

148.6368 COMMISSIONER ACTION ON APPLICATIONS.

Subdivision 1. **General.** (a) The commissioner must act on each application for registration or renewal according to this section.

(b) The commissioner shall determine if the applicant meets the requirements for registration or renewal under section 148.6366 or 148.6367. The commissioner may investigate information provided by an applicant to determine whether the information is accurate and complete and may request additional information or documentation.

(c) The commissioner shall notify each applicant in writing of action taken on the application, the grounds for denying registration if registration is denied, and the applicant's right to review under paragraph (d).

(d) An applicant denied registration may make a written request to the commissioner within 30 days of the commissioner's notice to appear before the advisory council and for the advisory council to review the commissioner's decision to deny registration. After reviewing the denial, the advisory council shall make a recommendation to the commissioner as to whether the denial must be affirmed. Each applicant is allowed only one request for review per registration period.

Subd. 2. **Registration prohibited.** (a) Except as provided in paragraph (b), the commissioner shall deny an application for registration if an applicant:

(1) has been convicted in this state of any of the following crimes or of equivalent crimes in another state:

- (i) labor or sex trafficking under section 609.281, 609.282, 609.283, or 609.322;
- (ii) criminal sexual conduct under sections 609.342 to 609.3451 or 609.3453; or
- (iii) a violent crime as defined under section 611A.08, subdivision 6;

(2) is a registered sex offender under section 243.166;

(3) has been subject to disciplinary action under section 146A.09, if the commissioner determines that such denial is necessary to protect the public; or

(4) is charged with or under investigation for a complaint in this state or any other jurisdiction that would constitute a violation of statutes or rules established for massage therapy or Asian bodywork therapy registration in this state and the charge or complaint has not been resolved in favor of the applicant.

(b) The commissioner may establish criteria whereby an individual convicted of an offense listed in paragraph (a) may become registered if the criteria:

- (1) utilize a rebuttable presumption that the applicant is not suitable for registration;
- (2) provide a standard for overcoming the presumption; and

(3) require that a minimum of one year has elapsed since the applicant was released from incarceration or supervisory jurisdiction related to the offense.

(c) The commissioner shall not consider an application under paragraph (b) if the commissioner determines that the victim involved in the offense was a client of the applicant at the time of the offense.

History: 2026 c 115 art 3 s 12