

a person licensed to practice one or more of the healing arts under chapter 147, 147A, 148, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

(e) For purposes of this section, "emergency care" includes providing emergency medical care by using or providing an automatic external defibrillator, unless the person on whom the device is to be used objects; or unless the person is rendering this care during the course of regular employment, the person is receiving or expects to receive compensation for rendering this care, and the usual and regular duties of the person include the provision of emergency medical care. "Automatic external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket notification, filed pursuant to United States Code, title 21, section 360(k), from the United States Food and Drug Administration;

(2) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

(3) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

## Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 14, 2001

Signed by the governor May 17, 2001, 10:38 a.m.

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## CHAPTER 108—S.F.No. 333

*An act relating to veterinary medicine; authorizing certain cease and desist orders; proposing coding for new law in Minnesota Statutes, chapter 156.*

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

New language is indicated by underline, deletions by ~~strikeout~~.

**Section 1. [156.15] CEASE AND DESIST ORDERS.**

**Subdivision 1. ISSUANCE.** In addition to the remedies and procedures applicable to the health-related licensing board provided in chapter 214, the board's complaint review committee, on behalf of the board, may issue and have served upon a person an order requiring the person to cease and desist from the unauthorized practice of veterinary medicine, or from violating or threatening to violate a statute, rule, or order which the board has authority to enforce. The order must be calculated to give reasonable notice of the rights of the person to request a hearing and must state the reasons for the entry of the order.

**Subd. 2. SERVICE.** Service of an order under this section is effective if the order is served on the person or counsel of record personally or by certified mail to the most recent address provided to the board for the person or counsel of record.

**Subd. 3. HEARING.** Unless otherwise agreed by the complaint review committee and the person requesting the hearing, the hearing must be held no later than 30 days after the written request for the hearing is received by the complaint review committee.

**Subd. 4. REPORT; FURTHER ORDER.** The administrative law judge shall issue a report within 30 days of the close of the contested case hearing record. Within 30 days after receiving the report and any exceptions to it, the board shall issue a further order vacating, modifying, or making permanent the cease and desist order as the facts require.

**Subd. 5. FINALITY; EFFECT.** If no hearing is requested within 30 days of service of the order, the order becomes final and remains in effect until it is modified or vacated by the board.

**Subd. 6. DEFAULT PROCEEDING.** If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true.

Presented to the governor May 14, 2001

Signed by the governor May 17, 2001, 10:33 a.m.

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**CHAPTER 109—S.F.No. 859**

*An act relating to professions; creating the Accountancy Act of 2001; authorizing rulemaking; imposing penalties; amending Minnesota Statutes 2000, sections 3.972, subdivision 1; 116J.70, subdivision 2a; 214.01, subdivision 3; 319B.02, subdivision 19; 326.53; 367.36, subdivision 1; 412.222; 471.49, subdivision 10; and 544.42, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 326A; repealing Minnesota Statutes 2000, sections 326.165; 326.1655; 326.17; 326.18; 326.19; 326.192; 326.197; 326.20; 326.201; 326.211; 326.212; 326.22; 326.223; 326.224; 326.228; and 326.229.*

**New language is indicated by underline, deletions by strikeout.**