

A resolution

memorializing certain federal agencies concerning Minnesota-licensed health care professionals and their involvement in torture or cruel, inhuman, or degrading treatment or punishment of prisoners.

WHEREAS, "torture" is defined by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions"; and

WHEREAS, "cruel, inhuman or degrading treatment or punishment" is defined by the United Nations' Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment as extending "the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of this natural senses, such as sight or hearing, or of this awareness of place and the passing of time"; and

WHEREAS, health-related licensing boards include the Office of Unlicensed Complementary and Alternative Health Care Practice established pursuant to Minnesota Statutes, section 146A.02, the Board of Medical Practice established pursuant to Minnesota Statutes, section 147.01, the Board of Nursing established pursuant to Minnesota Statutes, section 148.181, the Board of Chiropractic Examiners established pursuant to Minnesota Statutes, section 148.02,

the Board of Optometry established pursuant to Minnesota Statutes, section 148.52, the Board of Physical Therapy established pursuant to Minnesota Statutes, section 148.67, the Board of Psychology established pursuant to Minnesota Statutes, section 148.90, the Office of Mental Health Practice established pursuant to Minnesota Statutes, section 148B.61, the Board of Behavioral Health and Therapy established pursuant to Minnesota Statutes, section 148B.51, the Board of Dietetics and Nutrition Practice established pursuant to Minnesota Statutes, section 148.622, the Board of Dentistry established pursuant to Minnesota Statutes, section 150A.02, the Board of Pharmacy established pursuant to Minnesota Statutes, section 151.02, and the Board of Podiatric Medicine established pursuant to Minnesota Statutes, section 153.02; and

WHEREAS, health professionals licensed in Minnesota, including, but not limited to, physicians, osteopaths, naturopaths, psychologists, psychiatric workers, and nurses, have served and continue to serve nobly and honorably in the armed services of the United States; and

WHEREAS, the legislature is mindful that Minnesota health-related licensing boards are vested with the authority to revoke and suspend the licenses of Minnesota health care professionals; and

WHEREAS, Minnesota requires these health-related licensing boards to take disciplinary action. The grounds for disciplinary action for causing harm to the public are listed in the following nonexhaustive list of sections of Minnesota Statutes: Minnesota Statutes, section 148.10, subdivision 1, paragraph (e) (chiropractors); Minnesota Statutes, section 148.261, subdivision 1, clause (6) (nurses); Minnesota Statutes, section 147.091, subdivision 1, paragraph (g) (medical doctors); Minnesota Statutes, section 148.941, subdivision 2, clause (3) (psychologists); Minnesota Statutes, section 147A.13, subdivision 1, clause (7) (physician assistants); Minnesota Statutes, section 148.5195, subdivision 3, clause (11) (audiologists/speech pathologists); Minnesota Statutes, section 148.57 (optometrists); Minnesota Statutes, section 147C.30 and 147.091, subdivision 1, paragraph (g) (respiratory therapists); Minnesota Statutes, section 146A.08, subdivision 1, paragraph (f) (unlicensed contemporary and alternative healthcare professionals); Minnesota Statutes, section 148.75, paragraph (a), clause (6) (physical therapists); Minnesota Statutes, section 148B.59, paragraph (a), clause (3) (behavioral health and therapy professionals); Minnesota Statutes, section 148.629, subdivision 1, clause (1) (dietitians and nutritionists); Minnesota Statutes, section 150A.08, subdivision 1, clause (6) (dentists); and Minnesota Statutes, section 153.19, subdivision 1, clause (7) (podiatrists); and

WHEREAS, the legislature is mindful that despite limits on Minnesota's jurisdiction relating to health professionals' conduct while working for federal agencies and departments outside of the state, those same agencies require a state license as a condition of practice and

3.1 therefore implicitly expect ongoing state review of the credentials and professionalism of such
3.2 health care professionals; and

3.3 WHEREAS, the United States is a party to the United Nations Convention against Torture
3.4 and Other Cruel, Inhuman or Degrading Treatment or Punishment, Common Article III of the
3.5 Geneva Conventions and has enacted federal laws in support of these conventions such as United
3.6 States Code, title 18, sections 2340 and 2441; and

3.7 WHEREAS, the United States has supported the Universal Declaration of Human Rights
3.8 and the United Nations International Covenant on Civil and Political Rights, both of which
3.9 condemn torture or cruel, inhuman, or degrading treatment or punishment; and

3.10 WHEREAS, the World Medical Association, the American Medical Association, the
3.11 American Psychiatric Association, the American Psychological Association, and the American
3.12 Nurses Association have all endorsed standards of professional conduct asserting that health
3.13 professionals may not countenance the torture or inhuman treatment or punishment of prisoners;
3.14 and

3.15 WHEREAS, the Legislature of the State of Minnesota finds that abetting torture or cruel,
3.16 inhuman, or degrading treatment or punishment of prisoners violates the ethical and legal
3.17 obligations of licensed health care professionals; NOW, THEREFORE,

3.18 BE IT RESOLVED by the Legislature of the State of Minnesota that Minnesota-licensed
3.19 health professionals may not countenance, condone, or participate in the practice of torture or
3.20 other forms of cruel, inhuman, or degrading treatment or punishment, shall not provide any
3.21 premises, instruments, substances, or knowledge to facilitate the practice of torture or other forms
3.22 of cruel, inhuman, or degrading treatment or punishment, or shall not be present or standing
3.23 by during any procedure during which torture or other forms of cruel, inhuman, or degrading
3.24 treatment or punishment are used or threatened.

3.25 BE IT FURTHER RESOLVED that the Legislature hereby requests all relevant Minnesota
3.26 agencies under Minnesota Statutes, chapter 214, to notify Minnesota-licensed health professionals
3.27 via newsletter, e-mail, Web site, or existing notification processes about their professional
3.28 obligations under international law, specifically Common Article III of the Geneva Conventions,
3.29 the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
3.30 and the amended War Crimes Act, which prohibit the torture of, and the cruel, inhuman, and
3.31 degrading treatment or punishment of, detainees in United States custody.

3.32 BE IT FURTHER RESOLVED that the Legislature hereby requests all relevant Minnesota
3.33 health-related licensing boards to notify health professionals licensed in Minnesota that those who

participate in torture or cruel, inhuman, or degrading treatment or punishment may be in violation of professional standards, United States law, and international law.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the United States Department of Defense, the Central Intelligence Agency, and all relevant Minnesota agencies under Minnesota Statutes, chapter 214, including the Board of Examiners of Nursing Home Administrators established pursuant to Minnesota Statutes, section 144A.19, the Office of Unlicensed Complementary and Alternative Health Care Practice established pursuant to Minnesota Statutes, section 146A.02, the Board of Medical Practice established pursuant to Minnesota Statutes, section 147.01, the Board of Nursing established pursuant to Minnesota Statutes, section 148.181, the Board of Chiropractic Examiners established pursuant to Minnesota Statutes, section 148.02, the Board of Optometry established pursuant to Minnesota Statutes, section 148.52, the Board of Physical Therapy established pursuant to Minnesota Statutes, section 148.67, the Board of Psychology established pursuant to Minnesota Statutes, section 148.90, the Board of Social Work established pursuant to Minnesota Statutes, section 148D.025, the Board of Marriage and Family Therapy established pursuant to Minnesota Statutes, section 148B.30, the Office of Mental Health Practice established pursuant to Minnesota Statutes, section 148B.61, the Board of Behavioral Health and Therapy established pursuant to Minnesota Statutes, section 148B.51, the Board of Dietetics and Nutrition Practice established pursuant to Minnesota Statutes, section 148.622, the Board of Dentistry established pursuant to Minnesota Statutes, section 150A.02, the Board of Pharmacy established pursuant to Minnesota Statutes, section 151.02, and the Board of Podiatric Medicine established pursuant to Minnesota Statutes, section 153.02.