

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 4292

(SENATE AUTHORS: UTKE)

DATE
03/24/2022

D-PG
5614

OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health care; permitting temporary practice by health care providers from
1.3 other jurisdictions.

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

1.5 Section 1. **TEMPORARY PRACTICE BY HEALTH CARE PROVIDERS FROM**
1.6 **OTHER STATES.**

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Credential" means a license, permit, certificate, or registration.

1.10 (c) "Health care employer" means a health care system, hospital, clinic, long-term care
1.11 facility, or any other health care entity that employs, contracts with, or affiliates with health
1.12 care providers to provide health care services to patients.

1.13 (d) "Health care provider" means an individual who holds a valid, unexpired credential
1.14 issued by another state or territory that authorizes the individual to perform health care
1.15 services that are substantially the same as the services authorized to be performed within
1.16 the scope of practice for the following health-related occupations licensed by this state:

1.17 (1) a registered nurse, licensed practical nurse, or advanced practice registered nurse
1.18 licensed under Minnesota Statutes, sections 148.171 to 148.285;

1.19 (2) a physician licensed under Minnesota Statutes, chapter 147;

1.20 (3) a physician assistant licensed under Minnesota Statutes, chapter 147A;

1.21 (4) a respiratory care practitioner licensed under Minnesota Statutes, chapter 147C;

- 2.1 (5) a chiropractor licensed under Minnesota Statutes, sections 148.01 to 148.108;
- 2.2 (6) a dentist, dental therapist, advanced dental therapist, dental hygienist, or dental
- 2.3 assistant licensed under Minnesota Statutes, chapter 150A;
- 2.4 (7) a physical therapist or physical therapist assistant licensed under Minnesota Statutes,
- 2.5 sections 148.65 to 148.78;
- 2.6 (8) a podiatrist licensed under Minnesota Statutes, chapter 153;
- 2.7 (9) a dietitian or nutritionist licensed under Minnesota Statutes, sections 148.621 to
- 2.8 148.634;
- 2.9 (10) an athletic trainer licensed under Minnesota Statutes, sections 148.7801 to 148.7815;
- 2.10 (11) an occupational therapist or occupational therapy assistant licensed under Minnesota
- 2.11 Statutes, sections 148.6401 to 148.6449;
- 2.12 (12) a pharmacist licensed under Minnesota Statutes, chapter 151;
- 2.13 (13) an acupuncturist licensed under Minnesota Statutes, chapter 147B;
- 2.14 (14) a psychologist licensed under Minnesota Statutes, sections 148.88 to 148.981;
- 2.15 (15) a social worker licensed under Minnesota Statutes, chapter 148E;
- 2.16 (16) an alcohol and drug counselor licensed under Minnesota Statutes, chapter 148F;
- 2.17 (17) a speech and language pathologist, audiologist, or speech-language pathology
- 2.18 assistant licensed under Minnesota Statutes, sections 148.511 to 148.5198;
- 2.19 (18) a marriage and family therapist licensed under Minnesota Statutes, section 148B.06
- 2.20 to 148B.392; or
- 2.21 (19) a professional counselor licensed under Minnesota Statutes, sections 148B.50 to
- 2.22 148B.593.
- 2.23 (e) "Health-related licensing board" has the meaning given in Minnesota Statutes, section
- 2.24 214.01, subdivision 2, paragraph (c).
- 2.25 (f) "Telehealth" has the meaning given in Minnesota Statutes, section 62A.673,
- 2.26 subdivision 2, paragraph (h).
- 2.27 Subd. 2. **Practice by health care providers from other states.** (a) Notwithstanding
- 2.28 any law to the contrary, a health care provider is authorized to provide services within the
- 2.29 scope of the credential that the health care provider holds in another state without being

3.1 issued a license to practice within this state by the appropriate health-related licensing board
3.2 if the requirements of this section are met.

3.3 (b) The health care provider must submit to the appropriate health-related licensing
3.4 board an application for a temporary permit within 30 days from the date the health care
3.5 provider begins to provide health care services for a health care employer in this state. As
3.6 part of the application, the health care provider must attest:

3.7 (1) to the date on which the health care provider first provided health care services in
3.8 this state under this section;

3.9 (2) that the health care provider holds a valid, unexpired credential granted in another
3.10 state or territory; and

3.11 (3) that the health care provider is not currently under investigation and that there are
3.12 no restrictions or limitations currently placed on the health care provider's credential by the
3.13 credentialing state or any other jurisdiction.

3.14 (c) Upon receipt of the application, the appropriate health-related licensing board shall
3.15 issue a temporary permit to practice to the health care provider.

3.16 (d) If the health care provider performs any health care services other than services
3.17 provided through telehealth to a patient located in this state, the health care provider's health
3.18 care employer must submit an attestation to the appropriate health-related licensing board
3.19 within ten days from the date the health care provider begins to provide health care services
3.20 for the health care employer. The health care employer must attest that:

3.21 (1) the health care provider holds a valid, unexpired credential issued by another state
3.22 or territory; and

3.23 (2) to the best of the health care employer's knowledge and with reasonable certainty,
3.24 the health care provider is not currently under investigation and there are no restrictions or
3.25 limitations currently placed on the health care provider's credential by the credentialing
3.26 state or by any other jurisdiction.

3.27 (e) A health care provider who practices within the scope of a temporary permit issued
3.28 under this section shall have all the rights and is subject to all responsibilities, malpractice
3.29 insurance requirements, limitations in scope of practice, and other standards of practice
3.30 provisions that would apply if otherwise licensed to practice in this state. A health care
3.31 provider rendering services under a temporary permit under this section must submit to the
3.32 jurisdiction of the appropriate health-related licensing board. Nothing in this section prohibits
3.33 a health-related licensing board from investigating the information provided by a health

4.1 care provider in the application to determine whether the information is accurate and taking
4.2 appropriate action, including revoking the health care provider's temporary permit if the
4.3 information is determined to be false or deficient in any way.

4.4 Sec. 2. **EFFECTIVE DATE.**

4.5 (a) A temporary permit issued under section 1 shall become effective on the date the
4.6 health care provider first provided health care services in this state under section 1, as
4.7 specified in the temporary permit application the provider submitted. The temporary permit
4.8 remains in effect until 30 days following the termination or rescission of the national emergency
4.9 declared by the United States president under United States Code, title 50, section 1621, in
4.10 response to the COVID-19 pandemic.

4.11 (b) Notwithstanding paragraph (a), if the health care provider has applied to the
4.12 appropriate health-related licensing board for a license to practice in this state in accordance
4.13 with the applicable licensure requirements under Minnesota law, the temporary permit
4.14 remains in effect until the date the appropriate health-related licensing board takes action
4.15 on the health care provider's licensure application.