

Bill Summary Comparison of Health and Human Services

House File 2414-2
Article 11: Health-Related
Licensing Boards

Senate File UEH2414-1
Article 11: Health Licensing
Boards

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Section	Article 11: Health-Related Licensing Boards		Article 11: Health Licensing Boards
1	<p>Fees. Proposes coding for § 144A.39.</p> <p>Moves the Board of Nursing Home Administrators fees from Minnesota Rules, part 6400.6970 to this section, adds fees, and increases fee amounts.</p>	House only	
		Senate only	<p>Section 1 (147.037, subdivision 1) modifies the licensure requirements for graduates of foreign medical schools by requiring the applicant to present evidence to the Board of Medical Practice of the completion of one year of graduate, clinical training in a program accredited by a national accrediting organization or other graduate training approved by the board.</p>
		Senate only	<p>Section 2 (147.0375, subdivision 1) modifies the licensure requirements for eminent physicians by requiring the applicant to present evidence to the Board of Medical Practice of the completion of one year of graduate, clinical medical training in a program accredited by a national accrediting organization or other graduate training approved by the board.</p>
2	<p>Additional fees. Amends § 147D.27 by adding subd. 5.</p> <p>Makes technical correction to codify all current traditional midwife licensing fees.</p> <p>Makes this section effective the day following final enactment.</p>	House only	

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Section	Article 11: Health-Related Licensing Boards		Article 11: Health Licensing Boards
3	<p>Fees. Amends § 147E.40, subd. 1.</p> <p>Makes technical correction to codify all current naturopathic doctor licensing fees.</p> <p>Makes this section effective the day following final enactment.</p>	House only	
4	<p>Fees. Amends § 147F.17, subd. 1.</p> <p>Makes technical correction to codify all current genetic counselor licensing fees.</p> <p>Makes this section effective the day following final enactment.</p>	House only	
5	<p>License renewal; license and registration fees. Amends § 148.59.</p> <p>Increases Board of Optometry annual licensure renewal fee; adds fees for state juris prudence examination and miscellaneous labels and data retrieval.</p>	<p>Different fee amounts for annual renewal fee and minor differences in the description of jurisprudence, examination, labels, and data.</p> <p>Senate adds fee for CE data bank registration</p>	<p>Section 3 (148.59) increases the licensing fees for optometrists to match the increased appropriation to the Board of Optometry passed in 2017.</p>
6	<p>Initial licensure fee. Amends § 148.6445, subd. 1. Increases initial licensure fee for occupational therapists and occupational therapy assistants.</p>	House only	
7	<p>Licensure renewal fee. Amends § 148.6445, subd. 2. Increases biennial licensure renewal fee for occupational therapists and occupational therapy assistants.</p>	House only	

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8	<p>Duplicate license fee. Amends § 148.6445, subd. 2a. Increases occupational therapy duplicate license fee.</p>	House only	
9	<p>Late fee. Amends § 148.6445, subd. 3. Increases occupational therapy late renewal fee.</p>	House only	
10	<p>Temporary licensure fee. Amends § 148.6445, subd. 4. Increases occupational therapy temporary licensure fee.</p>	House only	
11	<p>Limited licensure fee. Amends § 148.6445, subd. 5. Increases occupational therapy limited licensure fee.</p>	House only	
12	<p>Fee for course approval after lapse of licensure. Amends § 148.6445, subd. 6. Increases occupational therapy fee for course approval after lapse of licensure.</p>	House only	
13	<p>Use of fees. Amends § 148.6445, subd. 10. Specifies that occupational therapy licensure fees are for the exclusive use of the board and shall not exceed the amounts listed in the section.</p>	House only	
14	<p>Fees. Amends § 148.7815, subd. 1. Makes technical correction to codify all current athletic trainer licensing fees.</p>	House only	

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Section	Article 11: Health-Related Licensing Boards		Article 11: Health Licensing Boards
	<p>Makes this section effective the day following final enactment.</p>		
<p>15</p>	<p>Fees. Proposes coding for § 148.981.</p> <p>Subd. 1. Licensing fees. Moves psychology licensure fees from rule to statute. Adds fee for optional post-doctoral supervised experience pre-approval.</p> <p>Subd. 2. Continuing education sponsor fee. Moves fee from rule to statute.</p> <p>Makes this section effective the day following final enactment.</p>	<p>House only</p>	
<p>16</p>	<p>Fee amounts. Amends § 148E.180.</p> <p>Subd. 1. Application fees. Increases social work licensing application fees.</p> <p>Subd. 2. License fees. Increases social work licensing fees.</p> <p>Subd. 3. Renewal fees. Increases social work licensure renewal fees.</p> <p>Subd. 4. Continuing education provider fees. Clarifies that fees are nonrefundable.</p> <p>Subd. 5. Late fees. Clarifies that fees are nonrefundable.</p> <p>Subd. 6. License cards and wall certificates. Clarifies that fees are nonrefundable.</p>	<p>Different fee amounts</p> <p>House adds language stating that the board may lower the fees through board action.</p> <p>Minor technical differences (staff recommends House)</p>	<p>Section 4 (148E.180) increases the licensing fees for social workers to match the increased appropriation to the Board of Social Work based in 2017.</p>

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	<p>Subd. 7. Reactivation fees. Clarifies that fees are nonrefundable.</p>		
		Senate only	<p>Section 5 (150A.06, subdivision 3) eliminates the requirement that the postdoctoral general dentistry residency program be Minnesota-based for purposes of waiving the clinical examination for licensure.</p>
<p>17</p>	<p>Emeritus inactive license. Amends § 150A.06 by adding subd. 10.</p> <p>Establishes an emeritus inactive license for a licensed dental professional who retires from active practice. Specifies that the emeritus inactive licensee may not practice in a dental profession, and that the license is a formal recognition of the completion of the licensee’s career in good standing. Requires onetime fee for an emeritus inactive license.</p> <p>Makes this section effective July 1, 2019.</p>	Identical	<p>Section 6 150A.06, subdivision 10) establishes an emeritus inactive license for a licensed dental professional who retires from active practice. Specifies that the emeritus inactive licensee may not practice in a dental profession, and that the license is a formal recognition of the completion of the licensee’s career in good standing.</p>
<p>18</p>	<p>Emeritus active license. Amends § 150A.06 by adding subd. 11.</p> <p>Establishes an emeritus active license for a licensed dental professional who retires, to practice only on a pro bono or volunteer basis, or limited paid consulting or supervision practice. Requires application fee. Specifies practice limitations and renewal requirements.</p> <p>Makes this section effective July 1, 2019.</p>	Identical	<p>Section 7 (150A.06, subdivision 11) establishes an emeritus active license for a licensed dental professional who retires, to practice only on a pro bono or volunteer basis, or limited paid consulting or supervision practice. Specifies practice limitations and renewal requirements.</p>

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Section	Article 11: Health-Related Licensing Boards		Article 11: Health Licensing Boards
19	<p>Emeritus inactive license. Amends § 150A.091 by adding subd. 19. Adds application fee for emeritus inactive dental license.</p> <p>Makes this section effective July 1, 2019.</p>	Identical	<p>Section 8 (150A.91, subdivision 19) adds application fee for emeritus inactive dental license.</p>
20	<p>Emeritus active license. Amends § 150A.091 by adding subd. 20. Adds application fees for emeritus active licenses in dentistry, dental therapy, dental hygiene, and dental assisting.</p> <p>Makes this section effective July 1, 2019.</p>	Identical	<p>Section 9 (150A.091, subdivision 20) adds application fees for emeritus active licenses in dentistry, dental therapy, dental hygiene, and dental assisting.</p>
21	<p>Central service pharmacy. Amends § 151.01, subd. 31. Clarifies the definition of “central service pharmacy.”</p>	House only	
22	<p>Compounding. Amends § 151.01, subd. 35. Clarifies that for mixing or reconstituting a drug according to a product’s label or manufacturer directions, the label must be approved by the FDA or manufacturer must be licensed.</p>	House only	
23	<p>Syringe services provider. Amends § 151.01 by adding subd. 42. Adds definition for “syringe services provider.”</p>	House only	
24	<p>Application fees. Amends § 151.065, subd. 1. Increases Board of Pharmacy licensure and registration application fees. Modifies application fees by</p>	House only	

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Section	Article 11: Health-Related Licensing Boards		Article 11: Health Licensing Boards
	removing drug wholesalers and adding third-party logistics providers, and removing drug manufacturer application fees.		
25	Original license fee. Amends § 151.065, subd. 2. Increases pharmacist original licensure fee.	House only	
26	Annual renewal fees. Amends § 151.065, subd. 3. Increases Board of Pharmacy annual renewal fees. Modifies annual renewal fees by removing drug wholesalers and adding third-party logistics providers, and removing drug manufacturer renewal fees.	House only	
27	Reinstatement fees. Amends § 151.065, subd. 6. Clarifies language for Board of Pharmacy controlled substance registrant reinstatement. Modifies license reinstatement fees by adding third-party logistics providers.	House only	
28	Grounds for disciplinary action. Amends § 151.071, subd. 2. Updates terminology; adds provision to actions that constitute fee splitting addressing price setting arrangements between pharmacies and physicians, and pharmacies and veterinarians.	House only	
29	Location. Amends § 151.15, subd. 1. Makes clarifying change; allows a licensed pharmacist or pharmacist intern working within a hospital to receive a prescription order and access the hospital pharmacy's processing system through secure and encrypted electronic means to process the order.	House only	

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Section	Article 11: Health-Related Licensing Boards		Article 11: Health Licensing Boards
30	<p>Receipt of emergency prescription orders. Amends § 151.15 by adding subd. 5. Adds subdivision allowing a pharmacist to accept a prescription drug order when not present in a pharmacy, in specified circumstances.</p>	House only	
31	<p>Processing of emergency prescription orders. Amends § 151.15 by adding subd. 6. Adds subdivision outlining the required processes for accepting and filling a prescription under subdivision 5, in emergency circumstances.</p>	House only	
32	<p>Pharmacy licensure requirements. Amends § 151.19, subd. 1. Clarifies provision related to inspection prior to pharmacy licensure.</p> <p>Specifies that pharmacy licensing requirements do not apply to manufacturers, wholesale drug distributors, and logistics providers who distribute home dialysis supplies and devices, if:</p> <ul style="list-style-type: none"> ▪ the manufacturer leases or owns the licensed manufacturing or wholesaling facility from which the dialysate or devices will be delivered; ▪ the dialysis supplies meet certain specifications; ▪ the supplies are only delivered pursuant to physician's order by a Minnesota licensed pharmacy; ▪ the entity keeps records for at least three years, available to the board upon request; and ▪ the entity delivers the supplies directly to a patient with end-stage renal disease or the patient's designee, for dialysis, or to a health care provider or institution, for the same purpose 	House only	

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33	<p>Sale of federally restricted medical gases. Amends § 151.19, subd. 3. Clarifies provision related to inspection prior to medical gas distributor registration.</p>	House only	
34	<p>Requirements. Amends § 151.252, subd. 1. Clarifies provision related to inspection prior to drug manufacturing facility licensure.</p>	House only	
35	<p>Outsourcing facility. Amends § 151.252, subd. 1a. Clarifies provisions related to inspection of outsourcing facilities for initial licensure or renewal.</p>	House only	
36	<p>Payment to practitioner; reporting. Amends § 151.252, subd. 3. Adds outsourcing facilities to the requirement for an annual report to the board.</p>	House only	
37	<p>Emergency veterinary compounding. Amends § 151.253 by adding subd. 4. Allows a pharmacist working within a pharmacy licensed as a veterinary pharmacy to compound and provide a drug to a veterinarian without a patient-specific prescription when:</p> <ol style="list-style-type: none"> 1) the compounded drug is needed in an emergency situation; 2) timely access to a compounding pharmacy is not available; 3) no suitable commercially manufactured drug exists to treat the animal, or there is a shortage of the drug; 4) the compounded drug will be administered by a veterinarian or employee, or dispensed in an amount not to exceed a 10-day supply; 	House only	

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	5) the pharmacy has selected the sterile or nonsterile compounding license category; and 6) the pharmacy is registered by the DEA when providing compounded products containing controlled substances.		
38	Citation. Amends § 151.32. Modifies citation and title of the Pharmacy Practice Act	House only	
39	Generally. Amends § 151.40, subd. 1. Modifies list of persons who may possess, control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles. Adds syringe service providers and their employees; persons self-administering drugs pursuant to a prescription or practitioner direction; persons disposing of needles for certain programs; and persons who sell, possess, or handle hypodermic syringes or needles.	House only	
40	Sales of limited quantities of clean needles and syringes. Amends § 151.40, subd. 2. Clarifies provisions governing the sale of hypodermic needles or syringes. Removes provision prohibiting a pharmacy from advertising needles for retail sale.	House only	
41	Scope. Amends § 151.43. Modifies cross-reference and specifies that the sections apply to persons operating as third-party logistics providers.	House only	
42	Definitions. Proposes coding for § 151.441. Defines the following terms for the purposes of sections 151.43 to 151.51:	House only	

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	<ul style="list-style-type: none"> ▪ “Dispenser” ▪ “Disposition” ▪ “Distribute” or “distribution” ▪ “Manufacturer” ▪ “Medical convenience kit” ▪ “Package” ▪ “Prescription drug” ▪ “Product” ▪ “Repackager” ▪ “Third-party logistics provider” ▪ “Transaction” ▪ “Wholesale distribution” ▪ “Wholesale distributor” 		
43	<p>Prohibited drug purchases or receipt. Amends § 151.46. Adds licensed third-party logistics providers to those prohibited from dispensing or distributing drugs directly to patients.</p>	House only	
44	<p>Generally. Amends § 151.47, subd. 1. Removes requirements for wholesale drug distributors. Requires manufacturers, repackagers, wholesale distributors, and dispensers to comply with requirements in federal law.</p>	House only	
45	<p>Licensing. Amends § 151.47 by adding subd. 1a.</p>	House only	

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	<p>Paragraph (a) specifies that the board will license wholesale distributors, engaged in wholesale distribution, consistent with federal law.</p> <p>Paragraph (b) prohibits a person to act as a wholesale distributor unless licensed by the board.</p> <p>Paragraph (c) requires application for a license to be made in a manner specified by the board.</p> <p>Paragraph (d) requires agreement to operate in compliance with state and federal law in order to be licensed.</p> <p>Paragraph (e) requires a wholesale distributor facility in another state to prove licensure or registration with the FDA or the state in which the facility is located, in order to be licensed in Minnesota.</p> <p>Paragraph (f) requires a license for each separate facility.</p> <p>Paragraph (g) requires an inspection for licensure.</p> <p>Paragraph (h) specifies additional conditions for wholesale distributor licensure.</p> <p>Paragraph (i) specifies that employees of wholesale distributors do not need to be licensed.</p> <p>Paragraph (j) authorizes and requires fingerprint-based criminal background checks for facility managers or designated representatives.</p> <p>Paragraph (k) prohibits a licensed wholesaler from being owned by or employing individuals who have been convicted of certain</p>		

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	<p>felonies or who have violated federal law or certain state licensure requirements.</p> <p>Paragraph (m) requires a \$100,000 surety bond prior to licensing a wholesale distributor that is not government-owned and operated, and a \$25,000 surety bond for an applicant with gross receipts under \$10,000,000.</p> <p>Paragraph (n) allows for waiver of the bond requirement in certain circumstances.</p> <p>Paragraph (o) specifies the purpose of the surety bond.</p> <p>Paragraph (p) specifies that a single surety bond satisfies the requirement for all wholesale distributor facilities under common ownership.</p>		
<p>46</p>	<p>Third-party logistics provider requirements. Proposes coding for § 151.471.</p> <p>Subd. 1. Generally. Requires third-party logistics providers to comply with applicable federal law.</p> <p>Subd. 2. Licensing. Requires board licensure for third-party logistics provider, consistent with federal law. Specifies licensing requirements.</p>	<p>House only</p>	
<p>47</p>	<p>Access to reporting system data. Amends § 152.126, subd. 6.</p> <p>A new (k) requires the Board of Pharmacy to periodic audits, at least annually, of electronic and non-electronic access to the prescription monitoring program by permissible users, to ensure compliance with</p>	<p>Paragraph (k): House requires the Board to conduct periodic audits on an annual basis; Senate requires random audits on a quarterly basis.</p>	<p>Section 15 (152.126, subdivision 6) requires the Board of Pharmacy to conduct random audits of electronic access by permissible users to the prescription monitoring program by permissible users. This section also requires permissible users of the PBM who has delegated the task of accessing the PBM</p>

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	<p>permissible use. Requires results of periodic audits to be reported to the legislature.</p> <p>A new (l) requires a permissible user who has delegated prescription monitoring program data access to an agent or employee to audit the use of the electronic system at least quarterly to ensure compliance with permissible use. Requires the permissible user to immediately remove the employee’s access and notify the board if the employee has inappropriately accessed data.</p> <p>A new (m) requires permissible users to terminate prescription monitoring program data access by former agents or employees, within three business days of the individual leaving employment. Allows the board to conduct random audits to determine compliance.</p>	<p>House requires audits of nonelectronic access by permissible users as well.</p> <p>House requires that failure to report also be reported to other appropriate entities.</p> <p>House requires the board to report the results of the audits to the legislature.</p> <p>Paragraph (m): House only</p> <p>Paragraph (l): identical</p>	<p>to an agent or employee to audit the use of the PBM by the agents or employees to ensure compliance with permissible use.</p>
48	<p>Disciplinary action.</p> <p>Amends § 152.127, subd. 7. Provides that a prescriber or dispenser authorized to access prescription monitoring program data who fails to comply with subdivision 6, paragraphs (l) or (m) is subject to disciplinary action by the appropriate health-licensing board.</p>	House only	
49	<p>Patient information on record access.</p> <p>Amends § 152.126, by adding subd. 10a. Allows a patient who has been prescribed a controlled substance to access the prescription monitoring program database to obtain information on access by permissible users to the patient’s data record. Requires the patient to complete, notarize, and submit a request form developed by the Board of Pharmacy. Requires the board to make the form available to the public on its website.</p>	House only	
		Senate only	<p>Section 17 [Guidelines for authorizing patient assisted medication administration] require the Emergency Medical</p>

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			Services Regulatory Board (EMSRB) to propose guidelines authorizing EMTs, AEMTs, and paramedics to assist a patient in emergency situations with administering certain prescription medications. Requires the proposed guidelines to be submitted to the legislature by January 1, 2020.
50	<p>Repealer. Repeals Minnesota Rules, parts 6400.6970; 7200.6100; and 7200.6105 (Board of Nursing Home Administrators and Board of Psychology fees).</p> <p>Repeals sections 151.42, 151.44, 151.49, 151.50, 151.51, and 151.55, relating to wholesale drug distribution licensing and the cancer drug repository program.</p> <p>Makes this section effective the day following final enactment.</p>	House only	