

PROVISIONS RELATING TO PUBLIC HEALTH 145.12

CHAPTER 145. PROVISIONS RELATING
TO PUBLIC HEALTH

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PUBLIC HEALTH NURSES AND HOME HEALTH
SERVICES

145.10 State board to furnish list of nurses

There shall be available from the state board, for the use of councils and boards included in sections 145.08 to 145.12, employing such nurses, a list of nurses certified for public health duties by the state board.

[1973 c 250 s 1]

145.12 County public health and home health service personnel; public health nursing committee

Subdivision 1. Members; expenses and payments. The board of county commissioners of any county, except counties now or hereafter having a population of 550,000 or more, and except Cook, Isanti, and Kanabec counties, shall detail county public health nurses and home health service personnel to act under the direction of the county board of health or a public health nursing committee composed of at least five members, as follows:

(1) The county superintendent of schools if there be one, otherwise the county commissioners shall appoint one from among the superintendents of independent school districts in such county;

(2) The county health officer or a physician appointed by the county commissioners;

(3) A county commissioner appointed by the board of county commissioners;

(4) Two residents of the county appointed by the county commissioners.

The public health nursing committee of each county shall effect a permanent organization and meet at regular intervals with the nurses. The public health nursing and home health services shall be available to the entire population and shall not be restricted to persons eligible for public assistance.

The county board of each county having a county board of health or nursing committee may allocate in its annual budget a sum not to exceed \$2,000, which sum may be used by such county board of health or nursing committee for the purpose of purchasing supplies and for the payment of necessary mileage at the legal rate, for the members of such board or committee when at-

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tending regular or special meetings of said board or committee such meetings not to exceed 12 in number annually, or for the payment of a per diem of \$5 to members of such board or committee not on any other public payroll for each such meeting necessarily attended; said expenses and payments to be made on verified accounts and payable out of the general revenue fund of such county by auditor's warrant after allowance by the county board.

[1973 c 678 s 1]

[For text of subd. 2, see M.S.1971]

OTHER PROVISIONS

145.421 Human conceptus, experimentation, research or sale; definitions

Subdivision 1. Terms. As used in this section and section 145.422, the terms defined in this section shall have the meanings given them.

Subd. 2. Human conceptus. "Human conceptus" means any human organism, conceived either in the human body or produced in an artificial environment other than the human body, from fertilization through the first 265 days thereafter.

Subd. 3. Living. "Living", as defined for the sole purpose of this section and section 145.422, means the presence of evidence of life, such as movement, heart or respiratory activity, the presence of electroencephalographic or electrocardiographic activity.

[1973 c 562 s 1]

145.422 Experimentation or sale

Subdivision 1. Whoever uses or permits the use of a living human conceptus for any type of scientific, laboratory research or other experimentation except to protect the life or health of the conceptus, or except as herein provided, shall be guilty of a gross misdemeanor.

Subd. 2. The use of a living human conceptus for research or experimentation which verifiable scientific evidence has shown to be harmless to the conceptus shall be permitted.

Subd. 3. Whoever shall buy or sell a living human conceptus shall be guilty of a gross misdemeanor, provided that nothing herein shall prohibit the buying and selling of a cell culture line or lines taken from a non-living human conceptus.

[1973 c 562 s 2]

145.43 Hearing aids; restrictions on sales

Subdivision 1. Definition. "Hearing Aid" means any instrument or device designed for or represented as aiding defective human hearing, and its parts, attachments, or accessories, including but not limited to ear molds. Batteries and cords shall not be considered parts, attachments, or accessories of a hearing aid.

Subd. 2. Prescription or written recommendation required. No hearing aid shall be sold by any person in this state except upon the prescription or other written and signed recommendation of an authorized person who is neither employed by, or in a business relationship with, a seller of hearing aids. For purposes of this section, "authorized person" means an audiologist, otolaryngologist, otologist, or licensed medical doctor. "Audiologist" means an individual who holds a master's degree or doctor's degree in audiology from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools or an equivalent accrediting association. Any person selling a hearing aid as provided in this section shall maintain for not less than one year, in a file under the name of the person to whom the hearing aid was sold, a true copy of the prescription or other written recommendation, as provided herein, upon which such sale was made. Nothing in this

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section or section 145.44 shall apply to a sale solely limited to either repair services or replacement parts, or both, for a hearing aid already owned by a consumer or to the sale of a replacement hearing aid to an aid already owned by a consumer.

Subd. 3. Penalty. The violation of this section is a misdemeanor.

[1973 c 383 s 1]

145.44 Conditions requiring consultation of doctor or audiologist; waiver of sale restrictions

Subdivision 1. When a hearing aid vendor finds the following conditions in any person either by observation or being told by said person, said vendor shall not fit or sell a hearing aid until that person has consulted with a licensed medical doctor or audiologist:

- (1) Visible congenital or traumatic deformity of the ear.
- (2) History of, or active drainage from the ear within the previous 90 days.
- (3) History of sudden or rapidly progressive hearing loss within the previous 90 days.
- (4) Acute or chronic dizziness.
- (5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.
- (6) Significant air-bone gap.

Subd. 2. Adults under 60 years who are legally competent may be exempted from the provisions of section 145.43, subdivisions 2 and 3, if they sign a waiver acknowledging that they have been provided a copy of this law printed in large typeface (at least 14-point) and that the law has been read aloud to them by the hearing aid vendor. A copy of the signed waiver will be kept on file for three years from the date of sale.

[1973 c 383 s 2]

COUNTY HEALTH DEPARTMENTS

145.51 Funds appropriated and fees collected

Subdivision 1. Every health department established under sections 145.47 to 145.54 shall be operated and maintained from funds appropriated and fees collected within the counties included in the area covered by such health department, together with such state and federal funds and private grants which may be appropriated or granted to it or to any of its participating county or other political subdivisions. The cost of maintenance of every such health department shall be borne by the several participating counties on the basis of the ratio of the population of each such county to the total population served by the said health department, and the amount thus required of each of the participating counties for such health department purposes shall be spread as a separate tax levy against all of the taxable property of each of such counties. When a city of the first or second class does not come within the jurisdiction of such health department its population shall not be considered in such computation, and the health department tax levy of such county shall not apply to the property within such city.

[1973 c 583 s 9]

Subd. 2. The health officer and board of health of every health department created under sections 145.47 to 145.54 shall annually prepare a budget of its proposed expenditures for the ensuing fiscal year and determine the proportionate cost to each participating county. A certified copy of such budget, which shall include a statement of the amount required from each such county, shall be delivered to the board of county commissioners of each participating county. The county boards of all participating counties in each such health department shall meet in joint session, prior to the regular annual July meetings of such boards, for due hearing and agreement on such

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health department budget. The budget adopted shall be effective when approved by a majority of the members of each such county board in attendance at such joint meeting. A majority of each county board shall be in attendance to constitute a quorum for a joint meeting. At its regular meeting in July, each such county board shall include in its annual levy of county taxes, such amount as may be necessary for the health department purposes provided for in sections 145.47 to 145.54, as a separate levy over and above the limits now imposed for the general fund of the county. Such amount, when collected, shall be credited to the "health department fund" of the county.

[1973 c 583 s 10]

[For text of subd. 3, see M.S.1971]

DETOXIFICATION CENTERS

145.696 [Repealed, 1973 c 572 s 18]

145.697 [Repealed, 1973 c 572 s 18]

145.699 [Repealed, 1973 c 572 s 18]

UNIFORM DUTIES TO DISABLED PERSONS ACT [NEW]

145.851 Definitions

In sections 145.851 to 145.858:

(a) "disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate;

(b) "disabled person" means a person in a disabled condition;

(c) "the emergency symbol" means the caduceus inscribed within a six-barred cross used by the American Medical Association to denote emergency information;

(d) "identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency;

(e) "medical practitioner" means a person licensed or authorized to practice medicine, osteopathy, and the healing arts.

[1973 c 428 s 1]

145.852 Identifying devices for persons having certain conditions

Subdivision 1. A person who suffers from epilepsy, diabetes, a cardiac condition, or any other type of illness that causes temporary blackouts, semiconscious periods, or complete unconsciousness, or who suffers from a condition requiring specific medication or medical treatment, is allergic to certain medications or items used in medical treatment, wears contact lenses, or is unable to communicate coherently or effectively in the English language, is authorized and encouraged to wear an identifying device.

Subd. 2. Any person may carry an identification card bearing his name, type of medical condition, physician's name, and other medical information.

Subd. 3. By wearing an identifying device a person gives his consent for any law enforcement officer or medical practitioner who finds him in a disabled condition to make a reasonable search of his clothing or other effects for an identification card of the type described in subdivision 2.

[1973 c 428 s 2]

145.853 Duty of law enforcement officer

Subdivision 1. A law enforcement officer shall make a diligent effort to determine whether any disabled person he finds is an epileptic or a diabetic,

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or suffers from some other type of illness that would cause the condition. Whenever feasible, this effort shall be made before the person is charged with a crime or taken to a place of detention.

Subd. 2. In seeking to determine whether a disabled person suffers from an illness, a law enforcement officer shall make a reasonable search for an identifying device and an identification card of the type described in section 145.852, subdivision 2 and examine them for emergency information. The law enforcement officer may not search for an identifying device or an identification card in a manner or to an extent that would appear to a reasonable person in the circumstances to cause an unreasonable risk of worsening the disabled person's condition.

Subd. 3. A law enforcement officer who finds a disabled person without an identifying device or identification card is not relieved of his duty to that person to make a diligent effort to ascertain the existence of any illness causing the disabled condition.

Subd. 4. A cause of action against a law enforcement officer does not arise from his making a reasonable search of the disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

Subd. 5. A law enforcement officer who determines or has reason to believe that a disabled person is suffering from an illness causing his condition shall promptly notify the person's physician, if practicable. If the officer is unable to ascertain the physician's identity or to communicate with him, the officer shall make a reasonable effort to cause the disabled person to be transported immediately to a medical practitioner or to a facility where medical treatment is available. If the officer believes it unduly dangerous, to move the disabled person, he shall make a reasonable effort to obtain the assistance of a medical practitioner.

[1973 c 428 s 3]

145.854 Duty of medical practitioners

Subdivision 1. A medical practitioner, in discharging his duty to a disabled person whom he has undertaken to examine or treat, shall make a reasonable search for an identifying device or identification card of the type described in section 145.852, subdivision 2 and examine them for emergency information.

Subd. 2. A cause of action against a medical practitioner does not arise from his making a reasonable search of a disabled person to locate an identifying device or identification card, even though the person is not wearing an identifying device or carrying an identification card.

[1973 c 428 s 4]

145.855 Duty of others

Subdivision 1. A person, other than a law enforcement officer or medical practitioner, who finds a disabled person shall make a reasonable effort to notify a law enforcement officer. If a law enforcement officer or medical practitioner is not present, a person who finds a disabled person may (1) make a reasonable search for an identifying device, and (2) if the identifying device is found may make a reasonable search for an identification card of the type described in section 145.852, subdivision 2. If a device or card is located, the person making the search shall attempt promptly to bring its contents to the attention of a law enforcement officer or medical practitioner.

Subd. 2. A cause of action does not arise from a reasonable search to locate an identifying device or identification card as authorized by subdivision 1.

[1973 c 428 s 5]

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145.856 Falsifying identification or misrepresenting condition

A person who with intent to deceive provides, wears, uses, or possesses a false identifying device or identification card of the type described in section 145.852, subdivision 2 is guilty of a misdemeanor.

[1973 c 428 s 6]

145.857 Other duties

The duties imposed by sections 145.851 to 145.858 are in addition to, and not in limitation of, other duties existing under the law of this state.

[1973 c 428 s 7]

145.858 Citation

Sections 145.851 to 145.858 may be cited as the "Uniform Duties to Disabled Persons Act."

[1973 c 428 s 8]

ALLIED HEALTH MANPOWER [NEW]

145.861 Legislative intent

It is the intention of the legislature to promote the establishment of such allied health manpower as may be useful in the health care delivery system and to coordinate the development of credentialing policy with the existing licensing boards. To this end the state board of health is encouraged to establish reasonable procedures for the identification and credentialing of categories of allied health manpower as such are determined by the board of health to constitute a useful new category of health care responsibility and important to regulate in the public interest. The decision of the board of health to credential a specific category of allied health manpower shall include detailed consultation with the professional health licensing boards to define the scope and range of delegation authorized. The board of health shall exercise care to prevent the proliferation of unessential allied health manpower categories.

[1973 c 709 s 1]

145.862 Definitions

Subdivision 1. As used in sections 145.861 to 145.866, the terms herein defined shall have the meanings given them unless the context clearly requires otherwise.

Subd. 2. "Board" means the state board of health.

Subd. 3. "Committee" means the advisory committee on allied health manpower credentialing.

Subd. 4. "Existing state health licensing boards" means the existing professional health licensing boards provided for in Minnesota Statutes 1971, Sections 144.952, 146.02, 147.01, 148.02, 148.52, 148.79, 148.181, 148.296, 150A.02, 151.02, 153.02, 156.01, as well as any other professional health licensing boards that may be created hereafter unless specifically exempted therefrom.

Subd. 5. "Public member" means a person who is not, or never was, a member of a health care delivery profession, or the spouse of any such person, or a person who has not, nor never has had, a material financial interest in either the providing of health care or a directly related activity.

[1973 c 709 s 2]

145.863 Duties of the board

The board shall carry out the following duties:

(a) Review all laws, regulations, guidelines and policies promulgated by and applicable to and administered by the existing licensing boards with the purpose of making recommendations for appropriate changes.

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(b) Receive and review annual reports from each existing licensing board, summarizing actions taken relating to the enforcement of the licensing statutes, rules and regulations under the authority of such boards.

(c) Initiate, receive and review proposals for credentialing of new health manpower categories. Recommend credentialing of new categories as deemed appropriate, wherever possible through appropriate licensing boards.

[1973 c 709 s 3]

145.864 Credentialing; regulations and procedures

The board, pursuant to chapter 15, may promulgate rules and regulations establishing procedures for the credentialing of categories of allied health manpower which do not duplicate categories including, but not limited to, the following: credentialing requirement; scope of practice authorized; supervision required; continuing education; career progression; and disciplinary procedures. The board also may establish such procedures as are necessary to the administration of sections 145.861 to 145.866 including, but not limited to, the development, administration, and grading of examinations to verify the qualifications of applicants for credentialing an allied health manpower categories authorized by the board. Such rules and regulations may provide for the credentialing by the board or by such existing licensing board as the board may designate. Before promulgating any such rule or regulation the board shall consult with the licensing board, in the concerned health area as to the scope and range of the activities and tasks to be authorized and the extent of supervision to be required.

[1973 c 709 s 4]

145.865 Advisory committee

Subdivision 1. The board shall establish an advisory committee to assist in formulating policies pursuant to sections 145.861 to 145.866. The board shall determine the duties of the committee, shall establish procedures for the proper functioning of the committee including, but not limited to the following, the method of selection of membership, the terms of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the board for its consideration. Each of the existing state health licensing boards, the consumer services section of the department of commerce, the state comprehensive health planning advisory council and the higher education coordinating commission shall have a representative selected by such boards, section or commission. The governor shall appoint the remaining members which shall not exceed eleven and shall include six persons broadly representative of health care services particularly allied health professions not presently licensed, registered or certified pursuant to existing law and five public members unrelated to any health care delivery profession.

Subd. 2. The committee members shall receive \$35 per day spent on the activities of the committee and shall be reimbursed for reasonable expenses necessitated by the performance of their committee duties in the same manner and amount as state employees.

Subd. 3. The secretary of the board or his designee shall serve as secretary to the committee and shall provide such additional assistance as is necessary to facilitate the work of the committee.

[1973 c 709 s 5]

145.866 Fees

The board, subject to the approval of the department of administration shall establish reasonable fees for the processing of applications, for the administration of the examination and for the issuance of original and renewal credentialing certificates. All fees received shall be deposited with the state treasurer to be credited to the general fund.

[1973 c 709 s 6]