

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill requires the health-related licensing boards and the Emergency Medical Services Regulatory Board to participate in the Health Professionals Services Program (HPSP) established in this chapter. Transfers administrative authority over the HPSP to the commissioner of administration, but retains programming authority with the HPSP Committee and advisory council. Requires health boards and the commissioner of health to temporarily suspend the credential of a regulated person when the board or commissioner has probable cause to believe that continued practice by the person presents an imminent risk of harm. Adds that failure to complete the HPSP is grounds for disciplinary action. The bill also requires boards and the commissioner of health to deny or refuse to renew the credential for an individual who has been convicted of a specified felony-level criminal sexual conduct offense.

### Section

**1 Conviction of felony-level criminal sexual conduct offense.** Creates § 214.076.

**Subd. 1. Applicability.** Makes this section applicable to all health-related licensing boards, except the Board of Medical Practice and the Board of Chiropractic Examiners, and the professions credentialed by the commissioner of health.

**Subd. 2. Issuing and renewing credential to practice.** Paragraph (a) provides that except as allowed in paragraph (e), a credentialing authority shall not issue or renew a credential to a person who has been convicted of one of the specified offenses on or after August 1, 2014.

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Paragraph (b) bars the credentialing authority from issuing or renewing a credential to a person convicted in any other state or country on or after August 1, 2014, of an offense where the elements are substantially similar to the offenses in paragraph (a).

Paragraph (c) provides that a credential is automatically revoked when a person is convicted of an offense listed in paragraph (a).

Paragraph (d) defines the term “conviction.”

Paragraph (e) allows a credentialing authority to establish criteria so that an individual who was convicted of one of the enumerated offenses may become credentialed. Requires the criteria to use a rebuttable presumption that the applicant is not suitable for credentialing, provide a standard of overcoming the presumption, and require that a minimum of ten years have elapsed since release from incarceration or probation. Prohibits the credentialing authority from considering an application under this paragraph if the victim was a patient or client at the time of the offense.

- 2**      **Temporary license suspension; imminent risk of harm.** Creates § 214.077. Paragraph (a) requires health-related licensing boards and the commissioner of health, upon receipt of a complaint, to temporarily suspend the credential of regulated person when the board or commissioner has probable cause to believe that continued practice by the regulated person presents an imminent risk of harm.

Paragraph (b) provides that the suspension shall remain in effect until the licensing board or commissioner completes an investigation and issues a final order after a hearing.

Paragraph (c) requires the board or the commissioner to schedule a hearing when it issues the suspension notice. Requires that the regulated person have at least 20 days notice of any hearing; requires the hearing to be scheduled no later than 60 days after issuance of the suspension order.

- 3**      **Receipt of complaint.** Amends § 214.103, subd. 2. Allows an executive director to authorize a field investigation to clarify the nature of the complaint and the facts that led to the making of the complaint.
- 4**      **Referral to other agencies.** Amends § 214.103, subd. 3. Requires government agencies to coordinate and conduct joint investigations into complaints that involve more than one governmental agency.
- 5**      **Health professionals services program.** Amends § 214.12, by adding subd. 5. Requires the health-related licensing boards to promote the health professionals services program.
- 6**      **Program required.** Amends § 214.29. Requires each health board, including the EMSRB, to contract with the health professionals services program for a diversion program for regulated professionals who are unable to practice safely due to illness, use of alcohol, drugs, chemicals, or as a result of any mental, physical, or psychological condition.
- 7**      **Authority.** Amends § 214.31. Instructs the HPSP to contract with the health-related

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licensing boards to conduct the diversion program.

### **8 Program operations and responsibilities.** Amends § 214.32.

**Subd. 1. Management.** Paragraph (a) establishes the HPSP Committee to be composed of no fewer than three or more than six executive directors of health-related licensing boards, and two members of the advisory committee. Requires the committee to set the pro rata share of administrative costs and program expenses to be borne by each board, set the program budget, and ensure the program is meeting its statutory charge. Requires the committee to establish uniform criteria governing termination and discharge from the HPSP.

Paragraph (b) transfers authority for administration of the HPSP to the commissioner of administration.

Paragraph (c) authorizes the commissioner of administration to hire HPSP staff and pay program expenses.

Paragraph (d) establishes the advisory committee to the program committee. Membership is composed of one representative from each professional association whose members are eligible for the HPSP, and two public members.

**Subd. 2. Services.** No changes made.

**Subd. 3. Participant costs.** No changes made.

**Subd. 4. Eligibility.** Allows a person who has been terminated from the program for noncompliance to be re-referred to the program by a participating board or the commissioner of health. Strikes the prohibition against individuals in the HIV, HBV, and HCV Prevention Program from participating in the HPSP.

**Subd. 5. Completion; voluntary termination; discharge.** Allows a person to voluntarily terminate participation in the HPSP. The program manager is required to report this termination to the person's regulating board.

### **9 Duties of a health related licensing board.** Paragraph (a) requires health-related licensing boards upon receipt of notice that a regulated person has been discharged from the HPSP due to noncompliance or voluntarily withdrawal to temporarily suspend the credential of regulated person when the board or commissioner has probable cause to believe that continued practice by the regulated person presents an imminent risk of harm.

Paragraph (b) provides that the suspension shall remain in effect until the licensing board completes an investigation and issues a final order after a hearing.

Paragraph (c) requires the board to schedule a hearing when it issues the suspension notice. Requires that the regulated person have at least 20 days notice of any hearing; requires the hearing to be scheduled no later than 60 days after issuance of the suspension order.

### **10 Program manager.** Amends § 214.33, subd. 3. In addition to other required reports to the

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boards, the program manager must report to the appropriate board when an HPSP participant has caused identifiable patient harm, substituted or adulterated medications; written a prescription in the name of a person or veterinary patient for personal use, or should be monitored by the provisions of sections 214.17 to 214.25.

- 11**      **Grounds for disciplinary action.** Creates § 214.355. Requires the boards to consider it grounds for disciplinary action with a regulated person violates the terms of the HPSP participation agreement or leaves the program without fulfilling the terms for successful program completion.
- 12**      **Revisor's instruction.** Instructs the revisor to remove cross-references to the section repealed in section 9 and make technical changes required.
- 13**      **Repealer.** Repeals §§ 214.28 (allowing the boards to contract with a provider for a diversion program); 214.36 (allowing each board to participate or withdraw from the HPSP); and 214.37 (rulemaking authority related to the HPSP).
- 14**      **Effective date.** Makes sections 1 to 9 effective July 1, 2014.