

MINNESOTA STATUTES 1975 SUPPLEMENT

PHYSICIANS AND SURGEONS, OSTEOPATHS 147.01

CHAPTER 147. PHYSICIANS AND SURGEONS, OSTEOPATHS

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147.01 Board of medical examiners.

The board of medical examiners shall consist of 11 members, residents of the state of Minnesota, appointed by the governor as hereinafter 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. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. Each year in which the terms of doctors of medicine expire the council of the Minnesota state medical association 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. 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 four 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 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

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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.

[1975 c 136 s 5]

147.02 Examination; licensing.

Subdivision 1. Examination. A person not authorized to practice medicine in the state and desiring so to do shall apply to the secretary of the state board of medical examiners and pay a fee of \$125 for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove (a) that he is of good moral character; (b) that he is either a graduate of a medical or osteopathic school approved by the board after a study of its curriculum, faculty, facilities, accreditation, and other relevant data, or is currently enrolled in the final year of study at such school; and (c) that he has satisfactorily passed, within three years before, or five years after being granted the degree of M.D. or D.O., an examination prepared and graded by either the federation of state medical boards or the national board of medical examiners. Certification of passage by either the federation of state medical boards, the national board of medical examiners or the medical school from which the applicant graduated shall be accepted as evidence that the applicant has passed such examination. If the board determines that the applicant has not satisfactorily passed an examination within three years before, or five years after being granted the degree of M.D. or D.O., the board may require the applicant to take either of the examinations.

The board may issue a temporary permit to practice medicine to a physician eligible for licensure under section 147.03 upon payment of a fee of \$40. The permit shall be valid only until the next meeting of the board.

Subd. 2. Licensing. After receipt of proof of satisfactory passage of one of the examinations listed in subdivision 1, and upon proof that the applicant has received the degree of M.D. or D.O., from a medical or osteopathic school approved by the board, and 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.

[1975 c 93 s 1,2]

147.021 Refusal to grant license, suspension or revocation of license.

[For text of subd 1, see M.S.1974]

Subd. 2. A suspension, revocation, condition, limitation, qualification or restriction of a license shall be in effect pending determination of an appeal unless the court, upon petition and for good cause shown, shall otherwise order.

A license to practice medicine is suspended if (1) a guardian of the person of a licensee is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) the licensee is committed by order of a probate court pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing. A license to practice medicine is also suspended when a licensee is convicted of the crime of abortion and remains suspended until, upon petition by the licensee, the

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suspension is terminated by the board after a hearing.

When a probate court or other court of competent jurisdiction appoints a guardian of the person of a licensee pursuant to sections 525.54 to 525.612 for reasons other than the minority of the licensee or commits a licensee pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11, the probate court or other court of competent jurisdiction shall promptly notify the board in writing of the fact.

[1975 c 213 s 1]

[For text of subd 3, see M.S.1974]

147.03 Licenses; boards of other states, national board.

The state board of medical examiners, either with or without examination, may grant a license to any physician licensed to practice by a similar board of another state, the national board of medical examiners, or the national board of examiners for osteopathic physicians and surgeons. The physician must hold a certificate of registration showing that an examination has been made by the proper board, in which an average grade of not less than 75 percent was awarded to the holder and that the applicant and holder of the certificate was, at the time of the examination, the legal possessor of a diploma from a medical or osteopathic college in good standing in this state. In case the scope of the previous examination was less than that prescribed by this state, the applicant may be required to submit to an examination in any subjects not previously covered. The applicant shall pay a fee of \$100, which in no case shall be refunded.

A certificate of registration or license issued by the proper board of any state may be accepted as evidence of qualification for registration in this state; provided the holder thereof was, at the time of such registration, the legal possessor of a diploma issued by a medical or osteopathic college in good standing in this state and that the date thereof was prior to the legal requirements of the examination test in this state.

[1975 c 92 s 1]

147.05 Supplies; secretary, executive secretary, compensation.

The 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 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 shall receive a salary of not to exceed \$9,600 per annum, the amount thereof to be fixed by the board.

[1975 c 136 s 7]

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

The state of Minnesota may provide loans to students 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, and to students domiciled in Minnesota and enrolled in an accredited medical school or school of osteopathy located outside the state, 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

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education coordinating commission. In selecting medical students priority shall be given to students enrolled in schools in Minnesota. Each recipient shall execute a note to the state payable on demand for the principal amount of the loan with interest at not more than eight percent per annum the rate applicable to any particular note to be determined by the commission. Interest shall run on the principal balance from the date of the loan until the principal sum is paid said interest to be payable when the principal sum is paid; provided that the obligation to repay the principal and interest on any such loan shall be forgiven if the recipient has practiced medicine or osteopathy for a period of 18 months for each initial or renewal period of the loan, or five years, whichever is less, 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 principal and interest on any such loan shall be payable according to the terms of the note executed by such recipient. Assistance may be granted in the amount that the commission determines sufficient for the purpose specified in this section not to exceed \$5,000 per recipient per year. Loans shall be renewed on an annual basis contingent on the good standing of the recipient in the program. No individual recipient shall receive loans to exceed \$20,000 in aggregate principal amount. 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.

[1975 c 267 s 1; 1975 c 390 s 9]

147.31 Bonds.

The higher education coordinating commission is authorized to issue revenue bonds, notes, bond anticipation notes and refunding revenue bonds in accordance with and pursuant to the provisions on revenue bonds for student loans contained in chapter 136A for the purpose of securing funds necessary for renewing loans to medical and osteopathic students and \$120,000 per year for new loans for the program authorized pursuant to sections 147.30 to 147.33. Such bonds may be issued and secured in all respects as provided in the said chapter 136A and sections 147.30 to 147.33. The higher education coordinating commission is authorized to issue its revenue bonds to refund any revenue bonds issued under the provisions of sections 147.30 to 147.33, such refunding to be accomplished in accordance with the applicable provisions of chapter 136A, the provisions of sections 147.30 to 147.33 and the provisions of the resolution authorizing the bonds to be refunded.

[1975 c 390 s 8]

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