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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2747

February 12, 2008

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health professions; modifying complementary and alternative health
1.3 care practices; amending Minnesota Statutes 2007 Supplement, section 146A.08,
1.4 subdivision 1.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2007 Supplement, section 146A.08, subdivision 1,
1.7 is amended to read:

1.8 Subdivision 1. **Prohibited conduct.** The commissioner may impose disciplinary
1.9 action as described in section 146A.09 against any unlicensed complementary and
1.10 alternative health care practitioner. The following conduct is prohibited and is grounds for
1.11 disciplinary action:

1.12 (a) Conviction of a crime, including a finding or verdict of guilt, an admission
1.13 of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the
1.14 United States, reasonably related to engaging in complementary and alternative health
1.15 care practices. Conviction, as used in this subdivision, includes a conviction of an offense
1.16 which, if committed in this state, would be deemed a felony, gross misdemeanor, or
1.17 misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where
1.18 a finding or verdict of guilty is made or returned but the adjudication of guilt is either
1.19 withheld or not entered.

1.20 (b) Conviction of any crime against a person. For purposes of this chapter, a crime
1.21 against a person means violations of the following: sections 609.185; 609.19; 609.195;
1.22 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.2242;
1.23 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25;
1.24 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344;

2.1 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause (1); 609.561;
2.2 609.562; 609.595; and 609.72, subdivision 3.

2.3 (c) Failure to comply with the self-reporting requirements of section 146A.03,
2.4 subdivision 7.

2.5 (d) Engaging in sexual contact with a complementary and alternative health care
2.6 client ~~or former client~~, engaging in contact that may be reasonably interpreted by a client
2.7 as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to
2.8 the ~~patient~~ client, or engaging in sexual exploitation of a client or former client. For
2.9 purposes of this paragraph, "former client" means a person who has obtained services
2.10 from the unlicensed complementary and alternative health care practitioner within the
2.11 past two years.

2.12 (e) Advertising that is false, fraudulent, deceptive, or misleading.

2.13 (f) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful
2.14 or careless disregard for the health, welfare, or safety of a complementary and alternative
2.15 health care client; or any other practice that may create danger to any client's life, health,
2.16 or safety, in any of which cases, proof of actual injury need not be established.

2.17 (g) Adjudication as mentally incompetent or as a person who is dangerous to
2.18 self or adjudication pursuant to chapter 253B as chemically dependent, mentally ill,
2.19 developmentally disabled, mentally ill and dangerous to the public, or as a sexual
2.20 psychopathic personality or sexually dangerous person.

2.21 (h) Inability to engage in complementary and alternative health care practices with
2.22 reasonable safety to complementary and alternative health care clients.

2.23 (i) The habitual overindulgence in the use of or the dependence on intoxicating
2.24 liquors.

2.25 (j) Improper or unauthorized personal or other use of any legend drugs as defined
2.26 in chapter 151, any chemicals as defined in chapter 151, or any controlled substance
2.27 as defined in chapter 152.

2.28 (k) Revealing a communication from, or relating to, a complementary and alternative
2.29 health care client except when otherwise required or permitted by law.

2.30 (l) Failure to comply with a complementary and alternative health care client's
2.31 request made under sections 144.291 to 144.298 or to furnish a complementary and
2.32 alternative health care client record or report required by law.

2.33 (m) Splitting fees or promising to pay a portion of a fee to any other professional
2.34 other than for services rendered by the other professional to the complementary and
2.35 alternative health care client.

3.1 (n) Engaging in abusive or fraudulent billing practices, including violations of the
3.2 federal Medicare and Medicaid laws or state medical assistance laws.

3.3 (o) Failure to make reports as required by section 146A.03 or cooperate with an
3.4 investigation of the office.

3.5 (p) Obtaining money, property, or services from a complementary and alternative
3.6 health care client, other than reasonable fees for services provided to the client, through
3.7 the use of undue influence, harassment, duress, deception, or fraud.

3.8 (q) Undertaking or continuing a professional relationship with a complementary and
3.9 alternative health care client in which the objectivity of the unlicensed complementary
3.10 and alternative health care practitioner would be impaired.

3.11 (r) Failure to provide a complementary and alternative health care client with a copy
3.12 of the client bill of rights or violation of any provision of the client bill of rights.

3.13 (s) Violating any order issued by the commissioner.

3.14 (t) Failure to comply with any provision of sections 146A.01 to 146A.11 and the
3.15 rules adopted under those sections.

3.16 (u) Failure to comply with any additional disciplinary grounds established by the
3.17 commissioner by rule.

3.18 (v) Revocation, suspension, restriction, limitation, or other disciplinary action
3.19 against any health care license, certificate, registration, or right to practice of the
3.20 unlicensed complementary and alternative health care practitioner in this or another state
3.21 or jurisdiction for offenses that would be subject to disciplinary action in this state or
3.22 failure to report to the office that charges regarding the practitioner's license, certificate,
3.23 registration, or right of practice have been brought in this or another state or jurisdiction.

3.24 (w) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any
3.25 other words, letters, or insignia to describe the complementary and alternative health care
3.26 practices the practitioner provides.

3.27 (x) Failure to provide a complementary and alternative health care client with a
3.28 recommendation that the client see a health care provider who is licensed or registered
3.29 by a health-related licensing board or the commissioner of health, if there is a reasonable
3.30 likelihood that the client needs to be seen by a licensed or registered health care provider.