

148.6370 DISCIPLINARY ACTIONS.

Subdivision 1. **Forms of disciplinary action.** When the commissioner finds that grounds for disciplinary action exist under section 148.6369, subdivision 1, the commissioner may take one or more of the following actions:

- (1) deny the registration;
- (2) revoke the registration;
- (3) suspend the registration;
- (4) impose limitations on the practice of massage therapy or Asian bodywork therapy, including but not limited to limitation of scope of practice or a requirement to practice under supervision;
- (5) impose conditions on the retention of a registration, including but not limited to imposing retraining or rehabilitation requirements or conditioning continued practice on a demonstration of knowledge or skills by appropriate examination, monitoring, or other review;
- (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty (i) to be fixed as to deprive the massage therapist or Asian bodywork therapist of any economic advantage gained by reason of the violation charged, (ii) to reimburse the commissioner for the cost of counsel, investigation, and proceeding, and (iii) to discourage repeated violations;
- (7) order the registrant to provide unremunerated service;
- (8) censure or reprimand the registrant; or
- (9) any other action justified by the facts of the case.

Subd. 2. **Automatic suspension.** (a) Unless the commissioner orders otherwise, a registration is automatically suspended if:

- (1) a guardian for the registrant is appointed by order of a court under sections 524.5-101 to 524.5-502;
- (2) the registrant is committed by order of a court under chapter 253B; or
- (3) the registrant is determined to be mentally incompetent, mentally ill, chemically dependent, or a person dangerous to the public by a court of competent jurisdiction within or outside this state.

(b) A registration suspended under this subdivision remains suspended until the registrant is restored to capacity by a court and, upon petition by the registrant, the suspension is terminated by the commissioner after a hearing or upon agreement between the commissioner and the registrant.

Subd. 3. **Temporary suspension.** In addition to any other remedy provided by law, the commissioner, acting through a person to whom the commissioner has delegated this authority and without a hearing, may temporarily suspend the registration of a massage therapist or Asian bodywork therapist if the commissioner's delegate finds that the registrant has violated a statute or rule that the commissioner is empowered to enforce and that continued practice would create a serious risk of harm to others. The suspension is in effect upon service of a written order on the registrant specifying the statute or rule violated. The order remains in effect until the commissioner issues a final order in the matter after a hearing or upon agreement between the commissioner and the registrant. Service of the order is effective if the order is served on the registrant or counsel of record personally or by first class mail. Within ten days of service of the order, the commissioner shall hold a hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the

suspension. Evidence presented by the commissioner or registrant shall be in affidavit form only. The registrant or the counsel of record may appear for oral argument. Within five working days after the hearing, the commissioner shall issue the commissioner's order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The commissioner shall issue a final order within 30 days after receipt of that report.

Subd. 4. Hearings. If the commissioner proposes to take action against the applicant or registrant as described in subdivision 1, the commissioner must first notify the applicant or registrant against whom the action is proposed to be taken and provide the applicant or registrant with an opportunity to request a hearing under the contested case provisions of chapter 14. If the applicant or registrant does not request a hearing by notifying the commissioner within 30 days after service of the notice of the proposed action, the commissioner may proceed with the action without a hearing.

Subd. 5. Reissuance. The commissioner may reinstate and reissue a registration, but as a condition may impose any disciplinary or corrective measure that the commissioner might originally have imposed. Any person whose registration has been revoked, suspended, or limited may have the registration reinstated when, in the discretion of the commissioner, the action is warranted, provided that the person shall be required by the commissioner to pay the costs of the proceedings resulting in the revocation, suspension, or limitation of the registration and reinstatement of the registration and to pay the fee for the current registration period. The cost of proceedings shall include but not be limited to the cost paid by the commissioner to the Court of Administrative Hearings and the Office of the Attorney General for legal and investigative services, the costs of a court reporter and witnesses, reproduction of records, and Department of Health staff time, travel, and expenses.

History: 2026 c 115 art 3 s 14