(2)~~ (1) successful completion of at least 100 hours of study in the examination,
 344.23 diagnosis, and treatment of conditions of the human eye with legend drugs;

322.14 Sec. 3. Minnesota Statutes 2014, section 148.59, is amended to read:
 322.15 **148.59 LICENSE RENEWAL; FEE LICENSE AND REGISTRATION FEES.**
 322.16 A licensed optometrist shall pay to the state Board of Optometry a fee as set by the
 322.17 board in order to renew a license as provided by board rule. No fees shall be refunded.
 322.18 Fees may not exceed the following amounts but may be adjusted lower by board direction
 322.19 and are for the exclusive use of the board:
 322.20 (1) optometry licensure application, \$160;
 322.21 (2) optometry annual licensure renewal, \$135;
 322.22 (3) optometry late penalty fee, \$75;
 322.23 (4) annual license renewal card, \$10;
 322.24 (5) continuing education provider application, \$45;
 322.25 (6) emeritus registration, \$10;
 322.26 (7) endorsement/reciprocity application, \$160;
 322.27 (8) replacement of initial license, \$12; and
 322.28 (9) license verification, \$50.

344.24 ~~(3)~~ (2) successful completion of two years of supervised clinical experience in
 344.25 differential diagnosis of eye disease or disorders as part of optometric training or one year
 344.26 of that experience and ten years of actual clinical experience as a licensed optometrist; and
 344.27 ~~(4)~~ (3) successful completion of a nationally standardized examination approved or
 344.28 administered by the board on the subject of treatment and management of ocular disease.
 344.29 Sec. 16. Minnesota Statutes 2014, section 148.577, is amended to read:
 344.30 **148.577 STANDARD OF CARE.**
 344.31 A licensed optometrist ~~who is board certified under section 148.575~~ is held to the
 344.32 same standard of care in the use of those legend drugs as physicians licensed by the state
 344.33 of Minnesota.
 345.1 Sec. 17. Minnesota Statutes 2014, section 148.59, is amended to read:
 345.2 **148.59 LICENSE RENEWAL; FEE LICENSE AND REGISTRATION FEES.**
 345.3 A licensed optometrist shall pay to the state Board of Optometry a fee as set by the
 345.4 board in order to renew a license as provided by board rule. No fees shall be refunded.
 345.5 Fees may not exceed the following amounts but may be adjusted lower by board direction
 345.6 and are for the exclusive use of the board:
 345.7 (1) optometry licensure application, \$160;
 345.8 (2) optometry annual licensure renewal, \$135;
 345.9 (3) optometry late penalty fee, \$75;
 345.10 (4) annual license renewal card, \$10;
 345.11 (5) continuing education provider application, \$45;
 345.12 (6) emeritus registration, \$10;
 345.13 (7) endorsement/reciprocity application, \$160;
 345.14 (8) replacement of initial license, \$12; and
 345.15 (9) license verification, \$50.
 345.16 Sec. 18. Minnesota Statutes 2014, section 148.603, is amended to read:
 345.17 **148.603 FORMS OF GROUNDS FOR DISCIPLINARY ACTIONS ACTION.**
 345.18 ~~When grounds exist under section 148.57, subdivision 3, or other statute or rule~~
 345.19 ~~which the board is authorized to enforce, the board may take one or more of the following~~
 345.20 ~~disciplinary actions, provided that disciplinary or corrective action may not be imposed~~
 345.21 ~~by the board on any regulated person except after a contested case hearing conducted~~
 345.22 ~~pursuant to chapter 14 or by consent of the parties:~~
 345.23 (1) ~~deny an application for a credential;~~

- 345.24 ~~(2) revoke the regulated person's credential;~~
- 345.25 ~~(3) suspend the regulated person's credential;~~
- 345.26 ~~(4) impose limitations on the regulated person's credential;~~
- 345.27 ~~(5) impose conditions on the regulated person's credential;~~
- 345.28 ~~(6) censure or reprimand the regulated person;~~
- 345.29 ~~(7) impose a civil penalty not exceeding \$10,000 for each separate violation, the~~
345.30 ~~amount of the civil penalty to be fixed so as to deprive the person of any economic~~
345.31 ~~advantage gained by reason of the violation or to discourage similar violations or to~~
345.32 ~~reimburse the board for the cost of the investigation and proceeding. For purposes of~~
345.33 ~~this section, the cost of the investigation and proceeding may include, but is not limited~~
345.34 ~~to, fees paid for services provided by the Office of Administrative Hearings, legal and~~
345.35 ~~investigative services provided by the Office of the Attorney General, court reporters,~~
346.1 ~~witnesses, reproduction of records, board members' per diem compensation, board staff~~
346.2 ~~time, and travel costs and expenses incurred by board staff and board members; or~~
- 346.3 ~~(8) when grounds exist under section 148.57, subdivision 3, or a board rule, enter~~
346.4 ~~into an agreement with the regulated person for corrective action which may include~~
346.5 ~~requiring the regulated person:~~
- 346.6 ~~(i) to complete an educational course or activity;~~
- 346.7 ~~(ii) to submit to the executive director or designated board member a written~~
346.8 ~~protocol or reports designed to prevent future violations of the same kind;~~
- 346.9 ~~(iii) to meet with a board member or board designee to discuss prevention of future~~
346.10 ~~violations of the same kind; or~~
- 346.11 ~~(iv) to perform other action justified by the facts.~~
- 346.12 ~~Listing the measures in clause (8) does not preclude the board from including~~
346.13 ~~them in an order for disciplinary action. The board may refuse to grant a license or~~
346.14 ~~may impose disciplinary action as described in section 148.607 against any optometrist~~
346.15 ~~for the following:~~
- 346.16 ~~(1) failure to demonstrate the qualifications or satisfy the requirements for a license~~
346.17 ~~contained in this chapter or in rules of the board. The burden of proof shall be on the~~
346.18 ~~applicant to demonstrate the qualifications or the satisfaction of the requirements;~~

346.19 (2) obtaining a license by fraud or cheating, or attempting to subvert the licensing
346.20 examination process. Conduct which subverts or attempts to subvert the licensing
346.21 examination process includes, but is not limited to: (i) conduct which violates the
346.22 security of the examination materials, such as removing examination materials from the
346.23 examination room or having unauthorized possession of any portion of a future, current, or
346.24 previously administered licensing examination; (ii) conduct which violates the standard of
346.25 test administration, such as communicating with another examinee during administration
346.26 of the examination, copying another examinee's answers, permitting another examinee
346.27 to copy one's answers, or possessing unauthorized materials; or (iii) impersonating an
346.28 examinee or permitting an impersonator to take the examination on one's own behalf;

346.29 (3) conviction, during the previous five years, of a felony or gross misdemeanor,
346.30 reasonably related to the practice of optometry. Conviction as used in this section shall
346.31 include a conviction of an offense which if committed in this state would be deemed a
346.32 felony or gross misdemeanor without regard to its designation elsewhere, or a criminal
346.33 proceeding where a finding or verdict of guilt is made or returned but the adjudication of
346.34 guilt is either withheld or not entered thereon;

346.35 (4) revocation, suspension, restriction, limitation, or other disciplinary action against
346.36 the person's optometry license in another state or jurisdiction, failure to report to the
347.1 board that charges regarding the person's license have been brought in another state or
347.2 jurisdiction, or having been refused a license by any other state or jurisdiction;

347.3 (5) advertising which is false or misleading, which violates any rule of the board, or
347.4 which claims without substantiation the positive cure of any disease;

347.5 (6) violating a rule adopted by the board or an order of the board, a state or federal
347.6 law, which relates to the practice of optometry, or a state or federal narcotics or controlled
347.7 substance law;

347.8 (7) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm
347.9 the public, or demonstrating a willful or careless disregard for the health, welfare, or
347.10 safety of a patient; or practice of optometry which is professionally incompetent, in that
347.11 it may create unnecessary danger to any patient's life, health, or safety, which in any of
347.12 the cases, proof of actual injury need not be established;

347.13 (8) failure to supervise an optometrist's assistant or failure to supervise an
347.14 optometrist under any agreement with the board;

347.15 (9) aiding or abetting an unlicensed person in the practice of optometry, except that
347.16 it is not a violation of this section for an optometrist to employ, supervise, or delegate
347.17 functions to a qualified person who may or may not be required to obtain a license or
347.18 registration to provide health services if that person is practicing within the scope of that
347.19 person's license or registration or delegated authority;

- 347.20 (10) adjudication as mentally incompetent, mentally ill, or developmentally
347.21 disabled, or as a chemically dependent person, a person dangerous to the public, a sexually
347.22 dangerous person, or a person who has a sexual psychopathic personality by a court of
347.23 competent jurisdiction, within or without this state. Such adjudication shall automatically
347.24 suspend a license for the duration of the license unless the board orders otherwise;
- 347.25 (11) engaging in unprofessional conduct which includes any departure from or the
347.26 failure to conform to the minimal standards of acceptable and prevailing practice in which
347.27 case actual injury to a patient need not be established;
- 347.28 (12) inability to practice optometry with reasonable skill and safety to patients
347.29 by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of
347.30 material or as a result of any mental or physical condition, including deterioration through
347.31 the aging process or loss of motor skills;
- 347.32 (13) revealing a privileged communication from or relating to a patient except when
347.33 otherwise required or permitted by law;
- 347.34 (14) improper management of medical records, including failure to maintain
347.35 adequate medical records, to comply with a patient's request made pursuant to sections
347.36 144.291 to 144.298 or to furnish a medical record or report required by law;
- 348.1 (15) fee splitting, including without limitation:
- 348.2 (i) paying, offering to pay, receiving, or agreeing to receive a commission, rebate, or
348.3 remuneration, directly or indirectly, primarily for the referral of patients or the prescription
348.4 of drugs or devices; and
- 348.5 (ii) dividing fees with another optometrist, other health care provider, or a
348.6 professional corporation, unless the division is in proportion to the services provided
348.7 and the responsibility assumed by each professional and the optometrist has disclosed
348.8 the terms of the division;
- 348.9 (16) engaging in abusive or fraudulent billing practices, including violations of the
348.10 federal Medicare and Medicaid laws or state medical assistance laws;
- 348.11 (17) becoming addicted or habituated to a drug or intoxicant;
- 348.12 (18) prescribing a drug or device for other than accepted therapeutic or experimental
348.13 or investigative purposes authorized by the state or a federal agency;
- 348.14 (19) engaging in conduct with a patient which is sexual or may reasonably be
348.15 interpreted by the patient as sexual, or in any verbal behavior which is seductive or
348.16 sexually demeaning to a patient;
- 348.17 (20) failure to make reports as required by section 148.604 or to cooperate with an
348.18 investigation of the board as required by section 148.606;

- 348.19 (21) knowingly providing false or misleading information that is directly related to
348.20 the care of a patient; and
- 348.21 (22) practice of a board-regulated profession under lapsed or nonrenewed credentials.
- 348.22 Sec. 19. **[148.604] REPORTING OBLIGATIONS.**
- 348.23 Subdivision 1. **Permission to report.** A person who has knowledge of any conduct
348.24 constituting grounds for discipline under sections 148.52 to 148.62 may report the
348.25 violation to the board.
- 348.26 Subd. 2. **Institutions.** Any hospital, clinic, prepaid medical plan, or other health
348.27 care institution or organization located in this state shall report to the board any action
348.28 taken by the institution or organization or any of its administrators or medical or other
348.29 committees to revoke, suspend, restrict, or condition an optometrist's privilege to practice
348.30 or treat patients in the institution, or as part of the organization, any denial of privileges,
348.31 or any other disciplinary action. The institution or organization shall also report the
348.32 resignation of any optometrist prior to the conclusion of any disciplinary proceeding, or
348.33 prior to the commencement of formal charges but after the optometrist had knowledge
348.34 that formal charges were contemplated or in preparation. Each report made under this
348.35 subdivision must state the nature of the action taken, state in detail the reasons for
349.1 the action, and identify the specific patient medical records upon which the action was
349.2 based. No report shall be required of an optometrist voluntarily limiting the practice of
349.3 the optometrist at a hospital provided that the optometrist notifies all hospitals where the
349.4 optometrist has privileges of the voluntary limitation and the reasons for it.
- 349.5 Subd. 3. **Licensed professionals.** A licensed optometrist shall report to the board
349.6 personal knowledge of any conduct by any optometrist which the person reasonably
349.7 believes constitutes grounds for disciplinary action under sections 148.52 to 148.62,
349.8 including any conduct indicating that the person may be incompetent, may have engaged
349.9 in unprofessional conduct, or may be physically unable to safely engage in the practice
349.10 of optometry.
- 349.11 Subd. 4. **Self-reporting.** An optometrist shall report to the board any personal
349.12 action which would require that a report be filed with the board by any person, health care
349.13 facility, business, or organization pursuant to subdivisions 2 and 3.
- 349.14 Subd. 5. **Deadlines; forms; rulemaking.** Reports required by subdivisions 2 to
349.15 4 must be submitted not later than 30 days after the occurrence of the reportable event
349.16 or transaction. The board may provide forms for the submission of reports required by
349.17 this section, may require that reports be submitted on the forms provided, and may adopt
349.18 rules necessary to ensure prompt and accurate reporting.
- 349.19 Subd. 6. **Subpoenas.** The board may issue subpoenas for the production of any
349.20 reports required by subdivisions 2 to 4 or any related documents.
- 349.21 Sec. 20. **[148.605] IMMUNITY.**

349.22 Subdivision 1. **Reporting.** Any person, health care facility, business, or organization
349.23 is immune from civil liability or criminal prosecution for submitting a report to the
349.24 board pursuant to section 148.604 or for otherwise reporting to the board violations or
349.25 alleged violations of section 148.603, if they are acting in good faith and in the exercise
349.26 of reasonable care.

349.27 Subd. 2. **Investigation; indemnification.** (a) Members of the board, persons
349.28 employed by the board, and consultants retained by the board for the purpose of
349.29 investigation of violations, the preparation of charges, and management of board orders on
349.30 behalf of the board are immune from civil liability and criminal prosecution for any actions,
349.31 transactions, or publications in the execution of, or relating to, their duties under sections
349.32 148.52 to 148.62, if they are acting in good faith and in the exercise of reasonable care.

349.33 (b) Members of the board and persons employed by the board or engaged in
349.34 maintaining records and making reports regarding adverse health care events are immune
349.35 from civil liability and criminal prosecution for any actions, transactions, or publications
350.1 in the execution of, or relating to, their duties under sections 148.52 to 148.62, if they are
350.2 acting in good faith and in the exercise of reasonable care.

350.3 (c) For purposes of this section, a member of the board or a consultant described in
350.4 paragraph (a) is considered a state employee under section 3.736, subdivision 9.

350.5 Sec. 21. **[148.606] OPTOMETRIST COOPERATION.**

350.6 An optometrist who is the subject of an investigation by or on behalf of the board
350.7 shall cooperate fully with the investigation. Cooperation includes responding fully and
350.8 promptly to any question raised by or on behalf of the board relating to the subject of the
350.9 investigation and providing copies of patient medical records, as reasonably requested
350.10 by the board, to assist the board in its investigation. If the board does not have written
350.11 consent from a patient permitting access to the patient's records, the optometrist shall
350.12 delete any data in the record which identifies the patient before providing it to the board.
350.13 The board shall maintain any records obtained pursuant to this section as investigative
350.14 data pursuant to chapter 13.

350.15 Sec. 22. **[148.607] DISCIPLINARY ACTIONS.**

350.16 When the board finds that a licensed optometrist under section 148.57 has violated a
350.17 provision or provisions of sections 148.52 to 148.62, it may do one or more of the following:

350.18 (1) revoke the license;

350.19 (2) suspend the license;

350.20 (3) impose limitations or conditions on the optometrist's practice of optometry,
350.21 including the limitation of scope of practice to designated field specialties; the imposition
350.22 of retraining or rehabilitation requirements; the requirement of practice under supervision;
350.23 or the conditioning of continued practice on demonstration of knowledge or skills by
350.24 appropriate examination or other review of skill and competence;

322.29 Sec. 4. Minnesota Statutes 2014, section 148E.075, is amended to read:

322.30 ~~148E.075 INACTIVE LICENSES ALTERNATE LICENSES.~~

322.31 Subdivision 1. ~~Inactive status Temporary leave license.~~ (a) A licensee qualifies

322.32 ~~for inactive status under either of the circumstances described in paragraph (b) or (c):~~

322.33 ~~(b) A licensee qualifies for inactive status when the licensee is granted temporary~~

322.34 ~~leave from active practice. A licensee qualifies for temporary leave from active practice if~~

323.1 ~~the licensee demonstrates to the satisfaction of the board that the licensee is not engaged~~

323.2 ~~in the practice of social work in any setting, including settings in which social workers are~~

323.3 ~~exempt from licensure according to section 148E.065. A licensee who is granted temporary~~

323.4 ~~leave from active practice may reactivate the license according to section 148E.080.~~

323.5 ~~(b) A licensee may maintain a temporary leave license for no more than four~~

323.6 ~~consecutive years.~~

323.7 ~~(c) A licensee qualifies for inactive status when a licensee is granted an emeritus~~

323.8 ~~license. A licensee qualifies for an emeritus license if the licensee demonstrates to the~~

323.9 ~~satisfaction of the board that:~~

323.10 ~~(1) the licensee is retired from social work practice; and~~

323.11 ~~(2) the licensee is not engaged in the practice of social work in any setting, including~~

323.12 ~~settings in which social workers are exempt from licensure according to section 148E.065.~~

323.13 ~~A licensee who possesses an emeritus license may reactivate the license according to~~

323.14 ~~section 148E.080.~~

323.15 ~~(c) A licensee who is granted temporary leave from active practice may reactivate~~

323.16 ~~the license according to section 148E.080. If a licensee does not apply for reactivation~~

323.17 ~~within 60 days following the end of the consecutive four-year period, the license~~

323.18 ~~automatically expires. An individual with an expired license may apply for new licensure~~

323.19 ~~according to section 148E.055.~~

323.20 ~~(d) Except as provided in paragraph (e), a licensee who holds a temporary leave~~

323.21 ~~license must not practice, attempt to practice, offer to practice, or advertise or hold out as~~

323.22 ~~authorized to practice social work.~~

323.23 ~~(e) The board may grant a variance to the requirements of paragraph (d) if a licensee~~

323.24 ~~on temporary leave license provides emergency social work services. A variance is~~

323.25 ~~granted only if the board provides the variance in writing to the licensee. The board may~~

323.26 ~~impose conditions or restrictions on the variance.~~

350.25 ~~(4) impose a civil penalty not exceeding \$10,000 for each separate violation, the~~

350.26 ~~amount of the civil penalty to be fixed so as to deprive the optometrist of any economic~~

350.27 ~~advantage gained by reason of the violation charged or to reimburse the board for the cost~~

350.28 ~~of the investigation and proceeding; and~~

350.29 ~~(5) censure or reprimand the licensed optometrist.~~

350.30 Sec. 23. Minnesota Statutes 2014, section 148E.075, is amended to read:

350.31 ~~148E.075 INACTIVE LICENSES ALTERNATE LICENSES.~~

350.32 Subdivision 1. ~~Inactive status Temporary leave license.~~ (a) A licensee qualifies

350.33 ~~for inactive status under either of the circumstances described in paragraph (b) or (c):~~

351.1 ~~(b) A licensee qualifies for inactive status when the licensee is granted temporary~~

351.2 ~~leave from active practice. A licensee qualifies for temporary leave from active practice if~~

351.3 ~~the licensee demonstrates to the satisfaction of the board that the licensee is not engaged~~

351.4 ~~in the practice of social work in any setting, including settings in which social workers are~~

351.5 ~~exempt from licensure according to section 148E.065. A licensee who is granted temporary~~

351.6 ~~leave from active practice may reactivate the license according to section 148E.080.~~

351.7 ~~(b) A licensee may maintain a temporary leave license for no more than four~~

351.8 ~~consecutive years.~~

351.9 ~~(c) A licensee qualifies for inactive status when a licensee is granted an emeritus~~

351.10 ~~license. A licensee qualifies for an emeritus license if the licensee demonstrates to the~~

351.11 ~~satisfaction of the board that:~~

351.12 ~~(1) the licensee is retired from social work practice; and~~

351.13 ~~(2) the licensee is not engaged in the practice of social work in any setting, including~~

351.14 ~~settings in which social workers are exempt from licensure according to section 148E.065.~~

351.15 ~~A licensee who possesses an emeritus license may reactivate the license according to~~

351.16 ~~section 148E.080.~~

351.17 ~~(c) A licensee who is granted temporary leave from active practice may reactivate~~

351.18 ~~the license according to section 148E.080. If a licensee does not apply for reactivation~~

351.19 ~~within 60 days following the end of the consecutive four-year period, the license~~

351.20 ~~automatically expires. An individual with an expired license may apply for new licensure~~

351.21 ~~according to section 148E.055.~~

351.22 ~~(d) Except as provided in paragraph (e), a licensee who holds a temporary leave~~

351.23 ~~license must not practice, attempt to practice, offer to practice, or advertise or hold out as~~

351.24 ~~authorized to practice social work.~~

351.25 ~~(e) The board may grant a variance to the requirements of paragraph (d) if a licensee~~

351.26 ~~on temporary leave license provides emergency social work services. A variance is~~

351.27 ~~granted only if the board provides the variance in writing to the licensee. The board may~~

351.28 ~~impose conditions or restrictions on the variance.~~

323.27 (f) In making representations of professional status to the public, when holding a
 323.28 temporary leave license, a licensee must state that the license is not active and that the
 323.29 licensee cannot practice social work.

323.30 Subd. 1a. **Emeritus inactive license.** (a) A licensee qualifies for an emeritus inactive
 323.31 license if the licensee demonstrates to the satisfaction of the board that the licensee is:

323.32 (1) retired from social work practice; and

323.33 (2) not engaged in the practice of social work in any setting, including settings in
 323.34 which social workers are exempt from licensure according to section 148E.065.

323.35 (b) A licensee with an emeritus inactive license may apply for reactivation according
 323.36 to section 148E.080 only during the four years following the granting of the emeritus
 324.1 inactive license. However, after four years following the granting of the emeritus inactive
 324.2 license, an individual may apply for new licensure according to section 148E.055.

324.3 (c) Except as provided in paragraph (d), a licensee who holds an emeritus inactive
 324.4 license must not practice, attempt to practice, offer to practice, or advertise or hold out as
 324.5 authorized to practice social work.

324.6 (d) The board may grant a variance to the requirements of paragraph (c) if a licensee
 324.7 on emeritus inactive license provides emergency social work services. A variance is
 324.8 granted only if the board provides the variance in writing to the licensee. The board may
 324.9 impose conditions or restrictions on the variance.

324.10 (e) In making representations of professional status to the public, when holding
 324.11 an emeritus inactive license, a licensee must state that the license is not active and that
 324.12 the licensee cannot practice social work.

324.13 Subd. 1b. **Emeritus active license.** (a) A licensee qualifies for an emeritus active
 324.14 license if the applicant demonstrates to the satisfaction of the board that the licensee is:

324.15 (1) retired from social work practice; and

324.16 (2) in compliance with the supervised practice requirements, as applicable, under
 324.17 sections 148E.100 to 148E.125.

324.18 (b) A licensee who is issued an emeritus active license is only authorized to engage in:

324.19 (1) pro bono or unpaid social work practice as specified in section 148E.010,
 324.20 subdivisions 6 and 11; or

324.21 (2) paid social work practice not to exceed 240 clock hours per calendar year, for the
 324.22 exclusive purpose of providing licensing supervision as specified in sections 148E.100 to
 324.23 148E.125; and

324.24 (3) the authorized scope of practice specified in section 148E.050.

351.29 (f) In making representations of professional status to the public, when holding a
 351.30 temporary leave license, a licensee must state that the license is not active and that the
 351.31 licensee cannot practice social work.

351.32 Subd. 1a. **Emeritus inactive license.** (a) A licensee qualifies for an emeritus inactive
 351.33 license if the licensee demonstrates to the satisfaction of the board that the licensee is:

351.34 (1) retired from social work practice; and

351.35 (2) not engaged in the practice of social work in any setting, including settings in
 351.36 which social workers are exempt from licensure according to section 148E.065.

352.1 (b) A licensee with an emeritus inactive license may apply for reactivation according
 352.2 to section 148E.080 only during the four years following the granting of the emeritus
 352.3 inactive license. However, after four years following the granting of the emeritus inactive
 352.4 license, an individual may apply for new licensure according to section 148E.055.

352.5 (c) Except as provided in paragraph (d), a licensee who holds an emeritus inactive
 352.6 license must not practice, attempt to practice, offer to practice, or advertise or hold out as
 352.7 authorized to practice social work.

352.8 (d) The board may grant a variance to the requirements of paragraph (c) if a licensee
 352.9 on emeritus inactive license provides emergency social work services. A variance is
 352.10 granted only if the board provides the variance in writing to the licensee. The board may
 352.11 impose conditions or restrictions on the variance.

352.12 (e) In making representations of professional status to the public, when holding
 352.13 an emeritus inactive license, a licensee must state that the license is not active and that
 352.14 the licensee cannot practice social work.

352.15 Subd. 1b. **Emeritus active license.** (a) A licensee qualifies for an emeritus active
 352.16 license if the applicant demonstrates to the satisfaction of the board that the licensee is:

352.17 (1) retired from social work practice; and

352.18 (2) in compliance with the supervised practice requirements, as applicable, under
 352.19 sections 148E.100 to 148E.125.

352.20 (b) A licensee who is issued an emeritus active license is only authorized to engage in:

352.21 (1) pro bono or unpaid social work practice as specified in section 148E.010,
 352.22 subdivisions 6 and 11; or

352.23 (2) paid social work practice not to exceed 240 clock hours per calendar year, for the
 352.24 exclusive purpose to provide licensing supervision as specified in sections 148E.100 to
 352.25 148E.125; and

352.26 (3) the authorized scope of practice specified in section 148E.050.

324.25 (c) An emeritus active license must be renewed according to the requirements
 324.26 specified in section 148E.070, subdivisions 1, 2, 3, 4, and 5.

324.27 (d) At the time of license renewal a licensee must provide evidence satisfactory to the
 324.28 board that the licensee has, during the renewal term, completed 20 clock hours of continuing
 324.29 education, including at least two clock hours in ethics, as specified in section 148E.130:

324.30 (1) for licensed independent clinical social workers, at least 12 clock hours must be
 324.31 in the clinical content areas specified in section 148E.055, subdivision 5; and

324.32 (2) for social workers providing supervision according to sections 148E.100 to
 324.33 148E.125, at least three clock hours must be in the practice of supervision.

324.34 (e) Independent study hours must not consist of more than eight clock hours of
 324.35 continuing education per renewal term.

325.1 (f) Failure to renew an active emeritus license on the expiration date will result in an
 325.2 expired license as specified in section 148E.070, subdivision 5.

325.3 (g) The board may grant a variance to the requirements of paragraph (b) if a licensee
 325.4 holding an emeritus active license provides emergency social work services. A variance is
 325.5 granted only if the board provides the variance in writing to the licensee. The board may
 325.6 impose conditions or restrictions on the variance.

325.7 (h) In making representations of professional status to the public, when holding an
 325.8 emeritus active license, a licensee must state that an emeritus active license authorizes
 325.9 only pro bono or unpaid social work practice, or paid social work practice not to exceed
 325.10 240 clock hours per calendar year, for the exclusive purpose of providing licensing
 325.11 supervision as specified in sections 148E.100 to 148E.125.

325.12 (i) Notwithstanding the time limit and emeritus active license renewal requirements
 325.13 specified in this section, a licensee who possesses an emeritus active license may
 325.14 reactivate the license according to section 148E.080 or apply for new licensure according
 325.15 to section 148E.055.

325.16 Subd. 2. **Application.** A licensee may apply for inactive status temporary leave
 325.17 license, emeritus inactive license, or emeritus active license:

325.18 (1) at any time when currently licensed under section 148E.055, 148E.0555,
 325.19 148E.0556, or 148E.0557, or when licensed as specified in section 148E.075, by
 325.20 submitting an application for a temporary leave from active practice or for an emeritus
 325.21 license form required by the board; or

325.22 (2) as an alternative to applying for the renewal of a license by so recording on the
 325.23 application for license renewal form required by the board and submitting the completed,
 325.24 signed application to the board.

352.27 (c) An emeritus active license must be renewed according to the requirements
 352.28 specified in section 148E.070, subdivisions 1, 2, 3, 4, and 5.

352.29 (d) At the time of license renewal a licensee must provide evidence satisfactory to the
 352.30 board that the licensee has, during the renewal term, completed 20 clock hours of continuing
 352.31 education, including at least two clock hours in ethics, as specified in section 148E.130:

352.32 (1) for licensed independent clinical social workers, at least 12 clock hours must be
 352.33 in the clinical content areas specified in section 148E.055, subdivision 5; and

352.34 (2) for social workers providing supervision according to sections 148E.100 to
 352.35 148E.125, at least three clock hours must be in the practice of supervision.

353.1 (e) Independent study hours must not consist of more than eight clock hours of
 353.2 continuing education per renewal term.

353.3 (f) Failure to renew an active emeritus license on the expiration date will result in an
 353.4 expired license as specified in section 148E.070, subdivision 5.

353.5 (g) The board may grant a variance to the requirements of paragraph (b) if a licensee
 353.6 holding an emeritus active license provides emergency social work services. A variance is
 353.7 granted only if the board provides the variance in writing to the licensee. The board may
 353.8 impose conditions or restrictions on the variance.

353.9 (h) In making representations of professional status to the public, when holding an
 353.10 emeritus active license, a licensee must state that an emeritus active license authorizes only
 353.11 pro bono or unpaid social work practice, or paid social work practice not to exceed 240
 353.12 clock hours per calendar year, for the exclusive purpose to provide licensing supervision
 353.13 as specified in sections 148E.100 to 148E.125.

353.14 (i) Notwithstanding the time limit and emeritus active license renewal requirements
 353.15 specified in this section, a licensee who possesses an emeritus active license may
 353.16 reactivate the license according to section 148E.080 or apply for new licensure according
 353.17 to section 148E.055.

353.18 Subd. 2. **Application.** A licensee may apply for inactive status temporary leave
 353.19 license, emeritus inactive license, or emeritus active license:

353.20 (1) at any time when currently licensed under section 148E.055, 148E.0555,
 353.21 148E.0556, or 148E.0557, or when licensed as specified in section 148E.075, by
 353.22 submitting an application for a temporary leave from active practice or for an emeritus
 353.23 license form required by the board; or

353.24 (2) as an alternative to applying for the renewal of a license by so recording on the
 353.25 application for license renewal form required by the board and submitting the completed,
 353.26 signed application to the board.

325.25 An application that is not completed or signed, or that is not accompanied by the
 325.26 correct fee, must be returned to the applicant, along with any fee submitted, and is void.
 325.27 For applications submitted electronically, a "signed application" means providing an
 325.28 attestation as specified by the board.

325.29 Subd. 3. **Fee.** (a) Regardless of when the application for ~~inactive-status temporary~~
 325.30 ~~leave license or emeritus inactive license~~ is submitted, the temporary leave license or
 325.31 emeritus ~~inactive~~ license fee specified in section 148E.180, whichever is applicable, must
 325.32 accompany the application. A licensee who is approved for ~~inactive-status temporary~~
 325.33 ~~leave license or emeritus inactive license~~ before the license expiration date is not entitled
 325.34 to receive a refund for any portion of the license or renewal fee.

326.1 (b) If an application for temporary leave license or emeritus active license is received
 326.2 after the license expiration date, the licensee must pay a renewal late fee as specified in
 326.3 section 148E.180 in addition to the temporary leave fee.

326.4 (c) Regardless of when the application for emeritus active license is submitted,
 326.5 ~~the emeritus active license fee is one-half of the renewal fee for the applicable license~~
 326.6 ~~specified in section 148E.180, subdivision 3, and must accompany the application. A~~
 326.7 ~~licensee who is approved for emeritus active license before the license expiration date is~~
 326.8 ~~not entitled to receive a refund for any portion of the license or renewal fee.~~

326.9 Subd. 4. **Time limits for temporary leaves.** A licensee may maintain an inactive
 326.10 ~~license on temporary leave for no more than five consecutive years. If a licensee does~~
 326.11 ~~not apply for reactivation within 60 days following the end of the consecutive five-year~~
 326.12 ~~period, the license automatically expires.~~

326.13 Subd. 5. **Time limits for emeritus license.** A licensee with an emeritus license may
 326.14 ~~not apply for reactivation according to section 148E.080 after five years following the~~
 326.15 ~~granting of the emeritus license. However, after five years following the granting of the~~
 326.16 ~~emeritus license, an individual may apply for new licensure according to section 148E.055.~~

326.17 Subd. 6. **Prohibition on practice.** (a) Except as provided in paragraph (b), a
 326.18 ~~licensee whose license is inactive must not practice, attempt to practice, offer to practice,~~
 326.19 ~~or advertise or hold out as authorized to practice social work.~~

326.20 (b) The board may grant a variance to the requirements of paragraph (a) if a licensee
 326.21 ~~on inactive status provides emergency social work services. A variance is granted only~~
 326.22 ~~if the board provides the variance in writing to the licensee. The board may impose~~
 326.23 ~~conditions or restrictions on the variance.~~

326.24 Subd. 7. **Representations of professional status.** In making representations of
 326.25 ~~professional status to the public, a licensee whose license is inactive must state that the~~
 326.26 ~~license is inactive and that the licensee cannot practice social work.~~

353.27 An application that is not completed or signed, or that is not accompanied by the
 353.28 correct fee, must be returned to the applicant, along with any fee submitted, and is void.
 353.29 For applications submitted electronically, a "signed application" means providing an
 353.30 attestation as specified by the board.

353.31 Subd. 3. **Fee.** (a) Regardless of when the application for ~~inactive-status temporary~~
 353.32 ~~leave license or emeritus inactive license~~ is submitted, the temporary leave license or
 353.33 emeritus ~~inactive~~ license fee specified in section 148E.180, whichever is applicable, must
 353.34 accompany the application. A licensee who is approved for ~~inactive-status temporary~~
 353.35 ~~leave license or emeritus inactive license~~ before the license expiration date is not entitled
 353.36 to receive a refund for any portion of the license or renewal fee.

354.1 (b) If an application for temporary leave or emeritus active license is received after
 354.2 the license expiration date, the licensee must pay a renewal late fee as specified in section
 354.3 148E.180 in addition to the temporary leave fee.

354.4 (c) Regardless of when the application for emeritus active license is submitted,
 354.5 ~~the emeritus active license fee is one-half of the renewal fee for the applicable license~~
 354.6 ~~specified in section 148E.180, subdivision 3, and must accompany the application. A~~
 354.7 ~~licensee who is approved for emeritus active license before the license expiration date is~~
 354.8 ~~not entitled to receive a refund for any portion of the license or renewal fee.~~

354.9 Subd. 4. **Time limits for temporary leaves.** A licensee may maintain an inactive
 354.10 ~~license on temporary leave for no more than five consecutive years. If a licensee does~~
 354.11 ~~not apply for reactivation within 60 days following the end of the consecutive five-year~~
 354.12 ~~period, the license automatically expires.~~

354.13 Subd. 5. **Time limits for emeritus license.** A licensee with an emeritus license may
 354.14 ~~not apply for reactivation according to section 148E.080 after five years following the~~
 354.15 ~~granting of the emeritus license. However, after five years following the granting of the~~
 354.16 ~~emeritus license, an individual may apply for new licensure according to section 148E.055.~~

354.17 Subd. 6. **Prohibition on practice.** (a) Except as provided in paragraph (b), a
 354.18 ~~licensee whose license is inactive must not practice, attempt to practice, offer to practice,~~
 354.19 ~~or advertise or hold out as authorized to practice social work.~~

354.20 (b) The board may grant a variance to the requirements of paragraph (a) if a licensee
 354.21 ~~on inactive status provides emergency social work services. A variance is granted only~~
 354.22 ~~if the board provides the variance in writing to the licensee. The board may impose~~
 354.23 ~~conditions or restrictions on the variance.~~

354.24 Subd. 7. **Representations of professional status.** In making representations of
 354.25 ~~professional status to the public, a licensee whose license is inactive must state that the~~
 354.26 ~~license is inactive and that the licensee cannot practice social work.~~

326.27 Subd. 8. **Disciplinary or other action.** The board may resolve any pending
 326.28 complaints against a licensee before approving an application for ~~inactive status an~~
 326.29 alternate license specified in this section. The board may take action according to sections
 326.30 148E.255 to 148E.270 against a licensee ~~whose license is inactive who is issued an~~
 326.31 alternate license specified in this section based on conduct occurring before the license is
 326.32 ~~inactive or conduct occurring while the license is inactive~~ effective.

326.33 Sec. 5. Minnesota Statutes 2014, section 148E.080, subdivision 1, is amended to read:

326.34 Subdivision 1. **Mailing notices to licensees on temporary leave.** The board must
 326.35 mail a notice for reactivation to a licensee on temporary leave at least 45 days before the
 327.1 expiration date of the license according to section 148E.075, subdivision 4 ~~1~~. Mailing
 327.2 the notice by United States mail to the licensee's last known mailing address constitutes
 327.3 valid mailing. Failure to receive the reactivation notice does not relieve a licensee of the
 327.4 obligation to comply with the provisions of this section to reactivate a license.

327.5 Sec. 6. Minnesota Statutes 2014, section 148E.080, subdivision 2, is amended to read:

327.6 Subd. 2. **Reactivation from a temporary leave or emeritus status.** To reactivate a
 327.7 license from a temporary leave or emeritus status, a licensee must do the following within
 327.8 the time period specified in section 148E.075, subdivisions ~~4 and 5~~ 1, 1a, and 1b:

327.9 (1) complete an application form specified by the board;

327.10 (2) document compliance with the continuing education requirements specified in
 327.11 subdivision 4;

327.12 (3) submit a supervision plan, if required;

327.13 (4) pay the reactivation of ~~an inactive licensee a license~~ fee specified in section
 327.14 148E.180; and

327.15 (5) pay the wall certificate fee according to section 148E.095, subdivision 1,
 327.16 paragraph (b) or (c), if the licensee needs a duplicate license.

327.17 Sec. 7. Minnesota Statutes 2014, section 148E.180, subdivision 2, is amended to read:

327.18 Subd. 2. **License fees.** License fees are as follows:

327.19 (1) for a licensed social worker, \$81;

327.20 (2) for a licensed graduate social worker, \$144;

327.21 (3) for a licensed independent social worker, \$216;

327.22 (4) for a licensed independent clinical social worker, \$238.50;

327.23 (5) for an emeritus inactive license, \$43.20; ~~and~~

354.27 Subd. 8. **Disciplinary or other action.** The board may resolve any pending
 354.28 complaints against a licensee before approving an application for ~~inactive status an~~
 354.29 alternate license specified in this section. The board may take action according to sections
 354.30 148E.255 to 148E.270 against a licensee ~~whose license is inactive who is issued an~~
 354.31 alternate license specified in this section based on conduct occurring before the license is
 354.32 ~~inactive or conduct occurring while the license is inactive~~ effective.

354.33 Sec. 24. Minnesota Statutes 2014, section 148E.080, subdivision 1, is amended to read:

354.34 Subdivision 1. **Mailing notices to licensees on temporary leave.** The board must
 354.35 mail a notice for reactivation to a licensee on temporary leave at least 45 days before the
 355.1 expiration date of the license according to section 148E.075, subdivision 4 ~~1~~. Mailing
 355.2 the notice by United States mail to the licensee's last known mailing address constitutes
 355.3 valid mailing. Failure to receive the reactivation notice does not relieve a licensee of the
 355.4 obligation to comply with the provisions of this section to reactivate a license.

355.5 Sec. 25. Minnesota Statutes 2014, section 148E.080, subdivision 2, is amended to read:

355.6 Subd. 2. **Reactivation from a temporary leave or emeritus status.** To reactivate a
 355.7 license from a temporary leave or emeritus status, a licensee must do the following within
 355.8 the time period specified in section 148E.075, subdivisions ~~4 and 5~~ 1, 1a, and 1b:

355.9 (1) complete an application form specified by the board;

355.10 (2) document compliance with the continuing education requirements specified in
 355.11 subdivision 4;

355.12 (3) submit a supervision plan, if required;

355.13 (4) pay the reactivation of ~~an inactive licensee a license~~ fee specified in section
 355.14 148E.180; and

355.15 (5) pay the wall certificate fee according to section 148E.095, subdivision 1,
 355.16 paragraph (b) or (c), if the licensee needs a duplicate license.

355.17 Sec. 26. Minnesota Statutes 2014, section 148E.180, subdivision 2, is amended to read:

355.18 Subd. 2. **License fees.** License fees are as follows:

355.19 (1) for a licensed social worker, \$81;

355.20 (2) for a licensed graduate social worker, \$144;

355.21 (3) for a licensed independent social worker, \$216;

355.22 (4) for a licensed independent clinical social worker, \$238.50;

355.23 (5) for an emeritus inactive license, \$43.20; ~~and~~

327.24 (6) for an emeritus active license, one-half of the renewal fee specified in subdivision 327.25 ~~3~~; and

327.26 (7) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

327.27 If the licensee's initial license term is less or more than 24 months, the required

327.28 license fees must be prorated proportionately.

327.29 Sec. 8. Minnesota Statutes 2014, section 148E.180, subdivision 5, is amended to read:

327.30 Subd. 5. **Late fees.** Late fees are as follows:

327.31 (1) renewal late fee, one-fourth of the renewal fee specified in subdivision 3; ~~and~~

327.32 (2) supervision plan late fee, \$40-; and

328.1 (3) license late fee, \$100 plus the prorated share of the license fee specified in

328.2 subdivision 2 for the number of months during which the individual practiced social

328.3 work without a license.

328.4 Sec. 9. Minnesota Statutes 2014, section 150A.091, subdivision 4, is amended to read:

328.5 Subd. 4. **Annual license fees.** Each limited faculty or resident dentist shall submit

328.6 with an annual license renewal application a fee established by the board not to exceed

328.7 the following amounts:

328.8 (1) limited faculty dentist, \$168; and

328.9 (2) resident dentist or dental provider, ~~\$59~~ \$85.

328.10 Sec. 10. Minnesota Statutes 2014, section 150A.091, subdivision 5, is amended to read:

328.11 Subd. 5. **Biennial license or permit fees.** Each of the following applicants shall

328.12 submit with a biennial license or permit renewal application a fee as established by the

328.13 board, not to exceed the following amounts:

328.14 (1) dentist or full faculty dentist, ~~\$336~~ \$475;

328.15 (2) dental therapist, ~~\$180~~ \$300;

328.16 (3) dental hygienist, ~~\$118~~ \$200;

328.17 (4) licensed dental assistant, ~~\$80~~ \$150; and

328.18 (5) dental assistant with a permit as described in Minnesota Rules, part 3100.8500,

328.19 subpart 3, \$24.

328.20 Sec. 11. Minnesota Statutes 2014, section 150A.091, subdivision 11, is amended to read:

355.24 (6) for an emeritus active license, one-half of the renewal fee specified in subdivision 355.25 ~~3~~; and

355.26 (7) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

355.27 If the licensee's initial license term is less or more than 24 months, the required

355.28 license fees must be prorated proportionately.

355.29 Sec. 27. Minnesota Statutes 2014, section 148E.180, subdivision 5, is amended to read:

355.30 Subd. 5. **Late fees.** Late fees are as follows:

355.31 (1) renewal late fee, one-fourth of the renewal fee specified in subdivision 3; ~~and~~

355.32 (2) supervision plan late fee, \$40-; and

356.1 (3) license late fee, \$100 plus the prorated share of the license fee specified in

356.2 subdivision 2 for the number of months during which the individual practiced social

356.3 work without a license.

356.4 Sec. 28. Minnesota Statutes 2014, section 150A.091, subdivision 4, is amended to read:

356.5 Subd. 4. **Annual license fees.** Each limited faculty or resident dentist shall submit

356.6 with an annual license renewal application a fee established by the board not to exceed

356.7 the following amounts:

356.8 (1) limited faculty dentist, \$168; and

356.9 (2) resident dentist or dental provider, ~~\$59~~ \$85.

356.10 Sec. 29. Minnesota Statutes 2014, section 150A.091, subdivision 5, is amended to read:

356.11 Subd. 5. **Biennial license or permit fees.** Each of the following applicants shall

356.12 submit with a biennial license or permit renewal application a fee as established by the

356.13 board, not to exceed the following amounts:

356.14 (1) dentist or full faculty dentist, ~~\$336~~ \$475;

356.15 (2) dental therapist, ~~\$180~~ \$300;

356.16 (3) dental hygienist, ~~\$118~~ \$200;

356.17 (4) licensed dental assistant, ~~\$80~~ \$150; and

356.18 (5) dental assistant with a permit as described in Minnesota Rules, part 3100.8500,

356.19 subpart 3, \$24.

356.20 Sec. 30. Minnesota Statutes 2014, section 150A.091, subdivision 11, is amended to read:

328.21 Subd. 11. **Certificate application fee for anesthesia/sedation.** Each dentist
 328.22 shall submit with a general anesthesia or moderate sedation application or a contracted
 328.23 sedation provider application, or biennial renewal, a fee as established by the board not to
 328.24 exceed the following amounts:

328.25 (1) for both a general anesthesia and moderate sedation application, ~~\$250~~ \$400;

328.26 (2) for a general anesthesia application only, ~~\$250~~ \$400;

328.27 (3) for a moderate sedation application only, ~~\$250~~ \$400; and

328.28 (4) for a contracted sedation provider application, ~~\$250~~ \$400.

328.29 Sec. 12. Minnesota Statutes 2014, section 150A.091, is amended by adding a
 328.30 subdivision to read:

329.1 Subd. 17. **Advanced dental therapy examination fee.** Any dental therapist eligible
 329.2 to sit for the advanced dental therapy certification examination must submit with the
 329.3 application a fee as established by the board, not to exceed \$250.

329.4 Sec. 13. Minnesota Statutes 2014, section 150A.091, is amended by adding a
 329.5 subdivision to read:

329.6 Subd. 18. **Corporation or professional firm late fee.** Any corporation or
 329.7 professional firm whose annual fee is not postmarked or otherwise received by the board
 329.8 by the due date of December 31 shall, in addition to the fee, submit a late fee as established
 329.9 by the board, not to exceed \$15.

329.10 Sec. 14. Minnesota Statutes 2014, section 150A.31, is amended to read:

329.11 **150A.31 FEES.**

329.12 (a) The initial biennial registration fee is \$50.

329.13 (b) The biennial renewal registration fee is ~~\$25~~ not to exceed \$80.

329.14 (c) The fees specified in this section are nonrefundable and shall be deposited in

329.15 the state government special revenue fund.

356.21 Subd. 11. **Certificate application fee for anesthesia/sedation.** Each dentist
 356.22 shall submit with a general anesthesia or moderate sedation application or a contracted
 356.23 sedation provider application, or biennial renewal, a fee as established by the board not to
 356.24 exceed the following amounts:

356.25 (1) for both a general anesthesia and moderate sedation application, ~~\$250~~ \$400;

356.26 (2) for a general anesthesia application only, ~~\$250~~ \$400;

356.27 (3) for a moderate sedation application only, ~~\$250~~ \$400; and

356.28 (4) for a contracted sedation provider application, ~~\$250~~ \$400.

356.29 Sec. 31. Minnesota Statutes 2014, section 150A.091, is amended by adding a
 356.30 subdivision to read:

357.1 Subd. 17. **Advanced dental therapy examination fee.** Any dental therapist eligible
 357.2 to sit for the advanced dental therapy certification examination must submit with the
 357.3 application a fee as established by the board, not to exceed \$250.

357.4 Sec. 32. Minnesota Statutes 2014, section 150A.091, is amended by adding a
 357.5 subdivision to read:

357.6 Subd. 18. **Corporation or professional firm late fee.** Any corporation or
 357.7 professional firm whose annual fee is not postmarked or otherwise received by the board
 357.8 by the due date of December 31 shall, in addition to the fee, submit a late fee as established
 357.9 by the board, not to exceed \$15.

357.10 Sec. 33. Minnesota Statutes 2014, section 150A.31, is amended to read:

357.11 **150A.31 FEES.**

357.12 (a) The initial biennial registration fee is \$50.

357.13 (b) The biennial renewal registration fee is ~~\$25~~ not to exceed \$80.

357.14 (c) The fees specified in this section are nonrefundable and shall be deposited in

357.15 the state government special revenue fund.

357.16 Sec. 34. Minnesota Statutes 2014, section 151.01, subdivision 15a, is amended to read:

357.17 Subd. 15a. **Pharmacy technician.** "Pharmacy technician" means a person not
 357.18 licensed as a pharmacist or registered as a pharmacist intern, who assists the pharmacist
 357.19 in the preparation and dispensing of medications by performing computer entry of
 357.20 prescription data and other manipulative tasks. A pharmacy technician shall not perform
 357.21 tasks specifically reserved to a licensed pharmacist or requiring has been trained in
 357.22 pharmacy tasks that do not require the professional judgment of a licensed pharmacist. A
 357.23 pharmacy technician may not perform tasks specifically reserved to a licensed pharmacist.

357.24 Sec. 35. Minnesota Statutes 2014, section 151.01, subdivision 27, is amended to read:

357.25 Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

357.26 (1) interpretation and evaluation of prescription drug orders;

357.27 (2) compounding, labeling, and dispensing drugs and devices (except labeling by
357.28 a manufacturer or packager of nonprescription drugs or commercially packaged legend
357.29 drugs and devices);

357.30 (3) participation in clinical interpretations and monitoring of drug therapy for
357.31 assurance of safe and effective use of drugs, including the performance of laboratory tests
357.32 that are waived under the federal Clinical Laboratory Improvement Act of 1988, United
358.1 States Code, title 42, section 263a et seq., provided that a pharmacist may interpret the
358.2 results of laboratory tests but may modify drug therapy only pursuant to a protocol or
358.3 collaborative practice agreement;

358.4 (4) participation in drug and therapeutic device selection; drug administration for first
358.5 dosage and medical emergencies; drug regimen reviews; and drug or drug-related research;

358.6 (5) participation in administration of influenza vaccines to all eligible individuals ~~ten~~
358.7 six years of age and older and all other vaccines to patients ~~18~~ 13 years of age and older
358.8 by written protocol with a physician licensed under chapter 147, a physician assistant
358.9 authorized to prescribe drugs under chapter 147A, or an advanced practice registered
358.10 nurse authorized to prescribe drugs under section 148.235, provided that:

358.11 (i) the protocol includes, at a minimum:

358.12 (A) the name, dose, and route of each vaccine that may be given;

358.13 (B) the patient population for whom the vaccine may be given;

358.14 (C) contraindications and precautions to the vaccine;

358.15 (D) the procedure for handling an adverse reaction;

358.16 (E) the name, signature, and address of the physician, physician assistant, or
358.17 advanced practice registered nurse;

358.18 (F) a telephone number at which the physician, physician assistant, or advanced
358.19 practice registered nurse can be contacted; and

358.20 (G) the date and time period for which the protocol is valid;

358.21 (ii) the pharmacist has successfully completed a program approved by the
358.22 Accreditation Council for Pharmacy Education specifically for the administration of
358.23 immunizations or a program approved by the board;

358.24 (iii) the pharmacist utilizes the Minnesota Immunization Information Connection
 358.25 to assess the immunization status of individuals prior to the administration of vaccines,
 358.26 except when administering influenza vaccines to individuals age nine and older;

358.27 (iv) the pharmacist reports the administration of the immunization to the patient's
 358.28 primary physician or clinic or to the Minnesota Immunization Information Connection; and

358.29 (v) the pharmacist complies with guidelines for vaccines and immunizations
 358.30 established by the federal Advisory Committee on Immunization Practices, except that a
 358.31 pharmacist does not need to comply with those portions of the guidelines that establish
 358.32 immunization schedules when administering a vaccine pursuant to a valid, patient-specific
 358.33 order issued by a physician licensed under chapter 147, a physician assistant authorized to
 358.34 prescribe drugs under chapter 147A, or an advanced practice nurse authorized to prescribe
 358.35 drugs under section 148.235, provided that the order is consistent with the United States
 358.36 Food and Drug Administration approved labeling of the vaccine;

359.1 (6) participation in the initiation, management, modification, and discontinuation
 359.2 of drug therapy according to a written protocol or collaborative practice agreement
 359.3 between: (i) one or more pharmacists and one or more dentists, optometrists, physicians,
 359.4 podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more physician
 359.5 assistants authorized to prescribe, dispense, and administer under chapter 147A, or
 359.6 advanced practice nurses authorized to prescribe, dispense, and administer under section
 359.7 148.235. Any changes in drug therapy made pursuant to a protocol or collaborative
 359.8 practice agreement must be documented by the pharmacist in the patient's medical record
 359.9 or reported by the pharmacist to a practitioner responsible for the patient's care;

359.10 (7) participation in the storage of drugs and the maintenance of records;

359.11 (8) patient counseling on therapeutic values, content, hazards, and uses of drugs
 359.12 and devices; and

359.13 (9) offering or performing those acts, services, operations, or transactions necessary
 359.14 in the conduct, operation, management, and control of a pharmacy.

359.15 Sec. 36. Minnesota Statutes 2014, section 151.02, is amended to read:

359.16 **151.02 STATE BOARD OF PHARMACY.**

359.17 The Minnesota State Board of Pharmacy shall consist of ~~two~~ three public members
 359.18 as defined by section 214.02 and ~~five~~ six pharmacists actively engaged in the practice of
 359.19 pharmacy in this state. Each of said pharmacists shall have had at least five consecutive
 359.20 years of practical experience as a pharmacist immediately preceding appointment.

359.21 Sec. 37. Minnesota Statutes 2014, section 151.065, subdivision 1, is amended to read:

359.22 Subdivision 1. **Application fees.** Application fees for licensure and registration
 359.23 are as follows:

359.24 (1) pharmacist licensed by examination, ~~\$130~~ \$145;

329.16 Sec. 15. Minnesota Statutes 2014, section 151.065, subdivision 1, is amended to read:

329.17 Subdivision 1. **Application fees.** Application fees for licensure and registration
 329.18 are as follows:

329.19 (1) pharmacist licensed by examination, ~~\$130~~ \$145;

329.20 (2) pharmacist licensed by reciprocity, ~~\$225~~ \$240;

329.21 (3) pharmacy intern, ~~\$30~~ \$37.50;

329.22 (4) pharmacy technician, ~~\$30~~ \$37.50;

329.23 (5) pharmacy, ~~\$190~~ \$225;

329.24 (6) drug wholesaler, legend drugs only, ~~\$200~~ \$235;

329.25 (7) drug wholesaler, legend and nonlegend drugs, ~~\$200~~ \$235;

329.26 (8) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$175~~ \$210;

329.27 (9) drug wholesaler, medical gases, ~~\$150~~ \$175;

329.28 (10) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

329.29 (11) drug manufacturer, legend drugs only, ~~\$200~~ \$235;

329.30 (12) drug manufacturer, legend and nonlegend drugs, ~~\$200~~ \$235;

329.31 (13) drug manufacturer, nonlegend or veterinary legend drugs, ~~\$175~~ \$210;

329.32 (14) drug manufacturer, medical gases, ~~\$150~~ \$185;

329.33 (15) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

330.1 (16) medical gas distributor, ~~\$75~~ \$110;

330.2 (17) controlled substance researcher, ~~\$50~~ \$75; and

330.3 (18) pharmacy professional corporation, ~~\$100~~ \$125.

330.4 Sec. 16. Minnesota Statutes 2014, section 151.065, subdivision 2, is amended to read:

330.5 Subd. 2. **Original license fee.** The pharmacist original licensure fee, ~~\$130~~ \$145.

330.6 Sec. 17. Minnesota Statutes 2014, section 151.065, subdivision 3, is amended to read:

330.7 Subd. 3. **Annual renewal fees.** Annual licensure and registration renewal fees

330.8 are as follows:

330.9 (1) pharmacist, ~~\$130~~ \$145;

330.10 (2) pharmacy technician, ~~\$30~~ \$37.50;

330.11 (3) pharmacy, ~~\$190~~ \$225;

330.12 (4) drug wholesaler, legend drugs only, ~~\$200~~ \$235;

330.13 (5) drug wholesaler, legend and nonlegend drugs, ~~\$200~~ \$235;

330.14 (6) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$175~~ \$210;

359.25 (2) pharmacist licensed by reciprocity, ~~\$225~~ \$240;

359.26 (3) pharmacy intern, ~~\$30~~ \$37.50;

359.27 (4) pharmacy technician, ~~\$30~~ \$37.50;

359.28 (5) pharmacy, ~~\$190~~ \$225;

359.29 (6) drug wholesaler, legend drugs only, ~~\$200~~ \$235;

359.30 (7) drug wholesaler, legend and nonlegend drugs, ~~\$200~~ \$235;

359.31 (8) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$175~~ \$210;

359.32 (9) drug wholesaler, medical gases, ~~\$150~~ \$175;

359.33 (10) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

359.34 (11) drug manufacturer, legend drugs only, ~~\$200~~ \$235;

360.1 (12) drug manufacturer, legend and nonlegend drugs, ~~\$200~~ \$235;

360.2 (13) drug manufacturer, nonlegend or veterinary legend drugs, ~~\$175~~ \$210;

360.3 (14) drug manufacturer, medical gases, ~~\$150~~ \$185;

360.4 (15) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

360.5 (16) medical gas distributor, ~~\$75~~ \$110;

360.6 (17) controlled substance researcher, ~~\$50~~ \$75; and

360.7 (18) pharmacy professional corporation, ~~\$100~~ \$125.

360.8 Sec. 38. Minnesota Statutes 2014, section 151.065, subdivision 2, is amended to read:

360.9 Subd. 2. **Original license fee.** The pharmacist original licensure fee, ~~\$130~~ \$145.

360.10 Sec. 39. Minnesota Statutes 2014, section 151.065, subdivision 3, is amended to read:

360.11 Subd. 3. **Annual renewal fees.** Annual licensure and registration renewal fees

360.12 are as follows:

360.13 (1) pharmacist, ~~\$130~~ \$145;

360.14 (2) pharmacy technician, ~~\$30~~ \$37.50;

360.15 (3) pharmacy, ~~\$190~~ \$225;

360.16 (4) drug wholesaler, legend drugs only, ~~\$200~~ \$235;

360.17 (5) drug wholesaler, legend and nonlegend drugs, ~~\$200~~ \$235;

360.18 (6) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$175~~ \$210;

330.15 (7) drug wholesaler, medical gases, ~~\$150~~ \$185;

330.16 (8) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

330.17 (9) drug manufacturer, legend drugs only, ~~\$200~~ \$235;

330.18 (10) drug manufacturer, legend and nonlegend drugs, ~~\$200~~ \$235;

330.19 (11) drug manufacturer, nonlegend, veterinary legend drugs, or both, ~~\$175~~ \$210;

330.20 (12) drug manufacturer, medical gases, ~~\$150~~ \$185;

330.21 (13) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

330.22 (14) medical gas distributor, ~~\$75~~ \$110;

330.23 (15) controlled substance researcher, ~~\$50~~ \$75; and

330.24 (16) pharmacy professional corporation, ~~\$45~~ \$75.

330.25 Sec. 18. Minnesota Statutes 2014, section 151.065, subdivision 4, is amended to read:

330.26 Subd. 4. **Miscellaneous fees.** Fees for issuance of affidavits and duplicate licenses

330.27 and certificates are as follows:

330.28 (1) intern affidavit, ~~\$15~~ \$20;

330.29 (2) duplicate small license, ~~\$15~~ \$20; and

330.30 (3) duplicate large certificate, ~~\$25~~ \$30.

360.19 (7) drug wholesaler, medical gases, ~~\$150~~ \$185;

360.20 (8) drug wholesaler, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

360.21 (9) drug manufacturer, legend drugs only, ~~\$200~~ \$235;

360.22 (10) drug manufacturer, legend and nonlegend drugs, ~~\$200~~ \$235;

360.23 (11) drug manufacturer, nonlegend, veterinary legend drugs, or both, ~~\$175~~ \$210;

360.24 (12) drug manufacturer, medical gases, ~~\$150~~ \$185;

360.25 (13) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$125~~ \$150;

360.26 (14) medical gas distributor, ~~\$75~~ \$110;

360.27 (15) controlled substance researcher, ~~\$50~~ \$75; and

360.28 (16) pharmacy professional corporation, ~~\$45~~ \$75.

360.29 Sec. 40. Minnesota Statutes 2014, section 151.065, subdivision 4, is amended to read:

360.30 Subd. 4. **Miscellaneous fees.** Fees for issuance of affidavits and duplicate licenses

360.31 and certificates are as follows:

360.32 (1) intern affidavit, ~~\$15~~ \$20;

360.33 (2) duplicate small license, ~~\$15~~ \$20; and

361.1 (3) duplicate large certificate, ~~\$25~~ \$30.

361.2 Sec. 41. Minnesota Statutes 2014, section 151.102, is amended to read:

361.3 **151.102 PHARMACY TECHNICIAN.**

361.4 Subdivision 1. **General.** A pharmacy technician may assist a pharmacist in the

361.5 practice of pharmacy by performing ~~nonjudgmental tasks and that are not reserved to, and~~

361.6 ~~do not require the professional judgment of, a licensed pharmacist. A pharmacy technician~~

361.7 works under the personal and direct supervision of the pharmacist. A pharmacist may

361.8 supervise ~~two up to three technicians, as long as the. A pharmacist assumes responsibility~~

361.9 ~~is responsible~~ for all the ~~functions work~~ performed by the technicians who are under the

361.10 ~~supervision of the pharmacist.~~ A pharmacy may exceed the ratio of pharmacy technicians

361.11 to pharmacists permitted in this subdivision or in rule by a total of one technician at

361.12 any given time in the pharmacy, provided at least one technician in the pharmacy

361.13 holds a valid certification from the Pharmacy Technician Certification Board or from

361.14 another national certification body for pharmacy technicians that requires passage of a

361.15 nationally recognized, psychometrically valid certification examination for certification as

361.16 determined by the Board of Pharmacy. The Board of Pharmacy may, by rule, set ratios of

361.17 technicians to pharmacists greater than ~~two three~~ to one for the functions specified in rule.

361.18 ~~The delegation of any duties, tasks, or functions by a pharmacist to a pharmacy technician~~

361.19 ~~is subject to continuing review and becomes the professional and personal responsibility of~~

361.20 ~~the pharmacist who directed the pharmacy technician to perform the duty, task, or function.~~

361.21 Subd. 2. **Waivers by board permitted.** A pharmacist in charge in a pharmacy may
 361.22 petition the board for authorization to allow a pharmacist to supervise more than ~~two~~ three
 361.23 pharmacy technicians. The pharmacist's petition must include provisions addressing the
 361.24 ~~maintenance of how patient care and safety will be maintained.~~ A petition filed with the
 361.25 board under this subdivision shall be deemed approved 90 days after the board receives
 361.26 the petition, unless the board denies the petition within 90 days of receipt and notifies the
 361.27 petitioning pharmacist of the petition's denial and the board's reasons for denial.

361.28 Subd. 3. **Registration fee.** The board shall not register an individual as a pharmacy
 361.29 technician unless all applicable fees specified in section 151.065 have been paid.

361.30 Sec. 42. Minnesota Statutes 2014, section 214.077, is amended to read:

361.31 **214.077 TEMPORARY LICENSE SUSPENSION; IMMINENT RISK OF**

361.32 **SERIOUS HARM.**

361.33 (a) Notwithstanding any provision of a health-related professional practice act,
 361.34 when a health-related licensing board receives a complaint regarding a regulated person
 362.1 and has probable cause to believe that the regulated person has violated a statute or rule
 362.2 that the health-related licensing board is empowered to enforce, and continued practice
 362.3 by the regulated person presents an imminent risk of serious harm, the health-related
 362.4 licensing board shall issue an order temporarily suspend suspending the regulated person's
 362.5 professional license authority to practice. The temporary suspension order shall take
 362.6 effect upon written notice to the regulated person and shall specify the reason for the
 362.7 suspension, including the statute or rule alleged to have been violated. The temporary
 362.8 suspension order shall take effect upon personal service on the regulated person or the
 362.9 regulated person's attorney, or upon the third calendar day after the order is served by first
 362.10 class mail to the most recent address provided to the health-related licensing board for the
 362.11 regulated person or the regulated person's attorney.

362.12 (b) The temporary suspension shall remain in effect until the appropriate
 362.13 health-related licensing board or the commissioner completes an investigation, holds a
 362.14 contested case hearing pursuant to the Administrative Procedure Act, and issues a final
 362.15 order in the matter after a hearing as provided for in this section.

362.16 (c) At the time it issues the temporary suspension notice order, the appropriate
 362.17 health-related licensing board shall schedule a disciplinary contested case hearing, on the
 362.18 merits of whether discipline is warranted, to be held before the licensing board or pursuant
 362.19 to the Administrative Procedure Act. The regulated person shall be provided with at least
 362.20 ten days' notice of any contested case hearing held pursuant to this section. The contested
 362.21 case hearing shall be scheduled to begin no later than 30 days after issuance the effective
 362.22 service of the temporary suspension order.

362.23 (d) The administrative law judge presiding over the contested case hearing shall
362.24 issue a report and recommendation to the health-related licensing board no later than 30
362.25 days after the final day of the contested case hearing. The health-related licensing board
362.26 shall issue a final order pursuant to sections 14.61 and 14.62 within 30 days of receipt
362.27 of the administrative law judge's report and recommendations. Except as provided in
362.28 paragraph (e), if the health-related licensing board has not issued a final order pursuant to
362.29 sections 14.61 and 14.62 within 30 days of receipt of the administrative law judge's report
362.30 and recommendations, the temporary suspension shall be lifted.

362.31 ~~(d) (c) If the board has not completed its investigation and issued a final order within~~
362.32 ~~30 days, the temporary suspension shall be lifted, unless the regulated person requests a~~
362.33 ~~delay in the disciplinary proceedings for any reason, upon which the temporary suspension~~
362.34 ~~shall remain in place until the completion of the investigation. the regulated person~~
362.35 ~~requests a delay in the contested case proceedings provided for in paragraphs (c) and (d)~~
363.1 for any reason, the temporary suspension shall remain in effect until the health-related
363.2 licensing board issues a final order pursuant to sections 14.61 and 14.62.

363.3 (f) For the purposes of this section, "health-related licensing board" does not include
363.4 the Office of Unlicensed Complementary and Alternative Health Practices.

363.5 Sec. 43. Minnesota Statutes 2014, section 214.10, subdivision 2, is amended to read:

363.6 Subd. 2. **Investigation and hearing.** The designee of the attorney general providing
363.7 legal services to a board shall evaluate the communications forwarded by the board or its
363.8 members or staff. If the communication alleges a violation of statute or rule which the
363.9 board is to enforce, the designee is empowered to investigate the facts alleged in the
363.10 communication. In the process of evaluation and investigation, the designee shall consult
363.11 with or seek the assistance of the executive director, executive secretary, or, if the board
363.12 determines, a member of the board who has been appointed by the board to assist the
363.13 designee. The designee may also consult with or seek the assistance of any other qualified
363.14 persons who are not members of the board who the designee believes will materially aid
363.15 in the process of evaluation or investigation. The executive director, executive secretary,
363.16 or the consulted board member may attempt to correct improper activities and redress
363.17 grievances through education, conference, conciliation and persuasion, and in these
363.18 attempts may be assisted by the designee of the attorney general. If the attempts at
363.19 correction or redress do not produce satisfactory results in the opinion of the executive
363.20 director, executive secretary, or the consulted board member, or if after investigation the
363.21 designee providing legal services to the board, the executive director, executive secretary,
363.22 or the consulted board member believes that the communication and the investigation
363.23 suggest illegal or unauthorized activities warranting board action, the person having the
363.24 belief shall inform the executive director or executive secretary of the board who shall
363.25 schedule a ~~disciplinary~~ contested case hearing in accordance with chapter 14. Before
363.26 directing the holding of a ~~disciplinary~~ contested case hearing, the executive director,
363.27 executive secretary, or the designee of the attorney general shall have considered the
363.28 recommendations of the consulted board member. Before scheduling a ~~disciplinary~~

363.29 contested case hearing, the executive director or executive secretary must have received
 363.30 a verified written complaint from the complaining party. A board member who was
 363.31 consulted during the course of an investigation may participate at the hearing but may not
 363.32 vote on any matter pertaining to the case. The executive director or executive secretary
 363.33 of the board shall promptly inform the complaining party of the final disposition of the
 363.34 complaint. Nothing in this section shall preclude the board from scheduling, on its own
 363.35 motion, a ~~disciplinary contested case~~ hearing based upon the findings or report of the
 364.1 board's executive director or executive secretary, a board member or the designee of the
 364.2 attorney general assigned to the board. Nothing in this section shall preclude a member of
 364.3 the board, executive director, or executive secretary from initiating a complaint.

364.4 Sec. 44. Minnesota Statutes 2014, section 214.10, subdivision 2a, is amended to read:

364.5 Subd. 2a. **Proceedings.** A board shall initiate proceedings to suspend or revoke
 364.6 a license or shall refuse to renew a license of a person licensed by the board who is
 364.7 convicted in a court of competent jurisdiction of violating section ~~609.224, subdivision 2,~~
 364.8 ~~paragraph (e) 609.2231, subdivision 8, 609.23, 609.231, 609.2325, 609.233, 609.2335,~~
 364.9 ~~609.234, 609.465, 609.466, 609.52, or 609.72, subdivision 3.~~

364.10 Sec. 45. Minnesota Statutes 2014, section 214.32, subdivision 6, is amended to read:

364.11 Subd. 6. **Duties of a participating board.** Upon receiving a report from the
 364.12 program manager in accordance with section 214.33, subdivision 3, ~~that a regulated~~
 364.13 ~~person has been discharged from the program due to noncompliance based on allegations~~
 364.14 ~~that the regulated person has engaged in conduct that might cause risk to the public,~~
 364.15 ~~when and if~~ the participating health-related licensing board has probable cause to believe
 364.16 continued practice by the regulated person presents an imminent risk of serious harm, the
 364.17 health-related licensing board shall temporarily suspend the regulated person's professional
 364.18 license until the completion of a disciplinary investigation. The board must complete the
 364.19 disciplinary investigation within 30 days of receipt of the report from the program. If the
 364.20 investigation is not completed by the board within 30 days, the temporary suspension shall
 364.21 be lifted, unless the regulated person requests a delay in the disciplinary proceedings
 364.22 for any reason, upon which the temporary suspension shall remain in place until the
 364.23 completion of the investigation proceed pursuant to the requirements in section 214.077.

330.31 Sec. 19. **REPEALER.**

330.32 Minnesota Statutes 2014, section 148E.060, subdivision 12, is repealed.

364.24 Sec. 46. **REPEALER.**

364.25 Minnesota Statutes 2014, sections 148.57, subdivisions 3 and 4; 148.571; 148.572;
 364.26 148.573, subdivision 1; 148.575, subdivisions 1, 3, 5, and 6; 148.576; 148E.060,
 364.27 subdivision 12; 148E.075, subdivisions 4, 5, 6, and 7; and 214.105, are repealed.