

House Research Act Summary

CHAPTER: 95

SESSION: 2009 Regular Session

TOPIC: Higher Education

Date: May 28, 2009

Analyst: Kathy Novak (651-296-9253)
Lynn Aves, Article 3 (651-296-8079)

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Article 1: Higher Education Appropriations

Overview

This article makes appropriations from the general fund, health care access fund, federal stimulus funds, and state government special revenue fund to the Office of Higher Education (OHE), Minnesota State Colleges and Universities (MnSCU), the University of Minnesota, the Mayo Foundation, the Board of Dentistry, and the Department of Health.

- 1 Summary of appropriations.** Summarizes higher education appropriations by fund and agency.
- 2 Higher education appropriations.** Provides that appropriations are for fiscal years 2010 and 2011 from the general fund or another specified fund.
- 3 Minnesota Office of Higher Education.** Appropriates money for OHE for state grants, other financial aid programs, and other programs administered by OHE. Authorizes the transfer of money between fiscal years to meet obligations in state financial aid programs.

Subd. 2. State grants. Increases the four-year program tuition maximums to \$10,488 in each year from \$9,838 in fiscal year 2009. Makes no changes to the two-year program tuition maximum (\$5,808 as in fiscal year 2009). Increases the living and miscellaneous allowance to \$7,000 each year from \$5,900 in fiscal year 2009.

Subds. 3 to 6. Increases appropriations for child care grants and state work study and makes appropriations for safety officers survivors education grants and the modified Achieve scholarship program.

Subd. 7. Indian Scholarship. Appropriates money and requires a contract with a knowledgeable person from the Bemidji area to help students with these scholarships and other financial aid. Requires Bemidji State University to provide free office space for administration of the Indian Scholarship program.

Subds. 8 and 10. Appropriates ongoing money for the TEACH Program (*line-item vetoed*) and the Midwest Higher Education Compact.

Subd. 9. Intervention for college attendance program grants. Appropriates money, including administrative expenses. Requires priority for existing grantees that provide required data. Requires a report on eligible recipients who are not served.

Subd. 11. Power of You. Appropriations are transferred to MnSCU for the existing program and an expansion to pilot programs in article 2. *This appropriation was line-item vetoed.*

Subd. 12. Technical and community College Emergency Grants. Appropriations are transferred to MnSCU campuses for emergency aid grants to help students avoid dropping out of school.

Subd. 13. Veterinary loan forgiveness. Appropriates money for a new student loan forgiveness program for U of M veterinary students in large animal practices (program established in Article 2.)

Subd. 14. United Family Medicine Residency Program. Provides a grant for up to 18 residents in family practice to prepare doctors for family care medicine in underserved areas.

Subds. 15 to 18. Appropriates money for interstate tuition reciprocity, Minnesota College Savings Plan, MnLINK, other named programs and OHE administration.

Subd. 19. Balances forward. Allows any first-year appropriation in this section to be carried forward to the second year.

Subd. 20. Transfers. Authorizes the transfer of unencumbered balances from named financial aid programs to the state grant program with written approval from finance and notice to the legislature. Limits any transfers from child care or state work study to projected surplus appropriation amounts.

Subd. 22. TANF work study. Waives the requirement for an employer match for work-study jobs funded by TANF.

Subd. 24. Accreditation. Requires OHE to assist small institutions to find ways to meet the accreditation requirements to participate in federal and state financial aid programs.

4 Board of Trustees of the Minnesota State Colleges and Universities. Makes general fund appropriations for fiscal year 2010 and 2011 for the central office and shared services, and operations and maintenance.

Subd. 2. Federal stimulus appropriation. Appropriates federal stimulus money for fiscal years 2009 and 2010. Specifies that it must be used consistent with the

federal purposes. Also requires:

- money to be used as a bridge to future cuts and permits its use for certain incentives and other cost reduction purposes;
- a tuition increase cap for resident undergraduate students of 5 percent per year bought down with federal funds to 3 percent per year for a net 6 percent increase;
- requires an expenditure reduction plan to be submitted to the legislature by March 15, 2010, focusing on protecting direct instruction; and
- effective May 17, 2009.

Subd. 3. Central office and shared services unit. Appropriates money for the office of the chancellor and the shared services division.

Subd. 4. Operations and maintenance. Appropriates money with the intention to increase the amount distributed to campuses through the allocation model, requiring a spending reduction plan by March 15, 2010, limiting technology spending to \$40 million, directing funding to Cook County Higher Education Board (*line item vetoed*), Northeast Minnesota Higher Education District, and for eFolio enhancements, and sets the base for the following biennium.

Subd. 5. Learning Network of Minnesota. Appropriates money for a program previously administered at OHE.

Subd. 6. System improvements. Directs the board to place a priority on improvements to the human resources system.

5 Board of Regents of the University of Minnesota. Makes appropriations for fiscal year 2009, 2010, and 2011 from various funds

Subd. 2. Operations and maintenance. Makes appropriations and requires a spending reduction plan by March 15, 2010, allows for a new scholarship, includes funding for Ojibwe and Dakota language programs, the Veterinary diagnostic laboratory, and a grant for the Minnesota Wildlife Rehabilitation Center. Sets the appropriation base for the next biennium.

Subd. 3. Primary care education initiatives. Appropriates money from the health care access fund.

Subd. 4. Federal stimulus appropriation. Appropriates federal stimulus money for fiscal years 2009, 2010, and 2011. Specifies that it must be used consistent with the federal purposes. Also requires money to be used as a bridge to future cuts and permits its use for certain incentives and other cost reduction purposes.

Requires a tuition increase cap for resident undergraduate students of \$300 per year using federal funds.

Effective May 17, 2009.

Subd. 5. Special appropriations. Makes appropriations from the health care access fund, and special appropriations for agriculture, health sciences, the Institute of Technology, and the research partnership with the Mayo Foundation.

Subd. 6. Academic health center. Specifies the \$22.25 million amount of the

statutory appropriation of cigarette tax to the university's academic health center.

Subd. 7. Human cloning prohibited. Prohibits the use of these appropriations to the university for the support of human cloning as defined in this subdivision.

Subd. 8. NRRI research. Authorizes mineral revenues to fund research at the Coleraine Mineral Research Laboratory by laid off taconite engineers.

- 6 **Mayo Clinic.** Makes appropriations for a capitation rate at the medical school for Minnesota residents to increase the number of doctors in rural areas and a stipend to support up to 27 residents each year in family practice and graduate residency.
- 7 **Board of Dentistry.** Makes appropriations from the state government special revenue fund for licensing dental therapists.
- 8 **Department of Health.** Increases the base appropriation from the state government special revenue fund for an evaluation of the impact of dental therapists.

Article 2: Related Higher Education

Overview

This article makes changes to state financial aid programs, the process for choosing the governing boards of public higher education systems and other higher education policy provisions.

- 1 **Course equivalency information requirement.** Under current law, the UMN and MnSCU are required to develop and maintain course equivalency guides, for use in considering transferring between higher educational institutions. This section requires the guides to include information on course equivalency and credit for learning acquired through completion of formal military courses and occupational training.
- 2 **Notice to students regarding possible impact of criminal records.** Requires all postsecondary institutions in Minnesota to notify students that criminal arrests, charges or convictions may limit their educational choices and access to financial aid. The notice must be given at the time the student is accepted and when the student selects a major.
- 3 **Responsibilities; textbook information.** Updates the requirements for OHE to provide information on textbook publishers.
- 4 **American made clothing in college bookstores.** Requires bookstores on the campuses of public higher education institutions, to the extent possible, to sell clothing manufactured in the United States.

5 High school-to-college developmental transition programs.

Subd. 1. High school-to-college developmental transition programs.

Establishes a program to offer research-based high school-to-college programs to prepare students for college.

Subd. 2. Evaluation. Requires an evaluation for participating programs with a working group to develop methods and timelines for data collection and analysis of program effectiveness.

Subd. 3. Report. Requires a report to the legislature on the effectiveness of these programs in improving the academic performance of participating students.

6 Responsibilities; OHE. Eliminates responsibility for the Learning Network which is funded under MnSCU.

7 Federal funds. Adds a cross-reference to the legislative review of federal funds.

8 Definition; reciprocity agreements. Adds a definition of resident student to the reciprocity program that is the same definition used in the state financial aid programs (a definition that requires students to meet one of eight listed criteria).

9 Appeal; resident status. Establishes a statutory appeals process for students who do not meet the definition of a resident student in the reciprocity program (section 2) after living in Minnesota for 12 months. The director of OHE may grant resident status if the student presents documents that show a reason for living in Minnesota that is other than education.

10 Eligible institution. Extends by two years the requirement for postsecondary institutions to be accredited to participate in the state grant program.

11 Minnesota Promise. States the legislative policy to fund financial aid at a level to cover the costs for low-income students to attend public two-year institutions when combined with other public and private aid. Requires OHE to promote the Minnesota Promise, financial aid, and the benefits of higher education.

12 Awards. Increases the eligibility period for the state grant award to nine semesters from eight semesters and provides an additional semester or eligibility for students who withdraw from a term due to a serious illness while under the care of a medical professional.

13 High school-to-college transition grant. Provides a new grant for eligible students attending the transition programs established in this bill with a formula for calculating the award and the requirement that it counts as a semester of eligibility for the state grant. These grants are available to students who graduate from high school beginning in 2010.

14 FAFSA compliance. Requires postsecondary institutions that are eligible to participate in the state grant program to implement policies and procedures to make students aware of the federal financial aid form necessary to receive federal and state financial aid.

15 Achieve; program. Waives the foreign language requirement to be eligible for an Achieve scholarship for students whose first language is not English.

16 Achieve; eligibility. Makes changes to the student eligibility for scholarships that require students to have a high school grade point average of 2.5, qualify for state or Pell grants,

and enroll full-time in an eligible postsecondary institution in the year after graduation.

- 17 Achieve; scholarship awards.** Provides for the calculation of a one-year scholarship amount based on factors in the state grant program. Sets a minimum award of \$1,200.
- 18 Achieve; additional award online courses.** Provides \$150 in additional award to students eligible for Achieve awards who take a qualifying online course in high school.
- 19 Achieve; student investment.** Provides for the calculation of the student’s share of the grant award.
- 20 Achieve; evaluation report.** Makes changes to the existing report to eliminate certain reporting requirements.
- 21 – 22 SELF loan revenue bonds annual certificate of need.** Provides for a potential general fund budget request as a backup for bonds issued for the SELF loan program. Requires OHE to annually certify to the governor any amount needed to:
- restore the loan capital fund to a minimum level required on outstanding bonds;
 - provide for the payment of principal and interest due and payable in the year; and
 - restore debt service funds securing outstanding bonds as required.

Requires the governor to include these amounts in the next regular or supplemental budget request.

23 Large animal veterinarian loan forgiveness program.

Subd. 1. Definitions. Defines key program terms including “veterinarian” and “designated rural area.”

Subd. 2. Establishment; administration. Directs OHE to establish and administer the program. Prescribes eligibility criteria, including a full-time practice in designated underserved rural areas with at least half-time caring for food animals. States that appropriations for the program do not cancel but are available until spent.

Subd. 3. Eligibility. Requires an application by a current student or recent graduate of the U of M College of Veterinary Medicine. Requires each successful applicant to sign a five-year service obligation contract.

Subd. 4. Loan forgiveness. Authorizes OHE to select up to five applicants each year for the loan forgiveness program within the limits of appropriations. OHE must prioritize applicants who are most suitable to practice in a designated area and who are closest to completing their training. If a participant submits an annual affidavit certifying that the participant is practicing as required, the OHE may issue an annual payment of up to \$15,000 for up to 5 years, not to exceed the amount owed.

Subd. 5. Penalty for non-fulfillment. Requires repayment of all payments received plus interest calculated in the same manner as interest due on delinquent state taxes from a recipient who fails to complete the necessary service commitment. Allows a waiver for emergency circumstances.

Subd. 6. Rules. Allows the OHE to adopt program rules.

- 24 Planning information for postsecondary education.** Changes the responsibilities of OHE to provide information on planning and preparing for postsecondary education to provide the information earlier and include additional programs.
- 25 -28 Board of trustee nomination and election.** Makes changes to the process for nominating and electing the members of the Board of Trustees of the Minnesota State Colleges and Universities by making future commissioners of state agencies ineligible for board service, and requiring recommendations by the advisory council for candidates to be made to both the legislature and the governor.
- 29 Job placement impact on program review; information to students.** Requires the MnSCU board to use labor market data in reviews of college programs and to provide job placement rates to prospective students of an occupational or technical program.
- 30 Solicitation.** Technical change.
- 31 University scholarship.** Authorizes the Board of Regents to establish a middle income scholarship for students from families who are not eligible for the federal Pell grant and have annual family incomes below \$100,000.
- 32 -33 Regent nomination and election.** Limits a member of the regent selection advisory committee to two terms. Eliminates any restrictions on the number or purpose of meetings of the joint legislative committee.
- 34 Appropriations not for buildings.** Authorizes state appropriations to the U of M to be made in 12 monthly payments.
- 35 Public employee or employee.** Technical change to correct a reference to Metropolitan State University.
- 36 Peace officers survivor grants.** Increases the eligibility period for the postsecondary grant awards to nine semesters from eight semesters.
- 37 State-owned recreation; entertainment facilities.** Provides that a liquor license may only be issued to the Board of Regents for a stadium or arena facility if legal liquor sales are available throughout the facility and not limited to premium seating areas. Makes a technical change. Effective for applications made after December 1, 2008. *Laws 2009, Chapter 120, sections 8 and 17 supersedes this provision by adding a requirement for the sale or service of intoxicating liquor throughout the arena or stadium, providing for beverage sales during intercollegiate hockey games at the Duluth Entertainment and Convention Center and prohibiting the sale or service of alcoholic beverages at the TCF Bank Stadium without liquor license that conforms to the requirement for sale and service throughout the stadium. These licensing provisions are effective May 21, 2009.*
- 38 Federal textbook information requirements.** Requires OHE to report to the legislature on implementation of federal textbook information requirements. The report with recommendations must be done in conjunction with representatives of students, publishers, and public and private postsecondary education.
- 39 Achieve scholarship for students eligible prior to January 1, 2009.** Provides for a

\$1,200 scholarship to eligible students as transition to the new program.

- 40 Teacher education report.** Requires OHE and the Department of Education to report by June 15, 2010, to the legislature on best practices in teacher education programs.
- 41 Fiscal stabilization account; primary payee.** Establishes an account for deposit of funds received through the American Recovery and Reinvestment Act of 2009 and authorizes the commissioner of finance to designate a primary payee for awards from these funds. Effective May 17, 2009.
- 42 Minnesota State College, Southeast Technical – Aviation Training Center.** Appropriates proceeds of sale of the center to MnSCU for a capital project at Winona State University.
- 43 Power of You pilot programs.** Establishes two pilot programs to provide financial aid and attendance assistance to qualifying low-income students for campuses in the MnSCU system in a suburban and a rural area with a multicampus college.
- 44 Minnesota State Colleges and Universities degree requirements.** Until July 2, 2012, provides a moratorium for associate of applied science degrees from the board of trustees policy limiting two-year degrees to 60 credits. Authorizes waivers from the credit limit criteria for innovative and emerging programs. Requires a report to the legislature on the degree limit requirements for associate of applied science degrees by January 2, 2012. Effective May 17, 2009 for all AAS degrees.
- 45 FAFSA report.** Requires OHE to report to the legislature by March 15, 2011, on policies adopted by postsecondary institutions to increase student awareness of the need to complete federal financial aid forms.
- 46 Repealer.** Repeals unnecessary subdivisions of the Achieve scholarship program (§ 136A.127, subs. 8, 12, & 13).

Article 3: Oral Health Care Practitioners

This article establishes licensure and practice limitations for dental therapists and advanced dental therapists.

- 1 Dental therapist.** Amends § 150A.01, by adding subd. 6b. Defines dental therapist.
- 2 Advanced dental therapist.** Amends § 150A.01, by adding subd. 6c. Defines dental therapist.
- 3 Practice of dental therapy.** Amends § 150A.05, by adding subd. 1b. Defines the practice of dental therapy.
- 4 Exemptions and exceptions of certain practices and operations.** Amends § 150A.05, subd. 2. Adds dental therapy students acting under the instruction of a licensed dental professional to the list of individuals exempt from sections 150A.01 to 150A.12.
- 5 Dental therapists.** Amends § 150A.06, by adding subd. 1d. Requires applicants to be of good moral character, and a graduate of a program accredited by the Commission on Dental

Accreditation.

- 6 Resident dental providers.** Amends § 150A.06, by adding subd. 1e.
- 7 Continuing education and professional development waiver.** Amends § 150A.06, subd. 2d. Adds the term “dental therapist.”
- 8 Fraud in securing licenses or registration.** Amends § 150A.06, subd. 5. Adds the term “dental therapist.”
- 9 Display of name and certificates.** Amends § 150A.06, subd. 6. Adds the term “dental therapist.”
- 10 Grounds.** Amends § 150A.08, subd. 1. Adds the term “dental therapist.”
- 11 Costs; additional penalties.** Amends § 150A.08, subd. 3a. Adds the term “dental therapist.”
- 12 Medical examinations.** Amends § 150A.08, subd. 5. Adds the term “dental therapist.”
- 13 Registration information and procedure.** Amends § 150A.09, subd. 1. Adds the term “dental therapist.”
- 14 Current address, change of address.** Amends § 150A.09, subd. 3. Adds the term “dental therapist.”
- 15 Application fees.** Amends § 150A.091, subd. 2. Adds a \$100 application fee for dental therapists.
- 16 Initial license or registration fees.** Amends § 150A.091, subd. 3. Adds a prorated initial fee for a dental therapist of \$10 times the number of months of the initial term.
- 17 Biennial license or registration fees.** Amends § 150A.091, subd. 5. Adds a \$180 biennial license fee for a dental therapist.
- 18 Duplicate license or registration fee.** Amends § 150A.091, subd. 8. Adds a \$35 license replacement fee for dental therapists.
- 19 Reinstatement fee.** Amends § 150A.091, subd. 10. Adds an \$85 reinstatement fee for a dental therapist
- 20 Dental hygienists.** Amends § 150A.10, subd. 1. Adds licensed dental therapists to the list of providers who can use the services of dental hygienists.
- 21 Dental assistants.** Amends § 150A.10, subd. 2. Requires licensed dental therapists who use the services of unlicensed persons to be responsible for the acts of these persons. Permits a dental therapist to supervise no more than four registered dental assistants in any one practice setting.
- 22 Dental technicians.** Amends § 150A.10, subd. 3. Permits dental therapists to issue work orders.
- 23 Restorative procedures.** Amends § 150A.10, subd. 4. Adds licensed advanced dental therapists to the exceptions for the restorative procedures.

- 24 Dental therapist.** Creates § 150A.105.
- Subd. 1. General.** Requires a dental therapist to practice under the supervision of a Minnesota licensed dentist.
 - Subd. 2. Limited practice settings.** Limits dental therapist practice to low-income and underserved patients or in a dental health professional shortage area.
 - Subd. 3. Collaborative management agreement.** Sets out the requirements of the written agreement between the dental therapist or advanced dental therapists and a Minnesota-licensed dentist.
 - Subd. 4. Scope of practice.** Lists the services that may be provided by a dental therapist under the parameters of the collaborative management agreement. In general, this subdivision permits a dental therapist to perform preventive, evaluative, and educational oral health services.
 - Subd. 5. Dispensing authority.** Allows a dental therapist to dispense analgesics, anti-inflammatories, and antibiotics.
 - Subd. 6. Application of other laws.** Requires a licensed dental therapist to practice within the collaborative management agreement and according to this chapter.
 - Subd. 7. Use of dental assistants.** Permits a dental therapist to supervise no more than two registered or unregistered dental hygienists at any one practice setting, if this is authorized by the collaborative management agreement.
 - Subd. 8. Definitions.** Defines “practice settings that serve the low-income and underserved” and “dental health professional shortage area.”
- 25 Advanced practice dental therapist.** Creates § 150A.106.
- Subd. 1. General.** Requires an advanced dental therapist to complete an education program, pass an examination, be a licensed dental therapist who has completed 2,000 hours of supervised clinical therapy, pass an exam and be certified.
 - Subd. 2. Scope of practice.** Lists the services that may be provided by an advanced dental therapist under the parameters of the collaborative management agreement. These include, under general supervision, the practices of dental therapists, evaluation, assessment, and nonsurgical extraction.
 - Subd. 3. Practice limitation.** Requires all procedures and services to be authorized by the collaborating dentist. Sets limits for teeth extraction, requirements for providing for advanced patient needs and requires written protocols governing patients who need advanced treatment.
 - Subd. 4. Medications.** Establishes the conditions, within the collaborative agreement, for administering specified drugs.
- 26 Dividing fees.** Amends § 150A.11, subd. 4. Adds the term “licensed dental therapist.”
- 27 Violation and defenses.** Amends § 150A.12. Adds the term “dental therapy.”
- 28 Patient’s name and Social Security number.** Amends § 150A.21, subd. 1. Adds the term “dental therapist.”
- 29 Failure to comply.** Amends § 150A.21, subd. 4. Adds the term “dental therapist.”

- 30** **Practitioner.** Amends § 151.01, subd. 23. Adds dental therapist to the definition of “practitioner” under specified sections of the pharmacy practice act for the purpose of dispensing and administering medications.
- 31** **Impact of dental therapists.** Instructs the Board of Dentistry to evaluate the impact of the use of dental therapists. Requires a report to the legislature by January 15, 2014.
- 32** **Repealer.** Repeals section 150A.061, oral health practitioner.