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SENATE FILE NO. 26

FIRST COMMITTEE ENGROSSMENT

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HOUSE ACTION

February 19, 2007

Companion to House File No. 57 (Authors: Thao, Thissen, Abeler and Huntley)

Read First Time and Referred to the Committee on Committee on Health and Human Services

Referred by Chair to Licensing Subcommittee.

March 14, 2007

Returned to the Committee on Health and Human Services as Amended.

A bill for an act

1.1 relating to health occupations; changing provisions for operating x-ray
1.2 equipment examination and practice; modifying provisions for speech-language
1.3 pathology and audiology; changing licensing provisions for physical therapists
1.4 and physical therapy assistants; changing licensing provisions for social
1.5 work; modifying practice provisions under the Board of Pharmacy; modifying
1.6 health-related licensing board provisions; amending Minnesota Statutes 2006,
1.7 sections 144.121, subdivision 5, by adding subdivisions; 147.037, subdivision
1.8 1; 147A.27, subdivision 2; 147B.05, subdivision 2; 147C.35, subdivision 2;
1.9 147D.25, subdivision 2; 148.515, subdivision 2, by adding a subdivision; 148.65,
1.10 subdivisions 2, 3, by adding a subdivision; 148.67, subdivision 1; 148.70;
1.11 148.705; 148.706; 148.71; 148.73; 148.735; 148.736, subdivision 1; 148.74;
1.12 148.75; 148.754; 148.755; 148.76, subdivision 1; 148.78; 148B.53, subdivision
1.13 3; 148C.12, by adding subdivisions; 148D.050, subdivision 1; 148D.055,
1.14 subdivisions 2, 3, 4, 5, by adding a subdivision; 148D.060, subdivisions 5, 6, 7,
1.15 13, by adding a subdivision; 148D.120, subdivision 2; 148D.125, subdivision
1.16 1; 151.01, by adding subdivisions; 151.06, subdivision 1; 151.21, subdivisions
1.17 1, 2, 3, by adding a subdivision; 214.103, subdivision 9; 214.32, subdivision 1;
1.18 proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 148D;
1.19 repealing Minnesota Statutes 2006, sections 148.691, subdivision 3; 148.71,
1.20 subdivision 1; 148.72; 148.745; 148.775; Minnesota Rules, parts 5601.0200;
1.21 5601.0300; 5601.0400; 5601.0500; 5601.0600; 5601.0700; 5601.0800;
1.22 5601.1400; 5601.1500; 5601.1600; 5601.2800; 5601.2900; 5601.3000;
1.23 5601.3105; 5601.3110; 5601.3115; 5601.3120; 5601.3125; 5601.3130;
1.24 5601.3135; 5601.3140; 5601.3145; 5601.3150; 5601.3155; 5601.3160;
1.25 5601.3165.

1.26
1.27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.28 Section 1. Minnesota Statutes 2006, section 144.121, subdivision 5, is amended to read:

1.29 Subd. 5. **Examination for individual operating x-ray equipment.** ~~After January~~
1.30 ~~1, 1997, an individual in a facility with x-ray equipment for use on humans that is~~
1.31 ~~registered under subdivision 1 may not operate, nor may the facility allow the individual~~
1.32 ~~to operate, x-ray equipment unless the individual has passed an examination approved~~
1.33 ~~by the commissioner of health, or an examination determined to the satisfaction of the~~

2.1 ~~commissioner of health to be an equivalent national, state, or regional examination,~~
2.2 ~~that demonstrates the individual's knowledge of basic radiation safety, proper use of~~
2.3 ~~x-ray equipment, darkroom and film processing, and quality assurance procedures. The~~
2.4 ~~commissioner shall establish by rule criteria for the approval of examinations required~~
2.5 ~~for an individual operating an x-ray machine in Minnesota. (a) After January 1, 2008, an~~
2.6 ~~individual in a facility with x-ray equipment for use on humans that is registered under~~
2.7 ~~subdivision 1 may not operate, nor may the facility allow the individual to operate,~~
2.8 ~~x-ray equipment unless the individual has passed a national examination determined~~
2.9 ~~to the satisfaction of the commissioner of health. The commissioner shall establish by~~
2.10 ~~rule criteria for the approval of examinations based on national standards, such as the~~
2.11 ~~examination in radiography from the American Registry of Radiologic Technologists, the~~
2.12 ~~examination for limited scope of practice in radiography from the American Registry~~
2.13 ~~of Radiologic Technologists for limited x-ray machine operators, and the American~~
2.14 ~~Registry of Chiropractic Radiography Technologists for limited radiography in spines and~~
2.15 ~~extremities; or equivalent examinations approved by other states. Equivalent examinations~~
2.16 ~~are to be determined by the commissioner, and must be consistent with the standards~~
2.17 ~~for educational and psychological testing as recommended by the American Education~~
2.18 ~~Research Association, the American Psychological Association, the National Council~~
2.19 ~~on Measurement in Education, or the National Commission for Certifying Agencies.~~
2.20 ~~Any costs incurred in determining the extent to which examinations meet the examining~~
2.21 ~~standards of this subdivision shall be paid by the individual or organization proposing the~~
2.22 ~~use of such examination. The commissioner shall issue a certificate to examinees who~~
2.23 ~~pass an approved examination.~~

2.24 (b) Individuals who have met current regulations to operate x-ray equipment prior to
2.25 January 1, 2008, in a facility with x-ray equipment for use on humans that is registered
2.26 under subdivision 1 shall not be required to take a national examination as required in
2.27 paragraph (a).

2.28 **EFFECTIVE DATE.** This section is effective January 1, 2008.

2.29 Sec. 2. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision
2.30 to read:

2.31 Subd. 5a. **Limited x-ray machine operator examination.** The examination for
2.32 limited x-ray machine operators shall include, but not be limited to:

2.33 (1) radiation protection, equipment maintenance and operation, image production
2.34 and evaluation, patient care and management; and

3.1 (2) at least one of the following regions of the human anatomy: chest, extremities,
3.2 skull and sinus, spine, or ankle and foot. These examinations must include the anatomy
3.3 of, and position for, the specific regions.

3.4 **EFFECTIVE DATE.** This section is effective January 1, 2008.

3.5 Sec. 3. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision
3.6 to read:

3.7 Subd. 5b. **Limited x-ray machine operator practice.** A limited x-ray operator
3.8 may practice medical radiography on limited regions of the human anatomy for which
3.9 they have successfully passed an examination outlined in subdivision 5a. The operator
3.10 may practice using only routine radiographic procedures, for the interpretation by and
3.11 under the direction of a licensed practitioner, excluding computed tomography, the use of
3.12 contrast media, and the use of fluoroscopic or mammographic equipment.

3.13 **EFFECTIVE DATE.** This section is effective January 1, 2008.

3.14 Sec. 4. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision
3.15 to read:

3.16 Subd. 5c. **Exemptions.** X-ray machine operators who have met current regulations
3.17 adopted by the commissioner prior to January 1, 2008, are exempt from the requirements
3.18 of subdivisions 5 to 5e, but must meet the continuing education requirements provided in
3.19 subdivision 5f. Subdivisions 5 to 5f do not apply to dental hygienists, dental assistants,
3.20 and individuals that are licensed in the state of Minnesota to practice medicine, osteopathy,
3.21 chiropractics, podiatry, and dentistry.

3.22 **EFFECTIVE DATE.** This section is effective January 1, 2008.

3.23 Sec. 5. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision
3.24 to read:

3.25 Subd. 5d. **Procedures.** The commissioner shall adopt by rule procedures to be
3.26 followed for examinations.

3.27 **EFFECTIVE DATE.** This section is effective January 1, 2008.

3.28 Sec. 6. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision
3.29 to read:

4.1 Subd. 5e. **Variance of scope and practice.** The commissioner may grant a variance
4.2 according to Minnesota Rules, parts 4717.7000 to 4717.7050, to a facility for the scope of
4.3 practice of an x-ray operator in cases where the delivery of health care would otherwise be
4.4 compromised if a variance were not granted. The request for a variance must be in writing,
4.5 state the circumstances that constitute hardship, state the period of time the facility wishes
4.6 to have the variance for the scope of practice in place, and state the alternative measures
4.7 that will be taken if the variance is granted. The commissioner shall set forth in writing
4.8 the reasons for granting or denying the variance. Variances granted by the commissioner
4.9 specify in writing the time limitation and required alternative measures to be taken
4.10 by the facility. A request for the variance shall be denied if the commissioner finds the
4.11 circumstances stated by the facility do not support a claim of extreme hardship, the
4.12 requested time period for the variance is unreasonable, the alternative measures proposed
4.13 by the facility are not equivalent to the scope of practice, or the request for the variance
4.14 is not submitted to the commissioner in a timely manner.

4.15 **EFFECTIVE DATE.** This section is effective January 1, 2008.

4.16 Sec. 7. Minnesota Statutes 2006, section 144.121, is amended by adding a subdivision
4.17 to read:

4.18 Subd. 5f. **Continuing education requirements.** The commissioner shall approve
4.19 continuing education programs for limited x-ray operators that offer x-ray-specific courses
4.20 including, but not limited to, courses offered online. A limited x-ray operator shall
4.21 complete four hours of continuing education during every two-year period and pay a \$20
4.22 fee every two years in order to remain certified. The first two-year period ends January
4.23 1, 2010. A limited x-ray operator who is out of compliance shall be given three months
4.24 to comply with this subdivision. After that three-month period, an individual who is out
4.25 of compliance shall be required to take an examination, as provided in subdivision 5,
4.26 in order to be recertified.

4.27 Sec. 8. Minnesota Statutes 2006, section 147.037, subdivision 1, is amended to read:

4.28 Subdivision 1. **Requirements.** The board shall issue a license to practice medicine
4.29 to any person who satisfies the requirements in paragraphs (a) to (g).

4.30 (a) The applicant shall satisfy all the requirements established in section 147.02,
4.31 subdivision 1, paragraphs (a), (e), (f), (g), and (h).

4.32 (b) The applicant shall present evidence satisfactory to the board that the applicant
4.33 is a graduate of a medical or osteopathic school approved by the board as equivalent
4.34 to accredited United States or Canadian schools based upon its faculty, curriculum,

5.1 facilities, accreditation, or other relevant data. If the applicant is a graduate of a medical
5.2 or osteopathic program that is not accredited by the Liaison Committee for Medical
5.3 Education or the American Osteopathic Association, the applicant ~~must~~ may use the
5.4 Federation of State Medical Boards' Federation Credentials Verification Service (FCVS)
5.5 or its successor. If the applicant uses this service as ~~required~~ allowed under this paragraph,
5.6 the physician application fee may be less than \$200 but must not exceed the cost of
5.7 administering this paragraph.

5.8 (c) The applicant shall present evidence satisfactory to the board that the applicant
5.9 has been awarded a certificate by the Educational Council for Foreign Medical Graduates,
5.10 and the applicant has a working ability in the English language sufficient to communicate
5.11 with patients and physicians and to engage in the practice of medicine.

5.12 (d) The applicant shall present evidence satisfactory to the board of the completion
5.13 of two years of graduate, clinical medical training in a program located in the United
5.14 States, its territories, or Canada and accredited by a national accrediting organization
5.15 approved by the board. This requirement does not apply:

5.16 (1) to an applicant who is admitted as a permanent immigrant to the United States on
5.17 or before October 1, 1991, as a person of exceptional ability in the sciences according to
5.18 Code of Federal Regulations, title 20, section 656.22(d);

5.19 (2) to an applicant holding a valid license to practice medicine in another country
5.20 and issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary
5.21 ability in the field of science or as an outstanding professor or researcher according to
5.22 Code of Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant
5.23 visa as a person of extraordinary ability in the field of science according to Code of
5.24 Federal Regulations, title 8, section 214.2(o),

5.25 provided that a person under clause (1) or (2) is admitted pursuant to rules of the United
5.26 States Department of Labor; or

5.27 (3) to an applicant who is licensed in another state, has practiced five years without
5.28 disciplinary action in the United States, its territories, or Canada, has completed one year
5.29 of the graduate, clinical medical training required by this paragraph, and has passed the
5.30 Special Purpose Examination of the Federation of State Medical Boards within three
5.31 attempts in the 24 months before licensing.

5.32 (e) The applicant must:

5.33 (1) have passed an examination prepared and graded by the Federation of State
5.34 Medical Boards, the United States Medical Licensing Examination program in accordance
5.35 with section 147.02, subdivision 1, paragraph (c), clause (2), or the Medical Council
5.36 of Canada; and

6.1 (2) have a current license from the equivalent licensing agency in another state or
6.2 country and, if the examination in clause (1) was passed more than ten years ago, either:

6.3 (i) pass the Special Purpose Examination of the Federation of State Medical Boards
6.4 with a score of 75 or better within three attempts; or

6.5 (ii) have a current certification by a specialty board of the American Board of
6.6 Medical Specialties, of the American Osteopathic Association Bureau of Professional
6.7 Education, of the Royal College of Physicians and Surgeons of Canada, or of the College
6.8 of Family Physicians of Canada.

6.9 (f) The applicant must not be under license suspension or revocation by the licensing
6.10 board of the state or jurisdiction in which the conduct that caused the suspension or
6.11 revocation occurred.

6.12 (g) The applicant must not have engaged in conduct warranting disciplinary action
6.13 against a licensee, or have been subject to disciplinary action other than as specified in
6.14 paragraph (f). If an applicant does not satisfy the requirements stated in this paragraph,
6.15 the board may issue a license only on the applicant's showing that the public will be
6.16 protected through issuance of a license with conditions or limitations the board considers
6.17 appropriate.

6.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.19 Sec. 9. Minnesota Statutes 2006, section 147A.27, subdivision 2, is amended to read:

6.20 Subd. 2. **Organization.** The council shall be organized and administered under
6.21 section 15.059, ~~except that the advisory council shall expire on June 30, 2007.~~

6.22 Sec. 10. Minnesota Statutes 2006, section 147B.05, subdivision 2, is amended to read:

6.23 Subd. 2. **Administration; compensation; removal; quorum.** The advisory council
6.24 is governed by section 15.059, ~~except that the council does not expire until June 30, 2007.~~

6.25 Sec. 11. Minnesota Statutes 2006, section 147C.35, subdivision 2, is amended to read:

6.26 Subd. 2. **Organization.** The advisory council shall be organized and administered
6.27 under section 15.059. ~~The council expires June 30, 2007.~~

6.28 Sec. 12. Minnesota Statutes 2006, section 147D.25, subdivision 2, is amended to read:

6.29 Subd. 2. **Organization.** The advisory council shall be organized and administered
6.30 under section 15.059. ~~The council expires June 30, 2007.~~

6.31 Sec. 13. Minnesota Statutes 2006, section 148.515, subdivision 2, is amended to read:

7.1 Subd. 2. **Master's or doctoral degree required for speech-language pathology**
7.2 **applicants.** (a) An applicant for speech-language pathology must possess a master's or
7.3 doctoral degree that meets the requirements of paragraph (b). If completing a doctoral
7.4 program in which a master's degree has not been conferred, an applicant must submit a
7.5 transcript ~~showing~~ or letter from the academic department chair evidencing completion of
7.6 course work equivalent to, or exceeding, a master's degree that meets the requirement of
7.7 paragraph (b).

7.8 (b) All of the speech-language pathology applicant's graduate coursework and
7.9 clinical practicum required in the professional area for which licensure is sought must
7.10 have been initiated and completed at an institution whose program meets the current
7.11 requirements and was accredited by the Educational Standards Board of the Council
7.12 on Academic Accreditation in Audiology and Speech-Language Pathology, a body
7.13 recognized by the United States Department of Education, or an equivalent as determined
7.14 by the commissioner, in the area for which licensure is sought.

7.15 Sec. 14. Minnesota Statutes 2006, section 148.515, is amended by adding a subdivision
7.16 to read:

7.17 Subd. 2a. **Master's or doctoral degree required for audiology applicants.** An
7.18 applicant for audiology must possess a master's degree or doctoral degree that meets the
7.19 following requirements:

7.20 (1) if graduate training is completed prior to August 30, 2007, an audiology applicant
7.21 must possess a master's or doctoral degree in audiology from an accredited educational
7.22 institution; or

7.23 (2) if graduate training is completed after August 30, 2007, an audiology applicant
7.24 must possess a doctoral degree with an emphasis in audiology, or its equivalent as
7.25 determined by the commissioner, from an accredited educational institution.

7.26 Sec. 15. Minnesota Statutes 2006, section 148.65, subdivision 2, is amended to read:

7.27 Subd. 2. **Physical therapist.** "Physical therapist" means a person licensed by the
7.28 board who practices physical therapy as defined in sections 148.65 to 148.78.

7.29 Sec. 16. Minnesota Statutes 2006, section 148.65, subdivision 3, is amended to read:

7.30 Subd. 3. **Physical therapist assistant.** "Physical therapist assistant" means
7.31 ~~a graduate of a physical therapist assistant educational program accredited by the~~
7.32 ~~Commission on Accreditation in Physical Therapy Education (CAPTE) or a recognized~~
7.33 ~~comparable national accrediting agency approved by the board. The physical therapist~~

8.1 ~~assistant; person licensed by the board who provides physical therapy under the~~
8.2 ~~direction and supervision of the a physical therapist, and who performs physical therapy~~
8.3 ~~interventions and assists with coordination, communication, and documentation; and~~
8.4 ~~patient-client-related instruction. The physical therapist is not required to be on-site~~
8.5 ~~except as required under Minnesota Rules, part 5601.1500, but must be easily available~~
8.6 ~~by telecommunications.~~

8.7 Sec. 17. Minnesota Statutes 2006, section 148.65, is amended by adding a subdivision
8.8 to read:

8.9 Subd. 8. Licensee. "Licensee" means a person licensed as a physical therapist
8.10 or a physical therapist assistant.

8.11 Sec. 18. Minnesota Statutes 2006, section 148.67, subdivision 1, is amended to read:

8.12 Subdivision 1. **Board of Physical Therapy appointed.** The governor shall appoint
8.13 a state Board of Physical Therapy to administer sections 148.65 to 148.78, regarding the
8.14 qualifications and examination of physical therapists and physical therapist assistants. The
8.15 board shall consist of nine members, citizens and residents of the state of Minnesota,
8.16 composed of ~~four~~ five physical therapists, one licensed and registered doctor of medicine,
8.17 ~~one two physical therapy assistant therapist assistants,~~ and three public members. The four
8.18 physical therapist members and the physical therapist assistant members must be licensed
8.19 ~~physical therapists~~ in this state. ~~Each of the four physical therapist members must and~~ have
8.20 at least five years' experience in physical therapy practice, physical therapy administration,
8.21 or physical therapy education. The five years' experience must immediately precede
8.22 appointment. Membership terms, compensation of members, removal of members,
8.23 filling of membership vacancies, and fiscal year and reporting requirements shall be as
8.24 provided in sections 214.07 to 214.09. The provision of staff, administrative services, and
8.25 office space; the review and processing of complaints; the setting of board fees; and
8.26 other provisions relating to board operations shall be as provided in chapter 214. Each
8.27 member of the board shall file with the secretary of state the constitutional oath of office
8.28 before beginning the term of office.

8.29 Sec. 19. Minnesota Statutes 2006, section 148.70, is amended to read:

8.30 **148.70 APPLICANTS, QUALIFICATIONS.**

8.31 The Board of Physical Therapy must:

8.32 (1) establish the qualifications of applicants for licensing and continuing education
8.33 requirements for ~~relicensing~~ renewal of licensure;

9.1 (2) provide for and conduct all examinations following satisfactory completion of
9.2 all didactic requirements;

9.3 (3) determine the applicants who successfully pass the examination; and

9.4 (4) duly license an applicant after the applicant has presented evidence satisfactory
9.5 to the board that the applicant has ~~completed an accredited physical therapy educational~~
9.6 ~~program of education or continuing education approved by the board~~ met all requirements
9.7 for licensure as a physical therapist or physical therapist assistant.

9.8 ~~The passing score for examinations taken after July 1, 1995, shall be based on~~
9.9 ~~objective, numerical standards, as established by a nationally recognized board approved~~
9.10 ~~testing service.~~

9.11 Sec. 20. Minnesota Statutes 2006, section 148.705, is amended to read:

9.12 **148.705 APPLICATION.**

9.13 Subdivision 1. Form; fee. An applicant for ~~licensing~~ licensure as a physical
9.14 therapist or physical therapist assistant shall ~~file~~ submit a written application on forms
9.15 provided by the board together with a the appropriate fee in the amount set by the board.
9.16 No portion of the fee is refundable. No applicant will be approved to sit for the national
9.17 examination until the application is complete, as determined by the board.

9.18 ~~An approved program for physical therapists shall include the following:~~

9.19 ~~(1) a minimum of 60 academic semester credits or its equivalent from an accredited~~
9.20 ~~college, including courses in the biological and physical sciences; and~~

9.21 ~~(2) an accredited course in physical therapy education which has provided adequate~~
9.22 ~~instruction in the basic sciences, clinical sciences, and physical therapy theory and~~
9.23 ~~procedures, as determined by the board. In determining whether or not a course in physical~~
9.24 ~~therapy is approved, the board may take into consideration the accreditation of such~~
9.25 ~~schools by the appropriate council of the American Medical Association, the American~~
9.26 ~~Physical Therapy Association, or the Canadian Medical Association.~~

9.27 Subd. 2. Contents of application. (a) The application must include the following
9.28 information:

9.29 (1) evidence satisfactory to the board that the applicant has met the educational
9.30 requirements of section 148.721 or 148.722 as demonstrated by a certified copy of a
9.31 transcript;

9.32 (2) recommendations by two physical therapists registered or licensed to practice
9.33 physical therapy in the United States or Canada attesting to the applicant's ethical and
9.34 moral character;

10.1 (3) a recent full-face photograph of the applicant attached to the application with the
10.2 affidavit on the form completed and notarized;

10.3 (4) a record of the applicant's high school, college, and board-approved physical
10.4 therapy school education listing the names, locations, dates of attendance, and diplomas,
10.5 degrees, or certificates awarded;

10.6 (5) a record of the applicant's postgraduate work and military service;

10.7 (6) a listing of the United States jurisdictions, and countries in which the applicant is
10.8 currently licensed or registered, or has been in the past, including the applicant's license or
10.9 registration certificate number, the date the license or registration was obtained, and the
10.10 method by which the license or registration was received;

10.11 (7) a record of the applicant's current and previous physical therapy practice
10.12 experience;

10.13 (8) a record of disciplinary action taken on past complaints, refusal of licensure or
10.14 registration, or denial of examination eligibility by another state board or physical therapy
10.15 society against the applicant;

10.16 (9) a record of the applicant's personal use or administration of any controlled
10.17 substances and any treatment for alcohol or drug abuse;

10.18 (10) a record by the applicant of any disease, illness, or injury that impairs the
10.19 applicant's ability to practice physical therapy;

10.20 (11) a record of any convictions for crimes related to the practice of physical therapy,
10.21 felonies, gross misdemeanors, and crimes involving moral turpitude;

10.22 (12) a listing of any memberships in a physical therapy professional association;

10.23 (13) the applicant's name and address;

10.24 (14) the applicant's Social Security number, alien registration card number, or tax
10.25 identification number, whichever is applicable;

10.26 (15) completed copies of credentials verification forms provided by the board; and

10.27 (16) any information deemed necessary by the board to evaluate the applicant.

10.28 (b) A person who has previously practiced in another state shall submit the following
10.29 information for the five-year period of active practice preceding the date of filing
10.30 application in this state:

10.31 (1) the name and address of the person's professional liability insurer in the other
10.32 state; and

10.33 (2) the number, date, and disposition of any malpractice settlement or award made
10.34 to a plaintiff relating to the quality of services provided.

11.1 Sec. 21. Minnesota Statutes 2006, section 148.706, is amended to read:

11.2 **148.706 SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS, AIDES,**
11.3 **AND STUDENTS.**

11.4 Subdivision 1. **Supervision.** Every physical therapist who uses the services of a
11.5 physical therapist assistant or physical therapy aide for the purpose of assisting in the
11.6 practice of physical therapy is responsible for functions performed by the assistant or
11.7 aide while engaged in such assistance. The physical therapist shall delegate duties to the
11.8 physical therapist assistant and assign tasks to the physical therapy aide in accordance
11.9 with ~~Minnesota Rules, part 5601.1400~~ subdivision 2. Physical therapists who instruct
11.10 student physical therapists and student physical therapist assistants are responsible for the
11.11 functions performed by the students and shall supervise the students as provided under
11.12 section 148.65, subdivisions 5 and 6. A licensed physical therapist may supervise no more
11.13 than two physical therapist assistants at any time.

11.14 Subd. 2. **Delegation of duties.** The physical therapist may delegate patient
11.15 treatment procedures only to a physical therapist assistant who has sufficient didactic and
11.16 clinical preparation. The physical therapist may not delegate the following activities to the
11.17 physical therapist assistant or to other supportive personnel: patient evaluation, treatment
11.18 planning, initial treatment, change of treatment, and initial or final documentation.

11.19 Subd. 3. **Observation of physical therapist assistants.** When components of a
11.20 patient's treatment are delegated to a physical therapist assistant, a physical therapist must
11.21 provide on-site observation of the treatment and documentation of its appropriateness at
11.22 least every six treatment sessions. The physical therapist is not required to be on-site, but
11.23 must be easily available by telecommunications.

11.24 Subd. 4. **Observation of physical therapy aides.** The physical therapist must
11.25 observe the patient's status before and after the treatment administered by a physical
11.26 therapy aide. The physical therapy aide may perform tasks related to preparation of patient
11.27 and equipment for treatment, housekeeping, transportation, clerical duties, departmental
11.28 maintenance, and selected treatment procedures. The tasks must be performed under the
11.29 direct supervision of a physical therapist who is readily available for advice, instruction,
11.30 or immediate assistance.

11.31 Sec. 22. Minnesota Statutes 2006, section 148.71, is amended to read:

11.32 **148.71 LICENSING TEMPORARY PERMITS.**

11.33 ~~Subdivision 1. **Qualified applicant.** The state Board of Physical Therapy shall~~
11.34 ~~license as a physical therapist and shall furnish a license to an applicant who successfully~~

12.1 ~~passes an examination provided for in sections 148.65 to 148.78 for licensing as a physical~~
 12.2 ~~therapist and who is otherwise qualified as required in sections 148.65 to 148.78.~~

12.3 Subd. 2. **Temporary permit Issuance.** (a) The board may, upon completion of
 12.4 the application prescribed by the board and payment of a fee set by the board, issue a
 12.5 temporary permit to practice physical therapy under supervision to ~~a physical therapist~~
 12.6 ~~who is a graduate of an approved school of physical therapy~~ an applicant for licensure as a
 12.7 physical therapist or physical therapist assistant who meets the educational requirements
 12.8 of section 148.721 or 148.722 and qualified for admission to examination for licensing as
 12.9 a physical therapist or physical therapist assistant. A temporary permit ~~to practice physical~~
 12.10 ~~therapy under supervision~~ may be issued only once and cannot be renewed. It expires 90
 12.11 days after the next examination for licensing given by the board or on the date on which
 12.12 the board, after examination of the applicant, grants or denies the applicant a license to
 12.13 practice, whichever occurs first. A temporary permit expires on the first day the board
 12.14 begins its next examination for license after the permit is issued if the holder does not
 12.15 submit to examination on that date. The holder of a temporary permit to practice ~~physical~~
 12.16 ~~therapy~~ under supervision may practice physical therapy as defined in section 148.65 if
 12.17 the entire practice is under the supervision of a person holding a valid license to practice
 12.18 physical therapy in this state. The supervision shall be direct, immediate, and on premises.

12.19 (b) ~~A physical therapist~~ An applicant from another state who is licensed or otherwise
 12.20 registered in good standing as a physical therapist by that state and meets the requirements
 12.21 for licensing under section 148.72 does not require supervision to practice physical therapy
 12.22 while holding a temporary permit in this state. The temporary permit remains valid only
 12.23 until the meeting of the board at which the application for licensing is considered.

12.24 Subd. 3. **Foreign-trained Foreign-educated physical therapists; temporary**
 12.25 **permits.** (a) The Board of Physical Therapy may issue a temporary permit to a
 12.26 ~~foreign-trained~~ foreign-educated physical therapist who:

12.27 (1) is enrolled in a supervised physical therapy traineeship that meets the
 12.28 requirements under paragraph (b);

12.29 (2) has completed a physical therapy education program equivalent to that under
 12.30 ~~section 148.705 and Minnesota Rules, part 5601.0800, subpart 2~~ 148.721, and has
 12.31 provided to the board a Foreign Credentialing Commission on Physical Therapy
 12.32 (FCCPT) comprehensive credentials evaluation (Type I certificate) or FCCPT educational
 12.33 credentials review demonstrating completion of the program;

12.34 (3) has achieved a passing score of at least 550 according to section 148.725,
 12.35 subdivision 3, on the test of English as a foreign language or ~~a score of at least 85 on~~

13.1 ~~the Minnesota battery test~~ an alternate equivalent examination, as determined by the
 13.2 board; and

13.3 (4) has paid a nonrefundable fee set by the board.

13.4 A ~~foreign-trained~~ foreign-educated physical therapist must have the temporary
 13.5 permit before beginning a traineeship.

13.6 (b) A supervised physical therapy traineeship must:

13.7 (1) be at least six months;

13.8 (2) be at a board-approved facility;

13.9 (3) provide a broad base of clinical experience to the ~~foreign-trained~~ foreign-educated
 13.10 physical therapist including a variety of physical agents, therapeutic exercises, evaluation
 13.11 procedures, and patient diagnoses;

13.12 (4) be supervised by a physical therapist who has at least three years of clinical
 13.13 experience and is licensed under subdivision 1; and

13.14 (5) be approved by the board before the ~~foreign-trained~~ foreign-educated physical
 13.15 therapist begins the traineeship.

13.16 (c) A temporary permit is effective on the first day of a traineeship and expires 90
 13.17 days after the next examination for licensing given by the board following successful
 13.18 completion of the traineeship or on the date on which the board, after examination of the
 13.19 applicant, grants or denies the applicant a license to practice, whichever occurs first.

13.20 (d) A ~~foreign-trained~~ foreign-educated physical therapist must successfully complete
 13.21 a traineeship to be licensed as a physical therapist under subdivision 1. The traineeship
 13.22 may be waived for a ~~foreign-trained~~ foreign-educated physical therapist who is licensed
 13.23 or otherwise registered in good standing in another state and has successfully practiced
 13.24 physical therapy in that state under the supervision of a licensed or registered physical
 13.25 therapist for at least six months at a facility that meets the requirements under paragraph
 13.26 (b), clauses (2) and (3).

13.27 (e) A temporary permit will not be issued to a ~~foreign-trained~~ foreign-educated
 13.28 applicant who has been issued a temporary permit for longer than six months in any
 13.29 other state.

13.30 **Sec. 23. [148.721] EDUCATIONAL REQUIREMENTS FOR LICENSED**
 13.31 **PHYSICAL THERAPIST.**

13.32 Subdivision 1. **Accredited program.** All applicants for licensure as a physical
 13.33 therapist must complete a course in physical therapy education accredited by the
 13.34 Commission on Accreditation in Physical Therapy Education (CAPTE) or which meets
 13.35 the accreditation requirements of CAPTE, as determined by the board.

14.1 Subd. 2. **General education.** In addition to completion of the accredited program
14.2 required in subdivision 1, applicants must complete an additional 60 academic semester
14.3 credits or its quarter equivalent from an institution of higher education that is accredited
14.4 by a regional accrediting organization. Coursework used to satisfy this requirement may
14.5 not have been earned as part of the accredited program requirement of subdivision 1.

14.6 **Sec. 24. [148.722] EDUCATIONAL REQUIREMENTS FOR LICENSED**
14.7 **PHYSICAL THERAPIST ASSISTANT.**

14.8 All applicants for licensure as a physical therapist assistant must graduate from
14.9 a physical therapist assistant educational program accredited by the Commission
14.10 on Accreditation in Physical Therapy Education (CAPTE) or meet its standards, as
14.11 determined by the board.

14.12 **Sec. 25. [148.723] EXAMINATION FOR LICENSED PHYSICAL THERAPIST.**

14.13 Subdivision 1. **National test.** All applicants for licensure as a physical therapist
14.14 must take and pass the National Physical Therapy Examination (NPTE) administered by
14.15 the Federation of State Boards of Physical Therapy (FSBPT) or an alternate national
14.16 examination determined by the board to be equivalent. For purposes of this section,
14.17 passing scores are defined in subdivisions 2 and 3.

14.18 Subd. 2. **Examinations taken on or before July 1, 1995.** The passing score for
14.19 qualifying examinations taken prior to July 1, 1995, is one standard deviation below the
14.20 mean of all persons taking the examination.

14.21 Subd. 3. **Examinations taken after July 1, 1995.** The passing score for qualifying
14.22 examinations taken after July 1, 1995, shall be based on objective, numerical standards
14.23 established by the administering testing agency.

14.24 **Sec. 26. [148.724] EXAMINATION FOR LICENSED PHYSICAL THERAPIST**
14.25 **ASSISTANT.**

14.26 Subdivision 1. **National test.** All applicants for licensure as a physical therapist
14.27 assistant must take and pass the National Physical Therapy Examination (NPTE) for
14.28 physical therapist assistants administered by the Federation of State Boards of Physical
14.29 Therapy (FSBPT) or an alternate national examination determined by the board to be
14.30 equivalent. For purposes of this section, passing scores are defined in subdivisions 2 to 4.

14.31 Subd. 2. **Examinations taken on or before July 1, 1995.** The passing score for
14.32 qualifying examinations taken prior to July 1, 1995, is one standard deviation below the
14.33 mean of all persons taking the examination.

15.1 Subd. 3. **Examinations taken after July 1, 1995.** The passing score for qualifying
15.2 examinations taken after July 1, 1995, shall be based on objective, numerical standards
15.3 established by the administering testing agency.

15.4 Subd. 4. **Grandparenting provision.** Applicants for licensure as a physical
15.5 therapist assistant who meet the educational requirements of section 148.722 prior to
15.6 September 1, 2007, are not required to take and pass the examination required by this
15.7 section. This provision expires on July 1, 2008.

15.8 Sec. 27. **[148.725] REQUIREMENTS FOR FOREIGN-EDUCATED**
15.9 **APPLICANTS.**

15.10 Subdivision 1. **Scope and documentation.** An applicant for licensure who is a
15.11 foreign-educated physical therapist must fulfill the requirements in subdivisions 2 to 5,
15.12 providing certified English translations of board-required relevant documentation.

15.13 Subd. 2. **Education evaluation.** The applicant must present evidence of completion
15.14 of physical therapy schooling equivalent to that required in section 148.721 by having a
15.15 Type I comprehensive credentials evaluation or educational credentials review performed
15.16 by the Foreign Credentialing Commission on Physical Therapy (FCCPT). The evaluation
15.17 must be sent directly to the board from the FCCPT. The applicant shall be responsible for
15.18 the expenses incurred as a result of the evaluation.

15.19 Subd. 3. **English test.** If not completed as part of the FCCPT Type I comprehensive
15.20 credentials evaluation, the applicant must demonstrate English language proficiency by
15.21 taking the test of English as a foreign language examination (TOEFL) and achieving a
15.22 passing score as established by the board, or a passing score on a comparable nationally
15.23 recognized examination approved by the board. For purposes of this subdivision, the
15.24 passing score adopted by the board shall be applied prospectively.

15.25 Subd. 4. **Experience.** The applicant must have practiced satisfactorily for at least
15.26 six months under the supervision of a licensed physical therapist at a board-approved
15.27 facility. A facility that offers such practice must provide a broad base of experience
15.28 including a variety of physical agents, therapeutic exercises, evaluation procedures, and
15.29 patient diagnoses. Supervision must be provided by a licensed physical therapist with at
15.30 least three years of clinical experience. A proposed outline of clinical experiences must be
15.31 approved by the board before the facility begins offering the experience.

15.32 Subd. 5. **Examination.** The applicant must satisfactorily complete the
15.33 board-approved examination as stated in section 148.72 or 148.73.

16.1 Sec. 28. Minnesota Statutes 2006, section 148.73, is amended to read:

16.2 **148.73 RENEWALS.**

16.3 Every licensed physical therapist and physical therapist assistant shall, ~~during each~~
16.4 ~~January~~ before January 1 each year, apply to the board for an extension of a license and
16.5 pay a fee in the amount set by the board. The extension of the license is contingent
16.6 upon demonstration that the continuing education requirements set by the board under
16.7 section 148.70 have been satisfied. For purposes of this section, the continuing education
16.8 requirements for physical therapist assistants are the same as those for physical therapists.

16.9 Sec. 29. Minnesota Statutes 2006, section 148.735, is amended to read:

16.10 **148.735 CANCELLATION OF LICENSE IN GOOD STANDING.**

16.11 Subdivision 1. **Board approval; reporting.** A physical therapist or physical
16.12 therapist assistant holding an active license to practice physical therapy in the state may,
16.13 upon approval of the board, be granted license cancellation if the board is not investigating
16.14 the person as a result of a complaint or information received or if the board has not begun
16.15 disciplinary proceedings against the person. Such action by the board shall be reported as
16.16 a cancellation of a license in good standing.

16.17 Subd. 2. **Fees nonrefundable.** A physical therapist or physical therapist assistant
16.18 who receives board approval for license cancellation is not entitled to a refund of any
16.19 license fees paid for the licensure year in which cancellation of the license occurred.

16.20 Subd. 3. **New license after cancellation.** If a physical therapist or physical therapist
16.21 assistant who has been granted board approval for license cancellation desires to resume
16.22 the practice of physical therapy in Minnesota, that physical therapist or physical therapist
16.23 assistant must obtain a new license by applying for licensure and fulfilling the requirements
16.24 then in existence for obtaining an initial license to practice physical therapy in Minnesota.

16.25 Sec. 30. Minnesota Statutes 2006, section 148.736, subdivision 1, is amended to read:

16.26 Subdivision 1. **Board approval; reporting.** A physical therapist; or physical
16.27 therapist assistant whose right to practice is under suspension, condition, limitation,
16.28 qualification, or restriction by the board may be granted cancellation of credentials by
16.29 approval of the board. Such action by the board shall be reported as cancellation while
16.30 under discipline. Credentials, for purposes of this section, means board authorized
16.31 documentation of the privilege to practice physical therapy.

17.1 Sec. 31. Minnesota Statutes 2006, section 148.74, is amended to read:

17.2 **148.74 RULES.**

17.3 The board may adopt rules needed to carry out sections 148.65 to 148.78. ~~The~~
17.4 ~~secretary-treasurer of the board shall keep a record of proceedings under these sections~~
17.5 ~~and a register of all persons licensed under it. The register shall show the name, address,~~
17.6 ~~date and number of the license, and the renewal of the license. Any other interested~~
17.7 ~~person in the state may obtain a copy of the list on request to the board upon paying an~~
17.8 ~~amount fixed by the board. The amount shall not exceed the cost of the list furnished. The~~
17.9 ~~board shall provide blanks, books, certificates, and stationery and assistance necessary to~~
17.10 ~~transact business of the board. All money received by the board under sections 148.65 to~~
17.11 ~~148.78 shall be paid into the state treasury as provided for by law. The board shall set by~~
17.12 ~~rule the amounts of the application fee and the annual licensing fee. The fees collected by~~
17.13 ~~the board must be sufficient to cover the costs of administering sections 148.65 to 148.78.~~

17.14 Sec. 32. Minnesota Statutes 2006, section 148.75, is amended to read:

17.15 **148.75 LICENSES; DENIAL, SUSPENSION, REVOCATION DISCIPLINARY**
17.16 **ACTION.**

17.17 (a) ~~The state board of Physical Therapy may refuse to grant a license to any physical~~
17.18 ~~therapist, or may suspend or revoke the license of any physical therapist for any of the~~
17.19 ~~following grounds~~ may impose disciplinary action specified in paragraph (b) against an
17.20 applicant or licensee whom the board, by a preponderance of the evidence, determines:

17.21 ~~(1) using drugs or intoxicating liquors to an extent which affects professional~~
17.22 ~~competence;~~

17.23 ~~(2) conviction of a felony;~~

17.24 (1) has violated a statute, rule, order, or agreement for corrective action that the
17.25 board issued or is otherwise authorized or empowered to enforce;

17.26 (2) is unable to practice physical therapy with reasonable skill and safety by reason
17.27 of any mental or physical illness or condition, including deterioration through the aging
17.28 process or loss of motor skills, or use of alcohol, drugs, narcotics, chemicals, or any
17.29 other type of material;

17.30 (3) has been convicted of or has pled guilty or nolo contendere to a felony or other
17.31 crime, an element of which is dishonesty or fraud, or has been shown to have engaged
17.32 in acts or practices tending to show that the applicant or licensee is incompetent or has
17.33 engaged in conduct reflecting adversely on the applicant's or licensee's ability or fitness to
17.34 engage in the practice of physical therapy;

18.1 ~~(3) conviction for~~ (4) has been convicted of violating any state or federal narcotic
18.2 law;

18.3 ~~(4) obtaining~~ (5) has obtained or attempted to obtain a license or attempting to
18.4 ~~obtain a license~~ or approval of continuing education activities, or passed an examination,
18.5 by fraud or deception;

18.6 ~~(5) conduct unbecoming a person licensed as a physical therapist or conduct~~
18.7 ~~detrimental to the best interests of the public;~~

18.8 (6) has engaged in unprofessional conduct or any other conduct which has the
18.9 potential for causing harm to the public, including any departure from or failure to
18.10 conform to the minimum standards of acceptable and prevailing practice without actual
18.11 injury having to be established;

18.12 ~~(6)~~ (7) has engaged in gross negligence in the practice of physical therapy as a
18.13 physical therapist;

18.14 ~~(7) treating~~ (8) has treated human ailments by physical therapy after an initial 30-day
18.15 period of patient admittance to treatment has lapsed, except by the order or referral of a
18.16 person licensed in this state in the practice of medicine as defined in section 147.081, the
18.17 practice of chiropractic as defined in section 148.01, the practice of podiatry as defined
18.18 in section 153.01, or the practice of dentistry as defined in section 150A.05 and whose
18.19 license is in good standing; or when a previous diagnosis exists indicating an ongoing
18.20 condition warranting physical therapy treatment, subject to periodic review defined by
18.21 board of physical therapy rule;

18.22 ~~(8) treating~~ (9) has treated human ailments, without referral, by physical therapy
18.23 treatment without first having practiced one year under a physician's orders as verified by
18.24 the board's records;

18.25 ~~(9) failing~~ (10) has failed to consult with the patient's health care provider who
18.26 prescribed the physical therapy treatment if the treatment is altered by the physical
18.27 therapist from the original written order. The provision does not include written orders to
18.28 "evaluate and treat";

18.29 ~~(10) treating human ailments other than by physical therapy unless duly licensed or~~
18.30 ~~registered to do so under the laws of this state;~~

18.31 (11) ~~inappropriate delegation~~ has inappropriately delegated to a physical therapist
18.32 assistant or ~~inappropriate task assignment~~ inappropriately assigned tasks to an aide, or
18.33 ~~inadequate supervision of~~ inadequately supervised a student physical therapist, physical
18.34 therapist assistant, student physical therapist assistant, or a physical therapy aide;

19.1 (12) ~~practicing~~ has practiced as a physical therapist performing medical diagnosis,
19.2 the practice of medicine as defined in section 147.081, or the practice of chiropractic as
19.3 defined in section 148.01;

19.4 (13) ~~failing~~ has failed to comply with a reasonable request to obtain appropriate
19.5 clearance for mental or physical conditions that would interfere with the ability to practice
19.6 physical therapy, and that may be potentially harmful to patients;

19.7 (14) ~~dividing~~ has divided fees with, or paying or promising to pay a commission or
19.8 part of the fee to, any person who contacts the physical therapist for consultation or sends
19.9 patients to the physical therapist for treatment;

19.10 (15) ~~engaging~~ has engaged in an incentive payment arrangement, other than that
19.11 prohibited by clause (14), that tends to promote physical therapy overuse, that allows the
19.12 referring person or person who controls the availability of physical therapy services to a
19.13 client to profit unreasonably as a result of patient treatment;

19.14 (16) ~~practicing physical therapy and failing~~ has failed to refer to a licensed health
19.15 care professional a patient whose medical condition at the time of evaluation has been
19.16 determined by the physical therapist to be beyond the scope of practice of a physical
19.17 therapist;

19.18 (17) ~~failing~~ has failed to report to the board other ~~licensed physical therapists~~
19.19 licensees who violate this section; ~~and~~

19.20 (18) ~~practicing~~ has engaged in the practice of physical therapy under lapsed or
19.21 nonrenewed credentials;

19.22 (19) has had a license, certificate, charter, registration, privilege to take an
19.23 examination, or other similar authority denied, revoked, suspended, canceled, limited,
19.24 reprimanded, or otherwise disciplined, or not renewed for cause in any jurisdiction; or has
19.25 surrendered or voluntarily terminated a license or certificate during a board investigation
19.26 of a complaint, as part of a disciplinary order, or while under a disciplinary order;

19.27 (20) has been subject to a corrective action or similar action in another jurisdiction
19.28 or by another regulatory authority; or

19.29 (21) has failed to cooperate with an investigation of the board, including responding
19.30 fully and promptly to any question raised by or on behalf of the board relating to the
19.31 subject of the investigation, executing all releases requested by the board, providing copies
19.32 of patient records, as reasonably requested by the board to assist it in its investigation, and
19.33 appearing at conferences or hearings scheduled by the board or its staff.

19.34 (b) If grounds for disciplinary action exist under paragraph (a), the board may take
19.35 one or more of the following actions:

19.36 (1) deny the application for licensure;

- 20.1 (2) deny the renewal of the license;
- 20.2 (3) revoke the license;
- 20.3 (4) suspend the license;
- 20.4 (5) impose limitations or conditions on the licensee's practice of physical therapy,
- 20.5 including the: (i) limitation of scope of practice to designated field specialties; (ii)
- 20.6 imposition of retraining or rehabilitation requirements; (iii) requirement of practice under
- 20.7 supervision; or (iv) conditioning of continued practice on demonstration of knowledge or
- 20.8 skills by appropriate examination, monitoring, or other review of skill and competence;
- 20.9 (6) impose a civil penalty not to exceed \$10,000 for each separate violation,
- 20.10 the amount of the civil penalty to be fixed so as to deprive the physical therapist of
- 20.11 any economic advantage gained by reason of the violation charged, to discourage
- 20.12 similar violations, or to reimburse the board for the cost of the investigation and
- 20.13 proceeding including, but not limited to, fees paid for services provided by the Office of
- 20.14 Administrative Hearings, legal and investigative services provided by the Office of the
- 20.15 Attorney General, court reporters, witnesses, reproduction of records, board members'
- 20.16 per diem compensation, board staff time, and travel costs and expenses incurred by board
- 20.17 staff and board members;
- 20.18 (7) order the licensee to provide unremunerated service;
- 20.19 (8) censure or reprimand the licensee; or
- 20.20 (9) any other action as allowed by law and justified by the facts of the case.

20.21 ~~(b)~~ (c) A license to practice as a physical therapist or physical therapist assistant is

20.22 automatically suspended if (1) a guardian of the ~~physical therapist licensee~~ is appointed

20.23 by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other than

20.24 the minority of the ~~physical therapist licensee~~; or (2) the ~~physical therapist licensee~~ is

20.25 committed by order of a court pursuant to chapter 253B. The license remains suspended

20.26 until the ~~physical therapist licensee~~ is restored to capacity by a court and, upon petition

20.27 by the ~~physical therapist licensee~~, the suspension is terminated by the Board of Physical

20.28 Therapy after a hearing.

20.29 Sec. 33. Minnesota Statutes 2006, section 148.754, is amended to read:

20.30 **148.754 EXAMINATION; ACCESS TO MEDICAL DATA.**

20.31 (a) If the board has probable cause to believe that a ~~physical therapist licensee~~

20.32 comes under section 148.75, paragraph (a), clause (2), it may direct the ~~physical therapist~~

20.33 licensee to submit to a mental or physical examination. For the purpose of this paragraph,

20.34 every ~~physical therapist licensee~~ is deemed to have consented to submit to a mental or

20.35 physical examination when directed in writing by the board and further to have waived

21.1 all objections to the admissibility of the examining physicians' testimony or examination
21.2 reports on the ground that they constitute a privileged communication. Failure of the
21.3 ~~physical therapist licensee~~ to submit to an examination when directed constitutes an
21.4 admission of the allegations against the person, unless the failure was due to circumstances
21.5 beyond the person's control, in which case a default and final order may be entered without
21.6 the taking of testimony or presentation of evidence. A ~~physical therapist licensee~~ affected
21.7 under this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate
21.8 that the person can resume the competent practice of physical therapy with reasonable
21.9 skill and safety to the public.

21.10 (b) In any proceeding under paragraph (a), neither the record of proceedings nor
21.11 the orders entered by the board shall be used against a ~~physical therapist licensee~~ in any
21.12 other proceeding.

21.13 (c) In addition to ordering a physical or mental examination, the board may,
21.14 notwithstanding section 13.384, 144.651, or any other law limiting access to medical
21.15 or other health data, obtain medical data and health records relating to a ~~physical~~
21.16 ~~therapist licensee~~ or applicant without the person's or applicant's consent if the board has
21.17 probable cause to believe that a ~~physical therapist~~ the person comes under paragraph
21.18 (a). The medical data may be requested from a provider, as defined in section 144.335,
21.19 subdivision 1, paragraph (b), an insurance company, or a government agency, including
21.20 the Department of Human Services. A provider, insurance company, or government
21.21 agency shall comply with any written request of the board under this paragraph and is
21.22 not liable in any action for damages for releasing the data requested by the board if the
21.23 data are released pursuant to a written request under this paragraph, unless the information
21.24 is false and the provider giving the information knew, or had reason to believe, the
21.25 information was false. Information obtained under this paragraph is classified as private
21.26 under sections 13.01 to 13.87.

21.27 Sec. 34. Minnesota Statutes 2006, section 148.755, is amended to read:

21.28 **148.755 TEMPORARY SUSPENSION OF LICENSE.**

21.29 In addition to any other remedy provided by law, the board may, without a hearing,
21.30 temporarily suspend the license of a ~~physical therapist licensee~~ if the board finds that the
21.31 ~~physical therapist licensee~~ has violated a statute or rule which the board is empowered to
21.32 enforce and continued practice by the ~~physical therapist licensee~~ would create a serious
21.33 risk of harm to the public. The suspension shall take effect upon written notice to the
21.34 ~~physical therapist licensee~~, specifying the statute or rule violated. The suspension shall
21.35 remain in effect until the board issues a final order in the matter after a hearing. At the

22.1 time it issues the suspension notice, the board shall schedule a disciplinary hearing to be
22.2 held pursuant to the Administrative Procedure Act, chapter 14. The ~~physical therapist~~
22.3 licensee shall be provided with at least 20 days' notice of any hearing held pursuant to this
22.4 section. The hearing shall be scheduled to begin no later than 30 days after the issuance
22.5 of the suspension order.

22.6 Sec. 35. Minnesota Statutes 2006, section 148.76, subdivision 1, is amended to read:

22.7 Subdivision 1. **Licensure required.** No person shall:

22.8 (1) provide physical therapy unless the person is licensed as a physical therapist or
22.9 physical therapist assistant under sections 148.65 to 148.78;

22.10 (2) use the title of physical therapist without a license as a physical therapist or use
22.11 the title physical therapist assistant without a license as a physical therapist assistant
22.12 issued under sections 148.65 to 148.78;

22.13 (3) in any manner hold out as a physical therapist, or use in connection with the
22.14 person's name the words or letters Physical Therapist, Physiotherapist, Physical Therapy
22.15 Technician, Registered Physical Therapist, Licensed Physical Therapist, PT, PTT, RPT,
22.16 LPT, or any letters, words, abbreviations or insignia indicating or implying that the person
22.17 is a physical therapist, without a license as a physical therapist issued under sections
22.18 148.65 to 148.78. To do so is a gross misdemeanor;

22.19 (4) in any manner hold out as a physical therapist assistant, or use in connection with
22.20 the person's name the words or letters Physical Therapist Assistant, P.T.A., or any letters,
22.21 words, abbreviations, or insignia indicating or implying that the person is a physical
22.22 therapist assistant, without a license as a physical therapist assistant under sections 148.65
22.23 to 148.78. To do so is a gross misdemeanor; or

22.24 ~~(4)~~ (5) employ fraud or deception in applying for or securing a license as a physical
22.25 therapist or physical therapist assistant.

22.26 Nothing in sections 148.65 to 148.78 prohibits a person licensed or registered in this
22.27 state under another law from carrying out the therapy or practice for which the person is
22.28 duly licensed or registered.

22.29 Sec. 36. Minnesota Statutes 2006, section 148.78, is amended to read:

22.30 **148.78 PROSECUTION, ALLEGATIONS.**

22.31 In the prosecution of any person for violation of sections 148.65 to 148.78 as
22.32 specified in section 148.76, it shall not be necessary to allege or prove want of a valid
22.33 license as a physical therapist or physical therapist assistant, but shall be a matter of
22.34 defense to be established by the accused.

23.1 Sec. 37. **[148.785] FEES.**23.2 The fees charged by the board are fixed at the following rates:23.3 (1) application fee for physical therapists and physical therapist assistants, \$100;23.4 (2) annual licensure for physical therapists and physical therapist assistants, \$60;23.5 (3) licensure renewal late fee, \$20;23.6 (4) temporary permit, \$25;23.7 (5) duplicate license or registration, \$20;23.8 (6) certification letter, \$25;23.9 (7) education or training program approval, \$100;23.10 (8) report creation and generation, \$60 per hour billed in quarter-hour increments23.11 with a quarter-hour minimum; and23.12 (9) examination administration:23.13 (i) half day, \$50; and23.14 (ii) full day, \$80.

23.15 Sec. 38. Minnesota Statutes 2006, section 148B.53, subdivision 3, is amended to read:

23.16 Subd. 3. **Fee.** Nonrefundable fees are as follows:23.17 (1) initial license application fee for licensed professional counseling (LPC) - ~~\$250~~
23.18 \$150;23.19 (2) initial license fee for LPC - \$250;23.20 (3) annual active license renewal fee for LPC - ~~\$200~~ \$250 or equivalent;23.21 ~~(3)~~ (4) annual inactive license renewal fee for LPC - ~~\$100~~ \$125;23.22 ~~(4)~~ (5) license renewal late fee - \$100 per month or portion thereof;23.23 ~~(5)~~ (6) copy of board order or stipulation - \$10;23.24 ~~(6)~~ (7) certificate of good standing or license verification - ~~\$10~~ \$25;23.25 ~~(7)~~ (8) duplicate certificate fee - ~~\$10~~ \$25;23.26 ~~(8)~~ (9) professional firm renewal fee - \$25;23.27 ~~(9)~~ (10) sponsor application for approval of a continuing education course - \$60;23.28 (11) initial registration fee - \$50; and23.29 ~~(10)~~ (12) annual registration renewal fee - \$25; and23.30 (13) approved supervisor application processing fee - \$30.23.31 Sec. 39. **[148B.532] DEGREES FROM FOREIGN INSTITUTIONS.**23.32 Subdivision 1. **Scope and documentation.** In addition to meeting all other licensure
23.33 requirements, an applicant for licensure whose degree was received from a foreign degree
23.34 program that is not recognized by the Council for Accreditation of Counseling and Related

24.1 Education Programs (CACREP) or from a foreign institution of higher education that is
24.2 not accredited by a regional accrediting organization recognized by the Council for Higher
24.3 Education Accreditation (CHEA) must fulfill the requirements of this section, providing
24.4 certified English translations of board-required relevant documentation.

24.5 Subd. 2. **Education evaluation.** An applicant for licensure as a licensed
24.6 professional counselor must present evidence of completion of a degree equivalent to
24.7 that required in section 148B.53, subdivision 1, paragraphs (a), clause (3); and (b). This
24.8 evidence will be evaluated by the board with the assistance of a credentials evaluation
24.9 service familiar with educational standards and professional qualification. The evaluation
24.10 must be sent directly to the board from the evaluating agency. Agencies providing
24.11 evaluation services must be accepted by the National Board for Certified Counselors, Inc.
24.12 The applicant shall be responsible for the expenses incurred as a result of the evaluation.

24.13 Sec. 40. Minnesota Statutes 2006, section 148C.12, is amended by adding a
24.14 subdivision to read:

24.15 Subd. 12. **Sponsor application fee.** The fee for sponsor application for approval
24.16 of a continuing education course is \$60.

24.17 Sec. 41. Minnesota Statutes 2006, section 148C.12, is amended by adding a
24.18 subdivision to read:

24.19 Subd. 13. **Order or stipulation fee.** The fee for a copy of a board order or
24.20 stipulation is \$10.

24.21 Sec. 42. Minnesota Statutes 2006, section 148C.12, is amended by adding a
24.22 subdivision to read:

24.23 Subd. 14. **Duplicate certificate fee.** The fee for a duplicate certificate is \$25.

24.24 Sec. 43. Minnesota Statutes 2006, section 148C.12, is amended by adding a
24.25 subdivision to read:

24.26 Subd. 15. **Supervisor application processing fee.** The fee for licensure supervisor
24.27 application processing is \$30.

24.28 Sec. 44. Minnesota Statutes 2006, section 148D.050, subdivision 1, is amended to read:

24.29 Subdivision 1. **Requirements.** ~~The practice of social work~~ A person licensed under
24.30 section 148D.055 or 148D.061 must comply with the requirements of subdivision 2,
24.31 3, 4, or 5.

25.1 Sec. 45. Minnesota Statutes 2006, section 148D.055, subdivision 2, is amended to read:

25.2 Subd. 2. **Qualifications for licensure by examination as a licensed social worker.**

25.3 (a) ~~Except as provided in paragraph (i);~~ To be licensed as a licensed social worker, an
25.4 applicant for licensure by examination must provide evidence satisfactory to the board
25.5 that the applicant:

25.6 (1) has received a baccalaureate degree in social work from a program accredited by
25.7 the Council on Social Work Education, the Canadian Association of Schools of Social
25.8 Work, or a similar accreditation body designated by the board;

25.9 (2) has passed the bachelors or equivalent examination administered by the
25.10 Association of Social Work Boards or a similar examination body designated by the board.
25.11 Unless an applicant applies for licensure by endorsement pursuant to subdivision 7, an
25.12 examination is not valid if it was taken and passed eight or more years prior to submitting
25.13 a completed, signed application form provided by the board. The examination may be
25.14 taken prior to completing degree requirements;

25.15 (3) has submitted a completed, signed application form provided by the board,
25.16 including the applicable application fee specified in section 148D.180. For applications
25.17 submitted electronically, a "signed application" means providing an attestation as specified
25.18 by the board;

25.19 (4) has submitted the criminal background check fee and a form provided by the
25.20 board authorizing a criminal background check pursuant to subdivision 8;

25.21 (5) has paid the applicable license fee specified in section 148D.180; and

25.22 (6) has not engaged in conduct that was or would be in violation of the standards
25.23 of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in
25.24 conduct that was or would be in violation of the standards of practice, the board may take
25.25 action pursuant to sections 148D.255 to 148D.270.

25.26 (b) An application that is not completed and signed, or that is not accompanied by the
25.27 correct fee, must be returned to the applicant, along with any fee submitted, and is void.

25.28 (c) A licensee granted a license by the board pursuant to paragraph (a) must meet
25.29 the supervised practice requirements specified in sections 148D.100 to 148D.125. If a
25.30 licensee does not meet the supervised practice requirements, the board may take action
25.31 pursuant to sections 148D.255 to 148D.270.

25.32 (d) By submitting an application for licensure, an applicant authorizes the board to
25.33 investigate any information provided or requested in the application. The board may
25.34 request that the applicant provide additional information, verification, or documentation.

25.35 (e) Within one year of the time the board receives an application for licensure, the
25.36 applicant must meet all the requirements specified in paragraph (a) and must provide all of

26.1 the information requested by the board pursuant to paragraph (d). If within one year the
26.2 applicant does not meet all the requirements, or does not provide all of the information
26.3 requested, the applicant is considered ineligible and the application for licensure must
26.4 be closed.

26.5 (f) Except as provided in paragraph (g), an applicant may not take more than three
26.6 times the bachelors or equivalent examination administered by the Association of Social
26.7 Work Boards, or a similar examination body designated by the board. An applicant must
26.8 receive a passing score on the bachelors or equivalent examination administered by the
26.9 Association of Social Work Boards or a similar examination body designated by the board
26.10 in no more than 18 months after the date the applicant first failed the examination.

26.11 (g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a
26.12 fourth or subsequent time, the bachelors or equivalent examination administered by the
26.13 Association of Social Work Boards or a similar examination body designated by the
26.14 board if the applicant:

26.15 (1) meets all requirements specified in paragraphs (a) to (e) other than passing the
26.16 bachelors or equivalent examination administered by the Association of Social Work
26.17 Boards or a similar examination body designated by the board;

26.18 (2) provides to the board a description of the efforts the applicant has made to
26.19 improve the applicant's score and demonstrates to the board's satisfaction that the efforts
26.20 are likely to improve the score; and

26.21 (3) provides to the board letters of recommendation from two licensed social workers
26.22 attesting to the applicant's ability to practice social work competently and ethically in
26.23 accordance with professional social work knowledge, skills, and values.

26.24 (h) An individual must not practice social work until the individual passes the
26.25 examination and receives a social work license under this section or section 148D.060. If
26.26 the board has reason to believe that an applicant may be practicing social work without a
26.27 license, and the applicant has failed the bachelors or equivalent examination administered
26.28 by the Association of Social Work Boards or a similar examination body designated by
26.29 the board, the board may notify the applicant's employer that the applicant is not licensed
26.30 as a social worker.

26.31 ~~(i) An applicant who was born in a foreign country, who has taken and failed to~~
26.32 ~~pass the examination specified in paragraph (a), clause (2), at least once since January~~
26.33 ~~1, 2000, and for whom English is a second language, is eligible for licensure as a social~~
26.34 ~~worker if the applicant:~~

26.35 ~~(1) provides evidence to the board of compliance with the requirements in paragraph~~
26.36 ~~(a), clauses (1) and (3) to (6), and in paragraphs (b) to (e) and (h); and~~

27.1 ~~(2) provides to the board letters of recommendation and experience ratings from two~~
27.2 ~~licensed social workers and one professor from the applicant's social work program who~~
27.3 ~~can attest to the applicant's competence.~~

27.4 ~~This paragraph expires August 1, 2007.~~

27.5 Sec. 46. Minnesota Statutes 2006, section 148D.055, subdivision 3, is amended to read:

27.6 Subd. 3. **Qualifications for licensure by examination as licensed graduate**

27.7 **social worker.** (a) ~~Except as provided in paragraph (i);~~ To be licensed as a licensed
27.8 graduate social worker, an applicant for licensure by examination must provide evidence
27.9 satisfactory to the board that the applicant:

27.10 (1) has received a graduate degree in social work from a program accredited by the
27.11 Council on Social Work Education, the Canadian Association of Schools of Social Work,
27.12 or a similar accreditation body designated by the board;

27.13 (2) has passed the masters or equivalent examination administered by the Association
27.14 of Social Work Boards or a similar examination body designated by the board. Unless an
27.15 applicant applies for licensure by endorsement pursuant to section 148D.055, subdivision
27.16 7, an examination is not valid if it was taken and passed eight or more years prior to
27.17 submitting a completed, signed application form provided by the board. The examination
27.18 may be taken prior to completing degree requirements;

27.19 (3) has submitted a completed, signed application form provided by the board,
27.20 including the applicable application fee specified in section 148D.180. For applications
27.21 submitted electronically, a "signed application" means providing an attestation as specified
27.22 by the board;

27.23 (4) has submitted the criminal background check fee and a form provided by the
27.24 board authorizing a criminal background check pursuant to subdivision 8;

27.25 (5) has paid the applicable license fee specified in section 148D.180; and

27.26 (6) has not engaged in conduct that was or would be in violation of the standards
27.27 of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in
27.28 conduct that was or would be in violation of the standards of practice, the board may take
27.29 action pursuant to sections 148D.255 to 148D.270.

27.30 (b) An application which is not completed and signed, or which is not accompanied
27.31 by the correct fee, must be returned to the applicant, along with any fee submitted, and is
27.32 void.

27.33 (c) A licensee granted a license by the board pursuant to paragraph (a) must meet
27.34 the supervised practice requirements specified in sections 148D.100 to 148D.125. If a

28.1 licensee does not meet the supervised practice requirements, the board may take action
28.2 pursuant to sections 148D.255 to 148D.270.

28.3 (d) By submitting an application for licensure, an applicant authorizes the board to
28.4 investigate any information provided or requested in the application. The board may
28.5 request that the applicant provide additional information, verification, or documentation.

28.6 (e) Within one year of the time the board receives an application for licensure, the
28.7 applicant must meet all the requirements specified in paragraph (a) and must provide all of
28.8 the information requested by the board pursuant to paragraph (d). If within one year the
28.9 applicant does not meet all the requirements, or does not provide all of the information
28.10 requested, the applicant is considered ineligible and the application for licensure must
28.11 be closed.

28.12 (f) Except as provided in paragraph (g), an applicant may not take more than three
28.13 times the masters or equivalent examination administered by the Association of Social
28.14 Work Boards or a similar examination body designated by the board. An applicant must
28.15 receive a passing score on the masters or equivalent examination administered by the
28.16 Association of Social Work Boards or a similar examination body designated by the board
28.17 in no more than 18 months after the date the applicant first failed the examination.

28.18 (g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a
28.19 fourth or subsequent time, the masters or equivalent examination administered by the
28.20 Association of Social Work Boards or a similar examination body designated by the
28.21 board if the applicant:

28.22 (1) meets all requirements specified in paragraphs (a) to (e) other than passing the
28.23 masters or equivalent examination administered by the Association of Social Work boards
28.24 or a similar examination body designated by the board;

28.25 (2) provides to the board a description of the efforts the applicant has made to
28.26 improve the applicant's score and demonstrates to the board's satisfaction that the efforts
28.27 are likely to improve the score; and

28.28 (3) provides to the board letters of recommendation from two licensed social workers
28.29 attesting to the applicant's ability to practice social work competently and ethically in
28.30 accordance with professional social work knowledge, skills, and values.

28.31 (h) An individual must not practice social work until the individual passes the
28.32 examination and receives a social work license under this section or section 148D.060. If
28.33 the board has reason to believe that an applicant may be practicing social work without a
28.34 license, and the applicant has failed the masters or equivalent examination administered
28.35 by the Association of Social Work Boards or a similar examination body designated by

29.1 the board, the board may notify the applicant's employer that the applicant is not licensed
29.2 as a social worker.

29.3 ~~(i) An applicant who was born in a foreign country, who has taken and failed to~~
29.4 ~~pass the examination specified in paragraph (a), clause (2), at least once since January~~
29.5 ~~1, 2000, and for whom English is a second language, is eligible for licensure as a social~~
29.6 ~~worker if the applicant:~~

29.7 ~~(1) provides evidence to the board of compliance with the requirements in paragraph~~
29.8 ~~(a), clauses (1) and (3) to (6), and in paragraphs (b) to (e) and (h); and~~

29.9 ~~(2) provides to the board letters of recommendation and experience ratings from two~~
29.10 ~~licensed social workers and one professor from the applicant's social work program who~~
29.11 ~~can attest to the applicant's competence.~~

29.12 ~~This paragraph expires August 1, 2007.~~

29.13 Sec. 47. Minnesota Statutes 2006, section 148D.055, subdivision 4, is amended to read:

29.14 Subd. 4. **Licensure by examination; licensed independent social worker.** (a)

29.15 ~~Except as provided in paragraph (i);~~ To be licensed as a licensed independent social
29.16 worker, an applicant for licensure by examination must provide evidence satisfactory
29.17 to the board that the applicant:

29.18 (1) has received a graduate degree in social work from a program accredited by the
29.19 Council on Social Work Education, the Canadian Association of Schools of Social Work,
29.20 or a similar accreditation body designated by the board;

29.21 (2) has practiced social work as defined in section 148D.010, and has met the
29.22 supervised practice requirements specified in sections 148D.100 to 148D.125;

29.23 (3) has passed the advanced generalist or equivalent examination administered by
29.24 the Association of Social Work Boards or a similar examination body designated by the
29.25 board. Unless an applicant applies for licensure by endorsement pursuant to subdivision
29.26 7, an examination is not valid if it was taken and passed eight or more years prior to
29.27 submitting a completed, signed application form provided by the board;

29.28 (4) has submitted a completed, signed application form provided by the board,
29.29 including the applicable application fee specified in section 148D.180. For applications
29.30 submitted electronically, a "signed application" means providing an attestation as specified
29.31 by the board;

29.32 (5) has submitted the criminal background check fee and a form provided by the
29.33 board authorizing a criminal background check pursuant to subdivision 8;

29.34 (6) has paid the applicable license fee specified in section 148D.180; and

30.1 (7) has not engaged in conduct that was or would be in violation of the standards
30.2 of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in
30.3 conduct that was or would be in violation of the standards of practice, the board may take
30.4 action pursuant to sections 148D.255 to 148D.270.

30.5 (b) An application which is not completed and signed, or which is not accompanied
30.6 by the correct fee, must be returned to the applicant, along with any fee submitted, and is
30.7 void.

30.8 (c) A licensed independent social worker who practices clinical social work must
30.9 meet the supervised practice requirements specified in sections 148D.100 to 148D.125. If
30.10 a licensee does not meet the supervised practice requirements, the board may take action
30.11 pursuant to sections 148D.255 to 148D.270.

30.12 (d) By submitting an application for licensure, an applicant authorizes the board to
30.13 investigate any information provided or requested in the application. The board may
30.14 request that the applicant provide additional information, verification, or documentation.

30.15 (e) Within one year of the time the board receives an application for licensure, the
30.16 applicant must meet all the requirements specified in paragraph (a) and must provide all of
30.17 the information requested by the board pursuant to paragraph (d). If within one year the
30.18 applicant does not meet all the requirements, or does not provide all of the information
30.19 requested, the applicant is considered ineligible and the application for licensure must
30.20 be closed.

30.21 (f) Except as provided in paragraph (g), an applicant may not take more than
30.22 three times the advanced generalist or equivalent examination administered by the
30.23 Association of Social Work Boards or a similar examination body designated by the
30.24 board. An applicant must receive a passing score on the masters or equivalent examination
30.25 administered by the Association of Social Work Boards or a similar examination body
30.26 designated by the board in no more than 18 months after the first time the applicant failed
30.27 the examination.

30.28 (g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a
30.29 fourth or subsequent time, the advanced generalist or equivalent examination administered
30.30 by the Association of Social Work Boards or a similar examination body designated by
30.31 the board if the applicant:

30.32 (1) meets all requirements specified in paragraphs (a) to (e) other than passing the
30.33 advanced generalist or equivalent examination administered by the Association of Social
30.34 Work Boards or a similar examination body designated by the board;

31.1 (2) provides to the board a description of the efforts the applicant has made to
31.2 improve the applicant's score and demonstrates to the board's satisfaction that the efforts
31.3 are likely to improve the score; and

31.4 (3) provides to the board letters of recommendation from two licensed social workers
31.5 attesting to the applicant's ability to practice social work competently and ethically in
31.6 accordance with professional social work knowledge, skills, and values.

31.7 (h) An individual must not practice social work until the individual passes the
31.8 examination and receives a social work license under this section or section 148D.060. If
31.9 the board has reason to believe that an applicant may be practicing social work without a
31.10 license, except as provided in section 148D.065, and the applicant has failed the advanced
31.11 generalist or equivalent examination administered by the Association of Social Work
31.12 Boards or a similar examination body designated by the board, the board may notify the
31.13 applicant's employer that the applicant is not licensed as a social worker.

31.14 ~~(i) An applicant who was born in a foreign country, who has taken and failed to~~
31.15 ~~pass the examination specified in paragraph (a), clause (3), at least once since January~~
31.16 ~~1, 2000, and for whom English is a second language, is eligible for licensure as a social~~
31.17 ~~worker if the applicant:~~

31.18 ~~(1) provides evidence to the board of compliance with the requirements in paragraph~~
31.19 ~~(a), clauses (1), (2), and (4) to (7), and in paragraphs (b) to (e) and (h); and~~

31.20 ~~(2) provides to the board letters of recommendation and experience ratings from two~~
31.21 ~~licensed social workers and one professor from the applicant's social work program who~~
31.22 ~~can attest to the applicant's competence.~~

31.23 ~~This paragraph expires August 1, 2007.~~

31.24 Sec. 48. Minnesota Statutes 2006, section 148D.055, subdivision 5, is amended to read:

31.25 Subd. 5. **Licensure by examination; licensed independent clinical social worker.**

31.26 (a) ~~Except as provided in paragraph (h),~~ To be licensed as a licensed independent
31.27 clinical social worker, an applicant for licensure by examination must provide evidence
31.28 satisfactory to the board that the applicant:

31.29 (1) has received a graduate degree in social work from a program accredited by the
31.30 Council on Social Work Education, the Canadian Association of Schools of Social Work,
31.31 or a similar accreditation body designated by the board;

31.32 (2) has practiced clinical social work as defined in section 148D.010, including both
31.33 diagnosis and treatment, and has met the supervised practice requirements specified in
31.34 sections 148D.100 to 148D.125;

32.1 (3) has passed the clinical or equivalent examination administered by the Association
32.2 of Social Work Boards or a similar examination body designated by the board. Unless an
32.3 applicant applies for licensure by endorsement pursuant to subdivision 7, an examination
32.4 is not valid if it was taken and passed eight or more years prior to submitting a completed,
32.5 signed application form provided by the board;

32.6 (4) has submitted a completed, signed application form provided by the board,
32.7 including the applicable application fee specified in section 148D.180. For applications
32.8 submitted electronically, a "signed application" means providing an attestation as specified
32.9 by the board;

32.10 (5) has submitted the criminal background check fee and a form provided by the
32.11 board authorizing a criminal background check pursuant to subdivision 8;

32.12 (6) has paid the license fee specified in section 148D.180; and

32.13 (7) has not engaged in conduct that was or would be in violation of the standards
32.14 of practice specified in sections 148D.195 to 148D.240. If the applicant has engaged in
32.15 conduct that was or would be in violation of the standards of practice, the board may take
32.16 action pursuant to sections 148D.255 to 148D.270.

32.17 (b) An application which is not completed and signed, or which is not accompanied
32.18 by the correct fee, must be returned to the applicant, along with any fee submitted, and is
32.19 void.

32.20 (c) By submitting an application for licensure, an applicant authorizes the board to
32.21 investigate any information provided or requested in the application. The board may
32.22 request that the applicant provide additional information, verification, or documentation.

32.23 (d) Within one year of the time the board receives an application for licensure, the
32.24 applicant must meet all the requirements specified in paragraph (a) and must provide all of
32.25 the information requested by the board pursuant to paragraph (c). If within one year the
32.26 applicant does not meet all the requirements, or does not provide all of the information
32.27 requested, the applicant is considered ineligible and the application for licensure must
32.28 be closed.

32.29 (e) Except as provided in paragraph (f), an applicant may not take more than three
32.30 times the clinical or equivalent examination administered by the Association of Social
32.31 Work Boards or a similar examination body designated by the board. An applicant must
32.32 receive a passing score on the clinical or equivalent examination administered by the
32.33 Association of Social Work Boards or a similar examination body designated by the board
32.34 no later than 18 months after the first time the applicant failed the examination.

32.35 (f) Notwithstanding paragraph (e), the board may allow an applicant to take, for a
32.36 fourth or subsequent time, the clinical or equivalent examination administered by the

33.1 Association of Social Work Boards or a similar examination body designated by the
33.2 board if the applicant:

33.3 (1) meets all requirements specified in paragraphs (a) to (d) other than passing the
33.4 clinical or equivalent examination administered by the Association of Social Work Boards
33.5 or a similar examination body designated by the board;

33.6 (2) provides to the board a description of the efforts the applicant has made to
33.7 improve the applicant's score and demonstrates to the board's satisfaction that the efforts
33.8 are likely to improve the score; and

33.9 (3) provides to the board letters of recommendation from two licensed social workers
33.10 attesting to the applicant's ability to practice social work competently and ethically in
33.11 accordance with professional social work knowledge, skills, and values.

33.12 (g) An individual must not practice social work until the individual passes the
33.13 examination and receives a social work license under this section or section 148D.060. If
33.14 the board has reason to believe that an applicant may be practicing social work without a
33.15 license, and the applicant has failed the clinical or equivalent examination administered
33.16 by the Association of Social Work Boards or a similar examination body designated by
33.17 the board, the board may notify the applicant's employer that the applicant is not licensed
33.18 as a social worker.

33.19 ~~(h) An applicant who was born in a foreign country, who has taken and failed to~~
33.20 ~~pass the examination specified in paragraph (a), clause (3), at least once since January~~
33.21 ~~1, 2000, and for whom English is a second language, is eligible for licensure as a social~~
33.22 ~~worker if the applicant:~~

33.23 ~~(1) provides evidence to the board of compliance with the requirements in paragraph~~
33.24 ~~(a), clauses (1), (2), and (4) to (7), and paragraphs (b) to (d) and (g); and~~

33.25 ~~(2) provides to the board letters of recommendation and experience ratings from two~~
33.26 ~~licensed social workers and one professor from the applicant's social work program who~~
33.27 ~~can attest to the applicant's competence.~~

33.28 ~~This paragraph expires August 1, 2007.~~

33.29 Sec. 49. Minnesota Statutes 2006, section 148D.055, is amended by adding a
33.30 subdivision to read:

33.31 Subd. 7a. **Provisional licensure.** An applicant for provisional licensure must meet
33.32 the license requirements in subdivisions 2 to 8, except the applicant does not have to
33.33 pass an examination administered by the Association of Social Work Boards or a similar
33.34 examination body designated by the board.

34.1 Sec. 50. Minnesota Statutes 2006, section 148D.060, is amended by adding a
34.2 subdivision to read:

34.3 Subd. 2a. **Programs in candidacy status.** The board may issue a temporary
34.4 license to practice social work to an applicant who has completed the requirements for a
34.5 baccalaureate or graduate degree in social work from a program in candidacy status with
34.6 the Council on Social Work Education, the Canadian Association of Schools of Social
34.7 Work, or a similar accreditation body designated by the board, and has:

34.8 (1) applied for a license under section 148D.055;

34.9 (2) applied for a temporary license on a form provided by the board;

34.10 (3) submitted a form provided by the board authorizing the board to complete a
34.11 criminal background check;

34.12 (4) passed the applicable licensure examination provided for in section 148D.055;

34.13 and

34.14 (5) not engaged in conduct that is in violation of the standards of practice specified
34.15 in sections 148D.195 to 148D.240. If the applicant has engaged in conduct that is in
34.16 violation of the standards of practice, the board may take action according to sections
34.17 148D.255 to 148D.270.

34.18 Sec. 51. Minnesota Statutes 2006, section 148D.060, subdivision 5, is amended to read:

34.19 **Subd. 5. Temporary license term.** (a) A temporary license is valid until expiration,
34.20 or until the board issues or denies the license pursuant to section 148D.055, or until the
34.21 board revokes the temporary license, whichever comes first. A temporary license is
34.22 nonrenewable.

34.23 (b) A temporary license issued pursuant to subdivision 1 or 2 expires after six
34.24 months.

34.25 (c) A temporary license issued pursuant to subdivision 2a expires after 12 months
34.26 but may be extended at the board's discretion upon a showing that the social work program
34.27 remains in good standing with the Council on Social Work Education, the Canadian
34.28 Association of Schools of Social Work, or a similar accreditation body designated by
34.29 the board. If the board receives notice from the Council on Social Work Education,
34.30 the Canadian Association of Schools of Social Work, or a similar accreditation body
34.31 designated by the board that the social work program is not in good standing, or that
34.32 the accreditation will not be granted to the social work program, the temporary license
34.33 is immediately revoked.

34.34 ~~(e)~~ (d) A temporary license issued pursuant to subdivision 3 2a expires after 12
34.35 months.

35.1 Sec. 52. Minnesota Statutes 2006, section 148D.060, subdivision 6, is amended to read:

35.2 Subd. 6. **Licensee with temporary license; baccalaureate degree.** A licensee
35.3 with a temporary license who has provided evidence to the board that the licensee has
35.4 completed the requirements for a baccalaureate degree in social work from a program
35.5 accredited by, or in candidacy status with, the Council on Social Work Education,
35.6 the Canadian Association of Schools of Social Work, or a similar accreditation body
35.7 designated by the board may temporarily engage in social work practice except that a
35.8 licensee with a temporary license may not engage in clinical social work practice.

35.9 Sec. 53. Minnesota Statutes 2006, section 148D.060, subdivision 7, is amended to read:

35.10 Subd. 7. **Licensee with temporary license; graduate degree.** A licensee with a
35.11 temporary license who has provided evidence to the board that the licensee has completed
35.12 the requirements for a graduate degree in social work from a program accredited by, or in
35.13 candidacy status with, the Council on Social Work Education, the Canadian Association
35.14 of Schools of Social Work, or a similar accreditation body designated by the board may
35.15 temporarily engage in social work practice, including clinical practice.

35.16 Sec. 54. Minnesota Statutes 2006, section 148D.060, subdivision 13, is amended to
35.17 read:

35.18 Subd. 13. **Revocation of temporary license.** The board may immediately revoke
35.19 the temporary license of any licensee who violates any requirements of this section. The
35.20 revocation must be made for cause, ~~without notice or opportunity to be heard.~~ A licensee
35.21 whose temporary license is revoked must immediately return the temporary license to
35.22 the board.

35.23 Sec. 55. **[148D.061] PROVISIONAL LICENSES.**

35.24 Subdivision 1. **Requirements for a provisional license.** An applicant may be
35.25 issued a provisional license if the applicant:

35.26 (1) was born in a foreign country;

35.27 (2) communicates in English as a second language;

35.28 (3) has failed the Association of Social Work Boards examination a second time in
35.29 no more than 12 months after the date the applicant first failed the examination;

35.30 (4) has met all other requirements for licensure; and

35.31 (5) complies with the requirements of subdivisions 2 to 7.

36.1 Subd. 2. **License term.** (a) A provisional license is valid until expiration, or until
36.2 the board issues or denies a license under section 148D.055, or until the board revokes the
36.3 provisional license, whichever occurs first.

36.4 (b) A provisional license expires three years after the effective date of the license.

36.5 Subd. 3. **Scope of practice.** A licensee who is issued a provisional license must
36.6 comply with the requirements of section 148D.050.

36.7 Subd. 4. **Fee.** A licensee who is issued a provisional license must pay the
36.8 appropriate license fee specified in section 148D.180.

36.9 Subd. 5. **Supervised practice requirements.** A licensee who is issued a provisional
36.10 license must document supervised practice as provided in section 148D.062. If a licensee
36.11 issued a provisional license is granted a license under section 148D.055, the licensee
36.12 must also meet the supervised practice requirements in sections 148D.100 to 148D.115.
36.13 The supervised practice completed under a provisional license does not apply to this
36.14 requirement.

36.15 Subd. 6. **Evaluation by supervisor.** (a) After being issued a provisional license
36.16 under subdivision 1, the licensee must submit an evaluation by the licensee's supervisor
36.17 every six months during the first 2,000 hours of social work practice. The evaluation must
36.18 meet the requirements in section 148D.063. The supervisor must meet the eligibility
36.19 requirements specified in section 148D.062.

36.20 (b) After completion of 2,000 hours of supervised social work practice, the licensee's
36.21 supervisor must submit a final evaluation and attest to the applicant's ability to engage in
36.22 the practice of social work safely and competently.

36.23 Subd. 7. **Completion of requirements.** Upon completion of the requirements for
36.24 a provisional license under subdivisions 1 to 6, an applicant shall not practice social
36.25 work in Minnesota except as provided in section 148D.065, unless licensed according to
36.26 section 148D.055.

36.27 Subd. 8. **Disciplinary or other action.** The board may take action according to
36.28 sections 148D.260 to 148D.270 if:

36.29 (1) the licensee's supervisor does not submit an evaluation as required by section
36.30 148D.062;

36.31 (2) an evaluation submitted according to section 148D.062 indicates that the licensee
36.32 cannot practice social work competently and safely; or

36.33 (3) the licensee does not comply with the requirements of subdivisions 1 to 7.

36.34 Subd. 9. **Revocation of provisional license.** The board may immediately revoke
36.35 the provisional license of a licensee who violates any requirements of this section. The

37.1 revocation must be made for cause. A licensee whose provisional license is revoked must
37.2 immediately return the provisional license to the board.

37.3 **Sec. 56. [148D.062] PROVISIONAL LICENSE; SUPERVISED PRACTICE.**

37.4 Subdivision 1. **Supervision required after licensure.** After receiving a provisional
37.5 license from the board, the licensee must obtain at least 37.5 hours of supervision
37.6 according to the requirements of this section.

37.7 Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must
37.8 be obtained during the first 2,000 hours of social work practice after the effective date
37.9 of the provisional license. At least three hours of supervision must be obtained during
37.10 every 160 hours of practice.

37.11 Subd. 3. **Types of supervision.** (a) Twenty-five hours of supervision required by
37.12 subdivision 1 must consist of one-on-one in-person supervision.

37.13 (b) Twelve and one-half hours of supervision must consist of one or more of the
37.14 following types of supervision:

37.15 (1) in-person one-on-one supervision; or

37.16 (2) in-person group supervision.

37.17 (c) To qualify as in-person group supervision, the group must not exceed seven
37.18 members including the supervisor.

37.19 Subd. 4. **Supervisor requirements.** (a) The supervision required by subdivision
37.20 1 must be provided by a supervisor who meets the requirements in section 148D.120
37.21 and has either:

37.22 (1) 5,000 hours experience engaged in authorized social work practice; or

37.23 (2) completed 30 hours of training in supervision, which may be satisfied by
37.24 completing academic coursework in supervision or continuing education courses in
37.25 supervision as defined in section 148D.010, subdivision 16.

37.26 (b) Supervision must be provided:

37.27 (1) if the supervisee is not engaged in clinical practice and the supervisee has a
37.28 provisional license to practice as a licensed social worker, by a licensed social worker
37.29 who has completed the supervised practice requirements;

37.30 (2) if the supervisee is not engaged in clinical practice and the supervisee has a
37.31 provisional license to practice as a licensed graduate social worker, licensed independent
37.32 social worker, or licensed independent clinical social worker, by:

37.33 (i) a licensed graduate social worker who has completed the supervised practice
37.34 requirements;

37.35 (ii) a licensed independent social worker; or

- 38.1 (iii) a licensed independent clinical social worker;
38.2 (3) if the supervisee is engaged in clinical practice and the supervisee has a
38.3 provisional license to practice as a licensed graduate social worker, licensed independent
38.4 social worker, or licensed independent clinical social worker, by a licensed independent
38.5 clinical social worker; or
38.6 (4) by a supervisor who meets the requirements in section 148D.120, subdivision 2.
38.7 Subd. 5. **Expiration.** This section expires August 1, 2011.

38.8 **Sec. 57. [148D.063] PROVISIONAL LICENSE; DOCUMENTATION OF**
38.9 **SUPERVISION.**

38.10 Subdivision 1. **Supervision plan.** (a) An applicant granted a provisional license
38.11 must submit, on a form provided by the board, a supervision plan for meeting the
38.12 supervision requirements in section 148D.062.

38.13 (b) The supervision plan must be submitted no later than 30 days after the licensee
38.14 begins a social work practice position.

38.15 (c) The board may revoke a licensee's provisional license for failure to submit the
38.16 supervision plan within 30 days after beginning a social work practice position.

38.17 (d) The supervision plan must include the following:

38.18 (1) the name of the supervisee, the name of the agency in which the supervisee is
38.19 being supervised, and the supervisee's position title;

38.20 (2) the name and qualifications of the person providing the supervision;

38.21 (3) the number of hours of one-on-one in-person supervision and the number and
38.22 type of additional hours of supervision to be completed by the supervisee;

38.23 (4) the supervisee's position description;

38.24 (5) a brief description of the supervision the supervisee will receive in the following
38.25 content areas:

38.26 (i) clinical practice, if applicable;

38.27 (ii) development of professional social work knowledge, skills, and values;

38.28 (iii) practice methods;

38.29 (iv) authorized scope of practice;

38.30 (v) ensuring continuing competence; and

38.31 (vi) ethical standards of practice; and

38.32 (6) if applicable, a detailed description of the supervisee's clinical social work
38.33 practice, addressing:

38.34 (i) the client population, the range of presenting issues, and the diagnoses;

38.35 (ii) the clinical modalities that were utilized; and

39.1 (iii) the process utilized for determining clinical diagnoses, including the diagnostic
39.2 instruments used and the role of the supervisee in the diagnostic process.

39.3 (e) The board must receive a revised supervision plan within 30 days of any of the
39.4 following changes:

39.5 (1) the supervisee has a new supervisor;

39.6 (2) the supervisee begins a new social work position;

39.7 (3) the scope or content of the supervisee's social work practice changes substantially;

39.8 (4) the number of practice or supervision hours changes substantially; or

39.9 (5) the type of supervision changes as supervision is described in section 148D.062.

39.10 (f) The board may revoke a licensee's provisional license for failure to submit a
39.11 revised supervision plan as required in paragraph (e).

39.12 (g) The board must approve the supervisor and the supervision plan.

39.13 Subd. 2. **Evaluation.** (a) When a supervisee submits an evaluation to the board
39.14 according to section 148D.061, subdivision 6, the supervisee and supervisor must provide
39.15 the following information on a form provided by the board:

39.16 (1) the name of the supervisee, the name of the agency in which the supervisee is
39.17 being supervised, and the supervisee's position title;

39.18 (2) the name and qualifications of the supervisor;

39.19 (3) the number of hours and dates of each type of supervision completed;

39.20 (4) the supervisee's position description;

39.21 (5) a declaration that the supervisee has not engaged in conduct in violation of the
39.22 standards of practice in sections 148D.195 to 148D.240;

39.23 (6) a declaration that the supervisee has practiced competently and ethically
39.24 according to professional social work knowledge, skills, and values; and

39.25 (7) on a form provided by the board, an evaluation of the licensee's practice in
39.26 the following areas:

39.27 (i) development of professional social work knowledge, skills, and values;

39.28 (ii) practice methods;

39.29 (iii) authorized scope of practice;

39.30 (iv) ensuring continuing competence;

39.31 (v) ethical standards of practice; and

39.32 (vi) clinical practice, if applicable.

39.33 (b) The information provided on the evaluation form must demonstrate that the
39.34 supervisee has met or has made progress on meeting the applicable supervised practice
39.35 requirements.

40.1 Subd. 3. **Alternative verification of supervised practice.** Notwithstanding the
40.2 requirements of subdivision 2, the board may accept alternative verification of supervised
40.3 practice if a supervisee demonstrates that the supervisee is unable to locate a former
40.4 supervisor to provide the required information.

40.5 Sec. 58. Minnesota Statutes 2006, section 148D.120, subdivision 2, is amended to read:

40.6 **Subd. 2. Alternate supervisors.** (a) The board may approve an alternate supervisor
40.7 if:

40.8 (1) the board determines that supervision is not obtainable pursuant to paragraph (b);

40.9 (2) the licensee requests in the supervision plan submitted pursuant to section
40.10 148D.062, subdivision 1, or 148D.125, subdivision 1, that an alternate supervisor conduct
40.11 the supervision;

40.12 (3) the licensee describes the proposed supervision and the name and qualifications
40.13 of the proposed alternate supervisor; and

40.14 (4) the requirements of paragraph (d) are met.

40.15 (b) The board may determine that supervision is not obtainable if:

40.16 (1) the licensee provides documentation as an attachment to the supervision plan
40.17 submitted pursuant to section 148D.062, subdivision 1, or 148D.125, subdivision 1, that
40.18 the licensee has conducted a thorough search for a supervisor meeting the applicable
40.19 licensure requirements specified in sections 148D.100 to 148D.115;

40.20 (2) the licensee demonstrates to the board's satisfaction that the search was
40.21 unsuccessful; and

40.22 (3) the licensee describes the extent of the search and the names and locations of
40.23 the persons and organizations contacted.

40.24 (c) The following are not grounds for a determination that supervision is
40.25 unobtainable:

40.26 (1) obtaining a supervisor who meets the requirements of subdivision 1 would
40.27 present the licensee with a financial hardship;

40.28 (2) the licensee is unable to obtain a supervisor who meets the requirements of
40.29 subdivision 1 within the licensee's agency or organization and the agency or organization
40.30 will not allow outside supervision; or

40.31 (3) the specialized nature of the licensee's practice requires supervision from a
40.32 practitioner other than an individual licensed as a social worker.

40.33 (d) An alternate supervisor must:

41.1 (1) be an unlicensed social worker who is employed in, and provides the supervision
41.2 in, a setting exempt from licensure by section 148D.065, and who has qualifications
41.3 equivalent to the applicable requirements specified in sections 148D.100 to 148D.115; or

41.4 (2) be a licensed marriage and family therapist or a mental health professional
41.5 as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an
41.6 equivalent mental health professional, as determined by the board, who is licensed or
41.7 credentialed by a state, territorial, provincial, or foreign licensing agency.

41.8 In order to qualify to provide clinical supervision of a licensed graduate social
41.9 worker or licensed independent social worker engaged in clinical practice, the alternate
41.10 supervisor must be a mental health professional as established by section 245.462,
41.11 subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional,
41.12 as determined by the board, who is licensed or credentialed by a state, territorial,
41.13 provincial, or foreign licensing agency.

41.14 Sec. 59. Minnesota Statutes 2006, section 148D.125, subdivision 1, is amended to read:

41.15 Subdivision 1. **Supervision plan.** (a) A social worker must submit, on a form
41.16 provided by the board, a supervision plan for meeting the supervision requirements
41.17 specified in sections 148D.100 to 148D.120.

41.18 (b) The supervision plan must be submitted no later than 90 days after the licensee
41.19 begins a social work practice position after becoming licensed.

41.20 (c) For failure to submit the supervision plan within 90 days after beginning a social
41.21 work practice position, a licensee must pay the supervision plan late fee specified in
41.22 section 148D.180 when the licensee applies for license renewal.

41.23 (d) A license renewal application submitted pursuant to ~~paragraph (a)~~ section
41.24 148D.070, subdivision 3, must not be approved unless the board has received a supervision
41.25 plan.

41.26 (e) The supervision plan must include the following:

41.27 (1) the name of the supervisee, the name of the agency in which the supervisee is
41.28 being supervised, and the supervisee's position title;

41.29 (2) the name and qualifications of the person providing the supervision;

41.30 (3) the number of hours of one-on-one in-person supervision and the number and
41.31 type of additional hours of supervision to be completed by the supervisee;

41.32 (4) the supervisee's position description;

41.33 (5) a brief description of the supervision the supervisee will receive in the following
41.34 content areas:

41.35 (i) clinical practice, if applicable;

- 42.1 (ii) development of professional social work knowledge, skills, and values;
- 42.2 (iii) practice methods;
- 42.3 (iv) authorized scope of practice;
- 42.4 (v) ensuring continuing competence; and
- 42.5 (vi) ethical standards of practice; and
- 42.6 (6) if applicable, a detailed description of the supervisee's clinical social work
- 42.7 practice, addressing:
- 42.8 (i) the client population, the range of presenting issues, and the diagnoses;
- 42.9 (ii) the clinical modalities that were utilized; and
- 42.10 (iii) the process utilized for determining clinical diagnoses, including the diagnostic
- 42.11 instruments used and the role of the supervisee in the diagnostic process.
- 42.12 (f) The board must receive a revised supervision plan within 90 days of any of the
- 42.13 following changes:
- 42.14 (1) the supervisee has a new supervisor;
- 42.15 (2) the supervisee begins a new social work position;
- 42.16 (3) the scope or content of the supervisee's social work practice changes substantially;
- 42.17 (4) the number of practice or supervision hours changes substantially; or
- 42.18 (5) the type of supervision changes as supervision is described in section 148D.100,
- 42.19 subdivision 3, or 148D.105, subdivision 3, or as required in section 148D.115, subdivision
- 42.20 4.
- 42.21 (g) For failure to submit a revised supervision plan as required in paragraph (f), a
- 42.22 supervisee must pay the supervision plan late fee specified in section 148D.180, when
- 42.23 the supervisee applies for license renewal.
- 42.24 (h) The board must approve the supervisor and the supervision plan.

42.25 Sec. 60. Minnesota Statutes 2006, section 151.01, is amended by adding a subdivision

42.26 to read:

42.27 Subd. 31. **Electronic signature.** "Electronic signature" means an electronic sound,

42.28 symbol, or process attached to or associated with a record and executed or adopted by a

42.29 person with the intent to sign the record.

42.30 Sec. 61. Minnesota Statutes 2006, section 151.01, is amended by adding a subdivision

42.31 to read:

42.32 Subd. 32. **Electronic transmission.** "Electronic transmission" means transmission

42.33 of information in electronic form.

43.1 Sec. 62. Minnesota Statutes 2006, section 151.06, subdivision 1, is amended to read:

43.2 Subdivision 1. **Generally; rules.** (a) **Powers and duties.** The Board of Pharmacy
43.3 shall have the power and it shall be its duty:

43.4 (1) to regulate the practice of pharmacy;

43.5 (2) to regulate the manufacture, wholesale, and retail sale of drugs within this state;

43.6 (3) to regulate the identity, labeling, purity, and quality of all drugs and medicines
43.7 dispensed in this state, using the United States Pharmacopeia and the National Formulary,
43.8 or any revisions thereof, or standards adopted under the federal act as the standard;

43.9 (4) to enter and inspect by its authorized representative any and all places where
43.10 drugs, medicines, medical gases, or veterinary drugs or devices are sold, vended, given
43.11 away, compounded, dispensed, manufactured, wholesaled, or held; it may secure samples
43.12 or specimens of any drugs, medicines, medical gases, or veterinary drugs or devices
43.13 after paying or offering to pay for such sample; it shall be entitled to inspect and make
43.14 copies of any and all records of shipment, purchase, manufacture, quality control, and
43.15 sale of these items provided, however, that such inspection shall not extend to financial
43.16 data, sales data, or pricing data;

43.17 (5) to examine and license as pharmacists all applicants whom it shall deem qualified
43.18 to be such;

43.19 (6) to license wholesale drug distributors;

43.20 (7) to deny, suspend, revoke, or refuse to renew any registration or license required
43.21 under this chapter, to any applicant or registrant or licensee upon any of the following
43.22 grounds:

43.23 (i) fraud or deception in connection with the securing of such license or registration;

43.24 (ii) in the case of a pharmacist, conviction in any court of a felony;

43.25 (iii) in the case of a pharmacist, conviction in any court of an offense involving
43.26 moral turpitude;

43.27 (iv) habitual indulgence in the use of narcotics, stimulants, or depressant drugs;
43.28 or habitual indulgence in intoxicating liquors in a manner which could cause conduct
43.29 endangering public health;

43.30 (v) unprofessional conduct or conduct endangering public health;

43.31 (vi) gross immorality;

43.32 (vii) employing, assisting, or enabling in any manner an unlicensed person to
43.33 practice pharmacy;

43.34 (viii) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;

43.35 (ix) violation of any of the provisions of this chapter or any of the rules of the State
43.36 Board of Pharmacy;

- 44.1 (x) in the case of a pharmacy license, operation of such pharmacy without a
44.2 pharmacist present and on duty;
- 44.3 (xi) in the case of a pharmacist, physical or mental disability which could cause
44.4 incompetency in the practice of pharmacy;
- 44.5 (xii) in the case of a pharmacist, the suspension or revocation of a license to practice
44.6 pharmacy in another state; or
- 44.7 (xiii) in the case of a pharmacist, aiding suicide or aiding attempted suicide in
44.8 violation of section 609.215 as established by any of the following:
- 44.9 (A) a copy of the record of criminal conviction or plea of guilty for a felony in
44.10 violation of section 609.215, subdivision 1 or 2;
- 44.11 (B) a copy of the record of a judgment of contempt of court for violating an
44.12 injunction issued under section 609.215, subdivision 4;
- 44.13 (C) a copy of the record of a judgment assessing damages under section 609.215,
44.14 subdivision 5; or
- 44.15 (D) a finding by the board that the person violated section 609.215, subdivision
44.16 1 or 2. The board shall investigate any complaint of a violation of section 609.215,
44.17 subdivision 1 or 2;
- 44.18 (8) to employ necessary assistants and ~~make~~ adopt rules for the conduct of its
44.19 business;
- 44.20 (9) to register as pharmacy technicians all applicants who the board determines are
44.21 qualified to carry out the duties of a pharmacy technician; and
- 44.22 (10) to perform such other duties and exercise such other powers as the provisions of
44.23 the act may require.
- 44.24 (b) **Temporary suspension.** In addition to any other remedy provided by law, the
44.25 board may, without a hearing, temporarily suspend a license for not more than 60 days if
44.26 the board finds that a pharmacist has violated a statute or rule that the board is empowered
44.27 to enforce and continued practice by the pharmacist would create an imminent risk of
44.28 harm to others. The suspension shall take effect upon written notice to the pharmacist,
44.29 specifying the statute or rule violated. At the time it issues the suspension notice, the
44.30 board shall schedule a disciplinary hearing to be held under the Administrative Procedure
44.31 Act. The pharmacist shall be provided with at least 20 days' notice of any hearing held
44.32 under this subdivision.
- 44.33 (c) **Rules.** For the purposes aforesaid, it shall be the duty of the board to make
44.34 and publish uniform rules not inconsistent herewith for carrying out and enforcing
44.35 the provisions of this chapter. The board shall adopt rules regarding prospective drug
44.36 utilization review and patient counseling by pharmacists. A pharmacist in the exercise of

45.1 the pharmacist's professional judgment, upon the presentation of a new prescription by a
45.2 patient or the patient's caregiver or agent, shall perform the prospective drug utilization
45.3 review required by rules issued under this subdivision.

45.4 Sec. 63. Minnesota Statutes 2006, section 151.21, subdivision 1, is amended to read:

45.5 Subdivision 1. **Generally.** Except as provided in this section, it shall be unlawful for
45.6 any pharmacist, ~~assistant pharmacist,~~ or pharmacist intern who dispenses prescriptions,
45.7 drugs, and medicines to substitute an article different from the one ordered, or deviate
45.8 in any manner from the requirements of an order or prescription without the approval of
45.9 the prescriber.

45.10 Sec. 64. Minnesota Statutes 2006, section 151.21, subdivision 2, is amended to read:

45.11 Subd. 2. **Brand name specified.** When a pharmacist receives a ~~written paper or~~
45.12 hard copy prescription on which the prescriber has personally written in handwriting
45.13 "dispense as written" or "D.A.W.," a prescription sent by electronic transmission on which
45.14 the prescriber has expressly indicated in a manner consistent with the standards for
45.15 electronic prescribing under Code of Federal Regulations, title 42, section 423, that the
45.16 prescription is to be dispensed as transmitted and which bears the prescriber's electronic
45.17 signature, or an oral prescription in which the prescriber has expressly indicated that the
45.18 prescription is to be dispensed as communicated, the pharmacist shall dispense the brand
45.19 name legend drug as prescribed.

45.20 Sec. 65. Minnesota Statutes 2006, section 151.21, subdivision 3, is amended to read:

45.21 Subd. 3. **Brand name not specified.** When a pharmacist receives a ~~written paper or~~
45.22 hard copy prescription on which the prescriber has not personally written in handwriting
45.23 "dispense as written" or "D.A.W.," a prescription sent by electronic transmission on which
45.24 the prescriber has not expressly indicated in a manner consistent with the standards for
45.25 electronic prescribing under Code of Federal Regulations, title 42, section 423, that the
45.26 prescription is to be dispensed as transmitted and which bears the prescriber's electronic
45.27 signature, or an oral prescription in which the prescriber has not expressly indicated
45.28 that the prescription is to be dispensed as communicated, and there is available in the
45.29 pharmacist's stock a less expensive generically equivalent drug that, in the pharmacist's
45.30 professional judgment, is safely interchangeable with the prescribed drug, then the
45.31 pharmacist shall, after disclosing the substitution to the purchaser, dispense the generic
45.32 drug, unless the purchaser objects. A pharmacist may also substitute pursuant to the oral
45.33 instructions of the prescriber. A pharmacist may not substitute a generically equivalent

46.1 drug product unless, in the pharmacist's professional judgment, the substituted drug is
46.2 therapeutically equivalent and interchangeable to the prescribed drug. A pharmacist
46.3 shall notify the purchaser if the pharmacist is dispensing a drug other than the brand
46.4 name drug prescribed.

46.5 Sec. 66. Minnesota Statutes 2006, section 151.21, is amended by adding a subdivision
46.6 to read:

46.7 Subd. 3a. **Prescriptions by electronic transmission.** Nothing in this section
46.8 permits a prescriber to maintain "dispense as written" or "D.A.W." as a default on all
46.9 prescriptions. Prescribers must add the "dispense as written" or "D.A.W." designation to
46.10 electronic prescriptions individually, as appropriate.

46.11 Sec. 67. Minnesota Statutes 2006, section 214.103, subdivision 9, is amended to read:

46.12 **Subd. 9. Information to complainant.** A board shall furnish to a person who made
46.13 a complaint a written description of the actions of the board relating to the complaint. If
46.14 the action taken was dismissal of the complaint or was an action taken by a panel of the
46.15 board, the notice must include a statement that the complainant has the right to appeal to
46.16 the full board if the complainant disagrees with the action taken.

46.17 Sec. 68. Minnesota Statutes 2006, section 214.32, subdivision 1, is amended to read:

46.18 **Subdivision 1. Management.** (a) A Health Professionals Services Program
46.19 Committee is established, consisting of one person appointed by each participating board,
46.20 with each participating board having one vote. The committee shall designate one board
46.21 to provide administrative management of the program, set the program budget and the
46.22 pro rata share of program expenses to be borne by each participating board, provide
46.23 guidance on the general operation of the program, including hiring of program personnel,
46.24 and ensure that the program's direction is in accord with its authority. If the participating
46.25 boards change which board is designated to provide administrative management of
46.26 the program, any appropriation remaining for the program shall transfer to the newly
46.27 designated board on the effective date of the change. The participating boards must inform
46.28 the appropriate legislative committees and the commissioner of finance of any change
46.29 in the administrative management of the program, and the amount of any appropriation
46.30 transferred under this provision.

46.31 (b) The designated board, upon recommendation of the Health Professional Services
46.32 Program Committee, shall hire the program manager and employees and pay expenses
46.33 of the program from funds appropriated for that purpose. The designated board may

47.1 apply for grants to pay program expenses and may enter into contracts on behalf of the
47.2 program to carry out the purposes of the program. The participating boards shall enter into
47.3 written agreements with the designated board.

47.4 (c) An advisory committee is established to advise the program committee consisting
47.5 of:

47.6 (1) one member appointed by each of the following: the Minnesota Academy of
47.7 Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic
47.8 Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical
47.9 Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine
47.10 Association;

47.11 (2) one member appointed by each of the professional associations of the other
47.12 professions regulated by a participating board not specified in clause (1); and

47.13 (3) two public members, as defined by section 214.02.

47.14 Members of the advisory committee shall be appointed for two years and members may
47.15 be reappointed.

47.16 ~~The advisory committee expires June 30, 2007.~~

47.17 **Sec. 69. APPLICABILITY OF RULES.**

47.18 Minnesota Rules, parts 5601.0100 to 5601.3200, apply both to physical therapists
47.19 and physical therapist assistants, except parts 5601.1200; 5601.1300; 5601.1800;
47.20 5601.1900; 5601.2000; 5601.3200, subpart 2, item D; and 5601.3200, subpart 5, only
47.21 apply to physical therapists.

47.22 **Sec. 70. REPEALER.**

47.23 (a) Minnesota Statutes 2006, sections 148.691, subdivision 3; 148.71, subdivision 1;
47.24 148.72; 148.745; and 148.775, are repealed.

47.25 (b) Minnesota Rules, parts 5601.0200; 5601.0300; 5601.0400; 5601.0500;
47.26 5601.0600; 5601.0700; 5601.0800; 5601.1400; 5601.1500; 5601.1600; 5601.2800;
47.27 5601.2900; 5601.3000; 5601.3105; 5601.3110; 5601.3115; 5601.3120; 5601.3125;
47.28 5601.3130; 5601.3135; 5601.3140; 5601.3145; 5601.3150; 5601.3155; 5601.3160; and
47.29 5601.3165, are repealed.