

# Bill Summary Comparison of Health and Human Services

Senate Language UEH1233-1  
Article 10

House Language H1233-1  
Article 10: Miscellaneous

## Health-Related Licensing Boards

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Section	Article 10: Health-Related Licensing Boards		Article 10: Miscellaneous
1	(13.411, subd. 7) specifies in chapter 13 that criminal history record information obtained by a health-related licensing board is classified in section 214.075.	Senate-only provision.	
2	(148B.17, subd. 2) decreases the fees imposed by the Board of Marriage and Family Therapy.	Senate-only provision.	
3	(151.01, subd. 27) modifies the definition of the practice of pharmacy in terms of the standing orders or protocol that a pharmacist has with a physician to administer vaccines and immunizations.	Senate-only provision.	
4	(151.19, subd. 1) modifies the pharmacy licensure requirements to specify a separate license for in-state pharmacies and out-of-state pharmacies.		H.F. 1136 (Liebling) Floor. Sections are identical.
5	(151.19, subd. 3) requires a person or establishment not licensed as a pharmacy or a practitioner to register with the Board of Pharmacy before engaging in the retail sale or distribution of federally restricted medical gases and establishes requirements for the registration.		H.F. 1136 (Liebling) Floor. Sections are identical.
6	(151.252) modifies the licensure requirements for drug manufacturers.		H.F. 1136 (Liebling) Floor. Sections are identical.
7	(151.26, subd. 1) specifies that any professional sample that is provided to a dispenser for dispensing must be prepared and distributed pursuant to federal regulations.	Senate-only provision.	
8	(151.37, subd. 4) authorizes a licensed pharmacy to dispense or distribute drugs to be used by or to be administered to patients enrolled in a bona fide research study that is being conducted pursuant to either an investigational new drug application approved by the FDA or that has been approved by an institutional review board.	House includes language that authorizes a pharmacy to dispense drugs to patients enrolled in a bona fide research study. House includes a sentence stating that the protocol for the study shall be considered a prescription drug order and the drug labeled as required in the protocol, and that dispensing research drugs shall not be considered compounding or manufacturing or the sale of a drug at wholesale.  Senate includes language authorizing a pharmacy to	H.F. 1136 (Liebling) Floor. Sections are not identical.

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		<p>dispense or distribute drugs to patients enrolled in a bona fide research study. Senate includes additional language stating that a prescription is not required and a research drug may be labeled as required under study protocol, and that dispensing or distributing shall not be considered compounding, manufacturing, or wholesaling under this chapter. Senate also adds language exempting an entity under contract to a federal agency to distribute drugs for a bona fide research study from drug wholesaler licensing requirements.</p>	
9	<p><b>(151.47, subd. 1)</b> modifies the licensure requirements for wholesale drug distributors. Requires out-of-state drug wholesalers to be licensed or registered by the state in which they are physically located before a license will be issued or renewed by the board. Requires the facility to pass an inspection conducted by an authorized representative of the board before the board will issue or renew a license.</p>		<p><b>H.F. 1136</b> (Liebling) Floor. Sections are identical.</p>
10	<p><b>(151.47, subd. 3)</b> specifies that it is unlawful for any person engaged in wholesale drug distribution to sell drugs to a person located within the state or to receive drugs in reverse distribution from a person located within the state, except as provided in chapter 151.</p>		<p><b>H.F. 1136</b> (Liebling) Floor. Sections are identical.</p>
11	<p><b>(151.49)</b> makes technical changes to the application procedures for licensure renewal.</p>		<p><b>H.F. 1136</b> (Liebling) Floor. Sections are identical.</p>
12	<p><b>(152.126)</b> makes modifications to the prescription monitoring program.</p> <p><b>Subdivision 1</b> includes tramadol and butalbital to the definition of controlled substance.</p> <p><b>Subdivision 3</b> adds a representative of an association of medical examiners and coroners to the program’s advisory</p>	<p>Senate-only provision</p>	

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	<p>committee.</p> <p><b>Subdivision 4</b> changes the references to certain long-term care facilities.</p> <p><b>Subdivision 5</b> permits the board to transfer data into a database that may only be used by the authorized staff of the board for purposes of administering, operating, and maintaining the program and conducting trend analyses and other studies that are necessary to evaluate the effectiveness of the program.</p> <p><b>Subdivision 6</b> permits access to the data by a prescriber who is providing other medical treatment for which access to the data may be necessary; by a dispenser who is providing other pharmaceutical care for which access to the data may be necessary; a licensed pharmacist who is providing pharmaceutical care for which access to the data may be necessary or when consulted by a prescriber who is requesting data that relates to a current patient or who is providing other medical treatment; and a coroner or medical examiner. This subdivision also authorizes the board to participate in an interstate prescription monitoring program data exchange program provided that permissible users in other states may have access to the data only as allowed in this section.</p> <p><b>Subdivision 8</b> strikes obsolete language.</p> <p><b>Subdivision 10</b> adds the Board of Veterinary Medicine to the boards that share in the cost for the operation of the program.</p>		

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<b>13</b>	<b>Section 13 (214.075)</b> establishes criminal background checks for health-related licensing boards.		<b>Sec. 5. Health-related licensing boards; criminal background checks.</b> Creates § 214.075.
	<b>Subdivision 1</b> states that by January 1, 2018, the health-related licensing boards shall require applicants to submit to a criminal history records check of state data completed by the Bureau of Criminal Apprehension (BCA) and a national criminal history records check, including a search of the records of the FBI.	Subdivisions are identical.	<b>Subd. 1. Applications.</b> By January 1, 2018, requires all applicants for initial licensure, licensure by endorsement, or reinstatement to submit to a criminal history check of state and national data. Requires completion of a criminal history check if more than one year has elapsed since the applicant last submitted a background check to the board.
	<b>Subdivision 2</b> states that a health-related licensing board may request a licensee to submit to a criminal history records check and a national criminal history records check if the board has reasonable cause to believe that a licensee has been charged with or convicted of a crime.	Subdivisions are identical.	<b>Subd. 2. Investigations.</b> Allows a board to require a licensee to submit to a criminal history record check if the board has reasonable cause to believe the licensee has been charged with or convicted of a crime.
	<b>Subdivision 3</b> requires a licensee or applicant to submit a completed criminal history records check consent form and a full set of fingerprints to the board. The applicant or licensee is responsible for the fees associated with the fingerprints, consent form, and background check. The fees for the background check shall be set by the BCA and FBI and are not refundable.	Senate structures this subdivision with paragraphs. Senate includes a requirement for the boards to deposit fees received into a dedicated account in the special revenue fund, and appropriates funds for the ASU to pay for BCA and FBI background checks.  (Staff recommends Senate).	<b>Subd. 3. Consent form; fees; and fingerprints.</b> Requires the applicant to submit a completed consent form for a criminal background check and a full set of fingerprints. Holds the applicant responsible for payment of all fees.
	<b>Subdivision 4</b> states that a board shall not issue a license to an applicant, if the applicant refuses to submit to a criminal background check or to submit fingerprints within 90 days after submission of an application for licensure. Any fees paid by the applicant are forfeited. Failure of a licensee to submit to a criminal background check is grounds for disciplinary action by the board.	Subdivisions are identical.	<b>Subd. 4. Refusal to consent.</b> Prohibits a board from issuing a license to any applicant who refuses to consent to a background check or fails to submit fingerprints within 90 days after an application is submitted. Provides that failure to submit to a criminal background check as required in subdivision 3 is grounds for disciplinary action.

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	<p><b>Subdivision 5</b> requires the boards to submit applicant and licensee fingerprints to the BCA. The BCA is required to perform a check for state criminal justice information and then forward the fingerprints to the FBI to perform a check for national criminal justice information. The BCA must report back to the board on the results of both the state and national criminal justice information checks.</p>	<p>In subdivision heading, Senate uses “Bureau of Criminal Apprehension” and House uses “BCA.” Substance of subdivision is identical.  (Staff recommends Senate).</p>	<p><b>Subd. 5. Submission of fingerprints to the BCA.</b> Requires the board to submit applicant fingerprints to the BCA. Requires the BCA to perform a check of state criminal justice information and to forward the fingerprints to the FBI for a check of national criminal justice information. Instructs the BCA to report findings back to the entity that initiated the background study.</p>
	<p><b>Subdivision 6</b> permits the boards to require an alternative method of criminal history checks for an applicant or licensee who has submitted at least three sets of fingerprints that have been unreadable by the BCA or the FBI.</p>	<p>Subdivisions are identical.</p>	<p><b>Subd. 6. Alternatives to fingerprint-based criminal background checks.</b> Allows a board to require an alternative method of criminal history checks under specified circumstances.</p>
	<p><b>Subdivision 7</b> classifies the state criminal history record information obtained by the board as private data on individuals, and classifies the national criminal history record information obtained by a board as confidential data on individuals.</p>	<p>House does not have this subdivision on data classification.</p>	
	<p><b>Subdivision 8</b> provides the applicant or licensee an opportunity to complete or challenge the accuracy of the criminal history information reported to the board before the board can take action based on a criminal conviction.</p>	<p>Subdivisions are identical.</p>	<p><b>Subd. 7. Opportunity to challenge accuracy of report.</b> Establishes the process and procedure for an applicant or licensee to challenge the accuracy of the criminal history information reported to the board or the commissioner.</p>
	<p><b>Subdivision 9</b> requires the boards to establish a plan for completing criminal background checks of all licensees who were licensed before January 1, 2018, the plan must be developed no later than January 1, 2017, and may be contingent upon the implementation of a system by the BCA or FBI in which new crimes that an applicant or licensee commits after an initial background check are flagged in the BCA’s or FBI’s database and reported back to the board.</p>	<p>Subdivisions are identical.</p>	<p><b>Subd. 8. Instructions to the board; plans.</b> Requires the boards to collaborate with DHS and the BCA to establish a plan for completing criminal background checks of all licensees who were licensed before the effective date requirement under subdivision 1.</p>
<p><b>14</b></p>	<p><b>(214.12, subd. 4)</b> requires the boards that regulate professions that serve caregivers at risk of depression or their children to</p>	<p>Senate-only provision.</p>	

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	provide educational materials to licensees on parental depression and its effect on children if unaddressed.		
<b>15</b>	<b>(214.40, subd. 1)</b> adds dental therapists and advanced dental therapists to the providers that are covered under the volunteer health care provider program.	Technical differences, otherwise identical.  (Staff recommends Senate).	<b>Sec. 6. Definitions.</b> Amends § 214.40, subd. 1. Adds dental therapists and advanced dental therapists as health care providers eligible for the volunteer health care provider program. Provides an immediate effective date.
<b>16</b>	Provides that if the Department of Health is not reviewed by the Sunset Advisory Commission, the commissioner shall require occupational therapy practitioners, speech-language pathologists, audiologists, and hearing instrument dispensers to submit to a criminal history background check.	Identical, except for a technical difference in a cross-reference in paragraph (b), due to the Senate having an additional subdivision in section 13.	<b>Sec. 33. Inclusion of other health-related occupations.</b> Provides that if the Department of Health is not reviewed by the Sunset Commission as scheduled, then the commissioner of health shall require applicants for licensure or renewal to submit to criminal background checks as required in section 214.075.
<b>17</b>	Repeals sections 151.19, subd.2 (nonresident pharmacies); 151.25 (registration of manufacturers); 151.45 (wholesale drug distributor advisory task force); 151.47, subd.2 (wholesale drug distributor licensing conformance to federal law); and 151.48 (out-of-state wholesale distributor licensing).		<b>H.F. 1136 (Liebling) Floor.</b> Sections are identical.