

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FOURTH SESSION**

**S.F. No. 3298**

**(SENATE AUTHORS: WIKLUND)**

<b>DATE</b>	<b>D-PG</b>	<b>OFFICIAL STATUS</b>
04/07/2025	1708	Introduction and first reading Referred to Health and Human Services
04/07/2026	7221a	Comm report: To pass as amended and re-refer to Finance
05/04/2026	9493a	Comm report: To pass as amended
	9703	Second reading
05/05/2026	9933a	Special Order: Amended
	9936	Third reading Passed as amended

1.1 A bill for an act

1.2 relating to health occupations; modifying licensing and scope of practice for

1.3 acupuncture and herbal medicine practice, athletic training, mortuary science,

1.4 physician assistant practice, social work, dentistry practice, marriage and family

1.5 therapy, pharmacy practice, physical therapists, and advanced practice registered

1.6 nurses; establishing registration for massage therapists and Asian bodywork

1.7 therapists; establishing licensure for music therapists; modifying certain unlicensed

1.8 practice provisions; establishing advisory councils; imposing civil penalties;

1.9 amending Minnesota Statutes 2024, sections 144.0572, subdivision 1; 146A.06,

1.10 subdivision 3; 146A.09, by adding a subdivision; 147.081, subdivision 1; 147A.01,

1.11 subdivision 18; 147A.03, subdivision 1, by adding a subdivision; 147B.01,

1.12 subdivisions 3, 4, 9, 14, by adding subdivisions; 147B.03, subdivisions 2, 3;

1.13 147B.05, subdivision 1; 147B.06, subdivisions 1, 5; 148.211, subdivision 1c, by

1.14 adding a subdivision; 148.61, subdivision 5; 148.65, subdivisions 5, 6; 148.706,

1.15 subdivisions 1, 2, 3; 148.7802, subdivision 6, by adding a subdivision; 148.7806;

1.16 148.7807; 148.7814; 148.941, subdivision 6; 148B.35; 148E.065, subdivision 4a;

1.17 148E.195, subdivision 2a; 148E.280; 149A.02, subdivision 26; 149A.20,

1.18 subdivisions 6, 7; 149A.30, subdivision 1; 150A.01, subdivision 6a; 150A.05,

1.19 subdivisions 1, 2; 150A.06, subdivisions 1, 1a, 1b, 1c, 2, 2a, 2c, 2d, 3, 8, 9, 11;

1.20 150A.08, subdivision 1; 150A.081, subdivision 1; 150A.091, subdivisions 2, 4, 5,

1.21 7, 8, 9a, 10, 20, by adding a subdivision; 150A.10, subdivisions 1, 1a, 4; 150A.105,

1.22 subdivision 8; 150A.106, subdivision 3; 150A.11, subdivision 1; 151.01,

1.23 subdivision 27; 151.071, subdivision 2; 151.37, by adding a subdivision; 152.11,

1.24 subdivision 2; 152.12, by adding a subdivision; Minnesota Statutes 2025

1.25 Supplement, sections 147B.06, subdivision 4; 150A.06, subdivision 12; 151.01,

1.26 subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 148;

1.27 proposing coding for new law as Minnesota Statutes, chapter 148H; repealing

1.28 Minnesota Statutes 2024, sections 147B.01, subdivision 18; 148.7802, subdivisions

1.29 4, 5; 150A.06, subdivision 6.

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

2.2 **ARTICLE 1**  
 2.3 **ACUPUNCTURE AND HERBAL MEDICINE PRACTICE**

2.4 Section 1. Minnesota Statutes 2024, section 147B.01, is amended by adding a subdivision  
 2.5 to read:

2.6 Subd. 2a. **Acupuncture.** (a) "Acupuncture" means a unique treatment technique that  
 2.7 uses modern and traditional medical methods of diagnosis and treatment. Acupuncture  
 2.8 includes the insertion of filiform or acupuncture needles through the skin and may include  
 2.9 the use of other biophysical methods of acupuncture point stimulation, including the use of  
 2.10 heat, massage, or manual therapy techniques or electrical stimulation. Acupuncture includes  
 2.11 but is not limited to therapies termed "dry needling," "trigger point therapy," "intramuscular  
 2.12 therapy," "auricular detox treatment," and similar terms referring to the insertion of needles  
 2.13 past the skin for pain management, disease or symptom modification, or other related  
 2.14 treatments.

2.15 (b) Nothing in this subdivision shall be construed to expand or restrict the existing scope  
 2.16 of practice of other licensed health care professionals.

2.17 Sec. 2. Minnesota Statutes 2024, section 147B.01, subdivision 3, is amended to read:

2.18 Subd. 3. **Acupuncture and herbal medicine practice.** "Acupuncture and herbal medicine  
 2.19 practice" means a unique and comprehensive system of primary health care using Oriental  
 2.20 medical theory and its unique methods of diagnosis and treatment. Its treatment techniques  
 2.21 include the insertion of acupuncture needles through the skin and the use of other biophysical  
 2.22 methods of acupuncture point stimulation, including the use of heat, Oriental massage  
 2.23 techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines, breathing  
 2.24 techniques, and exercise based on Oriental medical principles that uses traditional and  
 2.25 modern diagnosis, methodology, and treatment techniques based on acupuncture and herbal  
 2.26 medicine theory, principles, and methods. Treatment techniques include but are not limited  
 2.27 to acupuncture, cupping, dermal friction, therapeutic massage, herbal therapies, dietary  
 2.28 guidelines, mind-body exercises, and other appropriate techniques.

2.29 Sec. 3. Minnesota Statutes 2024, section 147B.01, subdivision 4, is amended to read:

2.30 Subd. 4. **Acupuncture needle.** "Acupuncture needle" means a needle designed  
 2.31 exclusively for acupuncture the purposes of insertion past the skin to alleviate pain, provide  
 2.32 symptom relief, or modulate disease processes. It has a solid core, with a tapered point, and

3.1 is 0.12 mm to 0.45 mm in thickness. It is constructed of stainless steel, gold, silver, or other  
3.2 board-approved materials as long as the materials can be sterilized according to  
3.3 recommendations of the National Centers for Disease Control and Prevention.

3.4 Sec. 4. Minnesota Statutes 2024, section 147B.01, subdivision 9, is amended to read:

3.5 Subd. 9. **Breathing techniques.** "Breathing techniques" means ~~Oriental~~ breathing  
3.6 exercises taught to a patient as part of a treatment plan.

3.7 Sec. 5. Minnesota Statutes 2024, section 147B.01, subdivision 14, is amended to read:

3.8 Subd. 14. **Herbal therapies or herbal medicine.** "Herbal therapies" ~~are~~ "herbal  
3.9 medicine" means the use of herbs and patent herbal remedies as supplements as part of the  
3.10 treatment plan of the patient.

3.11 Sec. 6. Minnesota Statutes 2024, section 147B.01, is amended by adding a subdivision to  
3.12 read:

3.13 Subd. 14a. **Low-level or cold laser.** "Low-level or cold laser" means a nonsurgical laser  
3.14 classified as Class III by the United States Food and Drug Administration.

3.15 Sec. 7. Minnesota Statutes 2024, section 147B.03, subdivision 2, is amended to read:

3.16 Subd. 2. **Board approval.** The board shall approve a continuing education program if  
3.17 the program meets the following requirements:

3.18 (1) it directly relates to the practice of acupuncture;

3.19 (2) each member of the faculty shows expertise in the subject matter by holding a degree  
3.20 or certificate from an educational institution, has verifiable experience in ~~traditional Oriental~~  
3.21 acupuncture and herbal medicine, or has special training in the subject area;

3.22 (3) the program lasts at least one contact hour;

3.23 (4) there are specific written objectives describing the goals of the program for the  
3.24 participants; and

3.25 (5) the program sponsor maintains attendance records for four years.

3.26 Sec. 8. Minnesota Statutes 2024, section 147B.03, subdivision 3, is amended to read:

3.27 Subd. 3. **Continuing education topics.** (a) Continuing education program topics may  
3.28 include; but are not limited to, ~~Oriental medical~~ acupuncture and herbal medicine theory  
3.29 and techniques including ~~Oriental~~ massage; ~~Oriental~~ nutrition; ~~Oriental~~ herbology and diet

4.1 therapy; ~~Oriental exercise; western sciences such as~~ anatomy, physiology, biochemistry,  
4.2 microbiology, psychology, ~~nutrition,~~ and history of medicine; and medical terminology or  
4.3 coding.

4.4 (b) Practice management courses are excluded under this section.

4.5 Sec. 9. Minnesota Statutes 2024, section 147B.05, subdivision 1, is amended to read:

4.6 Subdivision 1. **Creation.** The advisory council to the Board of Medical Practice for  
4.7 acupuncture consists of seven members appointed by the board to three-year terms. Four  
4.8 members must be ~~licensed~~ acupuncture practitioners licensed in Minnesota, one member  
4.9 must be a licensed physician or osteopathic physician who also practices acupuncture, one  
4.10 member must be a licensed chiropractor who is NCCAOM certified, and one member must  
4.11 be a member of the public who has received acupuncture treatment as a primary therapy  
4.12 from a NCCAOM certified acupuncturist.

4.13 Sec. 10. Minnesota Statutes 2024, section 147B.06, subdivision 1, is amended to read:

4.14 Subdivision 1. **Practice standards.** (a) Before treatment of a patient, an acupuncture  
4.15 practitioner shall ask whether the patient has been examined by a licensed physician or other  
4.16 professional, as defined by section 145.61, subdivision 2, with regard to the patient's illness  
4.17 or injury, and shall review the diagnosis as reported.

4.18 (b) The practitioner shall obtain informed consent from the patient, after advising the  
4.19 patient of the following information which must be supplied to the patient ~~in writing~~ before  
4.20 or at the time of the initial visit:

4.21 (1) the practitioner's qualifications including:

4.22 (i) education;

4.23 (ii) license information; and

4.24 (iii) outline of the scope of practice of acupuncturists in Minnesota; and

4.25 (2) side effects which may include the following:

4.26 (i) some pain in the treatment area;

4.27 (ii) minor bruising;

4.28 (iii) infection;

4.29 (iv) needle sickness; or

4.30 (v) broken needles.

5.1 (c) The practitioner shall obtain acknowledgment by the patient in writing that the patient  
 5.2 has been advised to consult with the patient's primary care physician about the acupuncture  
 5.3 treatment if the patient circumstances warrant or the patient chooses to do so.

5.4 (d) The practitioner shall inquire whether the patient has a pacemaker or bleeding disorder.

5.5 Sec. 11. Minnesota Statutes 2025 Supplement, section 147B.06, subdivision 4, is amended  
 5.6 to read:

5.7 Subd. 4. **Scope of practice.** The scope of practice of acupuncture and herbal medicine  
 5.8 includes; but is not limited to; the following:

5.9 (1) ~~using Oriental medical theory to assess and diagnose a patient~~ evaluation,  
 5.10 management, and treatment services using methods and techniques described in section  
 5.11 147B.01, subdivisions 2a, 3, and 14; and

5.12 (2) ~~using Oriental medical theory to develop a plan to treat a patient. The treatment~~  
 5.13 ~~techniques that may be chosen include;~~ diagnostic examination, testing, and procedures  
 5.14 including physical examination, basic diagnostic imaging, and basic laboratory or other  
 5.15 diagnostic tests for the purposes of guiding treatment within the scope of practice of  
 5.16 acupuncture, herbal medicine, and herbal therapies, as described in section 147B.01,  
 5.17 subdivisions 2a, 3, and 14. When results fall outside of the education, training, and expertise  
 5.18 of the licensed acupuncturists, or suggest serious or emergent conditions, the acupuncturist  
 5.19 must facilitate referrals to other appropriate health care providers;

5.20 (i) ~~insertion of sterile acupuncture needles through the skin;~~

5.21 (ii) ~~acupuncture stimulation including, but not limited to, electrical stimulation or the~~  
 5.22 ~~application of heat;~~

5.23 (iii) ~~cupping;~~

5.24 (iv) ~~dermal friction;~~

5.25 (v) ~~acupressure;~~

5.26 (vi) ~~herbal therapies;~~

5.27 (vii) ~~dietary counseling based on traditional Chinese medical principles;~~

5.28 (viii) ~~breathing techniques;~~

5.29 (ix) ~~exercise according to Oriental medical principles; or~~

5.30 (x) ~~Oriental massage.~~

6.1 (3) services included in the practice of acupuncture and herbal medicine, as defined in  
6.2 section 147B.01, subdivision 3;

6.3 (4) stimulation of acupuncture points, areas of the body, or substances in the body using  
6.4 acupuncture needles, heat, color, light, infrared and ultraviolet, low-level or cold lasers,  
6.5 sound, vibration, pressure, magnetism, electricity, electromagnetic energy, suction, or other  
6.6 devices in accordance with acupuncture and herbal medicine training;

6.7 (5) use of physical medicine modalities, procedures, and devices such as cupping, dermal  
6.8 friction, acupressure, and massage, as described in section 147B.01, subdivisions 2a, 3, and  
6.9 14;

6.10 (6) use of therapeutic exercises, breathing techniques, meditation, and biofeedback  
6.11 devices and other devices that utilize heat, cold, color, light, infrared and ultraviolet, low-level  
6.12 or cold lasers, sound, vibration, pressure, magnetism, electricity, and electromagnetic energy  
6.13 for therapeutic purposes; and

6.14 (7) general dietary guidance provided for wellness and supportive purposes that is  
6.15 consistent with the education and training of an acupuncture and herbal medicine practitioner.

6.16 Sec. 12. Minnesota Statutes 2024, section 147B.06, subdivision 5, is amended to read:

6.17 Subd. 5. **Patient records.** An acupuncturist shall maintain a patient record for each  
6.18 patient treated, including:

6.19 (1) a copy of the informed consent;

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

6.22 (3) evidence of a ~~traditional acupuncture~~ examination and diagnosis;

6.23 (4) record of the treatment including points treated; and

6.24 (5) evidence of evaluation and instructions given to the patient.

6.25 Sec. 13. **REPEALER.**

6.26 Minnesota Statutes 2024, section 147B.01, subdivision 18, is repealed.

7.1 **ARTICLE 2**

7.2 **ATHLETIC TRAINER PRACTICE**

7.3 Section 1. Minnesota Statutes 2024, section 148.7802, subdivision 6, is amended to read:

7.4 Subd. 6. **Athletic trainer.** "Athletic trainer" means a person who engages in athletic  
7.5 training under section 148.7806 and is licensed under section 148.7808. Athletic trainers  
7.6 practice in health care settings and serve patient populations as identified by the Board of  
7.7 Certification for the Athletic Trainer or its recognized successor and by approved education  
7.8 programs.

7.9 Sec. 2. Minnesota Statutes 2024, section 148.7802, is amended by adding a subdivision  
7.10 to read:

7.11 Subd. 6a. **Athletic training.** "Athletic training" means the following actions performed  
7.12 for the purpose of treating emergent, acute, and chronic injuries and nonorthopedic conditions  
7.13 and performed within the professional training and experience provided by an approved  
7.14 education program and included in an athletic trainer credentialing examination:

7.15 (1) risk reduction, wellness, and health literacy;

7.16 (2) assessment, evaluation, and diagnosis;

7.17 (3) critical incident management;

7.18 (4) therapeutic intervention; and

7.19 (5) health care administration and professional responsibility.

7.20 Sec. 3. Minnesota Statutes 2024, section 148.7806, is amended to read:

7.21 **148.7806 ATHLETIC TRAINING.**

7.22 ~~Athletic training by a licensed athletic trainer under section 148.7808 includes the~~  
7.23 ~~activities described in paragraphs (a) to (e).~~

7.24 (a) An athletic trainer shall: perform athletic training under the supervision of, on the  
7.25 prescription of, and in collaboration with, a primary physician:

7.26 (1) who is licensed in Minnesota to practice medicine, as defined in section 147.081;

7.27 and

7.28 (2) whose license is in good standing.

7.29 ~~(1) prevent, recognize, and evaluate athletic injuries;~~

8.1 ~~(2) give emergency care and first aid;~~

8.2 ~~(3) manage and treat athletic injuries; and~~

8.3 ~~(4) rehabilitate and physically recondition athletic injuries.~~

8.4 The ~~(b) An~~ athletic trainer ~~may use modalities such as cold, heat, light, sound, electricity,~~  
 8.5 ~~exercise, and mechanical devices~~ must use therapeutic interventions within the training and  
 8.6 experience of the athletic trainer according to section 148.7802, subdivision 6a for the  
 8.7 treatment and rehabilitation of athletic injuries to athletes in the primary employment site  
 8.8 patients.

8.9 ~~(b)~~ (c) The primary physician shall establish evaluation and treatment protocols to be  
 8.10 used by the athletic trainer. The primary physician shall record the protocols on a form  
 8.11 prescribed by the board. The protocol form must be updated yearly at the athletic trainer's  
 8.12 license renewal time and kept on file by the athletic trainer.

8.13 ~~(e)~~ (d) At the primary employment site, ~~except in a corporate setting,~~ an athletic trainer  
 8.14 may evaluate and treat ~~an athlete for an athletic injury~~ a patient who was not previously  
 8.15 diagnosed for not more than 30 days, or a period of time as designated by the primary  
 8.16 physician on the protocol form, from the date of the initial evaluation and treatment.  
 8.17 ~~Preventative care after resolution of the injury is~~ Prevention, wellness, education, exercise,  
 8.18 and reconditioning are not considered treatment. This paragraph does not apply to a person  
 8.19 who is referred for treatment by a person licensed in this state to practice medicine as defined  
 8.20 in section 147.081<sub>2</sub>; to practice chiropractic as defined in section 148.01<sub>5</sub>; to practice physical  
 8.21 therapy as defined in section 148.65, except as provided in paragraph (f); to practice podiatry  
 8.22 as defined in section 153.01<sub>2</sub>; or to practice dentistry as defined in section 150A.05<sub>2</sub> and  
 8.23 whose license is in good standing.

8.24 ~~(d)~~ (e) An athletic trainer ~~may:~~

8.25 (1) may organize and administer an athletic training program, including, but not limited  
 8.26 to, educating and counseling ~~athletes~~ patients;

8.27 (2) must monitor the signs, symptoms, general behavior, and general physical response  
 8.28 of ~~an athlete~~ a patient to treatment and rehabilitation, including, but not limited to, whether  
 8.29 the signs, symptoms, reactions, behavior, or general response show abnormal characteristics  
 8.30 that require a change in the plan of care or a referral; and

8.31 (3) must make suggestions to the primary physician or other treating provider for a  
 8.32 modification in the treatment and rehabilitation of ~~an injured athlete~~ a patient based on the  
 8.33 indicators in clause (2).

9.1 ~~(e)~~ (f) In a clinical, corporate, and physical therapy setting, when the service provided  
 9.2 is, or is represented as being, physical therapy, an athletic trainer may work only under the  
 9.3 direct supervision of a physical therapist as defined in section 148.65.

9.4 Sec. 4. Minnesota Statutes 2024, section 148.7807, is amended to read:

9.5 **148.7807 LIMITATIONS ON PRACTICE.**

9.6 (a) An athletic trainer must not practice or claim to practice medicine as defined in  
 9.7 section 147.081; acupuncture as defined in section 147B.01; chiropractic as defined in  
 9.8 section 148.01; physical therapy as defined in section 148.65, except as provided under  
 9.9 section 148.7806, paragraph (f); podiatry as defined in section 153.01; occupational therapy  
 9.10 as defined in section 148.6404; or any other licensed or registered health care profession,  
 9.11 unless the athletic trainer also holds the appropriate license or registration to practice that  
 9.12 profession.

9.13 (b) If an athletic trainer determines that a patient's medical condition is beyond outside  
 9.14 the scope of practice of that athletic trainer, the athletic trainer must refer the patient to a  
 9.15 person licensed in this state to practice medicine as defined in section 147.081; to practice  
 9.16 chiropractic as defined in section 148.01; to practice physical therapy as defined in section  
 9.17 148.65, except as provided under section 148.7806, paragraph (f); to practice podiatry as  
 9.18 defined in section 153.01; or to practice dentistry as defined in section 150A.05, and whose  
 9.19 license is in good standing and in accordance with established evaluation and treatment  
 9.20 protocols. An athletic trainer shall modify or terminate treatment of a patient that is not  
 9.21 beneficial to the patient, or that is not tolerated by the patient.

9.22 Sec. 5. Minnesota Statutes 2024, section 148.7814, is amended to read:

9.23 **148.7814 APPLICABILITY.**

9.24 Sections 148.7801 to 148.7815 do not apply to ~~persons who are certified as an~~ athletic  
 9.25 ~~trainers~~ trainer who is in Minnesota temporarily with an individual or group that is  
 9.26 participating in a specific athletic event or series of athletic events if the athletic trainer is  
 9.27 licensed, certified, or registered by another state or county, or is certified as an athletic  
 9.28 trainer by the Board of Certification or the board's recognized successor and come into  
 9.29 ~~Minnesota for a specific athletic event or series of athletic events with an individual or~~  
 9.30 ~~group.~~

9.31 Sec. 6. **REPEALER.**

9.32 Minnesota Statutes 2024, section 148.7802, subdivisions 4 and 5, are repealed.

10.1

**ARTICLE 3**

10.2

**MASSAGE THERAPY AND ASIAN BODYWORK THERAPY REGISTRATION**

10.3 Section 1. Minnesota Statutes 2024, section 144.0572, subdivision 1, is amended to read:

10.4 Subdivision 1. **Criminal history background check requirements.** (a) ~~Beginning~~  
 10.5 ~~January 1, 2018,~~ An applicant for initial licensure, temporary licensure, or relicensure after  
 10.6 a lapse in licensure as an audiologist ~~or~~ a speech-language pathologist, or a speech-language  
 10.7 pathology assistant; an applicant for initial massage therapist or Asian bodywork therapist  
 10.8 registration; or an applicant for initial certification as a hearing instrument dispenser, must  
 10.9 submit to a criminal history records check of state data completed by the Bureau of Criminal  
 10.10 Apprehension (BCA) and a national criminal history records check, including a search of  
 10.11 the records of the Federal Bureau of Investigation (FBI).

10.12 (b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an  
 10.13 audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed  
 10.14 or obtained a certificate before January 1, 2018, must submit to a criminal history records  
 10.15 check of state data completed by the BCA and a national criminal history records check,  
 10.16 including a search of the records of the FBI.

10.17 (c) An applicant must submit to a background study under chapter 245C.

10.18 (d) The criminal history records check must be structured so that any new crimes that  
 10.19 an applicant ~~or~~ licensee, registrant, or certificate holder commits after the initial background  
 10.20 check are flagged in the BCA's or FBI's database and reported back to the commissioner of  
 10.21 human services.

10.22 Sec. 2. Minnesota Statutes 2024, section 146A.06, subdivision 3, is amended to read:

10.23 Subd. 3. **Exchanging information.** (a) The office shall establish internal operating  
 10.24 procedures for:

10.25 (1) exchanging information with state boards; agencies, including the Office of  
 10.26 Ombudsman for Mental Health and Developmental Disabilities; health-related and law  
 10.27 enforcement facilities; departments responsible for licensing health-related occupations,  
 10.28 facilities, and programs; and law enforcement personnel in this and other states; and

10.29 (2) coordinating investigations involving matters within the jurisdiction of more than  
 10.30 one regulatory agency.

10.31 (b) The procedures for exchanging information must provide for the forwarding to the  
 10.32 entities described in paragraph (a), clause (1), of information and evidence, including the

11.1 results of investigations, that are relevant to matters within the regulatory jurisdiction of  
11.2 the organizations in paragraph (a). The data have the same classification in the hands of the  
11.3 agency receiving the data as they have in the hands of the agency providing the data.

11.4 (c) The office shall establish procedures for exchanging information with other states  
11.5 regarding disciplinary action against unlicensed complementary and alternative health care  
11.6 practitioners.

11.7 (d) The office shall forward to another governmental agency any complaints received  
11.8 by the office that do not relate to the office's jurisdiction but that relate to matters within  
11.9 the jurisdiction of the other governmental agency. The agency to which a complaint is  
11.10 forwarded shall advise the office of the disposition of the complaint. A complaint or other  
11.11 information received by another governmental agency relating to a statute or rule that the  
11.12 office is empowered to enforce must be forwarded to the office to be processed in accordance  
11.13 with this section.

11.14 (e) The office shall furnish to a person who made a complaint a description of the actions  
11.15 of the office relating to the complaint.

11.16 (f) Effective July 1, 2028, upon request by the commissioner, the office must share all  
11.17 complaint, investigatory, and disciplinary data regarding a named individual who has  
11.18 practiced or is practicing massage therapy or Asian bodywork therapy as an unlicensed  
11.19 complementary and alternative health care practitioner.

11.20 Sec. 3. Minnesota Statutes 2024, section 146A.09, is amended by adding a subdivision to  
11.21 read:

11.22 Subd. 8. **Registered massage therapists and Asian bodywork therapists.** Effective  
11.23 July 1, 2028, a person whose registration as a massage therapist or Asian bodywork therapist  
11.24 under sections 148.636 to 148.6377 has been suspended or revoked by the commissioner  
11.25 of health must not practice as an unlicensed complementary and alternative health care  
11.26 practitioner under this chapter during a period of suspension or revocation.

11.27 Sec. 4. [148.636] CITATION.

11.28 Sections 148.636 to 148.6377 may be cited as the "Minnesota Massage Therapy and  
11.29 Asian Bodywork Therapy Act."

12.1 Sec. 5. [148.6361] DEFINITIONS.

12.2 Subdivision 1. **Applicability.** For purposes of sections 148.636 to 148.6377, the terms  
12.3 defined in this section have the meanings given unless the context clearly indicates otherwise.

12.4 Subd. 2. **Advisory council.** "Advisory council" means the Massage Therapy Advisory  
12.5 Council established under section 148.6376.

12.6 Subd. 3. **Applicant.** "Applicant" means an individual who has submitted an application  
12.7 to the commissioner according to sections 148.636 to 148.6377.

12.8 Subd. 4. **Asian bodywork therapy.** (a) "Asian bodywork therapy" means therapy based  
12.9 upon Chinese medical principles with the intent of promoting, maintaining, and restoring  
12.10 health and well-being by affecting the body.

12.11 (b) Asian bodywork therapy may use any of the following techniques:

12.12 (1) pressing;

12.13 (2) soothing;

12.14 (3) kneading;

12.15 (4) vibration;

12.16 (5) friction;

12.17 (6) passive stretching within the client's physiological range of motion;

12.18 (7) active assistive and resistive movement;

12.19 (8) stretching; and

12.20 (9) tapping, movement, exercising, or manipulation of the soft tissues.

12.21 (c) Methods of assessment and evaluation for Asian bodywork therapy must include a  
12.22 health history and intake interview; observation; listening; questioning; palpation; and with  
12.23 the client's permission or if the client is a minor, the permission of the client's legal guardian  
12.24 or parent, consultation with the client's other health care providers.

12.25 Subd. 5. **Client.** "Client" means a recipient of massage therapy services or Asian  
12.26 bodywork therapy services.

12.27 Subd. 6. **Commissioner.** "Commissioner" means the commissioner of health.

12.28 Subd. 7. **Contact hours.** "Contact hours" means the number of hours during which a  
12.29 student is engaged in learning activities provided by a training program approved by the

13.1 advisory council. Contact hours include synchronous or asynchronous distance learning  
13.2 and in-person learning.

13.3 Subd. 8. **Credentialing examination.** "Credentialing examination" means an examination  
13.4 approved by the commissioner that meets recognized psychometric principles and standards  
13.5 and is administered by a national testing organization.

13.6 Subd. 9. **Massage therapy.** (a) "Massage therapy" means the manual manipulation of  
13.7 the soft tissues of the body to promote, maintain, and restore health and well-being.

13.8 (b) Massage therapy may use any of the following techniques:

13.9 (1) stroking;

13.10 (2) gliding;

13.11 (3) lifting;

13.12 (4) kneading;

13.13 (5) jostling;

13.14 (6) vibration;

13.15 (7) percussion;

13.16 (8) compression;

13.17 (9) friction;

13.18 (10) holding;

13.19 (11) passive stretching within the client's physiological range of motion;

13.20 (12) movement or manipulation of the soft tissues;

13.21 (13) active assistive and resistive movement; and

13.22 (14) stretching.

13.23 (c) Methods of assessment for massage therapy must include a health history and intake  
13.24 interview; observation of posture and movement; palpation; range of motion assessment;  
13.25 and with the client's permission or if the client is a minor, the permission of the client's legal  
13.26 guardian or parent, consultation with the client's other health care providers.

13.27 Subd. 10. **Municipality.** "Municipality" means a county, town, or home rule charter or  
13.28 statutory city.

14.1 Subd. 11. **Registered Asian bodywork therapist.** "Registered Asian bodywork therapist"  
 14.2 means an individual who meets the qualifications in sections 148.636 to 148.6377 to use  
 14.3 the protected titles for Asian bodywork therapists under section 148.6364 and is registered  
 14.4 with the commissioner.

14.5 Subd. 12. **Registered massage therapist.** "Registered massage therapist" means an  
 14.6 individual who meets the qualifications in sections 148.636 to 148.6377 to use the protected  
 14.7 titles for massage therapists under section 148.6364 and is registered with the commissioner.

14.8 Subd. 13. **Registrant.** "Registrant" means an individual registered with the commissioner  
 14.9 under sections 148.636 to 148.6377.

14.10 **Sec. 6. [148.6362] DUTIES OF THE COMMISSIONER.**

14.11 The commissioner shall:

14.12 (1) issue registrations to qualified applicants according to sections 148.636 to 148.6377;

14.13 (2) adopt rules, including standards of practice and a professional code of ethics, necessary  
 14.14 to implement sections 148.636 to 148.6377;

14.15 (3) assign duties to the advisory council that are necessary to implement sections 148.636  
 14.16 to 148.6377;

14.17 (4) approve a credentialing examination;

14.18 (5) enforce sections 148.636 to 148.6377 and investigate violations of sections 148.636  
 14.19 to 148.6377 by a registrant or applicant;

14.20 (6) impose disciplinary action as described in section 148.6370;

14.21 (7) maintain a record of names and addresses of registrants; and

14.22 (8) distribute information regarding massage therapy and Asian bodywork therapy  
 14.23 standards, including applications and forms necessary to carry out sections 148.636 to  
 14.24 148.6377.

14.25 **Sec. 7. [148.6363] LIMITATIONS ON PRACTICE.**

14.26 Subdivision 1. **Limitations.** The practice of massage therapy and Asian bodywork  
 14.27 therapy does not include:

14.28 (1) performing examinations for the purpose of diagnosis;

14.29 (2) providing treatments that are outside the scope of massage therapy or Asian bodywork  
 14.30 therapy practice;

15.1 (3) attempts to adjust, manipulate, or mobilize any articulation of the body or spine by  
 15.2 the use of high-velocity, low-amplitude thrusting force;

15.3 (4) attempts to stimulate various points of the body by needle insertion or interruption  
 15.4 of the cutaneous integrity by needle insertion to secure therapeutic relief of symptoms;

15.5 (5) prescriptive exercise;

15.6 (6) manual or mechanical traction when applied to the spine or extremities for the  
 15.7 purposes of joint mobilization or manipulation;

15.8 (7) injection therapy;

15.9 (8) laser therapy;

15.10 (9) microwave diathermy;

15.11 (10) electrical stimulation;

15.12 (11) ultrasound;

15.13 (12) iontophoresis; or

15.14 (13) phonophoresis.

15.15 Subd. 2. **Referrals to other health care providers.** If a registered massage therapist or  
 15.16 Asian bodywork therapist finds a client's medical condition is beyond the scope of practice  
 15.17 established by sections 148.636 to 148.6377 for a registered massage therapist or Asian  
 15.18 bodywork therapist, the therapist must refer the client to a licensed health care provider.  
 15.19 Nothing in this subdivision prohibits the registered massage therapist or Asian bodywork  
 15.20 therapist from continuing to comanage a client's care.

15.21 Sec. 8. **[148.6364] PROTECTED TITLES AND RESTRICTIONS ON USE.**

15.22 Effective January 1, 2028, no person shall use any of the terms or titles "registered  
 15.23 massage therapist," "RMT," "registered Asian bodywork therapist," "RABT," or any other  
 15.24 term or title that may lead the public to believe the person is a registered massage therapist  
 15.25 or registered Asian bodywork therapist, unless the person is registered under sections 148.636  
 15.26 to 148.6377.

15.27 Sec. 9. **[148.6365] EXEMPTIONS; OTHER HEALTH CARE PROVIDERS.**

15.28 Subdivision 1. **Other professions.** Nothing in sections 148.636 to 148.6377 shall be  
 15.29 construed to prohibit, restrict, or regulate the practice of any profession or occupation  
 15.30 licensed or registered in the state by an individual licensed or registered to practice the

16.1 profession or occupation or to perform any act that falls within the scope of practice of the  
16.2 profession or occupation.

16.3 Subd. 2. **Complementary and alternative health care practitioner.** Nothing in sections  
16.4 148.636 to 148.6377 shall be construed to prohibit, restrict, or regulate the practice of any  
16.5 individual who is engaged in providing complementary and alternative health care practices  
16.6 as defined in section 146A.01, subdivision 4, provided that the practitioner does not use a  
16.7 protected title under section 148.6364 or advertise or imply that the practitioner is registered  
16.8 under sections 148.636 to 148.6377.

16.9 Sec. 10. **[148.6366] REQUIREMENTS FOR REGISTRATION.**

16.10 Subdivision 1. **General registration requirements.** (a) To be eligible for registration  
16.11 as a massage therapist or Asian bodywork therapist according to sections 148.636 to  
16.12 148.6377, an applicant must submit to the commissioner:

16.13 (1) a completed application on a form provided by the commissioner that includes:

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

16.16 (ii) a list of credentials held by the applicant in this state or in any other jurisdiction;

16.17 (iii) a description of any jurisdiction's refusal to license or credential the applicant;

16.18 (iv) a description of all professional disciplinary actions initiated against the applicant  
16.19 in this state or any other jurisdiction;

16.20 (v) any misdemeanor, gross misdemeanor, or felony convictions; and

16.21 (vi) any other additional information requested by the commissioner;

16.22 (2) proof, as required by the commissioner, that the applicant has satisfactorily completed  
16.23 a postsecondary massage therapy program or Asian bodywork therapy program through a  
16.24 school or program that:

16.25 (i) is licensed by or registered with the Office of Higher Education or has conditional  
16.26 approval for a registered school and provisional license from the Office of Higher Education;  
16.27 and

16.28 (ii) meets the education and training requirements described under subdivision 2 or 3;

16.29 (3) proof of successful passage of a credentialing examination approved by the  
16.30 commissioner;

17.1 (4) proof, as required by the commissioner, of current professional liability insurance  
 17.2 coverage or school liability insurance coverage, as applicable, with at least \$2,000,000 of  
 17.3 coverage per occurrence and \$6,000,000 annual aggregate; and

17.4 (5) any applicable fees specified in section 148.6377.

17.5 (b) The applicant must submit to a criminal background check conducted in accordance  
 17.6 with section 144.0572 and pay any fees associated with conducting the criminal background  
 17.7 check.

17.8 (c) The applicant must sign the application certifying that the information in the  
 17.9 application is true and correct to the best of the applicant's knowledge and authorizing the  
 17.10 commissioner to obtain access to the applicant's records in this state or any other jurisdiction  
 17.11 in which the applicant has engaged in the practice of massage therapy or Asian bodywork  
 17.12 therapy.

17.13 **Subd. 2. Education and training requirements for massage therapy registration. (a)**  
 17.14 **An applicant for registration as a massage therapist under subdivision 1 whose application**  
 17.15 **is received by the commissioner before July 1, 2031, must submit to the commissioner proof**  
 17.16 **of satisfactorily completing a postsecondary program that meets the requirements in**  
 17.17 **subdivision 1, paragraph (a), clause (2), item (i), and includes education and training in:**

17.18 (1) anatomy;

17.19 (2) physiology;

17.20 (3) pathology;

17.21 (4) massage therapy;

17.22 (5) massage therapy history, theory, and research;

17.23 (6) professional ethics;

17.24 (7) therapeutic interpersonal communications and standards of practice;

17.25 (8) business and legal practices related to massage therapy; and

17.26 (9) supervised practice demonstrating safe use of equipment and supplies.

17.27 (b) An applicant for registration as a massage therapist under subdivision 1 whose  
 17.28 application is received by the commissioner on or after July 1, 2031, must submit to the  
 17.29 commissioner proof of satisfactorily completing a postsecondary massage therapy program  
 17.30 that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

18.1 (1) has programmatic accreditation for massage therapy training programs from an  
18.2 agency recognized by the United States Department of Education; or

18.3 (2) includes at least 625 contact hours of education and training composed of 500 contact  
18.4 hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student  
18.5 clinical practice.

18.6 (c) A program may require more than 625 total contact hours of education and training,  
18.7 and may require more than 125 hours of supervised clinical practice, if at least 500 contact  
18.8 hours are devoted to instruction in the subjects listed in paragraph (a).

18.9 (d) A student shall not begin a supervised clinical practice of massage therapy without  
18.10 student or professional liability insurance coverage of up to \$2,000,000 per occurrence and  
18.11 \$6,000,000 annual aggregate. The school or program may offer to the student, the student  
18.12 or professional liability insurance coverage required under this paragraph.

18.13 **Subd. 3. Education and training requirements for Asian bodywork therapy**  
18.14 **registration.** (a) An applicant for registration as an Asian bodywork therapist under  
18.15 subdivision 1 whose application is received by the commissioner before July 1, 2031, must  
18.16 submit to the commissioner proof of satisfactorily completing a postsecondary program  
18.17 that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and includes  
18.18 education and training in:

18.19 (1) anatomy;

18.20 (2) physiology;

18.21 (3) pathology;

18.22 (4) Asian bodywork therapy;

18.23 (5) traditional Chinese medicine theory;

18.24 (6) Asian bodywork history, theory, and research;

18.25 (7) professional ethics;

18.26 (8) therapeutic interpersonal communications and standards of practice;

18.27 (9) business and legal practices related to Asian bodywork therapy; and

18.28 (10) supervised practice demonstrating safe use of equipment and supplies.

18.29 (b) An applicant for registration as an Asian bodywork therapist under subdivision 1  
18.30 whose application is received by the commissioner on or after July 1, 2031, must submit to

19.1 the commissioner proof of satisfactorily completing a postsecondary program that meets  
19.2 the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

19.3 (1) has programmatic accreditation for Asian bodywork therapy training programs from  
19.4 an agency recognized by the United States Department of Education; or

19.5 (2) includes at least 625 contact hours of education and training composed of 500 contact  
19.6 hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student  
19.7 clinical practice.

19.8 (c) An Asian bodywork therapy school or program may require more than 625 total  
19.9 contact hours of education and training, and may require more than 125 hours of supervised  
19.10 clinical practice, if at least 500 contact hours are devoted to instruction in the subjects listed  
19.11 in paragraph (a).

19.12 (d) A student shall not begin a supervised clinical practice of Asian bodywork therapy  
19.13 without providing proof to the Asian bodywork therapy school or program of professional  
19.14 liability insurance coverage of up to \$2,000,000 per occurrence and \$6,000,000 annual  
19.15 aggregate. The school or program may offer to the student the professional liability insurance  
19.16 coverage required under this paragraph.

19.17 Subd. 4. **Registration by endorsement.** (a) To be eligible for registration by  
19.18 endorsement, an applicant must:

19.19 (1) meet the requirements for registration in subdivision 1, with the exception of  
19.20 subdivision 1, paragraph (a), clauses (2) and (3);

19.21 (2) provide proof as required by the commissioner that the massage therapy training  
19.22 program or Asian bodywork therapy training program at the time of the applicant's enrollment  
19.23 met the postsecondary education requirements in the jurisdiction in which the program was  
19.24 provided; and

19.25 (3) provide proof as required by the commissioner, with advice from the advisory council,  
19.26 of a current and unrestricted equivalent credential in another jurisdiction that has qualification  
19.27 requirements at least equivalent to the requirements of sections 148.636 to 148.6377.

19.28 (b) Registrations by endorsement expire on the same schedule and must be renewed by  
19.29 the procedures described under section 148.6367, subdivision 2.

19.30 Subd. 5. **Registration by prior experience.** (a) To be eligible for registration by prior  
19.31 experience, an applicant must:

20.1 (1) meet the requirements for registration in subdivision 1, with the exception of  
 20.2 subdivision 1, paragraph (a), clauses (2) and (3); and

20.3 (2) provide proof of experience in the practice of massage therapy or Asian bodywork  
 20.4 therapy for at least two of the previous five years immediately preceding the registration  
 20.5 application date.

20.6 (b) Registrations issued under this subdivision expire on the same schedule and must  
 20.7 be renewed by the procedures described under section 148.6367, subdivision 2, unless the  
 20.8 registration is canceled due to nonrenewal under section 148.6367, subdivision 8, in which  
 20.9 case the individual must apply for a new registration under the initial registration  
 20.10 requirements in subdivision 1.

20.11 (c) The application for registration by prior experience under this subdivision must be  
 20.12 received by the commissioner before July 1, 2031.

20.13 Subd. 6. **Temporary registration.** (a) The commissioner may issue a temporary  
 20.14 registration as a massage therapist or Asian bodywork therapist to an applicant eligible for  
 20.15 registration under this section if the application for registration is complete, all applicable  
 20.16 requirements have been met, and applicable fees have been paid. The temporary registration  
 20.17 remains valid until the commissioner takes action on the applicant's application, or 90 days  
 20.18 from the temporary registration's issuance, whichever is sooner.

20.19 (b) A temporary registration holder is considered a registrant for purposes of sections  
 20.20 148.6369 to 148.6374.

20.21 Sec. 11. **[148.6367] REGISTRATION RENEWAL.**

20.22 Subdivision 1. **Expiration of registration.** Registrations issued according to sections  
 20.23 148.636 to 148.6377 expire two years from the date of issuance.

20.24 Subd. 2. **Renewal.** To be eligible for registration renewal, an applicant must every two  
 20.25 years, or as determined by the commissioner, submit to the commissioner:

20.26 (1) a completed renewal application on a form provided by the commissioner;

20.27 (2) any applicable fees specified in section 148.6377;

20.28 (3) proof of current professional liability coverage with at least \$2,000,000 of coverage  
 20.29 per occurrence and \$6,000,000 annual aggregate; and

20.30 (4) any additional information requested by the commissioner to clarify information  
 20.31 presented in the renewal application. The applicant must submit the information within 30  
 20.32 days after the commissioner's request, or the renewal application is canceled.

21.1 Subd. 3. **Change of address.** A registrant or applicant who changes addresses must  
21.2 inform the commissioner in writing within 30 days of the change of address. Notices or  
21.3 other correspondence mailed to or served on a registrant or applicant at the registrant's or  
21.4 applicant's current address on file are considered received by the registrant or applicant.

21.5 Subd. 4. **Registration renewal notice.** (a) At least 60 days before the registration's  
21.6 expiration date, the commissioner shall send out a renewal notice to the registrant. The  
21.7 notice must include:

21.8 (1) a renewal application;

21.9 (2) a notice of fees required for renewal; and

21.10 (3) information stating that the registration will expire without further action by the  
21.11 commissioner if a renewal application is not received before the deadline for renewal.

21.12 (b) The registrant's failure to receive the renewal notice does not relieve the registrant  
21.13 of the obligation to meet the deadline and other requirements for registration renewal. Failure  
21.14 to receive the notice is not grounds for challenging expiration of the registration.

21.15 Subd. 5. **Renewal deadline.** The renewal application and fee must be received by the  
21.16 commissioner or must be postmarked before the registration's expiration date. If the postmark  
21.17 is illegible, the application is timely if received by the third working day after the deadline.

21.18 Subd. 6. **Inactive status and return to active status.** (a) A registration may be placed  
21.19 in inactive status upon application to the commissioner by the registrant and upon payment  
21.20 of an inactive status fee as specified in section 148.6377. Failure to pay the annual inactive  
21.21 status fee shall result in a lapse of registration.

21.22 (b) A registrant seeking registration restoration to active status from inactive status must:

21.23 (1) apply to the commissioner for registration renewal according to subdivision 2;

21.24 (2) submit the applicable reactivation fee as specified in section 148.6377; and

21.25 (3) if the registration has been in inactive status for more than five years, submit evidence  
21.26 of having received a passing score on a credentialing examination.

21.27 Subd. 7. **Registration following lapse for two years or less.** To regain active registration  
21.28 status for a registration that has lapsed for two years or less, the applicant must:

21.29 (1) apply to the commissioner for registration renewal according to subdivision 2; and

21.30 (2) submit all applicable renewal fees for the period not registered, including the fee for  
21.31 late renewal.

22.1 Subd. 8. **Cancellation due to nonrenewal.** The commissioner shall not renew, reissue,  
 22.2 reinstate, or restore a registration that has lapsed and has not been renewed within two years.  
 22.3 An individual whose registration is canceled for nonrenewal must obtain a new registration  
 22.4 by applying for registration and fulfilling all requirements under section 148.6366,  
 22.5 subdivision 1, for initial registration as a massage therapist or Asian bodywork therapist.

22.6 Sec. 12. [148.6368] COMMISSIONER ACTION ON APPLICATIONS.

22.7 Subdivision 1. **General.** (a) The commissioner must act on each application for  
 22.8 registration or renewal according to this section.

22.9 (b) The commissioner shall determine if the applicant meets the requirements for  
 22.10 registration or renewal under section 148.6366 or 148.6367. The commissioner may  
 22.11 investigate information provided by an applicant to determine whether the information is  
 22.12 accurate and complete and may request additional information or documentation.

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

22.16 (d) An applicant denied registration may make a written request to the commissioner  
 22.17 within 30 days of the commissioner's notice to appear before the advisory council and for  
 22.18 the advisory council to review the commissioner's decision to deny registration. After  
 22.19 reviewing the denial, the advisory council shall make a recommendation to the commissioner  
 22.20 as to whether the denial must be affirmed. Each applicant is allowed only one request for  
 22.21 review per registration period.

22.22 Subd. 2. **Registration prohibited.** (a) Except as provided in paragraph (b), the  
 22.23 commissioner shall deny an application for registration if an applicant:

22.24 (1) has been convicted in this state of any of the following crimes or of equivalent crimes  
 22.25 in another state:

22.26 (i) labor or sex trafficking under section 609.281, 609.282, 609.283, or 609.322;

22.27 (ii) criminal sexual conduct under sections 609.342 to 609.3451 or 609.3453; or

22.28 (iii) a violent crime as defined under section 611A.08, subdivision 6;

22.29 (2) is a registered sex offender under section 243.166;

22.30 (3) has been subject to disciplinary action under section 146A.09, if the commissioner  
 22.31 determines that such denial is necessary to protect the public; or

23.1 (4) is charged with or under investigation for a complaint in this state or any other  
 23.2 jurisdiction that would constitute a violation of statutes or rules established for massage  
 23.3 therapy or Asian bodywork therapy registration in this state and the charge or complaint  
 23.4 has not been resolved in favor of the applicant.

23.5 (b) The commissioner may establish criteria whereby an individual convicted of an  
 23.6 offense listed in paragraph (a) may become registered if the criteria:

23.7 (1) utilize a rebuttable presumption that the applicant is not suitable for registration;

23.8 (2) provide a standard for overcoming the presumption; and

23.9 (3) require that a minimum of one year has elapsed since the applicant was released  
 23.10 from incarceration or supervisory jurisdiction related to the offense.

23.11 (c) The commissioner shall not consider an application under paragraph (b) if the  
 23.12 commissioner determines that the victim involved in the offense was a client of the applicant  
 23.13 at the time of the offense.

23.14 **Sec. 13. [148.6369] GROUNDS FOR DISCIPLINARY ACTION.**

23.15 Subdivision 1. **Grounds listed.** (a) The commissioner may deny, revoke, suspend, limit,  
 23.16 or condition the registration of a registrant or may otherwise discipline a registrant. The  
 23.17 fact that massage therapy or Asian bodywork therapy may be considered a less customary  
 23.18 approach to health care must not by itself constitute the basis for disciplinary action.

23.19 (b) The following are grounds for disciplinary action regardless of whether injury to a  
 23.20 client is established:

23.21 (1) failing to demonstrate the qualifications or to satisfy the requirements for registration  
 23.22 under sections 148.636 to 148.6377 or rules of the commissioner. In the case of an applicant,  
 23.23 the burden of proof is on the applicant to demonstrate the qualifications or satisfy the  
 23.24 requirements;

23.25 (2) advertising in a false, fraudulent, deceptive, or misleading manner, including but not  
 23.26 limited to:

23.27 (i) advertising or holding oneself out as a "registered massage therapist," "RMT,"  
 23.28 "registered Asian bodywork therapist," "RABT," or any abbreviation or derivation thereof  
 23.29 to indicate such a title, when such registration is not valid or current for any reason;

23.30 (ii) advertising or holding oneself out as a "registered massage therapist," "registered  
 23.31 Asian bodywork therapist," or any abbreviation or derivation thereof to indicate such a title,

24.1 except if the individual holds a registration in another state or jurisdiction and does not  
24.2 provide services in Minnesota;

24.3 (iii) advertising a service, the provision of which would constitute a violation of sections  
24.4 148.636 to 148.6377 or rules established by the commissioner; and

24.5 (iv) using fraud, deceit, or misrepresentation when communicating with the general  
24.6 public, health care providers, or other business professionals;

24.7 (3) falsifying information in a massage therapy or Asian bodywork therapy registration  
24.8 or renewal application; attempting to obtain registration, renewal, or reinstatement by fraud,  
24.9 deception, or misrepresentation; or aiding and abetting any of these acts;

24.10 (4) engaging in conduct with a client that is sexual or may reasonably be interpreted by  
24.11 the client as sexual, or engaging in any verbal behavior that is seductive or sexually  
24.12 demeaning to a client, or engaging in sexual exploitation of a client, without regard to who  
24.13 initiates such behaviors;

24.14 (5) committing an act of gross malpractice, negligence, or incompetency, or failing to  
24.15 practice massage therapy or Asian bodywork therapy with the level of care, skill, and  
24.16 treatment that is recognized by a registrant as being acceptable under similar conditions and  
24.17 circumstances;

24.18 (6) having an actual or potential inability to practice massage therapy or Asian bodywork  
24.19 therapy with reasonable skill and safety to clients by reason of illness, as a result of any  
24.20 mental or physical condition, or use of alcohol, drugs, chemicals, or any other material.  
24.21 Being adjudicated as mentally incompetent, mentally ill, a chemically dependent person,  
24.22 or a person dangerous to the public by a court of competent jurisdiction, inside or outside  
24.23 of this state, may be considered evidence of an inability to practice massage therapy or  
24.24 Asian bodywork therapy;

24.25 (7) being the subject of disciplinary action as a massage therapist or Asian bodywork  
24.26 therapist in another state or jurisdiction if the commissioner or advisory council determines  
24.27 that the cause of the disciplinary action would be a violation under this state's statutes or  
24.28 rules of the commissioner had the violation occurred in this state;

24.29 (8) failing to notify the commissioner of revocation or suspension of a credential, or any  
24.30 other disciplinary action taken by this or any other state, territory, or country, including any  
24.31 restrictions on the right to practice; or the surrender or voluntary termination of a credential  
24.32 during a commissioner investigation of a complaint, as part of a disciplinary order, or while  
24.33 under a disciplinary order;

- 25.1 (9) conviction of a crime, including a finding or verdict of guilt, an admission of guilt,  
25.2 or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States,  
25.3 reasonably related to engaging in massage therapy practices or Asian bodywork therapy  
25.4 practices. Conviction, as used in this clause, includes a conviction for an offense that, if  
25.5 committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor  
25.6 regardless of its designation elsewhere, or a criminal proceeding where a finding or verdict  
25.7 of guilty is made or returned but the adjudication of guilt is either withheld or not entered;
- 25.8 (10) if a registrant is on probation, failing to abide by terms of probation;
- 25.9 (11) practicing or offering to practice beyond the scope of the practice of massage therapy  
25.10 or Asian bodywork therapy;
- 25.11 (12) managing client records and information improperly, including but not limited to  
25.12 failing to maintain adequate client records, comply with a client's request made according  
25.13 to sections 144.291 to 144.298, or furnish a client record or report required by law;
- 25.14 (13) revealing a privileged communication from or relating to a client except when  
25.15 otherwise required or permitted by law;
- 25.16 (14) providing massage therapy services or Asian bodywork therapy services that are  
25.17 linked to the financial gain of a referral source;
- 25.18 (15) obtaining money, property, or services from a client, other than reasonable fees for  
25.19 services provided to the client, through the use of undue influence, harassment, duress,  
25.20 deception, or fraud;
- 25.21 (16) engaging in abusive or fraudulent billing practices, including violations of federal  
25.22 Medicare and Medicaid laws or state medical assistance laws;
- 25.23 (17) failing to consult with a client's health care provider who prescribed a course of  
25.24 massage therapy treatment or Asian bodywork therapy treatment if the treatment needs to  
25.25 be altered from the original written order to conform with standards in the massage therapy  
25.26 or Asian bodywork therapy field or the registrant's level of training or experience;
- 25.27 (18) failing to cooperate with an investigation of the commissioner or the commissioner's  
25.28 representatives, including failing to: respond fully and promptly to any question raised by  
25.29 or on behalf of the commissioner relating to the subject of the investigation; execute all  
25.30 releases requested by the commissioner; provide copies of client records as reasonably  
25.31 requested by the commissioner to assist in the commissioner's investigation; and appear at  
25.32 conferences or hearings scheduled by the commissioner or the commissioner's staff;

26.1 (19) interfering with an investigation or disciplinary proceeding, including by willful  
26.2 misrepresentation of facts or by the use of threats or harassment to prevent a person from  
26.3 providing evidence in a disciplinary proceeding or any legal action;

26.4 (20) violating a statute, rule, order, or agreement for corrective action that the  
26.5 commissioner issued or is otherwise authorized or empowered to enforce;

26.6 (21) aiding or abetting a person in violating sections 148.636 to 148.6377;

26.7 (22) failing to report to the commissioner other massage therapists and Asian bodywork  
26.8 therapists who commit violations of sections 148.636 to 148.6377; and

26.9 (23) failing to notify the commissioner in writing of the entry of a final judgment by a  
26.10 court of competent jurisdiction against the registrant for malpractice of massage therapy or  
26.11 Asian bodywork therapy, or any settlement by the registrant in response to charges or  
26.12 allegations of malpractice of massage therapy or Asian bodywork therapy. The notice must  
26.13 be provided to the commissioner within 60 days after the entry of a judgment or date of  
26.14 settlement, and must contain the name of the court, case number, and the names of all parties  
26.15 to the action.

26.16 Subd. 2. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, a copy  
26.17 of the judgment or proceeding under the seal of the court administrator or of the  
26.18 administrative agency must be admissible into evidence without further authentication and  
26.19 must constitute prima facie evidence of the violation.

26.20 Subd. 3. **Examination; access to medical data.** (a) The commissioner may take the  
26.21 following actions if the commissioner has probable cause to believe that grounds for  
26.22 disciplinary action exist under subdivision 1, paragraph (b), clause (6).

26.23 (b) The commissioner may direct the applicant or registrant to submit to a mental or  
26.24 physical examination or substance use disorder evaluation. For the purpose of this  
26.25 subdivision, when an applicant or registrant is directed in writing by the commissioner to  
26.26 submit to a mental or physical examination or substance use disorder evaluation, that  
26.27 applicant or registrant is considered to have consented and to have waived all objections to  
26.28 admissibility on the grounds of privilege. Failure of the applicant or registrant to submit to  
26.29 an examination when directed constitutes an admission of the allegations against the applicant  
26.30 or registrant, unless the failure was due to circumstances beyond the applicant's or registrant's  
26.31 control, and the commissioner may enter a default and final order without taking testimony  
26.32 or allowing evidence to be presented. A registrant affected under this paragraph shall, at  
26.33 reasonable intervals, be given an opportunity to demonstrate that the registrant can resume  
26.34 the competent practice of massage therapy or Asian bodywork therapy with reasonable skill

27.1 and safety to clients. Neither the record of proceedings nor the orders entered by the  
 27.2 commissioner in a proceeding under this paragraph may be used against a registrant in any  
 27.3 other proceeding.

27.4 (c) The commissioner may, notwithstanding section 13.384, 144.651, or 595.02, or any  
 27.5 other law limiting access to medical or other health data, obtain medical data and health  
 27.6 records relating to an applicant or registrant without the applicant's or registrant's consent.  
 27.7 The medical data may be requested from a provider, as defined in section 144.291,  
 27.8 subdivision 2, paragraph (i); an insurance company; or a government agency, including the  
 27.9 Department of Human Services and Direct Care and Treatment. A provider, insurance  
 27.10 company, or government agency shall comply with any written request of the commissioner  
 27.11 under this subdivision and is not liable in any action for damages for releasing the data  
 27.12 requested by the commissioner if the data are released pursuant to a written request under  
 27.13 this subdivision unless the information is false and the provider giving the information  
 27.14 knew, or had reason to believe, the information was false. Information obtained under this  
 27.15 subdivision is classified as private data on individuals as defined in section 13.02.

27.16 **Sec. 14. [148.6370] DISCIPLINARY ACTIONS.**

27.17 Subdivision 1. **Forms of disciplinary action.** When the commissioner finds that grounds  
 27.18 for disciplinary action exist under section 148.6369, subdivision 1, the commissioner may  
 27.19 take one or more of the following actions:

27.20 (1) deny the registration;

27.21 (2) revoke the registration;

27.22 (3) suspend the registration;

27.23 (4) impose limitations on the practice of massage therapy or Asian bodywork therapy,  
 27.24 including but not limited to limitation of scope of practice or a requirement to practice under  
 27.25 supervision;

27.26 (5) impose conditions on the retention of a registration, including but not limited to  
 27.27 imposing retraining or rehabilitation requirements or conditioning continued practice on a  
 27.28 demonstration of knowledge or skills by appropriate examination, monitoring, or other  
 27.29 review;

27.30 (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount  
 27.31 of the civil penalty (i) to be fixed as to deprive the massage therapist or Asian bodywork  
 27.32 therapist of any economic advantage gained by reason of the violation charged, (ii) to

28.1 reimburse the commissioner for the cost of counsel, investigation, and proceeding, and (iii)  
28.2 to discourage repeated violations;

28.3 (7) order the registrant to provide unremunerated service;

28.4 (8) censure or reprimand the registrant; or

28.5 (9) any other action justified by the facts of the case.

28.6 Subd. 2. **Automatic suspension.** (a) Unless the commissioner orders otherwise, a  
28.7 registration is automatically suspended if:

28.8 (1) a guardian for the registrant is appointed by order of a court under sections 524.5-101  
28.9 to 524.5-502;

28.10 (2) the registrant is committed by order of a court under chapter 253B; or

28.11 (3) the registrant is determined to be mentally incompetent, mentally ill, chemically  
28.12 dependent, or a person dangerous to the public by a court of competent jurisdiction within  
28.13 or outside this state.

28.14 (b) A registration suspended under this subdivision remains suspended until the registrant  
28.15 is restored to capacity by a court and, upon petition by the registrant, the suspension is  
28.16 terminated by the commissioner after a hearing or upon agreement between the commissioner  
28.17 and the registrant.

28.18 Subd. 3. **Temporary suspension.** In addition to any other remedy provided by law, the  
28.19 commissioner, acting through a person to whom the commissioner has delegated this  
28.20 authority and without a hearing, may temporarily suspend the registration of a massage  
28.21 therapist or Asian bodywork therapist if the commissioner's delegate finds that the registrant  
28.22 has violated a statute or rule that the commissioner is empowered to enforce and that  
28.23 continued practice would create a serious risk of harm to others. The suspension is in effect  
28.24 upon service of a written order on the registrant specifying the statute or rule violated. The  
28.25 order remains in effect until the commissioner issues a final order in the matter after a  
28.26 hearing or upon agreement between the commissioner and the registrant. Service of the  
28.27 order is effective if the order is served on the registrant or counsel of record personally or  
28.28 by first class mail. Within ten days of service of the order, the commissioner shall hold a  
28.29 hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift  
28.30 the suspension. Evidence presented by the commissioner or registrant shall be in affidavit  
28.31 form only. The registrant or the counsel of record may appear for oral argument. Within  
28.32 five working days after the hearing, the commissioner shall issue the commissioner's order  
28.33 and, if the suspension is continued, schedule a contested case hearing within 45 days after

29.1 issuance of the order. The administrative law judge shall issue a report within 30 days after  
29.2 closing of the contested case hearing record. The commissioner shall issue a final order  
29.3 within 30 days after receipt of that report.

29.4 Subd. 4. **Hearings.** If the commissioner proposes to take action against the applicant or  
29.5 registrant as described in subdivision 1, the commissioner must first notify the applicant or  
29.6 registrant against whom the action is proposed to be taken and provide the applicant or  
29.7 registrant with an opportunity to request a hearing under the contested case provisions of  
29.8 chapter 14. If the applicant or registrant does not request a hearing by notifying the  
29.9 commissioner within 30 days after service of the notice of the proposed action, the  
29.10 commissioner may proceed with the action without a hearing.

29.11 Subd. 5. **Reissuance.** The commissioner may reinstate and reissue a registration, but as  
29.12 a condition may impose any disciplinary or corrective measure that the commissioner might  
29.13 originally have imposed. Any person whose registration has been revoked, suspended, or  
29.14 limited may have the registration reinstated when, in the discretion of the commissioner,  
29.15 the action is warranted, provided that the person shall be required by the commissioner to  
29.16 pay the costs of the proceedings resulting in the revocation, suspension, or limitation of the  
29.17 registration and reinstatement of the registration and to pay the fee for the current registration  
29.18 period. The cost of proceedings shall include but not be limited to the cost paid by the  
29.19 commissioner to the Court of Administrative Hearings and the Office of the Attorney General  
29.20 for legal and investigative services, the costs of a court reporter and witnesses, reproduction  
29.21 of records, and Department of Health staff time, travel, and expenses.

29.22 Sec. 15. **[148.6371] REPORTING OBLIGATIONS.**

29.23 Subdivision 1. **Permission to report.** A person who has knowledge of any conduct  
29.24 constituting grounds for disciplinary action relating to massage therapy or Asian bodywork  
29.25 therapy under sections 148.636 to 148.6377 may report the violation to the commissioner.

29.26 Subd. 2. **Institutions.** A state agency, political subdivision, agency of a local unit of  
29.27 government, private agency, hospital, clinic, prepaid medical plan, or other health care  
29.28 institution or organization located in this state shall report to the commissioner any action  
29.29 taken by the agency, institution, or organization or any of its administrators or medical or  
29.30 other committees to revoke, suspend, restrict, or condition a registrant's privilege to practice  
29.31 or treat clients in the institution or, as part of the organization, any denial of privileges or  
29.32 any other disciplinary action for conduct that might constitute grounds for disciplinary  
29.33 action under sections 148.636 to 148.6377. The institution, organization, or governmental  
29.34 entity shall also report the resignation of a registrant prior to the conclusion of any

30.1 disciplinary action proceeding for conduct that might constitute grounds for disciplinary  
30.2 action under sections 148.636 to 148.6377 or prior to the commencement of formal charges  
30.3 but after the registrant had knowledge that formal charges were contemplated or were being  
30.4 prepared.

30.5 Subd. 3. **Professional societies.** A state or local professional society for massage  
30.6 therapists or Asian bodywork therapists shall report to the commissioner any termination,  
30.7 revocation, or suspension of membership or any other disciplinary action taken against a  
30.8 registrant. If the society has received a complaint that might be grounds for disciplinary  
30.9 action under sections 148.636 to 148.6377 against a member for whom the society has not  
30.10 taken any disciplinary action, the society shall report the complaint and the reason the society  
30.11 has not taken action on the complaint to the commissioner, or shall direct the complainant  
30.12 to the commissioner.

30.13 Subd. 4. **Licensed health professionals.** (a) For purposes of this subdivision, "client"  
30.14 means an individual receiving health services from a licensed health professional.

30.15 (b) A licensed health professional shall report to the commissioner personal knowledge  
30.16 of any conduct by a registrant that the licensed health professional reasonably believes  
30.17 constitutes grounds for disciplinary action under sections 148.636 to 148.6377, including  
30.18 conduct indicating that the individual may be incompetent or may be mentally or physically  
30.19 unable to engage safely in the provision of services. If the information was obtained in the  
30.20 course of a client relationship, the client is a registrant, and the treating individual successfully  
30.21 counsels the client to limit or withdraw from practice to the extent required by the  
30.22 impairment, the commissioner may deem this limitation of or withdrawal from practice to  
30.23 be sufficient disciplinary action.

30.24 Subd. 5. **Insurers.** (a) Four times each year as prescribed by the commissioner, each  
30.25 insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13),  
30.26 that provided professional liability insurance to massage therapists or Asian bodywork  
30.27 therapists, or the Joint Underwriting Association under chapter 62I shall submit to the  
30.28 commissioner a report concerning the registrants against whom malpractice settlements or  
30.29 awards have been made. The report must contain at least the following information:

30.30 (1) the total number of malpractice settlements or awards made;

30.31 (2) the dates the malpractice settlements or awards were made;

30.32 (3) the allegations contained in the claims or complaints leading to the settlements or  
30.33 awards made;

31.1 (4) the dollar amount of each malpractice settlement or award;

31.2 (5) the regular address of the practice of each registrant against whom an award was  
31.3 made or with whom a settlement was made; and

31.4 (6) the name of each registrant against whom an award was made or with whom a  
31.5 settlement was made.

31.6 (b) In addition to the information specified in paragraph (a), the insurer shall submit to  
31.7 the commissioner any information, records, and files, including client charts and records,  
31.8 the insurer possesses that tend to substantiate a charge that a registrant may have engaged  
31.9 in conduct that violates sections 148.636 to 148.6377.

31.10 Subd. 6. Courts. The court administrator of district court or any other court of competent  
31.11 jurisdiction shall report to the commissioner any judgment or other determination of the  
31.12 court that adjudges or includes a finding that a registrant is mentally ill, mentally incompetent,  
31.13 guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled  
31.14 substances act, or guilty of abuse or fraud under Medicare or Medicaid; that appoints a  
31.15 guardian of a registrant under sections 524.5-101 to 524.5-502; or that commits a registrant  
31.16 under chapter 253B.

31.17 Subd. 7. Self-reporting. A registrant shall report to the commissioner:

31.18 (1) any personal action that would require a report to be filed under subdivisions 2 to 5  
31.19 by any person, health care facility, business, or organization;

31.20 (2) the revocation, suspension, restriction, limitation, or other disciplinary action against  
31.21 the registrant's license, certificate, registration, or right of practice in another state or  
31.22 jurisdiction for offenses that would subject the registrant to disciplinary action in this state;  
31.23 and

31.24 (3) the filing of charges regarding their license, certificate, registration, or right of practice  
31.25 in another state or jurisdiction.

31.26 Subd. 8. Deadlines; forms. Reports required in subdivisions 2 to 5 and 7 must be  
31.27 submitted no later than 30 days after the reporter learns of the occurrence of the reportable  
31.28 event or transaction. The commissioner may provide forms for the submission of reports  
31.29 required in this section, may require reports to be submitted on the forms provided, and  
31.30 may adopt rules necessary to ensure prompt and accurate reporting.

32.1 Sec. 16. **[148.6372] IMMUNITY.**

32.2 Subdivision 1. **Reporting.** Any health care facility, business, organization, or person,  
32.3 other than the registrant who committed the violation, is immune from civil liability or  
32.4 criminal prosecution for, in good faith, submitting a report to the commissioner, for otherwise  
32.5 reporting to the commissioner violations or alleged violations of sections 148.636 to  
32.6 148.6377, or for cooperating with an investigation of a report, except as provided in this  
32.7 subdivision. Any person who knowingly or recklessly makes a false report is liable in a  
32.8 civil suit for any damages suffered by the person or persons so reported and for any punitive  
32.9 damages set by the court or jury. An action requires clear and convincing evidence that the  
32.10 defendant made the statement with knowledge of falsity or with reckless disregard for its  
32.11 truth or falsity. The report or statement or any statement made in cooperation with an  
32.12 investigation or as part of a disciplinary proceeding is privileged except in an action brought  
32.13 under this subdivision.

32.14 Subd. 2. **Investigation.** The commissioner and employees of the Department of Health  
32.15 and other persons engaged in the investigation of violations and in the preparation,  
32.16 presentation, and management of and testimony pertaining to charges of violations of sections  
32.17 148.636 to 148.6377 are immune from civil liability and criminal prosecution for any actions,  
32.18 transactions, or publications in the execution of, or relating to, their duties under sections  
32.19 148.636 to 148.6377.

32.20 Sec. 17. **[148.6373] COOPERATION.**

32.21 (a) A registrant who is the subject of an investigation by or on behalf of the commissioner  
32.22 shall cooperate fully with the investigation. Cooperation includes:

32.23 (1) responding fully and promptly to any question raised by or on behalf of the  
32.24 commissioner relating to the subject of the investigation;

32.25 (2) providing copies of client or other records in the registrant's possession, as reasonably  
32.26 requested by the commissioner, to assist the commissioner in the investigation; and

32.27 (3) appearing at conferences and hearings scheduled by the commissioner.

32.28 (b) The commissioner shall pay for copies requested. If the commissioner does not have  
32.29 a written consent from a client permitting access to the client's records, the registrant shall  
32.30 delete any data in the record that identify the client before providing data to the commissioner.

32.31 The commissioner shall maintain any records obtained pursuant to this section as investigative  
32.32 data under chapter 13. The registrant shall not be excused from giving testimony or producing

33.1 any documents, books, records, or correspondence on the grounds of self-incrimination,  
 33.2 but the testimony or evidence may not be used against the registrant in any criminal case.

33.3 **Sec. 18. [148.6374] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

33.4 Upon judicial review of any disciplinary action taken by the commissioner under sections  
 33.5 148.636 to 148.6377, the reviewing court shall seal the administrative record, except for  
 33.6 the commissioner's final decision, and shall not make the administrative record available  
 33.7 to the public.

33.8 **Sec. 19. [148.6375] EFFECT ON MUNICIPAL ORDINANCES.**

33.9 Subdivision 1. **License authority.** Effective July 1, 2028, sections 148.636 to 148.6377  
 33.10 preempt the licensure and regulation of massage therapists or Asian bodywork therapists  
 33.11 by a municipality, including, without limitation, conducting a criminal background  
 33.12 investigation and examination of a massage therapist or Asian bodywork therapist, or  
 33.13 applicant for a municipality's credential to practice massage therapy or Asian bodywork  
 33.14 therapy.

33.15 Subd. 2. **Municipal regulation.** Sections 148.636 to 148.6377 do not limit a municipality  
 33.16 from:

33.17 (1) requiring a massage therapy or Asian bodywork therapy establishment to obtain a  
 33.18 business license or permit to conduct business in the municipality; or

33.19 (2) conducting a criminal background investigation on any owners of a massage therapy  
 33.20 or Asian bodywork therapy establishment who are not registered massage therapists or  
 33.21 registered Asian bodywork therapists.

33.22 **Sec. 20. [148.6376] MASSAGE THERAPY ADVISORY COUNCIL.**

33.23 Subdivision 1. **Creation; membership.** (a) The Massage Therapy Advisory Council is  
 33.24 created and is composed of five members appointed by the commissioner. All members  
 33.25 must have resided in this state for at least three years immediately preceding appointment.  
 33.26 The advisory council consists of:

33.27 (1) two public members, as defined in section 214.02; and

33.28 (2) three members who are registered under sections 148.636 to 148.6377, two of whom  
 33.29 must be registered massage therapists.

33.30 (b) No more than one member of the advisory council may be an owner or administrator  
 33.31 of a massage therapy education provider.

34.1 Subd. 2. **Administration.** The advisory council is established and administered under  
 34.2 section 15.059.

34.3 Subd. 3. **Chair.** The advisory council shall elect a chair from among its members.

34.4 Subd. 4. **Duties.** The advisory council shall:

34.5 (1) advise the commissioner on establishing standards of practice and a code of ethics  
 34.6 for registered massage therapists and Asian bodywork therapists;

34.7 (2) advise the commissioner on distributing information regarding massage therapy and  
 34.8 Asian bodywork therapy practice standards;

34.9 (3) establish educational requirements, approve massage therapy and Asian bodywork  
 34.10 therapy schools or programs, and conduct or provide for surveys of schools, programs, and  
 34.11 courses; and

34.12 (4) perform other duties authorized for advisory councils under chapter 214, as directed  
 34.13 by the commissioner.

34.14 Subd. 5. **Expiration.** Notwithstanding section 15.059, the advisory council does not  
 34.15 expire.

34.16 Sec. 21. **[148.6377] FEES.**

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

34.18 (1) initial registration with application fee must not exceed \$640.50;

34.19 (2) biennial registration renewal fee must not exceed \$640.50;

34.20 (3) late fee, \$50;

34.21 (4) annual inactive status, \$50;

34.22 (5) inactive to active status reactivation, \$50;

34.23 (6) temporary registration, \$50; and

34.24 (7) returned check, \$35.

34.25 Subd. 2. **Late renewal fee.** An application for registration renewal submitted after the  
 34.26 deadline must be accompanied by a late fee in addition to the required fees.

34.27 Subd. 3. **Nonrefundable fees.** All of the fees in this section are nonrefundable.

34.28 Subd. 4. **Deposit.** Fees collected by the commissioner under this section must be deposited  
 34.29 into the state government special revenue fund.

35.1 **Sec. 22. INITIAL MASSAGE THERAPY ADVISORY COUNCIL.**

35.2 **Subdivision 1. Initial member appointments.** The commissioner of health shall make  
 35.3 the initial appointments to the Massage Therapy Advisory Council authorized under  
 35.4 Minnesota Statutes, section 148.6376, by January 1, 2027. The initial therapist members  
 35.5 appointed to the advisory council need not be registered under Minnesota Statutes, sections  
 35.6 148.636 to 148.6377, prior to initial appointment, but must be a practicing massage therapist  
 35.7 or Asian bodywork therapist with at least five years of experience in the practice of massage  
 35.8 therapy or Asian bodywork therapy. A massage therapist or Asian bodywork therapist  
 35.9 initially appointed to the advisory council must become registered under Minnesota Statutes,  
 35.10 sections 148.636 to 148.6377, by January 1, 2028. If the massage therapist or Asian bodywork  
 35.11 therapist member does not become registered by January 1, 2028, the member must be  
 35.12 removed from the advisory council by the commissioner and a new member who is registered  
 35.13 under Minnesota Statutes, sections 148.636 to 148.6377, must be appointed by the  
 35.14 commissioner.

35.15 **Subd. 2. First advisory council meeting; initial chair.** The commissioner of health  
 35.16 shall designate one member from the initial appointments to call the first meeting of the  
 35.17 advisory council. The first meeting must be convened by May 15, 2027. The advisory  
 35.18 council shall elect a chair from its members at the first advisory council meeting.

35.19 **ARTICLE 4**

35.20 **MORTUARY SCIENCE**

35.21 **Section 1.** Minnesota Statutes 2024, section 149A.02, subdivision 26, is amended to read:

35.22 **Subd. 26. Intern.** "Intern" means an individual ~~that~~ who: (1)(i) has met the educational  
 35.23 and testing requirements for a license to practice mortuary science in Minnesota; (ii) has  
 35.24 completed a mortuary science program accredited by the American Board of Funeral Service  
 35.25 Education; or (iii) is enrolled in a mortuary science program accredited by the American  
 35.26 Board of Funeral Service Education; (2) has registered with the commissioner of health;  
 35.27 and (3) is engaged in the practice of mortuary science under the direction and supervision  
 35.28 of a currently licensed Minnesota mortuary science practitioner.

35.29 **Sec. 2.** Minnesota Statutes 2024, section 149A.20, subdivision 6, is amended to read:

35.30 **Subd. 6. Internship.** (a) ~~A person who attains a passing score on both examinations in~~  
 35.31 ~~subdivision 5~~ must complete a registered internship under the direct supervision of an  
 35.32 individual currently licensed to practice mortuary science in Minnesota. ~~Interns must file~~  
 35.33 with the commissioner. A person may begin the registered internship while the person is

36.1 enrolled in a mortuary science program accredited by the American Board of Funeral Service  
 36.2 Education, upon completion of the accredited mortuary science program, or after attaining  
 36.3 a passing score on both examinations in subdivision 5.

36.4 (b) An applicant for an internship must file with the commissioner:

36.5 (1) the appropriate fee; ~~and~~

36.6 (2) a registration form indicating the name and home address of the ~~intern~~, applicant;  
 36.7 the date the internship begins, ~~and~~; the name, license number, and business address of the  
 36.8 primary supervising mortuary science licensee; and the name, license number, and business  
 36.9 address of the alternate supervising mortuary science licensee, if applicable; and

36.10 (3) if the applicant is currently enrolled in a mortuary science program accredited by  
 36.11 the American Board of Funeral Service Education, a letter from the program specifying the  
 36.12 name and address of the program; verifying the applicant's enrollment, number of credit  
 36.13 hours completed, and anticipated graduation date; and specifying whether the applicant has  
 36.14 completed coursework in embalming and restorative arts.

36.15 ~~(b)~~ (c) Any changes in information provided in the registration must be immediately  
 36.16 reported to the commissioner. The internship shall be a minimum of 2,080 hours to be  
 36.17 completed ~~within a three-year period, however,~~ during enrollment in a mortuary science  
 36.18 program accredited by the American Board of Funeral Service Education, after graduation,  
 36.19 or both during enrollment and after graduation. The commissioner may waive up to 520  
 36.20 hours of the internship time requirement upon satisfactory completion of a clinical or  
 36.21 practicum in mortuary science administered through the program of mortuary science of  
 36.22 the University of Minnesota or a ~~substantially similar~~ mortuary science program approved  
 36.23 ~~by the commissioner~~ accredited by the American Board of Funeral Service Education.  
 36.24 Registrations must be renewed on an annual basis if they exceed one calendar year. During  
 36.25 the internship period, the intern must be under the direct supervision of a person holding a  
 36.26 current license to practice mortuary science in Minnesota. An intern may be registered under  
 36.27 only one registered primary supervising licensee and one registered alternate supervising  
 36.28 licensee at any given time and may be directed and supervised only by the registered primary  
 36.29 supervising licensee or registered alternate supervising licensee. The registered primary  
 36.30 supervising licensee shall have only one intern registered at any given time. The  
 36.31 commissioner shall issue to each registered intern a registration permit that must be displayed  
 36.32 with the other establishment and practice licenses. While under the direct supervision of  
 36.33 the registered primary supervising or alternate supervising licensee, the intern must complete  
 36.34 25 case reports in each of the following areas: embalming, funeral arrangements, and services.

37.1 An intern who has not completed coursework in embalming and restorative arts must be in  
37.2 the physical presence of the primary or alternate supervising licensee in order to perform  
37.3 surgical procedures and embalming. Case reports, on forms provided by the commissioner,  
37.4 shall be completed by the intern and filed with the commissioner prior to the completion  
37.5 of the internship. Information contained in these reports that identifies the subject or the  
37.6 family of the subject embalmed or the subject or the family of the subject of the funeral  
37.7 shall be classified as licensing data under section 13.41, subdivision 2.

37.8 Sec. 3. Minnesota Statutes 2024, section 149A.20, subdivision 7, is amended to read:

37.9 Subd. 7. **Application procedure and documentation.** After completing the registered  
37.10 internship, the applicant for an initial license to practice mortuary science must submit to  
37.11 the commissioner a complete application and the appropriate fee. A complete application  
37.12 includes:

37.13 (1) a completed application form, as provided by the commissioner;

37.14 (2) proof of age;

37.15 (3) an official transcript from each post high school educational institution attended,  
37.16 including colleges of funeral service education;

37.17 (4) certification of a passing score on the National Board Examination from the  
37.18 commissioner of the Conference of Funeral Service Examining Boards of the United States,  
37.19 Inc.;

37.20 (5) a copy of the notification of a passing score on the state licensing examination; and

37.21 (6) a signed, dated, and notarized affidavit from the registered primary supervising  
37.22 licensee who supervised the Minnesota internship stating the date the internship began and  
37.23 ended and that both the applicant and the registered primary supervising licensee fulfilled  
37.24 the requirements under subdivision 6.

37.25 Upon receipt of the completed application and appropriate fee, the commissioner shall  
37.26 review and verify all information. Upon completion of the verification process and resolution  
37.27 of any deficiencies in the application information, the commissioner shall make a  
37.28 determination, based on all the information available, to grant or deny licensure. If the  
37.29 commissioner's determination is to grant licensure, the applicant shall be notified and the  
37.30 license shall issue and remain valid for a period prescribed on the license, but not to exceed  
37.31 one calendar year from the date of issuance of the license. If the commissioner's determination  
37.32 is to deny licensure, the commissioner must notify the applicant, in writing, of the denial  
37.33 and provide the specific reason for the denial.

38.1 Sec. 4. Minnesota Statutes 2024, section 149A.30, subdivision 1, is amended to read:

38.2 Subdivision 1. **Licensees of other states.** (a) The commissioner may issue a reciprocal  
 38.3 license to practice mortuary science to a person who holds a current license or other credential  
 38.4 from another jurisdiction if the commissioner determines that the requirements for that  
 38.5 license or other credential are substantially similar to the requirements under this chapter.  
 38.6 The individual seeking reciprocal licensing must person:

38.7 (1) ~~attain~~ attains:

38.8 (i) a passing score on the Minnesota state licensing examination; and

38.9 (ii) a passing score on the National Board Examination administered by the International  
 38.10 Conference of Funeral Service Examining Boards of the United States, Inc., or another  
 38.11 examination determined by the commissioner to adequately and accurately assess the  
 38.12 knowledge and skills required to practice mortuary science;

38.13 (2) ~~submit~~ submits to the commissioner the documentation described in section 149A.20,  
 38.14 subdivision 7, clauses (1) and (5), and certification of a passing score on an examination  
 38.15 described in clause (1), item (ii); and

38.16 (3) ~~pay~~ pays the appropriate licensing fee;

38.17 (4) submits to the commissioner:

38.18 (i) documentation that the person meets one of the educational requirements in section  
 38.19 149A.20, subdivision 4; or

38.20 (ii) documentation that the person has been licensed or credentialed in another jurisdiction  
 38.21 and a signed, dated affidavit from the person declaring that the person has engaged in at  
 38.22 least three years of practice in that jurisdiction performing the duties of a licensed mortician;

38.23 (5) submits to the commissioner a signed, dated affidavit from the person declaring that  
 38.24 the person is not subject to any pending investigations by the mortuary science licensing or  
 38.25 credentialing authority in any other jurisdiction and is not currently practicing as a licensed  
 38.26 mortician in any other jurisdiction under a restricted license or credential;

38.27 (6) submits to the commissioner a signed, dated affidavit from the person declaring that  
 38.28 the person has performed at least 25 services, completed at least 25 funeral arrangements,  
 38.29 and performed at least 25 embalming cases; and

38.30 (7) submits to the commissioner documentation that the person has completed the  
 38.31 continuing education hours required under section 149A.40, subdivision 11, within the  
 38.32 two-year period prior to applying for licensure under this subdivision.

39.1 (b) When, in the determination of the commissioner, all of the requirements of this  
 39.2 subdivision have been met, the commissioner shall, based on all the information available,  
 39.3 grant or deny licensure. If the commissioner grants licensure, the applicant shall be notified  
 39.4 and the license shall issue and remain valid for a period prescribed on the license, but not  
 39.5 to exceed one calendar year from the date of issuance of the license. If the commissioner  
 39.6 denies licensure, the commissioner must notify the applicant, in writing, of the denial and  
 39.7 provide the specific reason for denial.

## 39.8 ARTICLE 5

### 39.9 MUSIC THERAPY LICENSURE

39.10 Section 1. Minnesota Statutes 2024, section 144.0572, subdivision 1, is amended to read:

39.11 Subdivision 1. **Criminal history background check requirements.** (a) ~~Beginning~~  
 39.12 ~~January 1, 2018,~~ An applicant for initial licensure, temporary licensure, or relicensure after  
 39.13 a lapse in licensure as an audiologist ~~or~~ speech-language pathologist, music therapist, a  
 39.14 speech-language pathology assistant, or an applicant for initial certification as a hearing  
 39.15 instrument dispenser, must submit to a criminal history records check of state data completed  
 39.16 by the Bureau of Criminal Apprehension (BCA) and a national criminal history records  
 39.17 check, including a search of the records of the Federal Bureau of Investigation (FBI).

39.18 (b) ~~Beginning January 1, 2020,~~ An applicant for a renewal license or certificate as an  
 39.19 audiologist, speech-language pathologist, music therapist, or hearing instrument dispenser  
 39.20 who was licensed or obtained a certificate before January 1, 2018, must submit to a criminal  
 39.21 history records check of state data completed by the BCA and a national criminal history  
 39.22 records check, including a search of the records of the FBI.

39.23 (c) An applicant must submit to a background study under chapter 245C.

39.24 (d) The criminal history records check must be structured so that any new crimes that  
 39.25 an applicant or licensee or certificate holder commits after the initial background check are  
 39.26 flagged in the BCA's or FBI's database and reported back to the commissioner of human  
 39.27 services.

39.28 **EFFECTIVE DATE.** This section is effective January 1, 2028.

39.29 Sec. 2. **[148H.01] SCOPE.**

39.30 Sections 148H.01 to 148H.16 apply to individuals who are applicants for licensure, who  
 39.31 are licensed, who use protected titles, or who represent that they are licensed as music  
 39.32 therapists.

40.1 Sec. 3. **[148H.02] DEFINITIONS.**

40.2 **Subdivision 1. Scope.** The following terms have the meanings given them and apply to  
40.3 this chapter.

40.4 **Subd. 2. Advisory council.** "Advisory council" means the Music Therapy Advisory  
40.5 Council established in section 148H.03.

40.6 **Subd. 3. Board-certified music therapist.** "Board-certified music therapist" means an  
40.7 individual who holds a current board certification from the Certification Board for Music  
40.8 Therapists.

40.9 **Subd. 4. Commissioner.** "Commissioner" means the commissioner of health or a  
40.10 designee.

40.11 **Subd. 5. License or licensed.** "License" or "licensed" means the act or status of a person  
40.12 who meets the requirements of general licensure under section 148H.06, temporary licensure  
40.13 under section 148H.08, or licensure by reciprocity under section 148H.09.

40.14 **Subd. 6. Licensed professional music therapist or LPMT.** "Licensed professional  
40.15 music therapist" or "LPMT" means an individual licensed to practice music therapy pursuant  
40.16 to this chapter.

40.17 **Subd. 7. Music-based interventions.** (a) "Music-based interventions" means the use of  
40.18 music within a therapeutic relationship to accomplish individualized goals for persons of  
40.19 all ages and abilities.

40.20 (b) Music-based interventions include but are not limited to music improvisation,  
40.21 receptive music listening, song writing, lyric discussion, music and imagery, singing, music  
40.22 performance, learning through music, music combined with other arts, music-assisted  
40.23 relaxation, music-based patient education, electronic music intervention, and movement to  
40.24 music.

40.25 **Subd. 8. Practice of music therapy.** (a) "Practice of music therapy" means the use of  
40.26 music-based interventions.

40.27 (b) The practice of music therapy includes but is not limited to developing individualized  
40.28 music therapy treatment plans specific to the needs and strengths of the client or clients  
40.29 treated individually or in groups in a manner appropriate for the specific client and setting.

40.30 (c) The practice of music therapy does not include the screening, diagnosis, or assessment  
40.31 of any physical, mental, or communication disorder.

41.1 Subd. 9. **Temporary licensure.** "Temporary licensure" means the method of licensure  
 41.2 described in section 148H.08, by which an individual who has completed an approved or  
 41.3 accredited education program, but has not met the examination requirements, may practice  
 41.4 music therapy on a temporary basis.

41.5 Sec. 4. [148H.03] **MUSIC THERAPY ADVISORY COUNCIL.**

41.6 Subdivision 1. **Establishment.** The Music Therapy Advisory Council is hereby  
 41.7 established to:

41.8 (1) advise the commissioner regarding music therapy licensure standards;

41.9 (2) advise the commissioner regarding enforcement of this chapter;

41.10 (3) review investigation summaries of competency violations and make recommendations  
 41.11 to the commissioner as to whether the allegations of incompetency are substantiated;

41.12 (4) provide for the distribution of information regarding music therapist licensure  
 41.13 standards;

41.14 (5) review applications and make recommendations to the commissioner on granting or  
 41.15 denying licensure or licensure renewal;

41.16 (6) review reports of investigations relating to individuals and make recommendations  
 41.17 to the commissioner as to whether licensure should be denied or disciplinary action should  
 41.18 be taken against the individual; and

41.19 (7) perform other duties, as directed by the commissioner.

41.20 Subd. 2. **Membership.** The commissioner shall appoint six members to the Music  
 41.21 Therapy Advisory Council consisting of the following:

41.22 (1) three professional music therapists licensed under this chapter who must be employed  
 41.23 in a different practice area or employment setting and must include:

41.24 (i) at least one licensed professional music therapist member who is currently engaged  
 41.25 and for five years immediately preceding their appointment has been engaged in the practice  
 41.26 of music therapy in Minnesota; and

41.27 (ii) at least one licensed professional music therapist member employed outside the  
 41.28 seven-county metropolitan area; and

41.29 (2) three public members as defined in section 214.02 who must include:

41.30 (i) two public members who are either personally receiving music therapy services or  
 41.31 are family members of or caregivers to a person receiving music therapy services; and

42.1 (ii) at least one public member who is a professional from a related profession, including  
42.2 but not limited to the professions of speech-language pathology, registered hospice nursing,  
42.3 special education services, and psychology.

42.4 Subd. 3. **Administration.** (a) The advisory council is organized and administered under  
42.5 section 15.059.

42.6 (b) Upon request of the advisory council, the commissioner must provide meeting space  
42.7 and administrative services for the council.

42.8 (c) The members of the advisory council must elect a chair from members of the advisory  
42.9 council at the initial meeting.

42.10 Subd. 4. **Term limits.** Advisory council members must not serve for more than two full  
42.11 consecutive terms.

42.12 Subd. 5. **Recommendations for appointment.** The Music Therapy Association of  
42.13 Minnesota and other interested persons and organizations may recommend to the  
42.14 commissioner members qualified for appointment to fill a vacancy or anticipated vacancy  
42.15 to the council. Recommendations under this subdivision must be communicated to the  
42.16 commissioner no later than 60 days after a position on the board becomes vacant. The  
42.17 commissioner may appoint members to the board from the list of persons recommended or  
42.18 from among other qualified candidates.

42.19 Subd. 6. **Initial Music Therapy Advisory Council.** (a) The first music therapist members  
42.20 appointed to the Music Therapy Advisory Council need not be licensed under this chapter  
42.21 but must meet the qualifications for licensure under section 148H.06. The commissioner  
42.22 shall make the initial appointments to the Music Therapy Advisory Council by August 1,  
42.23 2027.

42.24 (b) The commissioner shall convene the first meeting of the Music Therapy Advisory  
42.25 Council by September 1, 2027.

42.26 Subd. 7. **Expiration.** Notwithstanding section 15.059, the advisory council does not  
42.27 expire.

42.28 Sec. 5. **[148H.04] UNAUTHORIZED PRACTICE; PROTECTED TITLES; EXEMPT**  
42.29 **PERSONS.**

42.30 Subdivision 1. **Unlicensed practice prohibited.** Effective January 1, 2028, an individual  
42.31 must be licensed as a music therapist under this chapter to practice music therapy.

43.1 Subd. 2. Protected titles and restrictions on use. (a) Use of the term "licensed music  
 43.2 therapist," "music therapist," "licensed professional music therapist," "LPMT," or similar  
 43.3 titles or terms to indicate or imply that the person is licensed by the state as a music therapist  
 43.4 is prohibited unless that person is licensed under this chapter.

43.5 (b) Use of the term "board-certified music therapist" or similar titles or terms to indicate  
 43.6 or imply that the person is certified by the Certification Board for Music Therapists is  
 43.7 prohibited unless the person is licensed under this chapter and holds a valid certification  
 43.8 from the Certification Board for Music Therapists.

43.9 Subd. 3. Exempt persons. This chapter does not apply to:

43.10 (1) any person who is licensed, registered, or certified under the laws of this state in  
 43.11 another profession or occupation who is performing services including the use of music  
 43.12 incidental to the practice of that profession or occupation in which the person is licensed,  
 43.13 registered, or certified if the person does not represent themselves to the public as a music  
 43.14 therapist. This exception includes but is not limited to licensed physicians, psychologists,  
 43.15 registered nurses, advance practice registered nurses, professional counselors, social workers,  
 43.16 occupational therapists, alcohol and drug counselors, speech-language pathologists,  
 43.17 audiologists, or personnel supervised by a licensed professional;

43.18 (2) a person employed as a music therapist by the government of the United States or  
 43.19 any federal agency. A person who is exempt under this clause may use the protected titles  
 43.20 identified in subdivision 2, but only in connection with performing official duties for the  
 43.21 federal government;

43.22 (3) the practice of music therapy as an integral part of a program of study for students  
 43.23 enrolled in an accredited music therapy program;

43.24 (4) a person who practices music therapy under the supervision of a licensed professional  
 43.25 music therapist, if the person is not represented to the public as a music therapist; or

43.26 (5) a person who is trained and certified by a nationally accredited certifying organization  
 43.27 as a music healing professional and who practices within the scope of the specific training  
 43.28 and certification of the specific music healing profession, if the person is not represented  
 43.29 to the public as a music therapist.

43.30 **Sec. 6. [148H.05] LICENSURE QUALIFICATIONS.**

43.31 (a) An applicant for licensure must comply with the relevant application requirements  
 43.32 for general licensure under section 148H.06, temporary licensure under section 148H.08,  
 43.33 or licensure by reciprocity under section 148H.09.

44.1 (b) To qualify for licensure, an applicant must not be subject to denial of licensure under  
 44.2 section 148H.15 and must satisfy one of the following:

44.3 (1) meet the general licensure requirements in section 148H.06;

44.4 (2) meet the temporary licensure requirements in section 148H.08; or

44.5 (3) meet the licensure by reciprocity requirements in section 148H.09.

44.6 **Sec. 7. [148H.06] GENERAL LICENSURE REQUIREMENTS.**

44.7 (a) An applicant for licensure must:

44.8 (1) be 18 years of age or older;

44.9 (2) have completed all academic and fieldwork to obtain a bachelor's degree or higher  
 44.10 in music therapy, or its equivalent, from a music therapy program at a college or university  
 44.11 approved or accredited by the American Music Therapy Association; and

44.12 (3) have passed the examination for board certification offered by the Certification Board  
 44.13 for Music Therapists or any successor organization or have been transitioned into board  
 44.14 certification.

44.15 (b) The applicant is responsible for making all arrangements and incurring all expenses  
 44.16 for taking the board certification examination under paragraph (a), clause (3). The applicant  
 44.17 must send their examination scores under paragraph (a), clause (3), directly to the  
 44.18 commissioner.

44.19 **Sec. 8. [148H.07] GENERAL APPLICATION PROCEDURES.**

44.20 Subdivision 1. **Application for general licensure.** (a) An applicant for general licensure  
 44.21 must submit:

44.22 (1) a completed application in writing on a form prescribed by the commissioner;

44.23 (2) documentation of current board certification by the Certification Board of Music  
 44.24 Therapists;

44.25 (3) a signed statement attesting that the information in the application is true and correct  
 44.26 to the best of the applicant's knowledge and belief;

44.27 (4) a waiver authorizing the commissioner to obtain access to the applicant's professional  
 44.28 records in this or any other state in which the applicant has practiced music therapy;

44.29 (5) all relevant fees required under section 148H.16;

45.1 (6) a fingerprint-based background check as required under section 144.0572; and

45.2 (7) any other information requested by the commissioner.

45.3 (b) An applicant must complete a new criminal history background check if more than  
45.4 one year has elapsed since the applicant last applied for a license.

45.5 Subd. 2. **Application form requirements.** The application form for licensure must  
45.6 include, at a minimum, the applicant's:

45.7 (1) name;

45.8 (2) board certification number;

45.9 (3) business address and telephone number, or home address and telephone number if  
45.10 the applicant practices music therapy out of the applicant's home; and

45.11 (4) education, training, and experience, including previous work history for the five  
45.12 years immediately preceding the date of application.

45.13 Subd. 3. **Action on application for licensure.** (a) The commissioner shall act on all  
45.14 applications for licensure. The commissioner shall approve, approve with conditions, or  
45.15 deny an application. The commissioner shall address an application according to paragraphs  
45.16 (b) to (e).

45.17 (b) The commissioner shall determine if the applicant meets the requirements for  
45.18 licensure. The commissioner or the advisory council may investigate information provided  
45.19 by the applicant to determine whether the information is accurate and complete.

45.20 (c) The commissioner shall not issue a license to an applicant who refuses to consent to  
45.21 a background study within 90 days after the submission of an application or who fails to  
45.22 submit fingerprints to the Department of Human Services. The applicant forfeits any fees  
45.23 paid to the Department of Health if the applicant refuses to consent to a background study.

45.24 (d) The commissioner shall notify the applicant by electronic notification as required  
45.25 under sections 15.991 to 15.992 of the action taken on the application and, if licensure is  
45.26 denied or approved with conditions, the grounds for the commissioner's determination.

45.27 (e) An applicant denied licensure or granted licensure with conditions may make a  
45.28 written request to the commissioner, within 30 days of the date of the commissioner's  
45.29 determination, for reconsideration of the commissioner's determination. An applicant  
45.30 requesting reconsideration may submit information that the applicant wants considered in  
45.31 the reconsideration. After reconsideration of the commissioner's determination, the  
45.32 commissioner shall determine whether the original determination is affirmed or modified.

46.1 An applicant is allowed no more than one request for reconsideration of the commissioner's  
46.2 determination to deny licensure or approve licensure with conditions in any two-year period.

46.3 Subd. 4. **Reconsideration** (a) If a provisional licensee whose music therapy license has  
46.4 been denied or extended with conditions disagrees with the conclusions of the commissioner,  
46.5 the provisional licensee may request a reconsideration by the commissioner. The  
46.6 reconsideration request process must be conducted internally by the commissioner and  
46.7 chapter 14 does not apply.

46.8 (b) The provisional licensee requesting the reconsideration must make the request in  
46.9 writing and must list and describe the reasons why the provisional licensee disagrees with  
46.10 the decision to deny the music therapy license or the decision to extend the provisional  
46.11 license with conditions.

46.12 (c) The reconsideration request and supporting documentation must be received by the  
46.13 commissioner within 15 calendar days after the date the provisional licensee receives the  
46.14 denial or provisional license with conditions.

46.15 Sec. 9. [148H.08] **TEMPORARY LICENSURE.**

46.16 Subdivision 1. **Eligibility for temporary licensure.** The commissioner shall issue a  
46.17 temporary license to practice music therapy to applicants who submit all required information  
46.18 and fees required by subdivision 2 and who are not the subject of a current or past disciplinary  
46.19 action or disqualified based on actions listed under section 148H.15.

46.20 Subd. 2. **Application for temporary licensure.** (a) An applicant for temporary licensure  
46.21 must submit:

46.22 (1) a completed application for temporary licensure on forms provided by the  
46.23 commissioner;

46.24 (2) any applicable fees under section 148H.16; and

46.25 (3) evidence of one of the following:

46.26 (i) completion of all academic and fieldwork requirements of a college or university  
46.27 program for music therapists that is approved or accredited by the American Music Therapy  
46.28 Association and either (1) the initiation of sitting for the board certification exam for the  
46.29 first time, or (2) sitting to retake the board certification exam after receiving a failing score;

46.30 (ii) a copy of a current and unrestricted credential to practice music therapy in another  
46.31 jurisdiction; or

47.1 (iii) a copy of a current and unrestricted certificate from the Certification Board for  
 47.2 Music Therapists stating that the applicant is certified as a music therapist.

47.3 (b) An applicant for temporary licensure under paragraph (a), clause (3), item (ii) or  
 47.4 (iii), must provide an affidavit with the application for temporary licensure stating that the  
 47.5 applicant is not the subject of a pending investigation or disciplinary action and has not  
 47.6 been the subject of a past disciplinary action.

47.7 **Subd. 3. Qualifying examination requirements; expiration and renewability.** (a) An  
 47.8 individual issued a temporary license must demonstrate to the commissioner successful  
 47.9 completion of the qualifying examination requirements under section 148H.06 within the  
 47.10 temporary licensure period. It is the temporary license holder's obligation to submit to the  
 47.11 commissioner the temporary license holder's qualifying examination score. A temporary  
 47.12 license holder who fails to submit a qualifying examination score within the temporary  
 47.13 licensure period is subject to disciplinary action pursuant to section 148H.15.

47.14 (b) A temporary license issued under this section expires 12 months from the date of  
 47.15 issuance or on the date the commissioner grants or denies licensure, whichever occurs first.

47.16 (c) A temporary license is not renewable.

47.17 **Sec. 10. [148H.09] LICENSURE BY RECIPROCITY.**

47.18 The commissioner shall issue a license to an applicant for a music therapy license if an  
 47.19 applicant has submitted:

47.20 (1) an application in a form and manner prescribed by the commissioner, accompanied  
 47.21 by applicable fees under section 148H.16;

47.22 (2) evidence satisfactory to the commissioner that the applicant is licensed and in good  
 47.23 standing as a music therapist in another jurisdiction where the qualifications required are  
 47.24 equivalent to or higher than those required in this chapter at the date of application;

47.25 (3) letters of verification from each other jurisdiction in which the applicant has practiced  
 47.26 music therapy in the last five years including the following information:

47.27 (i) the applicant's name;

47.28 (ii) the applicant's date of birth;

47.29 (iii) the applicant's credential number in that jurisdiction;

47.30 (iv) the date and terms of issuance of the credential in that jurisdiction; and

47.31 (v) a statement regarding disciplinary actions, if any, taken against the applicant; and

48.1 (4) a fingerprint-based background check as required under section 144.0572.

48.2 **Sec. 11. [148H.10] CONTINUING EDUCATION REQUIREMENTS.**

48.3 (a) Upon obtaining initial board certification, licensees and applicants must engage in  
48.4 continuing education.

48.5 (b) The five-year cycle for completing continuing education requirements begins a year  
48.6 after a licensee or applicant passes the examination for board certification offered by the  
48.7 Certification Board for Music Therapists or any successor organization.

48.8 (c) An applicant must include proof of completion of Continuing Music Therapy  
48.9 Education (CMTE) requirements with their certification from the Certification Board for  
48.10 Music Therapists or any successor organization each time they renew their license to practice  
48.11 music therapy.

48.12 **Sec. 12. [148H.11] RENEWAL OF LICENSE; LICENSE LAPSE.**

48.13 Subdivision 1. **Renewal requirements.** To be eligible for license renewal, a licensee  
48.14 must submit:

48.15 (1) a completed and signed application for license renewal on a form provided by the  
48.16 commissioner;

48.17 (2) the renewal fee required under section 148H.16;

48.18 (3) proof that the licensee has met and maintained the continuing education requirements  
48.19 under section 148H.10 and board certification as a board-certified music therapist; and

48.20 (4) additional information as requested by the commissioner to clarify information  
48.21 presented in the renewal application. The applicant for license renewal must submit any  
48.22 additional information requested by the commissioner within 30 calendar days of the request.

48.23 Subd. 2. **Renewal deadline.** (a) Licenses must be renewed every two years. The effective  
48.24 date of a renewed license is the day following the expiration date of the expired license.

48.25 (b) Each license must state an expiration date.

48.26 (c) A completed application for license renewal must be received by the commissioner  
48.27 at least 30 days before the license expiration date.

48.28 (d) A completed application for license renewal not received within the time required  
48.29 under paragraph (c), but received on or before the expiration date, must be accompanied  
48.30 by a late fee in addition to the renewal fee in section 148H.16.

49.1 Subd. 3. **Licensure renewal notice.** At least 60 calendar days before the expiration date  
49.2 in subdivision 2, the commissioner must send a renewal notice to the licensee's email address  
49.3 on file with the commissioner. The notice must include information on how to apply for  
49.4 licensure renewal and notice of fees required for renewal. The licensee's failure to receive  
49.5 the notice does not relieve the licensee of the obligation to meet the renewal deadline and  
49.6 other requirements for licensure renewal.

49.7 Subd. 4. **Failure to renew.** (a) If a licensee fails to renew a license, the license lapses.  
49.8 The license may be restored within four years of the expiration date upon completion of the  
49.9 requirements in subdivision 1 and payment of the late fee in section 148H.16.

49.10 (b) A person who requests reinstatement of a lapsed license more than four years after  
49.11 the license expiration date is required to reapply for licensure as a new applicant and must  
49.12 comply with the requirements for new licensees at the time of application.

49.13 **Sec. 13. [148H.12] CHANGE OF NAME, ADDRESS, OR EMPLOYMENT.**

49.14 A licensee who changes their name, address, employment, business address, or business  
49.15 telephone number must inform the commissioner of the change in writing within 30 days  
49.16 of the change. A change in name must be accompanied by a copy of a marriage certificate  
49.17 or court order. All notices or other correspondence mailed to or served on the licensee by  
49.18 the commissioner at the licensee's address on file with the commissioner is considered  
49.19 received by the licensee.

49.20 **Sec. 14. [148H.13] PRACTICE OF MUSIC THERAPY.**

49.21 Subdivision 1. **Referrals.** A licensed music therapist may accept referrals for music  
49.22 therapy services from medical, developmental, mental health, or education professionals;  
49.23 family members; clients; caregivers; or others involved and authorized to provide services  
49.24 to the client.

49.25 Subd. 2. **Assessment.** A licensed music therapist must conduct a music therapy  
49.26 assessment of a client to determine if treatment is indicated. If treatment is indicated, the  
49.27 licensee must collect systematic, comprehensive, and accurate information to determine the  
49.28 appropriateness and type of music therapy services to provide the client.

49.29 Subd. 3. **Knowledge and skill.** A licensed music therapist must use appropriate  
49.30 knowledge and skills when providing music therapy services, including the use of research,  
49.31 reasoning, and problem-solving skills to determine appropriate actions in the context of  
49.32 each specific clinical setting.

50.1 Subd. 4. **Treatment plan.** A licensed music therapist must develop an individualized  
50.2 music therapy treatment plan for the client based on the results of the music therapy  
50.3 assessment under paragraph (c). The music therapy treatment plan must include  
50.4 individualized goals and objectives that focus on the assessed needs and strengths of the  
50.5 client and must specify music therapy approaches and interventions to be used to address  
50.6 the goals and objectives. The individualized music therapy treatment plan must be consistent  
50.7 with any other developmental, rehabilitative, habilitative, medical, mental health, preventive,  
50.8 wellness care, or educational services being provided to the client.

50.9 Subd. 5. **Evaluation; client progress.** A licensed music therapist shall evaluate on an  
50.10 ongoing basis the client's response to music therapy and to the music therapy treatment  
50.11 plan, document the client's progress, and make modifications to the plan, as appropriate. A  
50.12 licensed music therapist shall determine when music therapy services are no longer needed  
50.13 in collaboration with the client, the client's health care provider or providers, family members  
50.14 of the client, and other appropriate individuals upon whom the client relies for support.

50.15 Subd. 6. **Communication with client and others.** A licensed music therapist shall  
50.16 collaborate with and educate the client and the client's family, caregiver, and any other  
50.17 appropriate individual regarding the needs of the client being addressed in music therapy  
50.18 and the manner in which the music therapy treatment addresses those needs. A licensed  
50.19 music therapist shall minimize any barriers to ensure that the client receives music therapy  
50.20 services in the least restrictive environment.

50.21 Sec. 15. **[148H.14] REVIEW OF CLIENT DOCUMENTATION; COLLABORATION**  
50.22 **WITH OTHER TREATING PROFESSIONALS.**

50.23 Subdivision 1. **Review of diagnosis, treatment, and educational plans.** Before a  
50.24 licensed professional music therapist provides music therapy services to a client for an  
50.25 identified clinical or developmental need, the music therapist shall review the client's  
50.26 diagnosis, treatment needs, and treatment plan with any care or support team involved in  
50.27 the client's care. Before a licensed professional music therapist provides music therapy  
50.28 services to a client for an identified educational need in a special education setting, the  
50.29 music therapist shall review the student's diagnosis, treatment needs, and any treatment plan  
50.30 with the individualized family care team or individualized education program team.

50.31 Subd. 2. **Collaboration with treatment team.** During the provision of music therapy  
50.32 services to a client, the licensed professional music therapist shall collaborate as applicable  
50.33 with the client's treatment team, including the client's physician, psychologist, licensed  
50.34 clinical social worker, or other mental health professional.

51.1 Subd. 3. Collaboration with and services provided by an audiologist or  
 51.2 speech-language pathologist. (a) During the provision of music therapy services to a client  
 51.3 with a communication disorder, the licensed professional music therapist shall collaborate  
 51.4 and discuss the music therapy treatment plan with the client's audiologist or speech-language  
 51.5 pathologist before a licensed professional music therapist is permitted to work with the  
 51.6 client and address communication skills.

51.7 (b) When providing educational or health care services, a licensed professional music  
 51.8 therapist must not replace the services provided by an audiologist or a speech-language  
 51.9 pathologist. Unless authorized to practice speech-language pathology, licensed professional  
 51.10 music therapists must not evaluate, examine, instruct, or counsel on speech, language,  
 51.11 communication, or swallowing disorders and conditions.

51.12 (c) An individual licensed as a licensed professional music therapist must not represent  
 51.13 to the public that the individual is authorized to treat a communication disorder. This does  
 51.14 not prohibit an individual licensed as a professional music therapist from representing to  
 51.15 the public that the individual may work with clients who have a communication disorder  
 51.16 and address communication skills.

51.17 **Sec. 16. [148H.15] GROUNDS FOR DENIAL OF LICENSURE AND DISCIPLINE;**  
 51.18 **DISCIPLINARY ACTION.**

51.19 Subdivision 1. Grounds for denial of license or discipline. The commissioner may  
 51.20 revoke, suspend, deny, approve with conditions, or refuse to issue or renew a license, or  
 51.21 may discipline a licensee using any of the disciplinary actions listed in subdivision 3, on  
 51.22 evidence that the individual has:

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

51.24 (2) failed, within 30 days, to provide information in response to a written request by the  
 51.25 board;

51.26 (3) performed services of a licensed professional music therapist in an incompetent or  
 51.27 negligent manner or in a manner that falls below the community standard of care;

51.28 (4) violated sections 148H.01 to 148H.16;

51.29 (5) aided or abetted another person in violating any provision of sections 148H.01 to  
 51.30 148H.16;

51.31 (6) failed to perform services with reasonable judgment, skill, or safety due to the use  
 51.32 of alcohol or drugs, or other physical or mental impairment;

- 52.1 (7) been convicted of violating any state or federal law, rule, or regulation which directly  
52.2 relates to the practice of music therapy;
- 52.3 (8) been disciplined for conduct in the practice of an occupation by the state of Minnesota,  
52.4 another jurisdiction, or a national professional association, if any of the grounds for discipline  
52.5 are the same or substantially equivalent to those in sections 148H.01 to 148H.16;
- 52.6 (9) not cooperated with the board in an investigation conducted according to subdivision  
52.7 2;
- 52.8 (10) advertised in a manner that is false or misleading;
- 52.9 (11) engaged in dishonest, unethical, or unprofessional conduct in connection with the  
52.10 practice of music therapy that is likely to deceive, defraud, or harm the public;
- 52.11 (12) demonstrated a willful or careless disregard for the health, welfare, or safety of a  
52.12 client;
- 52.13 (13) provided intervention, other than music therapy, without being licensed to do so  
52.14 under the laws of this state;
- 52.15 (14) paid or promised to pay a commission or part of a fee to any person who contacts  
52.16 the licensed professional music therapist for consultation or sends patients to the music  
52.17 therapist for intervention;
- 52.18 (15) engaged in an incentive payment arrangement, other than that prohibited by clause  
52.19 (14), that promotes music therapy overutilization, whereby the referring person or person  
52.20 who controls the availability of music therapy services to a client profits unreasonably as  
52.21 a result of client intervention;
- 52.22 (16) engaged in abusive or fraudulent billing practices, including violations of federal  
52.23 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical  
52.24 assistance laws;
- 52.25 (17) obtained money, property, or services from a consumer using undue influence,  
52.26 high-pressure sales tactics, harassment, duress, deception, or fraud;
- 52.27 (18) performed services for a client who had no possibility of benefiting from the services;
- 52.28 (19) failed to refer a client for medical evaluation when appropriate or when a client  
52.29 indicated symptoms associated with diseases that could be medically or surgically treated;
- 52.30 (20) engaged in conduct with a client that is sexual or may reasonably be interpreted by  
52.31 a client as sexual, or in any verbal behavior that is sexual or sexually demeaning to a patient;

53.1 (21) violated a federal or state court order, including a conciliation court judgment, or  
 53.2 a disciplinary order issued by the board, related to the person's music therapy practice; or  
 53.3 (22) any other just cause related to the practice of music therapy.

53.4 Subd. 2. **Investigation of complaints.** The commissioner may initiate an investigation  
 53.5 upon receiving a complaint or other oral or written communication that alleges or implies  
 53.6 that a person has violated any part of this chapter.

53.7 Subd. 3. **Disciplinary actions.** If the commissioner finds that a licensed professional  
 53.8 music therapist has engaged in any action listed in subdivision 1, the commissioner may  
 53.9 take one or more of the following actions:

53.10 (1) refuse to grant or renew a license;

53.11 (2) approve licensure with conditions;

53.12 (3) revoke licensure;

53.13 (4) suspend licensure;

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

53.16 (6) any action authorized by statute; or

53.17 (7) impose a civil penalty not to exceed \$10,000 for each separate violation, the amount  
 53.18 of the civil penalty to be fixed so as to deprive the licensed professional music therapist of  
 53.19 any economic advantage gained by reason of the violation charged, to discourage similar  
 53.20 violations, or to reimburse the Department of Health for the cost of the investigation and  
 53.21 proceeding, including but not limited to fees paid for services provided by the Office of  
 53.22 Administrative Hearings, legal and investigative services provided by the Office of the  
 53.23 Attorney General, court reporters, witnesses, reproduction of records, advisory council  
 53.24 members' per diem compensation, advisory council or Department of Health staff time, and  
 53.25 travel costs and expenses incurred by advisory council staff and members and Department  
 53.26 of Health staff.

53.27 Subd. 4. **Effect of specific disciplinary action on use of title.** Upon notice from the  
 53.28 commissioner denying licensure renewal or upon notice that the commissioner imposed  
 53.29 disciplinary action and the person is no longer entitled to practice music therapy and use  
 53.30 the music therapy and licensed titles, the person shall cease to practice music therapy, to  
 53.31 use titles protected by section 148H.04, and to represent to the public that the person is  
 53.32 licensed by the commissioner.

54.1 Subd. 5. Reinstatement requirements after disciplinary action. A person who has  
54.2 had licensure suspended may request and provide justification for reinstatement following  
54.3 the period of suspension specified by the commissioner. The requirements of section 148H.11  
54.4 for renewing licensure and any other conditions imposed with the suspension must be met  
54.5 before licensure may be reinstated.

54.6 Sec. 17. [148H.16] FEES.

54.7 Subdivision 1. Licensing fees. (a) Licensing fees shall not exceed the following amounts:

54.8 (1) initial licensure fee, \$296;

54.9 (2) temporary licensure fee, \$75;

54.10 (3) licensure renewal fee, \$296;

54.11 (4) licensure renewal late fee, \$115;

54.12 (5) license verification, \$25; and

54.13 (6) duplicate license fee, \$20.

54.14 (b) Fees are nonrefundable.

54.15 (c) Fees received under this chapter shall be deposited in the state government special  
54.16 revenue fund.

54.17 Subd. 2. Penalty fees. (a) The penalty fee for practicing music therapy or using protected  
54.18 titles without a current license after the credential has expired and before it is renewed is  
54.19 \$100 for any part of the first month, plus \$100 for any part of any subsequent month up to  
54.20 12 months.

54.21 (b) The penalty fee for applicants who engage in the unauthorized practice of music  
54.22 therapy or use protected titles before being issued a license is \$200 for any part of the first  
54.23 month, plus \$200 for any part of any subsequent month up to six months. This paragraph  
54.24 does not apply to applicants not qualifying for a license who engage in the unauthorized  
54.25 practice of music therapy.

54.26 (c) For conduct described in paragraph (a) or (b) exceeding six months, payment of a  
54.27 penalty fee does not preclude any disciplinary action reasonably justified by the individual  
54.28 case.

## ARTICLE 6

## PHYSICIAN ASSISTANT PRACTICE

55.1  
55.2  
55.3 Section 1. Minnesota Statutes 2024, section 147A.01, subdivision 18, is amended to read:

55.4 Subd. 18. **Physician ~~assistant~~ associate or licensed physician ~~assistant~~**  
55.5 **associate.** "Physician ~~assistant~~ associate" or "licensed physician ~~assistant~~ associate" means  
55.6 a person licensed pursuant to this chapter who meets the qualifications in section 147A.02.

55.7 Sec. 2. Minnesota Statutes 2024, section 147A.03, subdivision 1, is amended to read:

55.8 Subdivision 1. **Protected titles.** No individual may use the titles "Minnesota Licensed  
55.9 Physician Associate," "Licensed Physician Associate," "Physician Associate," "Minnesota  
55.10 Licensed Physician Assistant," "Licensed Physician Assistant," "Physician Assistant," or  
55.11 "PA" in connection with the individual's name, or any other words, letters, abbreviations,  
55.12 or insignia indicating or implying that the individual is licensed by the state unless they  
55.13 have been licensed according to this chapter.

55.14 Sec. 3. Minnesota Statutes 2024, section 147A.03, is amended by adding a subdivision to  
55.15 read:

55.16 Subd. 5. **Title revision.** (a) Notwithstanding any other provisions of law, a physician  
55.17 assistant must be titled a "physician associate" in Minnesota Statutes and Minnesota Rules.  
55.18 The terms "physician associate," "physician assistant," and "PA" are synonymous, and all  
55.19 rights and responsibilities of a physician assistant in Minnesota Statutes must continue  
55.20 uninterrupted and unchanged.

55.21 (b) The title change to "physician associate" under paragraph (a) does not expand the  
55.22 scope of practice for a professional licensed under this chapter.

55.23 (c) All persons or entities employing, coordinating treatment with, following orders  
55.24 from, training, educating, or contracting with an individual licensed as a physician associate  
55.25 under this chapter or educating an individual enrolled in an accredited physician assistant  
55.26 or physician associate educational program shall continue this relationship without  
55.27 interruption or alteration as a result of the title change under paragraph (a). No person or  
55.28 entity shall discriminate against any individual in contract, employment, or otherwise solely  
55.29 as a result of an individual's change of title described in paragraph (a). This paragraph applies  
55.30 to persons and entities that include but are not limited to:

55.31 (1) hospitals or other health care facilities;

55.32 (2) physicians;

- 56.1 (3) malpractice insurance carriers;  
 56.2 (4) the federal government; and  
 56.3 (5) third-party payors, including but not limited to commercial insurers, health  
 56.4 maintenance organizations, and the Minnesota medical assistance program.

56.5 **Sec. 4. DIRECTION TO COMMISSIONERS AND BOARDS.**

56.6 The commissioners of health and human services, and health-related licensing boards,  
 56.7 as defined in Minnesota Statutes, section 214.01, subdivision 2, if applicable, must, as soon  
 56.8 as practicable in the normal course of business, make conforming amendments to active  
 56.9 versions of commissioner or board guidance, documents, and forms within the commissioners'  
 56.10 and boards' jurisdiction reflecting the change of title described in Minnesota Statutes, section  
 56.11 147A.03, subdivision 5. The commissioners and boards may take all further action necessary  
 56.12 to reflect the change of title described in Minnesota Statutes, section 147A.03, subdivision  
 56.13 5.

56.14 **Sec. 5. REVISOR INSTRUCTION.**

56.15 The revisor of statutes shall change the term "physician assistant" and applicable variants  
 56.16 to "physician associate" and applicable variants wherever the term appears in Minnesota  
 56.17 Statutes and Minnesota Rules. The revisor may make grammatical and conforming changes  
 56.18 related to the term change.

56.19 **ARTICLE 7**

56.20 **SOCIAL WORK PRACTICE**

56.21 Section 1. Minnesota Statutes 2024, section 148E.065, subdivision 4a, is amended to read:

56.22 Subd. 4a. **City, county, and state social workers.** (a) Beginning July 1, 2016, the  
 56.23 licensure of city, county, and state agency social workers is voluntary, except an individual  
 56.24 who is newly employed by a city or state agency after July 1, 2016, must be licensed if the  
 56.25 individual who provides social work services, as those services are defined in section  
 56.26 148E.010, subdivision 11, paragraph (b), is presented to the public by any title incorporating  
 56.27 the words "social work" or "social worker."

56.28 (b) Beginning July 1, 2026, a county agency social worker who does not hold a  
 56.29 baccalaureate degree or graduate degree in social work or who is not licensed under this  
 56.30 chapter must not be presented to the public by any title incorporating the words "social  
 56.31 work" or "social worker," unless the individual was employed by the county agency prior

57.1 to July 1, 2027. This paragraph is not grounds for the modification or removal of any right  
57.2 or benefit accrued under a collective bargaining agreement ratified before July 1, 2026.

57.3 Sec. 2. Minnesota Statutes 2024, section 148E.195, subdivision 2a, is amended to read:

57.4 Subd. 2a. **Representations.** Effective July 1, 2016:

57.5 (a) No applicant or other individual may be represented to the public by any title  
57.6 incorporating the words "social work" or "social worker" unless the individual is employed  
57.7 by a county and meets the requirements under section 148E.065, subdivision 4a, or holds  
57.8 a license according to this chapter.

57.9 (b) In all professional use of a social worker's name, the social worker must use the  
57.10 license designation "LSW" or "licensed social worker" for a licensed social worker, "LGSW"  
57.11 or "licensed graduate social worker" for a licensed graduate social worker, "LISW" or  
57.12 "licensed independent social worker" for a licensed independent social worker, or "LICSW"  
57.13 or "licensed independent clinical social worker" for a licensed independent clinical social  
57.14 worker.

57.15 (c) Public statements or advertisements must not be untruthful, misleading, false,  
57.16 fraudulent, deceptive, or potentially exploitative of clients, former clients, interns, students,  
57.17 supervisees, or the public.

57.18 (d) A social worker must not:

57.19 (1) use licensure status as a claim, promise, or guarantee of successful service;

57.20 (2) obtain a license by cheating or employing fraud or deception;

57.21 (3) make false statements or misrepresentations to the board or in materials submitted  
57.22 to the board; or

57.23 (4) engage in conduct that has the potential to deceive or defraud a social work client,  
57.24 intern, student, supervisee, or the public.

57.25 Sec. 3. Minnesota Statutes 2024, section 148E.280, is amended to read:

57.26 **148E.280 USE OF TITLES.**

57.27 No individual may be presented to the public by any title incorporating the words "social  
57.28 work" or "social worker" or in the titles in section 148E.195, unless that individual is  
57.29 employed by a county and meets the requirements under section 148E.065, subdivision 4a,  
57.30 or holds a license under this chapter.

58.1

**ARTICLE 8**

58.2

**DENTISTRY PRACTICE**

58.3 Section 1. Minnesota Statutes 2024, section 150A.01, subdivision 6a, is amended to read:

58.4 Subd. 6a. **Faculty dentist.** "Faculty dentist" means a person who is licensed to practice  
58.5 dentistry as a faculty member of a ~~school of dentistry~~ dental education program, pursuant  
58.6 to section 150A.06, subdivision 1a.

58.7 Sec. 2. Minnesota Statutes 2024, section 150A.05, subdivision 1, is amended to read:

58.8 Subdivision 1. **Practice of dentistry.** A person shall be deemed to be practicing dentistry  
58.9 within the meaning of sections 150A.01 to 150A.12:

58.10 (1) who uses a dental degree, or designation, or card, device, directory, sign, or other  
58.11 media whereby the person represents an ability to diagnose, treat, prescribe, or operate for  
58.12 any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth,  
58.13 teeth, alveolar process, gums or jaw, or adjacent or associated structures;

58.14 (2) who is a manager, proprietor, operator or conductor of a place where dental operations  
58.15 are performed;

58.16 (3) who performs dental operations of any kind gratuitously, or for a fee, gift,  
58.17 compensation or reward, paid or to be paid, to any person or agency;

58.18 (4) who uses a roentgen or x-ray machine for dental treatment, roentgenograms or for  
58.19 dental diagnostic purposes;

58.20 (5) who extracts a human tooth or teeth, or corrects or attempts to correct malpositions  
58.21 of the human teeth or jaws;

58.22 (6) who offers and undertakes, by any means or method, to diagnose, treat or remove  
58.23 stains or accretions from human teeth or jaws;

58.24 (7) who takes impressions of the human tooth, teeth, or jaws or performs any phase of  
58.25 any operation incident to the replacement of a part of a tooth, a tooth, teeth or associated  
58.26 tissues by means of a filling, a crown, a bridge, a denture or other appliance;

58.27 (8) who furnishes, supplies, constructs, reproduces, repairs, or offers to furnish, supply,  
58.28 construct, reproduce or repair prosthetic dentures or plates, bridges or other substitutes for  
58.29 natural teeth, to the user or prospective user thereof; or

58.30 (9) who performs any clinical operation included in the curricula of recognized dental  
58.31 ~~schools and colleges~~ education programs.

59.1 Sec. 3. Minnesota Statutes 2024, section 150A.05, subdivision 2, is amended to read:

59.2 Subd. 2. **Exemptions and exceptions of certain practices and operations.** Sections  
59.3 150A.01 to 150A.12 do not apply to:

59.4 (1) the practice of dentistry or dental hygiene in any branch of the armed services of the  
59.5 United States, the United States Public Health Service, or the United States Veterans  
59.6 Administration;

59.7 (2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental  
59.8 students, dental therapy students, dental hygiene students, and dental assisting students of  
59.9 the University of Minnesota, ~~schools of dentistry~~ or dental or allied dental education programs  
59.10 that are accredited by the Commission on Dental Accreditation (CODA), ~~schools of dental~~  
59.11 ~~hygiene, schools with a dental therapy education program, or schools of dental assisting~~  
59.12 ~~approved by the board~~, when acting under the indirect supervision of a Minnesota licensed  
59.13 dentist and under the instruction of a licensed dentist, licensed dental therapist, licensed  
59.14 dental hygienist, or licensed dental assistant;

59.15 (3) the practice of dentistry by licensed dentists of other states or countries while  
59.16 appearing as clinicians under the auspices of a duly approved dental ~~school or college~~  
59.17 education program, or a reputable dental society, or a reputable dental study club composed  
59.18 of dentists;

59.19 (4) the actions of persons while they are taking examinations for licensure administered  
59.20 or approved by the board pursuant to sections 150A.03, subdivision 1, and 150A.06,  
59.21 subdivisions 1, 2, and 2a;

59.22 (5) the practice of dentistry by dentists and dental hygienists licensed by other states  
59.23 during their functioning as examiners responsible for conducting licensure examinations  
59.24 administered by regional and national testing agencies with whom the board is authorized  
59.25 to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry  
59.26 by the regional and national testing agencies during their administering examinations pursuant  
59.27 to section 150A.03, subdivision 1;

59.28 (6) the use of x-rays or other diagnostic imaging modalities for making radiographs or  
59.29 other similar records in a hospital under the supervision of a physician or dentist or by a  
59.30 person who is credentialed to use diagnostic imaging modalities or x-ray machines for dental  
59.31 treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other  
59.32 than the Board of Dentistry; or

60.1 (7) the service, other than service performed directly upon the person of a patient, of  
60.2 constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge,  
60.3 splint, orthodontic, prosthetic, or other dental appliance, when performed according to a  
60.4 written work order from a licensed dentist or a licensed advanced dental therapist in  
60.5 accordance with section 150A.10, subdivision 3.

60.6 Sec. 4. Minnesota Statutes 2024, section 150A.06, subdivision 1, is amended to read:

60.7 Subdivision 1. **Dentists.** A person of good moral character who has graduated from a  
60.8 dental education program accredited by the Commission on Dental Accreditation, having  
60.9 submitted an application and fee as prescribed by the board, may be examined by the board  
60.10 or by an agency pursuant to section 150A.03, subdivision 1, in a manner to test the applicant's  
60.11 fitness to practice dentistry. A graduate of a dental ~~college~~ education program in another  
60.12 country must not be disqualified from examination solely because of the applicant's foreign  
60.13 training if the board determines that the training is equivalent to or higher than that provided  
60.14 by a dental ~~college~~ education program accredited by the Commission on Dental Accreditation.  
60.15 In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants  
60.16 shall take the examination prior to applying to the board for licensure. The examination  
60.17 shall include an examination of the applicant's knowledge of the laws of Minnesota relating  
60.18 to dentistry and the rules of the board. An applicant is ineligible to retake the clinical  
60.19 examination required by the board after failing it twice until further education and training  
60.20 are obtained as specified by the board by rule. A separate, nonrefundable fee may be charged  
60.21 for each time a person applies. An applicant who passes the examination in compliance  
60.22 with subdivision 2b, abides by professional ethical conduct requirements, and meets all  
60.23 other requirements of the board shall be licensed to practice dentistry and granted a general  
60.24 dentist license by the board.

60.25 Sec. 5. Minnesota Statutes 2024, section 150A.06, subdivision 1a, is amended to read:

60.26 Subd. 1a. **Faculty dentists.** (a) Faculty members of a ~~school of dentistry~~ dental education  
60.27 program must be licensed in order to practice dentistry as defined in section 150A.05. The  
60.28 board may issue to members of the faculty of a ~~school of dentistry~~ dental education program  
60.29 a license designated as either a "limited faculty license" or a "full faculty license" entitling  
60.30 the holder to practice dentistry within the terms described in paragraph (b) or (c). The dean  
60.31 of a ~~school of dentistry~~ dental education program and program directors of a Minnesota  
60.32 dental hygiene or dental assisting ~~school~~ education program accredited by the Commission  
60.33 on Dental Accreditation shall certify to the board those members of the ~~school's~~ education  
60.34 program faculty who practice dentistry but are not licensed to practice dentistry in Minnesota.

61.1 A faculty member who practices dentistry as defined in section 150A.05, before beginning  
 61.2 duties in a ~~school of dentistry or a dental hygiene or dental assisting school~~ dental or allied  
 61.3 dental education program, shall apply to the board for a limited or full faculty license.

61.4 Pursuant to Minnesota Rules, chapter 3100, and at the discretion of the board, a limited  
 61.5 faculty license must be renewed annually and a full faculty license must be renewed  
 61.6 biennially. The faculty applicant shall pay a nonrefundable fee set by the board for issuing  
 61.7 and renewing the faculty license. The faculty license is valid during the time the holder  
 61.8 remains a member of the faculty of a ~~school of dentistry or a dental hygiene or dental~~  
 61.9 ~~assisting school~~ dental or allied dental education program and subjects the holder to this  
 61.10 chapter.

61.11 (b) The board may issue to dentist members of the faculty ~~of teaching in a Minnesota~~  
 61.12 ~~school of dentistry, dental hygiene, or dental assisting~~ dental or allied dental education  
 61.13 program accredited by the Commission on Dental Accreditation, a license designated as a  
 61.14 limited faculty license entitling the holder to practice dentistry within the ~~school~~ education  
 61.15 program and its affiliated teaching facilities, but only for the purposes of teaching or  
 61.16 conducting research. The practice of dentistry at a ~~school~~ an education program facility for  
 61.17 purposes other than teaching or research is not allowed unless the dentist was a faculty  
 61.18 member on August 1, 1993.

61.19 (c) The board may issue to dentist members of the faculty ~~of teaching in a Minnesota~~  
 61.20 ~~school of dentistry, dental hygiene, or dental assisting~~ dental or allied dental education  
 61.21 program accredited by the Commission on Dental Accreditation a license designated as a  
 61.22 full faculty license entitling the holder to practice dentistry within the ~~school~~ education  
 61.23 program and its affiliated teaching facilities and elsewhere if the holder of the license is  
 61.24 employed 50 percent time or more by the ~~school~~ education program in the practice of  
 61.25 teaching or research, and upon successful review by the board of the applicant's qualifications  
 61.26 as described in subdivisions 1, 1c, and 4 and board rule. The board, at its discretion, may  
 61.27 waive specific licensing prerequisites.

61.28 Sec. 6. Minnesota Statutes 2024, section 150A.06, subdivision 1b, is amended to read:

61.29 Subd. 1b. **Resident dentists.** A person who is a graduate of a dental ~~school~~ education  
 61.30 program and is an enrolled graduate student or student of an accredited advanced dental  
 61.31 education program and who is not licensed to practice dentistry in the state shall obtain  
 61.32 from the board a license to practice dentistry as a resident dentist. The license must be  
 61.33 designated "resident dentist license" and authorizes the licensee to practice dentistry only  
 61.34 under the supervision of a licensed dentist. A University of Minnesota School of Dentistry

62.1 dental resident holding a resident dentist license is eligible for enrollment in medical  
 62.2 assistance, as provided under section 256B.0625, subdivision 9b. A resident dentist license  
 62.3 must be renewed annually pursuant to the board's rules. An applicant for a resident dentist  
 62.4 license shall pay a nonrefundable fee set by the board for issuing and renewing the license.  
 62.5 The requirements of sections 150A.01 to 150A.21 apply to resident dentists except as  
 62.6 specified in rules adopted by the board. A resident dentist license does not qualify a person  
 62.7 for licensure under subdivision 1.

62.8 Sec. 7. Minnesota Statutes 2024, section 150A.06, subdivision 1c, is amended to read:

62.9 Subd. 1c. **Specialty dentists.** (a) The board may grant one or more specialty licenses in  
 62.10 the specialty areas of dentistry that are recognized by the National Commission on  
 62.11 Recognition of Dental Accreditation Specialties and Certifying Board (National Commission).

62.12 (b) An applicant for a specialty license shall:

62.13 (1) have successfully completed a postdoctoral specialty education program accredited  
 62.14 by the Commission on Dental Accreditation, or have announced a limitation of practice  
 62.15 before 1967;

62.16 (2) have been certified by a specialty board approved by the Minnesota Board of  
 62.17 Dentistry, or provide evidence of having passed a clinical examination for licensure required  
 62.18 for practice in any state or Canadian province, or in the case of oral and maxillofacial  
 62.19 surgeons only, have a Minnesota medical license in good standing;

62.20 (3) have been in active practice or a postdoctoral specialty education program or United  
 62.21 States government service at least 2,000 hours in the 36 months prior to applying for a  
 62.22 specialty license;

62.23 ~~(4) if requested by the board, be interviewed by a committee of the board, which may~~  
 62.24 ~~include the assistance of specialists in the evaluation process, and satisfactorily respond to~~  
 62.25 ~~questions designed to determine the applicant's knowledge of dental subjects and ability to~~  
 62.26 ~~practice;~~

62.27 ~~(5) if requested by the board, present complete records on a sample of patients treated~~  
 62.28 ~~by the applicant. The sample must be drawn from patients treated by the applicant during~~  
 62.29 ~~the 36 months preceding the date of application. The number of records shall be established~~  
 62.30 ~~by the board. The records shall be reasonably representative of the treatment typically~~  
 62.31 ~~provided by the applicant for each specialty area;~~

62.32 ~~(6) at board discretion, pass a board-approved English proficiency test if English is not~~  
 62.33 ~~the applicant's primary language;~~

- 63.1 ~~(7)~~ (4) pass all components of the National Board Dental Examinations;
- 63.2 ~~(8)~~ (5) pass the Minnesota Board of Dentistry jurisprudence examination;
- 63.3 ~~(9)~~ (6) abide by professional ethical conduct requirements; and
- 63.4 ~~(10)~~ (7) meet all other requirements prescribed by the Board of Dentistry.

63.5 (c) The application must include:

- 63.6 (1) a completed application furnished by the board;
- 63.7 (2) a nonrefundable fee; and
- 63.8 (3) a copy of the applicant's government-issued photo identification card.

63.9 (d) A specialty dentist holding one or more specialty licenses is limited to practicing in  
 63.10 the dentist's designated specialty area or areas. The scope of practice must be defined by  
 63.11 each national specialty board recognized by the National Commission on Dental  
 63.12 Accreditation.

63.13 (e) All specialty dentists who have fulfilled the specialty dentist requirements and who  
 63.14 intend to limit their practice to a particular specialty area or areas may apply for one or more  
 63.15 specialty licenses.

63.16 Sec. 8. Minnesota Statutes 2024, section 150A.06, subdivision 2, is amended to read:

63.17 Subd. 2. **Dental hygienists.** A person of good moral character, who has graduated from  
 63.18 a dental hygiene education program accredited by the Commission on Dental Accreditation  
 63.19 and established in an institution accredited by an agency recognized by the United States  
 63.20 Department of Education to offer college-level programs, may apply for licensure. The  
 63.21 dental hygiene education program must provide a minimum of two academic years of dental  
 63.22 hygiene education. The applicant must submit an application and fee as prescribed by the  
 63.23 board and a diploma or certificate of dental hygiene. Prior to being licensed, the applicant  
 63.24 must pass the National Board of Dental Hygiene examination and a board approved  
 63.25 examination designed to determine the applicant's clinical competency. In the case of  
 63.26 examinations conducted pursuant to section 150A.03, subdivision 1, applicants shall take  
 63.27 the examination before applying to the board for licensure. The applicant must also pass an  
 63.28 examination testing the applicant's knowledge of the laws of Minnesota relating to the  
 63.29 practice of dentistry and of the rules of the board. An applicant is ineligible to retake the  
 63.30 clinical examination required by the board after failing it twice until further education and  
 63.31 training are obtained as specified by board rule. A separate, nonrefundable fee may be  
 63.32 charged for each time a person applies. An applicant who passes the examination in

64.1 compliance with subdivision 2b, abides by professional ethical conduct requirements, and  
64.2 meets all the other requirements of the board shall be licensed as a dental hygienist.

64.3 Sec. 9. Minnesota Statutes 2024, section 150A.06, subdivision 2a, is amended to read:

64.4 Subd. 2a. **Licensed dental assistant.** A person of good moral character, who has  
64.5 graduated from a dental assisting education program accredited by the Commission on  
64.6 Dental Accreditation, may apply for licensure. The applicant must submit an application  
64.7 and fee as prescribed by the board and the diploma or certificate of dental assisting. In the  
64.8 case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants shall  
64.9 take the examination before applying to the board for licensure. The examination shall  
64.10 include an examination of the applicant's knowledge of the laws of Minnesota relating to  
64.11 dentistry and the rules of the board. ~~An applicant is ineligible to retake the licensure  
64.12 examination required by the board after failing it twice until further education and training  
64.13 are obtained as specified by board rule.~~ A separate, nonrefundable fee may be charged for  
64.14 each time a person applies. An applicant who passes the examination in compliance with  
64.15 subdivision 2b, abides by professional ethical conduct requirements, and meets all the other  
64.16 requirements of the board shall be licensed as a dental assistant.

64.17 Sec. 10. Minnesota Statutes 2024, section 150A.06, subdivision 2c, is amended to read:

64.18 Subd. 2c. **Guest license.** (a) The board shall grant a guest license to practice as a dentist,  
64.19 dental therapist, dental hygienist, or licensed dental assistant if the following conditions are  
64.20 met:

64.21 (1) the dentist, dental therapist, dental hygienist, or dental assistant is currently licensed  
64.22 in good standing in another United States jurisdiction;

64.23 (2) the dentist, dental therapist, dental hygienist, or dental assistant is currently engaged  
64.24 in the practice of that person's respective profession in another United States jurisdiction;

64.25 (3) the dentist, dental therapist, dental hygienist, or dental assistant will limit that person's  
64.26 practice to a public health setting in Minnesota that (i) is approved by the board; (ii) was  
64.27 established by a nonprofit organization that is tax exempt under chapter 501(c)(3) of the  
64.28 Internal Revenue Code of 1986; and (iii) provides dental care to patients who have difficulty  
64.29 accessing dental care;

64.30 (4) the dentist, dental therapist, dental hygienist, or dental assistant agrees to treat indigent  
64.31 patients who meet the eligibility criteria established by the clinic; and

65.1 (5) the dentist, dental therapist, dental hygienist, or dental assistant has applied to the  
65.2 board for a guest license and has paid a nonrefundable license fee to the board.

65.3 (b) A guest license must be renewed annually with the board and an annual renewal fee  
65.4 must be paid to the board. Guest licenses expire on December 31 of each year.

65.5 (c) A dentist, dental therapist, dental hygienist, or dental assistant practicing under a  
65.6 guest license under this subdivision shall have the same obligations as a dentist, dental  
65.7 therapist, dental hygienist, or dental assistant who is licensed in Minnesota and shall be  
65.8 subject to the laws and rules of Minnesota and the regulatory authority of the board. If the  
65.9 board suspends or revokes the guest license of, or otherwise disciplines, a dentist, dental  
65.10 therapist, dental hygienist, or dental assistant practicing under this subdivision, the board  
65.11 shall promptly report such disciplinary action to the dentist's, dental therapist's, dental  
65.12 hygienist's, or dental assistant's regulatory board in the jurisdictions in which they are  
65.13 licensed.

65.14 (d) The board may grant a guest license to a dentist, dental therapist, dental hygienist,  
65.15 or dental assistant licensed in another United States jurisdiction to provide dental care to  
65.16 patients on a voluntary basis without compensation for a limited period of time. The board  
65.17 shall not assess a fee for the guest license for volunteer services issued under this paragraph.

65.18 (e) The board shall issue a guest license for volunteer services if:

65.19 (1) the board determines that the applicant's services will provide dental care to patients  
65.20 who have difficulty accessing dental care;

65.21 (2) the care will be provided without compensation; and

65.22 (3) the applicant provides adequate proof of the status of all licenses to practice in other  
65.23 jurisdictions. The board may require such proof on an application form developed by the  
65.24 board.

65.25 (f) The guest license for volunteer services shall limit the licensee to providing dental  
65.26 care services for a period of time not to exceed ten days in a calendar year. Guest licenses  
65.27 expire on December 31 of each year.

65.28 (g) The holder of a guest license for volunteer services shall be subject to state laws and  
65.29 rules regarding dentistry and the regulatory authority of the board. The board may revoke  
65.30 the license of a dentist, dental therapist, dental hygienist, or dental assistant practicing under  
65.31 this subdivision or take other regulatory action against the dentist, dental therapist, dental  
65.32 hygienist, or dental assistant. If an action is taken, the board shall report the action to the

66.1 regulatory board of those jurisdictions where an active license is held by the dentist, dental  
 66.2 therapist, dental hygienist, or dental assistant.

66.3 Sec. 11. Minnesota Statutes 2024, section 150A.06, subdivision 2d, is amended to read:

66.4 Subd. 2d. **Continuing education and professional development waiver.** (a) The board  
 66.5 shall grant a waiver to the continuing education requirements under this chapter for a licensed  
 66.6 dentist, licensed dental therapist, licensed dental hygienist, or licensed dental assistant who  
 66.7 documents to the satisfaction of the board that the dentist, dental therapist, dental hygienist,  
 66.8 or licensed dental assistant has retired from active practice in the state and limits the provision  
 66.9 of dental care services to those offered without compensation in a public health, community,  
 66.10 or tribal clinic or a nonprofit organization that provides services to ~~the indigent or to~~  
 66.11 ~~recipients of medical assistance or MinnesotaCare programs~~ patients who do not have dental  
 66.12 health coverage, either through a state public health care program or private insurance, and  
 66.13 whose annual family gross income is equal to or less than 200 percent of the federal poverty  
 66.14 guidelines.

66.15 (b) The board may require written documentation from the volunteer and retired dentist,  
 66.16 dental therapist, dental hygienist, or licensed dental assistant prior to granting this waiver.

66.17 (c) The board shall require the volunteer and retired dentist, dental therapist, dental  
 66.18 hygienist, or licensed dental assistant to meet the following requirements:

66.19 (1) a licensee seeking a waiver under this subdivision must complete and document at  
 66.20 least five hours of approved courses in infection control, medical emergencies, and medical  
 66.21 management for the continuing education cycle; and

66.22 (2) provide documentation of current CPR certification ~~from completion of the American~~  
 66.23 ~~Heart Association healthcare provider course or the American Red Cross professional rescuer~~  
 66.24 ~~course.~~

66.25 Sec. 12. Minnesota Statutes 2024, section 150A.06, subdivision 3, is amended to read:

66.26 Subd. 3. **Waiver of examination.** (a) All or any part of the examination for dentists,  
 66.27 dental therapists, dental hygienists, or dental assistants, except that pertaining to the law of  
 66.28 Minnesota relating to dentistry and the rules of the board, may, at the discretion of the board,  
 66.29 be waived for an applicant who presents a certificate of having passed all components of  
 66.30 the National Board Dental Examinations or evidence of having maintained an adequate  
 66.31 scholastic standing as determined by the board.

67.1 (b) The board shall waive the clinical examination required for licensure for any dentist  
67.2 applicant who is a graduate of a dental ~~school~~ education program accredited by the  
67.3 Commission on Dental Accreditation, who has passed all components of the National Board  
67.4 Dental Examinations, and who has satisfactorily completed a postdoctoral general dentistry  
67.5 residency program (GPR) or an advanced education in general dentistry (AEGD) program  
67.6 after January 1, 2004. The postdoctoral program must be accredited by the Commission on  
67.7 Dental Accreditation, be of at least one year's duration, and include an outcome assessment  
67.8 evaluation assessing the resident's competence to practice dentistry. The board may require  
67.9 the applicant to submit any information deemed necessary by the board to determine whether  
67.10 the waiver is applicable.

67.11 Sec. 13. Minnesota Statutes 2024, section 150A.06, subdivision 8, is amended to read:

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

67.17 (1) has graduated from ~~an accredited~~ a dental assisting education program accredited  
67.18 by the Commission on Dental Accreditation or is currently certified by the Dental Assisting  
67.19 National Board;

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

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

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

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

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

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

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

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

68.8 Sec. 14. Minnesota Statutes 2024, section 150A.06, subdivision 9, is amended to read:

68.9 Subd. 9. **Graduates of nonaccredited dental education programs.** A graduate of a  
68.10 nonaccredited dental education program who successfully completes the clinical licensure  
68.11 examination, and meets all other applicant requirements of the board shall be licensed to  
68.12 practice dentistry and granted a limited general dentist license by the board. The board shall  
68.13 place limitations on the licensee's authority to practice by requiring the licensee to practice  
68.14 under the general supervision of a Minnesota-licensed dentist approved by the board. A  
68.15 person licensed under this subdivision must practice for three consecutive years in Minnesota  
68.16 pursuant to a written agreement, approved by the board, between the licensee and a  
68.17 Minnesota-licensed dentist who may limit the types of services authorized. At the conclusion  
68.18 of the three-year period, the board shall grant an unlimited license without further restrictions  
68.19 if all supervising dentists who had entered into written agreements with the licensee during  
68.20 any part of the three-year period recommend unlimited licensure, and if no corrective action  
68.21 or disciplinary action has been taken by the board against the licensee.

68.22 Sec. 15. Minnesota Statutes 2024, section 150A.06, subdivision 11, is amended to read:

68.23 Subd. 11. **Emeritus active licensure.** (a) A person licensed to practice dentistry, dental  
68.24 therapy, dental hygiene, or dental assisting may apply for an emeritus active license if the  
68.25 person is retired from active practice, is in compliance with board requirements, and is not  
68.26 the subject of current disciplinary action resulting in suspension, revocation, disqualification,  
68.27 condition, or restriction of the license to practice dentistry, dental therapy, dental hygiene,  
68.28 or dental assisting.

68.29 (b) An emeritus active licensee may engage only in the following types of practice:

68.30 (1) pro bono or volunteer dental practice;

68.31 (2) paid practice not to exceed 500 hours per calendar year for the exclusive purpose of  
68.32 providing licensing supervision to meet the board's requirements; or

69.1 (3) paid consulting services not to exceed 500 hours per calendar year.

69.2 (c) An emeritus active licensee shall not hold out as a full licensee and may only hold  
69.3 out as authorized to practice as described in this subdivision. The board may take disciplinary  
69.4 or corrective action against an emeritus active licensee based on violations of applicable  
69.5 law or board requirements.

69.6 (d) A person may apply for an emeritus active license by completing an application form  
69.7 specified by the board and must pay the application fee pursuant to section 150A.091,  
69.8 subdivision 20.

69.9 (e) If an emeritus active license is not renewed every two years, the license expires 30  
69.10 days after notification from the board that the licensee failed to timely renew the license.  
69.11 The renewal date is the same as the licensee's renewal date when the licensee was in active  
69.12 practice. In order to renew an emeritus active license, the licensee must:

69.13 (1) complete an application form as specified by the board;

69.14 (2) pay the required renewal fee pursuant to section 150A.091, subdivision 20; and

69.15 ~~(3) report at least 25 continuing education hours completed since the last renewal, which~~  
69.16 ~~must include:~~

69.17 ~~(i) at least one hour in two different required CORE areas;~~

69.18 ~~(ii) at least one hour of mandatory infection control;~~

69.19 ~~(iii) for dentists and dental therapists, at least 15 hours of fundamental credits for dentists~~  
69.20 ~~and dental therapists, and for dental hygienists and dental assistants, at least seven hours of~~  
69.21 ~~fundamental credits; and~~

69.22 ~~(iv) for dentists and dental therapists, no more than ten elective credits, and for dental~~  
69.23 ~~hygienists and dental assistants, no more than six elective credits.~~

69.24 (3) comply with the professional development requirements in Minnesota Rules, part  
69.25 3100.1350, subpart 4.

69.26 Sec. 16. Minnesota Statutes 2025 Supplement, section 150A.06, subdivision 12, is amended  
69.27 to read:

69.28 Subd. 12. **Licensure by credentials; dental therapist.** (a) Any dental therapist may,  
69.29 upon application and payment of a fee established by the board, apply for licensure based  
69.30 on an evaluation of the applicant's education, experience, and performance record. The  
69.31 applicant may be interviewed by the board to determine if the applicant:

- 70.1 (1) graduated with a baccalaureate or master's degree from a dental therapy education  
70.2 program accredited by the Commission on Dental Accreditation;
- 70.3 (2) provided evidence of successfully completing the board's jurisprudence examination;
- 70.4 (3) actively practiced at least 2,000 hours within 36 months of the application date or  
70.5 passed a board-approved reentry program within 36 months of the application date;
- 70.6 (4) either:
- 70.7 (i) is currently licensed in another state or Canadian province and not subject to any  
70.8 pending or final disciplinary action; or
- 70.9 (ii) was previously licensed in another state or Canadian province in good standing and  
70.10 not subject to any final or pending disciplinary action at the time of surrender;
- 70.11 (5) passed a board-approved English proficiency test if English is not the applicant's  
70.12 primary language required at the board's discretion; and
- 70.13 (6) met all curriculum equivalency requirements regarding dental therapy scope of  
70.14 practice in Minnesota.
- 70.15 (b) The 2,000 practice hours required by paragraph (a), clause (3), may count toward  
70.16 the 2,000 practice hours required for consideration for advanced dental therapy certification,  
70.17 provided that all other requirements of section 150A.106, subdivision 1, are met.
- 70.18 (c) The board, at its discretion, may waive specific licensure requirements in paragraph  
70.19 (a).
- 70.20 (d) The board must license an applicant who fulfills the conditions of this subdivision  
70.21 and demonstrates the minimum knowledge in dental subjects required for licensure under  
70.22 subdivision 1d to practice the applicant's profession.
- 70.23 (e) The board must deny the application if the applicant does not demonstrate the  
70.24 minimum knowledge in dental subjects required for licensure under subdivision 1d. If  
70.25 licensure is denied, the board may notify the applicant of any specific remedy the applicant  
70.26 could take to qualify for licensure. A denial does not prohibit the applicant from applying  
70.27 for licensure under subdivision 1d.
- 70.28 (f) A candidate may appeal a denied application to the board according to subdivision  
70.29 4a.

71.1 Sec. 17. Minnesota Statutes 2024, section 150A.08, subdivision 1, is amended to read:

71.2 Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit or  
71.3 modify by imposing conditions it deems necessary, the license of a dentist, dental therapist,  
71.4 dental hygienist, or dental assistant upon any of the following grounds:

71.5 (1) fraud or deception in connection with the practice of dentistry or the securing of a  
71.6 license certificate;

71.7 (2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no  
71.8 contest plea, in any court of a felony-level criminal sexual conduct offense pursuant to  
71.9 sections 609.342 to 609.345 or similar statutes in another jurisdiction, as evidenced by  
71.10 public court records. A license that has been denied or revoked pursuant to this clause is  
71.11 not subject to chapter 364;

71.12 ~~(2)~~ (3) conviction, including a finding or verdict of guilt, an admission of guilt, or a no  
71.13 contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice  
71.14 of dentistry as evidenced by a certified copy of the conviction public court records;

71.15 ~~(3)~~ (4) conviction, including a finding or verdict of guilt, an admission of guilt, or a no  
71.16 contest plea, in any court of an offense involving moral turpitude as evidenced by a certified  
71.17 copy of the conviction public court records;

71.18 ~~(4) habitual overindulgence in the use of intoxicating liquors;~~

71.19 (5) improper or unauthorized prescription, dispensing, administering, or personal or  
71.20 other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter  
71.21 151, or of any controlled substance as defined in chapter 152;

71.22 (6) conduct unbecoming a person licensed to practice dentistry, dental therapy, dental  
71.23 hygiene, or dental assisting, or conduct contrary to the best interest of the public, as ~~such~~  
71.24 ~~conduct is defined by the rules of the board~~ in Minnesota Rules, part 3100.6200;

71.25 (7) gross immorality;

71.26 (8) any physical, mental, emotional, or other disability which adversely affects a dentist's,  
71.27 dental therapist's, dental hygienist's, or dental assistant's ability to perform the service for  
71.28 which the person is licensed;

71.29 (9) revocation or suspension of a license or equivalent authority to practice, or other  
71.30 disciplinary action or denial of a license application taken by a licensing or credentialing  
71.31 authority of another state, territory, or country as evidenced by a certified copy of the  
71.32 licensing authority's order, if the disciplinary action or application denial was based on facts

72.1 that would provide a basis for disciplinary action under this chapter and if the action was  
72.2 taken only after affording the credentialed person or applicant notice and opportunity to  
72.3 refute the allegations or pursuant to stipulation or other agreement;

72.4 (10) failure to maintain adequate safety and sanitary conditions for a dental office in  
72.5 accordance with the standards established by the rules of the board;

72.6 (11) employing, assisting, or enabling in any manner an unlicensed person to practice  
72.7 dentistry;

72.8 (12) failure or refusal to attend, testify, and produce records as directed by the board  
72.9 under subdivision 7;

72.10 (13) violation of, or failure to comply with, any other provisions of sections 150A.01 to  
72.11 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board,  
72.12 sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just  
72.13 cause related to the practice of dentistry. Suspension, revocation, modification or limitation  
72.14 of any license shall not be based upon any judgment as to therapeutic or monetary value of  
72.15 any individual drug prescribed or any individual treatment rendered, but only upon a repeated  
72.16 pattern of conduct;

72.17 (14) knowingly providing false or misleading information that is directly related to the  
72.18 care of that patient unless done for an accepted therapeutic purpose such as the administration  
72.19 of a placebo; or

72.20 (15) aiding suicide or, aiding attempted suicide in violation of, being subject to injunctive  
72.21 relief, or being assessed civil damages according to section 609.215 as established by any  
72.22 of the following:

72.23 (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation  
72.24 of section 609.215, subdivision 1 or 2;

72.25 (ii) a copy of the record of a judgment of contempt of court for violating an injunction  
72.26 issued under section 609.215, subdivision 4;

72.27 (iii) a copy of the record of a judgment assessing damages under section 609.215,  
72.28 subdivision 5; or

72.29 (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.  
72.30 The board shall investigate any complaint of a violation of section 609.215, subdivision 1  
72.31 or 2.

73.1 Sec. 18. Minnesota Statutes 2024, section 150A.081, subdivision 1, is amended to read:

73.2 Subdivision 1. **Access to data on licensee.** When the board has probable cause to believe  
73.3 that a licensee's condition meets a ground listed in section 150A.08, subdivision 1, clause  
73.4 ~~(4)~~ or (8), it may, notwithstanding sections 13.384, 144.651, or any other law limiting access  
73.5 to medical data, obtain medical or health records on the licensee without the licensee's  
73.6 consent. The medical data may be requested from a provider, as defined in section 144.291,  
73.7 subdivision 2, paragraph (h), an insurance company, or a government agency. A provider,  
73.8 insurance company, or government agency shall comply with a written request of the board  
73.9 under this subdivision and is not liable in any action for damages for releasing the data  
73.10 requested by the board if the data are released under the written request, unless the  
73.11 information is false and the entity providing the information knew, or had reason to believe,  
73.12 the information was false.

73.13 Sec. 19. Minnesota Statutes 2024, section 150A.091, subdivision 2, is amended to read:

73.14 Subd. 2. **Application and initial license or registration fees.** Each applicant shall  
73.15 submit with a license, advanced dental therapist certificate, or ~~permit~~ registration application  
73.16 a nonrefundable fee in the following amounts in order to administratively process an  
73.17 application:

73.18 (1) dentist, \$308;

73.19 (2) full faculty dentist, \$308;

73.20 (3) limited faculty dentist, \$140;

73.21 (4) resident dentist or dental provider, \$55;

73.22 (5) advanced dental therapist, \$100;

73.23 (6) dental therapist, \$220;

73.24 (7) dental hygienist, \$115;

73.25 (8) licensed dental assistant, \$115;

73.26 (9) dental assistant with limited radiology registration as described in Minnesota Rules,  
73.27 part 3100.1320, \$27; and

73.28 (10) guest license, \$50.

74.1 Sec. 20. Minnesota Statutes 2024, section 150A.091, subdivision 4, is amended to read:

74.2 Subd. 4. **Annual license renewal fees.** Each ~~limited faculty or resident dentist~~ applicant  
74.3 shall submit with an annual license renewal application a fee established by the board not  
74.4 to exceed the following amounts:

74.5 (1) limited faculty dentist, \$168; ~~and~~

74.6 (2) resident dentist or dental provider, \$85; and

74.7 (3) guest license, \$50.

74.8 Sec. 21. Minnesota Statutes 2024, section 150A.091, subdivision 5, is amended to read:

74.9 Subd. 5. **Biennial license or registration renewal fees.** Each of the following applicants  
74.10 shall submit with a biennial license or ~~permit~~ registration renewal application a fee as  
74.11 established by the board, not to exceed the following amounts:

74.12 (1) dentist or full faculty dentist, \$475;

74.13 (2) dental therapist, \$300;

74.14 (3) dental hygienist, \$200;

74.15 (4) licensed dental assistant, \$150; and

74.16 (5) dental assistant with a limited radiology registration as described in Minnesota Rules,  
74.17 part 3100.1320, \$24.

74.18 Sec. 22. Minnesota Statutes 2024, section 150A.091, subdivision 7, is amended to read:

74.19 Subd. 7. **Biennial license or ~~permit~~ registration late fee.** Applications for renewal of  
74.20 any license or ~~permit~~ registration received after the time specified in Minnesota Rules, part  
74.21 3100.1700, must be assessed a late fee equal to 25 percent of the biennial renewal fee.

74.22 Sec. 23. Minnesota Statutes 2024, section 150A.091, subdivision 8, is amended to read:

74.23 Subd. 8. **~~Duplicate license or~~ renewal certificate or registration fee.** Each applicant  
74.24 shall submit, with a request for issuance of a duplicate ~~of the original license, or of an annual~~  
74.25 or biennial renewal certificate for a license or ~~permit~~ registration, a fee in the following  
74.26 amounts:

74.27 ~~(1) original dentist, full faculty dentist, dental therapist, dental hygiene, or dental assistant~~  
74.28 ~~license, \$35; and~~

74.29 ~~(2)~~ (1) annual or biennial renewal certificates, \$10; and

75.1 (2) biennial renewal registration, \$10.

75.2 Sec. 24. Minnesota Statutes 2024, section 150A.091, subdivision 9a, is amended to read:

75.3 Subd. 9a. **Credential review; nonaccredited dental ~~institution~~ education**  
75.4 **program.** Applicants who have graduated from a nonaccredited dental ~~college~~ education  
75.5 program desiring licensure as a dentist pursuant to section 150A.06, subdivision 1, shall  
75.6 submit an application for credential review and an application fee not to exceed the amount  
75.7 of \$200.

75.8 Sec. 25. Minnesota Statutes 2024, section 150A.091, subdivision 10, is amended to read:

75.9 Subd. 10. **Reinstatement fee.** No dentist, dental therapist, dental hygienist, or dental  
75.10 assistant whose license has been suspended or revoked may have the license reinstated or  
75.11 a new license issued until a fee has been submitted to the board in the following amounts:

75.12 (1) dentist, \$140;

75.13 (2) dental therapist, \$85;

75.14 (3) dental hygienist, \$55; ~~and~~

75.15 (4) dental assistant, \$35; and

75.16 (5) dental assistant with a limited radiology registration, \$24.

75.17 Sec. 26. Minnesota Statutes 2024, section 150A.091, subdivision 20, is amended to read:

75.18 Subd. 20. **Emeritus active license.** An individual applying for emeritus active licensure  
75.19 under section 150A.06, subdivision 11, must pay a fee upon application and upon renewal  
75.20 every two years. The fees for emeritus active license application and biennial renewal are  
75.21 as follows: dentist, \$212; dental therapist, \$100; dental hygienist, \$75; and dental assistant,  
75.22 \$55.

75.23 Sec. 27. Minnesota Statutes 2024, section 150A.091, is amended by adding a subdivision  
75.24 to read:

75.25 Subd. 20a. **Emeritus active license late fee.** The board must assess a late fee equal to  
75.26 25 percent of the biennial renewal fee on applications for renewal of an emeritus active  
75.27 license received after the time specified in Minnesota Rules, part 3100.1350, subpart 3.

76.1 Sec. 28. Minnesota Statutes 2024, section 150A.10, subdivision 1, is amended to read:

76.2 Subdivision 1. **Dental hygienists.** Any licensed dentist, licensed dental therapist, public  
76.3 institution, or ~~school~~ education program authority may obtain services from a licensed dental  
76.4 hygienist. The licensed dental hygienist may provide those services defined in section  
76.5 150A.05, subdivision 1a. The services provided shall not include the establishment of a  
76.6 final diagnosis or treatment plan for a dental patient. All services shall be provided under  
76.7 supervision of a licensed dentist. Any licensed dentist who shall permit any dental service  
76.8 by a dental hygienist other than those authorized by the Board of Dentistry, shall be deemed  
76.9 to be violating the provisions of sections 150A.01 to 150A.12, and any unauthorized dental  
76.10 service by a dental hygienist shall constitute a violation of sections 150A.01 to 150A.12.

76.11 Sec. 29. Minnesota Statutes 2024, section 150A.10, subdivision 1a, is amended to read:

76.12 Subd. 1a. **Collaborative practice authorization for dental hygienists in community**  
76.13 **settings.** (a) Notwithstanding subdivision 1, a dental hygienist licensed under this chapter  
76.14 may be employed or retained by a health care facility, program, nonprofit organization, or  
76.15 licensed dentist to perform the dental hygiene services listed in Minnesota Rules, part  
76.16 3100.8700, subpart 1, without the patient first being examined by a licensed dentist if the  
76.17 dental hygienist:

76.18 (1) has entered into a collaborative agreement with a licensed dentist that designates  
76.19 authorization for the services provided by the dental hygienist; and

76.20 (2) has documented completion of a course on medical emergencies within each  
76.21 continuing education cycle.

76.22 (b) A collaborating dentist must be licensed under this chapter and may enter into a  
76.23 collaborative agreement with no more than ~~four~~ eight dental hygienists unless otherwise  
76.24 authorized by the board. The board shall develop parameters and a process for obtaining  
76.25 authorization to collaborate with more than ~~four~~ eight dental hygienists. The collaborative  
76.26 agreement must include:

76.27 (1) consideration for medically compromised patients and medical conditions for which  
76.28 a dental evaluation and treatment plan must occur prior to the provision of dental hygiene  
76.29 services;

76.30 (2) age- and procedure-specific standard collaborative practice protocols, including  
76.31 recommended intervals for the performance of dental hygiene services and a period of time  
76.32 in which an examination by a dentist should occur;

76.33 (3) copies of consent to treatment form provided to the patient by the dental hygienist;

77.1 (4) specific protocols for the placement of pit and fissure sealants and requirements for  
77.2 follow-up care to ensure efficacy; and

77.3 (5) the procedure for creating and maintaining dental records for patients who are treated  
77.4 by the dental hygienist under Minnesota Rules, part 3100.9600, including specifying where  
77.5 records will be located.

77.6 (c) The collaborative agreement must be:

77.7 (1) signed and maintained by the dentist; the dental hygienist; and the facility, program,  
77.8 or organization;

77.9 (2) reviewed annually by the collaborating dentist and the dental hygienist; and

77.10 (3) made available to the board upon request.

77.11 (d) Before performing any services authorized under this subdivision, a dental hygienist  
77.12 must provide the patient with a consent to treatment form which must include a statement  
77.13 advising the patient that the dental hygiene services provided are not a substitute for a dental  
77.14 examination by a licensed dentist. When the patient requires a referral for additional dental  
77.15 services, the dental hygienist shall complete a referral form and provide a copy to the patient,  
77.16 the facility, if applicable, the dentist to whom the patient is being referred, and the  
77.17 collaborating dentist, if specified in the collaborative agreement. A copy of the referral form  
77.18 shall be maintained in the patient's health care record. The patient does not become a new  
77.19 patient of record of the dentist to whom the patient was referred until the dentist accepts  
77.20 the patient for follow-up services after referral from the dental hygienist.

77.21 (e) For the purposes of this subdivision, a "health care facility, program, or nonprofit  
77.22 organization" includes a hospital; nursing home; home health agency; group home serving  
77.23 the elderly, disabled, or juveniles; state-operated facility licensed by the commissioner of  
77.24 human services or the commissioner of corrections; a state-agency-administered public  
77.25 health program or event; and federal, state, or local public health facility, community clinic,  
77.26 tribal clinic, ~~school~~ education program authority, Head Start program, or nonprofit  
77.27 organization that serves individuals who are uninsured or who are Minnesota health care  
77.28 public program recipients.

77.29 (f) For purposes of this subdivision, a "collaborative agreement" means a written  
77.30 agreement with a licensed dentist who authorizes and accepts responsibility for the services  
77.31 performed by the dental hygienist.

77.32 (g) A collaborative practice dental hygienist must be reimbursed for all services performed  
77.33 through a health care facility, program, nonprofit organization, or licensed dentist.

78.1 Sec. 30. Minnesota Statutes 2024, section 150A.10, subdivision 4, is amended to read:

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

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

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

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

78.8 (4) place, contour, and adjust ~~class I, II, and V supragingival~~ composite restorations on  
78.9 ~~primary and permanent dentition.~~

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

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

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

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

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

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

78.23 Sec. 31. Minnesota Statutes 2024, section 150A.105, subdivision 8, is amended to read:

78.24 Subd. 8. **Definitions.** (a) For the purposes of this section, the following definitions apply.

78.25 (b) "Practice settings that serve the low-income and underserved" mean:

78.26 (1) critical access dental provider settings as designated by the commissioner of human  
78.27 services under section 256B.76, subdivision 4;

78.28 (2) dental hygiene collaborative practice settings identified in section 150A.10,  
78.29 subdivision 1a, paragraph (e), and including medical facilities, assisted living facilities,

79.1 federally qualified health centers, and organizations eligible to receive a community clinic  
79.2 grant under section 145.9268, subdivision 1;

79.3 (3) military and veterans administration hospitals, clinics, and care settings;

79.4 (4) a patient's residence or home when the patient is home-bound or receiving or eligible  
79.5 to receive home care services or home and community-based waived services, regardless  
79.6 of the patient's income;

79.7 (5) oral health educational institutions; or

79.8 (6) any other clinic or practice setting, including mobile dental units, in which at least  
79.9 50 percent of the total patient base of the dental therapist or advanced dental therapist  
79.10 consists of patients who:

79.11 (i) are enrolled in a Minnesota health care program;

79.12 (ii) have a medical disability or chronic condition that creates a significant barrier to  
79.13 receiving dental care; or

79.14 ~~(iii) do not have dental health coverage, either through a public health care program or~~  
79.15 ~~private insurance, and have an annual gross family income equal to or less than 200 percent~~  
79.16 ~~of the federal poverty guidelines; or~~

79.17 ~~(iv)~~ (iii) do not have dental health coverage, either through a state public health care  
79.18 program or private insurance, and whose family annual gross income is equal to or less than  
79.19 200 percent of the federal poverty guidelines.

79.20 (c) "Dental health professional shortage area" means an area that meets the criteria  
79.21 established by the secretary of the United States Department of Health and Human Services  
79.22 and is designated as such under United States Code, title 42, section 254e.

79.23 Sec. 32. Minnesota Statutes 2024, section 150A.106, subdivision 3, is amended to read:

79.24 Subd. 3. **Practice limitation.** (a) An advanced practice dental therapist shall not perform  
79.25 any service or procedure described in subdivision 2 except as authorized by the collaborating  
79.26 dentist.

79.27 (b) An advanced dental therapist may perform nonsurgical extractions of periodontally  
79.28 diseased permanent teeth with tooth mobility of +3 to +4 under general supervision if  
79.29 authorized in advance by the collaborating dentist. The advanced dental therapist shall not  
79.30 extract a tooth for any patient if the tooth is unerupted, impacted, fractured, or needs to be  
79.31 sectioned for removal.

80.1 ~~(e) The collaborating dentist is responsible for directly providing or arranging for another~~  
80.2 ~~dentist or specialist to provide any necessary advanced services needed by the patient.~~

80.3 ~~(d)~~ (c) An advanced dental therapist in accordance with the collaborative management  
80.4 agreement must refer patients to another qualified dental or health care professional to  
80.5 receive any needed services that exceed the scope of practice of the advanced dental therapist.

80.6 ~~(e)~~ (d) In addition to the collaborative management agreement requirements described  
80.7 in section 150A.105, a collaborative management agreement entered into with an advanced  
80.8 dental therapist must include specific written protocols to govern situations in which the  
80.9 advanced dental therapist encounters a patient who requires treatment that exceeds the  
80.10 authorized scope of practice of the advanced dental therapist. The collaborating dentist must  
80.11 ensure that a dentist is available to the advanced dental therapist for timely consultation  
80.12 during treatment if needed and must either provide or arrange with another dentist or  
80.13 specialist to provide the necessary treatment to any patient who requires more treatment  
80.14 than the advanced dental therapist is authorized to provide.

80.15 Sec. 33. Minnesota Statutes 2024, section 150A.11, subdivision 1, is amended to read:

80.16 Subdivision 1. **Unlawful practice.** It is unlawful for any person to: enable an unlicensed  
80.17 person to practice dentistry; to practice or attempt to practice dentistry without a license;  
80.18 to practice dentistry under the name of a corporation or company; or to practice under any  
80.19 name that may tend to deceive the public or imply professional superiority to or greater  
80.20 skill than that possessed by another dentist. If a dentist practices under the dentist's own  
80.21 name, any public display or cards shall include the initials of the dentist's dental degree,  
80.22 such as D.D.S. or D.M.D., following the name. If a dentist practices under another name,  
80.23 the name shall include some designation which makes clear that the person is practicing  
80.24 dentistry or a specialty of dentistry; and that the names of all of the participating dentists  
80.25 practicing under the name be clearly identified on letterheads and building or office signs  
80.26 that display a name other than the dentist's own name. Any communication between dentist  
80.27 and patient shall clearly indicate the name of the dentist treating the patient. The board may  
80.28 promulgate rules regarding the name under which a dentist may practice. No corporation  
80.29 shall practice dentistry or engage in it, or hold itself out as being entitled to practice dentistry,  
80.30 or furnish dental services or dentists, or advertise under or assume the title of dentists or  
80.31 dental surgeons or equivalent title. No corporation shall furnish dental advice, or advertise  
80.32 or hold itself out with any other person or alone, that it has or owns a dental office or can  
80.33 furnish dental service, dentists, or dental surgeons, or solicit, through itself, or its agents,

81.1 officers, employees, directors or trustees, dental patronage for any dentist or dental surgeon.

81.2 This section:

81.3 (1) Does not apply to any licensee while acting as an instructor in or under the University  
81.4 of Minnesota, the Mayo Foundation, or any other ~~school~~ education program in the state  
81.5 recognized by the state Board of Dentistry;

81.6 (2) Does not prohibit dentists from incorporating their practice of dentistry for business  
81.7 purposes under the special provisions of a corporate practice act for dentistry;

81.8 (3) Shall not be construed to change or amend the right of licensed dentists to provide  
81.9 dental care under any form of organization that is lawful under the laws of this state, or to  
81.10 contract to sell their services in any manner that is lawful under the laws of this state.

81.11 Sec. 34. **REPEALER.**

81.12 Minnesota Statutes 2024, section 150A.06, subdivision 6, is repealed.

## 81.13 **ARTICLE 9**

### 81.14 **MARRIAGE AND FAMILY THERAPY PRACTICE**

81.15 Section 1. Minnesota Statutes 2024, section 148B.35, is amended to read:

#### 81.16 **148B.35 RECIPROCITY WITH OTHER STATES.**

81.17 The board shall issue a marriage and family therapist's license to an individual who holds  
81.18 a current license as a marriage and family therapist from another jurisdiction if the ~~board~~  
81.19 ~~determines that the standards for licensure in the other jurisdiction are at least equivalent~~  
81.20 ~~to or exceed the requirements of sections 148B.29 to 148B.392 and the rules of the board.~~  
81.21 individual:

81.22 (1) completes an application for licensure by reciprocity on a form provided by the board  
81.23 and submits the applicable fees under section 148B.392;

81.24 (2) holds a current, valid, and unrestricted license from another jurisdiction to practice  
81.25 as a marriage and family therapist;

81.26 (3) is licensed in good standing in each jurisdiction in which the individual currently  
81.27 holds a license to practice as a marriage and family therapist and is not the subject of  
81.28 disciplinary action or a pending investigation by any jurisdiction's licensing authority for  
81.29 marriage and family therapists;

81.30 (4) has not been convicted of a crime that would disqualify the individual from licensure,  
81.31 as determined by the board; and

82.1 (5) has passed a Minnesota jurisprudence examination approved by the board.

82.2

## ARTICLE 10

82.3

### PHARMACY PRACTICE

82.4 Section 1. Minnesota Statutes 2025 Supplement, section 151.01, subdivision 23, is amended  
82.5 to read:

82.6 Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed  
82.7 doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of  
82.8 dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, licensed  
82.9 advanced practice registered nurse, licensed certified midwife, or licensed physician assistant.  
82.10 For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision  
82.11 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental  
82.12 therapist authorized to dispense and administer under chapter 150A. For purposes of sections  
82.13 151.252, subdivision 3, and 151.461, "practitioner" also means a pharmacist authorized to  
82.14 prescribe ~~self-administered hormonal contraceptives, nicotine replacement medications, or~~  
82.15 ~~opiate antagonists under section 151.37, subdivision 14, 15, or 16, or authorized to prescribe~~  
82.16 ~~drugs to prevent the acquisition of human immunodeficiency virus (HIV) under drug therapy~~  
82.17 ~~according to subdivision 27 or section 151.37, subdivision 17.~~

82.18 Sec. 2. Minnesota Statutes 2024, section 151.01, subdivision 27, is amended to read:

82.19 Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

82.20 (1) interpretation and evaluation of prescription drug orders;

82.21 (2) compounding, labeling, and dispensing drugs and devices (except labeling by a  
82.22 manufacturer or packager of nonprescription drugs or commercially packaged legend drugs  
82.23 and devices);

82.24 (3) participation in clinical interpretations and monitoring of drug therapy for assurance  
82.25 of safe and effective use of drugs, including ordering and performing laboratory tests that  
82.26 are waived under the federal Clinical Laboratory Improvement Act of 1988, United States  
82.27 Code, title 42, section 263a et seq. A pharmacist may collect specimens, interpret results,  
82.28 notify the patient of results, and refer the patient to other health care providers for follow-up  
82.29 care and may initiate, modify, or discontinue drug therapy only pursuant to a protocol or  
82.30 collaborative practice agreement. A pharmacist may delegate the authority to administer  
82.31 tests under this clause to a pharmacy technician or pharmacy intern. A pharmacy technician

83.1 or pharmacy intern may perform tests authorized under this clause if the technician or intern  
83.2 is working under the direct supervision of a pharmacist;

83.3 (4) participation in drug and therapeutic device selection; drug administration for first  
83.4 dosage and medical emergencies; intramuscular and subcutaneous drug administration under  
83.5 a prescription drug order; drug regimen reviews; and drug or drug-related research;

83.6 (5) drug administration, through intramuscular and subcutaneous administration used  
83.7 to treat mental illnesses as permitted under the following conditions:

83.8 (i) upon the order of a ~~prescriber~~ practitioner and the ~~prescriber~~ practitioner is notified  
83.9 after administration is complete; or

83.10 (ii) pursuant to a protocol or collaborative practice agreement as defined by section  
83.11 151.01, subdivisions 27b and 27c, and participation in the initiation, management,  
83.12 modification, administration, and discontinuation of drug therapy is according to the protocol  
83.13 or collaborative practice agreement between the pharmacist and a dentist, optometrist,  
83.14 physician, physician assistant, podiatrist, or veterinarian, or an advanced practice registered  
83.15 nurse authorized to prescribe, dispense, and administer under section 148.235. Any changes  
83.16 in drug therapy or medication administration made pursuant to a protocol or collaborative  
83.17 practice agreement must be documented by the pharmacist in the patient's medical record  
83.18 or reported by the pharmacist to a practitioner responsible for the patient's care;

83.19 (6) initiating, ordering, and administering influenza and COVID-19 or SARS-CoV-2  
83.20 vaccines authorized or approved by the United States Food and Drug Administration to all  
83.21 eligible individuals three years of age and older and all other United States Food and Drug  
83.22 Administration-approved vaccines to patients six years of age and older according to the  
83.23 federal Advisory Committee on Immunization Practices recommendations. A pharmacist  
83.24 may delegate the authority to administer vaccines under this clause to a pharmacy technician  
83.25 or pharmacy intern who has completed training in vaccine administration if:

83.26 (i) the pharmacist and the pharmacy technician or pharmacy intern have successfully  
83.27 completed a program approved by the Accreditation Council for Pharmacy Education  
83.28 (ACPE) specifically for the administration of immunizations or a program approved by the  
83.29 board;

83.30 (ii) the pharmacist utilizes the Minnesota Immunization Information Connection to  
83.31 assess the immunization status of individuals prior to the administration of vaccines, except  
83.32 when administering influenza vaccines to individuals age nine and older;

84.1 (iii) the pharmacist reports the administration of the immunization to the Minnesota  
84.2 Immunization Information Connection;

84.3 (iv) if the patient is 18 years of age or younger, the pharmacist, pharmacy technician,  
84.4 or pharmacy intern informs the patient and any adult caregiver accompanying the patient  
84.5 of the importance of a well-child visit with a pediatrician or other licensed primary care  
84.6 provider; and

84.7 (v) in the case of a pharmacy technician administering vaccinations while being  
84.8 supervised by a licensed pharmacist:

84.9 (A) the supervision is in-person and must not be done through telehealth as defined  
84.10 under section 62A.673, subdivision 2;

84.11 (B) the pharmacist is readily and immediately available to the immunizing pharmacy  
84.12 technician;

84.13 (C) the pharmacy technician has a current certificate in basic cardiopulmonary  
84.14 resuscitation;

84.15 (D) the pharmacy technician has completed a minimum of two hours of ACPE-approved,  
84.16 immunization-related continuing pharmacy education as part of the pharmacy technician's  
84.17 two-year continuing education schedule; and

84.18 (E) the pharmacy technician has completed one of two training programs listed under  
84.19 Minnesota Rules, part 6800.3850, subpart 1h, item B;

84.20 (7) participation in the initiation, management, modification, and discontinuation of  
84.21 drug therapy according to a written protocol or collaborative practice agreement between:  
84.22 (i) one or more pharmacists and one or more dentists, optometrists, physicians, physician  
84.23 assistants, podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more  
84.24 physician assistants authorized to prescribe, dispense, and administer under chapter 147A,  
84.25 or advanced practice registered nurses authorized to prescribe, dispense, and administer  
84.26 under section 148.235. Any changes in drug therapy made pursuant to a protocol or  
84.27 collaborative practice agreement must be documented by the pharmacist in the patient's  
84.28 medical record or reported by the pharmacist to a practitioner responsible for the patient's  
84.29 care;

84.30 (8) participation in the storage of drugs and the maintenance of records;

84.31 (9) patient counseling on therapeutic values, content, hazards, and uses of drugs and  
84.32 devices;

85.1 (10) offering or performing those acts, services, operations, or transactions necessary  
85.2 in the conduct, operation, management, and control of a pharmacy;

85.3 (11) participation in the initiation, management, modification, and discontinuation of  
85.4 therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

85.5 (i) a written protocol as allowed under clause (7); or

85.6 (ii) a written protocol with a community health board medical consultant or a practitioner  
85.7 designated by the commissioner of health, as allowed under section 151.37, subdivision 13;

85.8 (12) prescribing self-administered hormonal contraceptives; nicotine replacement  
85.9 medications; and opiate antagonists for the treatment of an acute opiate overdose pursuant  
85.10 to section 151.37, subdivision 14, 15, or 16;

85.11 (13) participation in the placement of drug monitoring devices according to a prescription,  
85.12 protocol, or collaborative practice agreement;

85.13 (14) prescribing, dispensing, and administering drugs for preventing the acquisition of  
85.14 human immunodeficiency virus (HIV) if the pharmacist meets the requirements in section  
85.15 151.37, subdivision 17; ~~and~~

85.16 (15) ordering, conducting, and interpreting laboratory tests necessary for therapies that  
85.17 use drugs for preventing the acquisition of HIV, if the pharmacist meets the requirements  
85.18 in section 151.37, subdivision 17; and

85.19 (16) initiating, prescribing, dispensing, and administering drugs for the treatment of  
85.20 opioid use disorder pursuant to section 151.37, subdivision 18.

85.21 Sec. 3. Minnesota Statutes 2024, section 151.071, subdivision 2, is amended to read:

85.22 Subd. 2. **Grounds for disciplinary action.** The following conduct is prohibited and is  
85.23 grounds for disciplinary action:

85.24 (1) failure to demonstrate the qualifications or satisfy the requirements for a license or  
85.25 registration contained in this chapter or the rules of the board. The burden of proof is on  
85.26 the applicant to demonstrate such qualifications or satisfaction of such requirements;

85.27 (2) obtaining a license by fraud or by misleading the board in any way during the  
85.28 application process or obtaining a license by cheating, or attempting to subvert the licensing  
85.29 examination process. Conduct that subverts or attempts to subvert the licensing examination  
85.30 process includes, but is not limited to: (i) conduct that violates the security of the examination  
85.31 materials, such as removing examination materials from the examination room or having  
85.32 unauthorized possession of any portion of a future, current, or previously administered

86.1 licensing examination; (ii) conduct that violates the standard of test administration, such as  
86.2 communicating with another examinee during administration of the examination, copying  
86.3 another examinee's answers, permitting another examinee to copy one's answers, or  
86.4 possessing unauthorized materials; or (iii) impersonating an examinee or permitting an  
86.5 impersonator to take the examination on one's own behalf;

86.6 (3) for a pharmacist, pharmacy technician, pharmacist intern, applicant for a pharmacist  
86.7 or pharmacy license, or applicant for a pharmacy technician or pharmacist intern registration,  
86.8 conviction of a felony reasonably related to the practice of pharmacy. Conviction as used  
86.9 in this subdivision includes a conviction of an offense that if committed in this state would  
86.10 be deemed a felony without regard to its designation elsewhere, or a criminal proceeding  
86.11 where a finding or verdict of guilt is made or returned but the adjudication of guilt is either  
86.12 withheld or not entered thereon. The board may delay the issuance of a new license or  
86.13 registration if the applicant has been charged with a felony until the matter has been  
86.14 adjudicated;

86.15 (4) for a facility, other than a pharmacy, licensed or registered by the board, if an owner  
86.16 or applicant is convicted of a felony reasonably related to the operation of the facility. The  
86.17 board may delay the issuance of a new license or registration if the owner or applicant has  
86.18 been charged with a felony until the matter has been adjudicated;

86.19 (5) for a controlled substance researcher, conviction of a felony reasonably related to  
86.20 controlled substances or to the practice of the researcher's profession. The board may delay  
86.21 the issuance of a registration if the applicant has been charged with a felony until the matter  
86.22 has been adjudicated;

86.23 (6) disciplinary action taken by another state or by one of this state's health licensing  
86.24 agencies:

86.25 (i) revocation, suspension, restriction, limitation, or other disciplinary action against a  
86.26 license or registration in another state or jurisdiction, failure to report to the board that  
86.27 charges or allegations regarding the person's license or registration have been brought in  
86.28 another state or jurisdiction, or having been refused a license or registration by any other  
86.29 state or jurisdiction. The board may delay the issuance of a new license or registration if an  
86.30 investigation or disciplinary action is pending in another state or jurisdiction until the  
86.31 investigation or action has been dismissed or otherwise resolved; and

86.32 (ii) revocation, suspension, restriction, limitation, or other disciplinary action against a  
86.33 license or registration issued by another of this state's health licensing agencies, failure to  
86.34 report to the board that charges regarding the person's license or registration have been

87.1 brought by another of this state's health licensing agencies, or having been refused a license  
87.2 or registration by another of this state's health licensing agencies. The board may delay the  
87.3 issuance of a new license or registration if a disciplinary action is pending before another  
87.4 of this state's health licensing agencies until the action has been dismissed or otherwise  
87.5 resolved;

87.6 (7) for a pharmacist, pharmacy, pharmacy technician, or pharmacist intern, violation of  
87.7 any order of the board, of any of the provisions of this chapter or any rules of the board or  
87.8 violation of any federal, state, or local law or rule reasonably pertaining to the practice of  
87.9 pharmacy;

87.10 (8) for a facility, other than a pharmacy, licensed by the board, violations of any order  
87.11 of the board, of any of the provisions of this chapter or the rules of the board or violation  
87.12 of any federal, state, or local law relating to the operation of the facility;

87.13 (9) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the  
87.14 public, or demonstrating a willful or careless disregard for the health, welfare, or safety of  
87.15 a patient; or pharmacy practice that is professionally incompetent, in that it may create  
87.16 unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of  
87.17 actual injury need not be established;

87.18 (10) aiding or abetting an unlicensed person in the practice of pharmacy, except that it  
87.19 is not a violation of this clause for a pharmacist to supervise a properly registered pharmacy  
87.20 technician or pharmacist intern if that person is performing duties allowed by this chapter  
87.21 or the rules of the board;

87.22 (11) for an individual licensed or registered by the board, adjudication as mentally ill  
87.23 or developmentally disabled, or as a chemically dependent person, a person dangerous to  
87.24 the public, a sexually dangerous person, or a person who has a sexual psychopathic  
87.25 personality, by a court of competent jurisdiction, within or without this state. Such  
87.26 adjudication shall automatically suspend a license for the duration thereof unless the board  
87.27 orders otherwise;

87.28 (12) for a pharmacist or pharmacy intern, engaging in unprofessional conduct as specified  
87.29 in the board's rules. In the case of a pharmacy technician, engaging in conduct specified in  
87.30 board rules that would be unprofessional if it were engaged in by a pharmacist or pharmacist  
87.31 intern or performing duties specifically reserved for pharmacists under this chapter or the  
87.32 rules of the board;

87.33 (13) for a pharmacy, operation of the pharmacy without a pharmacist present and on  
87.34 duty except as allowed by a variance approved by the board;

88.1 (14) for a pharmacist, the inability to practice pharmacy with reasonable skill and safety  
88.2 to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type  
88.3 of material or as a result of any mental or physical condition, including deterioration through  
88.4 the aging process or loss of motor skills. In the case of registered pharmacy technicians,  
88.5 pharmacist interns, or controlled substance researchers, the inability to carry out duties  
88.6 allowed under this chapter or the rules of the board with reasonable skill and safety to  
88.7 patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type  
88.8 of material or as a result of any mental or physical condition, including deterioration through  
88.9 the aging process or loss of motor skills;

88.10 (15) for a pharmacist, pharmacy, pharmacist intern, pharmacy technician, medical gas  
88.11 dispenser, or controlled substance researcher, revealing a privileged communication from  
88.12 or relating to a patient except when otherwise required or permitted by law;

88.13 (16) for a pharmacist or pharmacy, improper management of patient records, including  
88.14 failure to maintain adequate patient records, to comply with a patient's request made pursuant  
88.15 to sections 144.291 to 144.298, or to furnish a patient record or report required by law;

88.16 (17) fee splitting, including without limitation:

88.17 (i) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate,  
88.18 kickback, or other form of remuneration, directly or indirectly, for the referral of patients;

88.19 (ii) referring a patient to any health care provider as defined in sections 144.291 to  
88.20 144.298 in which the licensee or registrant has a financial or economic interest as defined  
88.21 in section 144.6521, subdivision 3, unless the licensee or registrant has disclosed the  
88.22 licensee's or registrant's financial or economic interest in accordance with section 144.6521;  
88.23 and

88.24 (iii) any arrangement through which a pharmacy, in which the prescribing practitioner  
88.25 does not have a significant ownership interest, fills a prescription drug order and the  
88.26 prescribing practitioner is involved in any manner, directly or indirectly, in setting the price  
88.27 for the filled prescription that is charged to the patient, the patient's insurer or pharmacy  
88.28 benefit manager, or other person paying for the prescription or, in the case of veterinary  
88.29 patients, the price for the filled prescription that is charged to the client or other person  
88.30 paying for the prescription, except that a veterinarian and a pharmacy may enter into such  
88.31 an arrangement provided that the client or other person paying for the prescription is notified,  
88.32 in writing and with each prescription dispensed, about the arrangement, unless such  
88.33 arrangement involves pharmacy services provided for livestock, poultry, and agricultural  
88.34 production systems, in which case client notification would not be required;

89.1 (18) engaging in abusive or fraudulent billing practices, including violations of the  
89.2 federal Medicare and Medicaid laws or state medical assistance laws or rules;

89.3 (19) engaging in conduct with a patient that is sexual or may reasonably be interpreted  
89.4 by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning  
89.5 to a patient;

89.6 (20) failure to make reports as required by section 151.072 or to cooperate with an  
89.7 investigation of the board as required by section 151.074;

89.8 (21) knowingly providing false or misleading information that is directly related to the  
89.9 care of a patient unless done for an accepted therapeutic purpose such as the dispensing and  
89.10 administration of a placebo;

89.11 (22) aiding suicide or aiding attempted suicide in violation of section 609.215 as  
89.12 established by any of the following:

89.13 (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation  
89.14 of section 609.215, subdivision 1 or 2;

89.15 (ii) a copy of the record of a judgment of contempt of court for violating an injunction  
89.16 issued under section 609.215, subdivision 4;

89.17 (iii) a copy of the record of a judgment assessing damages under section 609.215,  
89.18 subdivision 5; or

89.19 (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.  
89.20 The board must investigate any complaint of a violation of section 609.215, subdivision 1  
89.21 or 2;

89.22 (23) for a pharmacist, practice of pharmacy under a lapsed or nonrenewed license. For  
89.23 a pharmacist intern, pharmacy technician, or controlled substance researcher, performing  
89.24 duties permitted to such individuals by this chapter or the rules of the board under a lapsed  
89.25 or nonrenewed registration. For a facility required to be licensed under this chapter, operation  
89.26 of the facility under a lapsed or nonrenewed license or registration;

89.27 (24) for a pharmacist, pharmacist intern, or pharmacy technician, termination or discharge  
89.28 from the health professionals services program for reasons other than the satisfactory  
89.29 completion of the program; ~~and~~

89.30 (25) for a manufacturer, a violation of section 62J.842 or 62J.845-; and

90.1 (26) for a pharmacist or pharmacist intern, engaging in conduct that departs from or fails  
90.2 to conform with accepted standards for health care that would be provided in a similar  
90.3 setting by a reasonable and prudent pharmacist or pharmacist intern.

90.4 Sec. 4. Minnesota Statutes 2024, section 151.37, is amended by adding a subdivision to  
90.5 read:

90.6 Subd. 18. **Treatment of opioid use disorder.** (a) A pharmacist is authorized to prescribe,  
90.7 administer, and dispense legend drugs and controlled substances in Schedules III through  
90.8 V of section 152.02 to treat opioid use disorder if:

90.9 (1) the pharmacist has determined, based on medically acceptable standards, that treatment  
90.10 is indicated and necessary; and

90.11 (2) the pharmacist documents in the patient's health record the assessment, treatment,  
90.12 response, and monitoring activities performed according to an individual treatment plan.

90.13 (b) In order to prescribe a drug described in paragraph (a), the pharmacist must first:

90.14 (1) successfully complete a training program specifically developed for practitioners for  
90.15 the treatment of substance use disorders, in accordance with United States Code, title 21,  
90.16 section 823(m); and

90.17 (2) obtain the appropriate federal Drug Enforcement Administration registration number  
90.18 required for the schedule in which that drug is included, if the drug to be prescribed is a  
90.19 controlled substance.

90.20 (c) Before dispensing a drug described in paragraph (a) that is prescribed by the  
90.21 pharmacist, the pharmacist must provide counseling to the patient on the proper use of the  
90.22 drug, the need for follow-up, and any additional information listed in Minnesota Rules, part  
90.23 6800.0910, subpart 2, that must be provided during patient counseling.

90.24 (d) A pharmacist is prohibited from delegating the prescribing authority under this  
90.25 subdivision to any other person. A pharmacist intern registered under section 151.101 may  
90.26 prepare the prescription, but before the prescription is processed or dispensed, a pharmacist  
90.27 authorized to prescribe under this subdivision must review, approve, and sign the prescription.

90.28 (e) Nothing in this subdivision prohibits a pharmacist from participating in the initiation,  
90.29 management, modification, and discontinuation of drug therapy according to a protocol for  
90.30 opioid use disorder as authorized in this section and section 151.01, subdivision 27.

91.1 (f) Nothing in this subdivision prohibits a pharmacist from dispensing or administering  
 91.2 drugs for the treatment of opioid use disorder in accordance with a valid prescription issued  
 91.3 by another practitioner.

91.4 (g) Nothing in this subdivision prohibits a pharmacist from charging for a service  
 91.5 authorized under this subdivision.

91.6 Sec. 5. Minnesota Statutes 2024, section 152.11, subdivision 2, is amended to read:

91.7 Subd. 2. **Prescription requirements for Schedule III or IV controlled substances.** (a)  
 91.8 Except as provided in paragraph (b), no person may dispense a controlled substance included  
 91.9 in Schedule III or IV of section 152.02 without a prescription issued, as permitted under  
 91.10 subdivision 1, by a doctor of medicine, a doctor of osteopathic medicine licensed to practice  
 91.11 medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a  
 91.12 doctor of optometry limited to Schedule IV, a pharmacist limited to Schedule III or IV and  
 91.13 in accordance with section 151.37, or a doctor of veterinary medicine, lawfully licensed to  
 91.14 prescribe in this state or from a practitioner licensed to prescribe controlled substances by  
 91.15 the state in which the prescription is issued, and having a current federal drug enforcement  
 91.16 administration registration number. Such prescription may not be dispensed or refilled  
 91.17 except with the documented consent of the prescriber, and in no event more than six months  
 91.18 after the date on which such prescription was issued and no such prescription may be refilled  
 91.19 more than five times.

91.20 (b) This subdivision does not apply to cannabis plants, cannabis flower, cannabis products,  
 91.21 or hemp-derived consumer products sold or transferred in compliance with chapter 342.

91.22 Sec. 6. Minnesota Statutes 2024, section 152.12, is amended by adding a subdivision to  
 91.23 read:

91.24 Subd. 2a. **Pharmacist.** A licensed pharmacist, in good faith and in the course of  
 91.25 professional practice only, may prescribe, administer, and dispense a controlled substance  
 91.26 that is included in Schedules III through V of section 152.02 and that the pharmacist is  
 91.27 authorized to prescribe, administer, and dispense under section 151.37, subdivision 18, and  
 91.28 may cause the same to be administered by a pharmacist intern under the direction and  
 91.29 supervision of the pharmacist.

92.1 **ARTICLE 11**

92.2 **PHYSICAL THERAPY PRACTICE**

92.3 Section 1. Minnesota Statutes 2024, section 148.65, subdivision 5, is amended to read:

92.4 Subd. 5. **Student physical therapist.** "Student physical therapist" means a person in a  
 92.5 professional educational program, approved by the board under section 148.705, who is  
 92.6 satisfying supervised clinical education requirements by performing physical therapy under  
 92.7 the ~~on-site~~ direct supervision of a licensed physical therapist. ~~"On-site supervision" means~~  
 92.8 ~~the physical therapist is easily available for instruction to the student physical therapist. The~~  
 92.9 ~~physical therapist shall have direct contact with the patient during at least every second~~  
 92.10 ~~treatment session by the student physical therapist. "Direct supervision" means that the~~  
 92.11 physical therapist is physically present and immediately available for supervision.

92.12 Telecommunications, ~~except within the facility,~~ does not meet the requirement of ~~on-site~~  
 92.13 direct supervision.

92.14 Sec. 2. Minnesota Statutes 2024, section 148.65, subdivision 6, is amended to read:

92.15 Subd. 6. **Student physical therapist assistant.** "Student physical therapist assistant"  
 92.16 means a person in a physical therapist assistant educational program accredited by the  
 92.17 Commission on Accreditation in Physical Therapy Education (CAPTE) or a recognized  
 92.18 comparable national accrediting agency approved by the board. The student physical therapist  
 92.19 assistant, under the direct supervision of the physical therapist, or the direct supervision of  
 92.20 the physical therapist and physical therapist assistant team, performs physical therapy  
 92.21 interventions and assists with coordination, communication, documentation, and  
 92.22 patient-client-related instruction. "Direct supervision" means the physical therapist or  
 92.23 physical therapist assistant when supervising a student physical therapist assistant as part  
 92.24 of a physical therapist and physical therapist assistant team is physically present and  
 92.25 immediately available to provide instruction to the student physical therapist assistant.  
 92.26 Telecommunications does not meet the requirement of direct supervision.

92.27 Sec. 3. Minnesota Statutes 2024, section 148.706, subdivision 1, is amended to read:

92.28 Subdivision 1. **Supervision.** (a) Every physical therapist who uses the services of a  
 92.29 physical therapist assistant or physical therapy aide for the purpose of assisting in the practice  
 92.30 of physical therapy is responsible for functions performed by the assistant or aide while  
 92.31 engaged in such assistance. The physical therapist shall ~~delegate~~ direct duties to the physical  
 92.32 therapist assistant and assign tasks to the physical therapy aide in accordance with subdivision  
 92.33 ~~2. Physical therapists who instruct student physical therapists and student physical therapist~~

93.1 ~~assistants are responsible for the functions performed by the students and shall supervise~~  
 93.2 ~~the students as provided under section 148.65, subdivisions 5 and 6. A licensed physical~~  
 93.3 ~~therapist may supervise no more than two physical therapist assistants at any time.~~

93.4 (b) A licensed physical therapist may supervise no more than two physical therapist  
 93.5 assistants at any time. A physical therapist supervising physical therapist assistants is not  
 93.6 required to be on site, but must be easily available by telecommunications.

93.7 (c) Physical therapists who instruct student physical therapists and student physical  
 93.8 therapist assistants are responsible for the functions performed by the students and shall  
 93.9 supervise the students as provided under section 148.65, subdivisions 5 and 6. A physical  
 93.10 therapist supervising a student physical therapist must have direct contact with the patient  
 93.11 during at least every second treatment session by the student physical therapist. A physical  
 93.12 therapist or physical therapist assistant as part of a physical therapist and physical therapist  
 93.13 assistant team who is supervising a student physical therapist assistant must have direct  
 93.14 contact with the patient during at least every second treatment session by the student physical  
 93.15 therapist assistant.

93.16 Sec. 4. Minnesota Statutes 2024, section 148.706, subdivision 2, is amended to read:

93.17 Subd. 2. **Delegation Direction of duties.** The physical therapist ~~may delegate~~ is  
 93.18 authorized to direct patient treatment procedures only to a physical therapist assistant who  
 93.19 has sufficient didactic and clinical preparation. The physical therapist may not ~~delegate~~  
 93.20 direct the following activities to ~~the~~ a physical therapist assistant or to other supportive  
 93.21 personnel: initial patient examination and evaluation, treatment planning, initial treatment,  
 93.22 change of treatment, development and modification of the plan of care, and initial or final  
 93.23 documentation.

93.24 Sec. 5. Minnesota Statutes 2024, section 148.706, subdivision 3, is amended to read:

93.25 Subd. 3. **Observation of and collaboration with physical therapist assistants.** When  
 93.26 a physical therapist directs components of a patient's treatment ~~are delegated~~ to a physical  
 93.27 therapist assistant, a physical therapist must ~~provide on-site observation of the treatment~~  
 93.28 ~~and documentation of its appropriateness at least every six treatment sessions. The physical~~  
 93.29 ~~therapist is not required to be on site, but must be easily available by telecommunications.~~  
 93.30 do the following at least every six treatment sessions that the physical therapist assistant  
 93.31 provides services:

93.32 (1) observe a portion of the patient treatment session with the physical therapist assistant,  
 93.33 either in person or remotely via telehealth; and

94.1 (2) document a collaborative discussion with the physical therapist assistant and the  
 94.2 continued appropriateness of the plan of care.

## 94.3 **ARTICLE 12**

### 94.4 **ADVANCED PRACTICE REGISTERED NURSE PRACTICE**

94.5 Section 1. Minnesota Statutes 2024, section 148.211, subdivision 1c, is amended to read:

94.6 Subd. 1c. **Postgraduate practice.** A nurse practitioner or clinical nurse specialist who  
 94.7 qualifies for licensure as an advanced practice registered nurse must practice for at least  
 94.8 2,080 hours, within the context of a collaborative agreement, ~~within a hospital or integrated~~  
 94.9 ~~clinical setting where advanced practice registered nurses and physicians work together to~~  
 94.10 ~~provide patient care.~~ The nurse practitioner or clinical nurse specialist shall submit written  
 94.11 evidence to the board with the application, or upon completion of the required collaborative  
 94.12 practice experience. For purposes of this subdivision, a collaborative agreement is a mutually  
 94.13 agreed upon plan for the overall working relationship between a nurse practitioner or clinical  
 94.14 nurse specialist, and one or more ~~physicians licensed under chapter 147 or in another state~~  
 94.15 ~~or United States territory, or one or more advanced practice registered nurses licensed under~~  
 94.16 ~~this section that designates the scope of collaboration necessary to manage the care of~~  
 94.17 ~~patients. The nurse practitioner or clinical nurse specialist, and one of the collaborating~~  
 94.18 ~~physicians or advanced practice registered nurses, must have experience in providing care~~  
 94.19 ~~to patients with the same or similar medical problems~~ of the following:

94.20 (1) physicians licensed under chapter 147 or in another state or United States territory  
 94.21 who have experience in providing care to patients with the same or similar medical problems;  
 94.22 or

94.23 (2) advanced practice registered nurses licensed under this section who have at least  
 94.24 three years of practice as an advanced practice registered nurse and who have experience  
 94.25 providing care to patients with the same or similar medical problems.

94.26 Sec. 2. Minnesota Statutes 2024, section 148.211, is amended by adding a subdivision to  
 94.27 read:

94.28 Subd. 1d. **Postgraduate practice in certain specialties.** Notwithstanding subdivision  
 94.29 1c, a nurse practitioner or clinical nurse specialist who provides services other than primary  
 94.30 care services or mental health services in their first 2,080 hours of practice must complete  
 94.31 their collaborative practice agreement in a setting where advanced practice registered nurses  
 94.32 and physicians work together to provide patient care.

95.1

**ARTICLE 13**

95.2

**HEALTH-RELATED PROFESSIONS; PRACTICING WITHOUT A LICENSE**

95.3 Section 1. Minnesota Statutes 2024, section 147.081, subdivision 1, is amended to read:

95.4 Subdivision 1. **Unlawful practice of medicine.** It is unlawful for any person who is not  
 95.5 a natural person to practice medicine as defined in subdivision 3. It is unlawful for any  
 95.6 natural person to practice medicine as defined in subdivision 3 in this state unless:

95.7 (1) the person holds a valid license issued according to this chapter; or

95.8 (2) the person is registered to provide interstate telehealth services according to section  
 95.9 147.032.

95.10 Sec. 2. Minnesota Statutes 2024, section 148.61, subdivision 5, is amended to read:

95.11 Subd. 5. **Gross misdemeanor.** It is unlawful for any person who is not a natural person  
 95.12 to practice optometry in this state. Every natural person not licensed by the board pursuant  
 95.13 to section 148.57 who practices optometry in this state shall be guilty of a gross misdemeanor.

95.14 Sec. 3. Minnesota Statutes 2024, section 148.941, subdivision 6, is amended to read:

95.15 Subd. 6. **Violation.** It is unlawful for any person who is not a natural person to engage  
 95.16 in the practice of psychology or misrepresent themselves as a psychologist or psychological  
 95.17 practitioner. Natural persons who engage in the unlicensed practice of psychology or who  
 95.18 misrepresent themselves as psychologists or psychological practitioners are guilty of a gross  
 95.19 misdemeanor.

95.20

**ARTICLE 14**

95.21

**APPROPRIATIONS**

95.22 Section 1. **APPROPRIATION; MESSAGE THERAPIST AND ASIAN BODYWORK**  
 95.23 **THERAPIST REGISTRATION.**

95.24 \$147,000 in fiscal year 2027 is appropriated from the state government special revenue  
 95.25 fund to the commissioner of health to administer regulatory requirements for massage  
 95.26 therapists and Asian bodywork therapists under Minnesota Statutes, sections 148.636 to  
 95.27 148.6377. The base for this appropriation is \$1,758,000 in fiscal year 2028 and \$1,815,000  
 95.28 in fiscal year 2029.

96.1 Sec. 2. **APPROPRIATION; MUSIC THERAPIST LICENSURE.**

96.2 \$87,000 in fiscal year 2027 is appropriated from the state government special revenue  
96.3 fund to the commissioner of health to administer licensing requirements for music therapists  
96.4 under Minnesota Statutes, sections 148H.01 to 148H.16. The base for this appropriation is  
96.5 \$55,000 in fiscal year 2028 and \$55,000 in fiscal year 2029.

APPENDIX  
Article locations for S3298-3

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**147B.01 DEFINITIONS.**

Subd. 18. **Oriental medicine.** "Oriental medicine" means a system of healing arts that perceives the circulation and balance of energy in the body as being fundamental to the well-being of the individual. It implements the theory through specialized methods of analyzing the energy status of the body and treating the body with acupuncture and other related modalities for the purpose of strengthening the body, improving energy balance, maintaining or restoring health, improving physiological function, and reducing pain.

**148.7802 DEFINITIONS.**

Subd. 4. **Athlete.** "Athlete" means a person participating in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

Subd. 5. **Athletic injury.** "Athletic injury" means an injury sustained by a person as a result of the person's participation in exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

**150A.06 LICENSURE.**

Subd. 6. **Display of name and certificates.** (a) The renewal certificate of every licensee or registrant must be conspicuously displayed in plain sight of patients in every office in which that person practices. Duplicate renewal certificates may be obtained from the board.

(b) Near or on the entrance door to every office where dentistry is practiced, the name of each dentist practicing there, as inscribed on the current license certificate, must be displayed in plain sight.

(c) The board must allow the display of a mini-license for guest license holders performing volunteer dental services. There is no fee for the mini-license for guest volunteers.