

fore November 15 of each even numbered year, its findings relative to the costs, methods of financing, and the formula to be used to provide supplementary compensation to workers who have been determined permanently and totally disabled prior to July 1, 1969, and its findings relative to alterations in the scheduled benefits for permanent partially disabled, and other aspects of the Workmen's Compensation Act.

Sec. 3. [175.007] [Subd. 3.] The advisory committee voting members shall serve at the pleasure of the governor and shall be paid \$25 per diem and each shall be allowed his actual and necessary travel expense.

Approved June 4, 1969.

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#### CHAPTER 927—H. F. No. 1100

*An act relating to the practice of occupations and professions regulated by the state board of medical examiners; licensing procedure and requirements; amending Minnesota Statutes 1967, Sections 147.01; 147.02; 147.05; 147.16; 148.32; 148.41; and 148.75.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 147.01, is amended to read:

**147.01 State board of medical examiners; administration and licensing.** The Minnesota state board of medical examiners shall consist of eight members, residents of the state of Minnesota, appointed by the governor as hereinafter provided (a) seven of whom shall hold a degree of doctor of medicine and be licensed to practice medicine under Minnesota Statutes ~~1961~~, Chapter 147 and (b) one of whom shall hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under Minnesota Statutes ~~1961~~, Chapter 147. The term of office of each of the seven members who shall be serving on the board on May 1, 1963, shall continue for the term for which each was appointed and until his successor shall qualify, one such member's term continuing until May 1, 1963; one such member's term continuing until May 1, 1964; one such member's term continuing until May 1, 1965; one such member's term continuing until May 1, 1966; one such member's term continuing until May 1, 1967; one

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such member's term continuing until May 1, 1968; and one such member's term continuing until May 1, 1969. The term of the initial member of the board appointed pursuant to clause (b) of the first sentence of this section shall expire on May 1, 1970. The term of office of each member appointed to the board on the expiration of each of the foregoing terms shall commence as of May 1, and shall continue for a period of eight years and until his successor shall qualify. Upon the expiration of the term of any member, the governor shall appoint a successor to the member whose term expires. Each year the council of the Minnesota state medical association, at least 30 days prior to May first, shall recommend to the governor three doctors of medicine qualified to serve on the board with respect to each membership which is then filled by a doctor of medicine and the term of which shall expire on May 1 of such year. Each year in which the term of a doctor of osteopathy expires, the Minnesota state osteopathic association shall recommend to the governor three doctors of osteopathy qualified to serve on the board. From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of eight years. Within 60 days after the occurrence of any vacancy in the board, the council of the Minnesota state medical association, if the vacancy be with respect to a membership vacated by a doctor of medicine, or the Minnesota state osteopathic association, if the vacancy be with respect to a membership vacated by a doctor of osteopathy, shall recommend to the governor three doctors of medicine qualified to serve on the board if the recommendation be by the Minnesota state medical association or three doctors of osteopathy qualified to serve on the board if the recommendation be by the Minnesota state osteopathic association. From the list of persons so recommended the governor, within 30 days after receiving such recommendation, may appoint one member to the board for the unexpired term occasioned by such vacancy and any appointment thereto to fill a vacancy shall be made within 90 days after the occurrence of such vacancy for the balance of the unexpired term. The board shall elect from among its number a president, a vice-president, and a secretary-treasurer, who shall each serve for one year, or until his successor is elected and qualifies. The board shall have authority to ~~prescribe~~ *adopt* such rules and regulations ~~relative to the examination of applicants for license to practice medicine, surgery, and obstetrics~~ as may be found necessary *to carry out the purposes of Minnesota Statutes, Chapter 147.* The members of the board shall have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. *In the administration of this chapter the board shall have the power to compel the attendance of witnesses and the production of documents by subpoena, to investigate complaints of violations of this chapter or the*

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*rules and regulations of the board, and to institute injunctive proceedings to restrain violations upon a showing of injury or potential injury to the public health or welfare. Six members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of the board, including a register of all applicants for license under this chapter, giving their names, addresses, ages, educational qualifications, and the result of their examination. These books and registers shall be prima facie evidence of all the matters therein recorded. All communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except only a final decision of the board, which shall state the specific reason therefor shall be confidential and privileged within the meaning of section 595.02, clause 5, and shall not be public records within the meaning of section 15.17, subdivision 4; provided that upon application of a party in a proceeding before the board pursuant to section 147.02, subdivision 3, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota Rules Civil Procedure. The board shall hold examinations at least once each year.*

Sec. 2. Minnesota Statutes 1967, Section 147.02, is amended to read:

**147.02 Examination; licensing; revocation.** Subdivision 1. **Examination.** A person not authorized to practice medicine in the state and desiring so to do shall apply to the secretary of the state board of medical examiners for examination and pay a fee of \$75 for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove (a) that he is of good moral character, and (b) that he ~~has either completed four entire sessions of not less than 36 weeks each at medical or osteopathic school recognized by the board; or is currently enrolled in the fourth such session~~ *is either a graduate of a medical or osteopathic school approved by the board after a study of its curriculum, faculty, facilities, accreditation, and other relevant data, or is currently enrolled in the final year of study at such school.* The applicant shall be examined (a) in the clinical sciences, including but not limited to surgery, medicine, obstetrics and gynecology, and (b) in such other branches as the board shall deem advisable. The examination shall be both scientific and practical and thoroughly test the fitness of the candidate. The board may, in its discretion, issue a temporary permit to practice medicine to a doctor of medicine or a doctor of os-

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teopathy qualified to take said examination, upon the payment of a fee of \$40, which temporary permit shall be valid only until the next regular examination and meeting of said board. In regard to the examination in clinical sciences, the board may (a) prepare, administer, and grade the examination itself or, in its discretion, may (b) recognize and approve a similar examination prepared, administered, and graded by the national board of medical examiners or, may (c) administer a recognized and approved examination prepared and graded by the national board of medical examiners. Certification of passage by the national board or the medical school from which the applicant graduated may be accepted as evidence that the applicant has passed the national board examination. If the state board determines that the applicant has not satisfactorily passed the national board's examination within one year before, or five years after being granted the degree of M.D., ~~M.B.~~, or D.O., the board may, in its discretion, examine the applicant, using its own examination or that of the national board. All applicants shall be known to the board members or examiners only by number, without names, or other method of identification on examination papers by which board members or examiners may be able to identify such applicants, until the final grades of all the examination papers have been determined, and the licenses granted or refused.

Subd. 2. **Licensing.** After such examination of the applicant, and upon proof (a) that he has received the degree of M.D., ~~M.B.~~, or D.O., from a medical or osteopathic school ~~recognized~~ *approved* by the board, and (b) that he has satisfactorily completed either one year of graduate training in an institution approved for internship training by the board or other graduate training approved by the board, the board, if six members thereof consent, shall grant him a license to practice medicine.

Subd. 3. **Refusal to grant license; suspension or revocation of license.** The board may refuse to grant a license to, or may suspend ~~or~~, revoke, *condition, limit, qualify or restrict* the license ~~of~~, whether granted under Minnesota Statutes ~~1961~~, Chapter 147 or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, *of* any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant or licensee to appeal to the district court in the county in which the principal office of the board is located on the questions of law and fact. *A suspension, revocation, condition, limitation, qualification or restriction of a license shall be in effect pending determination of the appeal unless the court, upon petition and for good cause shown, shall otherwise order.*

The words "immoral, dishonorable, or unprofessional conduct,"

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as used in Minnesota Statutes ~~1961~~, Chapter 147, shall mean: (1) Procuring, aiding, or abetting a criminal abortion; (2) Advertising in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional superiority to or greater skill than that possessed by another doctor of medicine or another doctor of osteopathy licensed to practice medicine under Minnesota Statutes ~~1961~~, Chapter 147, or the positive cure of any disease, or the curing of venereal diseases, the restoration of "lost manhood," the treatment of private disease, peculiar to men or women, or advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self-abuse, or excessive indulgences, or the advertising of any medicine or any means whereby the monthly periods of women can be regulated or the menses reestablished, or being employed by or in the service of any person, concern, actual or pretended, so advertising, or in any manner creating a fear of private diseases; (3) The obtaining of any fee, or offering to accept a fee, on the assurance or promise that a manifestly incurable disease can be or will be cured; (4) Wilfully betraying a professional secret; (5) Habitual or excessive indulgence in the use of drugs, including but not limited to narcotics as defined in either 26 U.S.C.A., section 4731, or Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamine, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers; (6) Excessive indulgence in the use of alcoholic liquors; (7) Conviction for wilfully violating any *state or federal* narcotic law; (8) Conviction of an offense involving moral turpitude; (9) Conviction of a felony; (10) Conduct unbecoming a person licensed to practice medicine or osteopathy, as the case may be, or detrimental to the best interest of the public; (11) The failure of a doctor of osteopathy to identify his school of healing in the professional use of his name by one of the following terms: Osteopathic physician and surgeon, doctor of osteopathy, or D.O.; ~~and~~ (12) The employment of fraud or deception in applying for a license to practice medicine or in passing the licensure examination.

A license to practice medicine is suspended if (1) A guardian of *the person of a licensee is appointed by order of a probate court* pursuant to sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) The licensee is committed by order of a probate court pursuant to sections ~~525.75 to 525.79~~, *253A.01 to 253A.21* or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing. A license to practice medicine is also suspended when a licensee is con-

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victed of the crime of abortion and remains suspended until, upon petition by the licensee, the suspension is terminated by the board after a hearing.

Sec. 3. Minnesota Statutes 1967, Section 147.05, is amended to read:

**147.05 Supplies; secretary, executive secretary, bond, compensation; board member's compensation.** The state board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury as provided for by law, to be kept in a separate fund which shall be under the control, and for the use, of the board. The board may employ, discharge, and fix the compensation of an executive secretary, in the unclassified service, to perform duties prescribed by the board. The secretary and executive secretary of the board shall each give a bond in the sum of \$10,000 to the state of Minnesota for the faithful performance of his duties. Each member of the board shall receive as compensation for his services the sum of \$50 per day, to be fixed by the board for each day ~~he is in actual attendance at examinations~~ *spent in the execution of duties imposed on the board by Minnesota Statutes, Chapter 147, and rules and regulations adopted pursuant thereto, including attendance at meetings of the Federation of State Medical Boards,* and, regular and special meetings of the board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in ~~attending such meetings and examinations~~ *connection therewith, subject to the regulations of the department of administration adopted pursuant to Minnesota Statutes, Section 16.02, Subdivision 20.* The secretary shall receive a salary of not to exceed \$9,600 per annum, the amount thereof ~~and the manner of payment~~ to be fixed by the board. The salary and expenses of the members of the board shall be paid as determined by the board by the state treasurer on warrants signed by the president or secretary, or other authorized person, drawn by the state auditor on the state treasurer on the funds of said board.

Sec. 4. Minnesota Statutes 1967, Section 147.16, is amended to read:

**147.16 Temporary certificate for graduate training.** The state board of medical examiners may grant, in its discretion, without examination, a temporary certificate for graduate training in medicine, surgery and obstetrics, to those applicants ~~as who~~ furnish satisfactory proof that the applicant:

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- (1) Is 21 years of age or over;
- (2) Is of good moral character;
- (3) ~~Has successfully completed a course in medicine, surgery and obstetrics at a medical or osteopathic school approved by the board or by an evaluating agency recognized by the board, and has received the degree of M.D., M.B., or D.O. therefrom; or Has successfully completed a course in medicine, surgery and obstetrics at, and has been graduated from, a medical or osteopathic school located outside of the United States and Canada and that such medical or osteopathic school is approved by the licensing authorities of the country in which such medical or osteopathic school is located and has received the degree of M.D., M.B., or D.O. therefrom;~~
- (4) Is duly licensed to practice medicine in all of its branches in the state, territory or foreign country in which he resides, or, not being so licensed, has passed an examination or is eligible therefor and which examination is in the judgment of the board substantially equivalent to the examination given by it to applicants for a license to practice medicine in all of its branches in this state;
- (5) Has been accepted as a resident physician by a hospital situated in this state, the residency training of which has been approved by an approval agency recognized by the board; provided, however, that the state board of medical examiners shall have the authority, upon its own investigation, to approve other residency training programs in medicine, surgery and obstetrics and qualified applicants therefor. Each applicant shall set forth the starting and termination dates of a period for which he has been accepted or appointed to such residency training program; and
- (6) Possesses all other qualifications which are prescribed by the rules and regulations of the board for the granting of such temporary authorization.

Sec. 5. Minnesota Statutes 1967, Section 148.32, is amended to read:

148.32 **Licenses, denial, revocation, refusal.** All licenses to practice midwifery heretofore or hereafter issued by the board of medical examiners must be annually renewed and a fee of \$1 be paid for each renewal. Licenses may be revoked, *suspended, conditioned, limited, qualified or restricted*, or renewals refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases.

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A license to practice midwifery is suspended if (1) a guardian of the person of a licensee is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) the licensee is committed by order of a probate court pursuant to sections ~~525.75 to 525.79~~, 253A.01 to 253A.21 or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is ~~lifted~~ *terminated* by the board after a hearing.

Sec. 6. Minnesota Statutes 1967, Section 148.41, is amended to read:

**148.41 Registrations, suspended or revoked.** The state board of medical examiners may by order suspend, revoke, *condition, limit, qualify, restrict* or refuse to renew any registration issued under sections 148.33 to 148.51 or heretofore, upon the grounds of:

- (1) Fraud or deception in connection with the securing of such registration;
- (2) Habitual drunkenness or intemperance in the use of drugs, including but not limited to narcotics as defined in either 26 U.S.C.A., section 4731, or Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamine, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;
- (3) Conduct unbecoming to a person registered to practice massage or inimical to the best interests of the public;
- (4) Violation of any of the provisions of sections 148.33 to 148.51;
- (5) Conviction of a crime involving moral turpitude.

Before the board shall order any such suspension, revocation, *condition, limitation, qualification, or restriction of a certificate*, or refusal to renew, the holder thereof shall be entitled to a written statement of the charge against him and accorded a hearing in person or by attorney before the board and be entitled to have witnesses in his behalf subpoenaed by the board.

A registration to practice massage is suspended if (1) a guardian of the person of a registrant is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the registrant; or (2) the registrant is committed by order of a probate court pursuant to sections ~~525.75 to 525.79~~, 253A.01 to 253A.21 or 526.09 to 526.11. The registration remains suspended until the registrant is restored to capacity by a court and, upon peti-

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tion by the registrant, the suspension is ~~lifted~~ *terminated* by the board after a hearing.

Sec. 7. Minnesota Statutes 1967, Section 148.75, is amended to read:

**148.75 Certificates; denial, suspension, revocation.** The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend ~~or, revoke,~~ *condition, limit, qualify or restrict* the registration of any physical therapist for any of the following grounds:

- (a) Habitual or excessive indulgence in the use of drugs including but not limited to narcotics as defined in either 26 U.S.C.A., section 4731, or Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamine, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;
- (b) Excessive indulgence in the use of alcoholic liquors;
- (c) Conviction of a felony;
- (d) Conviction of ~~a crime~~ *an offense* involving moral turpitude;
- (e) Conviction for violating any state or federal narcotic law;
- (f) Procuring, aiding or abetting a criminal abortion;
- (g) Obtaining, or attempting to obtain, registration by fraud or deception;
- (h) Conduct unbecoming a person registered as a physical therapist or detrimental to the best interests of the public;
- (i) The treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by sections 148.65 to 148.78, and the undertaking to practice physical therapy independent of the prescription and direct supervision of a person licensed and registered in this state to practice medicine and surgery.

A certificate of registration to practice physical therapy is suspended if (1) a guardian of the person of the physical therapist is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a probate court pursuant to sections ~~525.75 to 525.79,~~ *253A.01 to 253A.21* or 526.09 to 526.11. The certificate of registration remains suspended until the physical therapist is restored to capacity by a court and,

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upon petition by the physical therapist, the suspension is ~~lifted~~ *terminated* by the board of medical examiners after a hearing.

Approved June 4, 1969.

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CHAPTER 928—H. F. No. 1329

[Coded]

*An act relating to the state board of medical examiners; authorizing the board to make loans and scholarships to students who desire to practice medicine; appropriating money therefor.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[147.24] State board of medical examiners; loans and scholarships.** Subdivision 1. **Purpose.** It is the purpose and intent of this act to immediately meet the emergency now existing from the shortage of doctors in the state of Minnesota in rural areas by inducing a sufficient number of the medical school graduates to return to rural areas to practice their profession, thus affording adequate medical care to the people of these areas.

Subd. 2. **Definition.** For the purposes of this act the term "board" means the state board of medical examiners.

Sec. 2. **[147.25] Applications for loans; investigation; examination.** The board shall receive and pass upon, allow or disallow, all applications for loans made by students who are bona fide citizens of the United States who desire to practice medicine, and who are acceptable for enrollment in any accredited medical school. The purpose of such loans is to enable such applicants to obtain a standard four year medical education which will qualify them to become licensed to practice medicine within the state of Minnesota. It is the duty of the board to make a careful and full investigation of the ability, character, and qualifications of each applicant and determine his fitness to become the recipient of such loan and for that purpose the board may propound such examination to each applicant which it deems proper, and the board may prescribe in the manner provided by law such rules and regulations as it deems necessary and proper to carry out the purpose and intention of this act. The investigation of the applicant shall include an investigation of the ability of the applicant, or of the parents of such applicant, to pay his own tuition at the medical school. The board, in granting such loans, shall give prefer-

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