

Bill Summary Comparison of Health and Human Services

House File 2749, Unofficial
Engrossment (UEH2749-1)
Article 27: Health-Related
Occupational Licensing

House File 3467-3 (H3467-3)
Article 7: Health-Related
Licensing

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<p>Section 1 (146C.01) defines the following terms: advisory council; code of ethics; commissioner; common languages; interpreting standards of practice; registry; remote interpretation; spoken language health care interpreter; and spoken language interpreting services.</p>	<p>Identical. Senate has placed the statutes regulating spoken language health care interpreters in a new chapter of law (146C). The House includes in chapter 148. (This difference is throughout these sections).</p> <p>Staff recommends Senate.</p>	<p>Sec. 10. Definitions. Creates § 148.9981. Defines the terms “advisory council,” “code of ethics,” “commissioner,” “interpreting standards of practice,” “registry,” “remote interpretation,” “spoken language health care interpreter” or “interpreter,” and “spoken language interpreting services.”</p>
<p>Section 2 (146C.03) establishes a tiered registry system for spoken language health care interpreters.</p> <p>Subdivision 1, paragraph (a) requires the Commissioner of Health to establish by July 1, 2017, a registry for spoken language health care interpreters. Specifies that the registry must contain four separate tiers based on different qualification standards for education and training.</p> <p>Paragraph (b) requires any individual who wants to be on the registry to submit an application to the commissioner along with the applicable fees. Specifies what the application must include.</p> <p>Paragraph (c) requires the commissioner to determine if the applicant meets the requirements for the applicable registry tier and authorizes the commissioner to request additional information from the applicant. Requires the commissioner to notify the applicant of the action taken on the application and if the applicant is denied the grounds for denial.</p> <p>Paragraph (d) specifies that if the application is denied, the applicant may apply for a lower tier or may reapply for the same tier at a later date.</p>	<p>Identical, except Senate subdivision 3 includes the updated name of an examining board.</p> <p>Staff recommends Senate.</p>	<p>Sec. 11. Registry. Creates § 148.9982.</p> <p>Subdivision 1. Establishment. Paragraph (a) requires the commissioner of health to establish a registry for spoken language health care interpreters by July 1, 2017. Requires the registry to have four tiers based on qualification standards.</p> <p>Paragraph (b) requires an individual who wants to be listed on the registry to submit an application to the commissioner.</p> <p>Paragraph (c) instructs the commissioner to determine if the applicant meets the requirements for the applicable registry tier and to notify the applicant of the action taken on the application.</p> <p>Paragraph (d) provides that if the commissioner denies the application, the applicant may apply for a lower tier or may reapply for the same tier at a later date.</p> <p>Paragraph (e) allows applicants who qualify for different tiers for different language to submit only one application.</p> <p>Paragraph (f) allows the commissioner to request additional information from the applicant.</p> <p>Subd. 2. Tier 1 requirements. Provides that an individual must be at least 18 years of age, pass an</p>

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<p>Paragraph (e) specifies that if an applicant qualifies for different tiers for different languages, the applicant is only required to submit one application and submit the fee associated with the highest tier for which the applicant is applying.</p> <p>Paragraph (f) authorizes the commissioner to request additional information from an applicant as deemed necessary.</p> <p>Subdivision 2 describes the requirements for the tier 1 registry.</p> <p>Subdivision 3 describes the requirements for the tier 2 registry.</p> <p>Subdivision 4 describes the requirements for the tier 3 registry.</p> <p>Subdivision 5 describes the requirements for the tier 4 registry.</p> <p>Subdivision 6 requires a registered interpreter to inform the commissioner in writing within 30 days if the interpreter changes their name, address, or email address. Specifies that any notice or other correspondence mailed to the interpreter’s address or e-mail on file with the commissioner shall be considered received by the interpreter.</p> <p>Subdivision 7 specifies that all information submitted to the commissioner by an applicant is classified in accordance with section 13.41.</p>		<p>examination on basic medical terminology in English, pass an examination on interpreter ethics and standards of practice, and affirm that the applicant has read to code of ethics and standards of practice and will abide by them.</p> <p>Subd. 3. Tier 2 requirements. In addition to the requirements of subdivision 2, between July 1, 2017, and June 30, 2018, the individual must provide proof of completion of a training program for medical interpreters that is at least 40 hours in length. Establishes training requirements effective July 1, 2018.</p> <p>Subd. 4. Tier 3 requirements. In addition to the requirements of subdivision 2, an applicant must have national certification in health care interpreting that does not include a language proficiency component, or provide proof of successfully completing an interpreting certification program from an accredited U.S. academic institution that is at least 18 semester credits.</p> <p>Subd. 5. Tier 4 requirements. In addition to the requirements of subdivision 2, an applicant must have national certification in health care interpreting that includes language proficiency in a non-English language, or has an associate’s degree or higher in interpreting and has achieved a score of “advanced mid” or higher. The degree must include at least three semester credits of medical terminology or medical interpreting. Allows the commissioner, in consultation with the advisory committee, to approve alternate</p>

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		<p>means of achieving proficiency or degrees from foreign institutions.</p> <p>Subd. 6. Change of name and address. Requires registrants to notify the commissioner in writing within 30 days of any changes to their name, address, or email address.</p> <p>Subd. 7. Data. Provides that applicant and registrant data shall be maintained according to § 13.41.</p>
<p>Section 3 (146C.05) establishes the registry renewal process.</p> <p>Subdivision 1 specifies that the registry period is valid for one year. To renew, an interpreter must submit a renewal application, a continuing education report, and the required fees.</p> <p>Subdivision 2 requires the commissioner to send out a renewal notice to the interpreter’s last known address on file with the commissioner 60 days before the registry expiration date. Requires the interpreter to meet the deadline for renewal for continuous inclusion on the registry even if the interpreter did not receive the renewal notice. Specifies that a renewal application must be received by the commissioner or postmarked at least 30 days before the expiration date.</p> <p>Subdivision 3 requires the renewal application to include the late fee if submitted after the deadline.</p> <p>Subdivision 4 requires an interpreter whose registry listing has lapsed for more than one year to submit a new application to be listed on the registry.</p>	<p>Identical.</p>	<p>Sec. 12. Renewal. Creates § 148.9983.</p> <p>Subd. 1. Registry period. Provides that listing on the registry is valid for one year. Requires interpreters to submit a renewal application, a continuing education report, and the required fees.</p> <p>Subd. 2. Notice. Requires the commissioner to send out a renewal notice 60 days before registry expiration. Requires that the renewal be received by the commissioner or postmarked at least 30 days prior to the registry expiration date.</p> <p>Subd. 3. Late fee. Requires the interpreter to pay a late fee when a renewal application is submitted after the renewal deadline.</p> <p>Subd. 4. Lapse in renewal. Provides that an interpreter must submit a new application if the interpreter’s registry listing has been expired for one year or more.</p>

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<p>Section 4 (146C.07) describes prohibited conduct and disciplinary actions that may be taken by the commissioner.</p> <p>Subdivision 1 describes the prohibited conduct that if violated, may be grounds for disciplinary action.</p> <p>Subdivision 2 authorizes the commissioner to initiate an investigation upon receiving a complaint alleging a violation.</p> <p>Subdivision 3 lists the disciplinary action the commissioner may take.</p> <p>Subdivision 4 permits interpreters who have been removed from the registry or have had their practice suspended to request and provide justification for reinstatement following a period of suspension. The interpreter must meet the requirements of these sections or any other condition imposed by the commissioner before the interpreter may be listed on the registry or have the right to practice reinstated.</p>	<p>Identical.</p>	<p>Sec. 13. Disciplinary actions; oversight of complaints. Creates § 148.9884.</p> <p>Subd. 1. Prohibited conduct. Lists the grounds for disciplinary or corrective action.</p> <p>Subd. 2. Complaints. Allows the commissioner to investigate complaints. Requires the commissioner to follow the procedures followed by the health-related licensing boards for complaint investigations and hearings.</p> <p>Subd. 3. Disciplinary actions. Lists the types of actions that may be taken by the commissioner.</p> <p>Subd. 4. Reinstatement requirements after disciplinary action. Allows an interpreter who has been removed from the registry or had their practice suspended to request reinstatement.</p>
<p>Section 5 (146C.09) specifies the continuing education requirements.</p> <p>Subdivision 1 requires the advisory council to approve continuing education courses and training. Specifies the numbers of continuing education hours that an interpreter must complete for each tier during the registry period.</p> <p>Subdivision 2 requires the interpreter to submit with a renewal application a continuing education report on a form provided by the commissioner that indicates that the interpreter has met the required hours. Authorizes</p>	<p>Identical.</p>	<p>Sec. 14. Continuing education. Creates § 148.9985.</p> <p>Subd. 1. Course approval. Requires the advisory council to approve continuing education course and training. Allows a course, not approved by the council, to be submitted for credit, but permits the commissioner to disallow credit for the course. Lists the number of continuing education required for each tier.</p> <p>Subd. 2. Continuing education verification. Requires each interpreter to submit a continuing</p>

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the commissioner and the advisory council to audit a percentage of the reports based on a random selection.		education report form along with the renewal application. Subd. 3. Audit. Allows the commissioner or advisory council to conduct a random audit of continuing education reports.
Section 6 (146C.11) establishes the spoken language health care interpreter advisory council. Describes the makeup of the council and their duties.	Identical.	Sec. 15. Spoken language health care interpreter advisory council. Creates § 148.9986. Subd. 1. Establishment. Instructs the commissioner to appoint a ten member advisory council. Subd. 2. Organization. Requires the council to be organized and administered under section 15.059. Subd. 3. Duties. Lists the duties of the council.
Section 7 (146C.13) establishes the applicable fees. Specifies that the fees are nonrefundable and shall be deposited in the state government special revenue fund.	Identical.	Sec. 16. Fees. Creates § 148.9987. Fees amounts for initial and renewal applications and late fees are not specified. Provides that fees are nonrefundable and are to be deposited in the state government special revenue fund.
Section 8 (147F.01) defines the following terms: ABGC, ABMG, ACGC, board, eligible status, genetic counseling, genetic counselor, licensed physician, NSGC, qualified supervisor, supervisee, and supervision.	Technical differences, otherwise identical. (Technical difference throughout these sections). Staff recommends Senate.	Sec. 1. Definitions. Creates § 147F.01. Defines the following terms as used in this practice act: “ABGG,” “ABMG,” “ACGC,” “board,” “eligible status,” “genetic counseling,” “genetic counselor,” “licensed physician,” “NSGC,” “qualified supervisor,” “supervisee,” and “supervision.”
Section 9 (147F.03) describes the scope of practice for the practice of genetic counseling by a licensed genetic counselor.	Identical.	Sec. 2. Scope of practice. Creates § 147F.03. Lists the type of services provided by a licensed genetic counselor.
Section 10 (147F.05) prohibits unlicensed practice and establishes title protection.	Identical.	Sec. 3. Unlicensed practice prohibited; protected titles and restrictions on use. Creates § 147F.05.

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<p>Subdivision 1 prohibits an individual from using the title of genetic counselor, licensed genetic counselor, gene counselor, genetic consultant, genetic assistant, genetic associate or any words, letters, abbreviations, or insignia that indicates or implies that the individual is eligible for licensure as a genetic counselor unless the individual has been licensed under the chapter.</p> <p>Subdivision 2 prohibits an individual from practicing genetic counseling unless the individual is licensed as a genetic counselor under this chapter, effective January 1, 2018.</p> <p>Subdivision 3, paragraph (a) specifies that nothing in this chapter prohibits an individual who is duly licensed in this state to practice any profession or occupation or to perform any act that falls within the scope of practice of that occupation or profession.</p> <p>Paragraph (b) specifies that a license is not required for individuals who are employed by the federal government or federal agency; students or interns currently enrolled in an accredited genetic counseling program or who have graduated within the past six months; a visiting certified genetic counselor working as a consultant, or are licensed to practice medicine under chapter 147.</p> <p>Subdivision 4 states that any individual who violates this section is guilty of a misdemeanor and is subject to sanctions under section 214.11.</p>		<p>Subd. 1. Protected titles. Prohibits use of the titles “genetic counselor, “licensed genetic counselor,” “gene counselor,” “genetic consultant,” “genetic assistant,” or “genetic associate” unless the individual is licensed as a genetic counselor.</p> <p>Subd. 2. Unlicensed practice prohibited. Prohibits the practice of genetic counseling unless licensed as a genetic counselor, or subject to an exception as provided in subdivision 3 of this section.</p> <p>Subd. 3. Other practitioners. Paragraph (a) provides nothing in this practice act shall limit the practice of other licensed professionals who are operating within their scope of practice.</p> <p>Paragraph (b) provides that a license is not required for individuals who are employed by the federal government or federal agency, students enrolled in an accredited genetic counseling program or students who have graduated within the past six months and are scheduled to take the certification examination, a visiting certified genetic counselor working as a consultant, or are licensed to practice medicine under chapter 147.</p> <p>Subd. 4. Sanctions. Provides that violation of this section is a misdemeanor and is subject to sanctions under section 214.11.</p>
<p>Section 11 (147F.07) requirements for licensure.</p> <p>Subdivision 1 establishes the general requirements for licensure.</p>	<p>Subdivisions 1, 2, 4, and 5 are identical.</p> <p>In subdivision 3, the Senate requires applicants for a license by equivalency to submit documentation by</p>	<p>Sec. 4. Licensure requirements. Creates § 147F.07.</p> <p>Subd. 1. General requirements for licensure. Requires applicants to submit a completed application</p>

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<p>Subdivision 2 establishes the requirements for licensure by reciprocity.</p> <p>Subdivision 3 authorizes the board to grant a license to an individual who does not meet the certification requirements in subdivision 1 but who has been employed as a genetic counselor for a minimum of ten years and provides to the board no later than February 1, 2017, the following documentation: proof of a master’s degree of higher degree in genetics or related field from an accredited institution; proof that the individual has never failed a certification exam; three letters of recommendation; and documentation of the completion of 100 hours of approved continuing education within the past five years. This subdivision expires February 1, 2017.</p> <p>Subdivision 4 states that a license is valid for one year from the date of issuance.</p> <p>Subdivision 5 establishes the requirements for license renewal.</p>	<p>January 1, 2018. The House language has the date of February 1, 2018. The Senate expiration date for the subdivision is January 1, 2018, and the House expiration is February 1, 2018.</p>	<p>along with the required fees, evidence of graduation from an accredited genetic counseling program, valid and current certification from a national certification program, and additional information requested by the board.</p> <p>Subd. 2. Licensure by reciprocity. Requires an applicant to hold a current genetic counselor or medical geneticist registration or license in another jurisdiction whose standards meet or exceed those of Minnesota, and to meet specified requirements in subdivision 1. Requires the applicant to provide letters of verification from each jurisdiction in which the applicant is registered or licensed.</p> <p>Subd. 3. Licensure by equivalency. Allows the board to grant a license to an individual who does not meet the certification requirements in subdivision 1, but who has been employed as a genetic counselor for a minimum of ten years and provides specified documentation to the board.</p> <p>Provides that this subdivision expires February 1, 2018.</p> <p>Subd. 4. License expiration. Provides that a license is valid for one year.</p> <p>Subd. 5. License renewal. Requires a genetic counselor to submit a renewal application and the required fee, evidence of compliance with continuing education requirements, and any additional information requested by the board.</p>

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<p>Section 12 (147F.09) requires the board to take action on each application submitted and to provide written notice to the applicant of the action taken, the grounds for denying the license if the license was denied, and the applicant’s right to review the board’s decision to deny the license. Permits the board to investigate information provided by the applicant. Permits an applicant whose license application was denied to make a written request to the board within 30 days of the notice, appear before the advisory council, and for the advisory council to review the board’s decision and make a recommendation to the board as to whether the denial should be affirmed. Permits one request for review per licensure period.</p>	<p>Identical.</p>	<p>Sec. 5. Board action on applications for licensure. Creates § 147F.09. Requires the board to take action on each application submitted and provide written notice to the applicant of the action taken. Allows the board to investigate information provided by an applicant. Provides that if the board denies a license, grounds for denial must be disclosed to the applicant along with the applicant’s right for a review of the board’s decision.</p>
<p>Section 13 (147F.11) requires a licensed genetic counselor to complete a minimum of 25 hours of approved continuing education units during a two-year period. Permits the board to grant a variance to these continuing education requirements if the licensee can demonstrate to the satisfaction of the board that the licensee was unable to complete the required number of units during the period. The board may extend the time period for completing the required number of units but may not allow the licensee to complete less than the required number.</p>	<p>Identical.</p>	<p>Sec. 6. Continuing education requirements. Creates § 147F.11. Paragraph (a) requires genetic counselors to complete a minimum of 25 hours of approved continuing education units during each two-year period.</p> <p>Paragraph (b) allows the board to grant a variance to the continuing education requirements.</p>
<p>Section 14 (147F.13) specifies that licensed genetic counselors and applicants are subject to the disciplinary actions and reporting requirements of sections 147.091 to 147.162. (Board of Medical Practice)</p>	<p>Identical.</p>	<p>Sec. 7. Discipline; reporting. Creates § 147F.13. Provides that disciplinary action and reporting requirements are subject to sections 147.091 to 147.162, disciplinary provisions of the Board of Medical Practice.</p>

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<p>Section 15 (147F.15) establishes the Licensed Genetic Counselor Advisory Council.</p>	<p>Subdivisions 1, 3, and 4 are identical.</p> <p>In subdivision 2, the Senate exempts the advisory council from the membership term requirements of section 15.059, subd. 2, and specifies the terms of the advisory council members. The House provides that the council shall be organized under section 15.059. (Staff recommends House with amendments.)</p>	<p>Sec. 8. Licensed genetic counselor advisory council. Creates § 147F.15.</p> <p>Subd. 1. Membership. Requires the board to appoint a five member council. One member must be a licensed physician, one a public member, and three licensed genetic counselors.</p> <p>Subd. 2. Organization. Provides that section 15.059 governs the organization and administration of the council.</p> <p>Subd. 3. Duties. Requires the council to advise the board on licensing standards and complaints, enforcement of the genetic counselor practice act, and provide for distribution of information on genetic counselor practice standards.</p> <p>Subd. 4. Expiration. Provides that the council does not expire.</p>
<p>Section 16 (147F.17) establishes fees for the license application, initial licensure and annual renewal, and late fee. Permits the board to prorate the initial license fee. Specifies that the fees are nonrefundable and that all fees collected are to be deposited to the state government special revenue fund.</p>	<p>Subdivisions 2 to 5 are identical.</p> <p>In subdivision 1, the House has a fee for a provisional license, the Senate does not. (No provisional license, so staff recommends Senate)</p>	<p>Sec. 9. Fees. Creates § 147F.17. Establishes fees for license application, initial license and annual renewal, provisional license, and a late fee. Allows the board to prorate fees. Provides that fees are nonrefundable. Requires fees to be deposited in the state government special revenue fund.</p>
<p>Section 17 (148.9801) specifies that nothing in these sections prohibits an individual from providing breastfeeding education and support services and does not require the individual be licensed under these sections.</p>	<p>Senate only section.</p>	
<p>Section 18 (148.9802) defines the following terms: biennial licensure period; breastfeeding education and support services; certified lactation counselor, advanced lactation consultant, or</p>	<p>Senate only section.</p>	

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<p>advanced nurse lactation consultant; clinical lactation services; commissioner; credential; International Board-Certified Lactation Consultant; license or licensed; licensed lactation care provider; licensee; licensure by equivalency; licensure by reciprocity; and protected title.</p>		
<p>Section 19 (148.9803) prohibits unlicensed practice and restricts the use of protected titles.</p> <p>Subdivision 1 prohibits an individual from engaging in the practice of clinical lactation services unless the individual is licensed as a licensed lactation care provider under these sections, effective July 1, 2017.</p> <p>Subdivision 2, paragraph (a), prohibits an individual from using the phrases "licensed lactation consultant" or "licensed International Board-Certified Lactation Consultant;" unless the individual is licensed under these sections and possesses a credential from the International Board of Lactation Consultant Examiners.</p> <p>Paragraph (b) prohibits an individual from using phrases "licensed certification lactation counselor," "certified lactation counselor," "licensed advanced lactation consultant," "advanced lactation consultant," "licensed advanced nurse lactation consultant," "advanced nurse lactation consultant," "licensed lactation counselor," or "licensed lactation consultant," unless the individual is licensed under those sections and possesses a credential from the Academy of Lactation Policy and Practice of the Healthy Children Project, Inc.</p> <p>Subdivision 3 exempts the following individuals from having to be licensed: a person employed as a lactation consultant by the federal government or federal agency;</p>	<p>Senate only section.</p>	

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<p>a student participating in supervised fieldwork or supervised coursework; under specified conditions a person visiting and then leaving the state and performing clinical lactation services while in the state; a dentist, physician, osteopathic physician, physician assistant, nurse, dietitian, or midwife when providing clinical lactation services incidental to the practice of their profession if they do not use the protected titles; a public employee who is acting within the scope of their employment; or a volunteer providing clinical lactation services if the volunteer does not use the protected titles, charges no fees for their service, and receives no compensation except for administrative services.</p> <p>Subdivision 4 specifies that an individual may be subject to sanctions or other action if the individual practices clinical lactation services or represents that they are a licensed lactation care provider without being licensed under these sections.</p> <p>Subdivision 5 specifies that these sections do not prohibit a licensed individual acting within the scope of their occupation or profession from performing any act that falls within the scope of practice of their profession or occupation.</p>		
<p>Section 20 (148.9804) authorizes the commissioner to impose a civil penalty for each violation.</p>	<p>Senate only section.</p>	
<p>Section 21 (148.9806) specifies the licensure requirements.</p> <p>Subdivision 1 states that an applicant for licensure must have a current credential from the International Board of Lactation Consultant Examiners, the International Board of Lactation Consultant Examiners, the Academy</p>	<p>Senate only section.</p>	

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<p>of Lactation Policy and Practice of the Healthy Children Project, Inc., or another jurisdiction whose standards are equivalent to or exceed the requirements in these sections as determined by the commissioner; submit a completed application; submit the applicable fees; sign a statement that the information of the application is correct; sign a waiver authorizing the commissioner to obtain access to the applicant’s records in this or another state; submit any additional information requested by the commissioner; and submit any additional information required for licensure by equivalency or reciprocity.</p> <p>Subdivision 2 states that any applicant who is credentialed by the International Board of Lactation Consultant Examiners as an International Board-Certified lactation consultant may be eligible for licensure by equivalency. States that the commissioner may deny licensure based on disciplinary grounds. Requires applicants to provide verified documentation indicating that the applicant is credentialed by the International Board of Lactation Consultant Examiners as an International Board-Certified Lactation Consultant and to provide the commissioner with a waiver authorizing access to the applicant’s records.</p> <p>Subdivision 3 states that any applicant who holds a current credential as a licensed lactation consultant, lactation care provider, or licensed lactation counselor in another state or territory of the US whose standards are equivalent or exceeds the requirements for licensure under these sections may be eligible for licensure by reciprocity. States that the commissioner may deny</p>		

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<p>licensure based on disciplinary grounds. Requires the applicants to provide verification of the credentials to the commissioner.</p> <p>Subdivision 4 requires the commissioner to approve, approve with conditions, or deny licensure. Authorizes the commissioner to investigate the information provided to determine if the information is accurate and complete. Requires the commissioner to notify an applicant of action taken on the application and if licensure is denied or approved with conditions, the grounds for this decision. If an applicant is denied licensure or granted licensure with conditions, the applicant may make a written request for reconsideration within 30 days of the determination and may submit any information the applicant wants the commissioner to consider. Requires the commissioner to determine whether the original determination should be affirmed or modified. Permits the applicant no more than one request in any one biennial licensure period for reconsideration of the commissioner’s determination.</p>		
<p>Section 22 (148.9807) establishes licensure renewal requirements.</p> <p>Subdivision 1 requires the licensee to submit a completed and signed application for renewal; the renewal fee; proof that the licensee is currently credentialed; and any additional information requested by the commissioner.</p> <p>Subdivision 2 specifies that licenses must be renewed every two years. Requires that the application for renewal be received by the commissioner at least 30</p>	<p>Senate only section.</p>	

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<p>calendar days before the expiration date printed on the license. States that an application received within 30 days of the expiration date but before the expiration date must be accompanied by a late fee in addition to the renewal fee. Applications received after the expiration date shall not be accepted and applicants must meet the licensure requirements under section 148.9808.</p> <p>Subdivision 3 requires the commissioner to notify the licensee at least 60 days before the expiration date. Failure to receive notification does not relieve the licensee of the obligation to meet the renewal deadline and other renewal requirements.</p>		
<p>Section 23 (148.9808) specifies the licensure renewal requirements if the application for licensure renewal is received after the expiration date.</p>	Senate only section.	
<p>Section 24 (148.9809) requires a licensee to notify the commissioner of any change in name, address, business address, and telephone number or employment within 30 days of the change.</p>	Senate only section.	
<p>Section 25 (148.9810) requires that in the absence of a physician referral or prior authorization, a licensed lactation care provider must provide a client with written notification that the client may be obligated for partial or full payment for the clinical lactation services provided. Permits this notice to be in a nonwritten format if necessary to accommodate the physical condition of the client or client’s guardian.</p>	Senate only section.	
<p>Section 26 (148.9811) establishes the various licensure fees, including duplicate license fees, late fees, and penalty fees.</p>	Senate only section.	

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<p>Section 27 (148.9812) establishes the grounds for disciplinary action and the disciplinary action that may be taken by the commissioner.</p> <p>Subdivision 1 lists the types of conduct that are grounds for disciplinary action.</p> <p>Subdivision 2 requires the commissioner to comply with the procedures for the health-related licensing boards for receipt, investigation, and hearing complaints as provided in section 214.10.</p> <p>Subdivision 3 lists the types of disciplinary action that may be taken by the commissioner.</p> <p>Subdivision 4 requires the licensee to cease using the protected title if disciplinary action imposed prevents the individual from providing clinical lactation services.</p> <p>Subdivision 5 permits an individual whose license has been suspended to request reinstatement.</p> <p>Subdivision 6 requires the commissioner to contract with the health professional services program to provide services to licensees.</p>	<p>Senate only section.</p>	
<p>Section 28 (148.982) defines the following terms: “advertise,” “advisory council,” “applicant,” “board,” “client,” “competency exam,” “contact hour,” “credential,” “health care provider,” “massage and bodywork therapy,” “municipality,” “physical agent modality,” “practice of massage and bodywork therapy,” “professional organization,” “registered massage and bodywork therapist or registrant,” and “state.”</p>	<p>Senate only section.</p>	

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<p>Section 29 (148.983), paragraph (a), lists the permitted massage and bodywork techniques and the applications that can be used on the client.</p> <p>Paragraph (b) lists the prohibited practices. These practices include diagnosing illness or disease; altering a course of recommended therapy issued by a state credentialed health care provider without first consulting the provider; prescribing drugs or medicines; intentionally adjusting or manipulating or mobilizing any articulations of the body or spine applying physical agent modalities; needles that puncture the skin or injection therapy.</p>	<p>Senate only section.</p>	
<p>Section 30 (148.984) requires a massage or bodywork therapist to refer a client to a health care provider if the client’s medical condition is beyond the scope of practice established by this chapter or the rules of the board.</p>	<p>Senate only section.</p>	
<p>Section 31 (148.985) creates title protection.</p> <p>Subdivision 1 states that an individual regulated by this chapter is designated as a registered massage and bodywork therapist or “RMBT.”</p> <p>Subdivision 2 prohibits use of “registered massage and bodywork therapist” or “RMBT” or any other words or symbols that indicate a person is a registered massage and bodywork therapist unless the individual is registered under this chapter.</p> <p>Subdivision 3, paragraph (a), specifies that the registered practitioner shall be identified as a “registered massage and bodywork therapist” or “RMBT.”</p>	<p>Senate only section.</p>	

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<p>Paragraph (b) permits the board to adopt rules to implement this section.</p> <p>Paragraph (c) permits a practitioner who is credentialed by another state or holds certifications from professional agencies or educational providers to so indicate in advertising. Requires the name of the state and credentialing body to be clearly identified.</p> <p>Subdivision 4 permits other credentialed practitioners to use massage and bodywork therapy techniques as long as the practitioner does not imply that they are registered under this act.</p>		
<p>Section 32 (148.986) requires the board, with the advice of the Advisory Council, to issue registrations to qualified applicants. Lists the powers and duties of the board related to regulation of the profession.</p>	Senate only section.	
<p>Section 33 (148.9861) establishes a registered massage and bodywork therapist advisory council.</p> <p>Subdivision 1 creates a five-member advisory council with two public members and three registered massage and bodywork therapists. The members are appointed by the board.</p> <p>Subdivision 2 establishes the process for filling vacancies.</p> <p>Subdivision 3 requires the council to be organized under certain subdivisions of section 15.059 (Advisory Councils and Committees).</p>	Senate only section.	

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<p>Subdivision 4 requires the council to elect a chair.</p> <p>Subdivision 5 requires the Board of Nursing to provide meeting space and administrative support to the council.</p> <p>Subdivision 6 lists the duties of the council.</p> <p>Subdivision 7 provides that the council does not expire.</p>		
<p>Section 34 (148.987) establishes registration requirements.</p> <p>Subdivision 1 requires an applicant to pay the required fees, submit to a criminal background check, and file a written application. Lists the items that must be included on the application form.</p> <p>Subdivision 2 permits the board to deny an application for registration if an applicant has been convicted of certain crimes; has been subjected to disciplinary action under Minnesota Statutes, chapter 146A, if the board determines that denial is necessary to protect the public; or the applicant is under investigation for complaints related to the practice of massage and bodywork therapy.</p> <p>Subdivision 3 lists the requirements for registration by endorsement, including payment of fees, criminal background check, proof of a current and unrestricted massage and bodywork therapy credential in another state, certain information relating to credentials and disciplinary action, and a history of drug or alcohol abuse. States that registration issued by endorsement</p>	<p>Senate only section.</p>	

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<p>expires on the same schedule and renewed by same procedures as registrations issued under subdivision 1.</p> <p>Subdivision 4 lists the requirements for registration by grandfathering. Permits application for registration by this method for two years after the first date the board has made applications for registration available. The applicant must pay the required fees, have a criminal background check, file a written application, provide proof that the applicant is qualified to practice, and provide certain information relating to credentials and disciplinary action and a history of drug or alcohol abuse. Lists acceptable proof.</p> <p>Subdivision 5 allows the board to issue a temporary permit to an applicant eligible for registration that is valid until the board makes a decision on the application for registration if the application is complete and all applicable fees have been paid.</p>		
<p>Section 35 (148.9871) establishes expiration and renewal requirements.</p> <p>Subdivision 1 states that registrations expire annually.</p> <p>Subdivision 2 requires the registrant to complete a renewal application, submit the renewal fee, and submit any other information requested by the board.</p> <p>Subdivision 3 requires the registrant to inform the board of any change in address within 30 days of the change.</p>	<p>Senate only section.</p>	

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<p>Subdivision 4 requires the board to send a renewal notice to the registrant at least 60 days before the registration renewal date.</p> <p>Subdivision 5 provides that the renewal application and fee must be postmarked on or before October 1 of the year of renewal, but if the postmark is illegible, then the application is considered timely if it is received by the third working day after the deadline.</p> <p>Subdivision 6 allows a registrant to place a registration on inactive status and sets the criteria for reactivating the registration.</p> <p>Subdivision 7 requires an individual to apply for registration renewal if registration has lapsed for two years or less; pay the required fees, including the fee for late renewal; and document compliance with continuing education requirements.</p> <p>Subdivision 8 prohibits the board from renewing, restoring, or reissuing a registration that has not been renewed within two years. A former registrant must apply and meet the requirements then in existence for initial registration.</p> <p>Subdivision 9 allows a registrant in good standing to request registration cancelation. If the individual seeks to re-register, the individual must complete a new application and fulfill all requirements then in existence for initial registration.</p>		

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<p>Section 36 (148.9881) instructs the board to take action on all applications for registration and determine if an applicant meets the requirements for registration or renewal. Permits the board to investigate the information submitted by the applicant. Requires the board to provide written notification to the applicant on action taken on the application. Provides the process for an applicant to appeal an adverse action.</p>	<p>Senate only section.</p>	
<p>Section 37 (148.9882) grounds for disciplinary action.</p> <p>Subdivision 1 provides a list of the grounds for disciplinary action. Disciplinary action may be registration denial, revocation, suspension, limitation, or placing limitations on the registration.</p> <p>Subdivision 2 provides that judgments or proceedings under seal of the court administrator or administrative agency that entered the judgment are admissible into evidence during a disciplinary proceeding under this section without further authentication and provide prima facie evidence of the violation.</p> <p>Subdivision 3 authorizes the board to take action if probable cause exists for disciplinary action.</p>	<p>Senate only section.</p>	
<p>Section 38 (148.9883) provides that registered massage and bodywork therapists and applicants are subject to the disciplinary statutes under the board of nursing, sections 148.262 to 148.266.</p>	<p>Senate only section.</p>	
<p>Section 39 (148.9884) describes the effects on municipal ordinances.</p>	<p>Senate only section.</p>	

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<p>Subdivision 1 preempts a municipality from licensing and regulating massage and bodywork therapists, including conducting a criminal background check and examination for a municipality's credential to practice massage and bodywork therapy.</p> <p>Subdivision 2 states that nothing in sections 148.981 to 148.9885 shall be construed to limit a municipality from: (1) requiring a massage business establishment from obtaining a business license or permit; (2) enforcing health code provisions related to communicable diseases; (3) requiring criminal background checks of unregistered massage and bodywork therapists as part of applying for a license from the municipality; and (4) otherwise regulating massage business establishments by ordinance.</p> <p>Subdivision 3 gives a municipality the authority to prosecute violations of this act, local ordinances, or other laws.</p>		
<p>Section 40 (148.9885) creates fees.</p> <p>Subdivision 1 provides a list of fees.</p> <p>Subdivision 2 requires a late fee if the application for renewal is submitted after the deadline.</p> <p>Subdivision 3 states that all fees are nonrefundable.</p> <p>Subdivision 4 requires the board to deposit the fees in the state government special revenue account.</p>	<p>Senate only section.</p>	

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<p>Section 41 (153B.10) permits chapter 153B to be cited as the Orthotics, Prosthetics, and Pedorthics Practice Act.</p>	<p>Identical.</p>	<p>Sec. 22. Short title. Creates § 153B.10. Provides the title for this act.</p>
<p>Section 42 (153B.15) defines the following terms: advisory council; board; custom-fabricated device; licensed assistant; licensed orthotic fitter; licensed orthotist; licensed pedorthists; licensed prosthetist; licensed prosthetist orthotist; NCOPE; orthosis; orthotics; over the counter; off the shelf; pedorthic device; pedorthics; prescription; prosthesis; prosthetics; resident; residency; supervisor.</p>	<p>One technical difference. House makes a reference to “this act” and Senate uses “this chapter.”</p> <p>Staff recommends Senate.</p>	<p>Sec. 23. Definitions. Creates § 153B.15. Defines the following terms: “advisory council,” “board,” “custom-fabricated device,” “licensed orthotic-prosthetic assistant,” “licensed orthotic fitter,” “licensed orthotist,” “licensed pedorthist,” “licensed prosthetist,” “licensed prosthetist orthotist,” “NCOPE,” “orthosis,” “orthotics,” “over-the-counter,” “off-the-shelf,” “pedorthic device,” “pedorthics,” “prescription,” “prosthesis,” “prosthetics,” “resident,” “residency,” and “supervisor.”</p>
<p>Section 43 (153B.20) specifies the exceptions to this chapter.</p>	<p>House specifically exempts osteopathic physicians who provide services within the scope of their practice from the requirements of this chapter. Senate does not specifically exempt osteopathic physicians.</p> <p>Staff recommends House.</p> <p>Senate specifically exempts chiropractors who provide services within the scope of their practice from the requirements of this chapter. House does not specifically exempt chiropractors.</p> <p>Staff recommends Senate.</p>	<p>Sec. 24. Exceptions. Creates § 153B.20. Exempts the following from the provisions of this act:</p> <ul style="list-style-type: none"> • licensed physicians, osteopathic physicians, or podiatric physicians who are providing service within the scope of their practice; • professionals, such as physical therapists and occupational therapists, who are providing services within the scope of their practice; • individuals who practice orthotics, prosthetics, or pedorthics as part of their employment by the federal government or federal agency; • orthotic, prosthetic, or pedorthic students, residents, and interns; or an orthotist, prosthetist, pedorthist, prosthetic orthotist, assistant, or fitter who is licensed in another state or another country that has equivalent licensure requirements, and has applied for licensure under this act.

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<p>Section 44 (153B.25) establishes an advisory council.</p>	<p>Identical.</p>	<p>Sec. 25. Orthotics, Prosthetics, and Pedorthics Advisory Council. Creates § 153B.25. Establishes a seven member advisory council.</p>
<p>Section 45 (153B.30) establishes licensure requirements.</p> <p>Subdivision 1 requires the licensure application to be submitted to the Board of Podiatric Medicine.</p> <p>Subdivision 2 establishes licensure requirements for each of the following: orthotist, prosthetist, prosthetist orthotist, a pedorthist, an orthotic or prosthetic assistant, and an orthotic fitter.</p> <p>Subdivision 3 states that the term of a license is for two years beginning on January 1 or beginning after initially fulfilling the license requirements and ending on December 31 of the following year.</p>	<p>Identical.</p>	<p>Sec. 26. Licensure. Creates § 153B.30.</p> <p>Subd. 1. Application. Requires applicants to submit a license application in the format required by the board, accompanied by the required nonrefundable fee.</p> <p>Subd. 2. Qualifications. Requires applicants to meet the certification requirements of applicable national certifying board at the time of application and to be in good standing with the certifying board.</p> <p>Subd. 3. License term. Provides that a license is valid for a term of up to 24 months beginning on January 1, or commencing after fulfilling the license requirements and ending on December 31 of the following year.</p>
<p>Section 46 (153B.35) permits a licensed orthotist, pedorthist, assistant, or orthotic fitter to provide limited supervised patient care services beyond their scope of practice if (1) the licensee is employed by a patient care facility that is accredited by a national accrediting organization; (2) written objective criteria are documented by the facility that describes the knowledge and skill required by the licensee to demonstrate competency; and (3) the licensee provides patient care only at the direction of a supervisor who is licensed and employed by the facility; and (4) the supervised patient care occurs in compliance with facility accreditation standards.</p>	<p>Senate specifies “orthotic or prosthetic patient care services.” House refers to “patient care services.”</p> <p>Staff recommends Senate.</p>	<p>Sec. 27. Employment by an accredited facility; scope of practice. Creates § 153B.35. Allows a licensee to provide limited, supervised patient care beyond their scope of practice if:</p> <ul style="list-style-type: none"> • the licensee is employed by a facility that is accredited by a national accrediting organization in orthotics, prosthetics, and pedorthics; • written objective criteria are provided by the facility to describe the knowledge and skills required by the licensee to demonstrate competence to provide services outside the licensee’s scope of practice;

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		<ul style="list-style-type: none"> the licensee is under the direction of supervisor licensed as an orthotist, prosthetist, or pedorthist who is employed by the facility; and the patient care occurs in compliance with facility accreditation standards.
<p>Section 47 (153B.40) establishes the continuing education requirements.</p>	<p>Identical.</p>	<p>Sec. 28. Continuing education. Creates § 153B.40.</p> <p>Subd. 1. Requirement. Requires each licensee to comply with the continuing education requirements imposed by their certifying board.</p> <p>Subd. 2. Proof of attendance. Requires each licensee to submit to the board proof of attendance at approved continuing education programs during the licensure period.</p> <p>Subd. 3. Extension of continuing education requirements. Allows a licensee, for good cause, to apply for a six-month extension in order to complete continuing education requirements. Allows up to two consecutive extensions. “Good cause” is defined as unforeseen hardship.</p>
<p>Section 48 (153B.45) establishes licensure renewal requirements.</p>	<p>Identical.</p>	<p>Sec. 29. License renewal. Creates § 153B.45.</p> <p>Subd. 1. Submission of license renewal form. Requires a licensee to submit a signed renewal application to the board that is postmarked no later than January 1.</p> <p>Subd. 2. Renewal application postmarked after January 1. Requires the applicant to pay a late renewal fee if the application is postmarked after January 1.</p>

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		<p>Subd. 3. Failure to submit renewal application. Paragraph (a) requires the board to mail a notice to a licensee who fails to apply for license renewal. Provides that the notice must contain information on the steps that must be taken by the licensee to renew the license or to voluntarily terminate the license.</p> <p>Paragraph (b) provides that a licensee’s failure to respond to the notice shall result in expiration of the license and termination of the right to practice.</p> <p>Paragraph (c) provides that an expired license may be reinstated.</p>
<p>Section 49 (153B.50) requires a licensee to inform the board of a name or address change.</p>	<p>Identical.</p>	<p>Sec. 30. Name and address change. Creates § 153B.50. Paragraph (a) instructs a licensee to notify the board of any name change within 90 days of the change.</p> <p>Paragraph (b) requires a licensee to maintain a correct address with the board. Instructs a licensee to notify the board of any address change within 90 days of the change.</p>
<p>Section 50 (153B.55) permits a licensee to put the license on inactive status.</p>	<p>Identical.</p>	<p>Sec. 31. Inactive status. Creates § 153B.55. Paragraph (a) allows a licensee to place the licensee’s credential on active status.</p> <p>Paragraph (b) requires a licensee who requests restoration of a credential to complete a license renewal application and pay the current renewal fee.</p> <p>Paragraph (c) provides that a person whose license is on inactive status cannot practice.</p>

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<p>Section 51 (153B.60) permits a licensee whose license has expired while on active military duty or while in training or education preliminary to induction in the military to have the license renewed or restored without paying a late fee or license restoration fee.</p>	<p>Identical.</p>	<p>Sec. 32. License lapse due to military service. Creates § 153B.60. Allows service members whose license expire while on active duty or while in training or education prior to induction, to have their license renewed or restored without paying a late fee or a restoration fee.</p>
<p>Section 52 (153B.65) authorizes the board to license without examination and on payment of the required fee an applicant who is certified from an organization with educational, experiential, and testing standards that are equal to or higher than the licensing requirements in Minnesota.</p>	<p>Identical.</p>	<p>Sec. 33. Endorsement. Creates § 153B.65. Allows the board to issue a license, without examination, to applicants who are certified by a national certification organization.</p>
<p>Section 53 (153B.70) establishes grounds for disciplinary action.</p>	<p>Technical difference. Staff recommends Senate.</p>	<p>Sec. 34. Grounds for disciplinary action. Creates § 153B.70. Lists the grounds for adverse action by the board against an applicant or licensee.</p>
<p>Section 54 (153B.75) authorizes the board to investigate alleged violations, conduct hearings, and impose corrective or disciplinary action.</p>	<p>Identical.</p>	<p>Sec. 35. Investigation; notice and hearings. Creates § 153B.75. Authorizes the board to investigate alleged violations of the practice act, conduct hearings, and impose corrective or disciplinary action as provided in section 214.103 (Health-related licensing boards; complaint, investigation, and hearing.)</p>
<p>Section 55 (153B.80) Effective January 1, 2018, a person is prohibited from practicing or representing oneself as an orthotist, prosthetist, prosthetist orthotist, pedorthist, assistant, or fitter without a license and is guilty of a misdemeanor. Gives the board authority to seek a cease and desist order against any person engaged in unlicensed practice.</p>	<p>Identical.</p>	<p>Sec. 36. Unlicensed practice. Creates § 153B.80.</p> <ul style="list-style-type: none"> • Requires individuals to hold a license in order to practice one of the professions regulated by this act; and • Prohibits any individual from holding oneself out as a professional regulated by this act if the person is not regulated; and makes it a misdemeanor for a person to practice or hold oneself out as an orthotist, prosthetist, prosthetist orthotist, pedorthist, assistant,

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		or fitter without a license. Grants the board the authority to seek a cease and desist order.
Section 56 (153B.85) establishes fees.	Structural differences. Senate divides the section into subdivisions. Staff recommends Senate.	Sec. 37. Fees. Creates § 153B.85. Lists various application and renewal fees.
Section 57 (214.075, subd. 3) specifies that the fees received by the health-related licensing boards for the criminal background checks are to be deposited in dedicated accounts in the special revenue fund and are appropriated to the health-related licensing boards.	Senate only section.	
Section 58 (256B.0625, subd. 18a) specifies that beginning July 1, 2018, spoken language health care interpreter services must be provided by an interpreter who is listed on the registry for the services to be covered by medical assistance. Prior to July 1, 2018, the interpreter must either be listed on the current roster or listed in the new registry.	Identical, technical differences. Staff recommends Senate.	Sec. 17. Access to medical services. Amends Minnesota Statutes 2015 Supplement, § 256B.0625, subd. 18a. Makes technical changes to conform to changes made by this bill. Provides that medical assistance shall cover only spoken language health care interpreter services provided by an interpreter listed on the registry. Provides an effective date of July 1, 2017.
Section 59 (325F.816) prohibits an individual who has a business license from a municipality to practice massage from advertising as a licensed massage therapist unless the individual has a valid professional credential from another state, is current in licensure, and is in good standing with the other state.	Senate only section.	
Section 60 requires the Board of Pediatric Medicine to make its first appointments to the Orthotics, Prosthetics, and Pedorthics Advisory Council by September 1, 2016.	Identical.	Sec. 38. First appointments, first meeting, and first chair of the Orthotics, Prosthetics, and Pedorthics Advisory Council. Instructs the board to make appointments to the council by September 1, 2016. Requires the council to convene by November 1, 2016.

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<p>Section 61 sets deadlines for initial appointments and convening the first meeting of the Registered Massage and Bodywork Therapist Advisory Council. Sets terms for the initial appointees to the council.</p>	<p>Senate only section.</p>	
<p>Section 62 requires the Commissioner of Health to work with community stakeholders to study and identify barriers, challenges, and successes affecting initiation, duration, and exclusivity of breastfeeding. The study must address policy, systemic, and environmental factors that both support and create barriers to breastfeeding. The study must identify and make recommendations regarding culturally appropriate practices that have been shown to increase breastfeeding rates in populations that have the greatest breastfeeding disparities.</p>	<p>Senate only section.</p>	
<p>Section 63 requires the Commissioner of Health to convene the first meeting of the Spoken Language Health Care Advisory Council by October 1, 2016.</p>	<p>Identical.</p>	<p>Sec. 19. Initial spoken language health care advisory council meeting. Requires the commissioner to convene the first council meeting by October 1, 2016.</p>
<p>Section 64 specifies that the initial fees for interpreters listed on the Spoken Language Health Care Registry for the first year shall be \$50 and for the second year shall be \$70. After the second year, the fees shall be \$90.</p>	<p>Identical.</p>	<p>Sec. 20. Spoken language health care interpreter registry fees. Provides that the initial and renewal fees for registrants shall be \$50 between July 1, 2017, and June 30, 2018. Between July 1, 2018, and June 30, 2019, the fees shall be \$70. Beginning July 1, 2019, the fees shall be in accordance with section 148.9987.</p>
<p>Section 65 requires the Commissioner of Human Services, in consultation with the Commissioner of Health, the advisory council and interested community stakeholders to study and make recommendations for creating a tiered reimbursement system for the public health care programs for spoken language health care interpreters based on the different tiers of the spoken language health care interpreters registry. Requires</p>	<p>Identical.</p>	<p>Sec. 18. Stratified medical assistance reimbursement system for spoken language health care interpreters. Paragraph (a) instructs the commissioner of human services, in consultation with the commissioner of health, the advisory council, and stakeholders from the interpreting community to study and make recommendations for a reimbursement system based on the different tiers of the registry.</p>

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the commissioner to submit the proposed reimbursement system including the fiscal costs for the proposed system to the legislature by January 15, 2017. Requires the commissioner of health to review the fees and make recommendations on whether the fees are at the appropriate levels and whether the fees should be different for each tier of the registry.		Paragraph (b) requires the commissioner of human services to submit the proposed reimbursement system, including a fiscal note, to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services by January 15, 2018.
Section 66 repeals section 144.058 (current spoken language health care interpreter roster system) effective July 1, 2018.	Identical.	Sec. 21. Repealer. Repeals § 144.058 (Interpreter services quality initiative.) effective July 1, 2017.