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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2228

03/07/2019 Authored by Bierman, Huot and Pryor The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; changing provisions for body art supervision; amending
1.3 Minnesota Statutes 2018, sections 146B.03, by adding a subdivision; 146B.08,
1.4 subdivision 3; repealing Minnesota Statutes 2018, section 146B.02, subdivision
1.5 7a.

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

1.7 Section 1. Minnesota Statutes 2018, section 146B.03, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 13. Supervisors. (a) A technician must be licensed as a body artist for at least
1.10 two years in Minnesota or in a jurisdiction that Minnesota has reciprocity in order to supervise
1.11 a temporary technician.

1.12 (b) Any technician who agrees to supervise more than two temporary technicians during
1.13 the same time period must provide a supervisory plan to the commissioner that describes
1.14 how the technician will provide supervision to each temporary technician according to
1.15 section 146B.01, subdivision 28.

1.16 (c) For temporary technicians under supervision, the supervisory plan must include, at
1.17 a minimum: (1) the areas of practice under supervision; (2) anticipated supervision hours
1.18 per week; (3) anticipated duration of the training period; and (4) method of providing
1.19 supervision if there are two or more temporary technicians being supervised during the
1.20 same time period.

1.21 (d) If the supervisory plan is terminated before completion of the technician's supervised
1.22 practice, the supervisor must notify the commissioner in writing within 14 days of the change
1.23 in supervision and an explanation of why the plan was not completed.

2.1 (e) The commissioner may refuse to approve as a supervisor a technician who has been
 2.2 disciplined in Minnesota or in another jurisdiction after considering the criteria in section
 2.3 146B.02, subdivision 10, paragraph (b).

2.4 Sec. 2. Minnesota Statutes 2018, section 146B.08, subdivision 3, is amended to read:

2.5 Subd. 3. **Grounds for disciplinary action.** The commissioner may take any of the
 2.6 disciplinary actions listed in subdivision 4 on proof that a technician or an operator of an
 2.7 establishment has:

2.8 (1) intentionally submitted false or misleading information to the commissioner;

2.9 (2) violated any provisions of this chapter, including the requirements for supervisors
 2.10 and temporary technicians;

2.11 ~~(2)~~ (3) failed, within 30 days, to provide information in response to a written request by
 2.12 the commissioner;

2.13 ~~(3)~~ (4) violated any provision of this chapter;

2.14 ~~(4)~~ (5) failed to perform services with reasonable judgment, skill, or safety due to the
 2.15 use of alcohol or drugs, or other physical or mental impairment;

2.16 ~~(5)~~ (6) aided or abetted another person in violating any provision of this chapter;

2.17 ~~(6)~~ (7) been or is being disciplined by another jurisdiction, if any of the grounds for the
 2.18 discipline are the same or substantially equivalent to those under this chapter;

2.19 ~~(7)~~ (8) not cooperated with the commissioner in an investigation conducted according
 2.20 to subdivision 1;

2.21 ~~(8)~~ (9) advertised in a manner that is false or misleading;

2.22 ~~(9)~~ (10) engaged in conduct likely to deceive, defraud, or harm the public;

2.23 ~~(10)~~ (11) demonstrated a willful or careless disregard for the health, welfare, or safety
 2.24 of a client;

2.25 ~~(11)~~ (12) obtained money, property, or services from a client through the use of undue
 2.26 influence, harassment, duress, deception, or fraud;

2.27 ~~(12)~~ (13) failed to refer a client to a health care professional for medical evaluation or
 2.28 care when appropriate; or

2.29 ~~(13)~~ (14) been convicted of a felony-level criminal sexual conduct offense. "Conviction"
 2.30 means a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by a court.

3.1 Sec. 3. **REPEALER.**

3.2 Minnesota Statutes 2018, section 146B.02, subdivision 7a, is repealed.

146B.02 ESTABLISHMENT LICENSE PROCEDURES.

Subd. 7a. **Supervisors.** (a) Only a technician who has been licensed as a body artist for at least two years in Minnesota or in a jurisdiction with which Minnesota has reciprocity may supervise a temporary technician.

(b) Any technician who agrees to supervise more than two temporary technicians during the same time period must provide to the commissioner a supervisory plan that describes how the technician will provide supervision to each temporary technician in accordance with section 146B.01, subdivision 28.

(c) The commissioner may refuse to approve as a supervisor a technician who has been disciplined in Minnesota or in another jurisdiction after considering the criteria described in subdivision 10, paragraph (b).