

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2384

(SENATE AUTHORS: NELSON, Rosen, Benson and Hall)

DATE	D-PG	OFFICIAL STATUS
03/12/2012	4316	Introduction and first reading Referred to Health and Human Services
03/15/2012	4504	Author stricken Marty

1.1A bill for an act

1.2relating to health occupations; clarifying that physicians must report to the

1.3Board of Medical Practice any physician diverting controlled substances for

1.4self-administration; amending Minnesota Statutes 2010, sections 147.111,

1.5subdivision 4; 214.33, subdivision 1.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7Section 1. Minnesota Statutes 2010, section 147.111, subdivision 4, is amended to read:

1.8Subd. 4. **Licensed professionals.** A licensed health professional and persons

1.9holding a residency permit under section 147.0391, shall report to the board personal

1.10knowledge of any conduct which the person reasonably believes constitutes grounds for

1.11disciplinary action under sections 147.01 to 147.22 by any physician or person holding

1.12a residency permit under section 147.0391, including any conduct indicating that the

1.13person may be medically incompetent, or may have engaged in unprofessional conduct

1.14or may be medically or physically unable to engage safely in the practice of medicine.

1.15A licensed physician or other health professional licensed under this chapter who has

1.16personal knowledge that another physician or health professional licensed under this

1.17chapter is diverting or has diverted controlled substances for self-administration shall

1.18report this knowledge to the board. A licensed physician or other health professional

1.19licensed under this chapter shall also report to the board any occurrence of any adverse

1.20reaction resulting from an optometrist's prescription, use, or administration of any legend

1.21drug. Any reports received by the board must be reported to the Board of Optometry. No

1.22report shall be required if the information was obtained in the course of a physician-patient

1.23relationship if the patient is a physician or person holding a residency permit under section

1.24147.0391, and the treating physician successfully counsels the person to limit or withdraw

1.25from 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.