

1.1 ..... moves to amend H.F. No. 3138, the delete everything amendment  
1.2 (A18-0776), as follows:

1.3 Page 68, after line 4, insert:

1.4 "Sec. 2. Minnesota Statutes 2016, section 62Q.55, subdivision 5, is amended to read:

1.5 Subd. 5. **Coverage restrictions or limitations.** (a) If emergency services are provided  
1.6 by a nonparticipating provider, with or without prior authorization, the health plan company  
1.7 shall not impose coverage restrictions or limitations that are more restrictive than apply to  
1.8 emergency services received from a participating provider. Cost-sharing requirements that  
1.9 apply to emergency services received out-of-network must be the same as the cost-sharing  
1.10 requirements that apply to services received in-network.

1.11 (b) If emergency services are provided by a nonparticipating provider:

1.12 (1) the nonparticipating provider shall not request payment from the enrollee in addition  
1.13 to the applicable cost-sharing requirements authorized under paragraph (a);

1.14 (2) the enrollee shall be held harmless and not liable for payment to the nonparticipating  
1.15 provider that are in addition to the applicable cost-sharing requirements under paragraph  
1.16 (a); and

1.17 (3) the nonparticipating provider shall accept as payment-in-full from the health plan  
1.18 company an amount equal to the Medicare reimbursement rate for the emergency services.

1.19 This paragraph does not apply to the medical assistance and MinnesotaCare programs.

1.20 Sec. 3. Minnesota Statutes 2017 Supplement, section 147.091, subdivision 1, is amended  
1.21 to read:

1.22 Subdivision 1. **Grounds listed.** The board may refuse to grant a license, may refuse to  
1.23 grant registration to perform interstate telemedicine services, or may impose disciplinary

2.1 action as described in section 147.141 against any physician. The following conduct is  
2.2 prohibited and is grounds for disciplinary action:

2.3 (a) Failure to demonstrate the qualifications or satisfy the requirements for a license  
2.4 contained in this chapter or rules of the board. The burden of proof shall be upon the applicant  
2.5 to demonstrate such qualifications or satisfaction of such requirements.

2.6 (b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing  
2.7 examination process. Conduct which subverts or attempts to subvert the licensing examination  
2.8 process includes, but is not limited to: (1) conduct which violates the security of the  
2.9 examination materials, such as removing examination materials from the examination room  
2.10 or having unauthorized possession of any portion of a future, current, or previously  
2.11 administered licensing examination; (2) conduct which violates the standard of test  
2.12 administration, such as communicating with another examinee during administration of the  
2.13 examination, copying another examinee's answers, permitting another examinee to copy  
2.14 one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or  
2.15 permitting an impersonator to take the examination on one's own behalf.

2.16 (c) Conviction, during the previous five years, of a felony reasonably related to the  
2.17 practice of medicine or osteopathic medicine. Conviction as used in this subdivision shall  
2.18 include a conviction of an offense which if committed in this state would be deemed a felony  
2.19 without regard to its designation elsewhere, or a criminal proceeding where a finding or  
2.20 verdict of guilt is made or returned but the adjudication of guilt is either withheld or not  
2.21 entered thereon.

2.22 (d) Revocation, suspension, restriction, limitation, or other disciplinary action against  
2.23 the person's medical license in another state or jurisdiction, failure to report to the board  
2.24 that charges regarding the person's license have been brought in another state or jurisdiction,  
2.25 or having been refused a license by any other state or jurisdiction.

2.26 (e) Advertising which is false or misleading, which violates any rule of the board, or  
2.27 which claims without substantiation the positive cure of any disease, or professional  
2.28 superiority to or greater skill than that possessed by another physician.

2.29 (f) Violating a rule promulgated by the board or an order of the board, a state, or federal  
2.30 law which relates to the practice of medicine, or in part regulates the practice of medicine  
2.31 including without limitation sections 604.201, 609.344, and 609.345, or a state or federal  
2.32 narcotics or controlled substance law.

2.33 (g) Engaging in any unethical or improper conduct, including but not limited to:

- 3.1 (1) conduct likely to deceive or defraud the public;
- 3.2 (2) conduct likely to harm the public;
- 3.3 (3) conduct that demonstrates a willful or careless disregard for the health, welfare, or  
3.4 safety of a patient;
- 3.5 (4) medical practice that is professionally incompetent; and
- 3.6 (5) conduct that may create unnecessary danger to any patient's life, health, or safety,  
3.7 in any of which cases, proof of actual injury need not be established.
- 3.8 (h) Failure to provide proper supervision, including but not limited to supervision of a:
- 3.9 (1) physician assistant;
- 3.10 (2) licensed or unlicensed health care provider; and
- 3.11 (3) physician under any agreement with the board.
- 3.12 (i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is  
3.13 not a violation of this paragraph for a physician to employ, supervise, or delegate functions  
3.14 to a qualified person who may or may not be required to obtain a license or registration to  
3.15 provide health services if that person is practicing within the scope of that person's license  
3.16 or registration or delegated authority.
- 3.17 (j) Adjudication by a court of competent jurisdiction, within or outside this state, as:
- 3.18 (1) mentally incompetent;
- 3.19 (2) mentally ill;
- 3.20 (3) developmentally disabled;
- 3.21 (4) a chemically dependent person;
- 3.22 (5) a person dangerous to the public;
- 3.23 (6) a sexually dangerous person; or
- 3.24 (7) a person who has a sexual psychopathic personality.
- 3.25 Such adjudication shall automatically suspend a license for the duration of the  
3.26 adjudication unless the board orders otherwise.
- 3.27 (k) Conduct that departs from or fails to conform to the minimal standards of acceptable  
3.28 and prevailing medical practice in which case proof of actual injury need not be established.

4.1 (l) Inability to practice medicine with reasonable skill and safety to patients by reason  
4.2 of the following, including but not limited to:

4.3 (1) illness;

4.4 (2) intoxication;

4.5 (3) use of drugs, narcotics, chemicals, or any other type of substance;

4.6 (4) mental condition;

4.7 (5) physical condition;

4.8 (6) diminished cognitive ability;

4.9 (7) loss of motor skills; or

4.10 (8) deterioration through the aging process.

4.11 (m) Revealing a privileged communication from or relating to a patient except when  
4.12 otherwise required or permitted by law.

4.13 (n) Failure by a doctor of osteopathic medicine to identify the school of healing in the  
4.14 professional use of the doctor's name by one of the following terms: osteopathic physician  
4.15 and surgeon, doctor of osteopathic medicine, or D.O.

4.16 (o) Improper management of medical records, including failure to maintain adequate  
4.17 medical records, to comply with a patient's request made pursuant to sections 144.291 to  
4.18 144.298 or to furnish a medical record or report required by law.

4.19 (p) Fee splitting, including without limitation:

4.20 (1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or  
4.21 remuneration, directly or indirectly, primarily for the referral of patients or the prescription  
4.22 of drugs or devices;

4.23 (2) dividing fees with another physician or a professional corporation, unless the division  
4.24 is in proportion to the services provided and the responsibility assumed by each professional  
4.25 and the physician has disclosed the terms of the division;

4.26 (3) referring a patient to any health care provider as defined in sections 144.291 to  
4.27 144.298 in which the referring physician has a "financial or economic interest," as defined  
4.28 in section 144.6521, subdivision 3, unless the physician has disclosed the physician's financial  
4.29 or economic interest in accordance with section 144.6521; and

4.30 (4) dispensing for profit any drug or device, unless the physician has disclosed the  
4.31 physician's own profit interest.

5.1 The physician must make the disclosures required in this clause in advance and in writing  
5.2 to the patient and must include in the disclosure a statement that the patient is free to choose  
5.3 a different health care provider. This clause does not apply to the distribution of revenues  
5.4 from a partnership, group practice, nonprofit corporation, or professional corporation to its  
5.5 partners, shareholders, members, or employees if the revenues consist only of fees for  
5.6 services performed by the physician or under a physician's direct supervision, or to the  
5.7 division or distribution of prepaid or capitated health care premiums, or fee-for-service  
5.8 withhold amounts paid under contracts established under other state law.

5.9 (q) Engaging in abusive or fraudulent billing practices, including violations of the federal  
5.10 Medicare and Medicaid laws, ~~or~~ state medical assistance laws, or section 62Q.55, subdivision  
5.11 5.

5.12 (r) Becoming addicted or habituated to a drug or intoxicant.

5.13 (s) Inappropriate prescribing of or failure to properly prescribe a drug or device, including  
5.14 prescribing a drug or device for other than medically accepted therapeutic or experimental  
5.15 or investigative purposes authorized by a state or federal agency.

5.16 (t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted  
5.17 by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning  
5.18 to a patient.

5.19 (u) Failure to make reports as required by section 147.111 or to cooperate with an  
5.20 investigation of the board as required by section 147.131.

5.21 (v) Knowingly providing false or misleading information that is directly related to the  
5.22 care of that patient unless done for an accepted therapeutic purpose such as the administration  
5.23 of a placebo.

5.24 (w) Aiding suicide or aiding attempted suicide in violation of section 609.215 as  
5.25 established by any of the following:

5.26 (1) a copy of the record of criminal conviction or plea of guilty for a felony in violation  
5.27 of section 609.215, subdivision 1 or 2;

5.28 (2) a copy of the record of a judgment of contempt of court for violating an injunction  
5.29 issued under section 609.215, subdivision 4;

5.30 (3) a copy of the record of a judgment assessing damages under section 609.215,  
5.31 subdivision 5; or

6.1 (4) a finding by the board that the person violated section 609.215, subdivision 1 or 2.  
6.2 The board shall investigate any complaint of a violation of section 609.215, subdivision 1  
6.3 or 2.

6.4 (x) Practice of a board-regulated profession under lapsed or nonrenewed credentials.

6.5 (y) Failure to repay a state or federally secured student loan in accordance with the  
6.6 provisions of the loan.

6.7 (z) Providing interstate telemedicine services other than according to section 147.032.

6.8 Sec. 4. Minnesota Statutes 2016, section 148.261, subdivision 1, is amended to read:

6.9 Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit, or condition  
6.10 the license and registration of any person to practice advanced practice, professional, or  
6.11 practical nursing under sections 148.171 to 148.285, or to otherwise discipline a licensee  
6.12 or applicant as described in section 148.262. The following are grounds for disciplinary  
6.13 action:

6.14 (1) Failure to demonstrate the qualifications or satisfy the requirements for a license  
6.15 contained in sections 148.171 to 148.285 or rules of the board. In the case of a person  
6.16 applying for a license, the burden of proof is upon the applicant to demonstrate the  
6.17 qualifications or satisfaction of the requirements.

6.18 (2) Employing fraud or deceit in procuring or attempting to procure a permit, license,  
6.19 or registration certificate to practice advanced practice, professional, or practical nursing  
6.20 or attempting to subvert the licensing examination process. Conduct that subverts or attempts  
6.21 to subvert the licensing examination process includes, but is not limited to:

6.22 (i) conduct that violates the security of the examination materials, such as removing  
6.23 examination materials from the examination room or having unauthorized possession of  
6.24 any portion of a future, current, or previously administered licensing examination;

6.25 (ii) conduct that violates the standard of test administration, such as communicating with  
6.26 another examinee during administration of the examination, copying another examinee's  
6.27 answers, permitting another examinee to copy one's answers, or possessing unauthorized  
6.28 materials; or

6.29 (iii) impersonating an examinee or permitting an impersonator to take the examination  
6.30 on one's own behalf.

6.31 (3) Conviction of a felony or gross misdemeanor reasonably related to the practice of  
6.32 professional, advanced practice registered, or practical nursing. Conviction as used in this

7.1 subdivision includes a conviction of an offense that if committed in this state would be  
7.2 considered a felony or gross misdemeanor without regard to its designation elsewhere, or  
7.3 a criminal proceeding where a finding or verdict of guilt is made or returned but the  
7.4 adjudication of guilt is either withheld or not entered.

7.5 (4) Revocation, suspension, limitation, conditioning, or other disciplinary action against  
7.6 the person's professional or practical nursing license or advanced practice registered nursing  
7.7 credential, in another state, territory, or country; failure to report to the board that charges  
7.8 regarding the person's nursing license or other credential are pending in another state,  
7.9 territory, or country; or having been refused a license or other credential by another state,  
7.10 territory, or country.

7.11 (5) Failure to or inability to perform professional or practical nursing as defined in section  
7.12 148.171, subdivision 14 or 15, with reasonable skill and safety, including failure of a  
7.13 registered nurse to supervise or a licensed practical nurse to monitor adequately the  
7.14 performance of acts by any person working at the nurse's direction.

7.15 (6) Engaging in unprofessional conduct, including, but not limited to, a departure from  
7.16 or failure to conform to board rules of professional or practical nursing practice that interpret  
7.17 the statutory definition of professional or practical nursing as well as provide criteria for  
7.18 violations of the statutes, or, if no rule exists, to the minimal standards of acceptable and  
7.19 prevailing professional or practical nursing practice, or any nursing practice that may create  
7.20 unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not  
7.21 be established under this clause.

7.22 (7) Failure of an advanced practice registered nurse to practice with reasonable skill and  
7.23 safety or departure from or failure to conform to standards of acceptable and prevailing  
7.24 advanced practice registered nursing.

7.25 (8) Delegating or accepting the delegation of a nursing function or a prescribed health  
7.26 care function when the delegation or acceptance could reasonably be expected to result in  
7.27 unsafe or ineffective patient care.

7.28 (9) Actual or potential inability to practice nursing with reasonable skill and safety to  
7.29 patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as  
7.30 a result of any mental or physical condition.

7.31 (10) Adjudication as mentally incompetent, mentally ill, a chemically dependent person,  
7.32 or a person dangerous to the public by a court of competent jurisdiction, within or without  
7.33 this state.

8.1 (11) Engaging in any unethical conduct, including, but not limited to, conduct likely to  
8.2 deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for  
8.3 the health, welfare, or safety of a patient. Actual injury need not be established under this  
8.4 clause.

8.5 (12) Engaging in conduct with a patient that is sexual or may reasonably be interpreted  
8.6 by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning  
8.7 to a patient, or engaging in sexual exploitation of a patient or former patient.

8.8 (13) Obtaining money, property, or services from a patient, other than reasonable fees  
8.9 for services provided to the patient, through the use of undue influence, harassment, duress,  
8.10 deception, or fraud.

8.11 (14) Revealing a privileged communication from or relating to a patient except when  
8.12 otherwise required or permitted by law.

8.13 (15) Engaging in abusive or fraudulent billing practices, including violations of federal  
8.14 Medicare and Medicaid laws, ~~or~~ state medical assistance laws, or section 62Q.55, subdivision  
8.15 5.

8.16 (16) Improper management of patient records, including failure to maintain adequate  
8.17 patient records, to comply with a patient's request made pursuant to sections 144.291 to  
8.18 144.298, or to furnish a patient record or report required by law.

8.19 (17) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage  
8.20 in the unlawful practice of advanced practice, professional, or practical nursing.

8.21 (18) Violating a rule adopted by the board, an order of the board, or a state or federal  
8.22 law relating to the practice of advanced practice, professional, or practical nursing, or a  
8.23 state or federal narcotics or controlled substance law.

8.24 (19) Knowingly providing false or misleading information that is directly related to the  
8.25 care of that patient unless done for an accepted therapeutic purpose such as the administration  
8.26 of a placebo.

8.27 (20) Aiding suicide or aiding attempted suicide in violation of section 609.215 as  
8.28 established by any of the following:

8.29 (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation  
8.30 of section 609.215, subdivision 1 or 2;

8.31 (ii) a copy of the record of a judgment of contempt of court for violating an injunction  
8.32 issued under section 609.215, subdivision 4;

9.1 (iii) a copy of the record of a judgment assessing damages under section 609.215,  
9.2 subdivision 5; or

9.3 (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.  
9.4 The board shall investigate any complaint of a violation of section 609.215, subdivision 1  
9.5 or 2.

9.6 (21) Practicing outside the scope of practice authorized by section 148.171, subdivision  
9.7 5, 10, 11, 13, 14, 15, or 21.

9.8 (22) Making a false statement or knowingly providing false information to the board,  
9.9 failing to make reports as required by section 148.263, or failing to cooperate with an  
9.10 investigation of the board as required by section 148.265.

9.11 (23) Engaging in false, fraudulent, deceptive, or misleading advertising.

9.12 (24) Failure to inform the board of the person's certification or recertification status as  
9.13 a certified registered nurse anesthetist, certified nurse-midwife, certified nurse practitioner,  
9.14 or certified clinical nurse specialist.

9.15 (25) Engaging in clinical nurse specialist practice, nurse-midwife practice, nurse  
9.16 practitioner practice, or registered nurse anesthetist practice without a license and current  
9.17 certification or recertification by a national nurse certification organization acceptable to  
9.18 the board.

9.19 (26) Engaging in conduct that is prohibited under section 145.412.

9.20 (27) Failing to report employment to the board as required by section 148.211, subdivision  
9.21 2a, or knowingly aiding, assisting, advising, or allowing a person to fail to report as required  
9.22 by section 148.211, subdivision 2a."

9.23 Renumber the sections in sequence and correct the internal references

9.24 Amend the title accordingly