

430.7

ARTICLE 11

238.28

ARTICLE 5

430.8

HEALTH LICENSING BOARDS

238.29

HEALTH OCCUPATIONS

430.9 Section 1. Minnesota Statutes 2016, section 147.01, subdivision 7, is amended to read:

430.10 Subd. 7. **Physician application fee and license fees.** (a) The board may charge a the
430.11 following nonrefundable application and license fees processed pursuant to sections 147.02,
430.12 147.03, 147.037, 147.0375, and 147.38:

430.13 (1) physician application fee of \$200;

430.14 (2) physician annual registration renewal fee, \$192;

430.15 (3) physician endorsement to other states, \$40;

430.16 (4) physician emeritus license, \$50;

430.17 (5) physician temporary licenses, \$60;

430.18 (6) physician late fee, \$60;

430.19 (7) duplicate license fee, \$20;

430.20 (8) certification letter fee, \$25;

430.21 (9) education or training program approval fee, \$100;

430.22 (10) report creation and generation fee, \$60;

430.23 (11) examination administration fee (half day), \$50;

430.24 (12) examination administration fee (full day), \$80; and

430.25 (13) fees developed by the Interstate Commission for determining physician qualification
430.26 to register and participate in the interstate medical licensure compact, as established in rules
430.27 authorized in and pursuant to section 147.38, not to exceed \$1,000.

431.1 (b) The board may prorate the initial annual license fee. All licensees are required to
431.2 pay the full fee upon license renewal. The revenue generated from the fee must be deposited
431.3 in an account in the state government special revenue fund.

431.4 Sec. 2. Minnesota Statutes 2016, section 147.02, subdivision 1, is amended to read:

431.5 Subdivision 1. **United States or Canadian medical school graduates.** The board shall
431.6 issue a license to practice medicine to a person not currently licensed in another state or
431.7 Canada and who meets the requirements in paragraphs (a) to (i).

431.8 (a) An applicant for a license shall file a written application on forms provided by the
431.9 board, showing to the board's satisfaction that the applicant is of good moral character and
431.10 satisfies the requirements of this section.

431.11 (b) The applicant shall present evidence satisfactory to the board of being a graduate of
431.12 a medical or osteopathic medical school located in the United States, its territories or Canada,
431.13 and approved by the board based upon its faculty, curriculum, facilities, accreditation by a
431.14 recognized national accrediting organization approved by the board, and other relevant data,
431.15 or is currently enrolled in the final year of study at the school.

431.16 (c) The applicant must have passed an examination as described in clause (1) or (2).

431.17 (1) The applicant must have passed a comprehensive examination for initial licensure
431.18 prepared and graded by the National Board of Medical Examiners, the Federation of State
431.19 Medical Boards, the Medical Council of Canada, the National Board of Osteopathic
431.20 Examiners, or the appropriate state board that the board determines acceptable. The board
431.21 shall by rule determine what constitutes a passing score in the examination.

431.22 (2) The applicant taking the United States Medical Licensing Examination (USMLE)
431.23 or Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) must
431.24 have passed steps or levels one, two, and three. Step or level three must be passed within
431.25 five years of passing step or level two, or before the end of residency training. The applicant
431.26 must pass each of steps or levels one, two, and three with passing scores as recommended
431.27 by the USMLE program or National Board of Osteopathic Medical Examiners within three
431.28 attempts. The applicant taking combinations of Federation of State Medical Boards, National
431.29 Board of Medical Examiners, and USMLE may be accepted only if the combination is
431.30 approved by the board as comparable to existing comparable examination sequences and
431.31 all examinations are completed prior to the year 2000.

431.32 (d) The applicant shall present evidence satisfactory to the board of the completion of
431.33 one year of graduate, clinical medical training in a program accredited by a national
432.1 accrediting organization approved by the board or other graduate training approved in
432.2 advance by the board as meeting standards similar to those of a national accrediting
432.3 organization.

432.4 (e) The applicant may make arrangements with the executive director to appear in person
432.5 before the board or its designated representative to show that the applicant satisfies the
432.6 requirements of this section. The board may establish as internal operating procedures the
432.7 procedures or requirements for the applicant's personal presentation.

432.8 (f) The applicant shall pay a nonrefundable fee established by the board by rule. The
432.9 fee may not be refunded. Upon application or notice of license renewal, the board must
432.10 provide notice to the applicant and to the person whose license is scheduled to be issued or
432.11 renewed of any additional fees, surcharges, or other costs which the person is obligated to
432.12 pay as a condition of licensure. The notice must:

432.13 (1) state the dollar amount of the additional costs; and

432.14 (2) clearly identify to the applicant the payment schedule of additional costs.

432.15 (g) The applicant must not be under license suspension or revocation by the licensing
432.16 board of the state or jurisdiction in which the conduct that caused the suspension or revocation
432.17 occurred.

432.18 (h) The applicant must not have engaged in conduct warranting disciplinary action
432.19 against a licensee, or have been subject to disciplinary action other than as specified in
432.20 paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph,
432.21 the board may issue a license only on the applicant's showing that the public will be protected
432.22 through issuance of a license with conditions and limitations the board considers appropriate.

432.23 (i) If the examination in paragraph (c) was passed more than ten years ago, the applicant
432.24 must either:

432.25 (1) pass the special purpose examination of the Federation of State Medical Boards with
432.26 a score of 75 or better within three attempts; or

432.27 (2) have a current certification by a specialty board of the American Board of Medical
432.28 Specialties, of the American Osteopathic Association, the Royal College of Physicians and
432.29 Surgeons of Canada, or of the College of Family Physicians of Canada.

432.30 Sec. 3. Minnesota Statutes 2016, section 147.03, subdivision 1, is amended to read:

432.31 Subdivision 1. **Endorsement; reciprocity.** (a) The board may issue a license to practice
432.32 medicine to any person who satisfies the requirements in paragraphs (b) to ~~(f)~~(e).

433.1 (b) The applicant shall satisfy all the requirements established in section 147.02,
433.2 subdivision 1, paragraphs (a), (b), (d), (e), and (f).

- 433.3 (c) The applicant shall:
- 433.4 (1) have passed an examination prepared and graded by the Federation of State Medical
433.5 Boards, the National Board of Medical Examiners, or the United States Medical Licensing
433.6 Examination (USMLE) program in accordance with section 147.02, subdivision 1, paragraph
433.7 (c), clause (2); the National Board of Osteopathic Medical Examiners; or the Medical Council
433.8 of Canada; and
- 433.9 (2) have a current license from the equivalent licensing agency in another state or Canada
433.10 and, if the examination in clause (1) was passed more than ten years ago, either:
- 433.11 (i) pass the Special Purpose Examination of the Federation of State Medical Boards with
433.12 a score of 75 or better within three attempts; or
- 433.13 (ii) have a current certification by a specialty board of the American Board of Medical
433.14 Specialties, of the American Osteopathic Association, the Royal College of Physicians and
433.15 Surgeons of Canada, or of the College of Family Physicians of Canada; or
- 433.16 (3) if the applicant fails to meet the requirement established in section 147.02, subdivision
433.17 1, paragraph (c), clause (2), because the applicant failed to pass each of steps one, two, and
433.18 three of the USMLE within the required three attempts, the applicant may be granted a
433.19 license provided the applicant:
- 433.20 (i) has passed each of steps one, two, and three with passing scores as recommended by
433.21 the USMLE program within no more than four attempts for any of the three steps;
- 433.22 (ii) is currently licensed in another state; and
- 433.23 (iii) has current certification by a specialty board of the American Board of Medical
433.24 Specialties, the American Osteopathic Association Bureau of Professional Education, the
433.25 Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians
433.26 of Canada.
- 433.27 ~~(d) The applicant shall pay a fee established by the board by rule. The fee may not be~~
433.28 ~~refunded.~~
- 433.29 ~~(e)~~ (d) The applicant must not be under license suspension or revocation by the licensing
433.30 board of the state or jurisdiction in which the conduct that caused the suspension or revocation
433.31 occurred.
- 434.1 ~~(f)~~ (e) The applicant must not have engaged in conduct warranting disciplinary action
434.2 against a licensee, or have been subject to disciplinary action other than as specified in

434.3 paragraph ~~(e)~~(d). If an applicant does not satisfy the requirements stated in this paragraph,
 434.4 the board may issue a license only on the applicant's showing that the public will be protected
 434.5 through issuance of a license with conditions or limitations the board considers appropriate.

434.6 ~~(g)~~(f) Upon the request of an applicant, the board may conduct the final interview of
 434.7 the applicant by teleconference.

434.8 Sec. 4. **[147A.28] PHYSICIAN ASSISTANT APPLICATION AND LICENSE FEES:**

434.9 **(a) The board may charge the following nonrefundable fees:**

434.10 **(1) physician assistant application fee, \$120;**

434.11 **(2) physician assistant annual registration renewal fee (prescribing authority), \$135;**

434.12 **(3) physician assistant annual registration renewal fee (no prescribing authority), \$115;**

434.13 **(4) physician assistant temporary registration, \$115;**

238.30 Section 1. **[147.033] PRACTICE OF TELEMEDICINE.**

239.1 Subdivision 1. **Definition.** For the purposes of this section, "telemedicine" means the
 239.2 delivery of health care services or consultations while the patient is at an originating site
 239.3 and the licensed health care provider is at a distant site. A communication between licensed
 239.4 health care providers that consists solely of a telephone conversation, e-mail, or facsimile
 239.5 transmission does not constitute telemedicine consultations or services. A communication
 239.6 between a licensed health care provider and a patient that consists solely of an e-mail or
 239.7 facsimile transmission does not constitute telemedicine consultations or services.
 239.8 Telemedicine may be provided by means of real-time two-way interactive audio, and visual
 239.9 communications, including the application of secure video conferencing or store-and-forward
 239.10 technology to provide or support health care delivery, that facilitate the assessment, diagnosis,
 239.11 consultation, treatment, education, and care management of a patient's health care.

239.12 Subd. 2. **Physician-patient relationship.** A physician-patient relationship may be
 239.13 established through telemedicine.

239.14 Subd. 3. **Standards of practice and conduct.** A physician providing health care services
 239.15 by telemedicine in this state shall be held to the same standards of practice and conduct as
 239.16 provided in this chapter for in-person health care services.

- 434.14 (5) physician assistant temporary permit, \$60;
- 434.15 (6) physician assistant locum tenens permit, \$25;
- 434.16 (7) physician assistant late fee, \$50;
- 434.17 (8) duplicate license fee, \$20;
- 434.18 (9) certification letter fee, \$25;
- 434.19 (10) education or training program approval fee, \$100; and
- 434.20 (11) report creation and generation fee, \$60.
- 434.21 (b) The board may prorate the initial annual license fee. All licensees are required to
434.22 pay the full fee upon license renewal. The revenue generated from the fees must be deposited
434.23 in an account in the state government special revenue fund.
- 434.24 Sec. 5. Minnesota Statutes 2016, section 147B.08, is amended by adding a subdivision to
434.25 read:
- 434.26 Subd. 4. **Acupuncturist application and license fees.** (a) The board may charge the
434.27 following nonrefundable fees:
- 434.28 (1) acupuncturist application fee, \$150;
- 434.29 (2) acupuncturist annual registration renewal fee, \$150;
- 435.1 (3) acupuncturist temporary registration fee, \$60;
- 435.2 (4) acupuncturist inactive status fee, \$50;
- 435.3 (5) acupuncturist late fee, \$50;
- 435.4 (6) duplicate license fee, \$20;
- 435.5 (7) certification letter fee, \$25;
- 435.6 (8) education or training program approval fee, \$100; and

435.7 (9) report creation and generation fee, \$60.

435.8 (b) The board may prorate the initial annual license fee. All licensees are required to
435.9 pay the full fee upon license renewal. The revenue generated from the fees must be deposited
435.10 in an account in the state government special revenue fund.

435.11 Sec. 6. Minnesota Statutes 2016, section 147C.40, is amended by adding a subdivision to
435.12 read:

435.13 Subd. 5. **Respiratory therapist application and license fees.** (a) The board may charge
435.14 the following nonrefundable fees:

435.15 (1) respiratory therapist application fee, \$100;

435.16 (2) respiratory therapist annual registration renewal fee, \$90;

435.17 (3) respiratory therapist inactive status fee, \$50;

435.18 (4) respiratory therapist temporary registration fee, \$90;

435.19 (5) respiratory therapist temporary permit, \$60;

435.20 (6) respiratory therapist late fee, \$50;

435.21 (7) duplicate license fee, \$20;

435.22 (8) certification letter fee, \$25;

435.23 (9) education or training program approval fee, \$100; and

435.24 (10) report creation and generation fee, \$60.

435.25 (b) The board may prorate the initial annual license fee. All licensees are required to
435.26 pay the full fee upon license renewal. The revenue generated from the fees must be deposited
435.27 in an account in the state government special revenue fund.

239.17 Sec. 2. Minnesota Statutes 2016, section 148.171, subdivision 7b, is amended to read:

239.18 Subd. 7b. **Intervention Encumbered.** "Intervention" means any act or action, based
 239.19 upon clinical judgment and knowledge that a nurse performs to enhance the health outcome
 239.20 of a patient. "Encumbered" means (1) a license that is revoked, suspended, or contains
 239.21 limitations on the full and unrestricted practice of nursing when the revocation, suspension,
 239.22 or limitation is imposed by a state licensing board, or (2) a license that is voluntarily
 239.23 surrendered.

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

239.25 Sec. 3. Minnesota Statutes 2016, section 148.171, is amended by adding a subdivision to
 239.26 read:

239.27 Subd. 7c. **Intervention.** "Intervention" means any act or action based upon clinical
 239.28 judgment and knowledge that a nurse performs to enhance the health outcome of a patient.

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

240.1 Sec. 4. Minnesota Statutes 2016, section 148.211, subdivision 1a, is amended to read:

240.2 Subd. 1a. **Advanced practice registered nurse licensure.** (a) Effective January 1, 2015,
 240.3 No advanced practice nurse shall practice as an advanced practice registered nurse unless
 240.4 the advanced practice nurse is licensed by the board under this section.

240.5 (b) An applicant for a license to practice as an advanced practice registered nurse (APRN)
 240.6 shall apply to the board in a format prescribed by the board and pay a fee in an amount
 240.7 determined under section 148.243.

240.8 (c) To be eligible for licensure an applicant:

240.9 (1) must hold a current Minnesota professional nursing license or demonstrate eligibility
 240.10 for licensure as a registered nurse in this state;

240.11 (2) must not hold an encumbered license as a registered nurse in any state or territory;

240.12 (3)(i) must have completed a graduate level APRN program accredited by a nursing or
 240.13 nursing-related accrediting body that is recognized by the United States Secretary of
 240.14 Education or the Council for Higher Education Accreditation as acceptable to the board.
 240.15 The education must be in one of the four APRN roles for at least one population focus. For
 240.16 APRN programs completed on or after January 1, 2016, the program must include at least
 240.17 one graduate-level course in each of the following areas: advanced physiology and

- 240.18 pathophysiology; advanced health assessment; and pharmacokinetics and
 240.19 pharmacotherapeutics of all broad categories of agents; or
- 240.20 (ii) must demonstrate compliance with the advanced practice nursing educational
 240.21 requirements that were in effect in Minnesota at the time the applicant completed the
 240.22 advanced practice nursing education program;
- 240.23 (4) must be currently certified by a national certifying body recognized by the board in
 240.24 the APRN role and population foci appropriate to educational preparation;
- 240.25 (5) must report any criminal conviction, nolo contendere plea, Alford plea, or other plea
 240.26 arrangement in lieu of conviction; and
- 240.27 (6) must not have committed any acts or omissions which are grounds for disciplinary
 240.28 action in another jurisdiction or, if these acts have been committed and would be grounds
 240.29 for disciplinary action as set forth in section 148.261, the board has found, after investigation,
 240.30 that sufficient restitution has been made.
- 240.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 241.1 Sec. 5. Minnesota Statutes 2016, section 148.211, subdivision 1c, is amended to read:
- 241.2 Subd. 1c. **Postgraduate practice.** A nurse practitioner or clinical nurse specialist who
 241.3 qualifies for licensure as an advanced practice registered nurse must practice for at least
 241.4 2,080 hours, within the context of a collaborative agreement, within a hospital or integrated
 241.5 clinical setting where advanced practice registered nurses and physicians work together to
 241.6 provide patient care. The nurse practitioner or clinical nurse specialist shall submit written
 241.7 evidence to the board with the application, or upon completion of the required collaborative
 241.8 practice experience. For purposes of this subdivision, a collaborative agreement is a mutually
 241.9 agreed upon plan for the overall working relationship between a nurse practitioner or clinical
 241.10 nurse specialist, and one or more physicians licensed under chapter 147 or in another state
 241.11 or United States territory, or one or more advanced practice registered nurses licensed under
 241.12 this section that designates the scope of collaboration necessary to manage the care of
 241.13 patients. The nurse practitioner or clinical nurse specialist, and one of the collaborating
 241.14 physicians or advanced practice registered nurses, must have experience in providing care
 241.15 to patients with the same or similar medical problems.
- 241.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 241.17 Sec. 6. Minnesota Statutes 2016, section 148.211, subdivision 2, is amended to read:

241.18 Subd. 2. **Licensure by endorsement.** ~~(a)~~ The board shall issue a license to practice
 241.19 professional nursing or practical nursing without examination to an applicant who has been
 241.20 duly licensed or registered as a nurse under the laws of another state, territory, or country,
 241.21 if in the opinion of the board the applicant has the qualifications equivalent to the
 241.22 qualifications required in this state as stated in subdivision 1, all other laws not inconsistent
 241.23 with this section, and rules promulgated by the board.

241.24 ~~(b) Effective January 1, 2015, an applicant for advanced practice registered nurse licensure~~
 241.25 ~~by endorsement is eligible for licensure if the applicant meets the requirements in paragraph~~
 241.26 ~~(a) and demonstrates:~~

241.27 ~~(1) current national certification or recertification in the advanced role and population~~
 241.28 ~~focus area; and~~

241.29 ~~(2) compliance with the advanced practice nursing educational requirements that were~~
 241.30 ~~in effect in Minnesota at the time the advanced practice registered nurse completed the~~
 241.31 ~~advanced practice nursing education program.~~

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

436.1 Sec. 7. Minnesota Statutes 2016, section 148.6402, subdivision 4, is amended to read:

436.2 Subd. 4. **Commissioner Board.** "Commissioner Board" means the commissioner of
 436.3 health or a designee Board of Occupational Therapy Practice established in section 148.6449.

436.4 **EFFECTIVE DATE.** This section is effective January 1, 2018.

436.5 Sec. 8. Minnesota Statutes 2016, section 148.6405, is amended to read:

436.6 **148.6405 LICENSURE APPLICATION REQUIREMENTS: PROCEDURES AND**
 436.7 **QUALIFICATIONS.**

436.8 (a) An applicant for licensure must comply with the application requirements in section
 436.9 148.6420. To qualify for licensure, an applicant must satisfy one of the requirements in
 436.10 paragraphs (b) to (f) and not be subject to denial of licensure under section 148.6448.

436.11 (b) A person who applies for licensure as an occupational therapist and who has not
 436.12 been credentialed by the National Board for Certification in Occupational Therapy or another
 436.13 jurisdiction must meet the requirements in section 148.6408.

436.14 (c) A person who applies for licensure as an occupational therapy assistant and who has
 436.15 not been credentialed by the National Board for Certification in Occupational Therapy or
 436.16 another jurisdiction must meet the requirements in section 148.6410.

- 436.17 (d) A person who is certified by the National Board for Certification in Occupational
436.18 Therapy may apply for licensure by equivalency and must meet the requirements in section
436.19 148.6412.
- 436.20 (e) A person who is credentialed in another jurisdiction may apply for licensure by
436.21 reciprocity and must meet the requirements in section 148.6415.
- 436.22 (f) A person who applies for temporary licensure must meet the requirements in section
436.23 148.6418.
- 436.24 (g) A person who applies for licensure under paragraph (b), (c), or (f) more than two
436.25 and less than four years after meeting the requirements in section 148.6408 or 148.6410
436.26 must submit the following:
- 436.27 (1) a completed and signed application for licensure on forms provided by the
436.28 ~~commissioner~~ board;
- 436.29 (2) the license application fee required under section 148.6445;
- 436.30 (3) if applying for occupational therapist licensure, proof of having met a minimum of
436.31 24 contact hours of continuing education in the two years preceding licensure application,
437.1 or if applying for occupational therapy assistant licensure, proof of having met a minimum
437.2 of 18 contact hours of continuing education in the two years preceding licensure application;
- 437.3 (4) verified documentation of successful completion of 160 hours of supervised practice
437.4 approved by the ~~commissioner~~ board under a limited license specified in section 148.6425,
437.5 subdivision 3, paragraph (c); and
- 437.6 (5) additional information as requested by the ~~commissioner~~ board to clarify information
437.7 in the application, including information to determine whether the individual has engaged
437.8 in conduct warranting disciplinary action under section 148.6448. The information must be
437.9 submitted within 30 days after the ~~commissioner's~~ board's request.
- 437.10 (h) A person who applied for licensure under paragraph (b), (c), or (f) four years or more
437.11 after meeting the requirements in section 148.6408 or 148.6410 must meet all the
437.12 requirements in paragraph (g) except clauses (3) and (4), submit documentation of having
437.13 retaken and passed the credentialing examination for occupational therapist or occupational
437.14 therapy assistant, or of having completed an occupational therapy refresher program that
437.15 contains both a theoretical and clinical component approved by the ~~commissioner~~ board,
437.16 and verified documentation of successful completion of 480 hours of supervised practice
437.17 approved by the ~~commissioner~~ board under a limited license specified in section 148.6425,
437.18 subdivision 3, paragraph (c). The 480 hours of supervised practice must be completed in

- 437.19 six months and may be completed at the applicant's place of work. Only refresher courses
437.20 completed within one year prior to the date of application qualify for approval.
- 437.21 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 437.22 Sec. 9. Minnesota Statutes 2016, section 148.6408, subdivision 2, is amended to read:
- 437.23 Subd. 2. **Qualifying examination score required.** (a) An applicant must achieve a
437.24 qualifying score on the credentialing examination for occupational therapist.
- 437.25 (b) The ~~commissioner~~ board shall determine the qualifying score for the credentialing
437.26 examination for occupational therapist. In determining the qualifying score, the ~~commissioner~~
437.27 board shall consider the cut score recommended by the National Board for Certification in
437.28 Occupational Therapy, or other national credentialing organization approved by the
437.29 ~~commissioner~~ board, using the modified Angoff method for determining cut score or another
437.30 method for determining cut score that is recognized as appropriate and acceptable by industry
437.31 standards.
- 437.32 (c) The applicant is responsible for:
- 437.33 (1) making arrangements to take the credentialing examination for occupational therapist;
- 438.1 (2) bearing all expenses associated with taking the examination; and
- 438.2 (3) having the examination scores sent directly to the ~~commissioner~~ board from the
438.3 testing service that administers the examination.
- 438.4 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 438.5 Sec. 10. Minnesota Statutes 2016, section 148.6410, subdivision 2, is amended to read:
- 438.6 Subd. 2. **Qualifying examination score required.** (a) An applicant for licensure must
438.7 achieve a qualifying score on the credentialing examination for occupational therapy
438.8 assistants.
- 438.9 (b) The ~~commissioner~~ board shall determine the qualifying score for the credentialing
438.10 examination for occupational therapy assistants. In determining the qualifying score, the
438.11 ~~commissioner~~ board shall consider the cut score recommended by the National Board for
438.12 Certification in Occupational Therapy, or other national credentialing organization approved
438.13 by the ~~commissioner~~ board, using the modified Angoff method for determining cut score
438.14 or another method for determining cut score that is recognized as appropriate and acceptable
438.15 by industry standards.

438.16 (c) The applicant is responsible for:

438.17 (1) making all arrangements to take the credentialing examination for occupational
438.18 therapy assistants;

438.19 (2) bearing all expense associated with taking the examination; and

438.20 (3) having the examination scores sent directly to the ~~commissioner~~ board from the
438.21 testing service that administers the examination.

438.22 **EFFECTIVE DATE.** This section is effective January 1, 2018.

438.23 Sec. 11. Minnesota Statutes 2016, section 148.6412, subdivision 2, is amended to read:

438.24 Subd. 2. **Persons certified by National Board for Certification in Occupational**
438.25 **Therapy after June 17, 1996.** The ~~commissioner~~ board may license any person certified
438.26 by the National Board for Certification in Occupational Therapy as an occupational therapist
438.27 after June 17, 1996, if the ~~commissioner~~ board determines the requirements for certification
438.28 are equivalent to or exceed the requirements for licensure as an occupational therapist under
438.29 section 148.6408. The ~~commissioner~~ board may license any person certified by the National
438.30 Board for Certification in Occupational Therapy as an occupational therapy assistant after
438.31 June 17, 1996, if the ~~commissioner~~ board determines the requirements for certification are
439.1 equivalent to or exceed the requirements for licensure as an occupational therapy assistant
439.2 under section 148.6410. Nothing in this section limits the ~~commissioner's~~ board's authority
439.3 to deny licensure based upon the grounds for discipline in sections 148.6401 to 148.6450.

439.4 **EFFECTIVE DATE.** This section is effective January 1, 2018.

439.5 Sec. 12. Minnesota Statutes 2016, section 148.6415, is amended to read:

439.6 **148.6415 LICENSURE BY RECIPROCITY.**

439.7 A person who holds a current credential as an occupational therapist in the District of
439.8 Columbia or a state or territory of the United States whose standards for credentialing are
439.9 determined by the ~~commissioner~~ board to be equivalent to or exceed the requirements for
439.10 licensure under section 148.6408 may be eligible for licensure by reciprocity as an
439.11 occupational therapist. A person who holds a current credential as an occupational therapy
439.12 assistant in the District of Columbia or a state or territory of the United States whose
439.13 standards for credentialing are determined by the ~~commissioner~~ board to be equivalent to
439.14 or exceed the requirements for licensure under section 148.6410 may be eligible for licensure
439.15 by reciprocity as an occupational therapy assistant. Nothing in this section limits the
439.16 ~~commissioner's~~ board's authority to deny licensure based upon the grounds for discipline
439.17 in sections 148.6401 to 148.6450. An applicant must provide:

- 439.18 (1) the application materials as required by section 148.6420, subdivisions 1, 3, and 4;
- 439.19 (2) the fees required by section 148.6445;
- 439.20 (3) a copy of a current and unrestricted credential for the practice of occupational therapy
439.21 as either an occupational therapist or occupational therapy assistant;
- 439.22 (4) a letter from the jurisdiction that issued the credential describing the applicant's
439.23 qualifications that entitled the applicant to receive the credential; and
- 439.24 (5) other information necessary to determine whether the credentialing standards of the
439.25 jurisdiction that issued the credential are equivalent to or exceed the requirements for
439.26 licensure under sections 148.6401 to 148.6450.
- 439.27 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 439.28 Sec. 13. Minnesota Statutes 2016, section 148.6418, subdivision 1, is amended to read:
- 439.29 Subdivision 1. **Application.** The ~~commissioner~~ board shall issue temporary licensure
439.30 as an occupational therapist or occupational therapy assistant to applicants who are not the
440.1 subject of a disciplinary action or past disciplinary action, nor disqualified on the basis of
440.2 items listed in section 148.6448, subdivision 1.
- 440.3 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 440.4 Sec. 14. Minnesota Statutes 2016, section 148.6418, subdivision 2, is amended to read:
- 440.5 Subd. 2. **Procedures.** To be eligible for temporary licensure, an applicant must submit
440.6 a completed application for temporary licensure on forms provided by the ~~commissioner~~
440.7 board, the fees required by section 148.6445, and one of the following:
- 440.8 (1) evidence of successful completion of the requirements in section 148.6408,
440.9 subdivision 1, or 148.6410, subdivision 1;
- 440.10 (2) a copy of a current and unrestricted credential for the practice of occupational therapy
440.11 as either an occupational therapist or occupational therapy assistant in another jurisdiction;
440.12 or
- 440.13 (3) a copy of a current and unrestricted certificate from the National Board for
440.14 Certification in Occupational Therapy stating that the applicant is certified as an occupational
440.15 therapist or occupational therapy assistant.

440.16 **EFFECTIVE DATE.** This section is effective January 1, 2018.

440.17 Sec. 15. Minnesota Statutes 2016, section 148.6418, subdivision 4, is amended to read:

440.18 Subd. 4. **Supervision required.** An applicant who has graduated from an accredited
440.19 occupational therapy program, as required by section 148.6408, subdivision 1, or 148.6410,
440.20 subdivision 1, and who has not passed the examination required by section 148.6408,
440.21 subdivision 2, or 148.6410, subdivision 2, must practice under the supervision of a licensed
440.22 occupational therapist. The supervising therapist must, at a minimum, supervise the person
440.23 working under temporary licensure in the performance of the initial evaluation, determination
440.24 of the appropriate treatment plan, and periodic review and modification of the treatment
440.25 plan. The supervising therapist must observe the person working under temporary licensure
440.26 in order to assure service competency in carrying out evaluation, treatment planning, and
440.27 treatment implementation. The frequency of face-to-face collaboration between the person
440.28 working under temporary licensure and the supervising therapist must be based on the
440.29 condition of each patient or client, the complexity of treatment and evaluation procedures,
440.30 and the proficiencies of the person practicing under temporary licensure. The occupational
440.31 therapist or occupational therapy assistant working under temporary licensure must provide
440.32 verification of supervision on the application form provided by the ~~commissioner~~ board.

441.1 **EFFECTIVE DATE.** This section is effective January 1, 2018.

441.2 Sec. 16. Minnesota Statutes 2016, section 148.6418, subdivision 5, is amended to read:

441.3 Subd. 5. **Expiration of temporary licensure.** A temporary license issued to a person
441.4 pursuant to subdivision 2, clause (1), expires six months from the date of issuance for
441.5 occupational therapists and occupational therapy assistants or on the date the ~~commissioner~~
441.6 board grants or denies licensure, whichever occurs first. A temporary license issued to a
441.7 person pursuant to subdivision 2, clause (2) or (3), expires 90 days after it is issued. Upon
441.8 application for renewal, a temporary license shall be renewed once to persons who have
441.9 not met the examination requirement under section 148.6408, subdivision 2, or 148.6410,
441.10 subdivision 2, within the initial temporary licensure period and who are not the subject of
441.11 a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision
441.12 1. Upon application for renewal, a temporary license shall be renewed once to persons who
441.13 are able to demonstrate good cause for failure to meet the requirements for licensure under
441.14 section 148.6412 or 148.6415 within the initial temporary licensure period and who are not
441.15 the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448,
441.16 subdivision 1.

441.17 **EFFECTIVE DATE.** This section is effective January 1, 2018.

441.18 Sec. 17. Minnesota Statutes 2016, section 148.6420, subdivision 1, is amended to read:

- 441.19 Subdivision 1. **Applications for licensure.** An applicant for licensure must:
- 441.20 (1) submit a completed application for licensure on forms provided by the ~~commissioner~~
441.21 ~~board~~ and must supply the information requested on the application, including:
- 441.22 (i) the applicant's name, business address and business telephone number, business
441.23 setting, and daytime telephone number;
- 441.24 (ii) the name and location of the occupational therapy program the applicant completed;
- 441.25 (iii) a description of the applicant's education and training, including a list of degrees
441.26 received from educational institutions;
- 441.27 (iv) the applicant's work history for the six years preceding the application, including
441.28 the number of hours worked;
- 441.29 (v) a list of all credentials currently and previously held in Minnesota and other
441.30 jurisdictions;
- 441.31 (vi) a description of any jurisdiction's refusal to credential the applicant;
- 442.1 (vii) a description of all professional disciplinary actions initiated against the applicant
442.2 in any jurisdiction;
- 442.3 (viii) information on any physical or mental condition or chemical dependency that
442.4 impairs the person's ability to engage in the practice of occupational therapy with reasonable
442.5 judgment or safety;
- 442.6 (ix) a description of any misdemeanor or felony conviction that relates to honesty or to
442.7 the practice of occupational therapy;
- 442.8 (x) a description of any state or federal court order, including a conciliation court
442.9 judgment or a disciplinary order, related to the individual's occupational therapy practice;
442.10 and
- 442.11 (xi) a statement indicating the physical agent modalities the applicant will use and
442.12 whether the applicant will use the modalities as an occupational therapist or an occupational
442.13 therapy assistant under direct supervision;
- 442.14 (2) submit with the application all fees required by section 148.6445;

442.15 (3) sign a statement that the information in the application is true and correct to the best
442.16 of the applicant's knowledge and belief;

442.17 (4) sign a waiver authorizing the ~~commissioner~~ board to obtain access to the applicant's
442.18 records in this or any other state in which the applicant holds or previously held a credential
442.19 for the practice of an occupation, has completed an accredited occupational therapy education
442.20 program, or engaged in the practice of occupational therapy;

442.21 (5) submit additional information as requested by the ~~commissioner~~ board; and

442.22 (6) submit the additional information required for licensure by equivalency, licensure
442.23 by reciprocity, and temporary licensure as specified in sections 148.6408 to 148.6418.

442.24 **EFFECTIVE DATE.** This section is effective January 1, 2018.

442.25 Sec. 18. Minnesota Statutes 2016, section 148.6420, subdivision 3, is amended to read:

442.26 Subd. 3. **Applicants certified by National Board for Certification in Occupational**
442.27 **Therapy.** An applicant who is certified by the National Board for Certification in
442.28 Occupational Therapy must provide the materials required in subdivision 1 and the following:

442.29 (1) verified documentation from the National Board for Certification in Occupational
442.30 Therapy stating that the applicant is certified as an occupational therapist, registered or
442.31 certified occupational therapy assistant, the date certification was granted, and the applicant's
443.1 certification number. The document must also include a statement regarding disciplinary
443.2 actions. The applicant is responsible for obtaining this documentation by sending a form
443.3 provided by the ~~commissioner~~ board to the National Board for Certification in Occupational
443.4 Therapy; and

443.5 (2) a waiver authorizing the ~~commissioner~~ board to obtain access to the applicant's
443.6 records maintained by the National Board for Certification in Occupational Therapy.

443.7 **EFFECTIVE DATE.** This section is effective January 1, 2018.

443.8 Sec. 19. Minnesota Statutes 2016, section 148.6420, subdivision 5, is amended to read:

443.9 Subd. 5. **Action on applications for licensure.** (a) The ~~commissioner~~ board shall
443.10 approve, approve with conditions, or deny licensure. The ~~commissioner~~ board shall act on
443.11 an application for licensure according to paragraphs (b) to (d).

443.12 (b) The ~~commissioner~~ board shall determine if the applicant meets the requirements for
443.13 licensure. The ~~commissioner~~ board, or the advisory council at the ~~commissioner's~~ board's

443.14 request, may investigate information provided by an applicant to determine whether the
443.15 information is accurate and complete.

443.16 (c) The ~~commissioner~~ board shall notify an applicant of action taken on the application
443.17 and, if licensure is denied or approved with conditions, the grounds for the ~~commissioner's~~
443.18 board's determination.

443.19 (d) An applicant denied licensure or granted licensure with conditions may make a
443.20 written request to the ~~commissioner~~ board, within 30 days of the date of the ~~commissioner's~~
443.21 board's determination, for reconsideration of the ~~commissioner's~~ board's determination.
443.22 Individuals requesting reconsideration may submit information which the applicant wants
443.23 considered in the reconsideration. After reconsideration of the ~~commissioner's~~ board's
443.24 determination to deny licensure or grant licensure with conditions, the ~~commissioner~~ board
443.25 shall determine whether the original determination should be affirmed or modified. An
443.26 applicant is allowed no more than one request in any one biennial licensure period for
443.27 reconsideration of the ~~commissioner's~~ board's determination to deny licensure or approve
443.28 licensure with conditions.

443.29 **EFFECTIVE DATE.** This section is effective January 1, 2018.

443.30 Sec. 20. Minnesota Statutes 2016, section 148.6423, is amended to read:

443.31 **148.6423 LICENSURE RENEWAL.**

444.1 Subdivision 1. **Renewal requirements.** To be eligible for licensure renewal, a licensee
444.2 must:

444.3 (1) submit a completed and signed application for licensure renewal on forms provided
444.4 by the ~~commissioner~~ board;

444.5 (2) submit the renewal fee required under section 148.6445;

444.6 (3) submit proof of having met the continuing education requirement of section 148.6443
444.7 on forms provided by the ~~commissioner~~ board; and

444.8 (4) submit additional information as requested by the ~~commissioner~~ board to clarify
444.9 information presented in the renewal application. The information must be submitted within
444.10 30 days after the ~~commissioner's~~ board's request.

444.11 Subd. 2. **Renewal deadline.** (a) Except as provided in paragraph (c), licenses must be
444.12 renewed every two years. Licensees must comply with the following procedures in paragraphs
444.13 (b) to (e):

444.14 (b) Each license must state an expiration date. An application for licensure renewal must
444.15 be received by the Department of Health board or postmarked at least 30 calendar days
444.16 before the expiration date. If the postmark is illegible, the application shall be considered
444.17 timely if received at least 21 calendar days before the expiration date.

444.18 (c) If the commissioner board changes the renewal schedule and the expiration date is
444.19 less than two years, the fee and the continuing education contact hours to be reported at the
444.20 next renewal must be prorated.

444.21 (d) An application for licensure renewal not received within the time required under
444.22 paragraph (b), but received on or before the expiration date, must be accompanied by a late
444.23 fee in addition to the renewal fee specified by section 148.6445.

444.24 (e) Licensure renewals received after the expiration date shall not be accepted and persons
444.25 seeking licensed status must comply with the requirements of section 148.6425.

444.26 Subd. 3. **Licensure renewal notice.** At least 60 calendar days before the expiration date
444.27 in subdivision 2, the commissioner board shall mail a renewal notice to the licensee's last
444.28 known address on file with the commissioner board. The notice must include an application
444.29 for licensure renewal and notice of fees required for renewal. The licensee's failure to receive
444.30 notice does not relieve the licensee of the obligation to meet the renewal deadline and other
444.31 requirements for licensure renewal.

444.32 **EFFECTIVE DATE.** This section is effective January 1, 2018.

445.1 Sec. 21. Minnesota Statutes 2016, section 148.6425, subdivision 2, is amended to read:

445.2 Subd. 2. **Licensure renewal after licensure expiration date.** An individual whose
445.3 application for licensure renewal is received after the licensure expiration date must submit
445.4 the following:

445.5 (1) a completed and signed application for licensure following lapse in licensed status
445.6 on forms provided by the commissioner board;

445.7 (2) the renewal fee and the late fee required under section 148.6445;

445.8 (3) proof of having met the continuing education requirements in section 148.6443,
445.9 subdivision 1; and

445.10 (4) additional information as requested by the commissioner board to clarify information
445.11 in the application, including information to determine whether the individual has engaged

- 445.12 in conduct warranting disciplinary action as set forth in section 148.6448. The information
445.13 must be submitted within 30 days after the ~~commissioner's~~ board's request.
- 445.14 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 445.15 Sec. 22. Minnesota Statutes 2016, section 148.6425, subdivision 3, is amended to read:
- 445.16 Subd. 3. **Licensure renewal four years or more after licensure expiration date.** (a)
445.17 An individual who requests licensure renewal four years or more after the licensure expiration
445.18 date must submit the following:
- 445.19 (1) a completed and signed application for licensure on forms provided by the
445.20 ~~commissioner~~ board;
- 445.21 (2) the renewal fee and the late fee required under section 148.6445 if renewal application
445.22 is based on paragraph (b), clause (1), (2), or (3), or the renewal fee required under section
445.23 148.6445 if renewal application is based on paragraph (b), clause (4);
- 445.24 (3) proof of having met the continuing education requirement in section 148.6443,
445.25 subdivision 1, except the continuing education must be obtained in the two years immediately
445.26 preceding application renewal; and
- 445.27 (4) at the time of the next licensure renewal, proof of having met the continuing education
445.28 requirement, which shall be prorated based on the number of months licensed during the
445.29 two-year licensure period.
- 445.30 (b) In addition to the requirements in paragraph (a), the applicant must submit proof of
445.31 one of the following:
- 446.1 (1) verified documentation of successful completion of 160 hours of supervised practice
446.2 approved by the ~~commissioner~~ board as described in paragraph (c);
- 446.3 (2) verified documentation of having achieved a qualifying score on the credentialing
446.4 examination for occupational therapists or the credentialing examination for occupational
446.5 therapy assistants administered within the past year;
- 446.6 (3) documentation of having completed a combination of occupational therapy courses
446.7 or an occupational therapy refresher program that contains both a theoretical and clinical
446.8 component approved by the ~~commissioner~~ board. Only courses completed within one year
446.9 preceding the date of the application or one year after the date of the application qualify for
446.10 approval; or

446.11 (4) evidence that the applicant holds a current and unrestricted credential for the practice
446.12 of occupational therapy in another jurisdiction and that the applicant's credential from that
446.13 jurisdiction has been held in good standing during the period of lapse.

446.14 (c) To participate in a supervised practice as described in paragraph (b), clause (1), the
446.15 applicant shall obtain limited licensure. To apply for limited licensure, the applicant shall
446.16 submit the completed limited licensure application, fees, and agreement for supervision of
446.17 an occupational therapist or occupational therapy assistant practicing under limited licensure
446.18 signed by the supervising therapist and the applicant. The supervising occupational therapist
446.19 shall state the proposed level of supervision on the supervision agreement form provided
446.20 by the commissioner board. The supervising therapist shall determine the frequency and
446.21 manner of supervision based on the condition of the patient or client, the complexity of the
446.22 procedure, and the proficiencies of the supervised occupational therapist. At a minimum, a
446.23 supervising occupational therapist shall be on the premises at all times that the person
446.24 practicing under limited licensure is working; be in the room ten percent of the hours worked
446.25 each week by the person practicing under limited licensure; and provide daily face-to-face
446.26 collaboration for the purpose of observing service competency of the occupational therapist
446.27 or occupational therapy assistant, discussing treatment procedures and each client's response
446.28 to treatment, and reviewing and modifying, as necessary, each treatment plan. The supervising
446.29 therapist shall document the supervision provided. The occupational therapist participating
446.30 in a supervised practice is responsible for obtaining the supervision required under this
446.31 paragraph and must comply with the commissioner's board's requirements for supervision
446.32 during the entire 160 hours of supervised practice. The supervised practice must be completed
446.33 in two months and may be completed at the applicant's place of work.

447.1 (d) In addition to the requirements in paragraphs (a) and (b), the applicant must submit
447.2 additional information as requested by the commissioner board to clarify information in the
447.3 application, including information to determine whether the applicant has engaged in conduct
447.4 warranting disciplinary action as set forth in section 148.6448. The information must be
447.5 submitted within 30 days after the commissioner's board's request.

447.6 **EFFECTIVE DATE.** This section is effective January 1, 2018.

447.7 Sec. 23. Minnesota Statutes 2016, section 148.6428, is amended to read:

447.8 **148.6428 CHANGE OF NAME, ADDRESS, OR EMPLOYMENT.**

447.9 A licensee who changes a name, address, or employment must inform the commissioner
447.10 board, in writing, of the change of name, address, employment, business address, or business
447.11 telephone number within 30 days. A change in name must be accompanied by a copy of a
447.12 marriage certificate or court order. All notices or other correspondence mailed to or served
447.13 on a licensee by the commissioner board at the licensee's address on file with the
447.14 commissioner board shall be considered as having been received by the licensee.

447.15 **EFFECTIVE DATE.** This section is effective January 1, 2018.

447.16 Sec. 24. Minnesota Statutes 2016, section 148.6443, subdivision 5, is amended to read:

447.17 Subd. 5. **Reporting continuing education contact hours.** Within one month following
447.18 licensure expiration, each licensee shall submit verification that the licensee has met the
447.19 continuing education requirements of this section on the continuing education report form
447.20 provided by the ~~commissioner~~ board. The continuing education report form may require
447.21 the following information:

447.22 (1) title of continuing education activity;

447.23 (2) brief description of the continuing education activity;

447.24 (3) sponsor, presenter, or author;

447.25 (4) location and attendance dates;

447.26 (5) number of contact hours; and

447.27 (6) licensee's notarized affirmation that the information is true and correct.

447.28 **EFFECTIVE DATE.** This section is effective January 1, 2018.

448.1 Sec. 25. Minnesota Statutes 2016, section 148.6443, subdivision 6, is amended to read:

448.2 Subd. 6. **Auditing continuing education reports.** (a) The ~~commissioner~~ board may
448.3 audit a percentage of the continuing education reports based on random selection. A licensee
448.4 shall maintain all documentation required by this section for two years after the last day of
448.5 the biennial licensure period in which the contact hours were earned.

448.6 (b) All renewal applications that are received after the expiration date may be subject
448.7 to a continuing education report audit.

448.8 (c) Any licensee against whom a complaint is filed may be subject to a continuing
448.9 education report audit.

448.10 (d) The licensee shall make the following information available to the ~~commissioner~~
448.11 board for auditing purposes:

- 448.12 (1) a copy of the completed continuing education report form for the continuing education
448.13 reporting period that is the subject of the audit including all supporting documentation
448.14 required by subdivision 5;
- 448.15 (2) a description of the continuing education activity prepared by the presenter or sponsor
448.16 that includes the course title or subject matter, date, place, number of program contact hours,
448.17 presenters, and sponsors;
- 448.18 (3) documentation of self-study programs by materials prepared by the presenter or
448.19 sponsor that includes the course title, course description, name of sponsor or author, and
448.20 the number of hours required to complete the program;
- 448.21 (4) documentation of university, college, or vocational school courses by a course
448.22 syllabus, listing in a course bulletin, or equivalent documentation that includes the course
448.23 title, instructor's name, course dates, number of contact hours, and course content, objectives,
448.24 or goals; and
- 448.25 (5) verification of attendance by:
- 448.26 (i) a signature of the presenter or a designee at the continuing education activity on the
448.27 continuing education report form or a certificate of attendance with the course name, course
448.28 date, and licensee's name;
- 448.29 (ii) a summary or outline of the educational content of an audio or video educational
448.30 activity to verify the licensee's participation in the activity if a designee is not available to
448.31 sign the continuing education report form;
- 449.1 (iii) verification of self-study programs by a certificate of completion or other
449.2 documentation indicating that the individual has demonstrated knowledge and has
449.3 successfully completed the program; or
- 449.4 (iv) verification of attendance at a university, college, or vocational course by an official
449.5 transcript.
- 449.6 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 449.7 Sec. 26. Minnesota Statutes 2016, section 148.6443, subdivision 7, is amended to read:
- 449.8 Subd. 7. **Waiver of continuing education requirements.** The ~~commissioner~~ board may
449.9 grant a waiver of the requirements of this section in cases where the requirements would
449.10 impose an extreme hardship on the licensee. The request for a waiver must be in writing,
449.11 state the circumstances that constitute extreme hardship, state the period of time the licensee

449.12 wishes to have the continuing education requirement waived, and state the alternative
449.13 measures that will be taken if a waiver is granted. The ~~commissioner~~ board shall set forth,
449.14 in writing, the reasons for granting or denying the waiver. Waivers granted by the
449.15 ~~commissioner~~ board shall specify, in writing, the time limitation and required alternative
449.16 measures to be taken by the licensee. A request for waiver shall be denied if the ~~commissioner~~
449.17 board finds that the circumstances stated by the licensee do not support a claim of extreme
449.18 hardship, the requested time period for waiver is unreasonable, the alternative measures
449.19 proposed by the licensee are not equivalent to the continuing education activity being waived,
449.20 or the request for waiver is not submitted to the ~~commissioner~~ board within 60 days after
449.21 the expiration date.

449.22 **EFFECTIVE DATE.** This section is effective January 1, 2018.

449.23 Sec. 27. Minnesota Statutes 2016, section 148.6443, subdivision 8, is amended to read:

449.24 Subd. 8. **Penalties for noncompliance.** The ~~commissioner~~ board shall refuse to renew
449.25 or grant, or shall suspend, condition, limit, or qualify the license of any person who the
449.26 ~~commissioner~~ board determines has failed to comply with the continuing education
449.27 requirements of this section. A licensee may request reconsideration of the ~~commissioner's~~
449.28 board's determination of noncompliance or the penalty imposed under this section by making
449.29 a written request to the ~~commissioner~~ board within 30 days of the date of notification to the
449.30 applicant. Individuals requesting reconsideration may submit information that the licensee
449.31 wants considered in the reconsideration.

449.32 **EFFECTIVE DATE.** This section is effective January 1, 2018.

450.1 Sec. 28. Minnesota Statutes 2016, section 148.6445, subdivision 1, is amended to read:

450.2 Subdivision 1. **Initial licensure fee.** The initial licensure fee for occupational therapists
450.3 is \$145. The initial licensure fee for occupational therapy assistants is \$80. The ~~commissioner~~
450.4 board shall prorate fees based on the number of quarters remaining in the biennial licensure
450.5 period.

450.6 **EFFECTIVE DATE.** This section is effective January 1, 2018.

450.7 Sec. 29. Minnesota Statutes 2016, section 148.6445, subdivision 10, is amended to read:

450.8 Subd. 10. **Use of fees.** All fees are nonrefundable. The ~~commissioner~~ board shall only
450.9 use fees collected under this section for the purposes of administering this chapter. The
450.10 legislature must not transfer money generated by these fees from the state government
450.11 special revenue fund to the general fund. ~~Surcharges collected by the commissioner of health~~
450.12 ~~under section 16E.22 are not subject to this subdivision.~~

- 450.13 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 450.14 Sec. 30. Minnesota Statutes 2016, section 148.6448, is amended to read:
- 450.15 **148.6448 GROUNDS FOR DENIAL OF LICENSURE OR DISCIPLINE;**
450.16 **INVESTIGATION PROCEDURES; DISCIPLINARY ACTIONS.**
- 450.17 Subdivision 1. **Grounds for denial of licensure or discipline.** ~~The commissioner~~ board
450.18 may deny an application for licensure, may approve licensure with conditions, or may
450.19 discipline a licensee using any disciplinary actions listed in subdivision 3 on proof that the
450.20 individual has:
- 450.21 (1) intentionally submitted false or misleading information to the commissioner board
450.22 or the advisory council;
- 450.23 (2) failed, within 30 days, to provide information in response to a written request by the
450.24 commissioner board or advisory council;
- 450.25 (3) performed services of an occupational therapist or occupational therapy assistant in
450.26 an incompetent manner or in a manner that falls below the community standard of care;
- 450.27 (4) failed to satisfactorily perform occupational therapy services during a period of
450.28 temporary licensure;
- 450.29 (5) violated sections 148.6401 to 148.6450;
- 451.1 (6) failed to perform services with reasonable judgment, skill, or safety due to the use
451.2 of alcohol or drugs, or other physical or mental impairment;
- 451.3 (7) been convicted of violating any state or federal law, rule, or regulation which directly
451.4 relates to the practice of occupational therapy;
- 451.5 (8) aided or abetted another person in violating any provision of sections 148.6401 to
451.6 148.6450;
- 451.7 (9) been disciplined for conduct in the practice of an occupation by the state of Minnesota,
451.8 another jurisdiction, or a national professional association, if any of the grounds for discipline
451.9 are the same or substantially equivalent to those in sections 148.6401 to 148.6450;
- 451.10 (10) not cooperated with the commissioner or advisory council board in an investigation
451.11 conducted according to subdivision 2;

- 451.12 (11) advertised in a manner that is false or misleading;
- 451.13 (12) engaged in dishonest, unethical, or unprofessional conduct in connection with the
451.14 practice of occupational therapy that is likely to deceive, defraud, or harm the public;
- 451.15 (13) demonstrated a willful or careless disregard for the health, welfare, or safety of a
451.16 client;
- 451.17 (14) performed medical diagnosis or provided treatment, other than occupational therapy,
451.18 without being licensed to do so under the laws of this state;
- 451.19 (15) paid or promised to pay a commission or part of a fee to any person who contacts
451.20 the occupational therapist for consultation or sends patients to the occupational therapist
451.21 for treatment;
- 451.22 (16) engaged in an incentive payment arrangement, other than that prohibited by clause
451.23 (15), that promotes occupational therapy overutilization, whereby the referring person or
451.24 person who controls the availability of occupational therapy services to a client profits
451.25 unreasonably as a result of client treatment;
- 451.26 (17) engaged in abusive or fraudulent billing practices, including violations of federal
451.27 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical
451.28 assistance laws;
- 451.29 (18) obtained money, property, or services from a consumer through the use of undue
451.30 influence, high pressure sales tactics, harassment, duress, deception, or fraud;
- 451.31 (19) performed services for a client who had no possibility of benefiting from the services;
- 452.1 (20) failed to refer a client for medical evaluation when appropriate or when a client
452.2 indicated symptoms associated with diseases that could be medically or surgically treated;
- 452.3 (21) engaged in conduct with a client that is sexual or may reasonably be interpreted by
452.4 the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a
452.5 patient;
- 452.6 (22) violated a federal or state court order, including a conciliation court judgment, or
452.7 a disciplinary order issued by the ~~commissioner~~ board, related to the person's occupational
452.8 therapy practice; or
- 452.9 (23) any other just cause related to the practice of occupational therapy.

452.10 Subd. 2. **Investigation of complaints.** The commissioner, or the advisory council when
452.11 authorized by the commissioner, board may initiate an investigation upon receiving a
452.12 complaint or other oral or written communication that alleges or implies that a person has
452.13 violated sections 148.6401 to 148.6450. In the receipt, investigation, and hearing of a
452.14 complaint that alleges or implies a person has violated sections 148.6401 to 148.6450, the
452.15 commissioner board shall follow the procedures in section 214.10.

452.16 Subd. 3. **Disciplinary actions.** If the commissioner board finds that an occupational
452.17 therapist or occupational therapy assistant should be disciplined according to subdivision
452.18 1, the commissioner board may take any one or more of the following actions:

452.19 (1) refuse to grant or renew licensure;

452.20 (2) approve licensure with conditions;

452.21 (3) revoke licensure;

452.22 (4) suspend licensure;

452.23 (5) any reasonable lesser action including, but not limited to, reprimand or restriction
452.24 on licensure; or

452.25 (6) any action authorized by statute.

452.26 Subd. 4. **Effect of specific disciplinary action on use of title.** Upon notice from the
452.27 commissioner board denying licensure renewal or upon notice that disciplinary actions have
452.28 been imposed and the person is no longer entitled to practice occupational therapy and use
452.29 the occupational therapy and licensed titles, the person shall cease to practice occupational
452.30 therapy, to use titles protected by sections 148.6401 to 148.6450, and to represent to the
452.31 public that the person is licensed by the commissioner board.

453.1 Subd. 5. **Reinstatement requirements after disciplinary action.** A person who has
453.2 had licensure suspended may request and provide justification for reinstatement following
453.3 the period of suspension specified by the commissioner board. The requirements of sections
453.4 148.6423 and 148.6425 for renewing licensure and any other conditions imposed with the
453.5 suspension must be met before licensure may be reinstated.

453.6 Subd. 6. **Authority to contract.** The commissioner board shall contract with the health
453.7 professionals services program as authorized by sections 214.31 to 214.37 to provide these
453.8 services to practitioners under this chapter. The health professionals services program does
453.9 not affect the commissioner's board's authority to discipline violations of sections 148.6401
453.10 to 148.6450.

- 453.11 **EFFECTIVE DATE.** This section is effective January 1, 2018.
- 453.12 Sec. 31. **[148.6449] BOARD OF OCCUPATIONAL THERAPY PRACTICE.**
- 453.13 Subdivision 1. **Creation.** The Board of Occupational Therapy Practice consists of 11
453.14 members appointed by the governor. The members are:
- 453.15 (1) five occupational therapists licensed under sections 148.6401 to 148.6449;
- 453.16 (2) three occupational therapy assistants licensed under sections 148.6401 to 148.6449;
453.17 and
- 453.18 (3) three public members, including two members who have received occupational
453.19 therapy services or have a family member who has received occupational therapy services,
453.20 and one member who is a health care professional or health care provider licensed in
453.21 Minnesota.
- 453.22 Subd. 2. **Qualifications of board members.** (a) The occupational therapy practitioners
453.23 appointed to the board must represent a variety of practice areas and settings.
- 453.24 (b) At least two occupational therapy practitioners must be employed outside the
453.25 seven-county metropolitan area.
- 453.26 (c) Board members shall serve for not more than two consecutive terms.
- 453.27 Subd. 3. **Recommendations for appointment.** Prior to the end of the term of a member
453.28 of the board, or within 60 days after a position on the board becomes vacant, the Minnesota
453.29 Occupational Therapy Association and other interested persons and organizations may
453.30 recommend to the governor members qualified to serve on the board. The governor may
453.31 appoint members to the board from the list of persons recommended or from among other
453.32 qualified candidates.
- 454.1 Subd. 4. **Officers.** The board shall biennially elect from its membership a chair, vice-chair,
454.2 and secretary-treasurer. Each officer shall serve until a successor is elected.
- 454.3 Subd. 5. **Executive director.** The board shall appoint and employ an executive director
454.4 who is not a member of the board. The employment of the executive director shall be subject
454.5 to the terms described in section 214.04, subdivision 2a.
- 454.6 Subd. 6. **Terms; compensation; removal of members.** Membership terms, compensation
454.7 of members, removal of members, the filling of membership vacancies, and fiscal year and
454.8 reporting requirements shall be as provided in chapter 214. The provision of staff.

- 454.9 administrative services, and office space; the review and processing of complaints; the
 454.10 setting of board fees; and other activities relating to board operations shall be conducted
 454.11 according to chapter 214.
- 454.12 **Subd. 7. Duties of the Board of Occupational Therapy Practice.** (a) The board shall:
- 454.13 (1) adopt and enforce rules and laws necessary for licensing occupational therapy
 454.14 practitioners;
- 454.15 (2) adopt and enforce rules for regulating the professional conduct of the practice of
 454.16 occupational therapy;
- 454.17 (3) issue licenses to qualified individuals in accordance with sections 148.6401 to
 454.18 148.6449;
- 454.19 (4) assess and collect fees for the issuance and renewal of licenses;
- 454.20 (5) educate the public about the requirements for licensing occupational therapy
 454.21 practitioners, educate occupational therapy practitioners about the rules of conduct, and
 454.22 enable the public to file complaints against applicants and licensees who may have violated
 454.23 sections 148.6401 to 148.6449; and
- 454.24 (6) investigate individuals engaging in practices that violate sections 148.6401 to
 454.25 148.6449 and take necessary disciplinary, corrective, or other action according to section
 454.26 148.6448.
- 454.27 (b) The board may adopt rules necessary to define standards or carry out the provisions
 454.28 of sections 148.6401 to 148.6449. Rules shall be adopted according to chapter 14.
- 454.29 **EFFECTIVE DATE.** This section is effective January 1, 2018.

242.1 Sec. 7. Minnesota Statutes 2016, section 148.881, is amended to read:

242.2 **148.881 DECLARATION OF POLICY.**

242.3 The practice of psychology in Minnesota affects the public health, safety, and welfare.
 242.4 The regulations in sections 148.88 to 148.98 the Minnesota Psychology Practice Act as
 242.5 enforced by the Board of Psychology protect the public from the practice of psychology by
 242.6 unqualified persons and from unethical or unprofessional conduct by persons licensed to
 242.7 practice psychology through licensure and regulation to promote access to safe, ethical, and
 242.8 competent psychological services.

242.9 Sec. 8. Minnesota Statutes 2016, section 148.89, is amended to read:

242.10 **148.89 DEFINITIONS.**

242.11 Subdivision 1. **Applicability.** For the purposes of sections 148.88 to 148.98, the following
242.12 terms have the meanings given them.

242.13 Subd. 2. **Board of Psychology or board.** "Board of Psychology" or "board" means the
242.14 board established under section 148.90.

242.15 Subd. 2a. **Client.** "Client" means each individual or legal, religious, academic,
242.16 organizational, business, governmental, or other entity that receives, received, or should
242.17 have received, or arranged for another individual or entity to receive services from an
242.18 individual regulated under sections 148.88 to 148.98. Client also means an individual's
242.19 legally authorized representative, such as a parent or guardian. For the purposes of sections
242.20 148.88 to 148.98, "client" may include patient, resident, counselee, evaluatee, and, as limited
242.21 in the rules of conduct, student, supervisee, or research subject. In the case of dual clients,
242.22 the licensee or applicant for licensure must be aware of the responsibilities to each client,
242.23 and of the potential for divergent interests of each client a direct recipient of psychological
242.24 services within the context of a professional relationship that may include a child, adolescent,
242.25 adult, couple, family, group, organization, community, or other entity. The client may be
242.26 the person requesting the psychological services or the direct recipient of the services.

242.27 Subd. 2b. **Credentialed.** "Credentialed" means having a license, certificate, charter,
242.28 registration, or similar authority to practice in an occupation regulated by a governmental
242.29 board or agency.

242.30 Subd. 2c. **Designated supervisor.** "Designated supervisor" means a qualified individual
242.31 who is designated identified and assigned by the primary supervisor to provide additional
242.32 supervision and training to a licensed psychological practitioner or to an individual who is
243.1 obtaining required predegree supervised professional experience or postdegree supervised
243.2 psychological employment.

243.3 Subd. 2d. **Direct services.** "Direct services" means the delivery of preventive, diagnostic,
243.4 assessment, or therapeutic intervention services where the primary purpose is to benefit a
243.5 client who is the direct recipient of the service.

243.6 Subd. 2e. **Full-time employment.** "Full-time employment" means a minimum of 35
243.7 clock hours per week.

243.8 Subd. 3. **Independent practice.** "Independent practice" means the practice of psychology
243.9 without supervision.

243.10 Subd. 3a. **Jurisdiction.** "Jurisdiction" means the United States, United States territories,
243.11 or Canadian provinces or territories.

243.12 Subd. 4. **Licensee.** "Licensee" means a person who is licensed by the board as a licensed
243.13 psychologist or as a licensed psychological practitioner.

243.14 Subd. 4a. **Provider or provider of services.** "Provider" or "provider of services" means
243.15 any individual who is regulated by the board, and includes a licensed psychologist, a licensed
243.16 psychological practitioner, a licensee, or an applicant.

243.17 Subd. 4b. **Primary supervisor.** "Primary supervisor" means a psychologist licensed in
243.18 Minnesota or other qualified individual who provides the principal supervision to a licensed
243.19 psychological practitioner or to an individual who is obtaining required predegree supervised
243.20 professional experience or postdegree supervised psychological employment.

243.21 Subd. 5. **Practice of psychology.** "Practice of psychology" means the observation,
243.22 description, evaluation, interpretation, or prediction, or modification of human behavior by
243.23 the application of psychological principles, methods, or procedures for any reason, including
243.24 to prevent, eliminate, or manage the purpose of preventing, eliminating, evaluating, assessing,
243.25 or predicting symptomatic, maladaptive, or undesired behavior; applying psychological
243.26 principles in legal settings; and to enhance enhancing interpersonal relationships, work, life
243.27 and developmental adjustment, personal and organizational effectiveness, behavioral health,
243.28 and mental health. The practice of psychology includes, but is not limited to, the following
243.29 services, regardless of whether the provider receives payment for the services:

243.30 (1) psychological research and teaching of psychology subject to the exemptions in
243.31 section 148.9075;

243.32 (2) assessment, including psychological testing and other means of evaluating personal
243.33 characteristics such as intelligence, personality, abilities, interests, aptitudes, and
244.1 neuropsychological functioning psychological testing and the evaluation or assessment of
244.2 personal characteristics, such as intelligence, personality, cognitive, physical and emotional
244.3 abilities, skills, interests, aptitudes, and neuropsychological functioning;

244.4 (3) a psychological report, whether written or oral, including testimony of a provider as
244.5 an expert witness, concerning the characteristics of an individual or entity counseling,
244.6 psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;

244.7 (4) psychotherapy, including but not limited to, categories such as behavioral, cognitive,
244.8 emotive, systems, psychophysiological, or insight-oriented therapies; counseling; hypnosis;
244.9 and diagnosis and treatment of;

- 244.10 ~~(i) mental and emotional disorder or disability;~~
- 244.11 ~~(ii) alcohol and substance dependence or abuse;~~
- 244.12 ~~(iii) disorders of habit or conduct;~~
- 244.13 ~~(iv) the psychological aspects of physical illness or condition, accident, injury, or~~
- 244.14 ~~disability, including the psychological impact of medications;~~
- 244.15 ~~(v) life adjustment issues, including work-related and bereavement issues; and~~
- 244.16 ~~(vi) child, family, or relationship issues~~
- 244.17 (4) diagnosis, treatment, and management of mental or emotional disorders or disabilities,
- 244.18 substance use disorders, disorders of habit or conduct, and the psychological aspects of
- 244.19 physical illness, accident, injury, or disability;
- 244.20 (5) psychoeducational services and treatment psychoeducational evaluation, therapy,
- 244.21 and remediation; and
- 244.22 (6) consultation and supervision with physicians, other health care professionals, and
- 244.23 clients regarding available treatment options, including medication, with respect to the
- 244.24 provision of care for a specific client;
- 244.25 (7) provision of direct services to individuals or groups for the purpose of enhancing
- 244.26 individual and organizational effectiveness, using psychological principles, methods, and
- 244.27 procedures to assess and evaluate individuals on personal characteristics for individual
- 244.28 development or behavior change or for making decisions about the individual; and
- 244.29 (8) supervision and consultation related to any of the services described in this
- 244.30 subdivision.
- 245.1 Subd. 6. **Telesupervision.** "Telesupervision" means the clinical supervision of
- 245.2 psychological services through a synchronous audio and video format where the supervisor
- 245.3 is not physically in the same facility as the supervisee.
- 245.4 Sec. 9. Minnesota Statutes 2016, section 148.90, subdivision 1, is amended to read:
- 245.5 Subdivision 1. **Board of Psychology.** (a) The Board of Psychology is created with the
- 245.6 powers and duties described in this section. The board has 11 members who consist of:

- 245.7 (1) ~~three~~ four individuals licensed as licensed psychologists who have doctoral degrees
245.8 in psychology;
- 245.9 (2) two individuals licensed as licensed psychologists who have master's degrees in
245.10 psychology;
- 245.11 (3) two psychologists, not necessarily licensed, ~~one with a~~ who have doctoral degree
245.12 degrees in psychology and ~~one with either a doctoral or master's degree in psychology~~
245.13 representing different training programs in psychology;
- 245.14 (4) ~~one individual licensed or qualified to be licensed as: (i) through December 31, 2010,~~
245.15 ~~a licensed psychological practitioner; and (ii) after December 31, 2010, a licensed~~
245.16 ~~psychologist; and~~
- 245.17 ~~(5)~~ (4) three public members.
- 245.18 (b) After the date on which fewer than 30 percent of the individuals licensed by the
245.19 board as licensed psychologists qualify for licensure under section 148.907, subdivision 3,
245.20 paragraph (b), vacancies filled under paragraph (a), clause (2), shall be filled by an individual
245.21 with either a master's or doctoral degree in psychology licensed or qualified to be licensed
245.22 as a licensed psychologist.
- 245.23 (c) After the date on which fewer than 15 percent of the individuals licensed by the board
245.24 as licensed psychologists qualify for licensure under section 148.907, subdivision 3,
245.25 paragraph (b), vacancies under paragraph (a), clause (2), shall be filled by an individual
245.26 with either a master's or doctoral degree in psychology licensed or qualified to be licensed
245.27 as a licensed psychologist.
- 245.28 Sec. 10. Minnesota Statutes 2016, section 148.90, subdivision 2, is amended to read:
- 245.29 Subd. 2. **Members.** (a) The members of the board shall:
- 245.30 (1) be appointed by the governor;
- 245.31 (2) be residents of the state;
- 246.1 (3) serve for not more than two consecutive terms;
- 246.2 (4) designate the officers of the board; and
- 246.3 (5) administer oaths pertaining to the business of the board.

- 246.4 (b) A public member of the board shall represent the public interest and shall not:
- 246.5 (1) be a psychologist, ~~psychological practitioner~~, or have engaged in the practice of
- 246.6 psychology;
- 246.7 (2) be an applicant or former applicant for licensure;
- 246.8 (3) be a member of another health profession and be licensed by a health-related licensing
- 246.9 board as defined under section 214.01, subdivision 2; the commissioner of health; or licensed,
- 246.10 certified, or registered by another jurisdiction;
- 246.11 (4) be a member of a household that includes a psychologist or ~~psychological practitioner~~;
- 246.12 or
- 246.13 (5) have conflicts of interest or the appearance of conflicts with duties as a board member.
- 246.14 Sec. 11. Minnesota Statutes 2016, section 148.905, subdivision 1, is amended to read:
- 246.15 Subdivision 1. **General.** The board shall:
- 246.16 (1) adopt and enforce rules for licensing psychologists and ~~psychological practitioners~~
- 246.17 and for regulating their professional conduct;
- 246.18 (2) adopt and enforce rules of conduct governing the practice of psychology;
- 246.19 (3) adopt and implement rules for examinations which shall be held at least once a year
- 246.20 to assess applicants' knowledge and skills. The examinations may be written or oral or both,
- 246.21 and may be administered by the board or by institutions or individuals designated by the
- 246.22 board; Before the adoption and implementation of a new national examination, the board
- 246.23 must consider whether the examination:
- 246.24 (i) demonstrates reasonable reliability and external validity;
- 246.25 (ii) is normed on a reasonable representative and diverse national sample; and
- 246.26 (iii) is intended to assess an applicant's education, training, and experience for the purpose
- 246.27 of public protection;
- 246.28 (4) issue licenses to individuals qualified under sections 148.907 and 148.908, 148.909,
- 246.29 148.915, and 148.916, according to the procedures for licensing in Minnesota Rules;

- 246.30 (5) issue copies of the rules for licensing to all applicants;
- 247.1 (6) establish and maintain annually a register of current licenses;
- 247.2 (7) establish and collect fees for the issuance and renewal of licenses and other services
247.3 by the board. Fees shall be set to defray the cost of administering the provisions of sections
247.4 148.88 to 148.98 including costs for applications, examinations, enforcement, materials,
247.5 and the operations of the board;
- 247.6 (8) educate the public about on the requirements for licensing of psychologists and of
247.7 psychological practitioners licenses issued by the board and about on the rules of conduct;
247.8 to;
- 247.9 (9) enable the public to file complaints against applicants or licensees who may have
247.10 violated the Psychology Practice Act; and
- 247.11 ~~(9)~~ (10) adopt and implement requirements for continuing education; and
- 247.12 (11) establish or approve programs that qualify for professional psychology continuing
247.13 educational credit. The board may hire consultants, agencies, or professional psychological
247.14 associations to establish and approve continuing education courses.
- 247.15 Sec. 12. Minnesota Statutes 2016, section 148.907, subdivision 1, is amended to read:
- 247.16 Subdivision 1. **Effective date.** ~~After August 1, 1991,~~ No person shall engage in the
247.17 independent practice of psychology unless that person is licensed as a licensed psychologist
247.18 or is exempt under section 148.9075.
- 247.19 Sec. 13. Minnesota Statutes 2016, section 148.907, subdivision 2, is amended to read:
- 247.20 Subd. 2. **Requirements for licensure as licensed psychologist.** To become licensed
247.21 by the board as a licensed psychologist, an applicant shall comply with the following
247.22 requirements:
- 247.23 (1) pass an examination in psychology;
- 247.24 (2) pass a professional responsibility examination on the practice of psychology;
- 247.25 (3) pass any other examinations as required by board rules;

- 247.26 (4) pay nonrefundable fees to the board for applications, processing, testing, renewals,
247.27 and materials;
- 247.28 (5) have attained the age of majority, be of good moral character, and have no unresolved
247.29 disciplinary action or complaints pending in the state of Minnesota or any other jurisdiction;
- 248.1 (6) have earned a doctoral degree with a major in psychology from a regionally accredited
248.2 educational institution meeting the standards the board has established by rule; and
- 248.3 (7) have completed at least one full year or the equivalent in part time of postdoctoral
248.4 supervised psychological employment in no less than 12 months and no more than 60
248.5 months. If the postdoctoral supervised psychological employment goes beyond 60 months,
248.6 the board may grant a variance to this requirement.
- 248.7 Sec. 14. **[148.9075] EXEMPTIONS TO LICENSE REQUIREMENT.**
- 248.8 Subdivision 1. **General.** (a) Nothing in sections 148.88 to 148.98 shall prevent members
248.9 of other professions or occupations from performing functions for which they are competent
248.10 and properly authorized by law. The following individuals are exempt from the licensure
248.11 requirements of the Minnesota Psychology Practice Act, provided they operate in compliance
248.12 with the stated exemption:
- 248.13 (1) individuals licensed by a health-related licensing board as defined under section
248.14 214.01, subdivision 2, or by the commissioner of health;
- 248.15 (2) individuals authorized as mental health practitioners as defined under section 245.462,
248.16 subdivision 17; and
- 248.17 (3) individuals authorized as mental health professionals under section 245.462,
248.18 subdivision 18.
- 248.19 (b) Any of these individuals must not hold themselves out to the public by any title or
248.20 description stating or implying they are licensed to engage in the practice of psychology
248.21 unless they are licensed under sections 148.88 to 148.98 or are using a title in compliance
248.22 with section 148.96.
- 248.23 Subd. 2. **Business or industrial organization.** Nothing in sections 148.88 to 148.98
248.24 shall prevent the use of psychological techniques by a business or industrial organization
248.25 for its own personnel purposes or by an employment agency or state vocational rehabilitation
248.26 agency for the evaluation of the agency's clients prior to a recommendation for employment.
248.27 However, a representative of an industrial or business firm or corporation may not sell,

248.28 offer, or provide psychological services as specified in section 148.89, unless the services
 248.29 are performed or supervised by an individual licensed under sections 148.88 to 148.98.

248.30 Subd. 3. **School psychologist.** (a) Nothing in sections 148.88 to 148.98 shall be construed
 248.31 to prevent a person who holds a license or certificate issued by the State Board of Teaching
 248.32 in accordance with chapters 122A and 129 from practicing school psychology within the
 248.33 scope of employment if authorized by a board of education or by a private school that meets
 249.1 the standards prescribed by the State Board of Teaching, or from practicing as a school
 249.2 psychologist within the scope of employment in a program for children with disabilities.

249.3 (b) Any person exempted under this subdivision shall not offer psychological services
 249.4 to any other individual, organization, or group for remuneration, monetary or otherwise,
 249.5 unless the person is licensed by the Board of Psychology under sections 148.88 to 148.98.

249.6 Subd. 4. **Clergy or religious officials.** Nothing in sections 148.88 to 148.98 shall be
 249.7 construed to prevent recognized religious officials, including ministers, priests, rabbis,
 249.8 imams, Christian Science practitioners, and other persons recognized by the board, from
 249.9 conducting counseling activities that are within the scope of the performance of their regular
 249.10 recognizable religious denomination or sect, as defined in current federal tax regulations,
 249.11 if the religious official does not refer to the official's self as a psychologist and the official
 249.12 remains accountable to the established authority of the religious denomination or sect.

249.13 Subd. 5. **Teaching and research.** Nothing in sections 148.88 to 148.98 shall be construed
 249.14 to prevent a person employed in a secondary, postsecondary, or graduate institution from
 249.15 teaching and conducting research in psychology within an educational institution that is
 249.16 recognized by a regional accrediting organization or by a federal, state, county, or local
 249.17 government institution, agency, or research facility, so long as:

249.18 (1) the institution, agency, or facility provides appropriate oversight mechanisms to
 249.19 ensure public protections; and

249.20 (2) the person is not providing direct clinical services to a client or clients as defined in
 249.21 sections 148.88 to 148.98.

249.22 Subd. 6. **Psychologist in disaster or emergency relief.** Nothing in sections 148.88 to
 249.23 148.98 shall be construed to prevent a psychologist sent to this state for the sole purpose of
 249.24 responding to a disaster or emergency relief effort of the state government, the federal
 249.25 government, the American Red Cross, or other disaster or emergency relief organization as
 249.26 long as the psychologist is not practicing in Minnesota longer than 30 days and the sponsoring
 249.27 organization can certify the psychologist's assignment to this state. The board or its designee,
 249.28 at its discretion, may grant an extension to the 30-day time limitation of this subdivision.

249.29 Subd. 7. **Psychological consultant.** A license under sections 148.88 to 148.98 is not
249.30 required by a nonresident of the state, serving as an expert witness, organizational consultant,
249.31 presenter, or educator on a limited basis provided the person is appropriately trained,
249.32 educated, or has been issued a license, certificate, or registration by another jurisdiction.

250.1 Subd. 8. **Students.** Nothing in sections 148.88 to 148.98 shall prohibit the practice of
250.2 psychology under qualified supervision by a practicum psychology student, a predoctoral
250.3 psychology intern, or an individual who has earned a doctoral degree in psychology and is
250.4 in the process of completing their postdoctoral supervised psychological employment. A
250.5 student trainee or intern shall use the titles as required under section 148.96, subdivision 3.

250.6 Subd. 9. **Other professions.** Nothing in sections 148.88 to 148.98 shall be construed to
250.7 authorize a person licensed under sections 148.88 to 148.98 to engage in the practice of any
250.8 profession regulated under Minnesota law, unless the individual is duly licensed or registered
250.9 in that profession.

250.10 Sec. 15. **[148.9077] RELICENSURE.**

250.11 A former licensee may apply to the board for licensure after complying with all laws
250.12 and rules required for applicants for licensure that were in effect on the date the initial
250.13 Minnesota license was granted. The former licensee must verify to the board that the former
250.14 licensee has not engaged in the practice of psychology in this state since the last date of
250.15 active licensure, except as permitted under statutory licensure exemption, and must submit
250.16 a fee for relicensure.

250.17 Sec. 16. Minnesota Statutes 2016, section 148.9105, subdivision 1, is amended to read:

250.18 Subdivision 1. **Application.** Retired providers who are licensed or were formerly licensed
250.19 to practice psychology in the state according to the Minnesota Psychology Practice Act may
250.20 apply to the board for psychologist emeritus registration or ~~psychological practitioner~~
250.21 ~~emeritus registration~~ if they declare that they are retired from the practice of psychology in
250.22 Minnesota, have not been the subject of disciplinary action in any jurisdiction, and have no
250.23 unresolved complaints in any jurisdiction. Retired providers shall complete the necessary
250.24 forms provided by the board and pay a onetime, nonrefundable fee of \$150 at the time of
250.25 application.

250.26 Sec. 17. Minnesota Statutes 2016, section 148.9105, subdivision 4, is amended to read:

250.27 Subd. 4. **Documentation of status.** A provider granted emeritus registration shall receive
250.28 a document certifying that emeritus status has been granted by the board and that the
250.29 registrant has completed the registrant's active career as a psychologist or ~~psychological~~
250.30 ~~practitioner~~ licensed in good standing with the board.

251.1 Sec. 18. Minnesota Statutes 2016, section 148.9105, subdivision 5, is amended to read:

251.2 Subd. 5. **Representation to public.** In addition to the descriptions allowed in section
251.3 148.96, subdivision 3, paragraph (e), former licensees who have been granted emeritus
251.4 registration may represent themselves as "psychologist emeritus" or "psychological
251.5 practitioner emeritus," but shall not represent themselves or allow themselves to be
251.6 represented to the public as "licensed" or otherwise as current licensees of the board.

251.7 Sec. 19. Minnesota Statutes 2016, section 148.916, subdivision 1, is amended to read:

251.8 Subdivision 1. **Generally.** ~~If (a) A nonresident of the state of Minnesota; who is not~~
251.9 ~~seeking licensure in this state; and who has been issued a license, certificate, or registration~~
251.10 ~~by another jurisdiction to practice psychology at the doctoral level, wishes and who intends~~
251.11 ~~to practice in Minnesota for more than seven calendar 30 days, the person shall apply to the~~
251.12 ~~board for guest licensure, provided that. The psychologist's practice in Minnesota is limited~~
251.13 ~~to no more than nine consecutive months per calendar year. Application under this section~~
251.14 ~~shall be made no less than 30 days prior to the expected date of practice in Minnesota and~~
251.15 ~~shall be subject to approval by the board or its designee. The board shall charge a~~
251.16 ~~nonrefundable fee for guest licensure. The board shall adopt rules to implement this section.~~

251.17 (b) To be eligible for licensure under this section, the applicant must:

251.18 (1) have a license, certification, or registration to practice psychology from another
251.19 jurisdiction;

251.20 (2) have a doctoral degree in psychology from a regionally accredited institution;

251.21 (3) be of good moral character;

251.22 (4) have no pending complaints or active disciplinary or corrective actions in any
251.23 jurisdiction;

251.24 (5) pass a professional responsibility examination designated by the board; and

251.25 (6) pay a fee to the board.

251.26 Sec. 20. Minnesota Statutes 2016, section 148.916, subdivision 1a, is amended to read:

251.27 Subd. 1a. **Applicants for licensure.** (a) An applicant who is seeking licensure in this
251.28 state, and who, at the time of application, is licensed, certified, or registered to practice
251.29 psychology in another jurisdiction at the doctoral level may apply to the board for guest
251.30 licensure in order to begin practicing psychology in this state while their application is being

- 252.1 processed if the applicant is of good moral character and has no complaints, corrective, or
 252.2 disciplinary action pending in any jurisdiction.
- 252.3 (b) Application under this ~~section~~ subdivision shall be made no less than 30 days prior
 252.4 to the expected date of practice in this state, and must be made concurrently or after
 252.5 submission of an application for licensure as a licensed psychologist if applicable.
 252.6 Applications under this ~~section~~ subdivision are subject to approval by the board or its
 252.7 designee. The board shall charge a fee for guest licensure under this subdivision.
- 252.8 ~~(b) The board shall charge a nonrefundable fee for guest licensure under this subdivision.~~
- 252.9 (c) A guest license issued under this subdivision shall be valid for one year from the
 252.10 date of issuance, or until the board has either issued a license or has denied the applicant's
 252.11 application for licensure, whichever is earlier. Guest licenses issued under this ~~section~~
 252.12 subdivision may be renewed annually until the board has denied the applicant's application
 252.13 for licensure.
- 252.14 Sec. 21. Minnesota Statutes 2016, section 148.925, is amended to read:
 252.15 **148.925 SUPERVISION.**
- 252.16 Subdivision 1. **Supervision.** For the purpose of meeting the requirements of ~~this section~~
 252.17 the Minnesota Psychology Practice Act, supervision means documented in-person
 252.18 consultation, ~~which may include interactive, visual electronic communication, between~~
 252.19 ~~either: (1) a primary supervisor and a licensed psychological practitioner; or (2) a that~~
 252.20 employs a collaborative relationship that has both facilitative and evaluative components
 252.21 with the goal of enhancing the professional competence and science, and practice-informed
 252.22 professional work of the supervisee. Supervision may include telesupervision between
 252.23 primary or designated ~~supervisor~~ supervisors and ~~an applicant for licensure as a licensed~~
 252.24 ~~psychologist~~ the supervisee. The supervision shall be adequate to assure the quality and
 252.25 competence of the activities supervised. Supervisory consultation shall include discussions
 252.26 on the nature and content of the practice of the supervisee, including, but not limited to, a
 252.27 review of a representative sample of psychological services in the supervisee's practice.
- 252.28 Subd. 2. **Postdegree supervised psychological employment.** Postdegree supervised
 252.29 psychological employment means required paid or volunteer work experience and postdegree
 252.30 training of an individual seeking to be licensed as a licensed psychologist that involves the
 252.31 professional oversight by a primary supervisor and satisfies the supervision requirements
 252.32 in ~~subdivisions 3 and 5~~ the Minnesota Psychology Practice Act.
- 253.1 Subd. 3. **Individuals qualified to provide supervision.** ~~(a) Supervision of a master's~~
 253.2 ~~level applicant for licensure as a licensed psychologist shall be provided by an individual;~~

- 253.3 ~~(1) who is a psychologist licensed in Minnesota with competence both in supervision~~
 253.4 ~~in the practice of psychology and in the activities being supervised;~~
- 253.5 ~~(2) who has a doctoral degree with a major in psychology, who is employed by a~~
 253.6 ~~regionally accredited educational institution or employed by a federal, state, county, or local~~
 253.7 ~~government institution, agency, or research facility, and who has competence both in~~
 253.8 ~~supervision in the practice of psychology and in the activities being supervised, provided~~
 253.9 ~~the supervision is being provided and the activities being supervised occur within that~~
 253.10 ~~regionally accredited educational institution or federal, state, county, or local government~~
 253.11 ~~institution, agency, or research facility;~~
- 253.12 ~~(3) who is licensed or certified as a psychologist in another jurisdiction and who has~~
 253.13 ~~competence both in supervision in the practice of psychology and in the activities being~~
 253.14 ~~supervised; or~~
- 253.15 ~~(4) who, in the case of a designated supervisor, is a master's or doctorally prepared~~
 253.16 ~~mental health professional.~~
- 253.17 ~~(b) Supervision of a doctoral level applicant for licensure as a licensed psychologist~~
 253.18 ~~shall be provided by an individual:~~
- 253.19 ~~(1) who is a psychologist licensed in Minnesota with a doctoral degree and competence~~
 253.20 ~~both in supervision in the practice of psychology and in the activities being supervised;~~
- 253.21 ~~(2) who has a doctoral degree with a major in psychology, who is employed by a~~
 253.22 ~~regionally accredited educational institution or is employed by a federal, state, county, or~~
 253.23 ~~local government institution, agency, or research facility, and who has competence both in~~
 253.24 ~~supervision in the practice of psychology and in the activities being supervised, provided~~
 253.25 ~~the supervision is being provided and the activities being supervised occur within that~~
 253.26 ~~regionally accredited educational institution or federal, state, county, or local government~~
 253.27 ~~institution, agency, or research facility;~~
- 253.28 ~~(3) who is licensed or certified as a psychologist in another jurisdiction and who has~~
 253.29 ~~competence both in supervision in the practice of psychology and in the activities being~~
 253.30 ~~supervised;~~
- 253.31 ~~(4) who is a psychologist licensed in Minnesota who was licensed before August 1,~~
 253.32 ~~1991, with competence both in supervision in the practice of psychology and in the activities~~
 253.33 ~~being supervised; or~~
- 254.1 ~~(5) who, in the case of a designated supervisor, is a master's or doctorally prepared~~
 254.2 ~~mental health professional.~~

254.3 ~~Subd. 4. **Supervisory consultation for a licensed psychological practitioner.**~~
 254.4 ~~Supervisory consultation between a supervising licensed psychologist and a supervised~~
 254.5 ~~licensed psychological practitioner shall be at least one hour in duration and shall occur on~~
 254.6 ~~an individual, in-person basis. A minimum of one hour of supervision per month is required~~
 254.7 ~~for the initial 20 or fewer hours of psychological services delivered per month. For each~~
 254.8 ~~additional 20 hours of psychological services delivered per month, an additional hour of~~
 254.9 ~~supervision per month is required. When more than 20 hours of psychological services are~~
 254.10 ~~provided in a week, no more than one hour of supervision is required per week.~~

254.11 Subd. 5. **Supervisory consultation for an applicant for licensure as a licensed**
 254.12 **psychologist.** Supervision of an applicant for licensure as a licensed psychologist shall
 254.13 include at least two hours of regularly scheduled in-person consultations per week for
 254.14 full-time employment, one hour of which shall be with the supervisor on an individual basis.
 254.15 The remaining hour may be with a designated supervisor. The board may approve an
 254.16 exception to the weekly supervision requirement for a week when the supervisor was ill or
 254.17 otherwise unable to provide supervision. The board may prorate the two hours per week of
 254.18 supervision for individuals preparing for licensure on a part-time basis. Supervised
 254.19 psychological employment does not qualify for licensure when the supervisory consultation
 254.20 is not adequate as described in subdivision 1, or in the board rules.

254.21 Subd. 6. **Supervisee duties.** ~~Individuals~~ Applicants preparing for licensure as a licensed
 254.22 psychologist during their postdegree supervised psychological employment may perform
 254.23 as part of their training any ~~functions~~ of the services specified in section 148.89, subdivision
 254.24 5, but only under qualified supervision.

254.25 Subd. 7. **Variance from supervision requirements.** (a) ~~An applicant for licensure as~~
 254.26 ~~a licensed psychologist who entered supervised employment before August 1, 1991, may~~
 254.27 ~~request a variance from the board from the supervision requirements in this section in order~~
 254.28 ~~to continue supervision under the board rules in effect before August 1, 1991.~~

254.29 (b) ~~After a licensed psychological practitioner has completed two full years, or the~~
 254.30 ~~equivalent, of supervised post-master's degree employment meeting the requirements of~~
 254.31 ~~subdivision 5 as it relates to preparation for licensure as a licensed psychologist, the board~~
 254.32 ~~shall grant a variance from the supervision requirements of subdivision 4 or 5 if the licensed~~
 254.33 ~~psychological practitioner presents evidence of:~~

255.1 (1) ~~endorsement for specific areas of competency by the licensed psychologist who~~
 255.2 ~~provided the two years of supervision;~~

255.3 (2) ~~employment by a hospital or by a community mental health center or nonprofit mental~~
 255.4 ~~health clinic or social service agency providing services as a part of the mental health service~~
 255.5 ~~plan required by the Comprehensive Mental Health Act;~~

- 255.6 ~~(3) the employer's acceptance of clinical responsibility for the care provided by the~~
 255.7 ~~licensed psychological practitioner; and~~
- 255.8 ~~(4) a plan for supervision that includes at least one hour of regularly scheduled individual~~
 255.9 ~~in-person consultations per week for full-time employment. The board may approve an~~
 255.10 ~~exception to the weekly supervision requirement for a week when the supervisor was ill or~~
 255.11 ~~otherwise unable to provide supervision.~~
- 255.12 ~~(e) Following the granting of a variance under paragraph (b), and completion of two~~
 255.13 ~~additional full years or the equivalent of supervision and post-master's degree employment~~
 255.14 ~~meeting the requirements of paragraph (b), the board shall grant a variance to a licensed~~
 255.15 ~~psychological practitioner who presents evidence of:~~
- 255.16 ~~(1) endorsement for specific areas of competency by the licensed psychologist who~~
 255.17 ~~provided the two years of supervision under paragraph (b);~~
- 255.18 ~~(2) employment by a hospital or by a community mental health center or nonprofit mental~~
 255.19 ~~health clinic or social service agency providing services as a part of the mental health service~~
 255.20 ~~plan required by the Comprehensive Mental Health Act;~~
- 255.21 ~~(3) the employer's acceptance of clinical responsibility for the care provided by the~~
 255.22 ~~licensed psychological practitioner; and~~
- 255.23 ~~(4) a plan for supervision which includes at least one hour of regularly scheduled~~
 255.24 ~~individual in-person supervision per month.~~
- 255.25 ~~(d) The variance allowed under this section must be deemed to have been granted to an~~
 255.26 ~~individual who previously received a variance under paragraph (b) or (c) and is seeking a~~
 255.27 ~~new variance because of a change of employment to a different employer or employment~~
 255.28 ~~setting. The deemed variance continues until the board either grants or denies the variance.~~
 255.29 ~~An individual who has been denied a variance under this section is entitled to seek~~
 255.30 ~~reconsideration by the board.~~
- 256.1 Sec. 22. Minnesota Statutes 2016, section 148.96, subdivision 3, is amended to read:
- 256.2 Subd. 3. **Requirements for representations to public.** (a) Unless licensed under sections
 256.3 148.88 to 148.98, except as provided in paragraphs (b) through (e), persons shall not represent
 256.4 themselves or permit themselves to be represented to the public by:
- 256.5 (1) using any title or description of services incorporating the words "psychology,"
 256.6 "psychological," "psychological practitioner," or "psychologist"; or

- 256.7 (2) representing that the person has expert qualifications in an area of psychology.
- 256.8 (b) Psychologically trained individuals who are employed by an educational institution
 256.9 recognized by a regional accrediting organization, by a federal, state, county, or local
 256.10 government institution, agency, or research facility, may represent themselves by the title
 256.11 designated by that organization provided that the title does not indicate that the individual
 256.12 is credentialed by the board.
- 256.13 (c) A psychologically trained individual from an institution described in paragraph (b)
 256.14 may offer lecture services and is exempt from the provisions of this section.
- 256.15 (d) A person who is preparing for the practice of psychology under supervision in
 256.16 accordance with board statutes and rules may be designated as a "psychological intern,"
 256.17 "psychology fellow," "psychological trainee," or by other terms clearly describing the
 256.18 person's training status.
- 256.19 (e) Former licensees who are completely retired from the practice of psychology may
 256.20 represent themselves using the descriptions in paragraph (a), clauses (1) and (2), but shall
 256.21 not represent themselves or allow themselves to be represented as current licensees of the
 256.22 board.
- 256.23 ~~(f) Nothing in this section shall be construed to prohibit the practice of school psychology~~
 256.24 ~~by a person licensed in accordance with chapters 122A and 129.~~
- 256.25 Sec. 23. Minnesota Statutes 2016, section 148B.53, subdivision 1, is amended to read:
- 256.26 Subdivision 1. **General requirements.** (a) To be licensed as a licensed professional
 256.27 counselor (LPC), an applicant must provide evidence satisfactory to the board that the
 256.28 applicant:
- 256.29 (1) is at least 18 years of age;
- 256.30 (2) is of good moral character;
- 257.1 (3) has completed a master's or doctoral degree program in counseling or a related field,
 257.2 as determined by the board based on the criteria in paragraph (b), that includes a minimum
 257.3 of 48 semester hours or 72 quarter hours and a supervised field experience of not fewer than
 257.4 700 hours that is counseling in nature;
- 257.5 (4) has submitted to the board a plan for supervision during the first 2,000 hours of
 257.6 professional practice or has submitted proof of supervised professional practice that is
 257.7 acceptable to the board; and

257.8 (5) has demonstrated competence in professional counseling by passing the National
 257.9 Counseling Exam (NCE) administered by the National Board for Certified Counselors, Inc.
 257.10 (NBCC) or an equivalent national examination as determined by the board, and ethical,
 257.11 oral, and situational examinations if prescribed by the board.

257.12 (b) The degree described in paragraph (a), clause (3), must be from a counseling program
 257.13 recognized by the Council for Accreditation of Counseling and Related Education Programs
 257.14 (CACREP) or from an institution of higher education that is accredited by a regional
 257.15 accrediting organization recognized by the Council for Higher Education Accreditation
 257.16 (CHEA). Specific academic course content and training must include course work in each
 257.17 of the following subject areas:

257.18 (1) the helping relationship, including counseling theory and practice;

257.19 (2) human growth and development;

257.20 (3) lifestyle and career development;

257.21 (4) group dynamics, processes, counseling, and consulting;

257.22 (5) assessment and appraisal;

257.23 (6) social and cultural foundations, including multicultural issues;

257.24 (7) principles of etiology, treatment planning, and prevention of mental and emotional
 257.25 disorders and dysfunctional behavior;

257.26 (8) family counseling and therapy;

257.27 (9) research and evaluation; and

257.28 (10) professional counseling orientation and ethics.

257.29 ~~(e) To be licensed as a professional counselor, a psychological practitioner licensed~~
 257.30 ~~under section 148.908 need only show evidence of licensure under that section and is not~~
 257.31 ~~required to comply with paragraph (a), clauses (1) to (3) and (5), or paragraph (b).~~

258.1 ~~(d)~~ (c) To be licensed as a professional counselor, a Minnesota licensed psychologist
 258.2 need only show evidence of licensure from the Minnesota Board of Psychology and is not
 258.3 required to comply with paragraph (a) or (b).

258.4 Sec. 24. Minnesota Statutes 2016, section 150A.06, subdivision 3, is amended to read:

258.5 Subd. 3. **Waiver of examination.** (a) All or any part of the examination for dentists ~~or~~
 258.6 ~~dental therapists, dental hygienists, or dental assistants,~~ except that pertaining to the law of
 258.7 Minnesota relating to dentistry and the rules of the board, may, at the discretion of the board,
 258.8 be waived for an applicant who presents a certificate of having passed all components of
 258.9 the National Board Dental Examinations or evidence of having maintained an adequate
 258.10 scholastic standing as determined by the board, ~~in dental school as to dentists, or dental~~
 258.11 ~~hygiene school as to dental hygienists.~~

258.12 (b) The board shall waive the clinical examination required for licensure for any dentist
 258.13 applicant who is a graduate of a dental school accredited by the Commission on Dental
 258.14 Accreditation, who has passed all components of the National Board Dental Examinations,
 258.15 and who has satisfactorily completed a Minnesota-based postdoctoral general dentistry
 258.16 residency program (GPR) or an advanced education in general dentistry (AEGD) program
 258.17 after January 1, 2004. The postdoctoral program must be accredited by the Commission on
 258.18 Dental Accreditation, be of at least one year's duration, and include an outcome assessment
 258.19 evaluation assessing the resident's competence to practice dentistry. The board may require
 258.20 the applicant to submit any information deemed necessary by the board to determine whether
 258.21 the waiver is applicable.

258.22 Sec. 25. Minnesota Statutes 2016, section 150A.06, subdivision 8, is amended to read:

258.23 Subd. 8. **Licensure by credentials.** (a) Any dental assistant may, upon application and
 258.24 payment of a fee established by the board, apply for licensure based on an evaluation of the
 258.25 applicant's education, experience, and performance record in lieu of completing a
 258.26 board-approved dental assisting program for expanded functions as defined in rule, and
 258.27 may be interviewed by the board to determine if the applicant:

258.28 (1) has graduated from an accredited dental assisting program accredited by the
 258.29 Commission on Dental Accreditation, ~~or~~ and is currently certified by the Dental Assisting
 258.30 National Board;

258.31 (2) is not subject to any pending or final disciplinary action in another state or Canadian
 258.32 province, or if not currently certified or registered, previously had a certification or
 259.1 registration in another state or Canadian province in good standing that was not subject to
 259.2 any final or pending disciplinary action at the time of surrender;

259.3 (3) is of good moral character and abides by professional ethical conduct requirements;

259.4 (4) at board discretion, has passed a board-approved English proficiency test if English
 259.5 is not the applicant's primary language; and

259.6 (5) has met all expanded functions curriculum equivalency requirements of a Minnesota
259.7 board-approved dental assisting program.

259.8 (b) The board, at its discretion, may waive specific licensure requirements in paragraph
259.9 (a).

259.10 (c) An applicant who fulfills the conditions of this subdivision and demonstrates the
259.11 minimum knowledge in dental subjects required for licensure under subdivision 2a must
259.12 be licensed to practice the applicant's profession.

259.13 (d) If the applicant does not demonstrate the minimum knowledge in dental subjects
259.14 required for licensure under subdivision 2a, the application must be denied. If licensure is
259.15 denied, the board may notify the applicant of any specific remedy that the applicant could
259.16 take which, when passed, would qualify the applicant for licensure. A denial does not
259.17 prohibit the applicant from applying for licensure under subdivision 2a.

259.18 (e) A candidate whose application has been denied may appeal the decision to the board
259.19 according to subdivision 4a.

259.20 Sec. 26. Minnesota Statutes 2016, section 150A.10, subdivision 4, is amended to read:

259.21 Subd. 4. **Restorative procedures.** (a) Notwithstanding subdivisions 1, 1a, and 2, a
259.22 licensed dental hygienist or licensed dental assistant may perform the following restorative
259.23 procedures:

259.24 (1) place, contour, and adjust amalgam restorations;

259.25 (2) place, contour, and adjust glass ionomer;

259.26 (3) adapt and cement stainless steel crowns; and

259.27 (4) place, contour, and adjust class I and class V supragingival composite restorations
259.28 where the margins are entirely within the enamel; and

259.29 ~~(5) (4) place, contour, and adjust class I, II, and class V supragingival composite~~
259.30 restorations on primary teeth and permanent dentition.

259.31 (b) The restorative procedures described in paragraph (a) may be performed only if:

260.1 (1) the licensed dental hygienist or licensed dental assistant has completed a
260.2 board-approved course on the specific procedures;

260.3 (2) the board-approved course includes a component that sufficiently prepares the licensed
 260.4 dental hygienist or licensed dental assistant to adjust the occlusion on the newly placed
 260.5 restoration;

260.6 (3) a licensed dentist or licensed advanced dental therapist has authorized the procedure
 260.7 to be performed; and

260.8 (4) a licensed dentist or licensed advanced dental therapist is available in the clinic while
 260.9 the procedure is being performed.

260.10 (c) The dental faculty who teaches the educators of the board-approved courses specified
 260.11 in paragraph (b) must have prior experience teaching these procedures in an accredited
 260.12 dental education program.

260.13 Sec. 27. **[181.987] HEALTH CARE PRACTITIONER RESTRICTIVE COVENANTS**
 260.14 **VOID.**

260.15 Subdivision 1. **Health care practitioner.** For the purposes of this section, "health care
 260.16 practitioner" means a physician licensed under chapter 147, a physician assistant licensed
 260.17 under chapter 147A and acting within the authorized scope of practice, or an advanced
 260.18 practice registered nurse licensed under sections 148.171 to 148.285.

260.19 Subd. 2. **Health care practitioner restrictive covenants.** Any contract by which a
 260.20 health care practitioner is restrained from engaging in a lawful profession, trade, or business
 260.21 of any kind, within Wabasha County, is to that extent void and unenforceable.

260.22 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 260.23 applies to a contract in effect on, or entered into on or after, that date.

455.1 Sec. 32. Minnesota Statutes 2016, section 214.01, subdivision 2, is amended to read:

455.2 Subd. 2. **Health-related licensing board.** "Health-related licensing board" means the
 455.3 Board of Examiners of Nursing Home Administrators established pursuant to section
 455.4 144A.19, the Office of Unlicensed Complementary and Alternative Health Care Practice
 455.5 established pursuant to section 146A.02, the Board of Medical Practice created pursuant to
 455.6 section 147.01, the Board of Nursing created pursuant to section 148.181, the Board of
 455.7 Chiropractic Examiners established pursuant to section 148.02, the Board of Optometry
 455.8 established pursuant to section 148.52, the Board of Occupational Therapy Practice
 455.9 established pursuant to section 148.6449, the Board of Physical Therapy established pursuant
 455.10 to section 148.67, the Board of Psychology established pursuant to section 148.90, the Board
 455.11 of Social Work pursuant to section 148E.025, the Board of Marriage and Family Therapy
 455.12 pursuant to section 148B.30, the Board of Behavioral Health and Therapy established by
 455.13 section 148B.51, the Board of Dietetics and Nutrition Practice established under section

455.14 148.622, the Board of Dentistry established pursuant to section 150A.02, the Board of
455.15 Pharmacy established pursuant to section 151.02, the Board of Podiatric Medicine established
455.16 pursuant to section 153.02, and the Board of Veterinary Medicine established pursuant to
455.17 section 156.01.

455.18 **EFFECTIVE DATE.** This section is effective January 1, 2018.

455.19 Sec. 33. **BOARD OF OCCUPATIONAL THERAPY PRACTICE.**

455.20 The governor shall appoint all members to the Board of Occupational Therapy Practice
455.21 under Minnesota Statutes, section 148.6449, by October 1, 2017. The governor shall designate
455.22 one member of the board to convene the first meeting of the board by November 1, 2017.
455.23 The board shall elect officers at its first meeting.

455.24 **EFFECTIVE DATE.** This section is effective July 1, 2017.

455.25 Sec. 34. **REVISOR'S INSTRUCTION.**

455.26 In Minnesota Statutes, the revisor of statutes shall replace references to Minnesota
455.27 Statutes, section 148.6450, with Minnesota Statutes, section 148.6449.

455.28 **EFFECTIVE DATE.** This section is effective January 1, 2018.

455.29 Sec. 35. **REPEALER.**

455.30 (a) Minnesota Statutes 2016, sections 147A.21; 147B.08, subdivisions 1, 2, and 3;
455.31 147C.40, subdivisions 1, 2, 3, and 4; 148.6402, subdivision 2; and 148.6450, are repealed.

456.1 (b) Minnesota Rules, part 5600.2500, is repealed.

456.2 **EFFECTIVE DATE.** This section is effective January 1, 2018.

260.24 Sec. 28. **REVISOR'S INSTRUCTION.**

260.25 The revisor of statutes shall change the headnote of Minnesota Statutes, section 147.0375,
260.26 to read "LICENSURE OF EMINENT PHYSICIANS."

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

261.1 Sec. 29. **REPEALER.**

261.2 Minnesota Statutes 2016, sections 147.0375, subdivision 7; 148.211, subdivision 1b;

261.3 148.243, subdivision 15; 148.906; 148.907, subdivision 5; 148.908; 148.909, subdivision

261.4 7; and 148.96, subdivisions 4 and 5, are repealed.

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