

and other provisions relating to board operations are as provided in chapter 214 and Laws 1976, chapter 222, sections 2 to 7.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 14, 1991

Signed by the governor May 17, 1991, 5:12 p.m.

CHAPTER 106—H.F.No. 36

An act relating to occupations and professions; changing requirements for reciprocal licensing of physicians from other states and foreign medical school graduates; authorizing physicians to cancel licenses in good standing; requiring the cancellation of physicians' licenses for nonrenewal; changing licensing requirements for midwifery; changing the name of the board of medical examiners; amending Minnesota Statutes 1990, sections 147.03; 147.037, subdivision 1; and 148.31; proposing coding for new law in Minnesota Statutes, chapter 147.

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

Section 1. Minnesota Statutes 1990, section 147.03, is amended to read:

147.03 LICENSURE BY ENDORSEMENT; RECIPROCIITY.

The board, with the consent of six of its members, may issue a license to practice medicine to any person who satisfies the following requirements:

(a) The applicant shall satisfy all the requirements established in section 147.02, subdivision 1, paragraphs (a), (b), (d), (e), and (f).

(b) ~~The applicant shall present evidence satisfactory to the board that the applicant has a valid license to practice medicine issued by the proper agency in another state or by a province of Canada; or is a diplomat of:~~

(1) within ten years prior to application have passed an examination prepared and graded by the Federation of State Medical Boards, the National Board of Medical Examiners, the National Board of Osteopathic Examiners for osteopathic physicians and surgeons, or the licensure Medical Council of Canada; or

(2) have a current license from the equivalent licensing agency in another state or Canada; and

(i) pass the Special Purpose Examination of the Federation of State Medical Boards with a score of 75 or better; or

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(ii) have a current certification by a specialty board of the American Board of Medical Specialties.

(c) The applicant shall present evidence satisfactory to the board that the applicant passed an examination as determined by the endorsing examining board or licensing agency. The board, at its discretion, may establish by rule passing grade levels higher than those determined by an examining board or agency or may require the applicant to be examined in subjects not previously covered in an examination.

(d) The applicant shall pay a fee established by the board by rule. The fee may not be refunded.

(e) (d) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action in another state. If an applicant does not satisfy the requirements stated in this clause, the board may refuse to issue a license unless it determines that the public will be protected through issuance of a license with conditions or limitations the board considers appropriate.

The board may issue a temporary permit to practice medicine to a physician eligible for licensure under this section upon payment of a fee set by the board. The permit remains valid only until the next meeting of the board.

Sec. 2. Minnesota Statutes 1990, section 147.037, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENTS.** The board shall, with the consent of six of its members, issue a license to practice medicine to any person who satisfies the following requirements:

(a) The applicant shall satisfy all the requirements established in section 147.02, subdivision 1, paragraphs (a), (e), (f), and (g).

(b) The applicant shall present evidence satisfactory to the board that the applicant is a graduate of a medical or osteopathic school approved by the board as equivalent to accredited United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation, or other relevant data.

(c) The applicant shall present evidence satisfactory to the board that the applicant has been awarded a certificate by the educational council for foreign medical graduates, and the applicant has a working ability in the English language sufficient to communicate with patients and physicians and to engage in the practice of medicine.

(d) The applicant shall present evidence satisfactory to the board of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a

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national accrediting organization. This requirement shall not apply to an applicant who is admitted as a permanent immigrant to the United States as a person of exceptional ability in the sciences pursuant to rules of the United States Department of Labor and who has completed one year of the graduate, clinical medical training required by this paragraph.

(e) The applicant must:

(1) within ten years prior to application have passed an examination prepared and graded by the Federation of State Medical Boards; or the licensure Medical Council of Canada; ~~or shall establish eligibility through reciprocity with another state using an examination equivalent to Minnesota's at the time the applicant was licensed in that state.~~

(2) have a current license from the equivalent licensing agency in another state or Canada; and

(i) pass the Special Purpose Examination of the Federation of State Medical Boards with a score of 75 or better; or

(ii) have a current certification by a specialty board of the American Board of Medical Specialties.

Sec. 3. [147.038] CANCELLATION OF LICENSE IN GOOD STANDING.

Subdivision 1. BOARD APPROVAL; REPORTING. A person holding an active license to practice medicine in the state may, upon approval of the board, be granted license cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the person. Such action by the board shall be reported as a cancellation of a license in good standing.

Subd. 2. FEES NONREFUNDABLE. A person who receives board approval for license cancellation is not entitled to a refund of any license fees paid for the licensure year in which cancellation of the license occurred.

Subd. 3. NEW LICENSE AFTER CANCELLATION. If a person who has been granted board approval for license cancellation desires to resume the practice of medicine in Minnesota, that person must obtain a new license by applying for licensure and fulfilling the requirements then in existence for obtaining an initial license to practice medicine in Minnesota.

Sec. 4. [147.039] CANCELLATION OF LICENSE FOR NON-RENEWAL.

The board of medical practice shall not renew, reissue, reinstate, or restore a license that has lapsed on or after January 1, 1989, and has not been renewed within two annual license renewal cycles starting July 1, 1991. A licensee whose license is canceled for nonrenewal must obtain a new license by applying for

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licensure and fulfilling all requirements then in existence for an initial license to practice medicine in Minnesota.

Sec. 5. Minnesota Statutes 1990, section 148.31, is amended to read:

148.31 LICENSES.

A person desiring to practice midwifery in this state, if not already authorized so to do, shall apply to the state board of medical examiners for a license. This license shall be granted upon the production of a diploma from a school of midwifery recognized by the board, or, after examination of the applicant; ~~upon the consent of seven members thereof. Examinations shall be held concurrently with those provided for applicants for physicians' licenses. The fee for a license granted on diploma shall be \$1, and on examination, \$2 and compliance with other requirements that the board may reasonably impose for the protection of the public. The board is authorized to adopt rules as may be necessary to carry out the purposes of sections 148.30 to 148.32. The board may delegate to another unit of state government with that unit's consent, all or part of a study to determine the appropriate level of regulation of midwives and the content for any administrative rule deemed appropriate by the board.~~

Sec. 6. REVISOR'S INSTRUCTION.

In the next editions of Minnesota Statutes and Minnesota Rules, the revisor of statutes is instructed to change the term "board of medical examiners" and similar terms to "board of medical practice."

Presented to the governor May 14, 1991

Signed by the governor May 17, 1991, 11:04 a.m.

CHAPTER 107—H.F.No. 456

An act relating to adoption; clarifying the requirements for consents; amending Minnesota Statutes 1990, section 259.24, subdivision 5.

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

Section 1. Minnesota Statutes 1990, section 259.24, subdivision 5, is amended to read:

Subd. 5. **EXECUTION.** All consents to an adoption shall be in writing, executed before two competent witnesses, and acknowledged by the consenting party. In addition, all consents to an adoption, except those by the commissioner, the commissioner's agent, a licensed child-placing agency, an adult adoptee, or the child's parent in a petition for adoption by a stepparent, shall be executed before a representative of the commissioner, the commissioner's agent, or

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