ARTICLE 6
HEALTH LICENSING BOARDS

Section 1. Minnesota Statutes 2022, section 144E.001, subdivision 1, is amended to read:

Subdivision 1. Scope. For the purposes of sections 144E.001 to 144E.52 this chapter, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision to read:

Subd. 8b. Medical resource communication center. "Medical resource communication center" means an entity that:

(1) facilitates hospital-to-ambulance communications for ambulance services, the regional emergency medical services systems, and the board by coordinating patient care and transportation for ground and air operations;

(2) is integrated with the state's Allied Radio Matrix for Emergency Response (ARMER) radio system; and

(3) is the point of contact and a communication resource for statewide public safety entities, hospitals, and communities.

Sec. 3. Minnesota Statutes 2022, section 144E.101, subdivision 6, is amended to read:

Subd. 6. Basic life support. (a) Except as provided in paragraph (e), a basic life-support ambulance shall be staffed by at least two EMTs, one of whom must accompany the patient and provide a level of care so as to ensure that:

(1) life-threatening situations and potentially serious injuries are recognized;

(2) patients are protected from additional hazards;

(3) basic treatment to reduce the seriousness of emergency situations is administered; and

(4) patients are transported to an appropriate medical facility for treatment.

(b) A basic life-support service shall provide basic airway management.

(c) A basic life-support service shall provide automatic defibrillation.

ARTICLE 5
HEALTH-RELATED LICENSING BOARDS

Sec. 1. Minnesota Statutes 2022, section 144E.001, subdivision 1, is amended to read:

Subdivision 1. Scope. For the purposes of sections 144E.001 to 144E.52 this chapter, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 2022, section 144E.001, is amended by adding a subdivision to read:

Subd. 8b. Medical resource communication center. "Medical resource communication center" means an entity that:

(1) facilitates hospital-to-ambulance communications for ambulance services, the regional emergency medical services systems, and the board by coordinating patient care and transportation for ground and air operations;

(2) is integrated with the state's Allied Radio Matrix for Emergency Response (ARMER) radio system; and

(3) is the point of contact and a communication resource for statewide public safety entities, hospitals, and communities.
(d) A basic life-support service licensee's medical director may authorize ambulance service personnel to perform intravenous infusion and use equipment that is within the licensure level of the ambulance service. A basic life-support service licensee's medical director must authorize ambulance service personnel to perform administration of an opiate antagonist. Ambulance service personnel must be properly trained. Documentation of authorization for use, guidelines for use, continuing education, and skill verification must be maintained in the licensee's files.

(e) For emergency ambulance calls and interfacility transfers, an ambulance service may staff its basic life-support ambulances with one EMT, who must accompany the patient, and one registered emergency medical responder driver. For purposes of this paragraph, "ambulance service" means either an ambulance service whose primary service area is mainly located outside the metropolitan counties listed in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud; or an ambulance service based in a community with a population of less than 2,500.

Sec. 4. Minnesota Statutes 2022, section 144E.101, subdivision 7, is amended to read:

Subd. 7. Advanced life support.

(a) Except as provided in paragraphs (f) and (g), an advanced life-support ambulance shall be staffed by at least:

(1) one EMT or one AEMT and one paramedic;

(2) one EMT or one AEMT and one registered nurse who is an EMT or an AEMT, is currently practicing nursing, and has passed a paramedic practical skills test approved by the board and administered by an education program; or

(3) one EMT or one AEMT and one physician assistant who is an EMT or an AEMT, is currently practicing as a physician assistant, and has passed a paramedic practical skills test approved by the board and administered by an education program.

(b) An advanced life-support service shall provide basic life support, as specified under subdivision 6, paragraph (a), advanced airway management, manual defibrillation, and administration of intravenous fluids and pharmaceuticals, and administration of opiate antagonists.

(c) In addition to providing advanced life support, an advanced life-support service may staff additional ambulances to provide basic life support according to subdivision 6 and section 144E.103, subdivision 1.

(d) An ambulance service providing advanced life support shall have a written agreement with its medical director to ensure medical control for patient care 24 hours a day, seven days a week. The terms of the agreement shall include a written policy on the administration of medical control for the service. The policy shall address the following issues:

(1) two-way communication for physician direction of ambulance service personnel;

(2) patient triage, treatment, and transport;
(3) use of standing orders; and

(4) the means by which medical control will be provided 24 hours a day.

The agreement shall be signed by the licensee's medical director and the licensee or the licensee's designee and maintained in the files of the licensee.

(e) When an ambulance service provides advanced life support, the authority of a paramedic, Minnesota registered nurse-EMT, or Minnesota registered physician assistant-EMT to determine the delivery of patient care prevails over the authority of an EMT.

(f) Upon application from an ambulance service that includes evidence demonstrating hardship, the board may grant a variance from the staff requirements in paragraph (a), clause (1), and may authorize an advanced life-support ambulance to be staffed by a registered emergency medical responder driver with a paramedic for all emergency calls and interfacility transfers. The variance shall apply to advanced life-support ambulance services until the ambulance service renews its license. When the variance expires, an ambulance service may apply for a new variance under this paragraph. This paragraph applies only to an ambulance service whose primary service area is mainly located outside the metropolitan counties listed in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud, or an ambulance based in a community with a population of less than 1,000 persons.

(g) After an initial emergency ambulance call, each subsequent emergency ambulance response, until the initial ambulance is again available, and interfacility transfers, may be staffed by one registered emergency medical responder driver and an EMT or paramedic. This paragraph applies only to an ambulance service whose primary service area is mainly located outside the metropolitan counties listed in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud, or an ambulance based in a community with a population of less than 1,000 persons.

Sec. 5. Minnesota Statutes 2022, section 144E.101, subdivision 12, is amended to read:

Subd. 12. Mutual aid agreement. (a) A licensee shall have a written agreement with at least one neighboring licensed ambulance service for the preplanned and organized response; until the initial ambulance is again available, and interfacility transfers, may be staffed by one registered emergency medical responder driver and an EMT or paramedic, This paragraph applies only to an ambulance service whose primary service area is mainly located outside the metropolitan counties listed in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud, or an ambulance based in a community with a population of less than 1,000 persons.

(b) A licensee may have a written agreement with a neighboring licensed ambulance service, including a licensed ambulance service from a neighboring state if that service is currently and remains in compliance with its home state licensing requirements, to provide support to the primary service area of the licensee upon the licensee's request. The agreement may allow the licensee to suspend ambulance services in its primary service area.
during the times the neighboring licensed ambulance service has agreed to provide all
emergency services to the licensee's primary service area. The agreement may not permit
the neighboring licensed ambulance service to serve the licensee's primary service area for
more than 12 up to 24 hours per day, provided service by the neighboring licensed ambulance
does not exceed 108 hours per calendar week. This paragraph applies only to an ambulance
service whose primary service area is mainly located outside the metropolitan counties listed
in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead,
Rochester, and St. Cloud, or an ambulance based in a community with a population of less
than 2,500 persons.

Sec. 6. Minnesota Statutes 2022, section 144E.103, subdivision 1, is amended to read:

Subdivision 1. General requirements. Every ambulance in service for patient care shall carry, at a minimum:

1. oxygen;
2. airway maintenance equipment in various sizes to accommodate all age groups;
3. splinting equipment in various sizes to accommodate all age groups;
4. dressings, bandages, commercially manufactured tourniquets, and bandaging equipment;
5. an emergency obstetric kit;
6. equipment to determine vital signs in various sizes to accommodate all age groups;
7. a stretcher;
8. a defibrillator; and
9. a fire extinguisher; and
10. opiate antagonists.

Sec. 7. Minnesota Statutes 2022, section 144E.35, is amended to read:

Subdivision 1. Repayment for volunteer education. A licensed ambulance service shall be reimbursed by the board for the necessary expense of the initial education of a volunteer ambulance attendant upon successful completion by the attendant of an EMT education course, or a continuing education course for EMT care, or both, which has been approved by the board, pursuant to section 144E.285. Reimbursement may include tuition, transportation, food, lodging, hourly payment for the time spent in the education course, and other necessary expenditures, except that in no instance shall a volunteer ambulance attendant be reimbursed more than $600 for successful completion of an initial education course, and $275 for successful completion of a continuing education course.
Subd. 2. Reimbursement provisions. Reimbursement must be paid under provisions of this section when documentation is provided to the board that the individual has served for one year from the date of the final certification exam as an active member of a Minnesota licensed ambulance service.

Sec. 8. [144E.53] MEDICAL RESOURCE COMMUNICATION CENTER GRANTS. The board shall distribute medical resource communication center grants annually on a contract basis to the two medical resource communication centers that were in operation in the state prior to January 1, 2000.

Sec. 9. Minnesota Statutes 2022, section 147.02, subdivision 1, is amended to read: Subdivision 1. United States or Canadian medical school graduates. The board shall issue a license to practice medicine to a person not currently licensed in another state or Canada and who meets the requirements in paragraphs (a) to (i).

(a) An applicant for a license shall file a written application on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies the requirements of this section.

(b) The applicant shall present evidence satisfactory to the board of being a graduate of a medical or osteopathic medical school located in the United States, its territories or Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation by a recognized national accrediting organization approved by the board, and other relevant data, or is currently enrolled in the final year of study at the school.

(c) The applicant must have passed an examination as described in clause (1) or (2).

(1) The applicant must have passed a comprehensive examination for initial licensure prepared and graded by the National Board of Medical Examiners; the Federation of State Medical Boards, the Medical Council of Canada, the National Board of Osteopathic Examiners, or the appropriate state board that the board determines acceptable. The board shall by rule determine what constitutes a passing score in the examination.

(2) The applicant taking the United States Medical Licensing Examination (USMLE) or Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) must have passed steps or levels one, two, and three. Step or level three must be passed within five years of passing step or level two, or before the end of residency training. The applicant must pass each of steps or levels one, two, and three with passing scores as recommended by the USMLE program or National Board of Osteopathic Medical Examiners within three attempts. The applicant taking combinations of Federation of State Medical Boards, National Board of Medical Examiners, and USMLE may be accepted only if the combination is approved by the board as comparable to existing comparable examination sequences and all examinations are completed prior to the year 2000.

(d) The applicant shall present evidence satisfactory to the board of the completion of one year of graduate, clinical medical training in a program 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 national accrediting
organization.

316.1 (e) The applicant may make arrangements with the executive director to appear in person
before the board or its designated representative to show that the applicant satisfies the
requirements of this section. The board may establish as internal operating procedures the
procedures or requirements for the applicant's personal presentation.

316.5 (f) The applicant shall pay a nonrefundable fee established by the board. Upon application
or notice of license renewal, the board must provide notice to the applicant and to the person
whose license is scheduled to be issued or renewed of any additional fees, surcharges, or
other costs which the person is obligated to pay as a condition of licensure. The notice must:

1. state the dollar amount of the additional costs; and
2. clearly identify to the applicant the payment schedule of additional costs.

316.10 (g) The applicant must not be under license suspension or revocation by the licensing
board of the state or jurisdiction in which the conduct that caused the suspension or revocation
occurred.

316.14 (h) The applicant must not have engaged in conduct warranting disciplinary action
against a licensee, or have been subject to disciplinary action other than as specified in
paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph,
the board may issue a license only on the applicant's showing that the public will be protected
through issuance of a license with conditions and limitations the board considers appropriate.

316.19 (i) If the examination in paragraph (c) was passed more than ten years ago, the applicant
must either:

1. pass the special purpose examination of the Federation of State Medical Boards with
a score of 75 or better within three attempts; or
2. have a current certification by a specialty board of the American Board of Medical
Specialties; the American Osteopathic Association; the Royal College of Physicians and
Surgeons of Canada; or the College of Family Physicians of Canada.

Sec. 10. Minnesota Statutes 2022, section 147.03, subdivision 1, is amended to read:

Subdivision 1. Endorsement; reciprocity. (a) The board may issue a license to practice
medicine to any person who satisfies the requirements in paragraphs (b) to (e).

316.29 (b) The applicant shall satisfy all the requirements established in section 147.02,
subdivision 1; paragraphs (a), (b), (d), (e), and (f); or section 147.037, subdivision 1;
paragraphs (a) to (e).

(c) The applicant shall:
(1) have passed an examination prepared and graded by the Federation of State Medical Boards, the National Board of Medical Examiners, or the United States Medical Licensing Examination (USMLE) program in accordance with section 147.02, subdivision 1, paragraph (c), clause (2); the National Board of Osteopathic Medical Examiners; or the Medical Council of Canada; and

(2) have a current license from the equivalent licensing agency in another state or Canada and, if the examination in clause (1) was passed more than ten years ago, either:

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

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association, the Royal College of Physicians and Surgeons of Canada, or of the College of Family Physicians of Canada; or

(3) if the applicant fails to meet the requirement established in section 147.02, subdivision 1, paragraph (c), clause (2), because the applicant failed to pass within the permitted three attempts each of steps or levels one, two, and three of the USMLE or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA), the applicant may be granted a license provided the applicant:

(i) has passed each of steps or levels one, two, and three within no more than four attempts for any of the three steps or levels with passing scores as recommended by the USMLE or COMLEX-USA program within no more than four attempts for any of the three steps; or

(ii) is currently licensed in another state; and

(iii) has current certification by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada;

(d) The applicant must not be under license suspension or revocation by the licensing board of the state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(e) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (d); if an applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions or limitations the board considers appropriate;

(f) Upon the request of an applicant, the board may conduct the final interview of the applicant by teleconference.
Sec. 11. Minnesota Statutes 2022, section 147.037, subdivision 1, is amended to read:

Subdivision 1. Requirements. The board shall issue a license to practice medicine to any person who satisfies the requirements in paragraphs (a) to (g).

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

(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. If the applicant is a graduate of a medical or osteopathic program that is not accredited by the Liaison Committee for Medical Education or the American Osteopathic Association, the applicant may use the Federation of State Medical Boards' Federation Credentials Verification Service (FCVS) or its successor. If the applicant uses this service as allowed under this paragraph, the physician application fee may be less than $200 but must not exceed the cost of administering this paragraph.

(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 one year of graduate, clinical medical training in a program 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 national accrediting organization. This requirement does not apply to an applicant who is admitted pursuant to the rules of the United States Department of Labor and:

(1) to an applicant who was admitted as a permanent immigrant to the United States on or before October 1, 1991, as a person of exceptional ability in the sciences according to Code of Federal Regulations, title 20, section 656.22(d); or

(2) to an applicant holding a valid license to practice medicine in another country and was issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability in the field of science or as an outstanding professor or researcher according to Code of Federal Regulations, title 8, section 204.5(b) and (i), or a temporary nonimmigrant visa as a person of extraordinary ability in the field of science according to Code of Federal Regulations, title 8, section 214.2(o), provided that a person under clause (1) or (2) is admitted pursuant to rules of the United States Department of Labor.

(e) The applicant must:

(1) have passed an examination prepared and graded by the Federation of State Medical Boards, the United States Medical Licensing Examination (USMLE) program in accordance
subsection 1, paragraph (c), clause (2), or the Medical Council of Canada; and

(2) if the examination in clause (1) was passed more than ten years ago, either:

(i) pass the Special Purpose Examination of the Federation of State Medical Boards with a score of 75 or better within three attempts (SPEX) or the Comprehensive Osteopathic Medical Variable-Purpose Examination of the National Board of Osteopathic Medical Examiners (COMVEX). The applicant must pass the SPEX or COMVEX within no more than three attempts of taking the SPEX, COMVEX, or a combination of the SPEX and COMVEX; or

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada; or

(3) if the applicant fails to meet the requirement established in section 147.02, subdivision 1, paragraph (c), clause (2), because the applicant failed to pass within the permitted three attempts each of steps or levels one, two, and three of the USMLE within the required three attempts or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA), the applicant may be granted a license provided the applicant:

(i) has passed each of steps or levels one, two, and three within no more than four attempts for any of the three steps or levels with passing scores as recommended by the USMLE or COMLEX-USA program within no more than four attempts for any of the three steps; and

(ii) is currently licensed in another state; and

(iii) has current certification by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada.

(f) The applicant must not be under license suspension or revocation by the licensing board of the state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(g) The applicant must not have engaged in conduct warranting disciplinary action against a licensee or have been subject to disciplinary action other than as specified in paragraph (f). If an applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions or limitations the board considers appropriate.
Sec. 12. Minnesota Statutes 2022, section 147.141, is amended to read:

147.141 FORMS OF DISCIPLINARY ACTION.

When the board finds that a licensed physician or a physician registered under section 147.032 has violated a provision or provisions of sections 147.01 to 147.22, it may do one or more of the following:

(1) revoke the license;
(2) suspend the license;
(3) revoke or suspend registration to perform interstate telehealth;
(4) impose limitations or conditions on the physician's practice of medicine, including
   limiting the scope of practice to designated field specialties; imposing retraining or rehabilitation requirements; requiring practice under supervision; or requiring continued practice on demonstration of knowledge or skills by appropriate examination or other review of skill and competence;
(5) impose a civil penalty not exceeding $10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physician of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding;
(6) order the physician to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or
(7) censure or reprimand the licensed physician.

Sec. 13. Minnesota Statutes 2022, section 147A.16, is amended to read:

147A.16 FORMS OF DISCIPLINARY ACTION.

When the board finds that a licensed physician assistant has violated a provision of this chapter, it may do one or more of the following:

(1) revoke the license;
(2) suspend the license;
(3) impose limitations or conditions on the physician assistant's practice, including
   limiting the scope of practice to designated field specialties; imposing retraining or rehabilitation requirements; or limiting practice until demonstration of knowledge or skills by appropriate examination or other review of skill and competence;
(4) impose a civil penalty not exceeding $10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physician assistant of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding; or
(5) censure or reprimand the licensed physician.
321.15 (5) censure or reprimand the licensed physician assistant.
321.16 (b) Upon judicial review of any board disciplinary action taken under this chapter, the
reviewing court shall seal the administrative record, except for the board's final decision, and shall not make the administrative record available to the public.
321.19 Sec. 14. Minnesota Statutes 2022, section 147B.02, subdivision 4, is amended to read:
321.20 Subd. 4. Exceptions; (a) The following persons may practice acupuncture within the
scope of their practice without an acupuncture license:
321.22 (1) a physician licensed under chapter 147;
321.23 (2) an osteopathic physician licensed under chapter 147;
321.24 (3) a chiropractor licensed under chapter 148;
321.25 (4) a person who is studying in a formal course of study or tutorial intern program approved by the acupuncture advisory council established in section 147B.05 so long as the person's acupuncture practice is supervised by a licensed acupuncturist or a person who is exempt under clause (5);
321.29 (4) a person who is studying in a formal course of study so long as the person's acupuncture practice is supervised by a licensed acupuncturist or a person who is exempt under clause (5);
321.32 (5) a visiting acupuncturist practicing acupuncture within an instructional setting for the sole purpose of teaching at a school registered with the Minnesota Office of Higher Education, who may practice without a license for a period of one year, with two one-year extensions permitted; and
321.35 (6) a visiting acupuncturist who is in the state for the sole purpose of providing a tutorial or workshop not to exceed 30 days in one calendar year.
321.37 Sec. 15. Minnesota Statutes 2022, section 147B.02, subdivision 7, is amended to read:
321.40 Subd. 7. Licensure requirements. (a) After June 30, 1997, an applicant for licensure must:
321.43 (1) submit a completed application for licensure on forms provided by the board, which must include the applicant's name and address of record, which shall be public;
321.46 (2) unless licensed under subdivision 5 or 6, submit a notarized copy of evidence satisfactory to the board of current NCCAOM certification;
(5) sign a waiver authorizing the board to obtain access to the applicant's records in this
state or any state in which the applicant has engaged in the practice of acupuncture.

(b) The board may ask the applicant to provide any additional information necessary to
to ensure that the applicant is able to practice with reasonable skill and safety to the public.

c) The board may investigate information provided by an applicant to determine whether
the information is accurate and complete. The board shall notify an applicant of action taken
on the application and the reasons for denying licensure if licensure is denied.

Sec. 5. Minnesota Statutes 2022, section 148.56, subdivision 1, is amended to read:

Subdivision 1. Optometry defined. (a) Any person shall be deemed to be practicing
optometry within the meaning of sections 148.52 to 148.62 who shall in any way:

(1) advertise as an optometrist;

(2) employ any means, including the use of autorefractors or other automated testing
devices, for the measurement of the powers of vision or the adaptation of lenses or prisms
for the aid thereof;

(3) possess testing appliances for the purpose of the measurement of the powers of vision;

(4) diagnose any disease, optical deficiency or deformity, or visual or muscular anomaly
of the visual system consisting of the human eye and its accessory or subordinate anatomical
parts;

(5) prescribe lenses, including plano or cosmetic contact lenses, or prisms for the

(6) employ or prescribe ocular exercises, orthoptics, or habilitative and rehabilitative
therapeutic vision care; or

(7) prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation,
prevention; treatment; or management of disease; deficiency; deformity; or abnormality of
the human eye and adnexa included in the curricula of accredited schools or colleges of
optometry, and as limited by Minnesota statute and adopted rules by the Board of Optometry,
or who holds oneself out as being able to do so.

(b) In the course of treatment, nothing in this section shall allow:

(1) legend drugs to be administered intravenously, intramuscularly, or by injection,
except for treatment of anaphylaxis; intravitreal injections;

(2) invasive surgery including, but not limited to, surgery using lasers;
Schedule II and III oral legend drugs and oral steroids to be administered or
prescribed; or
oral antivirals to be prescribed or administered for more than ten days; or
oral carbonic anhydrase inhibitors to be prescribed or administered for more than
seven days.

The fee for verification of licensure is $20. The fee is nonrefundable.

The fee for national examination is $110 $150; application fee for Licensed Marriage and Family Therapist (LMFT) state examination
is $110 $150; application fee for Licensed Marriage and Family Therapist (LMFT) state examination
is $110 $150; initial LMFT license fee is prorated, but cannot exceed $125 $225; annual renewal fee for LMFT license is $125 $225; late fee for LMFT license renewal is $50 $100; application fee for LMFT licensure by reciprocity is $220 $300; fee for initial Licensed Associate Marriage and Family Therapist (LAMFT) license
is $75 $100; (8) annual renewal fee for LAMFT license is $75 $100; (9) late fee for LAMFT renewal is $25 $50; (10) fee for reinstatement of license is $150; (11) fee for emeritus status is $225; and (12) fee for temporary license for members of the military is $100.

The fee in this section is nonrefundable.

The fee for verification of licensure is $20.

(1) application fee for national examination is $150; (2) application fee for Licensed Marriage and Family Therapist (LMFT) state examination
is $150; (3) initial LMFT license fee is prorated, but cannot exceed $225 $225; (4) annual renewal fee for LMFT license is $225 $225; (5) late fee for LMFT license renewal is $100; (6) application fee for LMFT licensure by reciprocity is $300; (7) fee for initial Licensed Associate Marriage and Family Therapist (LAMFT) license
is $100; (8) annual renewal fee for LAMFT license is $100; (9) late fee for LAMFT renewal is $50; (10) fee for reinstatement of license is $150; (11) fee for emeritus status is $225; and (12) fee for temporary license for members of the military is $100.

Former students. (a) A former student may practice alcohol and drug
counseling for 90 days from the former student's degree conferral date from an accredited
school or educational program or from the last date the former student received credit for

Minnesota Statutes 2022, section 148B.392, subdivision 2, is amended to read:

Sec. 2a. Former students. (a) A former student may practice alcohol and drug
counseling for 90 days from the former student's degree conferral date from an accredited
school or educational program or from the last date the former student received credit for

Minnesota Statutes 2022, section 148F.11, is amended by adding a subdivision
to read:

Subd. 2a. Former students. (a) A former student may practice alcohol and drug
counseling for 90 days from the former student's degree conferral date from an accredited
school or educational program or from the last date the former student received credit for

Minnesota Statutes 2022, section 148B.392, subdivision 2, is amended to read:

Subd. 2. Licensure verification fee. The fee for verification of licensure is $20.

Subd. 2. Licensure and application fees. Licensure and application fees established
by the board shall not exceed the following amounts:

(1) application fee for national examination is $110 $150; (2) application fee for Licensed Marriage and Family Therapist (LMFT) state examination
is $110 $150; (3) initial LMFT license fee is prorated, but cannot exceed $125 $225; (4) annual renewal fee for LMFT license is $125 $225; (5) late fee for LMFT license renewal is $50 $100; (6) application fee for LMFT licensure by reciprocity is $220 $300; (7) fee for initial Licensed Associate Marriage and Family Therapist (LAMFT) license
is $75 $100; (8) annual renewal fee for LAMFT license is $75 $100; (9) late fee for LAMFT renewal is $25 $50; (10) fee for reinstatement of license is $150; (11) fee for emeritus status is $225; and (12) fee for temporary license for members of the military is $100.

The fee for verification of licensure is $20. The fee is nonrefundable.

The fee for verification of licensure is $20.
260.10 Sec. 8. Minnesota Statutes 2022, section 150A.08, subdivision 1, is amended to read:

260.11 Subdivision 1. Grounds. The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, the license of a dentist, dental therapist, dental hygienist, or dental hygienist assistant upon any of the following grounds:

260.14 (1) fraud or deception in connection with the practice of dentistry or the securing of a license certificate;

260.16 (2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

260.19 (3) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

260.22 (4) habitual overindulgence in the use of intoxicating liquors;

260.23 (5) improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 151;

260.26 (6) conduct unbecoming a person licensed to practice dentistry, dental therapy, dental hygiene, or dental assisting, or conduct contrary to the best interest of the public, as such conduct is defined by the rules of the board;

260.29 (7) gross immorality;

261.1 (8) any physical, mental, emotional, or other disability which adversely affects a dentist's, dental therapist's, dental hygienist's, or dental assistant's ability to perform the service for which the person is licensed;

261.4 (9) revocation or suspension of a license or equivalent authority to practice, or other disciplinary action or denial of a license application taken by a licensing or credentialing authority of another state, territory, or country as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was

261.8 an alcohol and drug counseling course from an accredited school or educational program.

The former student's practice must be supervised by an alcohol and drug counselor or an alcohol and drug counselor supervisor, as defined in section 245G.11. The former student's practice is limited to the site where the student completed their internship or practicum. A former student must be paid for work performed during the 90-day period.

(b) The former student's right to practice automatically expires after 90 days from the former student's degree conferral date or date of last course credit for an alcohol and drug counseling course, whichever occurs last.
taken only after affording the credentialed person or applicant notice and opportunity to
refute the allegations or pursuant to stipulation or other agreement;

(10) failure to maintain adequate safety and sanitary conditions for a dental office in
accordance with the standards established by the rules of the board;

(11) employing, assisting, or enabling in any manner an unlicensed person to practice
dentistry;

(12) failure or refusal to attend, testify, and produce records as directed by the board
under subdivision 7;

(13) violation of, or failure to comply with, any other provisions of sections 150A.01 to
150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board,
sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just
cause related to the practice of dentistry. Suspension, revocation, modification or limitation
of any license shall not be based upon any judgment as to therapeutic or monetary value of
any individual drug prescribed or any individual treatment rendered, but only upon a repeated
pattern of conduct;

(14) knowingly providing false or misleading information that is directly related to the
care of that patient unless done for an accepted therapeutic purpose such as the administration
of a placebo; or

(15) aiding suicide or aiding attempted suicide in violation of section 609.215 as
established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation
section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction
issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215,
subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.

The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 9. Minnesota Statutes 2022, section 150A.08, subdivision 5, is amended to read:

Subd. 5. Medical examinations. If the board has probable cause to believe that a dentist,
dental therapist, dental hygienist, dental assistant, or applicant engages in acts described in
subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it
shall direct the dentist, dental therapist, dental hygienist, dental assistant, or applicant to
submit to a mental or physical examination or a substance use disorder assessment. For the
purpose of this subdivision, every dentist, dental therapist, dental hygienist, or dental assistant

taken only after affording the credentialed person or applicant notice and opportunity to
refute the allegations or pursuant to stipulation or other agreement;

(10) failure to maintain adequate safety and sanitary conditions for a dental office in
accordance with the standards established by the rules of the board;

(11) employing, assisting, or enabling in any manner an unlicensed person to practice
dentistry;

(12) failure or refusal to attend, testify, and produce records as directed by the board
under subdivision 7;

(13) violation of, or failure to comply with, any other provisions of sections 150A.01 to
150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board,
sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just
cause related to the practice of dentistry. Suspension, revocation, modification or limitation
of any license shall not be based upon any judgment as to therapeutic or monetary value of
any individual drug prescribed or any individual treatment rendered, but only upon a repeated
pattern of conduct;

(14) knowingly providing false or misleading information that is directly related to the
care of that patient unless done for an accepted therapeutic purpose such as the administration
of a placebo; or

(15) aiding suicide or aiding attempted suicide in violation of section 609.215 as
established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation
section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction
issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215,
subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.

The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 20. Minnesota Statutes 2022, section 150A.08, subdivision 5, is amended to read:

Subd. 5. Medical examinations. If the board has probable cause to believe that a dentist,
dental therapist, dental hygienist, dental assistant, or applicant engages in acts described in
subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it
shall direct the dentist, dental therapist, dental hygienist, dental assistant, or applicant to
submit to a mental or physical examination or a substance use disorder assessment. For the
purpose of this subdivision, every dentist, dental therapist, dental hygienist, or dental assistant
Sec. 10. Minnesota Statutes 2022, section 150A.091, is amended by adding a subdivision to read:

Subd. 23. Mailing list services. Each licensee must submit a nonrefundable $5 fee to request a mailing address list.

Sec. 11. Minnesota Statutes 2022, section 150A.13, subdivision 10, is amended to read:

Subd. 10. Failure to report. On or after August 1, 2012, Any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 6 shall be subject to civil penalties for failing to report as required by law.
(4) participation in drug and therapeutic device selection; drug administration for first
327.8 dosage and medical emergencies; intramuscular and subcutaneous drug administration under
327.9 a prescription drug order; drug regimen reviews; and drug or drug-related research;
327.10 (5) drug administration, through intramuscular and subcutaneous administration used
327.11 to treat mental illnesses as permitted under the following conditions:
327.12 (i) upon the order of a prescriber and the prescriber is notified after administration is
327.13 complete; or
327.14 (ii) pursuant to a protocol or collaborative practice agreement as defined by section
327.15 151.01, subdivisions 27b and 27c; and participation in the initiation, management,
327.16 modification, administration, and discontinuation of drug therapy is according to the protocol
327.17 or collaborative practice agreement between the pharmacist and a dentist, optometrist,
327.18 physician, physician assistant; podiatrist; or veterinarian, or an advanced practice registered
327.19 nurse authorized to prescribe, dispense, and administer under section 148.235. Any changes
327.20 in drug therapy or medication administration made pursuant to a protocol or collaborative
327.21 practice agreement must be documented by the pharmacist in the patient's medical record
327.22 or reported by the pharmacist to a practitioner responsible for the patient's care;
327.23 (6) participation in administration of influenza vaccines and vaccines
327.24 authorized or
327.25 approved by the United States Food and Drug Administration related to COVID-19 or
327.26 SARS-CoV-2 to all eligible individuals six years of age and older and all other vaccines to
327.27 patients 13 years of age and older by written protocol with a physician licensed under chapter
327.28 147; a physician assistant authorized to prescribe drugs under chapter 147A; or an advanced
327.29 practice registered nurse authorized to prescribe drugs under section 148.235; provided that:
327.30 (i) the protocol includes, at a minimum:
327.31 (A) the name, dose, and route of each vaccine that may be given;
327.32 (B) the patient population for whom the vaccine may be given;
327.33 (C) contraindications and precautions to the vaccine;
327.34 (D) the procedure for handling an adverse reaction;
327.35 (E) the name, signature, and address of the physician, physician assistant, or advanced
327.36 practice registered nurse;
327.37 (F) a telephone number at which the physician, physician assistant, or advanced practice
327.38 registered nurse can be contacted; and
327.39 (G) the date and time period for which the protocol is valid;
327.40 (ii) the pharmacist has successfully completed a program approved by the Accreditation
327.41 Council for Pharmacy Education (ACPE) specifically for the administration of immunizations
327.42 or a program approved by the board.
(iii) the pharmacist utilizes the Minnesota Immunization Information Connection to assess the immunization status of individuals prior to the administration of vaccines, except when administering influenza vaccines to individuals age nine and older;

(iv) the pharmacist reports the administration of the immunization to the Minnesota Immunization Information Connection; and

(v) the pharmacist complies with guidelines for vaccines and immunizations established by the federal Advisory Committee on Immunization Practices; except that a pharmacist does not need to comply with those portions of the guidelines that establish immunization schedules when administering a vaccine pursuant to a valid, patient-specific order issued by a physician licensed under chapter 147, a physician assistant authorized to prescribe drugs under chapter 147A, or an advanced practice registered nurse authorized to prescribe drugs under section 148.235; provided that the order is consistent with the United States Food and Drug Administration approved labeling of the vaccine; and

(vi) the pharmacist has a current certificate in cardiopulmonary resuscitation;

(7) participation in the initiation, management, modification, and discontinuation of drug therapy according to a written protocol or collaborative practice agreement between:

(i) one or more pharmacists and one or more dentists, optometrists, physicians, physician assistants, podiatrists, or veterinarians; or (ii) one or more pharmacists and one or more physician assistants authorized to prescribe, dispense, and administer under chapter 147A, or advanced practice registered nurses authorized to prescribe, dispense, and administer under section 148.235. Any changes in drug therapy made pursuant to a protocol or collaborative practice agreement must be documented by the pharmacist in the patient's medical record or reported by the pharmacist to a practitioner responsible for the patient's care;

(8) participation in the storage of drugs and the maintenance of records;

(9) patient counseling on therapeutic values, content, hazards, and uses of drugs and devices;

(10) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy;

(11) participation in the initiation, management, modification, and discontinuation of therapy with opiate antagonists, as defined in section 604A.04, subdivision 1, pursuant to:

(i) a written protocol as allowed under clause (7); or

(ii) a written protocol with a community health board medical consultant or a practitioner designated by the commissioner of health, as allowed under section 151.37, subdivision 13;

(12) prescribing self-administered hormonal contraceptives; nicotine replacement medications; and opiate antagonists for the treatment of an acute opiate overdose pursuant to section 151.37, subdivision 14, 15, or 16; and
(13) participation in the placement of drug monitoring devices according to a prescription, protocol, or collaborative practice agreement.

(b) A pharmacist may delegate the authority to administer vaccines under paragraph (a), clause (6), to a pharmacy technician or pharmacist intern who has completed training in vaccine administration if:

(1) the pharmacy technician or pharmacist intern has successfully completed a program approved by the ACPE specifically for the administration of immunizations or a program approved by the board;

(2) the pharmacy technician or pharmacist intern has current certificate in cardiopulmonary resuscitation;

(3) the pharmacist intern has the ability, under the direct supervision of a pharmacist, to utilize the Minnesota Immunization Information Connection to assess the immunization status of individuals prior to the administration of vaccines, except when administering influenza vaccines to individuals age nine and older;

(4) the pharmacy technician has completed a minimum of two hours of ACPE-approved, immunization-related continuing pharmacy education as part of the pharmacy technician's two-year continuing education schedule;

(5) the pharmacy technician has completed one of the training programs listed under Minnesota Rules, part 6800.3850, subpart 1h, item B; and

(6) the pharmacy technician or pharmacist intern administering vaccinations is supervised by a licensed pharmacist according to the following requirements:

(i) the supervising pharmacist is readily and immediately available to the immunizing pharmacy technician or pharmacist intern; and

(ii) direct supervision under this clause is provided in person and not through telehealth, as defined under section 62A.673, subdivision 2.

Subdivision 1. Application fees. Application fees for licensure and registration are as follows:

(1) pharmacist licensed by examination, $175; pharmacist licensed by reciprocity, $275; pharmacy intern, $50; pharmacy technician, $50; pharmacy, $260; drug wholesaler, legend drugs only, $5,260.

(2) pharmacist licensed by examination, $225; pharmacist licensed by reciprocity, $300; pharmacy intern, $75; pharmacy technician, $60; pharmacy, $450; drug wholesaler, legend drugs only, $5,500;
Subd. 2. For each additional facility;

Subd. 3. Original license fee. The pharmacist original licensure fee, $175.

Sec. 14. Minnesota Statutes 2022, section 151.065, subdivision 3, is amended to read:

Subd. 2. For each additional facility;

Subd. 3. Annual renewal fees. The pharmacist annual licensure fees are as follows:

1. Pharmacy, $260.

2. Pharmacy technician, $55.

3. Pharmacist, $450.

4. Drug wholesaler, legend drugs only, $5,260.

5. Drug wholesaler, legend and nonlegend drugs, $5,500.

6. Drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, $5,260.

7. Drug wholesaler, medical gases, $5,500 for the first facility and $260.

8. Third-party logistics provider, $260.

House Language UES2995-2

Senate Language S2995-3

May 01, 2023 09:00 AM

Page 20

Revisor full-text side-by-side
(9) drug manufacturer, nonopiate legend drugs only, $5,500.
(10) drug manufacturer, nonopiate legend and nonlegend drugs, $5,500.
(11) drug manufacturer, nonlegend, veterinary legend drugs, or both, $5,500.
(12) drug manufacturer, medical gases, $5,500 for the first facility and $500 for each additional facility;
(13) drug manufacturer, also licensed as a pharmacy in Minnesota, $5,500.
(14) drug manufacturer of opiate-containing controlled substances listed in section 152.02, subdivisions 3 to 5,
(15) medical gas dispenser, $260.
(16) controlled substance researcher, $250; and
(17) pharmacy professional corporation, $450.
Sec. 15. Minnesota Statutes 2022, section 151.065, subdivision 4, is amended to read:
(a) A pharmacist who has allowed the pharmacist's license to lapse may reinstate the license with board approval and upon payment of any fees and late fees in arrears, up to a maximum of $1,000.
(b) A pharmacy technician who has allowed the technician's registration to lapse may reinstate the registration with board approval and upon payment of any fees and late fees in arrears, up to a maximum of $250.
(c) An owner of a pharmacy, a drug wholesaler, a drug manufacturer, third-party logistics provider, or a medical gas dispenser who has allowed the license of the establishment to lapse may reinstate the license with board approval and upon payment of any fees and late fees in arrears.
(d) A controlled substance researcher who has allowed the researcher's registration to lapse may reinstate the registration with board approval and upon payment of any fees and late fees in arrears.
e) A pharmacist owner of a professional corporation who has allowed the corporation's registration to lapse may reinstate the registration with board approval and upon payment of any fees and late fees in arrears.

Sec. 17. Minnesota Statutes 2022, section 151.555, is amended to read:

151.555 PRESCRIPTION DRUG MEDICATION REPOSITORY PROGRAM.

Subdivision 1. Definitions. (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Central repository" means a wholesale distributor that meets the requirements under subdivision 3 and enters into a contract with the Board of Pharmacy in accordance with this section.

c) "Distribute" means to deliver, other than by administering or dispensing.

d) "Donor" means:

(1) a health care facility as defined in this subdivision;

(2) a skilled nursing facility licensed under chapter 144A;

(3) an assisted living facility licensed under chapter 144G;

(4) a pharmacy licensed under section 151.19, and located either in the state or outside the state;

(5) a drug wholesaler licensed under section 151.47;

(6) a drug manufacturer licensed under section 151.252; or

(7) an individual at least 18 years of age, provided that the drug or medical supply that is donated was obtained legally and meets the requirements of this section for donation.

e) "Drug" means any prescription drug that has been approved for medical use in the United States, is listed in the United States Pharmacopoeia or National Formulary, and meets the criteria established under this section for donation; or any over-the-counter medication that meets the criteria established under this section for donation. This definition includes cancer drugs and antirejection drugs, but does not include controlled substances, as defined in section 152.01, subdivision 4, or a prescription drug that can only be dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements.

(f) "Health care facility" means:

(1) a physician's office or health care clinic where licensed practitioners provide health care to patients;

(2) a hospital licensed under section 144.50;

(3) an assisted living facility licensed under chapter 144G;

(4) a pharmacy licensed under section 151.19, and located either in the state or outside the state;

(5) a drug wholesaler licensed under section 151.47;

(6) a drug manufacturer licensed under section 151.252; or

(7) an individual at least 18 years of age, provided that the drug or medical supply that is donated was obtained legally and meets the requirements of this section for donation.

e) "Drug" means any prescription drug that has been approved for medical use in the United States, is listed in the United States Pharmacopoeia or National Formulary, and meets the criteria established under this section for donation; or any over-the-counter medication that meets the criteria established under this section for donation. This definition includes cancer drugs and antirejection drugs, but does not include controlled substances, as defined in section 152.01, subdivision 4, or a prescription drug that can only be dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements.

(f) "Health care facility" means:

(1) a physician's office or health care clinic where licensed practitioners provide health care to patients;

(2) a hospital licensed under section 144.50;
(3) a pharmacy licensed under section 151.19 and located in Minnesota; or

(4) a nonprofit community clinic, including a federally qualified health center; a rural health clinic; public health clinic; or other community clinic that provides health care utilizing a sliding fee scale to patients who are low-income, uninsured, or underinsured.

Subd. 2. subdivision 3 to implement and administer the received; health clinic; public health clinic; or other community clinic that provides health care utilizing a sliding fee scale to patients who are low-income, uninsured, or underinsured.

Subd. 2. subdivision 3 to implement and administer the received; health clinic; public health clinic; or other community clinic that provides health care utilizing a sliding fee scale to patients who are low-income, uninsured, or underinsured.

(i) "Local repository" means a health care facility that elects to accept donated drugs and medical supplies and meets the requirements of subdivision 4.

Subd. 3. (g) "Local repository" means a health care facility that elects to accept donated drugs and medical supplies and meets the requirements of subdivision 4.

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Subd. 3. (g) "Local repository" means a health care facility that elects to accept donated drugs and medical supplies and meets the requirements of subdivision 4.
Subd. 3. Central repository requirements. (a) The board may publish a request for proposal for participants who meet the requirements of this subdivision and are interested in acting as the central repository for the medication repository program. If the board publishes a request for proposal, it shall follow all applicable state procurement procedures in the selection process. The board may also work directly with the University of Minnesota to establish a central repository.

(b) To be eligible to act as the central repository, the participant must be a wholesale drug distributor located in Minnesota, licensed pursuant to section 151.47, and in compliance with all applicable federal and state statutes, rules, and regulations.

(c) The central repository shall be subject to inspection by the board pursuant to section 151.06, subdivision 1.

(d) The central repository shall comply with all applicable federal and state laws, rules, and regulations pertaining to the medication repository program, drug storage, and dispensing. The facility must maintain in good standing any state license or registration that applies to the facility.

Subd. 4. Local repository requirements. (a) To be eligible for participation in the medication repository program, a health care facility must agree to comply with all applicable federal and state laws, rules, and regulations pertaining to the medication repository program, drug storage, and dispensing. The facility must also agree to maintain in good standing any required state license or registration that applies to the facility.

(b) A local repository may elect to participate in the program by submitting the following information to the central repository on a form developed by the board and made available on the board’s website:

(1) the name, street address, and telephone number of the health care facility and any state-issued license or registration number issued to the facility, including the issuing state agency;

(2) the name and telephone number of a responsible pharmacist or practitioner who is employed by or under contract with the health care facility; and

(3) a statement signed and dated by the responsible pharmacist or practitioner indicating that the health care facility meets the eligibility requirements under this section and agrees to comply with this section.

(c) Participation in the medication repository program is voluntary. A local repository may withdraw from participation in the medication repository program at any time by providing written notice to the central repository on a form developed by the board and made available on the board’s website. The central repository shall provide the

334.27 (3) require the board to annually audit the expenditure by the central repository of any money appropriated by the legislature and transferred by the board to ensure that this money is used only for purposes specified in the contract.

334.30 Subd. 3. Central repository requirements. (a) The board may publish a request for proposal for participants who meet the requirements of this subdivision and are interested in acting as the central repository for the medication repository program. If the board publishes a request for proposal, it shall follow all applicable state procurement procedures in the selection process. The board may also work directly with the University of Minnesota to establish a central repository.

(b) To be eligible to act as the central repository, the participant must be a wholesale drug distributor located in Minnesota, licensed pursuant to section 151.47, and in compliance with all applicable federal and state statutes, rules, and regulations.

(c) The central repository shall be subject to inspection by the board pursuant to section 151.06, subdivision 1.

(d) The central repository shall comply with all applicable federal and state laws, rules, and regulations pertaining to the medication repository program, drug storage, and dispensing. The facility must maintain in good standing any state license or registration that applies to the facility.

Subd. 4. Local repository requirements. (a) To be eligible for participation in the medication repository program, a health care facility must agree to comply with all applicable federal and state laws, rules, and regulations pertaining to the medication repository program, drug storage, and dispensing. The facility must also agree to maintain in good standing any required state license or registration that may apply to the facility.

(b) A local repository may elect to participate in the program by submitting the following information to the central repository on a form developed by the board and made available on the board’s website:

(1) the name, street address, and telephone number of the health care facility and any state-issued license or registration number issued to the facility, including the issuing state agency;

(2) the name and telephone number of a responsible pharmacist or practitioner who is employed by or under contract with the health care facility; and

(3) a statement signed and dated by the responsible pharmacist or practitioner indicating that the health care facility meets the eligibility requirements under this section and agrees to comply with this section.

(c) Participation in the medication repository program is voluntary. A local repository may withdraw from participation in the medication repository program at any time by providing written notice to the central repository on a form developed by the board and made available on the board’s website. The central repository shall provide the
board with a copy of the withdrawal notice within ten business days from the date of receipt.

Subd. 5. Individual eligibility and application requirements. (a) To be eligible for
the medication repository program, an individual must submit to a local repository an
intake application form that is signed by the individual and attests that the individual:

1. is a resident of Minnesota;
2. is uninsured and is not enrolled in the medical assistance program under chapter
256B or the MinnesotaCare program under chapter 256L, has no prescription drug coverage, or
is underinsured;
3. acknowledges that the drugs or medical supplies to be received through the program
may have been donated; and
4. consents to a waiver of the child-resistant packaging requirements of the federal
Poison Prevention Packaging Act.

(b) Upon determining that an individual is eligible for the program, the local repository
shall furnish the individual with an identification card. The card shall be valid for one year
from the date of issuance and may be used at any local repository. A new identification card
may be issued upon expiration once the individual submits a new application form.

(c) The local repository shall send a copy of the intake application form to the central
repository by regular mail, facsimile, or secured email within ten days from the date the
application is approved by the local repository.

(d) The board shall develop and make available on the board's website an application
form and the format for the identification card.

Subd. 6. Standards and procedures for accepting donations of drugs and supplies. (a) A donor may donate prescription
drugs or medical supplies to the central repository or a
local repository if the drug or supply meets the requirements of this section as determined
by a pharmacist or practitioner who is employed by or under contract with the central
repository or a local repository.

(b) A prescription drug is eligible for donation under the medication repository
program if the following requirements are met:

1. the donation is accompanied by a medication repository donor form described
under paragraph (d) that is signed by an individual who is authorized by the donor to attest
to the donor's knowledge in accordance with paragraph (d);
2. the drug's expiration date is at least six months after the date the drug was donated.
3. If a donated drug bears an expiration date that is less than six months from the donation
date, the drug may be accepted and distributed if the drug is in high demand and can be
dispensed for use by a patient before the drug's expiration date;
the drug is in its original, sealed, unopened, tamper-evident packaging that includes the expiration date. Single-unit-dose drugs may be accepted if the single-unit-dose packaging is unopened;

(4) the drug or the packaging does not have any physical signs of tampering, misbranding, deterioration, compromised integrity, or adulteration;

(5) the drug does not require storage temperatures other than normal room temperature as specified by the manufacturer or United States Pharmacopoeia, unless the drug is being donated directly by its manufacturer, a wholesale drug distributor, or a pharmacy located in Minnesota; and

(6) the prescription drug is not a controlled substance.

c) A medical supply is eligible for donation under the medication repository program if the following requirements are met:

(1) the supply has no physical signs of tampering, misbranding, or alteration and there is no reason to believe it has been adulterated, tampered with, or misbranded;

(2) the supply is in its original, unopened, sealed packaging;

(3) the donation is accompanied by a medication repository donor form described under paragraph (d) that is signed by an individual who is authorized by the donor to attest to the donor's knowledge in accordance with paragraph (d); and

(4) if the supply bears an expiration date, the date is at least six months later than the date the supply was donated. If the donated supply bears an expiration date that is less than six months from the date the supply was donated, the supply may be accepted and distributed if the supply is in high demand and can be dispensed for use by a patient before the supply's expiration date.

(d) The board shall develop the medication repository donor form and make it available on the board's website. The form must state that to the best of the donor's knowledge the donated drug or supply has been properly stored under appropriate temperature and humidity conditions and that the drug or supply has never been opened, used, tampered with, adulterated, or misbranded.

e) Donated drugs and supplies may be shipped or delivered to the premises of the central repository or a local repository, and shall be inspected by a pharmacist or an authorized practitioner who is employed by or under contract with the repository and who has been designated by the repository to accept donations. A drop box must not be used to deliver or accept donations.

(f) The central repository and local repository shall inventory all drugs and supplies donated to the repository. For each drug, the inventory must include the drug's name, strength, quantity, manufacturer, expiration date, and the date the drug was donated. For each medical
supply, the inventory must include a description of the supply, its manufacturer, the date
the supply was donated, and, if applicable, the supply's brand name and expiration date.

Subd. 7. Standards and procedures for inspecting and storing donated prescription
drugs and supplies. (a) A pharmacist or authorized practitioner who is employed by or
under contract with the central repository or a local repository shall inspect all donated
prescription drugs and supplies before the drug or supply is dispensed to determine, to the
extent reasonably possible in the professional judgment of the pharmacist or practitioner,
that the drug or supply is not adulterated or misbranded, has not been tampered with, is safe
and suitable for dispensing, has not been subject to a recall, and meets the requirements for
donation. The pharmacist or practitioner who inspects the drugs or supplies shall sign an
inspection record stating that the requirements for donation have been met. If a local
repository receives drugs and supplies from the central repository, the local repository does
not need to reinspect the drugs and supplies.

(b) The central repository and local repositories shall store donated drugs and supplies
in a secure storage area under environmental conditions appropriate for the drug or supply
being stored. Donated drugs and supplies may not be stored with nondonated inventory.

(c) The central repository and local repositories shall dispose of all prescription drugs
and medical supplies that are not suitable for donation in compliance with applicable federal
and state statutes, regulations, and rules concerning hazardous waste.

(d) In the event that controlled substances or prescription drugs that can only be dispensed
to a patient registered with the drug's manufacturer are shipped or delivered to a central or
local repository for donation, the shipment delivery must be documented by the repository
and returned immediately to the donor or the donor's representative that provided the drugs.

(e) Each repository must develop drug and medical supply recall policies and procedures.
If a repository receives a recall notification, the repository shall destroy all of the drug or
medical supply in its inventory that is the subject of the recall and complete a record of
destruction form in accordance with paragraph (f). If a drug or medical supply that is the
subject of a Class I or Class II recall has been dispensed, the repository shall immediately
notify the recipient of the recalled drug or medical supply. A drug that potentially is subject
to a recall need not be destroyed if its packaging bears a lot number and that lot of the drug
is not subject to the recall. If no lot number is on the drug's packaging, it must be destroyed.

(f) A record of destruction of donated drugs and supplies that are not dispensed under
subdivision 8, are subject to a recall under paragraph (e), or are not suitable for donation
shall be maintained by the repository for at least two years. For each drug or supply destroyed,
the record shall include the following information:

(1) the date of destruction;
(2) the name, strength, and quantity of the drug destroyed; and
(3) the name of the person or firm that destroyed the drug.

supply, the inventory must include a description of the supply, its manufacturer, the date
the supply was donated, and, if applicable, the supply's brand name and expiration date.

Subd. 7. Standards and procedures for inspecting and storing donated prescription
drugs and supplies. (a) A pharmacist or authorized practitioner who is employed by or
under contract with the central repository or a local repository shall inspect all donated
prescription drugs and supplies before the drug or supply is dispensed to determine, to the
extent reasonably possible in the professional judgment of the pharmacist or practitioner,
that the drug or supply is not adulterated or misbranded, has not been tampered with, is safe
and suitable for dispensing, has not been subject to a recall, and meets the requirements for
donation. The pharmacist or practitioner who inspects the drugs or supplies shall sign an
inspection record stating that the requirements for donation have been met. If a local
repository receives drugs and supplies from the central repository, the local repository does
not need to reinspect the drugs and supplies.

(b) The central repository and local repositories shall store donated drugs and supplies
in a secure storage area under environmental conditions appropriate for the drug or supply
being stored. Donated drugs and supplies may not be stored with nondonated inventory.

(c) The central repository and local repositories shall dispose of all prescription drugs
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local repository for donation, the shipment delivery must be documented by the repository
and returned immediately to the donor or the donor's representative that provided the drugs.

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If a repository receives a recall notification, the repository shall destroy all of the drug or
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notify the recipient of the recalled drug or medical supply. A drug that potentially is subject
to a recall need not be destroyed if its packaging bears a lot number and that lot of the drug
is not subject to the recall. If no lot number is on the drug's packaging, it must be destroyed.

(f) A record of destruction of donated drugs and supplies that are not dispensed under
subdivision 8, are subject to a recall under paragraph (e), or are not suitable for donation
shall be maintained by the repository for at least two years. For each drug or supply destroyed,
the record shall include the following information:

(1) the date of destruction;
(2) the name, strength, and quantity of the drug destroyed; and
(3) the name of the person or firm that destroyed the drug.
Subd. 8. Dispensing requirements. (a) Donated drugs and supplies may be dispensed
if the drugs or supplies are prescribed by a practitioner for use by an eligible individual and
are dispensed by a pharmacist or practitioner. A repository shall dispense drugs and supplies
to eligible individuals in the following priority order: (1) individuals who are uninsured;
(2) individuals with no prescription drug coverage; and (3) individuals who are underinsured.
A repository shall dispense donated prescription drugs in compliance with applicable federal
and state laws and regulations for dispensing prescription drugs, including all requirements
relating to packaging, labeling, record keeping, drug utilization review, and patient
counseling.

(b) Before dispensing or administering a drug or supply, the pharmacist or practitioner
shall visually inspect the drug or supply for adulteration, misbranding, tampering, and date
of expiration. Drugs or supplies that have expired or appear upon visual inspection to be
adulterated, misbranded, or tampered with in any way must not be dispensed or administered.
(c) Before a drug or supply is dispensed or administered to an individual, the individual
must sign a drug repository recipient form acknowledging that the individual understands
the information stated on the form. The board shall develop the form and make it available
on the board's website. The form must include the following information:

(1) that the drug or supply being dispensed or administered has been donated and may
have been previously dispensed;
(2) that a visual inspection has been conducted by the pharmacist or practitioner to ensure
that the drug or supply has not expired, has not been adulterated or misbranded, and is in
its original, unopened packaging; and

Subd. 9. Handling fees. (a) The central or local repository may charge the individual
receiving a drug or supply a handling fee of no more than 250 percent of the medical
assistance program dispensing fee for each drug or medical supply dispensed or administered
by that repository.

(b) A repository that dispenses or administers a drug or medical supply through the
medication repository program shall not receive reimbursement under the medical assistance
program of the MinnesotaCare program for that dispensed or administered drug or supply.

Subd. 10. Distribution of donated drugs and supplies. (a) The central repository and
local repositories may distribute drugs and supplies donated under the medication
repository program to other participating repositories for use pursuant to this program.

Subd. 8. Dispensing requirements. (a) Donated drugs and supplies may be dispensed
if the drugs or supplies are prescribed by a practitioner for use by an eligible individual and
are dispensed by a pharmacist or practitioner. A repository shall dispense drugs and supplies
to eligible individuals in the following priority order: (1) individuals who are uninsured;
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A repository shall dispense donated prescription drugs in compliance with applicable federal
and state laws and regulations for dispensing prescription drugs, including all requirements
relating to packaging, labeling, record keeping, drug utilization review, and patient
counseling.

(b) Before dispensing or administering a drug or supply, the pharmacist or practitioner
shall visually inspect the drug or supply for adulteration, misbranding, tampering, and date
of expiration. Drugs or supplies that have expired or appear upon visual inspection to be
adulterated, misbranded, or tampered with in any way must not be dispensed or administered.
(c) Before a drug or supply is dispensed or administered to an individual, the individual
must sign a drug repository recipient form acknowledging that the individual understands
the information stated on the form. The board shall develop the form and make it available
on the board's website. The form must include the following information:

(1) that the drug or supply being dispensed or administered has been donated and may
have been previously dispensed;
(2) that a visual inspection has been conducted by the pharmacist or practitioner to ensure
that the drug or supply has not expired, has not been adulterated or misbranded, and is in
its original, unopened packaging; and

Subd. 9. Handling fees. (a) The central or local repository may charge the individual
receiving a drug or supply a handling fee of no more than 250 percent of the medical
assistance program dispensing fee for each drug or medical supply dispensed or administered
by that repository.

(b) A repository that dispenses or administers a drug or medical supply through the
medication repository program shall not receive reimbursement under the medical assistance
program of the MinnesotaCare program for that dispensed or administered drug or supply.

Subd. 10. Distribution of donated drugs and supplies. (a) The central repository and
local repositories may distribute drugs and supplies donated under the medication
repository program to other participating repositories for use pursuant to this program.
(b) A local repository that elects not to dispense donated drugs or supplies must transfer all donated drugs and supplies to the central repository. A copy of the donor form that was completed by the original donor under subdivision 6 must be provided to the central repository at the time of transfer.

Subd. 11. Forms and record-keeping requirements. (a) The following forms developed for the administration of this program shall be utilized by the participants of the program and shall be available on the board’s website:

1. Intake application form described under subdivision 5;
2. Local repository participation form described under subdivision 4;
3. Local repository withdrawal form described under subdivision 4;
4. Medication repository donor form described under subdivision 6;
5. Record of destruction form described under subdivision 7; and
6. Medication repository recipient form described under subdivision 8.

(b) All records, including drug inventory, inspection, and disposal of donated medication, drugs and medical supplies, must be maintained by a repository for a minimum of two years. Records required as part of this program must be maintained pursuant to all applicable practice acts.

(c) Data collected by the medication repository program from all local repositories shall be submitted quarterly or upon request to the central repository. Data collected may consist of the information, records, and forms required to be collected under this section.

(d) The central repository shall submit reports to the board as required by the contract or upon request of the board.

Subd. 12. Liability. (a) The manufacturer of a drug or supply is not subject to criminal or civil liability for injury, death, or loss to a person or to property for causes of action described in clauses (1) and (2). A manufacturer is not liable for:

1. The intentional or unintentional alteration of the drug or supply by a party not under the control of the manufacturer; or
2. The failure of a party not under the control of the manufacturer to transfer or communicate product or consumer information or the expiration date of the donated drug or supply.

(b) A health care facility participating in the program, a pharmacist dispensing a drug or supply pursuant to the program, a practitioner dispensing or administering a drug or supply pursuant to the program, or a donor of a drug or medical supply is immune from civil liability for an act or omission that causes injury to or the death of an individual to whom the drug or supply is dispensed and no disciplinary action by a health-related licensing board.
board shall be taken against a pharmacist or practitioner so long as the drug or supply is donated, accepted, distributed, and dispensed according to the requirements of this section. This immunity does not apply if the act or omission involves reckless, wanton, or intentional misconduct, or malpractice unrelated to the quality of the drug or medical supply.

Subd. 13. Drug returned for credit. Nothing in this section allows a long-term care facility to donate a drug to a central or local repository when federal or state law requires the drug to be returned to the pharmacy that initially dispensed it, so that the pharmacy can credit the payer for the amount of the drug returned.

Subd. 14. Cooperation. The central repository, as approved by the Board of Pharmacy, may enter into an agreement with another state that has an established drug repository or drug donation program if the other state's program includes regulations to ensure the purity, integrity, and safety of the drugs and supplies donated, to permit the central repository to offer to another state program inventory that is not needed by a Minnesota resident and to accept inventory from another state program to be distributed to local repositories and dispensed to Minnesota residents in accordance with this program.

Subd. 15. Funding. The central repository may seek grants and other money from the federal, state, local, and non-profit charitable organizations, the federal government, and other sources to fund the ongoing operations of the medication repository program.

Sec. 10. Minnesota Statutes 2022, section 151.74, subdivision 3, is amended to read:

Subd. 3. Access to urgent-need insulin. (a) MNsure shall develop an application form to be used by an individual who is in urgent need of insulin. The application must ask the individual to attest to the eligibility requirements described in subdivision 2. The form shall be accessible through MNsure's website. MNsure shall also make the form available to pharmacies and health care providers who prescribe or dispense insulin, hospital emergency departments, urgent care clinics, and community health clinics. By submitting a completed, signed, and dated application to a pharmacy, the individual attests that the information contained in the application is correct.

(b) If the individual is in urgent need of insulin, the individual may present a completed, signed, and dated application form to a pharmacy. The individual must also:

1. have a valid insulin prescription; and
2. present the pharmacist with identification indicating Minnesota residency in the form of a valid Minnesota identification card, driver's license or permit, individual taxpayer identification number, or Tribal identification card as defined in section 274.27.
3. If the individual in urgent need of insulin is under the age of 18, the individual's parent or legal guardian must provide the pharmacist with proof of residency.

Subd. 13. Drug returned for credit. Nothing in this section allows a long-term care facility to donate a drug to a central or local repository when federal or state law requires the drug to be returned to the pharmacy that initially dispensed it, so that the pharmacy can credit the payer for the amount of the drug returned.

Subd. 14. Cooperation. The central repository, as approved by the Board of Pharmacy, may enter into an agreement with another state that has an established drug repository or drug donation program if the other state's program includes regulations to ensure the purity, integrity, and safety of the drugs and supplies donated, to permit the central repository to offer to another state program inventory that is not needed by a Minnesota resident and to accept inventory from another state program to be distributed to local repositories and dispensed to Minnesota residents in accordance with this program.

Subd. 15. Funding. The central repository may seek grants and other money from nonprofit charitable organizations, the federal government, and other sources to fund the ongoing operations of the medication repository program.

THE FOLLOWING SECTION HAS BEEN MOVED IN FROM UES2995-2, ARTICLE 13, SECTION 10

Subd. 3. Access to urgent-need insulin. (a) MNsure shall develop an application form to be used by an individual who is in urgent need of insulin. The application must ask the individual to attest to the eligibility requirements described in subdivision 2. The form shall be accessible through MNsure's website. MNsure shall also make the form available to pharmacies and health care providers who prescribe or dispense insulin, hospital emergency departments, urgent care clinics, and community health clinics. By submitting a completed, signed, and dated application to a pharmacy, the individual attests that the information contained in the application is correct.

(b) If the individual is in urgent need of insulin, the individual may present a completed, signed, and dated application form to a pharmacy. The individual must also:

1. have a valid insulin prescription; and
2. present the pharmacist with identification indicating Minnesota residency in the form of a valid Minnesota identification card, driver's license or permit, individual taxpayer identification number, or Tribal identification card as defined in section 171.072, paragraph (b). If the individual in urgent need of insulin is under the age of 18, the individual's parent or legal guardian must provide the pharmacist with proof of residency.
Upon receipt of a completed and signed application, the pharmacist shall dispense the prescribed insulin in an amount that will provide the individual with a 30-day supply. The pharmacist must notify the health care practitioner who issued the prescription order no later than 72 hours after the insulin is dispensed.

The pharmacy may submit to the manufacturer of the dispensed insulin product or to the manufacturer's vendor a claim for payment that is in accordance with the National Council for Prescription Drug Program standards for electronic claims processing, unless the manufacturer agrees to send to the pharmacy a replacement supply of the same insulin as dispensed in the amount dispensed. If the pharmacy submits an electronic claim to the manufacturer or the manufacturer's vendor, the pharmacy shall reimburse the pharmacy in an amount that covers the pharmacy's acquisition cost.

The pharmacist may collect an insulin co-payment from the individual to cover the pharmacy's costs of processing and dispensing in an amount not to exceed $35 for the 30-day supply of insulin dispensed.

The pharmacy shall also provide each eligible individual with the information sheet described in subdivision 7 and a list of trained navigators provided by the Board of Pharmacy for the individual to contact if the individual is in need of accessing ongoing insulin coverage options, including assistance in:

1. Applying for medical assistance or MinnesotaCare;
2. Applying for a qualified health plan offered through MNsure, subject to open and special enrollment periods;
3. Accessing information on providers who participate in prescription drug discount programs, including providers who are authorized to participate in the 340B program under section 340b of the federal Public Health Services Act, United States Code, title 42, section 256b; and
4. Accessing insulin manufacturers' patient assistance programs, co-payment assistance programs, and other foundation-based programs.

The pharmacist shall retain a copy of the application form submitted by the individual to the pharmacy for reporting and auditing purposes.

The following section was moved in from UES2995-2, article 13, section 11: Sec. 11. Minnesota Statutes 2022, section 151.74, subdivision 4, is amended to read:

(a) Each manufacturer shall make a patient assistance program available to any individual who meets the requirements of this subdivision. Each manufacturer's patient assistance programs must meet the requirements of this section. Each manufacturer shall provide the Board of Pharmacy with information for the purposes of providing assistance to the individual to contact if the individual is in need of accessing ongoing insulin coverage options, including assistance in:

1. Applying for medical assistance or MinnesotaCare;
2. Applying for a qualified health plan offered through MNsure, subject to open and special enrollment periods;
3. Accessing information on providers who participate in prescription drug discount programs, including providers who are authorized to participate in the 340B program under section 340b of the federal Public Health Services Act, United States Code, title 42, section 256b; and
4. Accessing insulin manufacturers' patient assistance programs, co-payment assistance programs, and other foundation-based programs.

The pharmacist shall retain a copy of the application form submitted by the individual to the pharmacy for reporting and auditing purposes.
regarding the manufacturer's patient assistance program, including contact information for
individuals to call for assistance in accessing their patient assistance program.

(b) To be eligible to participate in a manufacturer's patient assistance program, the
individual must:

(1) be a Minnesota resident with a valid Minnesota identification card that indicates
Minnesota residency in the form of a Minnesota identification card, driver's license or
permit, individual taxpayer identification number, or Tribal identification card as defined
in section 171.072, paragraph (b). If the individual is under the age of 18, the individual's
parent or legal guardian must provide proof of residency;

(2) have a family income that is equal to or less than 400 percent of the federal poverty
guidelines;

(3) not be enrolled in medical assistance or MinnesotaCare;

(4) not be eligible to receive health care through a federally funded program or receive
description benefits through the Department of Veterans Affairs; and

(5) be a Minnesota resident with a valid Minnesota identification card that indicates
Minnesotan residency in the form of a Minnesota identification card, driver’s license or
permit, individual taxpayer identification number, or Tribal identification card as defined
in section 171.072, paragraph (b). If the individual is under the age of 18, the individual's
parent or legal guardian must provide proof of residency;

(2) have a family income that is equal to or less than 400 percent of the federal poverty
guidelines;

(3) not be enrolled in medical assistance or MinnesotaCare;

(4) not be eligible to receive health care through a federally funded program or receive
description benefits through the Department of Veterans Affairs; and

(5) not be enrolled in prescription drug coverage through an individual or group health
plan that limits the total amount of cost-sharing that an enrollee is required to pay for a
30-day supply of insulin, including co-payments, deductibles, or coinsurance to $75 or less,
regardless of the type or amount of insulin needed.

(c) Notwithstanding the requirement in paragraph (b), clause (4), an individual who is
enrolled in Medicare Part D is eligible for a manufacturer's patient assistance program if
the individual has spent $1,000 on prescription drugs in the current calendar year and meets
the eligibility requirements in paragraph (b), clauses (1) to (3).

(d) An individual who is interested in participating in a manufacturer's patient assistance
program may apply directly to the manufacturer; apply through the individual's health care
practitioner, if the practitioner participates; or contact a trained navigator for assistance in
finding a long-term insulin supply solution, including assistance in applying to a
manufacturer's patient assistance program.

Sec. 20. Minnesota Statutes 2022, section 152.126, subdivision 4, is amended to read:

Subd. 4. Reporting requirements; notice. (a) Each dispenser must submit the following
data to the board or its designated vendor:

(1) name of the prescriber;

(2) national provider identifier of the prescriber;

(3) name of the dispenser;

(4) national provider identifier of the dispenser;

(5) prescription number;
(6) name of the patient for whom the prescription was written;
(7) address of the patient for whom the prescription was written;
(8) date of birth of the patient for whom the prescription was written;
(9) date the prescription was written;
(10) date the prescription was filled;
(11) name and strength of the controlled substance;
(12) quantity of controlled substance prescribed;
(13) quantity of controlled substance dispensed; and
(14) number of days supply.

(b) The dispenser must submit the required information by a procedure and in a format established by the board. The board may allow dispensers to omit data listed in this subdivision or may require the submission of data not listed in this subdivision provided the omission or submission is necessary for the purpose of complying with the electronic reporting or data transmission standards of the American Society for Automation in Pharmacy, the National Council on Prescription Drug Programs, or other relevant national standard-setting body.

(c) A dispenser is not required to submit this data for those controlled substance prescriptions dispensed for:

(1) individuals residing in a health care facility as defined in section 151.58, subdivision 2, paragraph (b), when a drug is distributed through the use of an automated drug distribution system according to section 151.58; and
(2) individuals receiving a drug sample that was packaged by a manufacturer and provided to the dispenser for dispensing as a professional sample pursuant to Code of Federal Regulations, title 21, part 203, subpart D; and
(3) individuals whose prescriptions are being mailed, shipped, or delivered from Minnesota to another state, so long as the data are reported to the prescription drug monitoring program of that state.

(d) A dispenser must provide notice to the patient for whom the prescription was written a conspicuous notice, or to that patient's authorized representative, of the reporting requirements of this section and notice that the information may be used for program administration purposes;

(e) The dispenser must submit the required information within the time frame specified by the board; if no reportable prescriptions are dispensed or sold on any day, a report indicating that fact must be filed with the board.
The dispenser must submit accurate information to the database and must correct
errors identified during the submission process within seven calendar days.

For the purposes of this paragraph, the term "subject of the data" means the individual
reported as being the patient, the practitioner reported as being the prescriber, the client
when an animal is reported as being the patient, or an authorized agent of these individuals.

The dispenser must correct errors brought to its attention by the subject of the data within
seven calendar days, unless the dispenser verifies that an error did not occur and the data
were correctly submitted. The dispenser must notify the subject of the data that either the
error was corrected or that no error occurred.

Sec. 21. Minnesota Statutes 2022, section 152.126, subdivision 5, is amended to read:

Subd. 5. Use of data by board. (a) The board shall develop and maintain a database of
the data reported under subdivision 4. The board shall maintain data that could identify an
individual prescriber or dispenser in encrypted form. Except as otherwise allowed under
subdivision 6, the database may be used by permissible users identified under subdivision
6 for the identification of:

1. individuals receiving prescriptions for controlled substances from prescribers who
   subsequently obtain controlled substances from dispensers in quantities or with a frequency
   inconsistent with generally recognized standards of use for those controlled substances,
   including standards accepted by national and international pain management associations;
   and

2. individuals presenting forged or otherwise false or altered prescriptions for controlled
   substances to dispensers.

(b) No permissible user identified under subdivision 6 may access the database for the
sole purpose of identifying prescribers of controlled substances for unusual or excessive
prescribing patterns without a valid search warrant or court order.

(c) No personnel of a state or federal occupational licensing board or agency may access
the database for the purpose of obtaining information to be used to initiate a disciplinary
action against a prescriber.

(d) Data reported under subdivision 4 shall be made available to permissible users for
an 12-month period beginning the day the data was received and ending 12 months from the
last day of the month in which the data was received, except that permissible users defined
in subdivision 6, paragraph (b), clauses (6), (7), and (8), may use all data collected under
this section for the purposes of administering, operating, and maintaining the prescription
monitoring program and conducting trend analyses and other studies necessary to evaluate
the effectiveness of the program.

(e) Data reported during the period January 1, 2015, through December 31, 2018, may
be retained through December 31, 2019, in an identifiable manner. Effective January 1,
2020, data older than 24 months must be destroyed. Data reported for prescriptions dispensed
on or after January 1, 2020, must be destroyed no later than 12 months from the date the

Sec. 22. Minnesota Statutes 2022, section 152.126, subdivision 6, is amended to read:

Subd. 6. Access to reporting system data. (a) Except as indicated in this subdivision,
the data submitted to the board under subdivision 4 is private data on individuals as defined
in section 13.02, subdivision 12, and not subject to public disclosure.

(b) Except as specified in subdivision 5, the following persons shall be considered
permissible users and may access the data submitted under subdivision 4 in the same or
similar manner, and for the same or similar purposes, as those persons who are authorized
to access similar private data on individuals under federal and state law:

1. a prescriber or an agent or employee of the prescriber to whom the prescriber has
delegated the task of accessing the data, to the extent the information relates specifically to
a current patient, to whom the prescriber is:
   (i) prescribing or considering prescribing any controlled substance;
   (ii) providing emergency medical treatment for which access to the data may be necessary;
   (iii) providing care, and the prescriber has reason to believe, based on clinically valid
indications, that the patient is potentially abusing a controlled substance; or
   (iv) providing other medical treatment for which access to the data may be necessary
for a clinically valid purpose and the patient has consented to access to the submitted data,
and with the provision that the prescriber remains responsible for the use or misuse of data
accessed by a delegated agent or employee;

2. a dispenser or an agent or employee of the dispenser to whom the dispenser has
delegated the task of accessing the data, to the extent the information relates specifically to
a current patient to whom that dispenser is dispensing or considering dispensing any
controlled substance and with the provision that the dispenser remains responsible for the
use or misuse of data accessed by a delegated agent or employee;

3. a licensed dispensing practitioner or licensed pharmacist to the extent necessary to
determine whether corrections made to the data reported under subdivision 4 are accurate;

4. a licensed pharmacist who is providing pharmaceutical care for which access to the
data may be necessary to the extent that the information relates specifically to a current
patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has
consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber
who is requesting data in accordance with clause (1);

5. an individual who is the recipient of a controlled substance prescription for which
data was submitted under subdivision 4, or a guardian of the individual, parent or guardian
of a minor, or health care agent of the individual acting under a health care directive under
281.9 chapter 145C: For purposes of this clause, access by individuals includes persons in the
281.10 definition of an individual under section 13.02;
281.11 (6) personnel or designees of a health-related licensing board listed in section 214.01;
281.12 subdivision 2, or of the Emergency Medical Services Regulatory Board, assigned to conduct
281.13 a bona fide investigation of a complaint received by that board that alleges that a specific
281.14 licensee is impaired by use of a drug for which data is collected under subdivision 4, has
281.15 engaged in activity that would constitute a crime as defined in section 152.025; or has
281.16 engaged in the behavior specified in subdivision 5, paragraph (a);
281.17 (7) personnel of the board engaged in the collection, review, and analysis of controlled
281.18 substance prescription information as part of the assigned duties and responsibilities under
281.19 this section;
281.20 (8) authorized personnel of a vendor under contract with the board, or under contract
281.21 with the state of Minnesota and approved by the board, who are engaged in the design,
281.22 evaluation, implementation, operation, and maintenance of the prescription monitoring
281.23 program as part of the assigned duties and responsibilities of their employment, provided
281.24 that access to data is limited to the minimum amount necessary to carry out such duties and
281.25 responsibilities, and subject to the requirement of de-identification and time limit on retention
281.26 of data specified in subdivision 5, paragraphs (d) and (e);
281.27 (9) federal, state, and local law enforcement authorities acting pursuant to a valid
281.28 search warrant;
281.29 (10) personnel of the Minnesota health care programs assigned to use the data
281.30 collected under this section to identify and manage recipients whose usage of controlled
281.31 substances may warrant restriction to a single primary care provider, a single outpatient
281.32 pharmacy, and a single hospital;
281.33 (11) personnel of the Department of Human Services assigned to access the data
281.34 pursuant to paragraph (k);
281.35 (12) personnel of the health professionals services program established under section
281.36 214.31, to the extent that the information relates specifically to an individual who is currently
281.37 enrolled in and being monitored by the program, and the individual consents to access to
281.38 that information. The health professionals services program personnel shall not provide this
281.39 data to a health-related licensing board or the Emergency Medical Services Regulatory
281.40 Board, except as permitted under section 214.33, subdivision 3; and
281.41 (13) personnel or designees of a health-related licensing board other than the Board
281.42 of Pharmacy listed in section 214.01, subdivision 2, assigned to conduct a bona fide
281.43 investigation of a complaint received by that board that alleges that a specific licensee is
281.44 inappropriately prescribing controlled substances as defined in this section. For the purposes
281.45 of this clause, the health-related licensing board may also obtain utilization data; and
(14) personnel of the board specifically assigned to conduct a bona fide investigation of a specific licensee or registrant. For the purposes of this clause, the board may also obtain utilization data.

(c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed in section 214.01, subdivisions 2, 3, practicing within this state who is authorized to prescribe controlled substances for humans and who holds a current registration issued by the federal Drug Enforcement Administration, and every pharmacist licensed by the board and practicing within the state, shall register and maintain a user account with the prescription monitoring program. Data submitted by a prescriber, pharmacist, or their delegate during the registration application process, other than their name; license number; and license type, is classified as private pursuant to section 13.02, subdivision 12.

(d) Notwithstanding paragraph (b), beginning January 1, 2021, a prescriber or an agent or employee of the prescriber to whom the prescriber has delegated the task of accessing the data, must access the data submitted under subdivision 4 to the extent the information relates specifically to the patient:

(1) before the prescriber issues an initial prescription order for a Schedules II through IV opiate controlled substance to the patient; and

(2) at least once every three months for patients receiving an opiate for treatment of chronic pain or participating in medically assisted treatment for an opioid addiction.

(e) Paragraph (d) does not apply if:

(1) the patient is receiving palliative care, or hospice or other end-of-life care;

(2) the patient is being treated for pain due to cancer or the treatment of cancer;

(3) the prescription order is for a number of doses that is intended to last the patient five days or less and is not subject to a refill;

(4) the prescriber and patient have a current or ongoing provider/patient relationship of a duration longer than one year;

(5) the prescription order is issued within 14 days following surgery or three days following oral surgery or follows the prescribing protocols established under the opioid prescribing improvement program under section 256B.0638;

(6) the controlled substance is prescribed or administered to a patient who is admitted to an inpatient hospital;

(7) the controlled substance is lawfully administered by injection, ingestion, or any other means to the patient by the prescriber, a pharmacist, or by the patient at the direction of a prescriber and in the presence of the prescriber or pharmacist;

(8) due to a medical emergency, it is not possible for the prescriber to review the data before the prescriber issues the prescription order for the patient; or
(9) the prescriber is unable to access the data due to operational or other technological failure of the program so long as the prescriber reports the failure to the board.

(f) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (4), (5), (6), and (8), and (11), may directly access the data electronically. No other permissible users may directly access the data electronically. If the data is directly accessed electronically, the permissible user shall implement and maintain a comprehensive information security program that contains administrative, technical, and physical safeguards that are appropriate to the user's size and complexity, and the sensitivity of the personal information obtained.

The permissible user shall identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of personal information that could result in the unauthorized disclosure, misuse, or other compromise of the information and assess the sufficiency of any safeguards in place to control the risks.

The board shall not release data submitted under subdivision 4 unless it is provided with evidence, satisfactory to the board, that the person requesting the information is entitled to receive the data.

The board shall maintain a log of all persons who access the data for a period of at least three years and shall ensure that any permissible user complies with paragraph (c) prior to attaining direct access to the data.

(i) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant to subdivision 2. A vendor shall not use data collected under this section for any purpose not specified in this section.

(j) The board may participate in an interstate prescription monitoring program data exchange system provided that permissible users in other states have access to the data only as allowed under this section; and that section 13.05, subdivision 6, applies to any contract or memorandum of understanding that the board enters into under this paragraph.

(k) With available appropriations, the commissioner of human services shall establish and implement a system through which the Department of Human Services shall routinely access the data for the purpose of determining whether any client enrolled in an opioid treatment program licensed according to chapter 245A has been prescribed or dispensed a controlled substance in addition to that administered or dispensed by the opioid treatment program. When the commissioner determines there have been multiple prescribers or multiple prescriptions of controlled substances, the commissioner shall:

(1) inform the medical director of the opioid treatment program only that the commissioner determined the existence of multiple prescribers or multiple prescriptions of controlled substances; and

(2) direct the medical director of the opioid treatment program to access the data directly, review the effect of the multiple prescribers or multiple prescriptions; and document the review:
If determined necessary, the commissioner of human services shall seek a federal waiver of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section 2.34, paragraph (c), prior to implementing this paragraph.

The board shall review the data submitted under subdivision 4 on at least a quarterly basis and shall establish criteria, in consultation with the advisory task force, for referring information about a patient to prescribers and dispensers who prescribed or dispensed the prescriptions in question if the criteria are met.

The board shall conduct random audits, on at least a quarterly basis, of electronic access by permissible users, as identified in paragraph (b), clauses (1), (2), (3), (6), (7), (8), and (9); and (10); and (11), to the data in subdivision 4, to ensure compliance with permissible use as defined in this section. A permissible user whose account has been selected for a random audit shall respond to an inquiry by the board, no later than 30 days after receipt of notice that an audit is being conducted. Failure to respond may result in deactivation of access to the electronic system and referral to the appropriate health licensing board, or the commissioner of human services, for further action. The board shall report the results of random audits to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and finance and government data practices.

A permissible user who has delegated the task of accessing the data in subdivision 4 to an agent or employee shall audit the use of the electronic system by delegated agents or employees on at least a quarterly basis to ensure compliance with permissible use as defined in this section. When a delegated agent or employee has been identified as inappropriately accessing data, the permissible user must immediately remove access for that individual and notify the board within seven days. The board shall notify all permissible users associated with the delegated agent or employee of the alleged violation.

A permissible user who delegates access to the data submitted under subdivision 4 to an agent or employee shall terminate that individual's access to the data within three business days of the agent or employee leaving employment with the permissible user. The board may conduct random audits to determine compliance with this requirement.

Immunity from liability; no requirement to obtain information:

(a) A pharmacist, prescriber, or other dispenser making a report to the program in good faith under this section is immune from any civil, criminal, or administrative liability, which might otherwise be incurred or imposed as a result of the report, or on the basis that the pharmacist or prescriber did or did not seek or obtain or use information from the program.

(b) Except as required by subdivision 6, paragraph (d), nothing in this section shall require a pharmacist, prescriber, or other dispenser to obtain information about a patient from the program, and the pharmacist, prescriber, or other dispenser, if acting in good faith, shall be immune from any civil, criminal, or administrative liability, which might otherwise be incurred or imposed as a result of such obtaining or using information.
is immune from any civil, criminal, or administrative liability that might otherwise be
incurred or imposed for requesting, receiving, or using information from the program.
Sec. 24. LICENSED TRADITIONAL MIDWIVES; AUTHORITY TO PURCHASE CERTAIN DRUGS.

By November 15, 2023, the Minnesota Board of Medical Practice, in consultation with the Advisory Council on Licensed Traditional Midwifery, must:

1. Issue an administrative order to allow licensed traditional midwives to purchase drugs listed in Minnesota Statutes, section 147D.09, paragraph (b); or

2. Make recommendations to the chairs and ranking minority members of the legislative committees with jurisdiction on health finance and policy on how to amend Minnesota Statutes, section 147D.09, or other statutes to allow licensed traditional midwives to purchase drugs listed in Minnesota Statutes, section 147D.09, paragraph (b).

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

Sec. 33. REPEALER.

Minnesota Rules, parts 5610.0100; 5610.0200; and 5610.0300, are repealed.