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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1713

March 16, 2009

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

March 18, 2009

By motion, recalled and re-referred to the Committee on Civil Justice

March 30, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to licensing examinations; prohibiting certain practices in preparation
1.3 for a radiologic technology examination; establishing penalties; amending
1.4 Minnesota Statutes 2008, section 144.121, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 144.121, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 9. Subversion of examination. (a) A person engages in examination
1.9 subversion practice when, with respect to any licensing or certifying examination in the
1.10 field of radiologic technology, the person:

1.11 (1) removes from the examination room any examination materials without specific
1.12 authorization;

1.13 (2) without authorization, discloses, publishes, transmits, or reconstructs by any
1.14 means, including but not limited to memorization, any portion of the examination;

1.15 (3) pays or uses professional or paid examination takers for the purpose of
1.16 reconstructing any portion of the examination;

1.17 (4) without authorization, obtains examination questions, answers, or materials,
1.18 whether requested or not, either before, during, or after an examination;

1.19 (5) uses or purports to use any examination questions, answers, or materials
1.20 that were improperly obtained from any examination for the purpose of instructing or
1.21 preparing an applicant for examination;

1.22 (6) sells or offers to sell, distributes or offers to distribute, buys or offers to buy, or
1.23 receives or possesses without authorization any portion of a future, current, or previously
1.24 administered examination;

2.1 (7) communicates with any other person during the administration of an examination
2.2 for the purpose of giving or receiving any unauthorized aid;

2.3 (8) copies answers from another examinee or permits the person's own answers to
2.4 be copied by another examinee;

2.5 (9) possesses during the administration of the examination any books, equipment,
2.6 notes, written or printed materials, or data of any kind, other than the examination
2.7 materials distributed and materials otherwise specifically authorized to be possessed
2.8 during the examination;

2.9 (10) takes an examination using the identity of another person or has another person
2.10 take an examination using a false identity;

2.11 (11) engages in any other conduct that violates the security of the examination
2.12 materials;

2.13 (12) attempts to engage in any act listed in this paragraph; or

2.14 (13) aids or abets another person to engage in any act listed in this paragraph.

2.15 (b) Any person damaged or likely to be damaged by an examination subversion
2.16 practice may seek injunctive relief in district court and recovery of damages caused by
2.17 the practice. The court may award costs and disbursements to a prevailing party in
2.18 an action under this subdivision. The court shall award reasonable attorney fees to a
2.19 prevailing party if:

2.20 (1) the party complaining of an examination subversion practice has brought the
2.21 action knowing it to be groundless; or

2.22 (2) the party alleged to have engaged in an examination subversion practice has
2.23 wilfully engaged in the practice.

2.24 (c) The remedies provided in this subdivision are in addition to any other remedy or
2.25 penalty that may be available for the same conduct as permitted by law.