

## CHAPTER 147

## PHYSICIANS AND SURGEONS, OSTEOPATHS

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**147.01 BOARD OF MEDICAL EXAMINERS.**

Subdivision 1. **Creation; terms.** 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 this chapter, (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 this chapter and (c) three of whom shall be public members as defined by section 214.02. A member may serve more than one term but shall not serve more than two terms consecutively. 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. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7.

Subd. 2. **Recommendations for appointment.** 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.

**Subd. 3. Board administration.** 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 rules as may be found necessary to carry out the purposes of this chapter. 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. 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 executive 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.

**Subd. 4. Disclosure.** 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, subdivision 1, paragraph (e), 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 147.021, 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 of civil procedure.

**History:** *RL s 2295; 1921 c 68 s 1; 1927 c 188 s 1; 1963 c 45 s 1; 1967 c 416 s 1; 1969 c 927 s 1; 1973 c 638 s 6; 1975 c 136 s 5; 1976 c 2 s 65; 1976 c 222 s 32; 1976 c 239 s 53; 1984 c 588 s 1 (5706)*

## 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 set by 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 by rule establish fees

for the renewal of licenses and permits authorized by this chapter. The board may assess a charge, to be set by rule, for the delinquent payment of a fee.

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 set by the board. 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.

Subd. 3. [Repealed, 1971 c 485 s 6]

Subd. 4. [Repealed, 1984 c 432 art 2 s 55]

**History:** *RL s 2296; 1909 c 474 s 1; 1927 c 188 s 2; 1937 c 203 s 1; 1953 c 290 s 1; 1959 c 346 s 1; 1963 c 45 s 2; 1967 c 416 s 2; 1969 c 6 s 25; 1969 c 927 s 2; 1971 c 485 s 2; 1973 c 638 s 7; 1974 c 42 s 1; 1975 c 93 s 1,2; 1976 c 222 s 33; 1983 c 290 s 17 (5707)*

#### **147.021 REFUSAL TO GRANT LICENSE, SUSPENSION OR REVOCATION OF LICENSE.**

Subdivision 1. The board shall censure, shall refuse to grant a license to, shall order re-examination, or shall suspend, revoke, condition, limit, qualify or restrict the license, whether granted under this chapter or under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, of any person whom such board, after a hearing, adjudges unqualified or who the board determines after such a hearing is any one or more of the following:

(a) a person who fails to demonstrate the qualifications or satisfy the standards for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such standards.

(b) a person who makes misleading, deceptive, untrue or fraudulent representations in the practice of medicine or who employs a trick or scheme in the practice of medicine or fraud or deceit in obtaining a license to practice medicine.

(c) a person who at any time during the previous five years was convicted of a felony reasonably related to his practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) a person whose license to practice medicine has been revoked, suspended, annulled or with regard to whom disciplinary action has been taken or whose application for a license has been denied by the proper licensing authority of another state, territory or country.

In clauses (c) and (d) a copy of the judgment or proceeding under the seal of the clerk of the court or of the administrative agency which entered the same shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the contents thereof.

(e) a person who advertises in any manner, either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular, or other written or printed paper or document, professional

superiority to or greater skill than that possessed by another doctor of medicine or another doctor of osteopathy licensed to practice medicine under this chapter, or the positive cure of any disease.

(f) a person who violates a lawful rule promulgated by the board or violates a lawful order of the board, previously entered by the board in a disciplinary hearing.

(g) a person who engages in any unethical, deceptive or deleterious conduct or practice harmful to the public, or who demonstrates a willful or careless disregard for the health, welfare or safety of his patients, in any of which cases, proof of actual injury need not be established.

(h) a person who procures, aids, or abets in the procuring of a criminal abortion.

(i) a person who violates a statute or rule of this state or of any other state or of the United States which relates to the practice of medicine or in part regulates the practice of medicine.

(j) a person who has been adjudged mentally incompetent, mentally ill or mentally deficient, or adjudged to be a drug dependent person, an inebriate person, a person dangerous to the public, or a person who has a psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) a person who is guilty of unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. If the board has probable cause to believe that a physician comes within this clause, it shall direct the physician to submit to a mental or physical examination. For the purpose of this clause, every physician licensed under this chapter shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

(n) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

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 chapter 253B or sections 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 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 chapter 253B or sections 526.09 to 526.11, the probate court or other court of competent jurisdiction shall promptly notify the board in writing of the fact.

Subd. 3. In its discretion, the board may restore and reissue a license to practice medicine, but as a condition thereof may impose any disciplinary or corrective measure which it might originally have imposed.

Subd. 4. In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend a license for not more than 60 days if the board finds that a physician has violated a statute or rule which the board is empowered to enforce and continued practice by the physician would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the physician, specifying the statute or rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held pursuant to the administrative procedure act. The physician shall be provided with at least 20 days notice of any hearing held pursuant to this subdivision.

**History:** 1971 c 485 s 3; 1974 c 31 s 1; 1975 c 213 s 1; 1976 c 222 s 34; 1981 c 83 s 1; 1982 c 581 s 24

#### **147.025 EVIDENCE OF PAST SEXUAL CONDUCT.**

In a proceeding for the suspension or revocation of a license or other disciplinary action for unethical or unprofessional conduct involving sexual contact with a patient or former patient, the board or administrative law judge shall not consider evidence of the patient's previous sexual conduct nor shall any reference to this conduct be made during the proceedings or in the findings, except by motion of the complainant, unless the evidence would be admissible under the applicable provisions of section 609.347, subdivision 3.

**History:** 1984 c 556 s 1; 1984 c 640 s 32

#### **147.03 LICENSES; BOARDS OF OTHER STATES, NATIONAL BOARD, MEDICAL COUNCIL OF CANADA.**

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 or the Licensure Medical Council of Canada. 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

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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.

**History:** 1905 c 236 s 1; 1913 c 139 s 1; 1919 c 251 s 1; 1927 c 188 s 3; 1953 c 290 s 2; 1963 c 45 s 3; 1975 c 92 s 1; 1977 c 7 s 1 (5709)

## 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 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.

Subd. 2. Any such doctor of osteopathy may, until so granted a license to practice medicine, continue to practice osteopathy as taught in reputable colleges of osteopathy, including the use and administration, in connection with the practice of obstetrics, minor surgery, and toxicology only, of anesthetics, narcotics, antidotes, and antiseptics subject to the same state and federal restrictions and limitations as are by law applicable to physicians licensed to practice medicine and shall have the same rights and powers and be subject to the same duties as physicians licensed to practice medicine with reference to matters pertaining to the public health, including the reporting of births and deaths. The board shall by regulation determine what constitutes minor surgery, anesthetics, narcotics, antidotes, and antiseptics.

Subd. 3. No person who is not on May 1, 1963, licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, shall engage in the practice of osteopathy or by use of titles or initials indicating degrees, or in any other way, hold himself out as so engaged.

Subd. 4. Every person who shall violate any provisions of this section shall be guilty of a gross misdemeanor.

Subd. 5. The board shall investigate suspected violations of this section and institute proceedings thereunder.

**History:** 1963 c 45 s 4; 1973 c 638 s 8

**147.035 MALPRACTICE HISTORY.**

Subdivision 1. **Submission.** A person desiring to practice medicine in this state who has previously practiced in another state shall submit the following additional information with his license application for the five year period of active practice preceding the date of filing such application:

(a) The name and address of his professional liability insurer in the other state.

(b) The number, date, and disposition of any medical malpractice settlement or award made to the plaintiff relating to the quality of medical treatment.

Subd. 2. **Board action.** The board shall give due consideration to the information submitted pursuant to section 147.03 and this section. An applicant who wilfully submits incorrect information shall be subject to disciplinary action pursuant to section 147.021.

**History:** 1976 c 222 s 35

**147.04 RETALIATORY PROVISIONS.**

If by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification, or disability is put upon physicians registered in this state or holding diplomas from medical colleges in this state which are in good standing therein, affecting the right of these physicians to be registered or admitted to practice in that state, then the same or like burdens, obligations, requirements, disqualification, or disability may be put upon the registration in this state of physicians registered in that state or holding diplomas from medical colleges situated therein.

**History:** 1905 c 236; 1913 c 139 s 2; 1959 c 346 s 2 (5710)

**147.05 SUPPLIES, EXPENSES; EXECUTIVE SECRETARY.**

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. 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 shall employ an executive secretary.

**History:** 1905 c 236 s 1; 1913 c 139 s 4; 1921 c 68 s 2; 1949 c 424 s 1; 1953 c 290 s 3; 1959 c 346 s 3; 1967 c 416 s 3; 1969 c 927 s 3; 1973 c 492 s 14; 1973 c 638 s 9; 1975 c 136 s 7; 1976 c 222 s 36 (5712)

**147.06 LICENSING OF ITINERANT PHYSICIANS BY STATE BOARD.**

Any physician practicing medicine, surgery, or obstetrics, or professing or attempting to treat, cure, or heal diseases, ailments, or injuries by any medicine, appliance, or method, who, by himself, agent or employee, goes from place to place, or from house to house, or, by circular letters or advertisement, solicits persons to meet him for professional treatment at places other than his regular office or residence, shall be considered an itinerant physician. Any such itinerant physician shall, in addition to his regular license to practice medicine in this state, procure from the state board of medical examiners a license as an itinerant physician. Any physician licensed to practice in this state desiring to secure a license as an itinerant physician shall make an application therefor to the state board of medical examiners setting forth in detail such information as the board may require. The board shall examine into the application, the qualifications, character, and reputation of the applicant, and the question as to whether the public interest will be subserved by the granting of such itinerant license; and, if it shall determine that such license should be granted, it shall pass a resolution to that effect, to be spread upon its minutes;

and, upon the payment of a fee set by the board to the executive secretary of the board, an itinerant physician's license shall be issued to the applicant for a period of one year from the date thereof; the secretary shall forthwith pay the license fee into the state treasury for the use of the board.

The board may cancel any itinerant physician's license so issued by it upon satisfactory evidence of the incompetency or gross immorality of the licensee.

**History:** 1911 c 260 s 1; 1917 c 362 s 1; 1976 c 222 s 37 (5713)

#### 147.07 OFFENSES.

Any person practicing medicine as an itinerant physician, as defined in section 147.06, without first having procured such license therefor, shall be guilty of a gross misdemeanor. Nothing in section 147.06 shall be considered to prevent any physician, otherwise legally qualified, from attending patients in any part of the state to whom he shall be called in the regular course of business, or in consultation with other physicians. Nothing in section 147.06 shall preclude licensed dentists or optometrists from the practice of their profession.

**History:** 1917 c 362 s 1 (5714)

#### 147.072 MALPRACTICE REPORTS FROM INSURERS.

Subdivision 1. **Malpractice reporting.** Four times each year as prescribed by the board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to physicians shall submit to the board a report concerning the physicians against whom medical malpractice settlements or awards have been made to the plaintiff. The report shall contain but not be limited to the following information:

(a) The total number of medical malpractice settlements or awards made to the plaintiff;

(b) The date the medical malpractice settlements or awards to the plaintiff were made;

(c) The allegations contained in the settlements or awards made to the plaintiff;

(d) The dollar amount of each medical malpractice settlement or award;

(e) The regular address of the practice of the physician against whom an award was made or with whom a settlement was made;

(f) The name of the physician against whom an award was made or with whom a settlement was made.

Subd. 2. **Subpoena power.** The board of medical examiners may issue subpoenas for the production of any reports required by subdivision 1.

**History:** 1976 c 222 s 38; 1978 c 482 s 1

#### 147.073 PHYSICIAN ACCOUNTABILITY.

Subdivision 1. **Investigation.** The board shall maintain and keep current a file containing the insurers reports and public complaints filed against physicians in the state, which shall be private information accessible, pursuant to chapter 13, to the physician who is the subject of the data. Each complaint filed with the board pursuant to section 214.10, subdivision 1, shall be investigated according to section 214.10, subdivision 2.

Whenever the files maintained by the board show that a medical malpractice settlement or award to the plaintiff has been made against a physician as reported by insurers pursuant to section 147.072, the executive director of the board shall notify the board and the board may authorize a review of the physician's practice.



Subd. 2. **Attorney general investigates.** When the board initiates a review of a physician's practice it shall notify the attorney general who shall investigate the matter in the same manner as provided in section 214.10. If an investigation is to be made, the attorney general shall notify the physician, and, if the incident being investigated occurred there, the administrator and chief of staff at the medical care facilities in which the physician serves.

Subd. 3. **Access to hospital records.** The board shall have access to hospital and medical records of a patient treated by the physician under review if the patient signs a written consent permitting such access.

**History:** 1976 c 222 s 39; 1980 c 509 s 47; 1981 c 311 s 39; 1982 c 545 s 24

#### **147.074 PHYSICIAN'S LISTING OF MEDICAL CARE FACILITIES; FILING.**

Each physician shall file with the board a list of the in-patient and out-patient medical care facilities at which they have medical privileges. The list shall be updated when the physician applies for license renewal.

**History:** 1976 c 222 s 40

**147.075** [Repealed, 1981 c 323 s 4; 1983 c 312 art 1 s 27]

**147.08** [Repealed, 1974 c 61 s 2]

#### **147.09 EXEMPTIONS.**

This chapter shall not apply to commissioned surgeons of the United States armed forces, to physicians from other states who are in actual consultation here or who treat their homestate patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3, to students practicing under the direct supervision of a preceptor while they are enrolled in and regularly attending a recognized medical school or to scientific, sanitary or teaching personnel employed by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

These physicians shall first register with the board of medical examiners and shall complete a form provided by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

**History:** *RL* s 2299; 1971 c 485 s 4; 1980 c 567 s 1; 1981 c 23 s 4 (5716)

#### **147.10 PRACTICING WITHOUT LICENSE; PENALTY.**

Every person not heretofore authorized by law so to do who shall practice medicine in this state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this chapter, shall be guilty of a gross misdemeanor. Any person shall be regarded as practicing within the meaning of this chapter who shall append to his name any of the letters M.D., M.B. or D.O. or any of the words medical doctor, doctor of medicine, surgeon, physician, osteopath, doctor of osteopathy, or osteopathic physician or any other word or abbreviation when the use thereof is intended to indicate or does in fact indicate that he is authorized by law to engage in the practice of medicine as herein defined, if he is not in fact legally entitled to the use of such letters or words; or for a fee prescribe, direct, or recommend for the use of any person, any drug, or

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medicine or other agency for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease. A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with section 147.031 shall not be considered as practicing medicine within the meaning of this section because he appends the letters D.O. to his name so long as he confines his activities within the scope of his license. This section shall not apply to any other persons legally authorized to practice healing or excepted from the practice of healing in this state so long as they confine their activities within the scope of their respective licenses, nor to Christian Scientists or other persons who endeavor to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer, nor to the practice of ritual circumcision performed pursuant to the requirements or tenets of any established religion; but this section shall apply to persons, other than psychologists certified or licensed by statutes, who use hypnosis for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease.

**History:** *RL s 2300; 1927 c 188 s 4; 1963 c 45 s 6; 1971 c 485 s 5; 1974 c 43 s 1 (5717)*

### 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.

**History:** *1973 c 547 s 1*

### 147.11 SPLITTING FEES UNLAWFUL.

It shall be unlawful for any physician or surgeon to divide fees with, or to promise to pay a part of his fee to, or pay a commission to, any other physician or surgeon or person who calls him in consultation or sends patients to him for treatment or operation.

**History:** *1917 c 365 s 1 (5718)*

### 147.12 PUNISHMENT FOR VIOLATION.

Any physician or surgeon who pays or receives any money prohibited by section 147.11 shall be guilty of a misdemeanor.

**History:** *1917 c 365 s 2; 1971 c 23 s 14 (5719)*

### 147.13 REVOCATION OF LICENSE.

In case a physician or surgeon shall be convicted of violating any of the provisions of section 147.11, the state board of medical examiners, upon a first conviction, may, and, upon a subsequent conviction, shall, revoke the license of the person so convicted.

**History:** *1917 c 365 s 3; 1976 c 222 s 41 (5720)*

### 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 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.

**History:** 1957 c 206 s 1; 1963 c 45 s 7; 1969 c 927 s 4; 1973 c 725 s 13

#### **147.17 POWERS UNDER TEMPORARY CERTIFICATE.**

Such temporary certificate for graduate training shall entitle the holder thereof, under the direction and supervision of a person licensed and duly registered to practice medicine in all of its branches in this state, to perform, within such designated hospital only, the services prescribed by and requisite to such resident physician's training program.

**History:** 1957 c 206 s 2

#### **147.171 LICENSING OF PERSONS PRACTICING MASSAGE.**

Any person who was licensed under Laws 1935, Chapter 245 may apply to the board of medical examiners for a permanent license. The board shall grant the request if it is satisfied that the applicant previously held a license under Laws 1935, Chapter 245.

**History:** 1976 c 222 s 42

#### **147.18 RENEWAL OF TEMPORARY CERTIFICATE, FEE.**

Such temporary certificate may be issued for a period of not to exceed one year and in the discretion of the board, may be renewed annually for not more than four additional years. The fee for the certificate and renewal thereof shall be fixed by the board.

**History:** 1957 c 206 s 3; 1976 c 222 s 43

#### **147.19 SUSPENSION OR REVOCATION OF TEMPORARY CERTIFICATE.**

Any violation of the provisions of sections 147.16 to 147.20, or of the provisions of section 147.02, relating to immoral, dishonorable or unprofessional conduct by the

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holder of a temporary certificate of authorization is cause for suspension or revocation of a certificate.

**History:** 1957 c 206 s 4

## 147.20 RESIDENT PHYSICIANS.

No person shall act as a resident physician without first obtaining a temporary certificate for graduate training. Any violation of this section is a gross misdemeanor. The provisions of this section do not apply to a doctor of medicine or doctor of osteopathy duly licensed and registered in this state to practice medicine in all of its branches, nor to a doctor of medicine duly enrolled and regularly attending graduate programs of the University of Minnesota or of the Mayo Foundation.

**History:** 1957 c 206 s 5; 1963 c 45 s 8; 1983 c 28 s 1

## 147.21 REGISTRATION FEES FOR OSTEOPATHS.

Every doctor of osteopathy licensed by the state board of osteopathy under Minnesota Statutes 1961, Sections 148.11 to 148.16, prior to May 1, 1963, and not licensed to practice medicine under this chapter shall annually register with the board in the manner prescribed in section 146.13.

**History:** 1963 c 45 s 9

## 147.22 TRANSFER RECORDS, ASSETS, AND POWERS.

The records, assets, and powers of the state board of osteopathy are transferred to the state board of medical examiners.

**History:** 1963 c 45 s 10; 1976 c 2 s 63

## 147.23 HOSPITAL MEDICAL STAFF, MEMBERSHIP.

Nothing contained in Laws 1963, Chapter 45, shall be deemed to grant to any person the right to be admitted to the medical staff of any hospital. If a hospital withdraws the right of a person to practice medicine or osteopathy at that hospital, or limits the surgical procedures he may perform within that hospital while retaining the physician on their staff, the hospital shall promptly inform the board of this action. When the board receives a report pursuant to this section they shall treat it in the same manner as prescribed for receipt of complaints in section 214.10, subdivision 1.

**History:** 1963 c 45 s 11; 1976 c 222 s 44

## 147.24 LOANS AND SCHOLARSHIPS TO MEDICAL STUDENTS.

**Subdivision 1. Purpose.** It is the purpose and intent of sections 147.24 to 147.29 to immediately meet the emergency now existing from the shortage of doctors in the state of Minnesota in rural areas by inducing a sufficient number of the medical school graduates to return to rural areas to practice their profession, thus affording adequate medical care to the people of these areas.

**Subd. 2. Definitions.** For the purposes of sections 147.24 to 147.29 the term "board" means the state board of medical examiners.

**History:** 1969 c 928 s 1

## 147.25 APPLICATION FOR LOANS; INVESTIGATION; EXAMINATION.

The board shall receive and pass upon, allow or disallow, all applications for loans made by students who are citizens of the United States or resident aliens who

desire to practice medicine, and who are acceptable for enrollment in any accredited medical school. The purpose of the loans is to enable the applicants to obtain a standard four year medical education that will qualify them to become licensed to practice medicine within the state of Minnesota. The board shall make a careful and full investigation of the ability, character, and qualifications of each applicant and determine his fitness to become the recipient of the loan. For that purpose the board may propound to each applicant an examination that it deems proper, and the board may prescribe in the manner provided by law the rules it deems necessary and proper to carry out the purpose and intention of sections 147.24 to 147.29. The investigation of the applicant shall include an investigation of the ability of the applicant, or of the parents of the applicant, to pay his own tuition at the medical school. The board, in granting the loans, shall give preference to qualified applicants who, or whose parents, are unable to pay the applicant's tuition at the medical school and who are in their third or fourth year in medical school.

The board may grant to each applicant deemed by the board to be qualified to receive it, a loan for the purpose of acquiring a medical education, upon terms and conditions that the board imposes in accordance with the provisions of sections 147.24 to 147.29.

**History:** 1969 c 928 s 2; 1984 c 609 s 10

#### **147.26 AMOUNT OF LOAN; CONTRACT; REPAYMENT.**

Subdivision 1. Applicants who are granted loans by the board shall receive a loan not to exceed \$10,000 to any one applicant to be paid in annual installments not exceeding \$2,500 per year, with which to defray his or her tuition and other expenses at any medical school accredited by the American Medical Association which shall be paid at such time and in such manner as may be determined by the board. The loans to be granted to each applicant shall be granted upon the condition that the full amount thereof shall be repaid to the state of Minnesota as provided in this section with eight percent interest from the date of each payment by the state on such loan. The loan shall be repaid:

(1) In installments of 25 percent of the principal of the loan, annually, together with interest, the first such installment to be due on or before two years after the date the applicant completes his internship or residency in family practice.

(2) The interest on the loan may be repaid to the state of Minnesota by services to be rendered by the applicant by practicing his profession in a municipality within the state having a population of 3,000 or less according to the 1960 federal census. One year's interest on the loan shall be forgiven to the applicant for each year of practicing his profession within the state of Minnesota as herein provided.

(3) The last quarterly installment due on the principal balance shall be forgiven if the applicant has practiced medicine in a municipality having a population of 3,000 or less for a period of five years.

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

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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.

**History:** 1969 c 928 s 3; 1973 c 725 s 14

## 147.27 CANCELLATION; LIABILITY.

The board may cancel any contract made between it and any applicant for loans upon such cause deemed sufficient by the board. Cancellation of a contract by the board shall not relieve an applicant from liability for payment of any unpaid balance on a loan.

**History:** 1969 c 928 s 4

## 147.28 REPORT TO LEGISLATURE.

The board shall report to each regular session of the legislature in regard to loans granted, specifying, the county of residence of the applicants who have received their education and become licensed to practice medicine within this state as a result of the loans, and the area in which they are practicing. The report shall contain a full statement of expenditures of money appropriated for the purposes of sections 147.24 to 147.29.

**History:** 1969 c 928 s 5

## 147.29 SERVICE IN ARMED FORCES; PAYMENT AND PERFORMANCE.

If the applicant is required to actively serve in the armed forces during the period covered by sections 147.24 to 147.29, then the dates of payment and the conditions of performance shall be extended for the period of time the applicant is so serving.

**History:** 1969 c 928 s 6

## 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 education coordinating board. In selecting recipients, the higher education coordinating board shall not discriminate against any applicant based on residence in an urban area prior to or at the time of application. 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 board. 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 board; provided further that if a student received a loan pursuant to this section prior to June 1, 1975, the obligation to repay the principal and interest on any such loan made before or after that date shall be forgiven if 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 board. 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 board determines sufficient for the purpose specified in this section not to exceed \$6,000 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 \$24,000 in aggregate principal amount. The board 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.

**History:** 1973 c 727 s 1; 1974 c 77 s 1; 1975 c 267 s 1; 1975 c 271 s 6; 1975 c 390 s 9; 1977 c 413 s 1

#### **147.31 BONDS.**

The higher education coordinating board 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 \$144,000 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 board 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.

**History:** 1973 c 727 s 2; 1974 c 77 s 2; 1975 c 271 s 6; 1975 c 390 s 8; 1977 c 413 s 2

#### **147.32 RESERVE FUND; APPROPRIATIONS.**

Subdivision 1. The board 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 and for the purpose of paying the principal and interest of bonds issued under sections 147.30 to 147.33 as such principal and interest become due, to the extent that moneys are not available for such purpose in any sinking fund established for such bonds. The reserve funds may be held and may be invested by the board 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, or if there are insufficient moneys in any sinking fund for such bonds to pay the principal and interest thereof as the same become due there is hereby appropriated to the board from any moneys in the state treasury not otherwise appropriated, such moneys as are required to meet such deficiencies. The amount of the appropriation made by these provisions shall be certified by the executive director of the higher education coordinating board to the commissioner of finance whenever moneys are required to meet such deficiencies.

**History:** 1973 c 492 s 14; 1973 c 727 s 3; 1974 c 77 s 3; 1975 c 271 s 6

#### **147.33 RECOMMENDATIONS; AREAS OF NEED; APPLICANTS.**

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

**History:** 1973 c 727 s 5; 1975 c 271 s 6