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CHAPTER 147. PHYSICIANS AND SURGEONS,
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147.01 Board of medical examiners

The Minnesota state board of medical examiners shall consist of 11 members, residents of the state of Minnesota, appointed by the governor as herein-after provided (a) seven of whom shall hold a degree of doctor of medicine and be licensed to practice medicine under chapter 147, (b) one of whom shall hold a degree of doctor of osteopathy and either be licensed to practice osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16; prior to May 1, 1963, or be licensed to practice medicine under chapter 147 and (c) three of whom shall be public members as defined for purposes of Laws 1973, Chapter 638. The term of office of each of the seven members who shall be serving on the board on May 1, 1963, shall continue for the term for which each was appointed and until his successor shall qualify, one such member's term continuing until May 1, 1963; one such member's term continuing until May 1, 1964; one such member's term continuing until May 1, 1965; one such member's term continuing until May 1, 1966; one such member's term continuing until May 1, 1967; one such member's term continuing until May 1, 1968; and one such member's term continuing until May 1, 1969. The term of the initial member of the board appointed pursuant to clause (b) of the first sentence of this section shall expire on May 1, 1970. The terms of the initial member of the board appointed pursuant to clause (c) shall expire as follows: one on May 1, 1977; one on May 1, 1978; and one on May 1, 1981, from the date of appointment. The term of office of each member appointed to the board on the expiration of each of the foregoing terms shall commence as of May 1 and shall continue for a period of eight years and until his successor shall qualify. Upon the expiration of the term of any member, the governor shall appoint a successor to the member whose term expires. Each year the council of the Minnesota state medical association, at least 30 days prior to May first, shall recommend to the governor three doctors of medicine qualified to serve on the board with respect to each membership which is then filled by a doctor of medicine and the term of which shall expire on May 1 of such year. Each year in which the term of a doctor of osteopathy expires, the Minnesota state osteopathic association shall recommend to the governor three doctors of osteopathy qualified to serve on the board. From the list of persons so recommended the governor may appoint one member to the board for the above prescribed term of eight years. Within 60 days after the occurrence of any vacancy in the board, the council of the Minnesota state medical association, if the vacancy be with respect to a membership vacated by a doctor of medicine, or the Minnesota state osteopathic association, if the vacancy be with respect to a membership vacated by a doctor of osteopathy, shall recommend to the governor three doctors of medicine qualified to serve on the board if the recommendation be by the Minnesota state medical association or three doctors of osteopathy qualified to serve on the board if the recommendation be by the Minnesota state osteopathic association. From the list of persons so recommended the governor, within 30 days after receiving such recommendation, may appoint one member to the board for the unexpired term occasioned by such vacancy and any appointment thereto to fill a vacancy shall be made within 90 days after the occurrence of such vacancy

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for the balance of the unexpired term. The board shall elect from among its number a president, a vice-president, and a secretary-treasurer, who shall each serve for one year, or until his successor is elected and qualifies. The board shall have authority to adopt such rules and regulations as may be found necessary to carry out the purposes of chapter 147. The members of the board shall have authority to administer oaths and the board, in session, to take testimony as to matters pertaining to the duties of the board. In the administration of this chapter the board shall have the power to compel the attendance of witnesses and the production of documents by subpoena, to investigate complaints of violations of this chapter or the rules and regulations of the board, and to institute injunctive proceedings to restrain violations upon a showing of injury or potential injury to the public health or welfare. Six members of the board shall constitute a quorum for the transaction of business. The board shall have a common seal, which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of the board, including a register of all applicants for license under this chapter, giving their names, addresses, ages, educational qualifications, and the result of their examination. These books and registers shall be prima facie evidence of all the matters therein recorded. All communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction, and all records of any action or proceedings thereon, except only a final decision of the board, which shall state the specific reason therefor shall be confidential and privileged within the meaning of section 595.02, clause 5, and shall not be public records within the meaning of section 15.17, subdivision 4; provided that upon application of a party in a proceeding before the board pursuant to section 147.02, subdivision 3, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota rules civil procedure. The board shall hold examinations at least once each year.

[1973 c 638 s 6]

147.02 Examination; licensing

[For text of subd. 1, see M.S.1971]

Subd. 2. Licensing. After such examination of the applicant, and upon proof (a) that he has received the degree of M.D. or D.O., from a medical or osteopathic school approved by the board, and (b) that he has satisfactorily completed either one year of graduate training in an institution approved for internship training by the board or other graduate training approved by the board, the board, if eight members thereof consent, shall grant him a license to practice medicine.

[1973 c 638 s 7]

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

147.031 Examinations and licenses of osteopaths

Subdivision 1. Any doctor of osteopathy licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, desiring to obtain a license to practice medicine shall apply to the secretary of the board and pay a fee of \$50 for the use of the board, which in no case shall be refunded. The applicant shall be examined in the subjects that the board then examines applicants under section 147.02 in which he was not examined by the state board of osteopathy prior to the issuance to him of a license under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963. All applicants shall be known to the board members or examiners only by number, without names, or other methods of identification on examination papers by which board members or examiners may be able to identify such applicants, until the final grades of all the examination papers have been determined, and the licenses granted or refused. After such examination, the board, if eight members thereof consent, shall grant such doctor of osteopathy a license to practice medicine. The board may refuse to grant such a license

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to any person guilty of immoral, dishonorable, or unprofessional conduct, as defined in Minnesota Statutes 1961, Chapter 147, but subject to the right of the applicant to appeal to the district court in the county in which the principal office of the board is located on the questions of law and fact.

[1973 c 638 s 8]

[For text of subds. 2 to 5, see M.S.1971]

147.05 Supplies; secretary, executive secretary, bond, compensation; board member's compensation

The state board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury and credited to the general fund and the unexpended balance in any special account of the board in the state treasury as of July 1, 1973 shall also be credited to the general fund. The expenses of administering sections 147.01 to 147.29 shall be paid from the appropriations made to the Minnesota state board of medical examiners. The board may employ, discharge, and fix the compensation of an executive secretary, in the unclassified service, to perform duties prescribed by the board. The secretary and executive secretary of the board shall each give a bond in the sum of \$10,000 to the state of Minnesota for the faithful performance of his duties. Each member of the board shall receive as compensation for his services the sum of \$50 per day, to be fixed by the board for each day spent in the execution of duties imposed on the board by chapter 147, and rules and regulations adopted pursuant thereto, including attendance at meetings of the Federation of State Medical Boards, and, regular and special meetings of the board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in connection therewith, subject to the regulations of the department of administration adopted pursuant to section 16.02, subdivision 20. The secretary shall receive a salary of not to exceed \$9,600 per annum, the amount thereof to be fixed by the board. The salary and expenses of the members of the board shall be paid as determined by the board by the state treasurer on warrants signed by the president or secretary, or other authorized person, drawn by the state auditor on the state treasurer on the funds appropriated to said board.

[1973 c 638 s 9]

147.101 Performance of abortion; practice of medicine

Any person who performs an abortion upon another, whether or not for a fee, practices medicine within the terms of section 147.10, and is subject to the criminal and other provisions thereof.

[1973 c 547 s 1]

147.16 Temporary certificate for graduate training

The state board of medical examiners may grant, in its discretion, without examination, a temporary certificate for graduate training in medicine, surgery and obstetrics, to those applicants who furnish satisfactory proof that the applicant:

- (1) Is 18 years of age or over;
- (2) Is of good moral character;
- (3) Has successfully completed a course in medicine, surgery and obstetrics at, and has been graduated from, a medical or osteopathic school located outside of the United States and Canada and that such medical or osteopathic school is approved by the licensing authorities of the country in which such medical or osteopathic school is located;
- (4) Is duly licensed to practice medicine in all of its branches in the state, territory or foreign country in which he resides, or, not being so licensed, has passed an examination or is eligible therefor and which examination is in the

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judgment of the board substantially equivalent to the examination given by it to applicants for a license to practice medicine in all of its branches in this state;

(5) Has been accepted as a resident physician by a hospital situated in this state, the residency training of which has been approved by an approval agency recognized by the board; provided, however, that the state board of medical examiners shall have the authority, upon its own investigation, to approve other residency training programs in medicine, surgery and obstetrics and qualified applicants therefor. Each applicant shall set forth the starting and termination dates of a period for which he has been accepted or appointed to such residency training program; and

(6) Possesses all other qualifications which are prescribed by the rules and regulations of the board for the granting of such temporary authorization.

[1973 c 725 s 13]

147.26 Amount of loan; contract; repayment

[For text of subd. 1, see M.S.1971]

Subd. 2. Each applicant before being granted a loan shall enter into a contract with the board, which shall be deemed a contract with the state of Minnesota, agreeing to the terms and conditions upon which the loan is granted to him. The contract shall include such terms and provisions as will carry out the purposes of sections 147.24 to 147.29, and the form thereof shall be prepared and approved by the attorney general of this state. The contract shall be signed by the president of the board, countersigned by the secretary-treasurer, and shall be signed by the applicant. For the purposes of sections 147.24 to 147.29 the disabilities of minority of all applicants granted loans hereunder shall be and the same are hereby removed and the applicants are declared to be of full lawful age for the purpose of entering into the contract hereinabove provided for; and the contract so executed by any applicant is hereby declared to be a valid and binding contract the same as though the applicant had attained the age of 18 years. The board may sue, in the name of the state, any applicant for any balance due on any such contract.

[1973 c 725 s 14]

147.30 Loans to medical and osteopathy students who agree to practice in rural communities

The state of Minnesota may provide loans in lieu of certain state funds for the cost of the education and living expenses during the time the recipient is enrolled in an accredited medical school in the state of Minnesota, or accredited school of osteopathy the graduates of which are eligible for licensure in Minnesota, if the recipient agrees in writing to practice medicine or osteopathy in a rural community in Minnesota designated as an area in need of medical doctors or osteopaths by the higher education coordinating commission. Each recipient shall execute a note to the state payable on demand for the amount of the loan with interest at eight percent per annum payable when the principal is paid. The principal and interest shall be forgiven after the recipient has practiced medicine or osteopathy for three years in an area in need of medical doctors or osteopaths as designated by the higher education coordinating commission. If the recipient fails to fulfill the obligation to practice, the outstanding principal and subsequent interest shall be payable according to terms approved by the higher education coordinating commission. Assistance may be granted in the amount that the commission determines sufficient for the purpose of sections 147.30 to 147.33, not to exceed \$6,000 per year. Loans shall be renewed on an annual basis contingent on the good standing of the student in the program. No student shall receive loans to exceed \$24,000. The commission may delay the time for beginning practice not more than four years after the recipient has qualified to practice if the recipient wishes to seek additional medical or osteopathic training.

[1973 c 727 s 1]

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147.31 Bonds

The higher education coordinating commission is authorized to issue revenue bonds in accordance with provisions on revenue bonds for student loans in chapter 136A for the purpose of securing funds necessary for loans for up to a maximum of 40 recipients the first year of the biennium and 20 additional medical recipients the second year of the biennium as authorized by sections 147.30 to 147.33.

[1973 c 727 s 2]

147.32 Reserve fund; appropriations

Subdivision 1. The commission shall maintain a reserve fund for the purpose of repaying loans which are cancelled under the provisions of sections 147.30 to 147.33 or which are not collectible as due. The reserve funds may be held and may be invested by the commission in accordance with provisions on investment of reserves for student loans in chapter 136A.

Subd. 2. If there are insufficient moneys in the reserve funds to repay loans made under sections 147.30 to 147.33 which are cancelled or uncollectible as due, there is hereby appropriated to the commission from any moneys in the state treasury not otherwise appropriated, such moneys as are required to meet the deficiencies. The amount of the appropriation made by these provisions shall be certified by the executive director of the higher education coordinating commission to the state auditor whenever the appropriation shall be necessary.

[1973 c 727 s 3]

147.33 Recommendations; areas of need; applicants

The state board of medical examiners shall make recommendations to the commission with respect to areas of need and applicants for assistance.

[1973 c 727 s 5]

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CHIROPRACTORS

148.03 Appointment

The governor shall appoint a state board of chiropractic examiners consisting of two public members as defined for purposes of Laws 1973, Chapter 638