

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2865

03/14/2012 Authored by Gottwalt

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to health occupations; clarifying that physicians must report to the  
1.3 Board of Medical Practice any physician diverting controlled substances for  
1.4 self-administration; amending Minnesota Statutes 2010, sections 147.111,  
1.5 subdivision 4; 214.33, subdivision 1.  
1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 147.111, subdivision 4, is amended to read:  
1.8 Subd. 4. **Licensed professionals.** A licensed health professional and persons  
1.9 holding a residency permit under section 147.0391, shall report to the board personal  
1.10 knowledge of any conduct which the person reasonably believes constitutes grounds for  
1.11 disciplinary action under sections 147.01 to 147.22 by any physician or person holding  
1.12 a residency permit under section 147.0391, including any conduct indicating that the  
1.13 person may be medically incompetent, or may have engaged in unprofessional conduct  
1.14 or may be medically or physically unable to engage safely in the practice of medicine.  
1.15 A licensed physician or other health professional licensed under this chapter who has  
1.16 personal knowledge that another physician or health professional licensed under this  
1.17 chapter is diverting or has diverted controlled substances for self-administration shall  
1.18 report this knowledge to the board. A licensed physician or other health professional  
1.19 licensed under this chapter shall also report to the board any occurrence of any adverse  
1.20 reaction resulting from an optometrist's prescription, use, or administration of any legend  
1.21 drug. Any reports received by the board must be reported to the Board of Optometry. No  
1.22 report shall be required if the information was obtained in the course of a physician-patient  
1.23 relationship if the patient is a physician or person holding a residency permit under section  
1.24 147.0391, and the treating physician successfully counsels the person to limit or withdraw  
1.25 from practice to the extent required by the impairment.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 2. Minnesota Statutes 2010, section 214.33, subdivision 1, is amended to read:

2.3 Subdivision 1. **Permission to report.** (a) A person who has personal knowledge that  
2.4 a regulated person has the inability to practice with reasonable skill and safety by reason of  
2.5 illness, use of alcohol, drugs, chemicals or any other materials, or as a result of any mental,  
2.6 physical, or psychological condition may report that knowledge to the program or to the  
2.7 board. A report to the program under this subdivision fulfills the reporting requirement  
2.8 contained in a regulated person's practice act, except in cases where paragraph (b) applies.

2.9 (b) A regulated person who has personal knowledge that another regulated person  
2.10 is diverting controlled substances for self-administration must report that knowledge  
2.11 to the regulated person's board.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.