Bill Summary Comparison of

Health and Human Services

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| Senate File: 800-3 | House File: UES0800-2 |
| Article 11: Health Licensing Boards | Article 5: Health Occupations |

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| Article 11: Health Licensing Boards |  | Article 5: Health Occupations |
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| Section 1 (147.01, subd. 1) moves the license fees for physicians from rules into statute.  This section also authorizes the Board of Medical Practice to charge fees developed by the Interstate Commission to determine physician qualifications to register and participate in the interstate medical licensure compact. | Senate only section |  |
| **Section 2 (147.02, subd. 1)** specifies that the fees paid to the Board of Medical Practice are nonrefundable. | Senate only section |  |
| Section 3 (147.03, subd. 1) removes the reference to fees established by rule. | Senate only section |  |
|  | House only section  (S.F. 1353 - Floor) | Sec. 1. Practice of telemedicine. Proposes coding for § 147.033. Defines “telemedicine;” specifies that a physician-patient relationship may be established via telemedicine; specifies that the same standards of practice and conduct apply to physicians providing services via telemedicine as would apply to in-person services. |
| Section 4 (147A.28) moves the license fees for physician assistants from rules to statute and specifies that the board may prorate the initial fee and the fees are to be deposited into the state government special revenue fund. | Senate only section |  |
| **Section 5 (147B.08, subd. 4)** moves the license fees for acupuncturist from rules to statute and specifies that the board may prorate the initial license fee and that the fees are to be deposited into the state government special revenue fund. | Senate only section |  |
| **Section 6 (147C.40, subd. 5)** moves the license fees for respiratory therapists from rules to statute and specifies that the board may prorate the initial license fee and that the fees are to be deposited into the state government special revenue fund. | Senate only section |  |
|  | House only section  (S.F. 527 - Floor) | Sec. 2. Encumbered. Amends § 148.171, subd. 7b. Adds definition of “encumbered” to mean:  (1) a nursing license that is revoked, suspended, or limited by a state licensing board; or  (2) a license that is voluntarily surrendered.  Makes section effective the day following final enactment. |
|  | House only section  (S.F. 527 - Floor) | Sec. 3. Intervention. Amends § 148.171 to add subd. 7c. Moves definition of “intervention” previously in subdivision 7b.  Makes section effective the day following final enactment. |
|  | House only section  (S.F. 527 - Floor) | Sec. 4. Advanced practice registered nurse licensure. Amends § 148.211, subd. 1a. Removes January 1, 2015, effective date.  (3)(i) Modifies requirements for APRN programs sufficient for licensure, completed on or after January 1, 2016, to include at least one graduate-level course in each of the following subjects: advanced physiology and pathophysiology, advanced health assessment, and pharmacokinetics and pharmacotherapeutics.  (ii) Requires APRN license applicant to, in lieu of educational requirements listed in (3)(i), demonstrate compliance with APRN education requirements in effect at the time the applicant completed an APRN program.  Makes section effective the day following final enactment. |
|  | House only section  (S.F. 527 - Floor) | Sec. 5. Postgraduate practice. Amends § 148.211, subd. 1c. Allows for a collaborative agreement to include physicians licensed in another U.S. state or territory. A collaborative agreement allows a nurse practitioner or clinical nurse specialist who qualifies for APRN licensure to complete postgraduate practice hour requirements within a hospital or integrated clinical setting.  Makes section effective the day following final enactment. |
|  | House only section  (S.F. 527 - Floor) | Sec. 6. Licensure by endorsement. Amends § 148.211, subd. 2. Removes additional requirements for APRN licensure by endorsement that were effective January 1, 2015, to allow for licensure without examination for an applicant licensed or registered as a nurse in another state, territory, or country with equivalent qualifications as are required in Minnesota.  Makes section effective the day following final enactment. |
| **Sections 7 to 30 (148.6402 to 148.6445**) changes the regulatory authority for the licensure of occupational therapists and occupational therapy assistants from the commissioner of health to a newly created Board of Occupational Therapy Practice. | Senate only section |  |
| **Section 31 (148.6449)** creates the new Board of Occupational Therapy Practice. | Senate only section |  |
|  | House only section | Sec. 7. Declaration of policy. Amends § 148.881. Specifies that the Board of Psychology regulates the practice of psychology through licensure and regulation to promote access to quality, ethical psychological services. Designates sections 148.88 to 148.98 as the Minnesota Psychology Practice Act. |
|  | House only section | Sec. 8. Definitions. Amends § 148.89.  Subd. 2a. Modifies “client” definition.  Subd. 2c. Modifies “designated supervisor” definition.  Subd. 2d. Adds definition of “direct services,” to mean the delivery of preventive, diagnostic assessment, or therapeutic intervention services to benefit a direct recipient client.  Subd 2e. Adds definition of “full-time employment,” to mean a minimum of 35 hours per week.  Subd. 3a. Adds definition of “jurisdiction,” to mean United States, United States territories, or Canadian provinces or territories.  Subd. 4. Modifies “licensee” definition.  Subd. 4a. Modifies “provider or provider of services” definition.  Subd 4b. Modifies “primary supervisor” definition.  Subd 5. Modifies “practice of psychology” definition to include prediction of human behavior, evaluating, assessing, or predicting behavior, and applying psychological principles in legal settings.  Modifies the activities that constitute the practice of psychology.  Subd. 6. Adds definition of “telesupervision” to mean clinical supervision of psychological services through an audio/video format where the supervisor and supervisee are not in the same physical location. |
|  | House only section | Sec. 9. Board of Psychology. Amends § 148.90, subd. 1. Modifies the composition of the Board of Psychology. Adds one member who is a licensed psychologist with a doctoral degree; requires both psychologists, not necessarily licensed, to have doctoral degrees representing different training programs in psychology; removes individually licensed or qualified to be a licensed psychologist. |
|  | House only section | Sec. 10. Members. Amends § 148.90, subd. 2. Specifies that a public board member shall not be licensed by another health-related licensing board, the commissioner of health, or licensed in another jurisdiction. |
|  | House only section | Sec. 11. General. Amends § 148.905, subd. 1. Removes “psychological practitioners” from those licensed. Adds requirements for the board to consider before adopting or implementing a new national licensing examination. |
|  | House only section | Sec. 12. Effective date. Amends § 148.907, subd. 1. Removes August 1, 1991 date, adds exemption. |
|  | House only section | Sec. 13. Requirements for licensure as a licensed psychologist. Amends § 148.907, subd. 2. Specifies that postdoctoral supervised employment must be completed between 12 and 60 months. Allows the board to grant a variance. |
|  | House only section  (Subdivision 5 is in Higher Education Omnibus Bill) | Sec. 14. Exemptions to license requirement. Proposes coding for § 148.9075.  Subd. 1. General. Prohibits licensed health professionals or mental health practitioners from holding themselves out as licensed to practice psychology; specifies that they may perform the functions of their occupations.  Subd. 2. Business or industrial organization. Specifies that a business, organization, or agency may use psychological techniques for personnel or evaluation purposes. Prohibits these entities from selling, offering, or providing psychological services unless performed or supervised by a person licensed by the board.  Subd. 3. School psychologist. Permits the practice of school psychology within the scope of employment, with a license or certificate from the State Board of Teaching.  Subd. 4. Clergy or religious officials. Permits recognized religious officials to conduct counseling activities within the scope of their regular duties, if the official does not use the title of psychologist.  Subd. 5. Teaching and research. Permits an educator in an accredited institution to teach and conduct research in psychology if the institution provides oversight and the educator is not providing direct clinical services.  Subd. 6. Psychologist in disaster or emergency relief. Permits a psychologist sent to Minnesota to respond to a disaster or emergency relief effort to practice in the state for less than 30 days, and the sponsoring organization can certify the psychologist’s assignment. Permits the board to grant an extension.  Subd. 7. Psychological consultant. Specifies that a license from the board is not required for a licensed, certified, or registered nonresident serving as an expert witness, consultant, presenter, or educator on a limited basis.  Subd. 8. Students. Permits the practice of psychology for practicums, internships, and postdoctoral supervised employment. Requires student trainees and interns to use specified titles.  Subd. 9. Other professions. Clarifies that a person licensed under sections 148.88 to 148.98 may not engage in any other regulated profession, unless licensed or registered in that profession. |
|  | House only section | Sec. 15. Relicensure. Proposes coding for § 148.9077. Permits a former licensee to reapply to the board for licensure under the laws and rules in effect on the date of initial licensure. |
|  | House only section | Sec. 16. Application. Amends § 148.9105, subd. 1. Removes psychological practitioner emeritus registration; changes fee for retired providers. |
|  | House only section | Sec. 17. Documentation of status. Amends § 148.9105, subd. 4. Removes psychological practitioner. |
|  | House only section | Sec. 18. Representation to the public. Amends § 148.9105, subd. 5. Removes psychological practitioner emeritus. |
|  | House only section | Sec. 19. Generally. Amends § 148.916, subd. 1. (a) Extends the amount of time an applicant for guest licensure must intend to practice in Minnesota, from seven days to 30 days.  (b) Establishes eligibility requirements for guest licensure:  (1) psychology license/registration/certification in another jurisdiction;  (2) doctoral degree in psychology from accredited institution;  (3) good moral character;  (4) no pending complaints or disciplinary actions;  (5) passage of professional responsibility exam; and  (6) payment of fee. |
|  | House only section | Sec. 20. Applicants for licensure. Amends § 148.916, subd. 1a, guest licensure technical changes. |
|  | House only section | Sec. 21. Supervision. Amends § 148.924.  Subd. 1. Supervision. Modifies definition of “supervision;” specifies that supervision may include telesupervision.  Subd. 2. Postdegree supervised psychological employment. Specifies “psychological.”  Subd. 3. Individuals qualified to provider supervision. Removes master’s-level licensure supervision provisions, allowing for only doctoral applicants for licensure.  Subd. 4. Repeals subdivision 4.  Subd. 6. Supervisee duties. Technical changes to duties for applicants preparing for licensure during postdegree supervised psychological employment.  Subd. 7. Repeals subdivision 7. |
|  | House only section | Sec. 22. Requirements for representations to public. Amends § 148.96, subd. 3. Adds “psychology fellow” to permitted designations. Removes reference to the practice of school psychology. |
|  | House only section | Sec. 23. General requirements. § 148B.53, subd. 1. Removes exception for licensed psychologists to be licensed as professional counselors. |
|  | House only section  (S.F. 481 - Floor) | Sec. 24. Waiver of examination. Amends § 150A.06, subd. 3. Adds dental therapists and dental assistants to the list of professionals for whom examination requirements may be waived, under certain circumstances and at the discretion of the board. |
|  | House only section  (S.F. 481 - Floor) | Sec. 25. Licensure by credentials. Amends § 150A.06, subd. 8. Requires dental assistants to have graduated from an accredited dental assisting program and be certified by the Dental Assisting National Board. |
|  | House only section  (S.F. 481 - Floor) | Sec. 26. Restorative procedures. Amends § 150A.10, subd. 4. Allows dental assistants and dental hygienists trained and board certified in certain restorative dental functions to place restorative material on primary and permanent teeth, after a dentist or dental therapist has prepared the tooth structure. |
|  | House only section | Sec. 27. Health care practitioner restrictive covenants void. Proposes coding for § 181.987. Defines “health care practitioner.” Makes any contract restricting a health care practitioner from engaging in a lawful profession void and unenforceable in Wabasha County. Makes this section effective the day following final enactment, applying to a contract on or entered into on or after that date. |
| **Section 32 (214.01, subd. 2**) adds the Board of Occupational Therapy Practice to the definition of “health related licensing board” in chapter 214. | Senate only section |  |
| **Section 33** requires the governor to appoint the members of the Board of Occupational Therapy Practice by October 1, 2017, and requires the board to convene its first meeting by November 1, 2017. | Senate only section |  |
| **Section 34** is a revisor instruction. | Senate only section |  |
|  | House only section | **Sec. 28. Revisor’s instruction.** Instructs the revisor to change the headnote of section 147.0375, to read “LICENSURE OF EMINENT PHYSICIANS.” |
|  | House only section   * Repeal of section 147.0375, subd. 7, is in S.F. 815 - Finance * Repeal of sections 148.211, subd. 1b; and 148.243, subd. 15, is in S.F. 527 - Floor | **Sec. 29. Repealer.** Repeals §§ 147.0375, subd. 7; 148.211, subd. 1b; 148.243, subd. 15; 148.906; 148.907, subd. 5; 148.908; 148.909, subd. 7; and 148.96, subds. 4, 5. Makes section effective the day following final enactment. |
| **Section 35** are repealers associated with the fees that are being moved from rules to statute. | Senate only section |  |