

A bill for an act
relating to occupations and professions; providing for registration of naturopathic
doctors; amending Minnesota Statutes 2006, sections 116J.70, subdivision 2a;
145.61, subdivision 2; 146.23, subdivision 7; 148B.60, subdivision 3; 214.23,
subdivision 1; 604A.01, subdivision 2; 604A.015; proposing coding for new law
as Minnesota Statutes, chapter 147E.

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

ARTICLE 1
GENERAL

Section 1. **[147E.01] DEFINITIONS.**

Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

Subd. 2. **Advisory council.** "Advisory council" means the Registered Naturopathic
Doctor Advisory Council established under section 147E.35.

Subd. 3. **Approved naturopathic medical program.** "Approved naturopathic
medical program" means a naturopathic medical education program in the United States
or Canada and meets the requirements for accreditation by the Council on Naturopathic
Medical Education (CNME) or an equivalent federally recognized accrediting body for
the naturopathic medical profession recognized by the board. This program must offer
graduate-level full-time didactic and supervised clinical training leading to the degree
of Doctor of Naturopathy or Doctor of Naturopathic Medicine. The program must be
an institution, or part of an institution, of higher education that at the time the student
completes the program is:

(1) either accredited or is a candidate for accreditation by a regional institution
accrediting agency recognized by the United States Secretary of Education; or

(2) a degree granting college or university that prior to the existence of CNME offered a full-time structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education that is at least 132 weeks in duration, must be completed in at least 35 months, and is reputable and in good standing in the judgment of the board.

Subd. 4. **Board.** "Board" means the Board of Medical Practice or its designee.

Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 6. **Homeopathic preparations.** "Homeopathic preparations" means medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

Subd. 7. **Registered naturopathic doctor.** "Registered naturopathic doctor" means a person authorized and registered to practice naturopathic medicine under this chapter.

Subd. 8. **Minor office procedures.** "Minor office procedures" means the use of operative, electrical, or other methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues and the use of antiseptics and local topical anesthetics in connection with such methods, except that it shall not include general or spinal anesthetics, major surgery, surgery of the body cavities, or specialized surgeries such as plastic surgery, surgery involving the eye, or surgery when tendons are involved.

Subd. 9. **Naturopathic licensing examination.** "Naturopathic licensing examination" means the Naturopathic Physicians Licensing Examination or its successor administered by the North American Board of Naturopathic Examiners or its successor as recognized by the board.

Subd. 10. **Naturopathic medicine.** "Naturopathic medicine" means a system of primary health care practiced by registered naturopathic doctors for the prevention, assessment, and treatment of human health conditions, injuries, and diseases that uses:

(1) services and treatments as described in section 147E.05; and

(2) natural health procedures and treatments that do not require licensure as defined in chapter 146A.

Subd. 11. **Naturopathic physical medicine.** "Naturopathic physical medicine" includes, but is not limited to, the therapeutic use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, hydrotherapy, massage, stretching, colon hydrotherapy, frequency specific microcurrent, electrical muscle stimulation, transcutaneous electrical nerve stimulation, and therapeutic exercise.

Sec. 2. **[147E.05] SCOPE OF PRACTICE.**

Subdivision 1. Practice parameters. (a) The practice of naturopathic medicine by a registered naturopathic doctor includes, but is not limited to, the following services:

(1) ordering, administering, prescribing, or dispensing for preventive and therapeutic purposes: food, extracts of food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and their extracts, botanical medicines, herbal remedies, homeopathic medicines, all dietary supplements and nonprescription drugs as defined by the federal Food, Drug, and Cosmetic Act, glandulars, protomorphogens, lifestyle counseling, hypnotherapy, biofeedback, dietary therapy, electrotherapy, galvanic therapy, naturopathic physical medicine, oxygen, therapeutic devices, barrier devices for contraception, and minor office procedures, including obtaining specimens to assess and treat disease;

(2) performing or ordering physical and orificial examinations, clinical laboratory tests and examinations, and physiological function tests;

(3) referring a patient for diagnostic imaging studies including x-ray, CT scan, MRI, ultrasound, mammogram, bone densitometry, and referring the studies to an appropriately licensed health care professional to conduct the study and interpret the results;

(4) prescribing nonprescription medications and therapeutic devices or ordering noninvasive diagnostic procedures commonly used by physicians in general practice;

(5) utilizing routes of administration that include oral, nasal, auricular, ocular, rectal, and vaginal; and

(6) prescribing or performing naturopathic physical medicine.

(b) A registered naturopathic doctor may admit patients to a hospital if the naturopathic doctor meets the hospital's governing body requirements regarding credentialing and privileging process.

Subd. 2. Prohibitions on practice. (a) The practice of naturopathic medicine does not include:

(1) administering therapeutic ionizing radiation or radioactive substances;

(2) administering general or spinal anesthesia;

(3) prescribing, dispensing, or administering all legend drugs including chemotherapeutic substances;

(4) performing major surgery, plastic surgery, or specialized surgeries; or

(5) performing or inducing abortions.

(b) A naturopathic doctor registered under this chapter shall not perform surgical procedures using a laser device or perform surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries extending beyond superficial tissue. A naturopathic doctor shall not practice or claim to practice as a medical doctor, osteopath, dentist,

podiatrist, optometrist, psychologist, advanced practice professional nurse, physician assistant, chiropractor, physical therapist, acupuncturist, or any other health care professional, unless the naturopathic physician also holds a license or registration for another health care practice profession.

Sec. 3. [147E.06] PROFESSIONAL CONDUCT.

Subdivision 1. **Informed consent.** The registered naturopathic doctor shall obtain informed consent from the patient prior to initiating treatment and after advising the patient of the naturopathic doctor's qualifications including education, registration information, and outline of the scope of practice of registered naturopathic doctors in Minnesota. This information must be supplied to the patient in writing before or at the time of the initial visit. The registrant shall present treatment facts and options accurately to the patient or to the individual responsible for the patient's care and make treatment recommendations according to standards of good naturopathic medical practice.

Subd. 2. **Patient records.** (a) A registered naturopathic doctor shall maintain a record for seven years for each patient treated, including:

(1) a copy of the informed consent;

(2) evidence of a patient interview concerning the patient's medical history and current physical condition;

(3) evidence of an examination and assessment;

(4) record of the treatment; and

(5) evidence of evaluation and instructions given to the patient, including acknowledgment by the patient in writing that, if deemed necessary by the registered naturopathic doctor, the patient has been advised to consult with another health care provider.

(b) A registered naturopathic doctor shall maintain the records of minor patients for seven years or until the minor's 19th birthday, whichever is longer.

Subd. 3. **Data practices.** Data maintained on a naturopathic patient by a registered naturopathic doctor is subject to section 144.335.

Subd. 4. **State and municipal public health regulations.** A registered naturopathic doctor shall comply with all applicable state and municipal requirements regarding public health.

Sec. 4. [147E.10] REGISTRATION.

Subdivision 1. **Registration required.** After July 1, 2008, persons who practice naturopathic medicine, or represent themselves as practicing naturopathic medicine by

use of a term in subdivision 2, shall conspicuously display the registration in the place of practice.

Subd. 2. **Designation.** No individual may use the title "registered naturopathic doctor," "naturopathic doctor," "doctor of naturopathic medicine," or use, in connection with the individual's name, the letters "N.D.," "R.N.D.," or "N.M.D.," or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is eligible for registration by the state as a registered naturopath or a registered naturopathic doctor unless the individual has been registered as a registered naturopathic doctor according to this chapter.

Subd. 3. **Other health care practitioners.** Nothing in this chapter may be construed to prohibit or to restrict:

(1) the practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and are performing services within their authorized scope of practice or unlicensed complementary and alternative health care under chapter 146A;

(2) the practice of naturopathic medicine by an individual licensed, registered, or certified in another state and employed by the government of the United States while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

(3) the practice by a naturopathic doctor duly licensed, registered, or certified in another state, territory, or the District of Columbia when incidentally called into this state for consultation with a Minnesota licensed physician or Minnesota registered naturopathic doctor;

(4) the practice of naturopathic medicine by students enrolled in an approved naturopathic medical college if the performance of services is according to a course of instruction or assignments from, and under the supervision of an instructor who is a licensed physician, osteopath, chiropractor, or registered naturopathic doctor;

(5) an individual rendering aid in an emergency, when no fee or other consideration for the service is charged, received, expected, or contemplated;

(6) an individual administering a remedy to a family member;

(7) a person engaged in the sale of vitamins, health foods, dietary supplements, and other products of nature, the sale of which is not otherwise prohibited under state or federal law except that this clause does not:

(i) allow that person to diagnose any human disease, ailment, injury, infirmity, deformity, or other condition; or

(ii) prohibit providing truthful and nonmisleading information regarding anything in this chapter;

(8) a person engaged in good faith in the practice of religious tenets of any religious belief, without the use of prescription drugs;

(9) a person acting in good faith for religious reasons as a matter of conscience or as a personal belief when obtaining or providing information regarding health care and the use of any product under clause (7); and

(10) persons not registered by this chapter from the use of individual modalities which comprise the practice of naturopathic medicine, such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and physical forces such as heat, cold, water, touch, and light.

Subd. 4. **Penalty.** A person violating subdivision 2 is guilty of a gross misdemeanor.

Sec. 5. **[147E.15] REGISTRATION REQUIREMENTS.**

Subdivision 1. **General requirements for registration.** To be eligible for registration, an applicant must:

(1) submit a completed application on forms provided by the board along with all fees required under section 147E.40 that includes:

(i) the applicant's name, Social Security number, home address and telephone number, and business address and telephone number;

(ii) the name and location of the naturopathic medical program the applicant completed;

(iii) a list of degrees received from other educational institutions;

(iv) a description of the applicant's professional training beyond the first degree received;

(v) a list of registrations, certifications, and licenses held in other jurisdictions;

(vi) a description of any other jurisdiction's refusal to credential the applicant;

(vii) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction; and

(viii) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(2) submit a copy of a diploma from an approved naturopathic medical education program;

(3) have successfully passed the Naturopathic Physicians Licensing Examination, a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or successor agency as recognized

by the board; passing scores are determined by the Naturopathic Physicians Licensing Examination;

(4) submit additional information as requested by the board, including providing any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;

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

(6) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant has completed an approved naturopathic medical program or engaged in the practice of naturopathic medicine.

Subd. 2. Registration by endorsement; reciprocity. (a) To be eligible for registration by endorsement or reciprocity, the applicant must hold a current naturopathic license, registration, or certification in another state, Canadian province, the District of Columbia, or territory of the United States, whose standards for licensure, registration, or certification are at least equivalent to those of Minnesota, and must:

(1) submit the application materials and fees as required by subdivision 1, clauses (1), (2), and (4) to (6);

(2) have successfully passed either:

(i) the Naturopathic Physicians Licensing Examination; or

(ii) if prior to 1986, the state or provincial naturopathic board licensing examination required by that regulating state or province;

(3) provide a verified copy from the appropriate government body of a current license, registration, or certification for the practice of naturopathic medicine in another jurisdiction that has initial licensing, registration, or certification requirements equivalent to or higher than the requirements in subdivision 1; and

(4) provide letters of verification from the appropriate government body in each jurisdiction in which the applicant holds a license, registration, or certification. Each letter must state the applicant's name, date of birth, license, registration, or certification number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and the terms under which the license, registration, or certification was issued.

(b) An applicant applying for license, registration, or certification by endorsement must be licensed, registered, or certified in another state or Canadian province prior to January 1, 2005, and have completed a 60-hour course and examination in pharmacotherapeutics.

Subd. 3. Temporary registration. The board may issue a temporary registration to practice as a registered naturopathic doctor to an applicant who is licensed, registered, or

certified in another state or Canadian province and is eligible for registration under this section, if the application for registration is complete, all applicable requirements in this section have been met, and a nonrefundable fee has been paid. The temporary registration remains valid only until the meeting of the board at which time a decision is made on the registered naturopathic doctor's application for registration.

Subd. 4. **Registration expiration.** Registrations issued under this chapter expire annually.

Subd. 5. **Renewal.** (a) To be eligible for registration renewal a registrant must:

(1) annually, or as determined by the board, complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence of a total of 25 hours of continuing education approved by the board as described in section 147E.25; and

(4) submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

Subd. 6. **Change of address.** A registrant who changes addresses must inform the board within 30 days, in writing, of the change of address. All notices or other correspondence mailed to or served on a registrant by the board are considered as having been received by the registrant.

Subd. 7. **Registration renewal notice.** At least 45 days before the registration renewal date, the board shall send out a renewal notice to the last known address of the registrant on file. The notice must include a renewal application and a notice of fees required for renewal or instructions for online renewal. It must also inform the registrant that registration will expire without further action by the board if an application for registration renewal is not received before the deadline for renewal. The registrant's failure to receive this notice does not relieve the registrant of the obligation to meet the deadline and other requirements for registration renewal. Failure to receive this notice is not grounds for challenging expiration of registration status.

Subd. 8. **Renewal deadline.** The renewal application and fee must be postmarked on or before December 31 of the year of renewal. If the postmark is illegible, the application is considered timely if received by the third working day after the deadline.

Subd. 9. **Inactive status and return to active status.** (a) A registrant may be placed in inactive status upon application to the board by the registrant and upon payment of an inactive status fee.

(b) Registrants seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal specified in subdivision 5, including continuing education hours.

(c) Registrants whose inactive status period has been five years or longer must additionally have a period of no less than eight weeks of advisory council-approved supervision by another registered naturopathic doctor.

Subd. 10. Registration following lapse of registration status for two years or less. For any individual whose registration status has lapsed for two years or less, to regain registration status, the individual must:

(1) apply for registration renewal according to subdivision 5;

(2) document compliance with the continuing education requirements of section 147E.25 since the registrant's initial registration or last renewal; and

(3) submit the fees required under section 147E.40 for the period not registered, including the fee for late renewal.

Subd. 11. Cancellation due to nonrenewal. The board shall not renew, reissue, reinstate, or restore a registration that has lapsed and has not been renewed within two annual registration renewal cycles starting January 2007. A registrant whose registration is canceled for nonrenewal must obtain a new registration by applying for registration and fulfilling all requirements then in existence for initial registration as a registered naturopathic doctor.

Subd. 12. Cancellation of registration in good standing. (a) A registrant holding an active registration as a registered naturopathic doctor in the state may, upon approval of the board, be granted registration cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the registrant. Such action by the board must be reported as a cancellation of registration in good standing.

(b) A registrant who receives board approval for registration cancellation is not entitled to a refund of any registration fees paid for the registration year in which cancellation of the registration occurred.

(c) To obtain registration after cancellation, a registrant must obtain a new registration by applying for registration and fulfilling the requirements then in existence for obtaining initial registration as a registered naturopathic doctor.

Subd. 13. Emeritus status of registration. A registrant may change the status of the registration to "emeritus" by filing the appropriate forms and paying the onetime fee of \$50 to the board. This status allows the registrant to retain the title of registered naturopathic doctor but restricts the registrant from actively seeing patients.

Sec. 6. **[147E.20] BOARD ACTION ON APPLICATIONS FOR REGISTRATION.**

(a) The board shall act on each application for registration according to paragraphs (b) to (d).

(b) The board shall determine if the applicant meets the requirements for registration under section 147E.15. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The board shall notify each applicant in writing of action taken on the application, the grounds for denying registration if registration is denied, and the applicant's right to review under paragraph (d).

(d) Applicants denied registration may make a written request to the board, within 30 days of the board's notice, to appear before the advisory council or the board and for the advisory council to review the board's decision to deny the applicant's registration. After reviewing the denial, the advisory council shall make a recommendation to the board as to whether the denial shall be affirmed. Each applicant is allowed only one request for review each yearly registration period.

Sec. 7. **[147E.25] CONTINUING EDUCATION REQUIREMENT.**

Subdivision 1. **Number of required contact hours.** (a) A registrant applying for registration renewal must complete a minimum of 25 contact hours of board-approved continuing education in the year preceding registration renewal, with the exception of the registrant's first incomplete year, and attest to completion of continuing education requirements by reporting to the board.

(b) Of the 25 contact hours of continuing education requirement in paragraph (a), at least five hours of continuing education must be in pharmacotherapeutics.

Subd. 2. **Approved programs.** The board shall approve continuing education programs that have been approved for continuing education credit by the American Association of Naturopathic Physicians or any of its constituent state associations, the American Chiropractic Association or any of its constituent state associations, the American Osteopathic Association Bureau of Professional Education, the American Pharmacists Association or any of its constituent state associations, or an organization approved by the Accreditation Council for Continuing Medical Education.

Subd. 3. **Approval of continuing education programs.** The board shall also approve continuing education programs that do not meet the requirements of subdivision 2 but meet the following criteria:

(1) the program content directly relates to the practice of naturopathic medicine;

(2) each member of the program faculty is knowledgeable in the subject matter as demonstrated by a degree from an accredited education program, verifiable experience in the field of naturopathic medicine, special training in the subject matter, or experience teaching in the subject area;

(3) the program lasts at least 50 minutes per contact hour;

(4) there are specific, measurable, written objectives, consistent with the program, describing the expected outcomes for the participants; and

(5) the program sponsor has a mechanism to verify participation and maintains attendance records for three years.

Subd. 4. Accumulation of contact hours. A registrant may not apply contact hours acquired in one one-year reporting period to a future continuing education reporting period.

Subd. 5. Verification of continuing education credits. The board shall periodically select a random sample of registrants and require those registrants to supply the board with evidence of having completed the continuing education to which they attested. Documentation may come directly from the registrants from state or national organizations that maintain continuing education records.

Subd. 6. Continuing education topics. Continuing education program topics may include, but are not limited to, naturopathic medical theory and techniques including diagnostic techniques, nutrition, botanical medicine, homeopathic medicine, physical medicine, lifestyle modification counseling, anatomy, physiology, biochemistry, pharmacology, pharmacognosy, microbiology, medical ethics, psychology, history of medicine, and medical terminology or coding.

Subd. 7. Restriction on continuing education topics. (a) A registrant may apply no more than five hours of practice management to a one-year reporting period.

(b) A registrant may apply no more than 15 hours to any single subject area.

Subd. 8. Continuing education exemptions. The board may exempt any person holding a registration under this chapter from the requirements of subdivision 1 upon application showing evidence satisfactory to the board of inability to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person may be exempted from the requirements of subdivision 1 more than once in any five-year period.

Sec. 8. [147E.30] DISCIPLINE; REPORTING.

For purposes of this chapter, registered naturopathic doctors and applicants are subject to sections 147.091 to 147.162.

Sec. 9. **[147E.35] REGISTERED NATUROPATHIC DOCTOR ADVISORY COUNCIL.**

Subdivision 1. **Membership.** The board shall appoint a seven-member Registered Naturopathic Doctor Advisory Council appointed by the governor consisting of one public member as defined in section 214.02, five registered naturopathic doctors who are residents of the state, and one licensed physician or osteopath with expertise in natural medicine.

Subd. 2. **Organization.** The advisory council shall be organized and administered under section 15.059. The council shall not expire.

Subd. 3. **Duties.** The advisory council shall:

(1) advise the board regarding standards for registered naturopathic doctors;

(2) provide for distribution of information regarding registered naturopathic doctors standards;

(3) advise the board on enforcement of sections 147.091 to 147.162;

(4) review applications and recommend granting or denying registration or registration renewal;

(5) advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against registered naturopathic doctors;

(6) advise the board regarding approval of continuing education programs using the criteria in section 147E.25, subdivision 3; and

(7) perform other duties authorized for advisory councils by chapter 214, as directed by the board.

Sec. 10. **[147E.40] FEES.**

Subdivision 1. **Fees.** Fees are as follows:

(1) registration application fee, \$200;

(2) renewal fee, \$150;

(3) late fee, \$75;

(4) inactive status fee, \$50; and

(5) temporary permit fee, \$25.

Subd. 2. **Proration of fees.** The board may prorate the initial annual registration fee. All registrants are required to pay the full fee upon registration renewal.

Subd. 3. **Penalty fee for late renewals.** An application for registration renewal submitted after the deadline must be accompanied by a late fee in addition to the required fees.

Subd. 4. **Nonrefundable fees.** All of the fees in subdivision 1 are nonrefundable.

13.1 Sec. 11. EFFECTIVE DATE.

13.2 This article is effective July 1, 2008.

13.3 **ARTICLE 2**

13.4 **CONFORMING AMENDMENTS**

13.5 Section 1. Minnesota Statutes 2006, section 116J.70, subdivision 2a, is amended to
13.6 read:

13.7 Subd. 2a. **License; exceptions.** "Business license" or "license" does not include
13.8 the following:

13.9 (1) any occupational license or registration issued by a licensing board listed in
13.10 section 214.01 or any occupational registration issued by the commissioner of health
13.11 pursuant to section 214.13;

13.12 (2) any license issued by a county, home rule charter city, statutory city, township, or
13.13 other political subdivision;

13.14 (3) any license required to practice the following occupation regulated by the
13.15 following sections:

13.16 (i) abstracters regulated pursuant to chapter 386;

13.17 (ii) accountants regulated pursuant to chapter 326A;

13.18 (iii) adjusters regulated pursuant to chapter 72B;

13.19 (iv) architects regulated pursuant to chapter 326;

13.20 (v) assessors regulated pursuant to chapter 270;

13.21 (vi) athletic trainers regulated pursuant to chapter 148;

13.22 (vii) attorneys regulated pursuant to chapter 481;

13.23 (viii) auctioneers regulated pursuant to chapter 330;

13.24 (ix) barbers and cosmetologists regulated pursuant to chapter 154;

13.25 (x) boiler operators regulated pursuant to chapter 183;

13.26 (xi) chiropractors regulated pursuant to chapter 148;

13.27 (xii) collection agencies regulated pursuant to chapter 332;

13.28 (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant
13.29 to chapter 150A;

13.30 (xiv) detectives regulated pursuant to chapter 326;

13.31 (xv) electricians regulated pursuant to chapter 326;

13.32 (xvi) mortuary science practitioners regulated pursuant to chapter 149A;

13.33 (xvii) engineers regulated pursuant to chapter 326;

13.34 (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;

13.35 (xix) certified interior designers regulated pursuant to chapter 326;

- 14.1 (xx) midwives regulated pursuant to chapter 147D;
- 14.2 (xxi) naturopathic doctors registered pursuant to chapter 147E;
- 14.3 (xxii) nursing home administrators regulated pursuant to chapter 144A;
- 14.4 ~~(xxii)~~ (xxiii) optometrists regulated pursuant to chapter 148;
- 14.5 ~~(xxiii)~~ (xxiv) osteopathic physicians regulated pursuant to chapter 147;
- 14.6 ~~(xxiv)~~ (xxv) pharmacists regulated pursuant to chapter 151;
- 14.7 ~~(xxv)~~ (xxvi) physical therapists regulated pursuant to chapter 148;
- 14.8 ~~(xxvi)~~ (xxvii) physician assistants regulated pursuant to chapter 147A;
- 14.9 ~~(xxvii)~~ (xxviii) physicians and surgeons regulated pursuant to chapter 147;
- 14.10 ~~(xxviii)~~ (xxix) plumbers regulated pursuant to chapter 326;
- 14.11 ~~(xxix)~~ (xxx) podiatrists regulated pursuant to chapter 153;
- 14.12 ~~(xxx)~~ (xxxi) practical nurses regulated pursuant to chapter 148;
- 14.13 ~~(xxxi)~~ (xxxii) professional fund-raisers regulated pursuant to chapter 309;
- 14.14 ~~(xxxii)~~ (xxxiii) psychologists regulated pursuant to chapter 148;
- 14.15 ~~(xxxiii)~~ (xxxiv) real estate brokers, salespersons, and others regulated pursuant to
- 14.16 chapters 82 and 83;
- 14.17 ~~(xxxiv)~~ (xxxv) registered nurses regulated pursuant to chapter 148;
- 14.18 ~~(xxxv)~~ (xxxvi) securities brokers, dealers, agents, and investment advisers regulated
- 14.19 pursuant to chapter 80A;
- 14.20 ~~(xxxvi)~~ (xxxvii) steamfitters regulated pursuant to chapter 326;
- 14.21 ~~(xxxvii)~~ (xxxviii) teachers and supervisory and support personnel regulated pursuant
- 14.22 to chapter 125;
- 14.23 ~~(xxxviii)~~ (xxxix) veterinarians regulated pursuant to chapter 156;
- 14.24 ~~(xxxix)~~ (xl) water conditioning contractors and installers regulated pursuant to
- 14.25 chapter 326;
- 14.26 ~~(xl)~~ (xli) water well contractors regulated pursuant to chapter 103I;
- 14.27 ~~(xli)~~ (xlii) water and waste treatment operators regulated pursuant to chapter 115;
- 14.28 ~~(xlii)~~ (xliii) motor carriers regulated pursuant to chapter 221;
- 14.29 ~~(xliii)~~ (xliv) professional firms regulated under chapter 319B;
- 14.30 ~~(xliv)~~ (xlv) real estate appraisers regulated pursuant to chapter 82B;
- 14.31 ~~(xlv)~~ (xlvi) residential building contractors, residential remodelers, residential
- 14.32 roofers, manufactured home installers, and specialty contractors regulated pursuant
- 14.33 to chapter 326; or
- 14.34 ~~(xlvi)~~ (xlvii) licensed professional counselors regulated pursuant to chapter 148B;
- 14.35 (4) any driver's license required pursuant to chapter 171;
- 14.36 (5) any aircraft license required pursuant to chapter 360;

- 15.1 (6) any watercraft license required pursuant to chapter 86B;
- 15.2 (7) any license, permit, registration, certification, or other approval pertaining to a
- 15.3 regulatory or management program related to the protection, conservation, or use of or
- 15.4 interference with the resources of land, air, or water, which is required to be obtained
- 15.5 from a state agency or instrumentality; and
- 15.6 (8) any pollution control rule or standard established by the Pollution Control
- 15.7 Agency or any health rule or standard established by the commissioner of health or any
- 15.8 licensing rule or standard established by the commissioner of human services.

15.9 Sec. 2. Minnesota Statutes 2006, section 145.61, subdivision 2, is amended to read:

15.10 Subd. 2. **Professional.** "Professional" means a person licensed or registered to

15.11 practice a healing art under chapter 147, 147E, or 148, to practice dentistry under chapter

15.12 150A, to practice as a pharmacist under chapter 151, or to practice podiatry under chapter

15.13 153.

15.14 Sec. 3. Minnesota Statutes 2006, section 146.23, subdivision 7, is amended to read:

15.15 Subd. 7. **Exemption.** The provisions of subdivision 2 do not apply to physicians

15.16 and doctors of osteopathy licensed under chapter 147 or naturopathic doctors registered

15.17 under chapter 147E.

15.18 Sec. 4. Minnesota Statutes 2006, section 148B.60, subdivision 3, is amended to read:

15.19 Subd. 3. **Unlicensed mental health practitioner or practitioner.** "Unlicensed

15.20 mental health practitioner" or "practitioner" means a person who provides or purports to

15.21 provide, for remuneration, mental health services as defined in subdivision 4. It does not

15.22 include persons licensed by the Board of Medical Practice under chapter 147 or 147E or

15.23 registered by the Board of Medical Practice under chapter 147A; the Board of Nursing

15.24 under sections 148.171 to 148.285; the Board of Psychology under sections 148.88

15.25 to 148.98; the Board of Social Work under chapter 148D; the Board of Marriage and

15.26 Family Therapy under sections 148B.29 to 148B.39; the Board of Behavioral Health and

15.27 Therapy under sections 148B.50 to 148B.593 and chapter 148C; or another licensing

15.28 board if the person is practicing within the scope of the license; members of the clergy

15.29 who are providing pastoral services in the context of performing and fulfilling the salaried

15.30 duties and obligations required of a member of the clergy by a religious congregation;

15.31 American Indian medicine men and women; licensed attorneys; probation officers; school

15.32 counselors employed by a school district while acting within the scope of employment

15.33 as school counselors; licensed occupational therapists; or licensed occupational therapy

assistants. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

(1) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;

(2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and

(3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.

Sec. 5. Minnesota Statutes 2006, section 214.23, subdivision 1, is amended to read:

Subdivision 1. **Commissioner of health.** The board shall enter into a contract with the commissioner to perform the functions in subdivisions 2 and 3. The contract shall provide that:

(1) unless requested to do otherwise by a regulated person, a board shall refer all regulated persons infected with HIV, HBV, or HCV to the commissioner;

(2) the commissioner may choose to refer any regulated person who is infected with HIV, HBV, or HCV as well as all information related thereto to the person's board at any time for any reason, including but not limited to: the degree of cooperation and compliance by the regulated person; the inability to secure information or the medical records of the regulated person; or when the facts may present other possible violations of the regulated persons practices act. Upon request of the regulated person who is infected with HIV, HBV, or HCV the commissioner shall refer the regulated person and all information related thereto to the person's board. Once the commissioner has referred a regulated person to a board, the board may not thereafter submit it to the commissioner to establish a monitoring plan unless the commissioner of health consents in writing;

(3) a board shall not take action on grounds relating solely to the HIV, HBV, or HCV status of a regulated person until after referral by the commissioner; and

(4) notwithstanding sections 13.39 and 13.41 and chapters 147, 147A, 147E, 148, 150A, 153, and 214, a board shall forward to the commissioner any information on a regulated person who is infected with HIV, HBV, or HCV that the Department of Health requests.

Sec. 6. Minnesota Statutes 2006, section 604A.01, subdivision 2, is amended to read:

Subd. 2. **General immunity from liability.** (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or

17.1 assistance at the scene of an emergency or during transit to a location where professional
17.2 medical care can be rendered, is not liable for any civil damages as a result of acts or
17.3 omissions by that person in rendering the emergency care, advice, or assistance, unless the
17.4 person acts in a willful and wanton or reckless manner in providing the care, advice, or
17.5 assistance. This subdivision does not apply to a person rendering emergency care, advice,
17.6 or assistance during the course of regular employment, and receiving compensation or
17.7 expecting to receive compensation for rendering the care, advice, or assistance.

17.8 (b) For the purposes of this section, the scene of an emergency is an area outside
17.9 the confines of a hospital or other institution that has hospital facilities, or an office of
17.10 a person licensed to practice one or more of the healing arts under chapter 147, 147A,
17.11 147E, 148, 150A, or 153. The scene of an emergency includes areas threatened by or
17.12 exposed to spillage, seepage, fire, explosion, or other release of hazardous materials,
17.13 and includes ski areas and trails.

17.14 (c) For the purposes of this section, "person" includes a public or private nonprofit
17.15 volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer
17.16 first provider of emergency medical services, volunteer ski patroller, and any partnership,
17.17 corporation, association, or other entity.

17.18 (d) For the purposes of this section, "compensation" does not include payments,
17.19 reimbursement for expenses, or pension benefits paid to members of volunteer
17.20 organizations.

17.21 (e) For purposes of this section, "emergency care" includes providing emergency
17.22 medical care by using or providing an automatic external defibrillator, unless the person
17.23 on whom the device is to be used objects; or unless the person is rendering this care
17.24 during the course of regular employment, the person is receiving or expects to receive
17.25 compensation for rendering this care, and the usual and regular duties of the person
17.26 include the provision of emergency medical care. "Automatic external defibrillator"
17.27 means a medical device heart monitor and defibrillator that:

17.28 (1) has received approval of its premarket notification, filed pursuant to United States
17.29 Code, title 21, section 360(k), from the United States Food and Drug Administration;

17.30 (2) is capable of recognizing the presence or absence of ventricular fibrillation or
17.31 rapid ventricular tachycardia, and is capable of determining, without intervention by an
17.32 operator, whether defibrillation should be performed; and

17.33 (3) upon determining that defibrillation should be performed, automatically charges
17.34 and requests delivery of an electrical impulse to an individual's heart.

18.1 Sec. 7. Minnesota Statutes 2006, section 604A.015, is amended to read:

18.2 **604A.015 SCHOOL BUS DRIVER IMMUNITY FROM LIABILITY.**

18.3 A school bus driver who, while on duty, provides emergency care, advice, or
18.4 assistance at the scene of an emergency or during transit to a location where professional
18.5 medical care can be rendered, is not liable in ordinary negligence, for any civil damages as
18.6 a result of acts or omissions to the person to whom assistance is rendered by the school
18.7 bus driver in rendering the emergency care, advice, or assistance. For the purposes of this
18.8 section, the scene of an emergency is an area outside the confines of a hospital or other
18.9 institution that has hospital facilities, or an office of a person licensed to practice one or
18.10 more of the healing arts under chapter 147, 147E, 148, 150A, or 153.

18.11 Sec. 8. **EFFECTIVE DATE.**

18.12 This article is effective July 1, 2008.

APPENDIX
Article locations in H1724-1

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