

in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to December 1, 1986.

Sec. 3. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 21, 1985

**CHAPTER 182 — S.F.No. 243**

*An act relating to health; providing for physical therapy evaluation and referral; prohibiting certain practices by physical therapists; amending Minnesota Statutes 1984, sections 148.65, subdivision 1; 148.75; and 148.76.*

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

Section 1. Minnesota Statutes 1984, section 148.65, subdivision 1, is amended to read:

Subdivision 1. **PHYSICAL THERAPY.** As used in sections 148.65 to 148.78 the term "physical therapy" means the evaluation or treatment or both of any person by the employment of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating a physical or mental disability. Physical measures shall include but shall not be limited to heat or cold, air, light, water, electricity and sound. Physical therapy includes evaluation other than medical diagnosis, treatment planning and, treatment, documentation, performance of appropriate tests and measurement, interpretation of orders ~~from physicians~~ or referrals, instruction, consultative services, and supervision of supportive

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personnel. “Physical therapy” does not include the practice of medicine as defined in section 147.10, or the practice of chiropractic as defined in section 148.01.

Sec. 2. Minnesota Statutes 1984, section 148.75, is amended to read:

**148.75 CERTIFICATES; DENIAL, SUSPENSION, REVOCATION.**

The state board of medical examiners may refuse to grant registration to any physical therapist, or may suspend or revoke the registration of any physical therapist for any of the following grounds:

~~(a)~~ Practicing as a physical therapist other than upon the order and direction of a physician licensed in this state to practice medicine;

~~(b)~~ Using drugs or intoxicating liquors to an extent which affects professional competence;

~~(c)~~ (b) Been convicted of a felony;

~~(d)~~ (c) Conviction for violating any state or federal narcotic law;

~~(e)~~ (d) Procuring, aiding or abetting a criminal abortion;

~~(f)~~ (e) Registration or attempted registration by fraud or deception;

~~(g)~~ (f) Conduct unbecoming a person registered as a physical therapist or conduct detrimental to the best interests of the public;

~~(h)~~ (g) Gross negligence in the practice of physical therapy as a physical therapist;

~~(i)~~ (h) Treating human ailments by physical therapy treatment except by the order or referral of a person licensed in this state to practice medicine and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by Board of Medical Examiners rule;

~~(j)~~ (i) Treating human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state;

~~(k)~~ (j) Inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of either level of supportive personnel; and

~~(l)~~ (k) Treating human ailments other than by performing physical therapy procedures unless duly licensed or registered to do so under the laws of this state;

(l) Practicing as a physical therapist performing medical diagnosis, the practice of medicine as defined in section 147.10, or the practice of chiropractic as defined in section 148.01;

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(m) Failure to comply with a reasonable request to obtain appropriate clearance for mental or physical conditions which would interfere with the ability to practice physical therapy, and which may be potentially harmful to patients; and

(n) Dividing fees with, or paying or promising to pay a commission or part of his or her fee to, any person who contacts the physical therapist for consultation or sends patients to the physical therapist for treatment.

A certificate of registration to practice as a physical therapist is suspended if (1) a guardian of the person of the physical therapist is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a probate court pursuant to 253B or sections 526.09 to 526.11. The certificate of registration remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of medical examiners after a hearing.

Sec. 3. Minnesota Statutes 1984, section 148.76, is amended to read:

148.76 **PROHIBITED CONDUCT.**

Subdivision 1. No person shall

(a) Use the title of physical therapist without a certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78;

(b) In any manner represent himself as a physical therapist, or use in connection with his name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, Licensed Physical Therapist, P.T., P.T.T., R.P.T., L.P.T., or any letters, words, abbreviations or insignia indicating or implying that he is a physical therapist, without a certificate of registration as a physical therapist issued to him pursuant to the provisions of sections 148.65 to 148.78. To do so is a gross misdemeanor;

(c) Employ fraud or deception in applying for or securing a certificate of registration as a physical therapist.

Nothing contained in sections 148.65 to 148.78 shall prohibit any person licensed or registered in this state under another law from carrying out the therapy or practice for which he is duly licensed or registered.

Subd. 2. No physical therapist shall

(a) Treat human ailments by physical therapy treatment except by the order ~~and direction or referral~~ of a person licensed in this state to practice medicine and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by Board of Medical Examiners rule;

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(b) Treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state.

Approved May 23, 1985

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**CHAPTER 183 — S.F.No. 331**

*An act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.*

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

**Section 1. [390.36] CORONER REMOVAL OF PITUITARY GLAND DURING AUTOPSY.**

A county coroner who performs an autopsy under sections 390.11, 390.32, or any other general or local law relating to county coroners or medical examiners, may remove the pituitary gland from the body and give it to the national pituitary agency, or any other agency or organization, for research if the following conditions have been met:

(a) the removal would not alter a gift made under sections 525.921 to 525.93;

(b) the coroner or medical examiner has no knowledge of any objection to the removal by the decedent or other person having the right to control the disposition of the body; and

(c) the coroner or medical examiner has followed generally accepted ethical guidelines and the removal would not violate the tenets of the deceased's religion.

Approved May 23, 1985

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**CHAPTER 184 — S.F.No. 364**

*An act relating to health; expanding the purposes of health care review organizations; providing an exception to liability; amending Minnesota Statutes 1984, sections 145.61, subdivision 5; and 145.63.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.