

Chapter: 56

Session: 2017 Regular Session

Topic: Board of Medical Practice title protection and disciplinary action

Analyst: Sarah Sunderman

Date: June 8, 2017

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This act clarifies title protection for professionals licensed by the Board of Medical Practice and makes technical changes to the board's grounds for disciplinary action.

Section

- 1** **Practicing without license; penalty.** Amends § 147.081, subdivisions 2 and 3. Adds violation of proposed section 147.082 relating to title protection to violations amounting to gross misdemeanor. Removes the use of certain titles or designations by a person in any profession relating to the diagnosis of human disease or conditions from acts constituting the practice of medicine.
- 2** **Title protection.** Proposes coding for § 147.082. Prohibits a person not licensed under chapter 147 from using the title “doctor of medicine,” “medical doctor,” “doctor of osteopathic medicine,” “osteopathic physician,” “physician,” “surgeon,” “M.D.,” or “D.O.,” in the conduct of any occupation relating to the diagnosis of human disease or conditions.
Specifies that this section does not prohibit a health care professional from using a title incorporating any of the above terms, if permitted under the health care professional's practice act.
- 3** **Grounds listed.** Amends § 147.091, subd. 1. Modifies grounds for disciplinary action. Paragraph (g) lists the following as unethical or improper conduct:
 - (1) conduct likely to deceive or defraud the public;
 - (2) conduct likely to harm the public; and
 - (3) conduct that demonstrates a willful or careless disregard for the health, welfare, or safety of a patient.

Section

Adds professionally incompetent medical practice to the list of unethical or improper conduct.

Paragraph (h) modifies language and adds licensed or unlicensed health care providers to those a physician must properly supervise.

Paragraph (j) specifies that an adjudication that may result in disciplinary action must be made by a court of competent jurisdiction, within or outside Minnesota.

Paragraph (k) modifies language defining unprofessional conduct.

Paragraph (l) modifies list of reasons for inability to practice medicine by removing “drunkenness,” adding “intoxication,” adding “diminished cognitive ability,” and adding “loss of motor skills.”

Paragraph (s) modifies language relating to inappropriate prescribing, including the failure to properly prescribe a drug or device.