

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1604

03/18/2013 Authored by Liebling, Abeler and Winkler
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

04/02/2013 Adoption of Report: Pass as Amended and Read Second Time

05/13/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to health; requiring reporting of diverted narcotics or controlled
1.3 substances; amending Minnesota Statutes 2012, section 214.33, by adding a
1.4 subdivision.

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

1.6 Section 1. Minnesota Statutes 2012, section 214.33, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 5. **Employer mandatory reporting.** (a) An employer of a person licensed or
1.9 regulated by a health-related licensing board listed in section 214.01, subdivision 2, and
1.10 health care institutions, and other organizations where the licensed or regulated health
1.11 care professional is engaged in providing services, shall report to the appropriate licensing
1.12 board that the licensee or regulated person has diverted narcotics or other controlled
1.13 substances in violation of state or federal narcotics or controlled substance law when:

1.14 (1) the employer or entity making the report has knowledge of the diversion; and

1.15 (2) the licensee or regulated person has diverted narcotics from the reporting
1.16 employer or organization or at the reporting institution.

1.17 (b) Subdivision 1 does not waive the requirement to report under this subdivision.

1.18 (c) The requirement to report under this subdivision does not apply:

1.19 (1) to licensees or regulated persons who are self-employed;

1.20 (2) if the knowledge was obtained in the course of a professional-patient relationship
1.21 and the patient is licensed or regulated by a health licensing board; or

1.22 (3) if knowledge of the diversion first becomes known to the employer, health care
1.23 institution, or other organization, either from:

- 2.1 (i) the licensee or regulated person who has self-reported to the health professional
2.2 services program and who has returned to work pursuant to the health professional
2.3 services program participation agreement and monitoring plan; or
2.4 (ii) an individual who is serving as a work site monitor approved by the health
2.5 professional services program for a person described in item (i).