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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2781

04/01/2019 Authored by Mann and Morrison
The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to health care; prohibiting maintenance of certification for physicians;
1.3 amending Minnesota Statutes 2018, section 147.02, by adding a subdivision;
1.4 proposing coding for new law in Minnesota Statutes, chapters 62Q; 144.

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

1.6 Section 1. [62Q.748] DISCRIMINATION BASED ON MAINTENANCE OF
1.7 CERTIFICATION.

1.8 A health plan company shall not require as a condition of payment or reimbursement
1.9 for a claim submitted by a physician or as a condition to participate in the health plan
1.10 company's provider network that a physician maintain certification by a nationally recognized
1.11 accrediting organization that specializes in a specific area of medicine and requires periodic
1.12 reexaminations to maintain certification.

1.13 Sec. 2. [144.588] MAINTENANCE OF CERTIFICATION PROHIBITED.

1.14 (a) A health care facility, including a hospital, outpatient surgical center, or health care
1.15 clinic shall not differentiate between physicians based on the physician maintaining
1.16 certification by a nationally recognized accrediting organization that specializes in a specific
1.17 area of medicine and requires periodic reexaminations to maintain certification as a
1.18 requirement or condition of employment or entering into a contract with the facility, or as
1.19 a condition or requirement of surgical, admitting, or other staff privileges at the health care
1.20 facility.

1.21 (b) Paragraph (a) does not apply if:

2.1 (1) the health care facility's designation, certification, or accreditation by a national
2.2 certifying or accrediting organization is contingent on the facility requiring a specific
2.3 maintenance of certification by physicians seeking staff privileges or credentialing at the
2.4 facility; and

2.5 (2) the differentiation is limited to those physicians whose maintenance of certification
2.6 is required for the facility's designation, certification, or accreditation.

2.7 Sec. 3. Minnesota Statutes 2018, section 147.02, is amended by adding a subdivision to
2.8 read:

2.9 Subd. 7. **Maintenance of certification.** (a) Notwithstanding subdivision 1, paragraph
2.10 (i); section 147.03, subdivision 1, paragraph (c), clause (2); or section 147.037, subdivision
2.11 1, paragraph (e), clause (2), the board shall not require as a qualification for licensure or
2.12 for licensure renewal under this chapter certification by a nationally recognized accrediting
2.13 organization or maintenance of certification by a nationally recognized accrediting
2.14 organization that includes periodic reexamination to measure core competencies as a
2.15 requirement for maintaining certification.

2.16 (b) Nothing in paragraph (a) shall be construed to prohibit or limit the board from
2.17 requiring the completion of continuing medical education credits as a requirement for
2.18 licensure renewal.