

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill creates licensure for medical laboratory science professionals.

#### Section

**1 Definitions.** Creates § 148F.01. Defines terms used in this chapter.

**2 Exceptions.** Creates § 148F.02. Lists the practitioners who are not subject to the requirements created by this chapter.

**3 Licensure required; titles, used, restricted, and allowed.** Creates § 148F.03.

**Subd. 1. Unlicensed practice prohibited.** Requires any individual who performs medical laboratory tests to be licensed effective January 1, 2011, unless the individual is exempt from licensure under § 148F.02.

**Subd. 2. Protected titles and restrictions on use.** Lists the protected titles that can only be used by individuals licensed under this chapter.

**Subd. 3. Persons licensed or certified in other states.** Requires an individual who is licensed under this chapter and licensed or certified in another state to designate the state of licensure or certification when used with a protected title.

**4 Scope of practice.** Creates § 148F.035. Lists medical laboratory practices performed by licensed medical laboratory professionals. Requires these professionals to provide test results to physicians and patients upon request or physician referral.

- 5 **Duties of the commissioner.** Creates § 148F.04. Lists the duties of the commissioner of health:
- administer licensing and license renewal functions under this chapter;
  - enforce the code of professional ethics;
  - collect fees as required by § 148F.16;
  - approve licensing examinations; and
  - maintain a roster of current licensees and a roster of licensees who have been disciplined under this chapter.
- 6 **Medical laboratory science professional licensing advisory council.** Creates § 148F.05.
- Subd. 1. Membership and qualifications of advisory council.** Instructs the commissioner of health to appoint a nine member advisory council. Requires four members to be licensed under this chapter; three physicians who are certified in clinical pathology; one physician who is not a laboratory director or pathologist; and one public member.
- Subd. 2. Duties.** Requires the advisory council to:
- make recommendations to the commissioner about practitioner licensing standards;
  - advise the commissioner on enforcement of this chapter;
  - distribute information about practitioner licensing standards;
  - review applications and make licensure recommendations upon the commissioner's request;
  - advise the commissioner on matter related to discipline of practitioners; and
  - perform other duties as requested by the commissioner.
- Subd. 3. Organization.** Provides that the council is to be organized and administered under section 15.059. Requires the council to select a chair from its membership.
- 7 **Temporary requirements for licensure; transition period.** Creates § 148F.06.
- Subd. 1. License required.** Prohibits any individual from performing medical laboratory tests after the effective date of the rules unless the individual is licensed or exempt from licensure.
- Subd. 2. Experienced medical laboratory science professionals transition.** Lists the requirements for a certified individual or an individual eligible to be certified by a recognized certification agency to practice pending licensure by the commissioner. Provides that this subdivision expires January 1, 2011.
- Subd. 3. Employed medical laboratory science professional transition.** Permits an individual who is employed in the field, but does not meet the education, training, or experience qualifications, to apply for a license until January 1, 2011. Instructs the commissioner to determine the type of license that should be issued. Provides that this subdivision expires January 1, 2011.

- 8 Standards for licensure.** Creates §148F.07. Lists the qualifications for the following medical laboratory professionals:
- Subd. 1. Medical laboratory scientist (MLS).
  - Subd. 2. Medical laboratory scientist, categorical.
  - Subd. 3. Medical laboratory technician (MLT).
  - Subd. 4. Medical laboratory specialist in molecular biology.
  - Subd. 5. Medical laboratory specialist in cytogenetics.
  - Subd. 6. Histocompatibility technologist.
  - Subd. 7. Medical laboratory subspecialist.
- 9 Reciprocity.** Creates § 148F.08.
- Subd. 1. Licensure.** Allows the commissioner to waive license requirements for an individual who holds a credential from another state, as long as the requirements under which the credential was issued are at least as stringent as required by this chapter. The licensee must meet Minnesota renewal requirements when the license is due for renewal.
  - Subd. 2. Current credentials required.** Requires the applicant to provide all evidence required to prove the credential is current and unrestricted and that the requirements in the other jurisdiction are at least as stringent as required by Minnesota.
  - Subd. 3. Verification of credentials required.** Requires each applicant to submit letters of verification from each jurisdiction in which credentials have been issued to the applicant to verify that the applicant's credential was unrestricted. The verification must also include a statement regarding any disciplinary action taken against the applicant.
- 10 Temporary license requirements.** Creates § 148F.09. Lists the criteria under which the commissioner may issue a temporary license which is valid for 12 months. Permits the applicant to renew the temporary license twice at the discretion of the commissioner. Expiration of the temporary license is 12 months after the date issued or on the date the commissioner issues or denies the temporary license holder a permanent license.
- 11 Licensure application procedures.** Creates § 148F.10. Requires applicants to submit the application forms prescribed by the commissioner along with the required fees. Requires the commissioner to issue a license to qualified applicants upon receipt of the application and fee.
- 12 Licensure renewal.** Creates § 148F.11.
- Subd. 1. Renewal term.** Requires licenses to be renewed every three years.
  - Subd. 2. Renewal applications.** Requires the licensee to submit the completed application for renewal, renewal fees, and verification of compliance with continuing education requirements.
- 13 Licensure following lapse of licensure status.** Creates § 148F.12. Requires an applicant whose license has lapsed to apply for license renewal, document compliance with continuing education requirements since the applicant's license lapsed, and fulfill the

original licensure requirements listed in §148F.07.

**14 Continuing education requirements.** Creates § 148F.13. Places responsibility on the applicable certification agencies for continuing education requirements.

**15 Investigation process; grounds for disciplinary action.** Creates § 148F.14.

**Subd. 1. Disciplinary action.** Paragraph (a) lists the conduct that may result in disciplinary action.

Paragraph (b) lists the forms of disciplinary action that may be imposed.

Paragraph (c) prohibits a person from providing services, using protected titles, or holding oneself out as a licensed practitioner if the commissioner has provided notice that the person is no longer entitled to provide services.

Paragraph (d) permits a person whose license has been suspended to request reinstatement under specified conditions.

Paragraph (e) requires the commissioner to contract with the health professional services program.

**Subd. 2. Duty to patient.** Describes professional standards for providing services to patients.

**Subd. 3. Duty to colleagues and profession.** Describes professional responsibilities to other health professionals and in advancing the reputation of the profession.

**Subd. 4. Duty to society.** Describes professional responsibilities to the community.

**16 Reporting obligations.** Creates § 148F.15.

**Subd. 1. Permission to report.** Permits any individual with knowledge of conduct that violates professional standards to make a report to the commissioner.

**Subd. 2. Institutions.** Requires institutions to notify the commissioner if any form of disciplinary action is taken against a licensee.

**Subd. 3. Professional societies.** Requires professional societies to notify the commissioner if any form of disciplinary action is taken against a licensee.

**Subd. 4. Licensed professionals.** Requires a licensed health professional with knowledge of conduct that violates professional standards to make a report to the commissioner.

**Subd. 5. Self-reporting.** Requires a licensee to make a report to the commissioner if disciplinary action has been taken against the licensee, or the licensee believes that personal conduct could result in a report being made to the commissioner.

**Subd. 6. Deadlines; forms.** Requires a report to be made within 30 days of the occurrence of the event.

**Subd. 7. Immunity for reporting.** Provides civil and criminal immunity for reporting violations or alleged violations of this chapter. Reports are classified under § 13.41 of the data practices act.

**Subd. 8. Immunity for investigation.** Provides civil and criminal immunity for

individuals who are responsible for, or involved in, investigating allegations under this chapter.

**17 Fees.** Creates § 148F.16.

**Subd. 1. Initial licensure fee.** Provides an undetermined initial licensure fee.

**Subd. 2. Licensure renewal fee.** Provides an undetermined license renewal fee.

**Subd. 3. Late fee.** Provides a \$45 license renewal late fee.

**Subd. 4. Temporary license fee.** Provides a \$50 temporary license fee.

**Subd. 5. Verification to other states.** Provides a \$25 fee to verify licensure in other states.

**Subd. 6. Verification to institutions.** Provides a \$10 fee.

**Subd. 7. Nonrefundable fees.** States that all fees are nonrefundable.

**Subd. 8. Penalty fees.** Describes the penalty fees for practicing medical laboratory science without a current license, for engaging in the unauthorized practice of medical laboratory science before being issued a license, and for submitting a continuing education report late. States that penalties and discipline for violating this subdivision incurred prior to January 1, 2011, will be recorded as nondisciplinary penalty fees. For offenses of this subdivision after January 1, 2011, and exceed six months duration, the board may take disciplinary action even if the licensee has paid the penalty fee.

**18 Effective date.** Provides a July 1, 2009, effective date for setup of licensing functions and creation of the advisory council, and a January 1, 2011, effective date for licensure.