

1.1 moves to amend H.F. No. 3073, the second engrossment, as follows:

1.2 Page 1, delete section 2

1.3 Page 2, line ..., delete "deauthorization of providers from receiving" and insert "

1.4 LICENSING AUTHORITY PENALTIES"

1.5 Page 2, delete line ...

1.6 Page 2, delete lines 28 to 33 and insert:

1.7 "Subd. ... **Authority to impose penalties.** An appropriate licensing authority upon
1.8 finding, after investigation as provided in subdivision 5, or referral by the commissioner,
1.9 that the provided engaged in activities set forth in subdivision 4, may, by order:

1.10 (1) remove authorization for a provider of medical services to demand or request
1.11 payment under chapter 65B for medical services;

1.12 (2) impose an administrative penalty against a provider of medical services not
1.13 exceeding \$25,000 per incident and not more than double the economic benefit derived
1.14 by the provider of medical services in engaging the prohibited activities set forth in
1.15 subdivision 4; or

1.16 (3) order restitution by the provider of medical services of any proceeds received
1.17 by the provider of medical services in engaging in the prohibited activities set forth in
1.18 subdivision 4.

1.19 Subd. ... **Factors to consider in imposing penalties.** (a) In determining the
1.20 penalties imposed under subdivision 2, the licensing authority must consider:

1.21 (1) the nature, circumstances, extent, gravity, and number of violations;

1.22 (2) the degree of culpability of the violator;

1.23 (3) prior offenses and repeated violations of the violator; and

1.24 (4) any other matter that the licensing authority considers appropriate and relevant.

1.25 (b) If an administrative penalty is not paid after all rights of appeal have been waived
1.26 or exhausted, the licensing authority may bring a civil action in a court of competent

2.1 jurisdiction to collect the administrative penalty, including expenses and litigation costs,
2.2 reasonable attorney fees, and interest.

2.3 (c) This section does not affect the right to take any independent action to seek
2.4 recovery against a person who violates this section.

2.5 Subd. ... **Prohibited activities.** A provider may be subject to the penalties as
2.6 set forth in subdivision 2, if an appropriate licensing board has found the provider, in
2.7 connection with medical services rendered, to have:

2.8 (1) committed professional misconduct;

2.9 (2) practiced outside the provider's professional licensure;

2.10 (3) been found guilty of engaging in activities, including the use of runners, in
2.11 violation of section 609.612;

2.12 (4) unlawfully refused to appear before, or to answer upon request of, a duly
2.13 authorized officer of an appropriate licensing authority, any legal question, or to produce
2.14 any relevant information concerning conduct in connection with providing medical
2.15 services;

2.16 (5) been found guilty of engaging in insurance fraud in violation of section 609.611; or

2.17 (6) violated the provider conflict of interest restrictions under 62J.23.

2.18 Subd. ... **Investigation.** (a) An appropriate licensing authority may investigate any
2.19 reports, allegations, or other information in its possession regarding a provider of medical
2.20 services engaging in any of the prohibited activities set forth in subdivision 4.

2.21 (b) The commissioner, consistent with the powers granted under section 45.027,
2.22 may investigate any reports made under section 45.0135, or other information in the
2.23 commissioner's possession, regarding providers of medical services engaging in any of
2.24 the prohibited activities set forth in subdivision 4. After conducting an investigation, the
2.25 commissioner may refer to the appropriate licensing authority a list of any providers
2.26 who the commissioner believes may have engaged in any of the prohibited activities set
2.27 forth in subdivision 4 together with a description of the grounds for inclusion on the
2.28 list. Within 60 days of receipt of the list, the appropriate licensing authority must notify
2.29 the commissioner in writing of any action taken with respect to the provider of medical
2.30 services, including whether an order was made under subdivision 2. The appropriate
2.31 licensing authority must post on the appropriate licensing authority's Web site a list of
2.32 providers for which an order was issued under subdivision 2.

2.33 Subd. ... **Not compensable.** If a provider renders medical services to an insured,
2.34 notwithstanding issuance of an order under subdivision 2, paragraph (a), those medical
2.35 services are not compensable under chapter 65B and may not be billed to the insured."

2.36 Page 3, delete lines 1 to 30

- 3.1 Renumber the sections in sequence and correct the internal references
- 3.2 Amend the title accordingly