

# House Research Act Summary

**CHAPTER:** 189

**SESSION:** 2008 Regular Session

**TOPIC:** Licensing Provisions for certain Health Professions

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**Analyst:** Emily Cleveland, 651.296.5808

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## Overview

This act makes technical and clarifying changes to the licensure provisions of certain health professions, including hearing instrument dispensers, speech-language pathologists, audiologists, and occupational therapy professionals. This act also modifies practice and licensure provisions of other health professions, including unlicensed complementary and alternative health care practitioners, the Board of Medical Practice, marriage and family therapists, and pharmacists.

### Section

- 1 **Prohibited conduct.** Amends § 146A.08, subd. 1. Modifies the conduct for which an unlicensed complementary and alternative health care practitioner may be disciplined by removing the prohibition of engaging in sexual conduct with a former client. Removes language that prohibits an unlicensed complementary and alternative health care practitioner from remaining in a professional relationship when his or her objectivity is impaired.
- 2 **Scope.** Amends § 146A.11, subd. 1. Exempts certain unlicensed complementary and alternative health care practitioners from providing patients with a written copy of the complementary and alternative health care client bill of rights. Requires that patients receiving services from these practitioners are made aware of their right to file a complaint for the hospital or hospice provider.
- 3 **Endorsement; reciprocity.** Amends § 147.03, subd. 1. Modifies Board of Medical Practice statutes related to licensure by permitting applicants to be licensed under specific circumstances even if the applicant failed to pass the United States Medical Licensing Examination (USMLE) within the required three attempts.
- 4 **Requirements.** Amends § 147.037, subd. 1. Modifies Board of Medical Practice statutes

related to licensure by permitting applicants to be licensed under specific circumstances even if the applicant failed to pass the USMLE within the required three attempts.

5 **Supervisor.** Amends § 148.512, subd. 20. Adds a cross-reference to existing statute.

6 **Master’s or doctoral degree required for speech-language pathology applicants.** Amends § 148.515, subd. 2. Permits the commissioner of health to require a letter, in addition to a transcript, from the academic department chair or program director documenting the applicant’s level of coursework completed.

7 **Procedures.** Amends § 148.5161, subd. 2. Adds a cross-reference to the requirements for audiology applicants.

8 **Supervision required.** Amends § 148.5161, subd. 3. Permits the commissioner of health to require a letter, in addition to a transcript, from the academic department chair or program director documenting the applicant’s level of coursework completed.

9 **Temporary licensure.** Amends § 148.5175. States that temporary licenses for speech-language pathologists and audiologists can be renewed twice, rather than once. Provides that good cause includes inability to take or complete a practical exam for dispensing hearing instruments.

Provides requirements for obtaining a temporary license.

10 **Change of name, employment, and address.** Amends § 148.519, subd. 3. Modifies the change of address provision to include notifying the commissioner of a change of name, employment, or address. States that a change of name must be accompanied by a copy of a marriage certificate or court order.

11 **Audiologist surcharge fee.** Amends § 148.5194, subd. 7. Modifies the provision related to the audiologist surcharge fee by removing the set amount and stating the purpose of the fee.

12 **Penalty fees.** Amends § 148.5194, subd. 8. Adds using protected titles to the penalty fee provision. Makes a technical change. Provides a definition of “missing” in the context of a missing clock hour.

13 **Grounds for disciplinary action by commissioner.** Amends § 148.5195, subd. 3. Changes the term “hearing aid” to “hearing instrument.” Requires audiologist and certified hearing instrument dispensers to include certain information on an audiogram.

14 **Renewal of licensure; after expiration date.** Amends § 148.6425.

**Subd. 1. Removal of name from list.** No change from current statute.

**Subd. 2. Licensure renewal after licensure expiration date.** Adds a cross-reference to existing continuing education requirements, and makes a technical change.

**Subd. 3. Licensure renewal four years or more after licensure expiration date.** Adds a cross-reference to existing continuing education requirements, and makes technical changes.

15 **Change of name, address, or employment.** Amends § 148.6428. Modifies the change of address or employment provision to include notifying the commissioner of a change of name, address, or employment. States that a change of name must be accompanied by a copy of a marriage certificate or court order.

16 **Physical agent modalities.** Amends § 148.6440. Clarifies provisions requiring commissioner approval prior to using physical agent modalities.

**Subd. 1. General considerations.** Clarifies that occupational therapists and occupational therapist assistants must obtain approval from the commissioner prior to

using any physical agent modality.

**Subd. 2. Written documentation required.** Makes technical changes. States that occupational therapists who are certified hand therapists must submit certain documentation to the commissioner.

**Subd. 3. Educational and clinical requirements for use of superficial physical agent modalities.** Makes a technical change.

**Subd. 4. Education and clinical requirements for use of electrotherapy.** Makes a technical change.

**Subd. 5. Educational and clinical requirements for use of ultrasound.** Makes a technical change.

**Subd. 6. Occupational therapy assistant use of physical agent modalities.** Makes a technical change.

**Subd. 7. Approval.** No change from current statute.

- 17 **General requirements.** Amends § 148.6443, subd. 1. Clarifies language related to continuing education requirements for license renewal.
- 18 **Activities qualifying for continuing education contact hours.** Amends § 148.6443, subd. 3. Removes business-related topics from the list of continuing education topics for which there is a two contact hour maximum.
- 19 **Penalty fees.** Amends § 148.6445, subd. 11. Adds using protected titles to the penalty fee provision. Makes a technical change. Provides a definition of “missing” in the context of a missing clock hour.
- 20 **Duty to warn.** Adds § 148B.195. Requires marriage and family therapists to comply with the same duty to warn as is required of psychologists.
- 21 **Nonlimiting.** Amends § 149A.01, subd. 4. Permits a county, within its jurisdiction and under certain limitations, to establish transportation standards for transporting a dead human body from the death scene to the place where the autopsy is conducted.
- 22 **Practice of pharmacy.** Amends § 151.01, subd. 27. Modifies the definition of “practice of pharmacy” by including administration of influenza vaccines to persons 10 years of age and older and all other vaccines to patients 18 years of age and older. Current statute includes administration of influenza and pneumococcal vaccines to persons 18 years and older.
- 23 **Continuing education requirement.** Amends § 153A.14, subd. 2i. Modifies the provision related to continuing education for hearing instrument dispensing by changing certain deadline dates for certification. Adds certain associations that may approve continuing education courses.
- 24 **Trainees.** Amends § 153A.14, subd. 4a. Requires hearing instrument dispenser trainees to use the title “dispenser trainee.”
- 25 **Requirement to maintain current information.** Amends § 153A.14, subd. 11. Modifies the change of address and employment provision by adding that the commissioner must also be notified of a change of name.
- 26 **Penalty fees.** Amends § 153A.175. Makes a technical change, and provides a definition of “missing” in the context of a missing clock hour.
- 27 **Exemption.** Requires the Board of Physical Therapy to grant a waiver of examination

requirements for a particular applicant for licensure who meets certain requirements.

Provides an immediate effective date for this section.